



CITY OF ANGLETON
CITY COUNCIL AGENDA
120 S. CHENANGO STREET, ANGLETON, TEXAS 77515
TUESDAY, MARCH 22, 2022 AT 6:00 PM

Mayor | Jason Perez
Mayor Pro-Tem | John Wright
Council Members | Cecil Booth, Mark Gongora, Mikey Svoboda, Travis Townsend
City Manager | Chris Whittaker
City Secretary | Frances Aguilar

NOTICE IS HEREBY GIVEN PURSUANT TO V.T.C.A., GOVERNMENT CODE, CHAPTER 551, THAT THE CITY COUNCIL FOR THE CITY OF ANGLETON WILL CONDUCT A MEETING, OPEN TO THE PUBLIC, ON TUESDAY, MARCH 22, 2022, AT 6:00 P.M., AT THE CITY OF ANGLETON COUNCIL CHAMBERS LOCATED AT 120 S. CHENANGO STREET ANGLETON, TEXAS 77515.

DECLARATION OF A QUORUM AND CALL TO ORDER

PLEDGE OF ALLEGIANCE

INVOCATION

CITIZENS WISHING TO ADDRESS CITY COUNCIL

The Presiding Officer may establish time limits based upon the number of speaker requests, the length of the agenda, and to ensure meeting efficiency, and may include a cumulative time limit. Citizens may speak at the beginning or at the time the item comes before council in accordance with Texas Government Code Section 551.007. No Action May be Taken by the City Council During Public Comments.

CONSENT AGENDA

All of the following items on the Consent Agenda are considered to be self-explanatory by the Council and will be enacted with one motion. There will be no separate discussion of these items unless requested by the Mayor or a Council Member; in which event, the item will be removed from the consent agenda and considered separately.

1. Discussion and possible action on a resolution amending Resolution No. 20220208-005 establishing the procedure for the May 7, 2022 General Election in Angleton, Texas; and providing for other related matters related thereto.
2. Discussion and possible action on an agreement with Celestial Displays, LLC for the Freedom Firework display and authorize the City Manager to execute the agreement upon legal review.
3. Discussion and possible action on a partnership agreement with Angleton ISD for a scoreboard sponsorship.

- [4.](#) Discussion and possible action on a resolution approving an engagement agreement relating to bond counsel services.

REGULAR AGENDA

- [5.](#) Discussion and possible action to approve Financial Audit FY 2020-2021.
- [6.](#) Discussion and possible action on projects to be included in the Notice of Intent to Issue Certificates of Obligation.
- [7.](#) Discussion and possible action on a resolution authorizing publication of the Notice of Intent to issue certificates of obligation and approving reimbursement and related matters.
- [8.](#) Discussion and possible action on a resolution approving and authorizing the PID Reimbursement Agreement for the Kiber Reserve PID.
- [9.](#) Discussion and possible action on the Northside Wastewater Treatment Plant Study.
- [10.](#) Discussion and possible action to award a contract to HTI Construction, LLC for the Parish Intersection Drainage Project and authorize the City Manager to execute upon legal review.
- [11.](#) Discussion and possible action on Amendment #1 from HDR Engineering Services, Inc. to prepare a metes and bounds with an exhibit to identify a drainage easement.
- [12.](#) Discussion on current City development and projects.
- [13.](#) Discussion on the findings by Gunda Corporation on the review of the City's Land Development Code, Zoning Ordinance, and other development regulations.

EXECUTIVE SESSION

The City Council will now convene into executive session pursuant to the provisions of Chapter 551 Texas Government Code, in accordance with the authority contained therein:

14. Discussion and possible action on the purchase and sale of property within the City limits. Section 551.072 of the Texas Government Code.

OPEN SESSION

The City Council will now adjourn Executive Session, reconvene into Open Session pursuant to the provisions of Chapter 551 Texas Government Code and take action, if any, on item(s) discussed during Closed Executive Session.

ADJOURNMENT

If, during the course of the meeting and discussion of any items covered by this notice, City Council determines that a Closed or Executive Session of the Council is required, then such closed meeting will be held as authorized by Texas Government Code, Chapter 551, Section 551.071 - consultation with

attorney; Section 551.072 - deliberation regarding real property; Section 551.073 - deliberation regarding prospective gift; Section 551.074 - personnel matters regarding the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee; Section 551.076 - deliberation regarding security devices or security audit; Section 551.087 - deliberation regarding economic development negotiations; Section 551.089 - deliberation regarding security devices or security audits, and/or other matters as authorized under the Texas Government Code. If a Closed or Executive Session is held in accordance with the Texas Government Code as set out above, the City Council will reconvene in Open Session in order to take action, if necessary, on the items addressed during Executive Session.

CERTIFICATION

I, Frances Aguilar, City Secretary, do hereby certify that this Notice of a Meeting was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times and to the City's website, www.angleton.tx.us, in compliance with Chapter 551, Texas Government Code. The said Notice was posted on the following date and time: Friday, March 18, 2022 by 6:00 p.m. and remained so posted continuously for at least 72 hours proceeding the scheduled time of said meeting.

/S/ Frances Aguilar

Frances Aguilar, TRMC, MMC
City Secretary

In compliance with the Americans with Disabilities Act, the City of Angleton will provide reasonable accommodations for persons attending City Council meetings. The facility is wheelchair accessible and accessible parking spaces are available. Please contact the City Secretary at 979-849-4364, extension 2115 or email citysecretary@angleton.tx.us.

NOTICE OF EARLY VOTING AT BRANCH POLLING PLACES

Early voting by personal appearance will be conducted at the following locations:

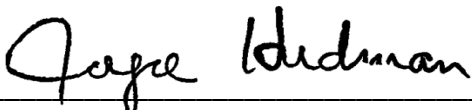
Angleton (Main)East Annex, 1524 E Mulberry

DATES AND HOURS:

April 25-29.....8 AM – 5 PM

April 30.....7 AM – 7 PM

May 2-37 AM – 7 PM



Early Voting Clerk

AVISO DE VOTACIÓN ADELANTADA EN LOS SITIOS DE VOTACIÓN AUXILIARES

La votación adelantada en persona se llevará a cabo en los siguientes sitios de esta manera:

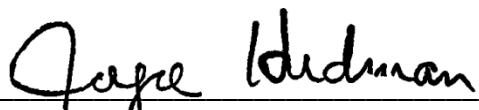
Angleton (Ubicación Principal).....East Annex, 1524 E Mulberry

FECHAS Y HORAS

25-29 de abril.....8 AM – 5 PM

30 de abril7 AM – 7 PM

2-3 de mayo7 AM – 7 PM



Secretaría de la Votación Adelantada

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AGENDA ITEM SUMMARY FORM

MEETING DATE: March 22, 2022

PREPARED BY: Frances Aguilar

AGENDA CONTENT: Discussion and possible action on a resolution amending Resolution No. 20220208-005 establishing the procedure for the May 7, 2022 General Election in Angleton, Texas; and providing for other related matters related thereto.

AGENDA ITEM SECTION: Regular Agenda

BUDGETED AMOUNT: EnterTextHere

FUNDS REQUESTED: EnterTextHere

FUND: EnterTextHere

EXECUTIVE SUMMARY: Due to the number of charter amendment proposals, the Election Director of the Brazoria County Clerk has determined that the City of Angleton election can only be programed as a stand-alone election which would require an amendment to the previous polling locations.

RECOMMENDATION: Staff recommends approval.

RESOLUTION NO. 20220322-000

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS, AMENDING RESOLUTION NO. 20220208-005 ESTABLISHING THE PROCEDURE FOR THE MAY 7, 2022, GENERAL ELECTION IN ANGLETON, TEXAS; AND PROVIDING FOR OTHER RELATED MATTERS RELATED THERETO.

WHEREAS, Section 41.001 of the Texas Election Code, as amended (hereinafter referred to as the “Code”) establishes May 7, 2022 as a “uniform election date” for the purposes of conducting an election; and

WHEREAS, the City of Angleton, Texas (hereinafter the “City”), wishes to order a general election for the purpose of electing three (3) Council Members by position, from the City at large, for Council Member, Position one (1), Council Member, Position three (3); and Council Member, Position five (5), for a term of two (2) years; and

WHEREAS, the *Code* is applicable to the election and this Resolution establishes procedures consistent with the Code, and designates the voting places and times for the election; and

WHEREAS, the City has made provision to contract with Brazoria County to conduct the City’s election, pursuant to *Chapter 31 of the Texas Election Code*, and *Chapter 791 of the Texas Government Code* (the Joint Election Agreement and Contract for Election Services, hereafter called the “Election Agreement”), and such Election Agreement provides for political subdivisions subject to the election agreement that hold elections on the same day in all or part of the same territory to hold a joint election as authorized in *Chapter 271 of the Texas Election Code*; and

WHEREAS, due to the number of charter amendment proposals, the Election Director of the Brazoria County Clerk has determined that the City of Angleton election can only be programed as a stand-alone election which would require an amendment to the previous polling locations; and

WHEREAS, all provision of Resolution 20220208-005 shall remain in full force and effect except for sections 7, 8, and 9 and are amended as follows;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS:

SECTION 1. Section 7 of Resolution 20220208-005 is amended to read,

Section 7. Early Voting. Early voting, both by personal appearance and by mail, will be conducted by the Brazoria County Election Officer, who is designated and appointed as the Early Voting Clerk, in accordance with the *Texas Election Code*. Early voting by personal appearance shall be conducted at places and locations authorized by state law and the Brazoria County Election Officer at Angleton (Main) East Annex, 1524 Mulberry, Angleton, TX. Early voting shall commence on Monday, April 25, 2022, and continue through Tuesday, May 3, 2022, and early voting polls shall remain open for the time specified by the *Texas Election Code*. Early voting shall also be held at any time and location

authorized by the Brazoria County Election Officer. Early voting by City residents shall only be conducted at Angleton (Main) East Annex, 1524 Mulberry, Angleton TX.. Dates and time will remain the same.

SECTION 2. Section 8 of Resolution 20220208-005 is amended to read,

SECTION 8. Election Precincts and Polling Places. The election precincts for the election shall be the election precincts established by Brazoria County, provided that each shall contain and include geographic area that is within the City. The polling place for each such election precinct shall be the polling place established by Brazoria County for such election precincts in Brazoria County and voting by residents of the City. Voting by City residents shall only be conducted at Angleton (Main) East Annex, 1524 Mulberry, Angleton, TX. The polls shall remain open on the day of the election from 7:00 a.m. to 7:00 p.m. The returns for precincts in Brazoria County will be provided by precinct and the Brazoria County Election Officer shall tabulate and provide the election returns for the election.

SECTION 3. Section 9 of Resolution 20220208-005 is amended to read,

SECTION 9. Stand Alone Election. The City agrees to conduct a stand-alone election within Brazoria County on May 7, 2022, in all or part of the same territory as the City (the "Political Subdivisions"). The stand-alone election shall be conducted in accordance with state law, this Resolution, and the 2022 Joint Election Agreement and Contract for Election Services with Brazoria County approved by the City Council.

SECTION 4. Effective Date. This Resolution shall be effective immediately upon adoption.

SECTION 5. Open Meetings Act. It is hereby officially found and determined that this meeting was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by the Open Meetings Act, *Chapter 551 of the Texas Government Code*.

PASSED AND APPROVED THIS THE 22ND DAY OF MARCH 2022.

CITY OF ANGLETON, TEXAS

Jason Perez
Mayor

ATTEST:

Frances Aguilar, TRMC, MMC
City Secretary



AGENDA ITEM SUMMARY FORM

MEETING DATE: 3/22/2022

PREPARED BY: Megan Mainer, Director of Parks & Recreation

AGENDA CONTENT: Discussion and possible action to approve Celestial Display's firework proposal for the City of Angleton's Freedom Firework display and authorize the City Manager to execute the agreement after legal review.

AGENDA ITEM SECTION: Consent Agenda

BUDGETED AMOUNT: \$30,000 **FUNDS REQUESTED:** \$28,750

FUND: 11-557-465

EXECUTIVE SUMMARY:

City staff sought out proposals for qualified pyrotechnics to manage the City of Angleton's Freedom Firework display on July 2, 2022 as well as to secure the lowest pricing with the highest quality display. Vendors were asked to develop a creative display with choreographed to music with a plan for simulcast to maximum enjoyment for the spectators of the City of Angleton's Freedom Fireworks display.

Three pyrotechnic companies submitted informal quotes including Celestial Displays, Magic in the Sky, and Sky Wonder. Bids ranged from \$25,000 to \$35,476 for complete displays. Sky Wonder was the lowest bidder with a proposal of \$25,000. However, Angleton used Sky Wonder last year and experienced issues with the display and music. The vendor offered an additional show but did not follow through on the offer.

Prior to using Sky Wonder, Angleton has used Celestial Displays for the past several years due to their professionalism, quality of the show, and price. The proposed contract price is turn-key and includes all product, permit fees, stand-by fees, all necessary equipment, operator labor, and insurance requirements.

RECOMMENDATION:

Staff recommends City Council approve Celestial Display's firework proposal for the City of Angleton's Freedom Firework display and authorize the City Manager to execute the agreement after legal review.

RECOMMENDED MOTION:

I move we approve Celestial Display's firework proposal for the City of Angleton's Freedom Firework display and authorize the City Manager to execute the agreement after legal review.



FIREWORKS DISPLAY AGREEMENT

This Fireworks Display Agreement (this “Agreement”) is made on the 27th day of January, 2022, by and between **The City of Angleton, Texas** (hereinafter referred to as “**Promoter**”), and **Celestial Displays, LLC**, a Texas limited liability company (hereinafter referred to as “**Contractor**”). Promoter and Contractor may be referred to collectively hereinafter as the “Parties”. The primary point of contact for the Promoter is Nico Gallardo with a contact number of (979) 849-4364. The point of contact for Contractor is Michael Hudanish with a contact phone number of (530) 919-9726 or Candy Robinson with a contact number of (281) 364 – 9738.

WITNESSETH:

WHEREAS, **Promoter** is engaged in promoting the City of Angleton’s July 2nd Freedom Fireworks Celebration and wishes to have a fireworks display for such event.

WHEREAS, **Contractor** has the personnel, qualifications, training, experience, knowledge and equipment to safely and efficiently discharge fireworks displays, and desires to provide such services to Promoter.

NOW THEREFORE, in consideration of the mutual premises set forth herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. **Fireworks Display.**

Date of Fireworks Display:	July 2, 2022
Type of Pyrotechnic Provided:	Class B 1.3G
Duration of Fireworks Display:	20 minutes
Choreographed to Music:	YES (if desired)
Location for Display:	901 S. Downing Street, Angleton, TX. 77515.
Alternate Rain Date:	None, must reschedule; see cancellations
Contractor's Set-Up Date(s):	July 1, 2, 2022

Except as otherwise specifically provided in this Agreement, Contractor shall cause the above-described Fireworks Display to be performed, together with rendering those services generally relating to or affecting the delivery of the Fireworks Display. Contractor shall discharge the Fireworks Display in a manner consistent with generally accepted practices in the fireworks display industry in the United States, and in accordance with those practices conforming with local and state laws and regulations.

2. **Fee.** Contractor shall provide a Fireworks Display. Promoter agrees to pay Contractor a total payment for production of the Fireworks Display, the sum, or "Total Fee" of Twenty Eight Thousand Seven Hundred and Fifty/100 Dollars (\$28,750.00). Such Fee shall be paid as follows: fifty percent (50%) of such Fee, Fourteen Thousand Three Hundred Seventy Five Dollars (\$14,375.00) shall be paid upon delivery of a fully executed Agreement. The balance of the Fee, Fourteen Thousand Three Hundred Seventy Five Dollars (\$14,375.00) is due ten (10) days after the scheduled discharge of the Fireworks Display. In the event the tenth (10th) day after the scheduled Fireworks Display falls on a Saturday, Sunday or federal holiday, the balance of the Fee shall be due on the next succeeding business day. In the event such Fee is not paid within ten (10) days, Promoter agrees to pay interest on the due and unpaid amount of the Fee in the sum of one and one-half percent (1.5%) of the Fee per month, or any portion of a month in which payment of the unpaid balance of the Fee is delinquent. Promoter shall be responsible for any, and all costs incurred by Contractor for collection of the balance due, including without limitation, attorney fees, collection costs, witness fees, travel costs and any and all other expenses incurred by Contractor.

3. **Responsibilities.**

A. Contractor shall, at its own expense:

1. provide a trained, experienced lead pyrotechnician, licensed by the State of Texas, to supervise the setup, discharge, and post-firing cleanup of the Fireworks Display;

2. provide additional technicians and assistants as may be deemed by Contractor to be necessary for the proper setup, discharge, and post-firing cleanup of the Fireworks Display;
3. provide additional technicians and assistants as may be deemed by Contractor to be necessary for the proper setup, discharge, and post-firing cleanup of the Fireworks Display;
4. be responsible for any, and all costs associated with the lead pyrotechnician and any, and all additional technicians and assistants utilized for the Fireworks Display; and
5. indemnify and hold Promoter harmless against any liability for compensation to any, and all technicians and assistants. The indemnity contained in this Section shall survive the termination of this Agreement or the Fireworks Display.

B. Promoter shall, at its own expense:

1. provide adequate security personnel and barricades as reasonably required to preclude unauthorized persons from entering the area designated by Contractor as the area for discharge of the Fireworks Display (the "Exclusion Zone"). See Figure 1, attached.

4. **Permits and Licenses.**

C. Contractor shall, at its own expense:

1. procure, and provide Promoter with evidence of, all appropriate valid permits for the Fireworks Display as required by law;
2. procure and provide Promoter with evidence of all other federal and state permits and licenses necessary for the transportation, storage and discharge of pyrotechnic materials for the Fireworks Display;
3. be responsible for, and shall comply with, all laws, rules, ordinances, or regulations of any, and all authorities having jurisdiction over the Fireworks Display; and
4. subject to the provisions of Sections 5 and 6 of this Agreement, have the sole and complete responsibility for safety conditions at the Fireworks Display site during setup, discharge, and cleanup of the Fireworks Display.

5. **Security.**

- A. Unless Contractor's Set-Up Date, specified in Section 1, does not coincide with the scheduled date for the Fireworks Display, Promoter must provide security along the perimeter of the Security Zone to preclude access by unauthorized personnel to the restricted pyrotechnic fallout "exclusion zone". Once Pyrotechnic Material arrives on site at 9am on the scheduled date for the Fireworks Display, July 2, 2022, Security shall be maintained at all times, prior to, during, and immediately after the discharge of the

Fireworks Display, until Contractor's lead pyrotechnician declares the area safe and clear from hazards and allows persons not associated with Contractor to enter the area.

- B. Contractor has designated an exclusion zone which contains the fallout area for the Fireworks Display. A secured line must be staked and flagged by Promoter as in years past. See Figure 1, attached. Promoter shall ensure that the secured fallout zone is evacuated by all persons and personal property on the date scheduled for the Fireworks Display. Security will be required to preclude anyone from entering this area other than the pyrotechnic crew, employees of the City of Angleton, or government officials. The Fireworks Display shall begin no earlier than 9:15 pm on the scheduled date for the Fireworks Display, with an anticipated 'all clear' time of 10pm. The display shall not begin any later than 10:45pm.
 - C. Road Closures will need to take place to accommodate a safe display. One closure approximately 100 yards north of the fairgrounds, on County Road 428 (Jamison Road) between the fairgrounds and E. Kiber Street, and one approximately 200 yards south of the fairgrounds' southeastern exit, also on County Road 428 (Jamison Road), will need to be in place from 9am until the all clear signal is given, which is anticipated to be approximately 10pm.
 - D. The time of set up shall be determined by Contractor and shall begin no later than 9am on the scheduled date for the Fireworks Display. Due to the nature of the extreme heat experienced in Texas during summertime, Contractor may need to utilize the day of July 1, 2022, preceding the Display date, to begin set up, as to try to alleviate heat related illnesses associated with long durations of exposure to the sun. Contractor will need to bring in the explosive material in the early morning on July 2, 2022. If Contractor requires July 1, 2022 as a set up day, no pyro will be allowed on site that day, and no closures will need to take place. In this instance, no extra security will be required. On the day following the display, the area will need to remain closed until our team member is able to walk and clear the property of any duds, until no later than 9am.
6. **Choreographed Music.** If desired by Promoter, Contractor shall provide the "radio ready" patriotic music mix, at a later date, to be approved by Promoter within 14 days of receiving the soundtrack. Musical suggestions are welcomed and appreciated. Contractor is working towards methods to broadcast music amongst the spectators. More details shall emerge on this at a later date. No extra costs are implied.
7. **Conducting the Fireworks Display.**
- A. In the event that the safety perimeter has been compromised, or other unsafe conditions are present, and, in Contractor's opinion, such conditions may interfere with the setup or discharge of the Fireworks Display, or create a risk of harm to spectators or by-standers during the Fireworks Display, Promoter, at the request of Contractor, shall take appropriate

action to relocate the at-risk spectators or by-standers and their property to a safe position for viewing the Fireworks Display. Contractor shall have the right to delay the start, or suspend said Fireworks Display, without penalty, until said persons and property are moved to a safe location and the Security Zone is re-established.

- B. In order to maintain safety regulations the parties agree that the final authority, with respect to the discharge of the Fireworks Display, shall be with the local representative of the AHJ (authority having jurisdiction) and/or the Contractor's lead pyrotechnician on site. In this instance, the AHJ is the Brazoria County Fire Marshal, or one of his officers. In the event that either the representative of the local authority having jurisdiction, or the lead pyrotechnician of Contractor, determines that conditions are such that a Fireworks Display cannot be conducted safely, then the Fireworks Display shall be halted immediately without penalty.
 - C. To the extent feasible, Contractor will delay the start time for commencement of the Fireworks Display up to and including a total of 90 minutes of delay. In the case of delay due to unsafe conditions within or related to the venue and not related to inclement weather, Promoter shall be responsible to correct the conditions within the 90 minute delay allowance until the conditions are deemed safe by the AHJ. Except as provided in Section 13, Contractor shall not be liable to Promoter, its officers, agents, employees, contractors, or invitees, due to failure to discharge the Fireworks Display, whether at the scheduled start time, or at all on the date scheduled for the Fireworks Display, resulting, in whole or in part, from wind, weather, or other conditions deemed unsafe by the lead pyrotechnician and/or AHJ.
 - D. To the extent minor mechanical or electrical issues arise on the date scheduled for the Fireworks Display, at the start time for triggering the Fireworks Display, Contractor shall be allowed a 30 minute window to correct such issues and trigger the Fireworks Display without any penalty or liability against Contractor. Promoter shall be responsible for any notification to its guests that Promoter deems appropriate.
8. **Transportation and Storage of Pyrotechnic Materials.** Contractor shall be responsible for the transportation of all pyrotechnic materials to the display site in full compliance with all applicable federal, state, and local regulations and ordinances regarding the transportation of explosive materials. Contractor shall make no claims against Promoter for any damage or loss relating to the transportation or storage of pyrotechnic materials, except in the event of Promoter's failure to provide security as set forth in this Agreement.
9. **Cleanup.** At the conclusion of the Fireworks Display, Contractor shall conduct an inspection and cleanup of both the shooting and fallout area of the Fireworks Display site. All un-discharged pyrotechnic materials and other fireworks-related debris shall be safely removed from the display site, and properly disposed of by the Contractor. Contractor shall remove all pyrotechnic equipment and related materials from the Fireworks Display and fallout areas and perform a final clean-up of the Security Zone no later than 9:00 am on the day after the Fireworks Display.

10. **Expenses.** Unless otherwise provided herein, Contractor shall furnish, at Contractor's own expense, all pyrotechnic and other materials, supplies, and equipment related to its provision of the Fireworks Display hereunder. Contractor shall not incur any indebtedness on behalf of Promoter without the express written consent of Promoter to specific indebtedness.
11. **Relationship of Parties.** Contractor shall act as an independent contractor in the provision of services pursuant to this Agreement. Neither Contractor nor any of its agents shall be considered as partners or co-venturers of Promoter for any purposes, nor shall any such persons be entitled to any of the benefits Promoter may provide for its employees.
12. **Insurance and Indemnification.** Before beginning the performance of its duties pursuant to this Agreement, Contractor shall procure and maintain in full force Commercial General Liability Insurance on an occurrence basis. Promoter, its officer's, agents, contractors, employees, and volunteers shall be named as an additional insured, as their interest may apply, on each policy. Coverage will be provided with the following limits of liability:

Commercial General Liability Insurance:

Bodily Injury and Property Damage Occurrence	\$1,000,000 each
	\$2,000,000 in the aggregate

Workman's Insurance

	\$100, 000 each accident
	\$100, 000 each disease each employee
	\$500, 000 policy limits

Enforceable only to the extent authorized by the Constitution and laws of the State of Texas, promoter, its officers, agents, contractors, employees and volunteers shall indemnify, hold harmless, and defend Contractor from and against any and all claims, actions, damages, liability and expenses, including, without limitation, any attorney's or other professional fees and court costs, in connection with the loss of life, bodily injury, and/or damage to property, occasioned by any negligent act or omission of Promoter, its officers, agents, contractors or employees with respect to Promoter's duties relating to the Fireworks Display and/or the presentation thereof set forth in this Agreement (including, without limitation, those described in Sections 3, 5 and 7 hereof), and with respect to any matter occurring on the grounds of the event (of which the Fireworks Display is only one attraction) which is not directly related to the Fireworks Display, the presentation thereof, or any duty of Contractor. The respective indemnities contained in this Section shall survive the termination of this Agreement or the Fireworks Display.

13. **Delay or Cancellation.**

A. **Delay.**

- (1) If, on the date scheduled for the Fireworks Display, delay caused by minor mechanical or electrical issues arise at the start time for triggering the Fireworks Display, Contractor shall be allowed a 30 minute window to correct such issues and trigger the Fireworks Display without any penalty or liability against Contractor. Beyond the 30 minutes delay agreed upon above, Contractor will rebate 10% of the total fee to promoter, until the 90 minute total delay allowance is reached, at which time the display will be canceled on behalf of Contractor and Total Fee rebated to promoter. Both Parties agree that neither Promoter nor Contractor shall have any further obligations hereunder, except for those provisions which survive termination of this Agreement. Promoter shall remain responsible for any notification to its guests that Promoter deems appropriate
- (2) To the extent feasible, when necessary, due to weather or safety reasons, Contractor will allow for a delay to the start time for commencement of the Fireworks Display up to and including a total of 90 minutes of delay. In the case of delay due to unsafe conditions within or related to the venue and not related to inclement weather, Promoter shall be responsible to correct the conditions within the 90 minute delay allowance until the conditions are deemed safe by the AHJ and/or lead pyrotechnician. Delay beyond 90 minutes will result in a cancellation on behalf of the Promoter. Except as provided in Section 13, Contractor shall have no liability to Promoter, its officers, agents, employees, contractors, or invitees failure to discharge the Fireworks Display, whether at the scheduled start time, or at all on the date scheduled for the Fireworks Display, resulting, in whole or in part, from weather and/or wind or other conditions deemed unsafe by the lead pyrotechnician and/or AHJ.

B. **Cancellation.**

- (1) A cancellation made 4 days or more prior to display will incur a 25% cancellation fee plus applicable government fees .
- (2) A cancellation made within 3 days of the display date, including the day of display, will incur a 50% cancellation fee plus applicable government fees.
- (3) Alternately, Promoter may opt to pay a 10% rescheduling fee to Contractor, plus applicable government fees, and, at the availability of Celestial Displays, reschedule the display within twelve (12) months of the original display date.

- (4) If, on the day of display, inclement weather, or the threat of inclement weather leads to the cancellation of display, Promoter may opt to pay a 10% rescheduling fee to Contractor, and, at the availability of Celestial Displays, reschedule display within twelve (12) months of the original display date.
- (5) If the local, State or Federal Entities restrict gatherings prior to, or, on the day of the display, due to Covid-19 precautions, the Total Fee will be refunded to the Promoter, and the Contractor shall be reimbursed any and all applicable costs and expenses. A complete accounting shall be provided to Promoter within fifteen (15) days of the date of the Fireworks Display. The contract agreement will remain valid for twelve (12) months from the original display date with no rescheduling fee.

15. **Miscellaneous**

- a) Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Texas.
- b) Waiver. The failure of either party hereto to insist, in any one or more instances, upon the performance of any of the terms, covenants or conditions of this Agreement, or to exercise any right herein, shall not be construed as a waiver or relinquishment of such term, condition or right as respect further performance.
- c) Notices. All notices, covenants, requests, authorizations, and approvals permitted or required under this Agreement shall be in writing, signed and personally delivered, or sent by registered or certified mail, return receipt requested, to the appropriate parties. For purposes of notice under this Agreement, the addresses of the respective parties are:

Contractor: Celestial Displays, LLC
2006 Nature Park Lane
Spring, Texas 77386

Promoter: The City of Angleton
121 South Velasco Street
Angleton, Texas 77515

- d) Exhibits. All exhibits, schedules and diagrams described herein and attached hereto are fully incorporated into this Agreement by reference for all purposes.
- e) Execution. This Agreement may be executed in multiple counterparts, each of which shall be deemed to be an original. This Agreement may be executed via facsimile or electronic

mail, and the facsimile signature or electronic delivery of such signature of any Party shall be considered valid, binding, and effective for all purposes.

- f) Entire Agreement. This Agreement contains the entire agreement between the Parties with respect to the subject matter hereof, and any agreement hereafter shall be ineffective to modify or terminate this Agreement or constitute a waiver of any provisions hereof unless such agreement is in writing and signed by both Parties.
- g) Applicability. The terms and provisions of this Agreement shall be binding upon and shall inure to the benefit of the respective Parties hereto and their respective successors and assigns.
- h) Force Majeure. Neither Party shall be liable to the other nor deemed in default under this Agreement if and to the extent that such Party's performance of this Agreement is prevented by reason of riots, strikes, labor disputes, judgments, decrees, injunctions, or acts of governmental authorities, acts of God, Pandemics, and other causes beyond the control of such party ("Force Majeure"). The Party declaring Force Majeure shall make every reasonable effort to prevent and remove the cause of the Force Majeure.
- i) Ownership and Copyrights. Contractor shall have and retain ownership of any, and all original works, images, compositions, designs, copyrights and/or rights to completed fireworks display production created under this Agreement except for the Promoter's supplied copyrighted or trademarked material. Promoter warrants and represents that Promoter shall not use, promote, disseminate, display, or reproduce any, and all intellectual property rights, copyrights and trademarks owned by Contractor unless specifically approved or licensed. Promoter disclaims any right to reproduce images, compositions, or designs owned by Contractor without the prior written consent thereto from Contractor.

----- This section is deliberately left blank -----

IN WITNESS WHEREOF, the Parties hereto have caused this Agreement to be duly executed as of the date first set forth above.

Promoter

The City of Angleton, Texas

By: _____

Print Name: _____

Date

Contractor

Celestial Displays, LLC

By: _____
AnneMarie Robinson, Member

Print Name: _____

Date

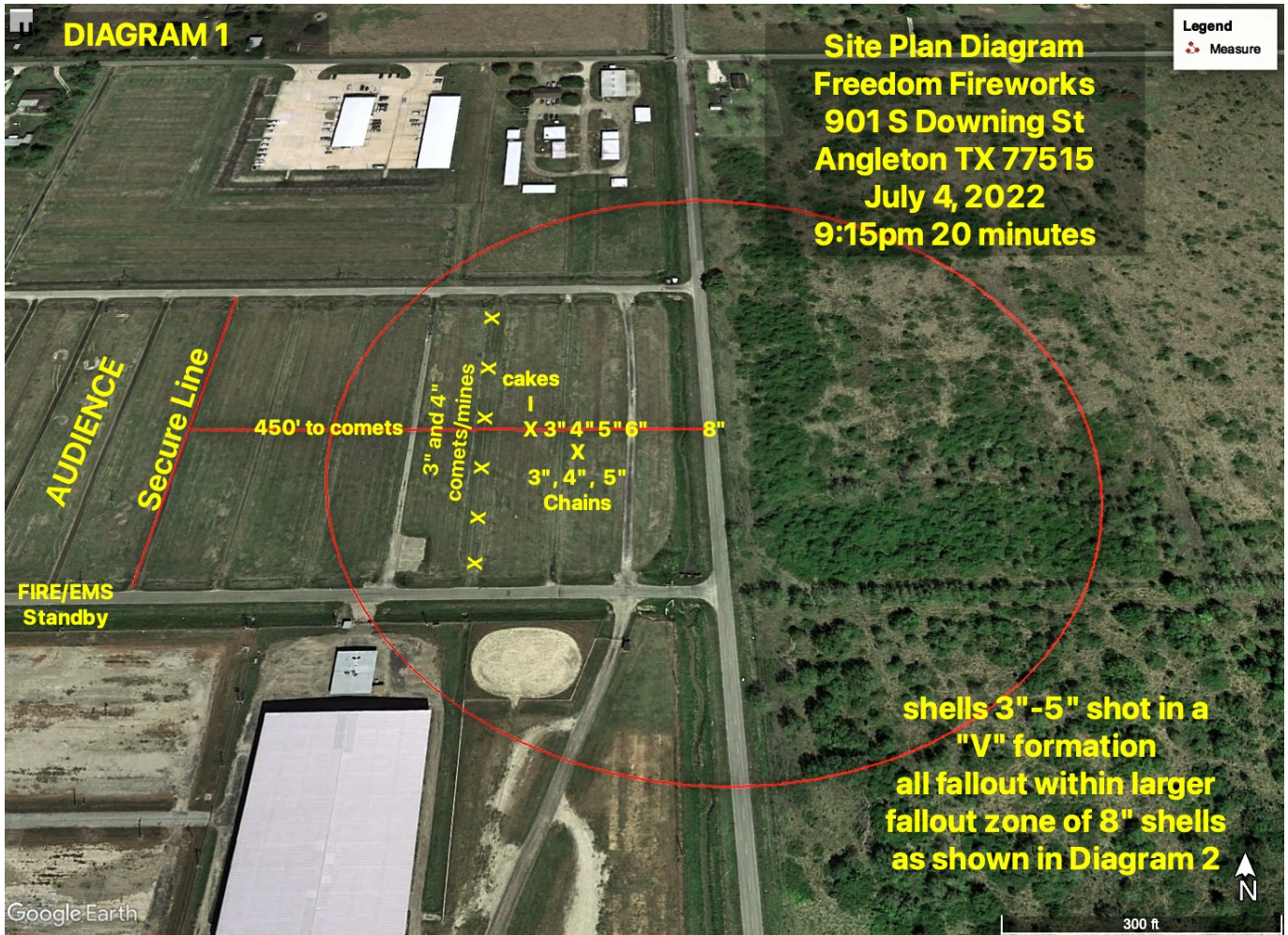


Figure 1



City of Angleton
Fireworks Proposal
For July 2nd, 2022

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A. Business Organization:

Sky Wonder Pyrotechnics (SWP)
3626 CR 203
Liverpool, TX 77577
Office: 281 393-2500

Points of Contact:

Aaron Hoot 979 997-6456

Email: aaron.hoot@skywonderpyro.com

Tammy Zientek 281 393-2500

Email: tammy.zientek@skywonderpyro.com

SWP is an LLC company incorporated in the state of Texas and holds the following license from:

Texas Department of Insurance State Fire Marshal's Office

- Distributor's License # FWD-202113

US Department of Justice Bureau of ATF

- License # 5-TX-039-51-8L-01851

SWP has been in business for 68 years with the acquisition of Alpha Lee Enterprises in 2015, which spans back to 1952. SWP has 6 full-time and 64 part-time employees.

B. System Concept and Solution:

SWP's understanding of said "Scope of Work" is as follows: to provide a high-quality display with creativity and variety at said one location for the maximum enjoyment for the spectators of The City of Angleton. The total proposed contract price is \$24,000.00. The proposed contract price is turn-key and includes all product, permit fees, stand-by fees, all necessary equipment, operator labor, and insurance requirements.

C. Program:

Below is a technical plan outlining the process from arrival to launching and clean-up for the proposed show. The outline defines various activities and check points along the way to ensure quality but foremost safety for our operators and the spectators:

- Once product arrives on site, the operator will verify inventory of product matches packing list defined from SWP home office. This will consist of proper pyro count by sizes and the required "e-match" count needed to launch the product.
- Racks and pods will be positioned and orientated based on the approved site plan locations.

- The operator will start to direct the crew to carry out the following tasks:
 - Loading the product into the racks and pods
 - Lay out of the firing modules at each location
 - Electronic matching of the product
 - Put in place clean-up activities to keep the area clean
 - Monitor these activities from a safety perspective
- Based on the scope of work, the operator will then start to arrange the wired-up product to the firing modules to define the different phases of the show, opening, main, and finale.
- Once the operator is satisfied the show is arranged and ready to go, there are several tests that will be carried out to ensure the safety and quality of the show are ready:
 - Product is safely loaded into launching tubes
 - All wiring will be tested for proper connections
 - Battery tested to ensure power supply is good
 - Fire extinguishers in place for safety
 - All crew is ready and on stand-by for monitoring
- After the show, only the operator will be allowed around the firing site to check for un-launched product and will remove, as necessary.
- Break-down and clean-up will commence after conclusion of the show
- Notes:
 - Each listed step above is considered a very high technical factor and is treated with extreme caution when dealing with pyrotechnics.
 - SWP follows all applicable rules and regulations of federal, state and local governing entities (AHJ, authority having jurisdiction).

D. Firing System:

SWP will be utilizing a Cobra Wireless Firing System for every shell being fired. The show will be scripted so that the operator pushes one button to start the show in perfect sync to the music utilizing a radio frequency transmitter .

E. Authorized Negotiator:

Aaron Hoot (President) has full authority to negotiate contract terms and render binding decisions on contract matters:

Aaron Hoot
 3626 CR 203
 Liverpool, TX 77577
 979-997-6456
aaron.hoot@skywonderpyro.com

F. Reference Clients:

City of Sugarland	USAA
City of Lake Jackson	Fort Sam
City of Port Lavaca	Moody Gardens
City of West Columbia	Mardi Gras – Beaumont
City of Brazoria	Hyatt Lost Pines Resort
City of Galveston	Houston Yacht Club
City of League City	Austin Symphony
City of Texas City	Bentwater Yacht Club
City of Beaumont	Lakeside Country Club
City of Mont Belvieu	Royal Oaks Houston
City of Port Arthur	Royal Oaks Dallas
City of Orange	Miller Theatre
City of Brownsville	Pirates Beach
City of Fredericksburg	Sienna Plantation
City of Huntsville	Sonterra County Club
City of Stafford	Veranda
City of Pecan Grove	Walden Community
City of Pflugerville	Willow Brook Country Club
City of Victoria	Austin County Club
City of Madisonville	St. Edwards University
City of Wharton	Rice University
City of Port Neche	University of Texas
Texas A&M University	

SWP will provide any requested contact information regarding the clients referenced above. SWP will provide additional references as required.

G. Other Services Offered:

Simulcast Broadcasting App – Included in proposal for up to 30,000 users (additional \$1,000 for up to 50,000 users, and \$3,500 for up to 500,000 users)

FM Transmitter can be utilized in place of App for same turn-key price

H. Attachments and Addendum:

- Attachment A – Shell Breakdown
- Attachment B – Reference Letters
- Attachment C – Licenses

03.03.2022

Fireworks Display Shell List

To: City of Angleton

\$25,000.00 Show on July 2, 2022 20 Minutes**Opening Sequence**

18 – 4” Assorted Shells

18 – 5” Assorted Shells

18 – 6” Assorted Shells

Show Body

144 – 3” Assorted Shells

144 – 4” Assorted Shells

90 – 5” Assorted Shells

36 – 6” Assorted Shells

12 – 8” Assorted Shells

8 – 10” Assorted Shells

Show Finale

180 – 3” Assorted Shells

180 – 3” Assorted Golden Palms and Titanium Shells

54 - 4” Assorted Shells

18 – 5” Assorted Golden Palms and Golden

18 – 6” Assorted Golden Palms and Golden

4 – 10” Assorted Shells

Total Shots: 942**Sky Wonder Pyrotechnics, LLC**

Tel 281-393-2500

3626 CR 203 Liverpool, TX
77577www.skywonderpyro.com
sales@skywonderpyro.com



August 3, 2015

To Whom It May Concern:

Sky Wonder has been providing our fireworks shows since 2004 and have always exceeded our expectations.

They provide a great show with all the proper permits and at a very reasonable rate.

I would highly recommend their services.

Please let me know if you have any additional questions.

Sincerely,

Lisa Coffman
Membership/ Private Events Director
The UT Golf Club
2200 University Club Drive
Austin, Texas 78732
512-266-6464
lc@utgolfclub.com



August 2, 2015

To Whom It May Concern:

Sky Wonder Pyrotechnics, located at 3626 CR 203 Liverpool, Texas, has helped to create a number of memorable fireworks displays for our University. In particular, during our Orientation Week, Sky Wonder has provided a significant number of displays over the last 10 years. We host a ceremony that is the official welcome for new students to our University and is capped off by the work Sky Wonder does. New students frequently say that seeing the fireworks as they enter our main academic quad was the most unique welcome to Rice they could have ever imagined. We have used their services for a very long time and often opt to not look for others knowing how stellar their service has been in the past. It is a partnership that I hope to continue for years to come!

I would be very happy to speak with you further or to offer a better idea of my experiences with Sky Wonder. The best way to contact me is by email at chris.landry@rice.edu or by telephone at 713-348-4345. Thank you in advance for your consideration!

Best,

Chris Landry

Assistant Director, First Year Programs



BRAZOS VALLEY BOMBERS BASEBALL CLUB
A PROUD MEMBER OF THE TEXAS COLLEGIATE LEAGUE

August 3, 2015

To Whom It May Concern,

Bombers Baseball, LLC has been working with Sky Wonder since our first fireworks show in 2007. We have enjoyed their professionalism, awesome shows and their focus on safety first.

We have been told "our" firework shows are better than the 4th of July, and even as good as the shows at Disney. The shows are typically 6-8 minutes long and are held about 4-5 times a year. We are truly blessed to have found such a great partner that lights up the sky after our games.

Yours Sincerely,

Uri Geva
Founder / Owner
uri@bvbombers.com | 979.412.3698



CERTIFICATE OF LIABILITY INSURANCE

DATE (M)
4/1
Item 2.

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Britton-Gallagher and Associates, Inc. One Cleveland Center, Floor 30 1375 East 9th Street Cleveland OH 44114		CONTACT NAME: PHONE (A/C, No. Ext): 216-658-7100 FAX (A/C, No): 216-658-7101 E-MAIL ADDRESS: info@brittongallagher.com		
INSURED Sky Wonder Pyrotechnics LLC 3626 CR 203 Liverpool TX 77577		INSURER(S) AFFORDING COVERAGE		NAIC #
		INSURER A : Everest Indemnity Insurance Co.		10851
		INSURER B : Axis Surplus Insurance Company		26620
		INSURER C : Texas Mutual Insurance Company		
		INSURER D : Everest Denali Insurance Company		16044
		INSURER E :		
INSURER F :				

COVERAGES **CERTIFICATE NUMBER:** 1610983672 **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input checked="" type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC			SI8ML00262-201	4/10/2021	4/10/2022	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 500,000 MED EXP (Any one person) \$ PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 \$
D	AUTOMOBILE LIABILITY <input checked="" type="checkbox"/> ANY AUTO <input type="checkbox"/> ALL OWNED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> NON-OWNED AUTOS			SI8CA00106-201	4/10/2021	4/10/2022	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
B	UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR EXCESS LIAB <input checked="" type="checkbox"/> CLAIMS-MADE DED RETENTION \$			P-001-000103170-02	4/10/2021	4/10/2022	EACH OCCURRENCE \$ 4,000,000 AGGREGATE \$ 4,000,000 \$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below Y / N <input type="checkbox"/> N / A			STA0001087181 20150316 TX	3/15/2021	3/15/2022	<input checked="" type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

"Fireworks Displays"

Additional Insured extension of coverage is provided by above referenced General Liability policy where required by written agreement.

July 3, 2021
July 5, 2021 Rain Date

CERTIFICATE HOLDER City of Angleton	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
---	--

Registered Location(s):

3626 COUNTY ROAD 203
LIVERPOOL TX 77577-8818

Registration Number

FWD-2021131

Item 2.

Expiration Date: 08-05-2022

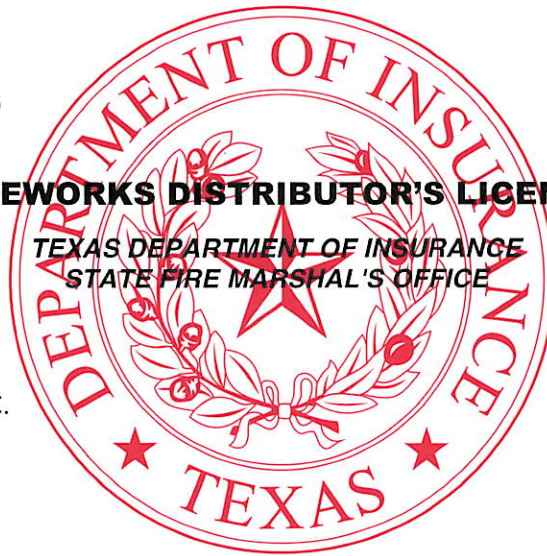
EFFECTIVE DATE: 08-05-2015

FIREWORKS DISTRIBUTOR'S LICENSE

TEXAS DEPARTMENT OF INSURANCE
STATE FIRE MARSHAL'S OFFICE

Issued To:

Sky Wonder Pyrotechnics LLC.



DATE ISSUED: August 6, 2021

Orlando P. Hernandez SF081|1119

Orlando P. Hernandez, State Fire Marshal

To receive news and updates from the SFMO concerning Fire Industry Licensing, sign up for the SFMO Licensing eNews Update at <http://www.tdi.texas.gov/alert/esfmlicensing.html>



Sky Wonder Pyrotechnics LLC.
3626 COUNTY ROAD 203
LIVERPOOL TX 77577-8818



SEVERE WEATHER OPERATIONAL PROCEDURES

Sky Wonder Pyrotechnics will maintain operational control of all display sites during severe weather through the following procedures. These procedures are compatible with SWP Department of Homeland Security Hazardous Materials Security Plan and are designed to prevent unauthorized access to 1.3G and 1.4G explosives materials.

Severe Wind Conditions (Tornado Category F1+; Hurricane C1+) *Reference NFPA 2010 8.1.4.2; 8.1.7*

- When there is emanate threat of severe wind conditions, operator will as practical, secure all firing equipment and remove all explosive material from the site for storage in an approved Type IV magazine
- If energetic material has been loaded for firing, operator will:
 - If safely possible, remove all explosive material from the site for storage in an approved Type IV magazine
 - If time does not allow for safe removal operator will coordinate with the AHJ to fire all product before the onset of severe winds to prevent explosive materials from being uncontrollable blown from the display site.

Rain Conditions

- Operator will ensure that loading continues in a safe manner *Reference NFPA 2010 8.1.7*
 - Product shall not be loaded into wet mortars
 - All product shall be weather wrapped as loaded
 - Proximate devices including one shot comets, gerbs, fountains and other effects that by their design, are not able to be wrapped shall not be loaded.
 - Crew shall work in teams with one member loading devices while the other member covers and protects from rain.

Electrical Events

- When lightning is detected within 7 miles of the display site all loading shall halt until conditions improve
 - Operator shall disconnect the firing system from all electrical connections
 - All Modules shall be disarmed and turned off.
 - All electrical matches shall be stored at least 50 feet from all explosive materials
 - Operator shall keep crew at least 50 feet from all loaded explosives and maintain NFPA spectator distances of at least 70 feet per inch until the material is:
 - Safely removed from the site for storage in an approved Type IV magazine
 - Fired in coordination with the AHJ
 - In the event of uncontrolled electrical ignition
 - ◆ Operator will maintain operational control of site
 - ◆ Increase the safety distances as warranted



Extreme Temperature

- When temperatures exceed 110° F or are below 28° F loading of the show will be discontinued until conditions return to safe loading temperature range.

High Wind Speeds During Show (15+ MPH Sustained) Reference NFPA 2010 A.8.1.4.2

- In considering when wind speed is excessive for the reasonably safe performance of a fireworks display, operator will judge:
 - The potential for an increased risk of hazardous debris from the display falling into the spectator areas
 - The potential for an increased probability of fire that is made excessively difficult to control
- An increased fallout hazard occurs when the wind is traveling in a direction toward one or more spectator areas. Under these circumstances mitigation strategies that should be considered are as follows:
 - To move the spectators out of the path of the fallout
 - To redirect the fallout by moving the fireworks or re-angling the mortars
 - To increase the separation distance between the fireworks and the spectators
 - To modify the content of the display to eliminate the fireworks of greatest concern
 - To delay the display until the weather conditions have improved
 - To implement a combination of these strategies
- Some possible mitigation strategies to be considered regarding fire risks are as follows:
 - To water down the areas and items of concern immediately before the display
 - To redirect the fallout by moving the fireworks or re-angling the mortars
 - To increase the separation distance between the fireworks and the areas containing the fire hazards
 - To modify the content of the display to eliminate the fireworks of greatest concern
 - To increase the amount of suppression equipment and personnel in the immediate area
 - To delay the display until weather conditions have improved
- Show will be cancelled or discontinued if winds exceed 20 MPH sustained or during gusts above 25 MPH
 - NFPA safety distance will assume to be double at 20 MPH causing the operator to cut the permissible shell diameter in half until winds stabilize below 20 MPH

WARNING: This document contains Sensitive Security Information this is controlled under 49 CFR parts 15 and 1520. No part of this record may be disclosed to persons without a "need to know", as defined in 49 CFR parts 15 and 1520, except with the written permission of the Administrator of the Transportation Security Administration of the Secretary of Transportation. Unauthorized release may result in civil penalty or other actions. Contact SWP Director of Operations at 979-997-6456 for more information.



www.MagicInTheSky.com

Courtney Landers
Parks & Recreation Specialist
City of Angleton
1601 N. Valderas Street
Angleton, TX 77515

March 2, 2022

Ms. Landers:

Thank you for including Magic in the Sky in the list of vendors selected to bid on your fireworks display. Included are three levels of shows for you to choose from. We can also customize the proposal to best fit your needs. I hope you find the quantity and variety of shells to be more than you have been offered in the past.

We are headquartered in San Antonio, Texas and directly import products from China allowing us the maximum in design control and value. With over a third of a million shells in inventory and three additional containers arriving before July 4, rest assured we have plenty of products available.

Your show will be carefully scripted using ShowSim computer choreography software to precisely sync each effect to your soundtrack for electronic firing using our FireOne system. This is the same detailed approach we use to conduct displays at Six Flags Fiesta Texas, SeaWorld and cities throughout Texas since 1999. Our FireOne Time machine uses GPS satellites to play the soundtrack on a solid-state drive and can be used at radio stations or over the local PA System.

Included in your show quote are special American Canister assortments made by master shell builder Dwayne Lloyd exclusively for Magic in the Sky right here in San Antonio. These shells are hand loaded with special effects, long duration stars, and colors more brilliant than offered in the finest imported material.

Magic in the Sky would be delighted to add Angleton on our list of satisfied customers. Please contact me directly on my cell phone 210-831-4752 to let us know how we can better serve your needs.

Jacob J. Dell
President

San Antonio (Home) Office:
26926 Hardy Run
Boerne, TX 78015
Office: 210-267-5371
Fax: 210-247-6182

Rate Sheet

RFP - Request for Proposal - 2022 Angleton

EVENT	# OF SHOWS	BETTER			BEST			PLATINUM		
		MATERIAL	LABOR	TOTAL PRICE	MATERIAL	LABOR	TOTAL PRICE	MATERIAL	LABOR	TOTAL PRICE
2020 Freedom Fireworks	1	26,354	4,060	\$ 30,415	28,503	4,344	\$ 32,848	30,827	4,649	\$ 35,476
Taxes				\$ -			\$ -			\$ -
TOTAL				\$ 30,415			\$ 32,848			\$ 35,476

3" Shells	302	324	347
4" Shells	180	194	209
5" Shells	180	194	209
6" Shells	89	97	105
8" Shells	25	29	32
4" Finale Chains	97	104	112
5" Finale Chains	65	69	74
1.3 Prox Cakes	16	17	19
1.3 Prox Finale Barrage	8	9	9



Equipment

Magic in the Sky utilizes FireOne in all of the shows we conduct. For the show the following items could be utilized:



A combination of XL4; XLII+; and MP2 control panel's will provide redundant firing capabilities to ensure the program can continue even in the extremely rare case of electronic component failure



GPS sync TimeMachine provides 0.01 second accuracy for soundtrack broadcast to the Radio Station and local sound systems and each event location



FireOne wireless achieves reliable communications measured in miles, to ensure all sites are perfectly in sync.

Magic in the Sky utilizes the latest FireOne Module and Rail configurations with 6.0X firmware to allow for UltraFire accuracy of the program.

All shells to be fired from HDPE Mortars from reinforced racks. Cakes and proximate to be housed in appropriate aluminum holders or wooden crates.

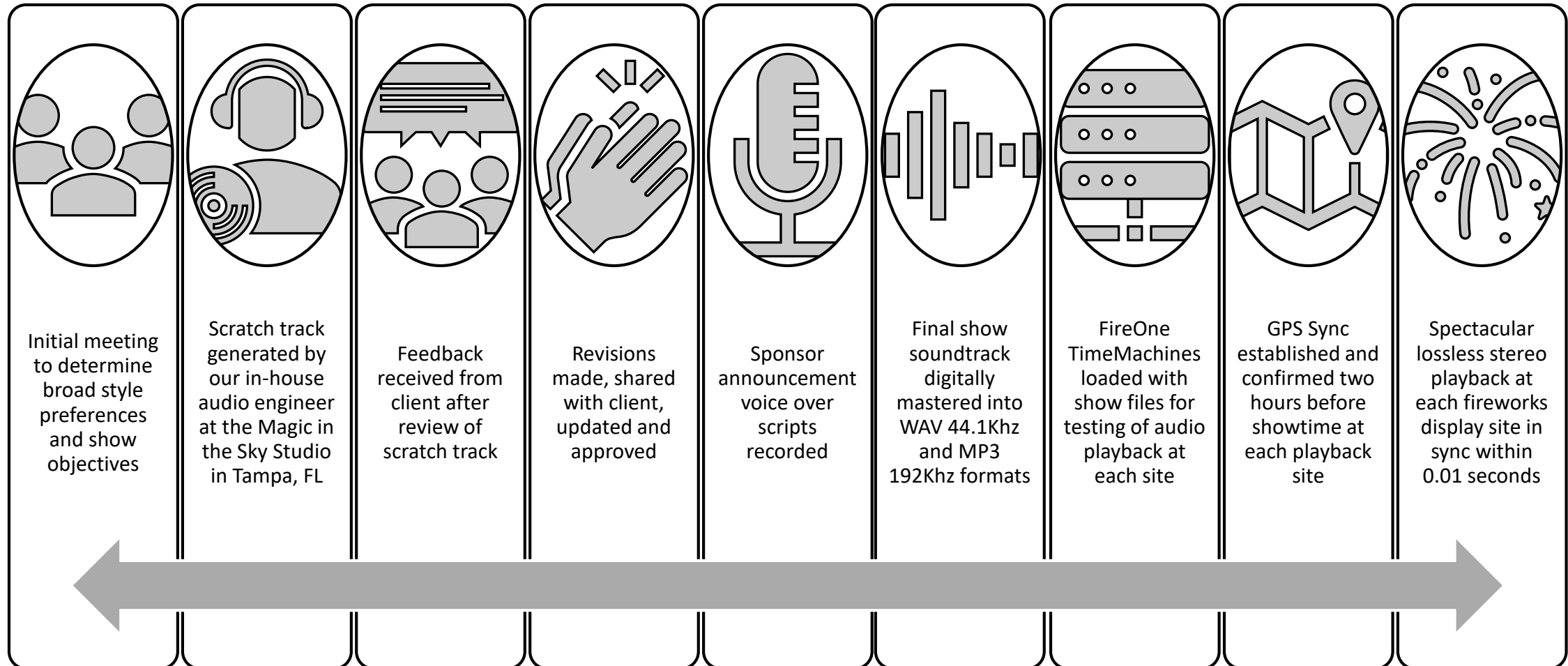


MAGIC IN THE SKY

SHOW PRODUCTION

Music is the heartbeat of every world class pyromusical presentation. Magic in the Sky has carefully honed the soundtrack process by working with a variety of clients from private special events to some of the world's largest theme park chains. This diagram outlines the key steps. Because the soundtrack is required to program the fireworks, we prefer the final score approved at least ninety days prior to the show.

Item 2.





www.MagicInTheSky.com

Magic in the Sky's wholly owned manufacturing company Precocious Pyrotechnics will custom manufacture at least 25% of the total for each sized shell indicated in the bid. Exact color/effects to be selected once soundtrack is finalized, but will include:

- ***EXTRA FANCY COLOR STAR SHELLS:*** Special single break color or multiple color star shells for individual cues, in flights of single or mixed colors and finales! Colors: Gold Tremalon or Silver Glitter. Mixed colors: Red/Blue, Blue/Green, Purple/Green, Gold Tremalon/Blue, Gold Tremalon/Purple, Gold Tremalon/Green, Silver Glitter/Green, Silver Glitter/Red, Red/Blue/Silver Glitter, Red/Green/Blue/Gold Tremalon.
- ***RAINBOW CROSSETTE SHELLS,*** Exquisite Crossettes with brilliant colors! Different and color-changing Crossettes! Colors: Gold, Red, Purple, Blue, Violet, Lavender, Gold Glitter, Silver Glitter, Charcoal, Aqua, Lemon, Lime, Orange, Silver w/Crackling, Red w/Crackling, Green w/Crackling, Red to Green, Red to Blue, or Silver to Red.
- ***PATTERN SHELLS:*** Stars, Hearts, Cubes, or Diamonds in the sky! We can make letters and numbers.
- ***SIX COLORED RAINBOW "U" SHAPED SHELLS***
- ***COLORED TAILED SERPENTS SHELLS:*** Red colored tail with Reports; fast moving serpentine action in one shell. Super effect only available from us!
- ***SHELL OF SHELLS:*** Real showcase shells. All made with quality inserts & products!
- ***COMET RING SHELLS:*** Multi color rings with special effects.
- ***ARTILLERY (SIATEENS) SHELLS***
- ***FIVE OR NINE TIMED RAIN CLOCK REPORTS SHELLS***
- ***COLOR WITH COMETS SHELLS***
- ***FARFALLA- SILVER BUTERFLY***
- ***COLORED CENTER 2 BREAK SIZE SHELS.***
- ***BEES AERIAL SHELLS WITH COLORS***
- ***COLORS AND SILVER SERPENTS / COLORS AND SERPENTS TO TITANIUM REPORTS SHELLS***
- ***SILVER TOURBILLIONS WITH TITANIUM REPORTS***
- ***COLORS AND SILVER TOURBILLIONS WITH TITANIUM REPORTS*** Incredible color with silver tourbillions with titanium reports! Colors: Red, Green, Blue, Strong White, Purple or Yellow.



www.MagicInTheSky.com

Assortment A with rising colored tail

<i>Shell Color and Effect</i>	<i>Quantity</i>	<i>Color Palette</i>	
Red Chrysanthemum	2	Blue	12
Red Diadem	2	Gold	22
Red Wave	2	Purple	8
Red & Silver Glittering	2	Red	18
Red & Blue Chrysanthemum	2	Silver	8
White Chrysanthemum	2	White	4
White Diadem	2		
Blue Chrysanthemum	2		
Blue Diadem	2		
Blue Wave	2		
Blue & Silver Glittering	2		
Golden Wave	2		
Golden Wave To Purple	2		
Purple Wave	2		
Glittering Purple	2		
Silver Wave	2		
Silver Wave To Purple	2		
Silver Wave To Green Flashing Flower	2		
Brocade Red	2		
Red Coconut Tree	2		
Red Crackling Coconut Tree	2		
Red Willow	2		
Brocade Crown To White Flashing	2		
Brocade Blue	2		
Blue Coconut Tree	2		
Brocade Golden	2		
Diadem Chrysanthemum W/Reports	2		
Golden Coconut Tree	2		
Golden Kamuro	2		
Willow To Strobe	2		
Golden Spider	2		
Golden Crackling Coconut Tree	2		
Brocade Coconut Tree	2		
Brocade Purple	2		
Purple Coconut Tree	2		
Brocade Silver	2		



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Assortment B

<i>Shell Color and Effect</i>	<i>Quantity</i>	<i>Color Palette</i>	
Blue & Crackling Star	2	Blue	14
Blue Crackling Ring	2	Color	2
Blue Ring	2	Crackling	12
Blue To Crackling	2	Purple	8
Blue To Golden Crackling Chrysanthemum Flower	2	Red	18
Blue To Red Peony	2	RWB	10
Blue To White Peony	2	Silver	8
Color Changing Kamuro	2		
Crack. Willow & Crackling Tail	2		
Crackling Spider	2		
Dahlia Red	2		
Dahlia Silver	2		
Dragon Eggs W/Coconut Tree Pistil	2		
Golden Flashing To Red	2		
Half Purple & Crackling	2		
Half Red & Blue Peony	2		
Purple To Golden Crackling Chrysanthemum Flower	2		
Purple To Golden Peony	2		
Purple To Silver Peony	2		
Red & Blue Peony	2		
Red & Crackling Star	2		
Red And Blue (Alternating) Ring	2		
Red Circles W/Wave	2		
Red Crackling Ring	2		
Red Ring	2		
Red To Blue Peony	2		
Red To Blue Ring	2		
Red To Crackling	2		
Red To Golden Crackling Chrysanthemum Flower	2		
Red To White Peony	2		
Silver Coconut Tree	2		
Silver Spider	2		
Silver Time Rain Coconut Tree	2		
White Crackling Ring	2		
White To Crackling	2		
Willow To Crackling	2		



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Assortment C with rising silver tail

<i>Shell Color and Effect</i>	<i>Quantity</i>	<i>Color Palette</i>	
Blue Chrysanthemum	2	Blue	8
Blue Coconut Tree	2	Gold	14
Blue Peony	2	Color	6
Blue Peony W/ Strobe Pistil	2	Green	6
Brocade Crown	2	Purple	8
Brocade Crown To Purple	2	Red	20
Charcoal Chrysanthemum	2	Silver	8
Colorful Chrysanthemum	2	White	2
Colorful Peony	2		
Diadem Chrysanthemum To Crackling Flowers	2		
Diadem Chrysanthemum To Variegated Strobe	2		
Golden Kamuro To Purple	2		
Golden Peony	2		
Golden Strobe	2		
Green Chrysanthemum	2		
Green Peony W/Strobe Pistil	2		
Green To Silver Strobe	2		
Purple Chrysanthemum	2		
Purple Chrysanthemum W/ Strobe Pistil	2		
Purple Coconut Tree	2		
Purple Peony	2		
Red Chrysanthemum	2		
Red Chrysanthemum W/ Strobe Pistil	2		
Red Fish	2		
Red Gamboge Crown To Variegated Strobe	2		
Red Peony	2		
Red Peony W/ Blue Pistil	2		
Red Peony W/ Strobe Pistil	2		
Red Peony W/Brocade Pistil	2		
Red To Brocade Crown	2		
Red To Silver Strobe	2		
Silver Chrysanthemum	2		
Silver Chrysanthemum W/ Strobe Pistil	2		
Silver Coconut Tree	2		
Silver Peony W/ Red Pistil	2		
White Peony	2		



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Assortment D

<i>Shell Color and Effect</i>	<i>Quantity</i>	<i>Color Palette</i>
Red & Blue & White Peony	2	Blue 10
Blue Chrysanthemum W/ Red Pistil	2	Color 14
Blue Peony To Brocade Ring	2	Green 10
Blue Peony W/ Glitter Coconut Core	2	Purple 6
Blue Peony W/Golden Pistil	2	Red 14
Color Changing Peony To Brocade Ring	2	RWB 4
Color Changing Peony W/ Glitter Coconut Core	2	Silver 6
Dahlia Green W/ Whistling	2	Yellow 8
Glittering Silver Wave To Blue	2	
Glittering Silver Wave To Color W/ Palm Core Glittering	2	
Silver Wave To Green	2	
Glittering Silver Wave To Purple	2	
Glittering Silver Wave To Red	2	
Green Chrysanthemum W/ Purple Pistil	2	
Green To Red Wave	2	
Half Green & Purple Peony	2	
Half Red & Blue Peony	2	
Half Silver & White Peony	2	
Purple Peony W/ Green Pistil	2	
Purple To Silver Wave	2	
Red Gamboge To Blue To White	2	
Red Gamboge To Color W/ Variegated Double Pistil	2	
Red Gamboge To Strobe	2	
Red Peony W/ Glitter Coconut Core	2	
Red Peony W/Brocade Pistil	2	
Red To Blue Wave	2	
Red To Golden Wave	2	
Silver Peony W/ Glitter Coconut Core	2	
Silver Spider	2	
Variegated Bees	2	
Variegated Chrysanthemum W/ Variegated Strobe	2	
Pistil Variegated Peony W/ Variegated Pistil	2	
Yellow Chrysanthemum W/ Crackling Pistil	2	
Yellow Peony To Brocade Ring	2	
Yellow Peony W/ Glitter Coconut Core	2	
Yellow To Purple Wave	2	



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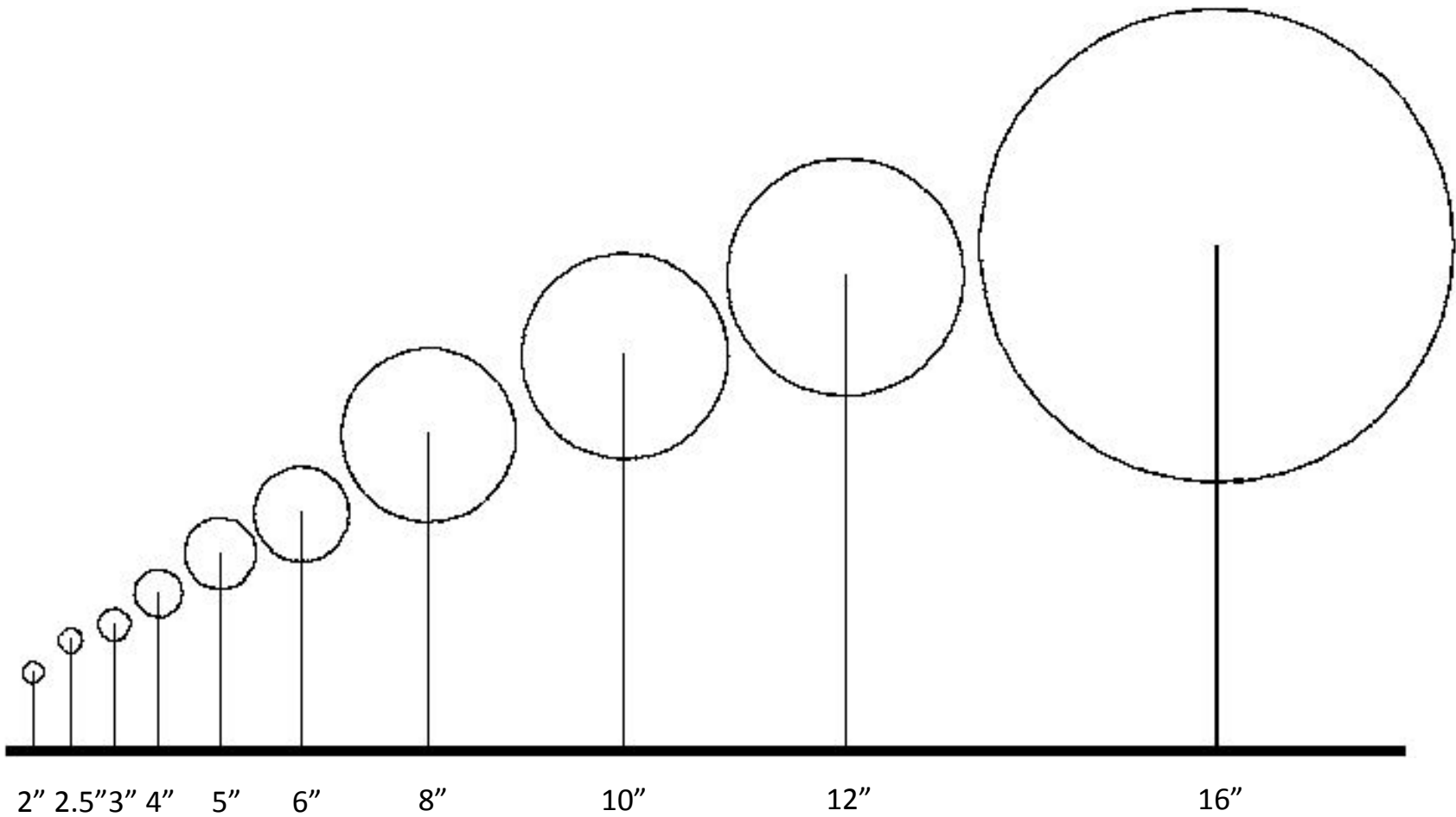
Assortment F

<i>Shell Color and Effect</i>	<i>Quantity</i>
Variegated Chrysanthemum W/ Crackling Pistil	6
White Strobe	6
Half Golden Glittering & Silver Glittering Peony	6
Variegated Peony W/ Variegated Pistil	6
Green Chrysanthemum W/ Strobe Pistil	6
Blue Peony W/Golden Pistil	6
Red Peony W/Brocade Pistil	6
Blue Chrysanthemum W/ Crackling Pistil	6
Lemon Peony	6
Brocade To Strobe	6
White Strobe Waterfall W/Red Strobe Pistil	12



TYPICAL AERIAL SHELL PERFORMANCE

BURST DIAMETER	43'	49'	66'	98'	148'	197'	361'	426'	492'	984'
RISING HEIGHT	164'	230'	263'	328'	410'	492'	656'	820'	984'	1,050





SEVERE WEATHER OPERATIONAL PROCEDURES

WARNING: This document contains Sensitive Security Information this is controlled under 49 CFR parts 15 and 1520. No part of this record may be disclosed to persons without a "need to know", as defined in 49 CFR parts 15 and 1520, except with the written permission of the Administrator of the Transportation Security Administration of the Secretary of Transportation. Unauthorized release may result in civil penalty or other actions. Contact MITS Director of Operations at 210-831-4752 for more information.

Magic in the Sky will maintain operational control of all display sites during severe weather through the following procedures. These procedures are compatible with MITS Department of Homeland Security Hazardous Materials Security Plan and are designed to prevent unauthorized access to 1.3G and 1.4G explosives materials.

Severe Wind Conditions (Tornado Category F1+; Hurricane C1+) *Reference NFPA 2010 8.1.4.2; 8.1.7*

- When there is emanate threat of severe wind conditions, operator will as practical, secure all firing equipment and remove all explosive material from the site for storage in an approved Type IV magazine
- If energetic material has been loaded for firing, operator will:
 - If safely possible, remove all explosive material from the site for storage in an approved Type IV magazine
 - If time does not allow for safe removal operator will coordinate with the AHJ to fire all product before the onset of severe winds to prevent explosive materials from being uncontrollable blown from the display site.

Rain Conditions

- Operator will ensure that loading continues in a safe manner *Reference NFPA 2010 8.1.7*
 - Product shall not be loaded into wet mortars
 - All product shall be weather wrapped as loaded
 - Proximate devices including one shot comets, gerbs, fountains, SPD's and other effects that by their designed, are not able to be wrapped shall not be loaded.
 - Crew shall work in teams with one-member loading devices while the other member covers and protects from rain.

Electrical Events

- When lightning is detected within 7 miles of the display site all loading shall halt until conditions improve
 - Operator shall disconnect the firing system from all electrical connections
 - All Modules shall be disconnected from two-wire
 - All electrical matches shall be stored in wooden case/ready box at least 50 feet from all explosive materials
 - Operator shall keep crew at least 50 feet from all loaded explosives and maintain NFPA spectator distances of at least 70 feet per inch until the material is:
 - Safely removed from the site for storage in an approved Type IV magazine
 - Fired in coordination with the AHJ



Electrical Events (continued)

- In the event of uncontrolled electrical ignition
 - Operator will maintain operational control of site
 - Increase the safety distances as warranted
 - Immediately notify MITS Director of Operations for implementation of **Occurrence Mitigation Plan**

Extreme Temperature

- When temperatures exceed 110° F or are below 28° F loading of the show will be discontinued until conditions return to safe loading temperature range.

High Wind Speeds During Show (15+ MPH Sustained) Reference NFPA 2010 A.8.1.4.2

- In considering when wind speed is excessive for the reasonably safe performance of a fireworks display, operator will judge:
 - The potential for an increased risk of hazardous debris from the display falling into the spectator areas
 - The potential for an increased probability of fire that is made excessively difficult to control
- An increased fallout hazard occurs when the wind is traveling in a direction toward one or more spectator areas. Under these circumstances mitigation strategies that should be considered are as follows:
 - To move the spectators out of the path of the fallout
 - To redirect the fallout by moving the fireworks or re-angling the mortars
 - To increase the separation distance between the fireworks and the spectators
 - To modify the content of the display to eliminate the fireworks of greatest concern
 - To delay the display until the weather conditions have improved
 - To implement a combination of these strategies
- Some possible mitigation strategies to be considered regarding fire risks are as follows:
 - To water down the areas and items of concern immediately before the display
 - To redirect the fallout by moving the fireworks or re-angling the mortars
 - To increase the separation distance between the fireworks and the areas containing the fire hazards
 - To modify the content of the display to eliminate the fireworks of greatest concern
 - To increase the amount of suppression equipment and personnel in the immediate area
 - To delay the display until weather conditions have improved
- Show will be cancelled or discontinued if winds exceed 20 MPH sustained or during gusts above 25 MPH
 - NFPA safety distance will assume to be double at 20 MPH causing the operator to cut the permissible shell diameter in half until winds stabilize below 20 MPH



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Cancelation and Unfired Rounds

Magic in the Sky is keenly aware of the critical need to start each pyromusical on time and with complete firing of the intended program. In the event that the show is delayed for reasons other than listed in our Serve Weather SOP more than ten minutes past the start time a 10% refund will be issued.

When a show must be cancelled completely the first choice is to reschedule the event. When this is not possible TWCVB will be responsible for paying the insurance and hazmat fees listed in the bid only.

Magic in the Sky is proud to have a long running average 0.038% unfired rate for our shells. Any unfired material will be refunded at full listed price on the bid.

CERTIFICATE OF INSURANCE

ISSUE DATE 02-0

Item 2.

PRODUCER

PROFESSIONAL PROGRAM INSURANCE BROKERAGE
DIVISION OF SPG INSURANCE SOLUTIONS, LLC
1304 SOUTHPOINT BLVD., #101
PETALUMA CA, 94954

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER, THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.

INSURER(S) AFFORDING COVERAGE

INSURER A: Certain Underwriters at Lloyd's, London

INSURER B:

INSURER C:

INSURER D:

INSURED

Magic in the Sky, LLC
26926 Hardy Run
Boerne, TX 78015

COVERAGES

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE NAMED INSURED ABOVE FOR THE PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES.

CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YY)	POLICY EXPIRATION DATE (MM/DD/YY)	LIMITS	
A	GENERAL LIABILITY CLAIMS MADE GEN'L AGGREGATE LIMIT APPLIES PER POLICY	PY/22-0010	01/29/2022	01/29/2023	EACH ACCIDENT	\$ 10,000,000
					MEDICAL EXP (Any one person)	\$
					FIRE LEGAL LIABILITY	\$ 50,000
					GENERAL AGGREGATE	\$ 10,000,000
					PRODUCTS-COMP/OPS AGG	\$ Included
	AUTOMOBILE LIABILITY — ANY AUTO — ANY OWNED AUTOS — SCHEDULED AUTOS — HIRED AUTOS — NON-OWNED AUTOS				COMBINED SINGLE LIMIT (Ea accident)	\$
					BODILY INJURY (Per person)	\$
					BODILY INJURY (Per accident)	\$
					PROPERTY DAMAGE (Per accident)	\$
	EXCESS LIABILITY FOLLOWING FORM				EACH ACCIDENT	\$
					AGGREGATE	\$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				<input type="checkbox"/> WC STATUTORY LIMITS <input type="checkbox"/> OTHER	\$
					E.L. EACH ACCIDENT	\$
					E.L. DISEASE-EA EMPLOYEE	\$
					E.L. DISEASE-POLICY LIMIT	\$
	OTHER					

DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/EXCLUSIONS ADDED BY ENDORSEMENT/SPECIAL PROVISIONS

Evidence of insurance for fireworks displays. This policy includes a 90 day extension for filing claims after the expiration of the policy.

CERTIFICATE HOLDER

Texas Department of Insurance
State Fire Marshal's Office
Attn: Susan Light
Mail Code 9999, PO Box 149221
Austin, TX, 78714-9221

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING COMPANY WILL ENDEAVOR TO MAIL DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

Susan Etter



AGENDA ITEM SUMMARY FORM

MEETING DATE: 3/8/2022

PREPARED BY: Martha Eighme

AGENDA CONTENT: Partnering with Angleton ISD for a scoreboard sponsorship.

AGENDA ITEM SECTION: Consent Agenda

BUDGETED AMOUNT: 10,000 **FUNDS REQUESTED:** 15,000

FUND: HOT Funds

EXECUTIVE SUMMARY:

Due to COVID-19, the previously approved sponsorship (see note below from City Council Meeting December 19, 2019) was not executed. AISD is ready to move forward with the new scoreboard. The cost has increased by \$5,000 in the two years since the initial presentation. The agreement is for five years.

December 2019 Presentation was by Allison Hemphill, Alternate Funding Director with Angleton ISD. Upon a motion by Council Member Vasut and seconded by Council Member Sillavan, Council authorized staff to enter into an agreement with Angleton ISD at the purple level for the new scoreboard which shall be paid from the Hotel/Motel Tax Fund. The motion passed on a 5-0 vote. Mayor Perez was absent.

RECOMMENDATION:

Consent to authorize Chris Whittaker to sign agreement with AISD for

*Because We're
Wildcats!*



Phone: (979) 864-8000
Website: www.angletonisd.net
1900 N. Downing Road
Angleton, Texas 77515

Item 3.

ANGLETON ISD PARTNERSHIP AGREEMENT

This Agreement entered into this _____ day of _____, _____, by and between Angleton Independent School District, hereinafter referred to as “AISD” or the “District”, and _____, hereinafter referred to as “Partner”, hereby agree as follows:

1. Terms and Conditions. Under the terms and conditions herein set forth, AISD grants the non-exclusive advertising rights to Partner as stipulated in Attachment A (“Advertising Rights”) for the Term of this Agreement. All artwork shall be provided by Partner to AISD, at Partner’s expense, no later than **ten (10) business days** before the advertisement is to be displayed. The artwork shall be professionally designed and tastefully and aesthetically suitable for presentation. The content of the artwork will be subject to the prior written consent of the District to ensure conformity with District policies. The contents of the artwork may not violate any AISD policy or practice regarding advertising or materials distributed on campus, and shall not announce or advertise any item or activity that is prohibited on a District campus. Such policies include, without limitation GKB (Legal) and GKB (Local).
2. Partner understands and acknowledges that the Advertising Rights are subject to ordinary wear and tear, casualty, and events of force majeure. If the advertisement(s) is damaged, destroyed or stolen (other than as a result of an act or omission of Partner), AISD shall have the option to pay the reasonable cost of replacing or restoring the advertisement to its previous condition or providing a pro-rata refund of the payments made and/or discounting any payment owed under this Agreement. Should AISD elect to refund or discount monies owed, this Agreement shall be terminated upon such election by AISD. In all other instances, Advertiser shall bear the cost of (i) obtaining and installing any additional or replacement advertisement or signage and (ii) repainting the advertisement or signage. Without limitation, AISD shall not be responsible for funding a new panel or signage in the event that Partner wishes to alter the design. If requested by AISD because of the nature of an event, Partner understands that its signage or advertising materials may not be displayed or may be covered for such events with no adjustment in the Section 3 payments.
3. Payment. Payments shall be made to the order of Angleton Independent School District as follows:

Agreement year 1: \$15,000.00 Payment due on or before AUGUST 1st, 2022

ANGLETON INDEPENDENT SCHOOL DISTRICT...A TRADITION OF EXCELLENCE

It is the policy of the Angleton Independent School District not to discriminate on the basis of race, color, national origin, sex, handicap, or age as required by Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975, as amended; and Section 504 of the Rehabilitation Act of 1973, as amended.
Es norma de Angleton Independent School District no discriminar por motivos de raza, color, origen nacional, sexo, impedimento o edad tal como lo requieren el Título VI de la Ley de Derechos Civiles de enmienda; el Título IX de las Enmiendas en la Educación, de 1972, la ley de Discriminación por Edad, de 1975, según enmienda, y la Sección 504 de la Ley de Rehabilitación de 1973, según enmienda.

Agreement year 2: \$15,000.00 Payment due on or before AUGUST 1st, 2023

Agreement year 3: \$15,000.00 Payment due on or before AUGUST 1st, 2024

Agreement year 4: \$15,000.00 Payment due on or before AUGUST 1st, 2025

Agreement year 5: \$15,000.00 Payment due on or before AUGUST 1st, 2026

If Partner fails to make the payments within thirty (30) days after the date that such payment is due under this Agreement, the District may charge late fees at the rate of twelve percent (12%) per annum (or the maximum rate permitted by law, whichever is less), compounded monthly, on unpaid balances and all expenses (including attorneys' fees and court costs) incurred in collection.

4. Term of Agreement. The period of this Agreement shall be for an initial term of 5 years ("Term"), effective AUGUST 1st, 2022 through AUGUST 1st, 2027 subject to the first right of refusal/renewal to extend additional years, as detailed in Section 5.
5. First Right of Refusal/Renewal. Partner shall have the right of first refusal and/or renewal to negotiate a new agreement, with respect to Advertising Rights, and other terms and conditions, satisfactory to both parties, to extend this agreement for an additional 5 years, if and only if AISD elects to offer to third parties such Advertising Rights. Partner shall notify AISD, in writing, no less than 180 days prior to expiration of Agreement to exercise first right of refusal and/or renewal. Notwithstanding any provision herein to the contrary, nothing in this Agreement shall obligate or be construed to obligate AISD to offer such Advertising Rights to third parties at the end of the Term.
6. Assignment. This agreement shall not be assigned by the Partner, nor shall Partner grant any other person any of its rights without prior written consent of AISD.
7. Hold Harmless and Indemnification. Partner agrees to hold harmless and indemnify AISD, its officers, agents and employees, from and against any and all actions, suits, damages, liability or other proceedings which may arise as the result of granting the licensing rights hereunder. This section does not require Partner to be responsible for or defend against any claims or damages arising solely from acts or omissions of AISD, its officers, agents, or employees.
8. Applicable Law. This Agreement shall be governed by the laws of the State of Texas. If any provision of this Agreement is or becomes unenforceable, the other provisions shall remain valid and enforceable to the maximum extent possible. Exclusive venue for any disputes arising under or related to this Agreement shall be in courts of competent jurisdiction in Brazoria County, Texas.

ANGLETON INDEPENDENT SCHOOL DISTRICT...A TRADITION OF EXCELLENCE

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Es norma de Angleton Independent School District no discriminar por motivos de raza, color, origen nacional, sexo, impedimento o edad tal como lo requieren el Título VI de la Ley de Derechos Civiles de 1964, según enmienda; el Título IX de las Enmiendas en la Educación, de 1972, la ley de Discriminación por Edad, de 1975, según enmienda, y la Sección 504 de la Ley de Rehabilitación de 1973, según enmienda.

9. Nondiscrimination. It is mutually agreed that there shall be no discrimination on the basis of a person's race, color, creed, religion, national origin, ancestry, citizenship, gender, sexual orientation, age, or disability.
10. Default. If Partner fails to pay when due any amount owing under this Agreement, and such failure continues for a period of thirty (30) days after Partner receives written notice of the default from AISD, or if either party to this Agreement fails to perform any of its covenants and obligations under this Agreement, and such failure continues for a period of thirty (30) days after the non-performing party receives written notice of the default from the other party, and such non-performance remains uncured after such thirty day period, then such aggrieved party may terminate this Agreement by giving notice of termination. All parties' rights under this Section are in addition to, and are not a limitation on or in substitution for, any other rights which either party has by reason of any non-performance, including, without limitation, any claim for damages under law or equity. All rights are cumulative. Upon termination, all rights and obligations of the parties under this Agreement shall cease, except as provided below. Time is of the essence in the performance of all duties and obligations imposed by this Agreement. Each party's course of dealing, or forbearance from, or delay in, the exercise of any of their rights, remedies, privileges or right to insist upon strict performance of any provisions contained in this Agreement, shall not be construed as a waiver by either party, unless any such waiver is in writing and is signed by the party. In the event that the Agreement is terminated by District following an uncured default by Partner, the District shall then allow Partner to either remove its advertisement and signage or shall arrange for the removal of same at Partner's expense. In no event shall either party be liable to the other party for consequential damages on account of a default hereunder.
11. Relationship of the Parties. All operations by each party under the terms of this Agreement shall be carried on by it as an independent contractor and not as an agent for the other.
12. Immunity. Neither party waives any immunity by entering into this Agreement.
13. Legal Requirements Regarding Boycotts and Non-Discrimination.
 - A. Pursuant to Texas Government Code Chapter 2270, Partner represents and warrants to District that Partner does not boycott Israel and will not boycott Israel during the term of this Agreement.
 - B. Partner verifies and affirms that it is not a foreign terrorist organization as identified on the list prepared and maintained by the Texas Comptroller of Public Accounts. If Partner has misrepresented its inclusion on the Comptroller's list such omission or misrepresentation will void this Agreement.

ANGLETON INDEPENDENT SCHOOL DISTRICT...A TRADITION OF EXCELLENCE

- C. Partner represents and warrants that it does not boycott energy companies as contemplated by Chapter 809 of the Government Code and will not boycott energy companies during the term of this Agreement.
- D. Partner represents and warrants that it does not discriminate against firearm and ammunition companies and trade associations as contemplated by Chapter 2274 of the Government Code and will not so discriminate during the term of this Agreement.
- E.

On this day and year first above written, the parties hereto have executed this Agreement.

ANGLETON INDEPENDENT SCHOOL DISTRICT

Contact name: Laurin Moore
 Address: 1900 N Downing
 City, State, Zip: Angleton, TX, 77515
 Phone: 979-864-8047
 Email: lemoore@angletonisd.net

Authorized Signature and Title

Date

[PARTNER NAME]

Contact name:
 Address:
 City, State, Zip:
 Phone:
 Fax:
 Email:

Authorized Signature and Title

Date

ANGLETON INDEPENDENT SCHOOL DISTRICT...A TRADITION OF EXCELLENCE

It is the policy of the Angleton Independent School District not to discriminate on the basis of race, color, national origin, sex, handicap, or age as required by Title VI of the Civil Rights Act of 1964, as amended; Title IX of the Education Amendments of 1972; the Age Discrimination Act of 1975, as amended; and Section 504 of the Rehabilitation Act of 1973, as amended.
 Es norma de Angleton Independent School District no discriminar por motivos de raza, color, origen nacional, sexo, impedimento o edad tal como lo requieren el Título VI de la Ley de Derechos Civiles de 1964, según enmienda; el Título IX de las Enmiendas en la Educación, de 1972, la ley de Discriminación por Edad, de 1975, según enmienda, y la Sección 504 de la Ley de Rehabilitación de 1973, según enmienda.

ATTACHMENT A TERMS AND CONDITIONS

STATIC SIGNAGE - (Logo file to be provided by Partner)

- One (1) non-lit partner recognition on the welcome signage, approximately 1.5'h x 2.5'w
- One (1) non-lit partner recognition on the home bleacher portal, approximately 2.25'h x 5'w
- One (1) non-lit partner recognition on the main ticket entrance, approximately 1.25'h x 2'w
- One (1) non-lit partner recognition on baseball ticket booth

DIGITAL CONTENT - VIDEO DISPLAY (Logo file to be provided by Partner)

- (Pre-In-Post Game) Animated Partner Logo – logo will rotate with other partners throughout home varsity football games on video board.
- (Pre-In-Post Game) Animated Partner Logo – will rotate with other partners throughout home varsity football games on speaker digital audio mesh. Animation created by AISD.
- One (1) in game feature entitlement per regular season home varsity football game (1st Down, Smile Cam, Coin Flip, etc.)
- Minimum of Two (2) instant replay logo bugs at every home varsity football game.
- Minimum of Two (2) full screen static logo/ad (sponsor supplied) per home varsity football game.
- One (1) :30 second pre-game, sponsor supplied video commercial per home varsity football game.
 - Production completed by AISD with script by Partner.
- Windowed static logo on Side Bar rotated with Wildcat and Purple Partners at home varsity football games.

PROMOTIONS

- One (1) home varsity football game sponsorship/promotional opportunity
- One (1) grouped PA announcement thanking sponsors involvement for each home varsity football game

HOSPITALITY

- One (1) Logo Application on Angleton ISD Athletic Website
- One (1) grouped radio drop-in per home varsity football game
- Two (2) season tickets to home football games.

Social Media Recognition: TBD

ANGLETON INDEPENDENT SCHOOL DISTRICT...A TRADITION OF EXCELLENCE



AGENDA ITEM SUMMARY FORM

MEETING DATE: 03/22/2022

PREPARED BY: Chris Hill, Finance Director

AGENDA CONTENT: Discuss and Approve Resolution approving an engagement agreement relating to Bond Counsel Services.

AGENDA ITEM SECTION: Consent Agenda

BUDGETED AMOUNT: N/A **FUNDS REQUESTED:** N/A

FUND: N/A

EXECUTIVE SUMMARY:

1. The City of Angleton, Texas (the "City") desires to issue bonds and other obligations from time to time for various public purposes authorized by Texas Statutes, in order to finance or refinance various public projects;
2. Bracewell LLP's ("Bracewell" or the "Firm") is a full service firm that includes a national public finance practice and has the necessary competence, qualification and experience to serve as bond counsel for the City.
3. The City and Bracewell do not have any prior engagements or relationships or other information regarding the nature of any relationships between the political subdivision and the firm as described in §2254.1036(c) of the Texas Government Code;
4. The City's attorneys and supporting personnel do not have the required experience, qualifications or resources to adequately perform bond counsel services for the issuance of bonds or other obligations;
5. Given the nature of bond counsel services and the source of payment therefor (being from the proceeds of bonds or other obligations issued by the City) such legal services cannot reasonably be obtained from attorneys in private practice under a contract providing for the payment of hourly fees without contingency; and
6. Entering into a contingent fee contract with Bracewell for bond counsel services is in the best interest of the residents of the City as the City will have competent, qualified and experienced counsel to advise on the issuance of the bonds and other obligations, and the provision of such legal services will not financially impact the City as the compensation for such services will be paid from the proceeds of such bonds or other obligations

City Manager executed agreement with Julie Partain, Partner at Bracewell LLP in December 2021.

RECOMMENDATION:

Staff recommends council approve Resolution formally approving Bracewell LLP engagement agreement relating to Bond Counsel Services.

RESOLUTION NO. 20220322_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ANGLETON,
TEXAS APPROVING AN ENGAGEMENT AGREEMENT RELATING TO
BOND COUNSEL SERVICES

WHEREAS, the City of Angleton, Texas (the “City”) plans to issue bonds or other obligations from time to time for various public purposes authorized by Texas statutes; and

WHEREAS, the City desires to engage competent, experienced bond counsel services for the issuance of these bonds and other obligations; and

WHEREAS, Bracewell LLP (“Bracewell” or the “Firm”) is a nationally recognized law firm providing bond counsel services; and

WHEREAS, the City and the Firm desire to enter into an engagement agreement (the “Engagement Agreement”) that sets forth the agreement between the parties with respect to bond counsel services;

NOW THEREFOR BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE GLASSCOCK INDEPENDENT SCHOOL CITY:

SECTION 1. The recitals set forth in the preamble of this Resolution are true and correct in all material respects.

SECTION 2. It is hereby found, determined and declared that there is a substantial need for Bracewell’s legal services; the legal services cannot be adequately performed by the attorneys and supporting personnel of the City; and the legal services cannot reasonably be obtained from attorneys in private practice under a contract providing only for the payment of hourly fees, without regard to the outcome of the matter, because of the nature of the matter for which the services will be obtained and the compensation for such services will be paid from the proceeds of the bonds or other obligations issued by the City.

SECTION 3. The City hereby approves the Engagement Agreement by and between the City and the Firm in substantially the form attached hereto as Exhibit A, with such changes as may be approved by the City Manager, and the Mayor or the City Manager are hereby authorized to execute such Engagement Agreement and the City Secretary may attest such signature.

SECTION 4. It is hereby found, determined, and declared that a sufficient written notice of the date, hour, place, and subject of this meeting of the City Council of the City was posted at the location and the time required by law preceding this meeting, as required by the Open Meetings Act, Chapter 551, Texas Government Code, and that this meeting has been open to the public as required by law at all times during which this Resolution and the subject matter thereof has been discussed, considered and formally acted upon. It is further found, determined and declared that sufficient written notice of the Engagement Agreement was posted as required by Chapter 2254, Texas Government Code. The City Council further ratifies, approves and confirms such written notices and the contents and posting thereof.

PRESENTED AND PASSED on this the 22nd day of March, 2022.

City Manager
City of Angleton, Texas

ATTEST:

City Secretary
City of Angleton, Texas

Signature Page – Resolution Approving Engagement Letter

EXHIBIT A
BRACEWELL ENGAGEMENT AGREEMENT

March 22, 2022

Honorable Mayor and City Council Members
City of Angleton, Texas

121 S. Velasco

Angleton, TX 77515

Dear Honorable Mayor and City Council Members:

We are pleased to set forth in this letter the terms of our engagement as bond and finance counsel for the City of Angleton, Texas (the “City”) in connection with its issuance from time to time of bonds and other debt instruments, and such other general finance matters as may be referred to us from time to time. We appreciate the confidence you have shown in Bracewell LLP (“Bracewell” or “Firm”) and look forward to this opportunity to represent your interests.

Julie M. Partain

Partner

T: +1.214.758.1606 F: +1.800.404.3970
1445 Ross Avenue, Suite 3800, Dallas, Texas 75202-2724
julie.partain@bracewell.com bracewell.com

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Honorable Mayor and City Council Members
 March 22, 2022
 Page 2

It is our practice to confirm the terms and conditions of our engagements, and that is the purpose of this Engagement Letter and the attached Terms of Engagement. This engagement has been approved by Bracewell subject to the conditions described in this letter.

Scope of Engagement

We agree that our services as Bond Counsel will include the following services:

Attendance at all meetings of the City as required or requested in connection with the planning and authorization of Bonds, including consultation on federal income tax matters;

Preparation of the ordinances of the City authorizing issuance of Bonds, together with all other legal documents comprising the transcript of proceedings for authorization and issuance of Bonds and other debt instruments;

Preparation of and submission to the Attorney General of Texas of a transcript of proceedings for the Bonds to obtain the approval of the Attorney General and registration of the Bonds by the Comptroller of Public Accounts of Texas;

Preparation and filing of legal documents required under federal income tax law for the Bonds, and the preparation of and delivery to the City of a Letter of Instructions with respect to the federal income tax treatment of Certificate proceeds;

Representation of the City at the closing of the sale of the Bonds, including preparation of all closing documents; and

If appropriate, the delivery at closing of our approving opinion as to the validity of the Bonds under Texas law, and the exclusion of interest on the Bonds from gross income of the holders under federal income tax law.

The services outlined above do not include such matters as services as disclosure counsel in connection with the sale of the Bonds, work on post closing federal tax or disclosure issues, obtaining IRS rulings or clarifications of federal tax law, presentations to rating agencies or bond insurers, or "blue sky" or securities registration services. We will be pleased to provide legal services in connection with any matters not included in paragraphs 1 through 6 above, but we believe that such additional services, if requested by the City, should be the subject of an addendum to this letter or a separate letter of engagement. Our representation of the City with respect to Bonds will end upon the closing for the Bonds.

Honorable Mayor and City Council Members
March 22, 2022
Page 3

This Engagement Letter may be supplemented to reflect new matters or issues that deviate from the current engagement in scope, billing arrangements, complexity, risk, or that otherwise require a substantial change in terms and conditions. The Terms of Engagement, however, will govern all projects and engagements for Client.

Fees, Expenses and Billing with Respect to Services

Our fees with respect to the Bonds shall be payable at the time of delivery of the Bonds to the purchaser thereof as outlined in Exhibit A. Occasionally, the City may request us to perform miscellaneous legal services not related to a specific issue of the Bonds, including assisting the City with economic development projects or drafting of various agreements. We propose that such services be performed on an hourly basis according to our discount hourly rates charged to other clients and billed monthly.

Conflicts of Interest: Applicable Standard

For purposes of evaluating conflicts of interests, you acknowledge that Bracewell relies upon the Texas Disciplinary Rules of Professional Conduct. Bracewell may represent other clients that may be adverse to your interests in substantially unrelated matters, and it may represent other clients within the same industry.

Alternative Dispute Resolution

Disputes arising under or pertaining to this engagement shall be resolved, if possible, by a non-binding mediation conducted by a mutually acceptable mediator at a location acceptable to the City and Bracewell. The mediation process may be initiated by a written request with a list of acceptable mediators and site for the proceeding.

Conclusion

You are encouraged to discuss the terms of this engagement letter with the independent counsel of your choice. Please call me if you wish to discuss any aspect of this engagement.

If this Engagement Letter, including the provisions in the attached Terms of Engagement, correctly reflects your understanding of the terms and conditions of our representation, please sign the enclosed copy of this letter in the space provided and return one original to Bracewell.

Honorable Mayor and City Council Members
March 22, 2022
Page 4

Thank you again for the opportunity to represent you in this matter.

Very truly yours,

Bracewell LLP

By: _____
Name: Julie Melton Partain

Attachments

AGREED AND ACCEPTED:

CITY OF ANGLETON, TEXAS

By: _____

Its: _____

Date: _____

EXHIBIT FEES

Bond Counsel Fees
Relating to Routine Debt Issues
for the City of Angleton, Texas

<u>Proceeds of Bonds</u>	<u>Fee</u>
First \$5 million	\$25,000 minimum fee
Next \$15 million	\$25,000 plus \$1.35 per \$1,000 of proceeds in excess of \$5 million
\$20 million - \$50 million	\$38,500 plus \$1.10 per \$1,000 of proceeds in excess of \$15 million
Over \$50 million	\$68,500 plus \$.85 per \$1,000 of proceeds and in excess of \$50 million

Fees for refundings will be based on the same schedule times 1.50

The fee schedule above is subject to modification for any series of obligations, as agreed to by the Firm and the City, based on the facts and complexity of each transaction.

Variable Rate Bonds (with third party credit or liquidity enhancement)

Same as above, plus an amount to be agreed upon in advance based on complexity of each transaction.

Bond Election

A fixed fee of \$25,000 to be added to the initial bond issue following such election if the election is successful. In the event of a failed election, the fixed fee will be billed directly to the District.

Texas Water Development Board Transactions

Same as above, plus \$10,000 for CWSRF, DWSRF and WIF Bond issues. For State Participation Program applications and Master Agreements, fees shall be based on discounted hourly rates with such fees not to exceed \$40,000. For other TWDB Bond issues, fees to be agreed upon in advance based on complexity of each transaction.

Other Matters

When and as requested and with the fees to be agreed upon in advance.

PUBLIC IMPROVEMENT DISTRICT FINANCINGS

Hourly Services Fees

For fees relating to the creation of a public improvement district (a "PID") and levy of assessments, including the negotiation of development or financing agreements we will bill the City based a fee separate from our bond counsel fee for PID Bonds and based on our hourly billing rates. We will negotiate the amount of such fee at the outset of each PID financing. Although the City remains primarily responsible for the timely payment of all invoices, we acknowledges that the City may require a third party developer to pay a portion of our legal fees, other than PID Bond fees, related to a PID financing. Invoices will be delivered to the City. The City is our only client in this engagement; no attorney-client or other relationship exists between us and any third party developer and no third-party developer will have any authority as to the performance of this engagement. The City understands and consents to the payment of our fees and expenses by a third party developer to the extent negotiated by the City.

PID Bond Counsel Fees

For our services as bond counsel in connection with the authorization, issuance and sale of any PID Bonds, the City will pay us, solely from the proceeds of sale of each issue or installment of the PID Bonds, an amount equal to

- 1) 3% of the first \$5,000,000 in principal amount of such PID Bonds; and
- 2) 2% of the principal amount of such PID Bonds above \$5,000,000 in principal amount of such PID Bonds.

This above fee schedule shall be applicable to each separate issue or installment of the PID Bonds but shall only be due with respect to PID Bonds actually issued, sold and delivered. Our fee for bond counsel services for any separate issue or installment of the PID Bonds shall not be less than \$50,000. Our fee for serving as bond counsel on any issue of refunding PID Bonds will be 1% of the principal amount of such PID Bonds, but not less than \$40,000.

BRACEWELL LLP**TERMS OF ENGAGEMENT****Introduction**

These are the Terms of Engagement adopted by Bracewell LLP (“Bracewell”) and the addressee of the preceding Engagement Letter (“Client”) and referred to in our Engagement Letter as the basis for our representation. Because they are an integral part of our agreement to provide representation, we ask that you review this document carefully and retain it for your files. If you have any questions after reading it, please promptly inform your principal contact at the Firm.

Client of the Firm

Because Bracewell has been engaged to represent the Client only, the engagement does not include the Client’s family members, affiliated or related entities, or their respective individual officers, directors, partners, equity owners or employees.

Unless otherwise specifically stated in the Engagement Letter, our representation does not include any parent, subsidiary, or affiliated entity; employee, officer, director, shareholder, member or partner of an entity; or, any commonly owned entity. For any trade association, our representation does not include any member of the trade association; and for individuals, our representation does not include any employer, partner, spouse, sibling, or other family member. In the event we are asked to undertake representation of any other entity in connection with this engagement, we will do so only by agreement defined in the Engagement Letter. By execution of the Engagement Letter, Client consents to Bracewell’s use of the name and a generic description of the transaction in Bracewell marketing materials. Confidential Client information will not be included in such materials.

Our Relationship with Others and Conflicts of Interest

Conflict of Interest is a concern for Bracewell and its clients. We attempt to identify actual and potential conflicts at the outset of each engagement. Unfortunately, conflicts sometimes arise or become apparent after work begins on an engagement. When that happens, we will do our best to address and resolve the situation in the manner that best serves the interests of all of our affected clients.

Client and Bracewell agree that matters relating to legal ethics and professionalism, including Conflicts of Interest, will be resolved by the Texas Disciplinary Rules of Professional Conduct.

Bracewell accepts this engagement on the understanding that our representation of you will not preclude us from accepting another engagement from a new or existing client provided that (1) such

engagement is not substantially related to the subject matter of services we provide to you and (2) such other engagement would not impair the confidentiality of related client information.

Staffing the Project

In most cases, one attorney will be your primary contact. In order to provide you with the expertise of our firm, and to provide services on a cost effective basis, that attorney will delegate parts of your work to other lawyers, paralegals and professionals.

Billing Arrangements and Terms of Payment

Fees for professional services and expenses are not contingent on the outcome of the project, unless expressly stated in the Engagement Letter.

Unless expressly stated in the Engagement Letter, Bracewell issues invoices on a periodic basis, normally each month, for fees and expenses. Invoices are due on receipt and are considered past due 30 days after receipt.

Clients frequently ask us to estimate the fees and other charges they are likely to incur in connection with a particular matter. Any estimate is based on professional judgment and facts and circumstances that appear at the time. As such, any estimate is subject to the understanding that, unless we agree otherwise in writing, it does not represent a maximum, minimum, or fixed-fee quotation. The ultimate cost frequently is more or less than the amount estimated.

It may be necessary for us to retain third parties, such as consultants, experts and investigators, in order to represent you adequately. In that event, you will be responsible for the prompt payment of the invoices of those third parties. Although we may advance third-party disbursements in reasonable amounts, we will ask you to pay larger third-party invoices (usually those over \$500) directly to the third party providing the services.

If the representation will require a concentrated period of activity, such as a trial, arbitration, or hearing, we reserve the right to require the payment of all amounts owed and the prepayment of the estimated fees and expenses to be incurred in completing the trial, arbitration, or hearing, as well as arbitration fees likely to be assessed. If you fail to pay timely the estimated fees and expenses, we will have the right to cease performing further work and the right to withdraw from the representation, subject to any applicable rules of court or other applicable tribunal.

Although an insurer's payment of defense costs may be applied to billings of the firm, the payment obligation remains with you. Failure of any insurer to pay all or part of the billings for this project does not relieve you from the obligation to pay billings in full and in a timely manner.

Taxes

The Client agrees that all payments under the Engagement Letter shall be payable to Bracewell in U.S. Dollars, free and clear of any and all present and future taxes, levies, imposts, duties, deductions, withholdings, fees, liabilities and similar charges (the "Taxes"). If any Taxes are required to be withheld or deducted from any amount payable under the Engagement Letter, then the amount payable under the Engagement Letter shall be increased to the amount which, after deduction from such increased

amount of all Taxes required to be withheld or deducted therefrom, will yield to Bracewell the amounts stated to be payable to Bracewell under the Engagement Letter.

Termination

Because Bracewell has been engaged to provide services in connection with the representation specifically defined in our Engagement Letter, the attorney-client relationship terminates upon our completion of those services.

You may terminate the engagement at any time, with or without cause, by notifying us in writing. The firm also can terminate the engagement before the completion of its representation of you in the specified matter if (a) the continued representation would result in a violation of the applicable rules of professional conduct or other law; (b) the termination can be accomplished without material adverse effect on your interests; (c) you persist in a course of action that Bracewell reasonably believes is criminal or fraudulent, or you have used our services to perpetrate a crime or fraud, (d) the firm has a fundamental disagreement with the objective or tactics in this engagement; (e) you deliberately and substantially fail to discharge an obligation regarding this engagement, including the payment of fees and expenses and the duty of cooperation as provided in the Terms of Engagement; or (f) other good cause for termination exist. In the event that the firm intends to terminate the engagement, the firm will give reasonable notice and allow you access to your files relating to this engagement.

For purposes of this Engagement Letter, this engagement terminates upon written notice of termination by Client or by Bracewell.

The termination of our services will not affect your responsibility for payment of legal services rendered and other charges incurred before termination and in connection with an orderly transition of the project.

After completion of the representation, however, changes may occur in the applicable laws or regulations that could affect your future rights and liabilities in regard to the matter. Bracewell has no continuing obligation to give advice with respect to any future legal developments that may relate to the project.

Retention of Client Files

Client files are limited to: materials supplied by Client; final contracts; estate planning documents, deeds and corporate records; and, routine correspondence related to this engagement. At the close of any matter, Client files may be returned to you, sent to a private storage facility, archived for a limited time or destroyed. The attorney closing the file will determine, at his or her discretion, the disposition of Client files, unless you make a specific written request that they be returned.

Your request for return of Client files must be delivered to Bracewell no later than 120 days after the last substantive service relating to the closed matter. A substantive service does not include audit letter research and preparation, or any other service that does not directly relate to the substantive discharge of a Client engagement. Your request must be specific and designate your representative to receive the files. Client is responsible for paying the reasonable cost to retrieve, duplicate and deliver the Client files.

Bracewell adopted a program of document retention and management of electronically stored information, including regular deletion of outdated, corrupt or useless files. Such program may change from time-to-time.

It is important for Client to alert Bracewell in advance of special treatment, sensitive information, retention requirements and other unique conditions pertaining to Client files. Client agrees that it will notify Bracewell in a timely, written and specific manner, concerning any requirement for special or unusual handling or attention of its Client files. This includes any statutory or regulatory requirements relating to confidentiality and retention of Client files.

Bracewell Files

You agree that Bracewell will own and retain its own files and any related electronically stored information pertaining to the engagement. You will not have the right or ability to require us to deliver such files and records (or copies thereof) to you. Examples of Bracewell files and records are: firm administrative records, financial files and documents, time and expense reports, personnel and staffing materials, credit and accounting records, electronic mail correspondence (other than such correspondence which was sent to you by a member of our firm) and internal lawyer's work product, such as drafts, notes, memoranda and legal and factual research, including investigative reports prepared by or for the internal use of lawyers. Further, at the discretion of the responsible partner for the project in question, we may destroy any such documentation which is the property of Bracewell or any documentation which such partner determines to be duplicative or unnecessary in all cases without having to obtain your consent.

Choice of Law

Because Bracewell performs legal services in a number of jurisdictions, for consistency and predictability, the Client and Bracewell agrees that the Texas Disciplinary Rules of Professional Conduct (found at www.texasbar.com or www.txethics.org) will govern all issues of legal ethics and professionalism.

Disclaimer

We cannot guarantee the outcome of any matter. Any expression of our professional judgment regarding your matter or the potential outcome is, of course, limited by our knowledge of the facts and based on the law at the time of expression. It is also subject to any unknown or uncertain factors or conditions beyond our control.

Either at the commencement or during the course of the representation, we may express opinions or beliefs about the matter or various courses of action and the results that might be anticipated. Any expressions on our part concerning the outcome of the representation, or any other legal matters, are based on our professional judgment and are not guarantees.

By signing the Engagement Letter or otherwise indicating your acceptance of the Engagement Letter, you acknowledge that Bracewell has made no promises or guarantees to you about the outcome of the representation, and nothing in these Terms of Engagement shall be construed as such a promise or guarantee.

Your Cooperation

To enable us to provide effective representation, you agree to: (1) disclose to us fully, accurately and on a timely basis, all facts and documents that are or might be material or that we may request; (2) keep us apprised on a timely basis of all developments relating to the representation that are or might be material; (3) attend meetings, conferences, and other proceedings when it is reasonable to do so; (4) provide updated information for conflicts purposes, if necessary; and (5) cooperate fully with us in all matters relating to the engagement.

Modification of Our Agreement

The Terms of Engagement reflect our agreement on the terms of all engagements, and are not subject to any oral agreements, modifications, or understandings. Any change in these Terms of Engagement must be made in writing signed by both Bracewell and Client.

Anti-Boycott Verification.

Bracewell hereby verifies that it and its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, do not boycott Israel and, to the extent this Agreement is a contract for goods or services, will not boycott Israel during the term of this Agreement. The foregoing verification is made solely to comply with Section 2270.002, Texas Government Code, and to the extent such Section does not contravene applicable Federal law. As used in the foregoing verification, 'boycott Israel' means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes. Bracewell understands 'affiliate' to mean an entity that controls, is controlled by, or is under common control with Bracewell and exists to make a profit.

Iran, Sudan and Foreign Terrorist Organizations.

Bracewell 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, Texas Government Code, and posted on any of the following pages of such officer's internet website: <https://comptroller.texas.gov/purchasing/docs/sudan-list.pdf>, <https://comptroller.texas.gov/purchasing/docs/iran-list.pdf>, or <https://comptroller.texas.gov/purchasing/docs/fto-list.pdf>. The foregoing representation is made solely to comply with Section 2252.152, Texas Government Code, and to the extent such Section does not contravene applicable Federal law neither Bracewell nor any 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. Bracewell understands "affiliate" to mean any entity that controls, is controlled by, or is under common control with Bracewell and exists to make a profit.

Petroleum.

To the extent this Agreement constitutes a contract for goods or services for which a written verification is required under Section 2274.002 (as added by Senate Bill 13 in the 87th Texas Legislature, Regular Session), Texas Government Code, as amended, Bracewell 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. The foregoing verification is made solely to enable the Issuer to comply with such Section and to the extent such Section does not contravene applicable Texas or federal law. As used in the foregoing verification, “boycott energy companies” shall mean, without an ordinary business purpose, refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations with a company because the company (A) engages in the exploration, production, utilization, transportation, sale, or manufacturing of fossil fuel-based energy and does not commit or pledge to meet environmental standards beyond applicable federal and state law; or (B) does business with a company described by (A) above. Bracewell understands “affiliate” to mean an entity that controls, is controlled by, or is under common control with the Bracewell within the meaning of SEC Rule 133(f), 17 C.F.R. §230.133(f), and exists to make a profit.

Firearms.

To the extent this Agreement constitutes a contract for goods or services for which a written verification is required under Section 2274.002 (as added by Senate Bill 19 in the 87th Texas Legislature, Regular Session), Texas Government Code, as amended, Bracewell 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 during the term of this Agreement against a firearm entity or firearm trade association. The foregoing verification is made solely to enable the Issuer to comply with such Section and to the extent such Section does not contravene applicable Texas or federal law. As used in the foregoing verification, ‘discriminate against a firearm entity or firearm trade association’ (A) means, with respect to the firearm entity or firearm trade association, to (i) refuse to engage in the trade of any goods or services with the firearm entity or firearm trade association based solely on its status as a firearm entity or firearm trade association, (ii) refrain from continuing an existing business relationship with the firearm entity or firearm trade association based solely on its status as a firearm entity or firearm trade association, or (iii) terminate an existing business relationship with the firearm entity or firearm trade association based solely on its status as a firearm entity or firearm trade association and (B) does not include (i) the established policies of a merchant, retail seller, or platform that restrict or prohibit the listing or selling of ammunition, firearms, or firearm accessories and (ii) a company’s refusal to engage in the trade of any goods or services, decision to refrain from continuing an existing business relationship, or decision to terminate an existing business relationship (aa) to comply with federal, state, or local law, policy, or regulations or a directive by a regulatory agency or (bb) for any traditional business reason that is specific to the customer or potential customer and not based solely on an entity’s or association’s status as a firearm entity or firearm trade association. As used in the foregoing verification, (b) ‘firearm entity’ means a manufacturer, distributor, wholesaler, supplier, or retailer of firearms (i.e., weapons that expel projectiles by the action of explosive or expanding gases), firearm accessories (i.e., devices specifically designed or adapted to enable an individual to wear, carry, store, or mount a firearm on the individual or on a conveyance and items used in conjunction with or mounted on a firearm that are not essential to the basic function of the firearm, including detachable firearm magazines), or ammunition (i.e., a loaded cartridge case, primer, bullet, or propellant powder with or without a projectile) or a sport shooting range (as defined by Section 250.001, Texas Local Government Code), and (c) ‘firearm trade association’ means a person, corporation, unincorporated association, federation, business league, or business organization that (i) is not organized or operated for profit (and none of the net earnings of which inures to the benefit of any private shareholder or individual), (ii) has two or more firearm entities as members, and (iii) is exempt from federal income taxation under Section 501(a), Internal Revenue Code of 1986, as an organization described by Section 501(c) of that code. Bracewell understands “affiliate” to mean an entity

that controls, is controlled by, or is under common control with Bracewell within the meaning of SEC Rule 133(f), 17 C.F.R. §230.133(f), and exists to make a profit.

In Conclusion

If you have questions or concerns, at any time, relating to the terms and conditions of this engagement, the services or advice provided by Bracewell, or the fees and expenses reflected in the invoices, please bring them to the attention of your principal contact at our firm, or Bracewell's General Counsel.

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BRACEWELL

16 DECEMBER 2021

Honorable Mayor and City Council Members
City of Angleton, Texas
121 S. Velasco
Angleton, TX 77515

Dear Honorable Mayor and City Council Members:

We are pleased to set forth in this letter the terms of our engagement as bond and finance counsel for the City of Angleton, Texas (the "City") in connection with its issuance from time to time of bonds and other debt instruments, and such other general finance matters as may be referred to us from time to time. We appreciate the confidence you have shown in Bracewell LLP ("Bracewell" or "Firm") and look forward to this opportunity to represent your interests.

It is our practice to confirm the terms and conditions of our engagements, and that is the purpose of this Engagement Letter and the attached Terms of Engagement. This engagement has been approved by Bracewell subject to the conditions described in this letter.

Scope of Engagement

We agree that our services as Bond Counsel will include the following services:

1. Attendance at all meetings of the City as required or requested in connection with the planning and authorization of Bonds, including consultation on federal income tax matters;
2. Preparation of the ordinances of the City authorizing issuance of Bonds, together with all other legal documents comprising the transcript of proceedings for authorization and issuance of Bonds and other debt instruments;
3. Preparation of and submission to the Attorney General of Texas of a transcript of proceedings for the Bonds to obtain the approval of the Attorney General and registration of the Bonds by the Comptroller of Public Accounts of Texas;

Julie M. Partain
Partner

T: +1.214.758.1606 F: +1.800.404.3970
1445 Ross Avenue, Suite 3800, Dallas, Texas 75202-2724
julie.partain@bracewell.com bracewell.com

BRACEWELL

Honorable Mayor and City Council Members
16 DECEMBER 2021
Page 2

4. Preparation and filing of legal documents required under federal income tax law for the Bonds, and the preparation of and delivery to the City of a Letter of Instructions with respect to the federal income tax treatment of Certificate proceeds;
5. Representation of the City at the closing of the sale of the Bonds, including preparation of all closing documents; and
6. If appropriate, the delivery at closing of our approving opinion as to the validity of the Bonds under Texas law, and the exclusion of interest on the Bonds from gross income of the holders under federal income tax law.

The services outlined above do not include such matters as services as disclosure counsel in connection with the sale of the Bonds, work on post closing federal tax or disclosure issues, obtaining IRS rulings or clarifications of federal tax law, presentations to rating agencies or bond insurers, or “blue sky” or securities registration services. We will be pleased to provide legal services in connection with any matters not included in paragraphs 1 through 6 above, but we believe that such additional services, if requested by the City, should be the subject of an addendum to this letter or a separate letter of engagement. Our representation of the City with respect to Bonds will end upon the closing for the Bonds.

This Engagement Letter may be supplemented to reflect new matters or issues that deviate from the current engagement in scope, billing arrangements, complexity, risk, or that otherwise require a substantial change in terms and conditions. The Terms of Engagement, however, will govern all projects and engagements for Client.

Fees, Expenses and Billing with Respect to Services

Our fees with respect to the Bonds shall be payable at the time of delivery of the Bonds to the purchaser thereof as outlined in Exhibit A. Occasionally, the City may request us to perform miscellaneous legal services not related to a specific issue of the Bonds, including assisting the City with economic development projects or drafting of various agreements. We propose that such services be performed on an hourly basis according to our discount hourly rates charged to other clients and billed monthly.

Conflicts of Interest: Applicable Standard

For purposes of evaluating conflicts of interests, you acknowledge that Bracewell relies upon the Texas Disciplinary Rules of Professional Conduct. Bracewell may represent other clients that may be

BRACEWELL

Honorable Mayor and City Council Members
16 DECEMBER 2021
Page 3

adverse to your interests in substantially unrelated matters, and it may represent other clients within the same industry.

Alternative Dispute Resolution

Disputes arising under or pertaining to this engagement shall be resolved, if possible, by a non-binding mediation conducted by a mutually acceptable mediator at a location acceptable to the City and Bracewell. The mediation process may be initiated by a written request with a list of acceptable mediators and site for the proceeding.

Conclusion

You are encouraged to discuss the terms of this engagement letter with the independent counsel of your choice. Please call me if you wish to discuss any aspect of this engagement.

If this Engagement Letter, including the provisions in the attached Terms of Engagement, correctly reflects your understanding of the terms and conditions of our representation, please sign the enclosed copy of this letter in the space provided and return one original to Bracewell.

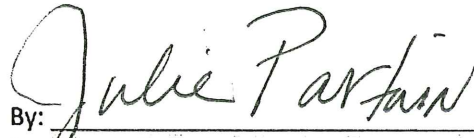
BRACEWELL

Honorable Mayor and City Council Members
16 DECEMBER 2021
Page 4

Thank you again for the opportunity to represent you in this matter.

Very truly yours,

Bracewell LLP



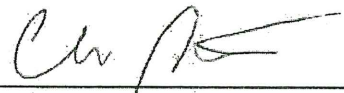
By:

Name: Julie Melton Partain

Attachments

AGREED AND ACCEPTED:

CITY OF ANGLETON, TEXAS

By: 

Its: CHRIS WHITAKER, CITY MANAGER

Date: 16 DEC 2021

BRACEWELL LLP
TERMS OF ENGAGEMENT

Introduction

These are the Terms of Engagement adopted by Bracewell LLP ("Bracewell ") and the addressee of the preceding Engagement Letter ("Client") and referred to in our Engagement Letter as the basis for our representation. Because they are an integral part of our agreement to provide representation, we ask that you review this document carefully and retain it for your files. If you have any questions after reading it, please promptly inform your principal contact at the Firm.

Client of the Firm

Because Bracewell has been engaged to represent the Client only, the engagement does not include the Client's family members, affiliated or related entities, or their respective individual officers, directors, partners, equity owners or employees.

Unless otherwise specifically stated in the Engagement Letter, our representation does not include any parent, subsidiary, or affiliated entity; employee, officer, director, shareholder, member or partner of an entity; or, any commonly owned entity. For any trade association, our representation does not include any member of the trade association; and for individuals, our representation does not include any employer, partner, spouse, sibling, or other family member. In the event we are asked to undertake representation of any other entity in connection with this engagement, we will do so only by agreement defined in the Engagement Letter.

Our Relationship with Others and Conflicts of Interest

We have performed a conflicts check on the names you provided to Bracewell. Based on a check of these names, and under the applicable standards in the governing rules of professional conduct, we believe Bracewell is free to undertake the Matter. If we identify a conflict after work on this Matter has begun, you agree to use reasonable efforts to help us resolve the conflict to the satisfaction of all parties.

Bracewell accepts this engagement on the understanding that our representation of you will not preclude us from accepting another engagement from a new or existing client provided that (1) such engagement is not substantially related to the subject matter of services we provide to you and (2) such other engagement would not impair the confidentiality of related client information.

Billing Arrangements and Terms of Payment

Fees for professional services and expenses are not contingent on the outcome of the project, unless expressly stated in the Engagement Letter.

Bracewell issues invoices on a periodic basis, normally each month, for fees and expenses. Invoices are due on receipt and are considered past due 30 days after receipt.

Clients frequently ask us to estimate the fees and other charges they are likely to incur in connection with a particular matter. Any estimate is based on professional judgment and facts and circumstances that appear at the time. As such, any estimate is subject to the understanding that, unless we agree otherwise in writing, it does not represent a maximum, minimum, or fixed-fee quotation. The ultimate cost frequently is more or less than the amount estimated.

It may be necessary for us to retain third parties, such as consultants, experts and investigators, in order to represent you adequately. In that event, you will be responsible for the prompt payment of the invoices of those third parties. Although we may advance third-party disbursements in reasonable amounts, we will ask you to pay larger third-party invoices (usually those over \$500) directly to the third party providing the services.

If the representation will require a concentrated period of activity, such as a trial, arbitration, or hearing, we reserve the right to require the payment of all amounts owed and the prepayment of the estimated fees and expenses to be incurred in completing the trial, arbitration, or hearing, as well as arbitration fees likely to be assessed. If you fail to pay timely the estimated fees and expenses, we will have the right to cease performing further work and the right to withdraw from the representation, subject to any applicable rules of court or other applicable tribunal.

Although an insurer's payment of defense costs may be applied to billings of the firm, the payment obligation remains with you. Failure of any insurer to pay all or part of the billings for this project does not relieve you from the obligation to pay billings in full and in a timely manner.

Matters Involving e-Discovery

Many matters require the handling or production of electronically stored information ("ESI"). In litigation, the rules of civil procedure in federal court, as well as in many other jurisdictions, address the gathering and production of ESI ("e-Discovery"). Failure to comply with the rules governing e-Discovery can subject Client and the Firm to possible discovery sanctions. The Firm has developed an e-Practice Department (the "e-Department") to assist the Firm's clients in litigation matters that involve e-Discovery issues. The e-Department head, a lawyer who specializes in e-Discovery matters ("e-Practice Counsel"), and the e-Practice Project Managers will assist Client in handling e-Discovery projects that may arise in connection with the Firm's representation of Client.

The Firm has identified a number of preferred e-Discovery providers that it can recommend to Client ("Outside Vendors"). Client will make the ultimate decision on which Outside Vendor to retain on a matter. Client will contract directly with and will be invoiced by the Outside Vendor for e-Discovery services. In most cases, the Outside Vendor will handle the collection, processing, hosting, and production of Client's ESI. The Firm's e-Department professionals will serve as a liaison between Client, the Outside Vendor and the Firm's attorneys throughout the process, and the Firm will bill the Client for that time. Unless other arrangements are made between the Firm and Client, the Firm's lawyers will handle the review of Client's ESI before production.

Certain matters involving less than 5GB of ESI can be handled by the Firm internally, rather than by an Outside Vendor. In such matters, and upon prior agreement between Client and the Firm, an Outside Vendor will collect the Client's ESI and deliver to the Firm for processing, hosting, review and production. Client will contract directly with the provider for the collection of the ESI. The Firm will charge the client from \$150 to \$250 per GB for processing, depending on the format of the data, and from \$20 to \$40 per GB per month for hosting/storage, depending on the volume of the data.

It is anticipated that the Firm's e-Department professionals will assist Client in both e-Discovery matters handled by Outside Vendors and those handled by the Firm internally. The Firm will bill Client for the time of these professionals.

The hourly rate of the Firm's e-Practice Counsel is \$450 per hour. The range of hourly rates for the Firm's e-Practice Project Managers is \$225 - \$300 per hour. The hourly billing rates of the Firm's e-Department

Disposition and Retention of Materials

Bracewell has adopted and implemented an information governance and records management program including a comprehensive policy and records retention schedule. At the close of any matter Bracewell may return Client documents and property, send them to a storage facility for a limited time, or have them destroyed according to our records retention schedule. At Client's request, Client documents and property will be returned to you upon receipt of payment for outstanding fees and costs. Your request must be specific and designate your representative to receive the files. Client is responsible for paying the reasonable cost to retrieve, duplicate and deliver the Client files. Your request for return of Client files must be delivered to Bracewell no later than 120 days after the last substantive service relating to the closed matter. A substantive service does not include audit letter research and preparation, or any other service that does not directly relate to the substantive discharge of a Client engagement.

You agree that Bracewell owns and retains its own files, inclusive of related electronically stored information, pertaining to the engagement. You will not have the right or ability to require us to deliver such files (or copies thereof) to you. Examples of Bracewell files are: firm administrative materials, financial files and documents, time and expense reports, personnel and staffing materials, credit and accounting records, electronic mail correspondence (other than such correspondence which was sent to you by a member of our firm) and internal lawyer's work product, such as drafts, notes, memoranda and legal and factual research, including investigative reports prepared by or for the internal use of lawyers.

It is important for Client to alert Bracewell in advance of special treatment, sensitive information, retention requirements and other unique conditions pertaining to Client files. Client agrees that it will notify Bracewell in a timely, written and specific manner, concerning any requirement for special or unusual handling or attention of its Client files. This includes any statutory or regulatory requirements relating to confidentiality and retention of Client files.

Choice of Law

Because Bracewell performs legal services in a number of jurisdictions, for consistency and predictability, the Client and Bracewell agrees that the Texas Disciplinary Rules of Professional Conduct (found at www.texasbar.com or www.legalethicstexas.com) will govern all issues of legal ethics and professionalism.

Disclaimer

We cannot guarantee the outcome of any matter. Any expression of our professional judgment regarding your matter or the potential outcome is, of course, limited by our knowledge of the facts and based on the law at the time of expression. It is also subject to any unknown or uncertain factors or conditions beyond our control.

Either at the commencement or during the course of the representation, we may express opinions or beliefs about the matter or various courses of action and the results that might be anticipated. Any expressions on our part concerning the outcome of the representation, or any other legal matters, are based on our professional judgment and are not guarantees.

By signing the Engagement Letter or otherwise indicating your acceptance of the Engagement Letter, you acknowledge that Bracewell has made no promises or guarantees to you about the outcome of the representation, and nothing in these Terms of Engagement shall be construed as such a promise or guarantee.

Your Cooperation

To enable us to provide effective representation, you agree to: (1) disclose to us fully, accurately and on a timely basis, all facts and documents that are or might be material or that we may request; (2) keep us apprised on a timely basis of all developments relating to the representation that are or might be material; (3) attend meetings, conferences, and other proceedings when it is reasonable to do so; (4) provide updated information for conflicts purposes, if necessary; and (5) cooperate fully with us in all matters relating to the engagement.

Modification of Our Agreement

The Terms of Engagement reflect our agreement on the terms of all engagements, and are not subject to any oral agreements, modifications, or understandings. Any change in these Terms of Engagement must be made in writing signed by both Bracewell and Client.

In Conclusion

If you have questions or concerns, at any time, relating to the terms and conditions of this engagement, the services or advice provided by Bracewell, or the fees and expenses reflected in the invoices, please bring them to the attention of your principal contact at our firm, or Bracewell's General Counsel or Managing Partner.



AGENDA ITEM SUMMARY FORM

MEETING DATE: 03/22/2022

PREPARED BY: Chris Hill, Finance Director

AGENDA CONTENT: Discussion and possible action to approve Financial Audit FY 2020-2021.

AGENDA ITEM SECTION: Regular Agenda

BUDGETED AMOUNT: N/A

FUNDS REQUESTED: N/A

FUND: N/A

EXECUTIVE SUMMARY:

The Financial audit for FY 2020-2021 has been completed. A single audit of any federal funds was not required in FY2021 since the federal funds did not exceed the \$750,000 threshold.

The opinion is the financial statements present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City as of September 30, 2021, and the respective changes in financial position and, where applicable, cash flows thereof for the year then ended, in accordance with accounting principles generally accepted in the United States of America.

RECOMMENDATION:

Staff recommends council approve the Financial Audit for FY 2020-2021.

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ANNUAL FINANCIAL REPORT

of the

CITY OF ANGLETON, TEXAS

**For the Year Ended
September 30, 2021**

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GOVERNING BODY

Honorable Jason Perez, Mayor

John Wright, Mayor Pro-Tem

Travis Townsend, Council Member

Mikey Svoboda, Council Member

Cecil Booth, Council Member

Mark Gongora, Council Member

OTHER PRINCIPAL OFFICIALS

Chris Whittaker, City Manager

Chris Hill, Finance Director

Jeffrey Gilbert, Municipal Judge

Mark Jones, Alternate Judge

Judith El Masri-Randle Law, City Attorney

Frances Aguilar, City Secretary

Colleen Martin, Human Resource and Risk Management Director

Martha Eighme, Communication and Marketing Director

Guadalupe Valdez, Police Chief

Jeff Sifford, Public Works Director

Megan Mainer, Parks and Recreation Director

Walter Reeves, Development Services Director

Scott Myers, Volunteer Fire Department Fire Chief

Jason Crews, IT Director

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FINANCIAL SECTION

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INDEPENDENT AUDITORS' REPORT

To the Honorable Mayor and
City Council Members of the
City of Angleton, Texas:

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City of Angleton, Texas (the "City"), as of and for the year ended September 30, 2021, and the related notes to the financial statements, which collectively comprise the City's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditors' Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditors' judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the City's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Opinions

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, each major fund, and the aggregate remaining fund information of the City as of September 30, 2021, and the respective changes in financial position and, where applicable, cash flows thereof for the year then ended, in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the Management's Discussion and Analysis, budgetary comparison information, schedules of changes in net pension and total other postemployment benefits liabilities and related ratios, and schedules of contributions, identified as Required Supplementary Information on the table of contents, be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the Required Supplementary Information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Other Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City's basic financial statements. The introductory section, combining statements and schedules, and consolidated sub-fund statements are presented for purposes of additional analysis and are not required parts of the basic financial statements.

The combining statements and schedules and consolidated sub-fund statements are the responsibility of management and were derived from and relate directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the combining statements and schedules and consolidated sub-fund statements are fairly stated in all material respects in relation to the basic financial statements as a whole.

The introductory section has not been subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we do not express an opinion or provide any assurance on it.

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Belt Harris Pechacek, LLP

Belt Harris Pechacek, LLP
Certified Public Accountants
Houston, Texas
March 17, 2022

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MANAGEMENT'S DISCUSSION AND ANALYSIS

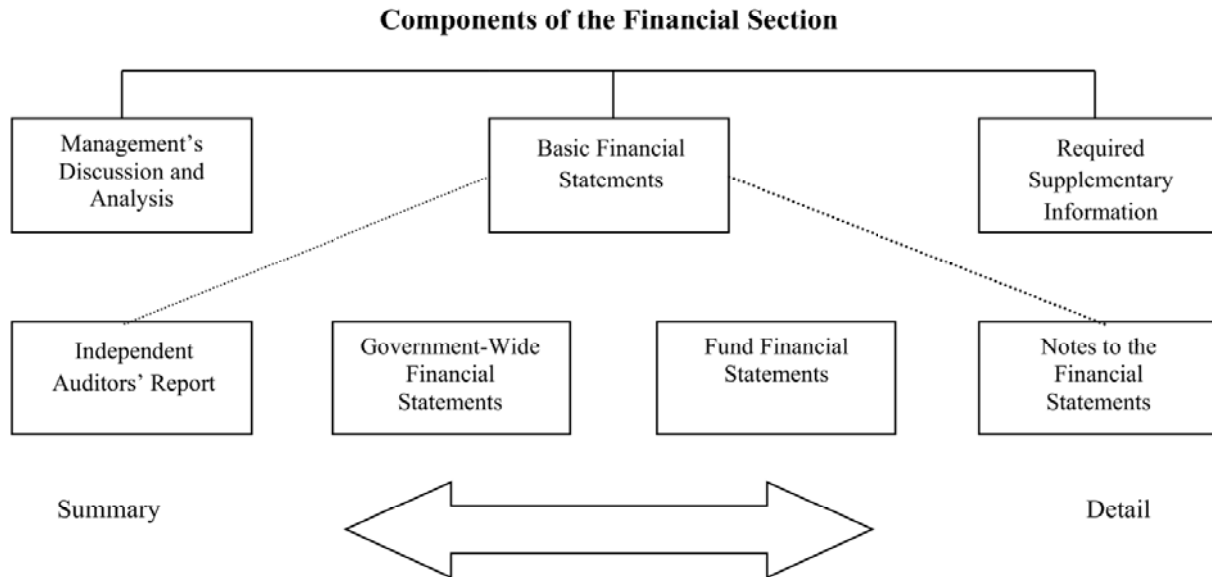
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The purpose of the Management's Discussion and Analysis (MD&A) is to give the readers an objective and easily readable analysis of the financial activities of the City of Angleton, Texas (the "City") for the year ending September 30, 2021. The analysis is based on currently known facts, decisions, or economic conditions. It presents short and long-term analysis of the City's activities, compares current year results with those of the prior year, and discusses the positive and negative aspects of that comparison. Please read the MD&A in conjunction with City's financial statements, which follow this section.

THE STRUCTURE OF OUR ANNUAL REPORT



The City's basic financial statements include (1) government-wide financial statements, (2) individual fund financial statements, and (3) notes to the financial statements. This report also includes supplementary information intended to furnish additional detail to support the basic financial statements themselves.

Government-Wide Statements

The government-wide statements report information for the City as a whole. These statements include transactions and balances relating to all assets, including infrastructure capital assets. These statements are designed to provide information about cost of services, operating results, and financial position of the City as an economic entity. The Statement of Net Position and the Statement of Activities, which appear first in the City's financial statements, report information on the City's activities that enable the reader to understand the financial condition of the City. These statements are prepared using the *accrual basis of accounting*, which is similar to the accounting used by most private-sector companies. All of the current year's revenues and expenses are taken into account even if cash has not yet changed hands.

The Statement of Net Position presents information on all of the City's assets, liabilities, and deferred outflows/inflows of resources, with the difference reported as *net position*. Over time, increases or decreases in net position may serve as a useful indicator of whether the financial position of the City is improving or deteriorating. Other nonfinancial factors, such as the City's property tax base and the condition of the City's infrastructure, need to be considered in order to assess the overall health of the City.

CITY OF ANGLETON, TEXAS
MANAGEMENT'S DISCUSSION AND ANALYSIS (Continued)
For the Year Ended September 30, 2021

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The Statement of Activities presents information showing how the City's net position changed during the most recent year. All changes in net position are reported as soon as the underlying event giving rise to the change occurs, regardless of the timing of related cash flows using the accrual method rather than modified accrual that is used in the fund level statements.

The Statement of Net Position and the Statement of Activities divide the City's financials into two classes of activities:

1. *Governmental Activities* – Most of the City's basic services are reported here including general administration, financial administration, public safety (municipal court, police, animal control, fire, and code enforcement), community services (streets, parks and recreation, and sanitation) and economic development. Interest payments on the City's debt are also reported here. Sales tax, property tax, franchise fees, municipal court fines, and permit fees finance most of these activities.
2. *Business-Type Activities* – Services involving a fee for those services are reported here. These services include the City's water distribution and wastewater collection/treatment.

The government-wide financial statements can be found after the MD&A.

FUND FINANCIAL STATEMENTS

Funds may be considered as operating companies of the parent corporation, which is the City. They are usually segregated for specific activities or objectives. The City uses fund accounting to ensure and demonstrate compliance with finance related legal reporting requirements. The two categories of City funds are governmental and proprietary.

Governmental Funds

Governmental funds are used to account for essentially the same functions reported as governmental activities in the government-wide financial statements. However, unlike the government-wide financial statements, governmental fund financial statements focus on *near-term outflows and inflows of spendable resources*, as well as on *balances of spendable resources* available at the end of the year. Such information may be useful in evaluating the City's near-term financing requirements.

Because the focus of governmental funds is narrower than that of the government-wide financial statements, it is useful to compare the information presented for *governmental funds* with similar information presented for *governmental activities* in the government-wide financial statements. By doing so, readers may better understand the long-term impact of the government's near-term financing decisions. Both the governmental fund balance sheet and the governmental fund statement of revenues, expenditures, and changes in fund balances provide a reconciliation to facilitate this comparison between *governmental funds* and *governmental activities*.

The City maintains 26 individual governmental funds. Information is presented separately in the governmental fund balance sheet and in the governmental fund statement of revenues, expenditures, and changes in fund balances for the general fund, debt service fund, C.O. Series 2018 fund, C.O. Series 2020 fund, American Rescue Plan fund, and the Angleton Better Living fund. These funds are considered to be major funds for reporting purposes with the exception of the debt service fund. The debt service fund did not meet the technical criteria for presentation as a major fund but the City has elected to present it as major due to its significance.

CITY OF ANGLETON, TEXAS
MANAGEMENT'S DISCUSSION AND ANALYSIS (Continued)
For the Year Ended September 30, 2021

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The City adopts an annual appropriated budget for its general fund, debt service fund, and each of the special revenue funds. Budgetary comparison schedules have been provided for these funds to demonstrate compliance with these budgets.

Proprietary Funds

The City maintains two types of proprietary funds. Enterprise funds are used to report the same functions presented as business-type activities in the government-wide financial statements. The City uses an enterprise fund to account for its water distribution and wastewater collection/treatment. The basic proprietary fund financial statements can be found in the basic financial statements of this report.

The City also uses an internal service fund to account for unemployment costs. This internal service fund has been included within governmental activities in the government-wide financial statements.

Notes to Financial Statements

The notes to the financial statements provide additional information that is essential to a full understanding of the data provided in the government-wide and fund financial statements. The notes are the last section of the basic financial statements.

Other Information

In addition to basic financial statements, MD&A, and accompanying notes, this report also presents certain Required Supplementary Information (RSI). The RSI includes budgetary comparison schedules for the general fund and Angleton Better Living fund, schedules of changes in net pension and total other postemployment benefits liability and related ratios, schedule of the City's proportionate share of the net pension liability, and schedules of contributions for the City's pension plans. RSI can be found after the notes to the basic financial statements.

GOVERNMENT-WIDE FINANCIAL ANALYSIS

As noted earlier, net position may serve over time as a useful indicator of the City's financial position. For the City, assets and deferred outflows of resources exceed liabilities and deferred inflows by \$39,080,966 as of September 30, 2021. A portion of the City's net position (76%) reflects its investment in capital assets (e.g., land, building, equipment, improvements, construction in progress, and infrastructure), less any debt used to acquire those assets that is still outstanding. The City uses these capital assets to provide services to citizens; consequently, these assets are not available for future spending. Although the City's investment in its capital assets is reported net of related debt, it should be noted that the resources needed to repay this debt must be provided from other sources, since the assets themselves cannot be used to liquidate these liabilities.

CITY OF ANGLETON, TEXAS
MANAGEMENT'S DISCUSSION AND ANALYSIS (Continued)
For the Year Ended September 30, 2021

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Statement of Net Position

The following table reflects the condensed Statement of Net Position:

	Governmental Activities		Business-Type Activities		Total Primary Government	
	2021	2020	2021	2020	2021	2020
Current and other assets	\$ 21,816,947	\$ 19,181,232	\$ 6,265,748	\$ 10,740,303	\$ 28,082,695	\$ 29,921,535
Capital assets, net	24,578,947	23,579,120	24,402,917	21,132,404	48,981,864	44,711,524
Total Assets	46,395,894	42,760,352	30,668,665	31,872,707	77,064,559	74,633,059
Deferred outflows - pensions	720,703	707,757	128,673	130,870	849,376	838,627
Deferred outflows - OPEB	92,401	55,076	17,379	10,551	109,780	65,627
Deferred charge on refunding	28,226	37,047	42,169	55,179	70,395	92,226
Total Deferred Outflows of Resources	841,330	799,880	188,221	196,600	1,029,551	996,480
Long-term liabilities	17,060,062	15,352,606	16,478,794	17,778,127	33,538,856	33,130,733
Other liabilities	3,932,183	1,426,366	970,217	924,270	4,902,400	2,350,636
Total Liabilities	20,992,245	16,778,972	17,449,011	18,702,397	38,441,256	35,481,369
Deferred inflows - pensions	755,836	865,034	156,578	178,104	912,414	1,043,138
Deferred inflows - OPEB	15,150	20,606	2,459	3,460	17,609	24,066
Total Deferred Inflows of Resources	770,986	885,640	159,037	181,564	930,023	1,067,204
Net Position:						
Net investment in capital assets	18,202,275	17,367,337	11,354,144	10,382,142	29,556,419	27,749,479
Restricted	5,941,631	7,258,990	1,002,060	798,211	6,943,691	8,057,201
Unrestricted	1,330,087	1,269,293	892,634	2,004,993	2,222,721	3,274,286
Total Net Position	\$ 25,473,993	\$ 25,895,620	\$ 13,248,838	\$ 13,185,346	\$ 38,722,831	\$ 39,080,966

A portion of the primary government's net position, \$6,943,691 or 18%, represents resources that are subject to external restriction on how they may be used. The remaining balance of unrestricted net position, \$2,222,721 or 6%, may be used to meet the City's ongoing obligation to citizens and creditors.

There was an increase in total net position of \$358,135 from prior year. This increase in total net position is primarily due to an increase in other liabilities unearned grant revenue of \$2,407,364 net of a decrease in deferred inflows of \$137,181 related to pension/OPEB balances, an increase in deferred outflows of \$33,071 from pension/OPEB balances and refunding differences, and an increase in non-bond proceed funding of capital asset additions of \$1,881,006.

CITY OF ANGLETON, TEXAS
MANAGEMENT'S DISCUSSION AND ANALYSIS (Continued)
For the Year Ended September 30, 2021

Item 5.

Statement of Activities

The following table provides a summary of the City's changes in net position:

	Governmental Activities		Business-Type Activities		Total Primary Government	
	2021	2020	2021	2020	2021	2020
Revenues						
Program revenues:						
Charges for services	\$ 3,679,648	\$ 3,222,406	\$ 7,102,162	\$ 7,072,488	\$ 10,781,810	\$ 10,294,894
Operating grants and contributions	1,572,027	1,629,562	-	-	1,572,027	1,629,562
Capital grants and contributions	473,506	-	-	-	473,506	-
General revenues:						
Property taxes	7,571,262	7,280,581	-	-	7,571,262	7,280,581
Sales taxes	5,124,958	5,041,377	-	-	5,124,958	5,041,377
Franchise fees and local taxes	756,392	730,245	-	-	756,392	730,245
Investment revenue	21,753	129,542	10,027	96,019	31,780	225,561
Other revenues	318,360	696,762	-	-	318,360	696,762
Total Revenues	19,517,906	18,730,475	7,112,189	7,168,507	26,630,095	25,898,982
Expenses						
General administration	5,918,372	4,517,041	-	-	5,918,372	4,517,041
Financial administration	515,055	451,112	-	-	515,055	451,112
Public safety	8,649,434	7,517,808	-	-	8,649,434	7,517,808
Community services	3,938,278	4,506,510	-	-	3,938,278	4,506,510
Economic development	457,432	333,061	-	-	457,432	333,061
Interest and fiscal agent fees	575,163	356,011	379,795	570,972	954,958	926,983
Water	-	-	5,340,498	4,938,383	5,340,498	4,938,383
Sewer	-	-	1,214,203	1,279,096	1,214,203	1,279,096
Total Expenses	20,053,734	17,681,543	6,934,496	6,788,451	26,988,230	24,469,994
Increase (Decrease) in Net Position Before Transfers	(535,828)	1,048,932	177,693	380,056	(358,135)	1,428,988
Transfers in (out)	114,201	227,275	(114,201)	(227,275)	-	-
Change in Net Position	(421,627)	1,276,207	63,492	152,781	(358,135)	1,428,988
Beginning net position	25,895,620	24,619,413	13,185,346	13,032,565	39,080,966	37,651,978
Ending Net Position	\$ 25,473,993	\$ 25,895,620	\$ 13,248,838	\$ 13,185,346	\$ 38,722,831	\$ 39,080,966

For the year, net revenues from governmental activities increased by \$787,431 or 2%. The increase is mainly due to the contributions for City development and fire department capital assets along with increases of property taxes. Expenses from governmental activities increased by \$2,372,191 or 4% mainly due to increases in general administration and public safety related to the equipment and supplies, and emergency management costs.

Revenues from business-type activities decreased by \$56,318 mainly due to a decrease in investment revenues. Total expenses increased \$146,045 mostly due to water expenses to personnel cost.

CITY OF ANGLETON, TEXAS
MANAGEMENT'S DISCUSSION AND ANALYSIS (Continued)
For the Year Ended September 30, 2021

Item 5.

FINANCIAL ANALYSIS OF THE CITY'S FUNDS

As noted earlier, fund accounting is used to demonstrate and ensure compliance with finance-related legal requirements.

Governmental Funds – The focus of the City's governmental funds is to provide information on near-term inflows, outflows, and balances of spendable resources. Such information is useful in assessing the City's financing requirements. In particular, unassigned fund balance may serve as a useful measure of the City's net resources available for spending at the end of the year.

The City's governmental funds reflect a combined fund balance of \$17,797,639, a net decrease of \$140,503 from the prior year. Of this combined fund balance, \$67,273 is nonspendable for inventory and prepaids, \$398,159 is restricted for debt service, \$550,380 is restricted for economic development, \$246,935 is restricted for special projects, and \$12,700,825 is restricted for capital projects. Unassigned fund balance totaled \$3,834,067 as of September 30, 2021.

Total revenues increased by \$289,948 or 4% mostly due to an increase in miscellaneous revenues related to nonmajor governmental funds. Compared to the prior year, expenditures increased by \$982,746 or 7% due mainly to the increases in expenditures for general administration and public safety.

The general fund is the chief operating fund of the City. At the end of the current year, the total fund balance was \$3,951,813, a net decrease of \$2,157,541 from the prior year. Expenditures increased by \$2,290,140. General administration saw a significant increase over the prior year, mainly due to an increase in professional services, purchasing of equipment and supplies, and emergency management expenditures. Compared to the prior year, revenues decreased \$430,733 due mainly to the Coronavirus Relief Fund grant monies received in the prior year. As a measure of the general fund's liquidity, it may be useful to compare both unassigned fund balance and total fund balance to total fund expenditures. Unassigned fund balance and total fund balance represent 23% and 24%, respectively, of total general fund expenditures.

The debt service fund had a total fund balance of \$398,159, all of which is restricted for the payment of principal and interest on the City's outstanding long-term debt. The net decrease in fund balance was \$25,796.

The C.O. series 2018 fund has a total fund balance of \$4,973,689, a decrease of \$326,255 due to various street improvements.

The C.O. series 2020 fund has a total fund balance of \$3,039,263 from the bonds issuance in fiscal year 2021.

The American Rescue Plan fund has a fund balance of \$478. The City received advanced grant \$2,407,364 which was unearned revenue as of September 30, 2021.

The Angleton Better Living fund has a total fund balance of \$779,223, a decrease of \$108,799 from prior year as a result of transfers to other funds exceeding sales tax revenue.

Proprietary Funds – The City's proprietary funds provide the same type of information found in the government-wide financial statements, but in more detail.

CITY OF ANGLETON, TEXAS
MANAGEMENT'S DISCUSSION AND ANALYSIS (Continued)
For the Year Ended September 30, 2021

Item 5.

GENERAL FUND BUDGETARY HIGHLIGHTS

The City's amended budget planned for a decrease in budgeted general fund balance of \$958,983. The City's actual revenues were less than budgeted revenues by \$473,962 primarily due to less taxes and fines and forfeiture revenues than expected. Actual expenditures and other sources and uses remained consistent with budgeted amounts and experienced a positive budget variance of \$111,590 and \$68,469. The net result of the planned decrease in budgeted general fund balance and budgeted versus actual variances was \$1,253,886. Overall, the general fund decreased by \$2,157,541 after non budgeted capital outlay from prior year unspent certificates of obligations meant for capital outlay.

CAPITAL ASSETS

At year end, the City's governmental and business-type activities had invested \$48,981,864, in a variety of capital assets and infrastructure (net of accumulated depreciation). This represents a net increase of \$4,270,340 from the prior year.

More detailed information about the City's capital assets is presented in note III. C. to the financial statements.

LONG-TERM DEBT

At the end of the current year, the City's governmental activities had total bonds and certificates of obligation outstanding of \$13,572,532. Business-type activities had total bonds and certificates of obligation outstanding of \$14,937,468 at year end. Of this total, \$3,360,000 was general obligation bonds and \$25,150,000 accounted for certificates of obligation.

More detailed information about the City's long-term liabilities is presented in note III. D. to the financial statements.

ECONOMIC FACTORS AND NEXT YEAR'S BUDGET

City Council approved a \$17,228,079 general fund budget for fiscal year 2021-2022, which is an increase of \$2,375,083 compared to the fiscal year 2020-2021 budget. While the tax rate will not increase, the total tax levy will increase by \$124,461 or 2% compared to the prior year's tax levy due to higher property values and new property added.

City Council approved a \$3,086,879 debt service fund budget for fiscal year 2021-2022, which is an increase of \$67,033 or 2% compared to the fiscal year 2020-2021 budget.

City Council approved a \$7,691,748 utility fund budget for fiscal year 2021-2022, which is an increase of \$296,574 or 4% compared to the fiscal year 2020-2021 budget.

CONTACTING THE CITY'S FINANCIAL MANAGEMENT

This financial report is designed to provide a general overview of the City's finances. Questions concerning this report or requests for additional financial information should be directed to Chris Hill, Finance Director, City of Angleton, 121 S. Velasco, Angleton, TX, 77515; telephone 979.849.4364; or email at chill@angleton.tx.us.

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BASIC FINANCIAL STATEMENTS

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CITY OF ANGLETON, TEXAS

STATEMENT OF NET POSITION

September 30, 2021

Item 5.

Primary Government

	Governmental Activities	Business-Type Activities	Total
Assets			
Cash and cash equivalents	\$ 19,116,635	\$ 1,255,342	\$ 20,371,977
Investments	699,484	349,742	1,049,226
Receivables, net	1,751,383	1,118,796	2,870,179
Due from other governments	82,914	-	82,914
Inventory	19,178	60,232	79,410
Prepays	48,095	-	48,095
Restricted assets:			
Cash and cash equivalents	99,258	3,481,636	3,580,894
Total Current Assets	21,816,947	6,265,748	28,082,695
Capital assets:			
Nondepreciable capital assets	2,361,720	5,836,089	8,197,809
Net depreciable capital assets	22,217,227	18,566,828	40,784,055
Total Noncurrent Assets	24,578,947	24,402,917	48,981,864
Total Assets	46,395,894	30,668,665	77,064,559
Deferred outflows - pensions (TMRS)	686,701	128,673	815,374
Deferred outflows - pensions (TESRS)	34,002	-	34,002
Deferred outflows - OPEB	92,401	17,379	109,780
Deferred charge on refunding	28,226	42,169	70,395
Total Deferred Outflows of Resources	841,330	188,221	1,029,551
Liabilities			
Accounts payable and accrued liabilities	1,272,852	575,828	1,848,680
Unearned revenue	2,607,364	-	2,607,364
Accrued interest payable	51,967	54,914	106,881
Customer deposits	-	339,475	339,475
Total Current Liabilities	3,932,183	970,217	4,902,400
Noncurrent liabilities:			
Long-term liabilities due within one year	1,578,774	1,389,267	2,968,041
Long-term liabilities due in more than one year	15,481,288	15,089,527	30,570,815
Total Noncurrent Liabilities	17,060,062	16,478,794	33,538,856
Total Liabilities	20,992,245	17,449,011	38,441,256
Deferred Inflows of Resources			
Deferred inflows - pensions (TMRS)	747,602	156,578	904,180
Deferred inflows - pensions (TESRS)	8,234	-	8,234
Deferred inflows - OPEB	15,150	2,459	17,609
Total Deferred Inflows of Resources	770,986	159,037	930,023
Net Position			
Net investment in capital assets	18,202,275	11,354,144	29,556,419
Restricted for:			
Capital projects	4,751,665	1,002,060	5,753,725
Debt service	392,651	-	392,651
Economic development	550,380	-	550,380
Special projects	246,935	-	246,935
Unrestricted	1,330,087	892,634	2,222,721
Total Net Position	\$ 25,473,993	\$ 13,248,838	\$ 38,722,831

See Notes to Financial Statements.

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CITY OF ANGLETON, TEXAS

STATEMENT OF ACTIVITIES

For the Year Ended September 30, 2021

Item 5.

Functions/Programs	Expenses	Program Revenues		
		Charges for Services	Operating Grants and Contributions	Capital Grants and Contributions
Primary Government				
Governmental Activities:				
General administration	\$ 5,918,372	\$ -	\$ 767,858	\$ -
Financial administration	515,055	-	-	-
Public safety	8,649,434	1,183,396	804,169	473,506
Community services	3,938,278	2,496,252	-	-
Economic development	457,432	-	-	-
Interest and fiscal agent fees	575,163	-	-	-
Total Governmental Activities	20,053,734	3,679,648	1,572,027	473,506
Business-Type Activities:				
Water	5,340,498	4,404,820	-	-
Sewer	1,214,203	2,697,342	-	-
Interest and fiscal agent fees	379,795	-	-	-
Total Business-Type Activities	6,934,496	7,102,162	-	-
Total Primary Government	\$ 26,988,230	\$ 10,781,810	\$ 1,572,027	\$ 473,506

General Revenues:

Property taxes
Sales taxes
Franchise fees and local taxes
Industrial district agreement
Investment revenue
Other revenues

Transfers

Total General Revenues and Transfers

Change in Net Position

Beginning net position

Ending Net Position

See Notes to Financial Statements.

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Item 5.

Net Revenue (Expense) and Changes in Net Position		
Primary Government		
Governmental Activities	Business-Type Activities	Total
\$ (5,150,514)	\$ -	\$ (5,150,514)
(515,055)	-	(515,055)
(6,188,363)	-	(6,188,363)
(1,442,026)	-	(1,442,026)
(457,432)	-	(457,432)
(575,163)	-	(575,163)
(14,328,553)	-	(14,328,553)
-	(935,678)	(935,678)
-	1,483,139	1,483,139
-	(379,795)	(379,795)
-	167,666	167,666
(14,328,553)	167,666	(14,160,887)
7,571,262	-	7,571,262
5,124,958	-	5,124,958
756,392	-	756,392
104,170	-	104,170
21,753	10,027	31,780
214,190	-	214,190
114,201	(114,201)	-
13,906,926	(104,174)	13,802,752
(421,627)	63,492	(358,135)
25,895,620	13,185,346	39,080,966
\$ 25,473,993	\$ 13,248,838	\$ 38,722,831

CITY OF ANGLETON, TEXAS

BALANCE SHEET

GOVERNMENTAL FUNDS

September 30, 2021

Item 5.

	General	Debt Service	C. O. Series 2018	C.O. Series 2020
Assets				
Cash and cash equivalents	\$ 2,702,424	\$ 420,047	\$ 4,988,525	\$ 3,039,263
Investments	349,742	-	-	-
Receivables, net	1,298,955	15,923	-	-
Inventory	142	-	-	-
Prepays	48,095	-	-	-
Restricted cash and cash equivalents	99,258	-	-	-
Due from other governments	52,507	-	-	-
Due from other funds	620,248	-	-	-
Total Assets	\$ 5,171,371	\$ 435,970	\$ 4,988,525	\$ 3,039,263
Liabilities				
Accounts payable and accrued liabilities	\$ 915,276	\$ 21,888	\$ 14,836	\$ -
Unearned revenue	200,000	-	-	-
Due to other funds	-	-	-	-
Total Liabilities	1,115,276	21,888	14,836	-
Deferred Inflows of Resources				
Unavailable revenue - property taxes	104,282	15,923	-	-
	104,282	15,923	-	-
Fund Balances				
Nonspendable:				
Inventory and prepaids	48,237	-	-	-
Restricted for:				
Debt service	-	398,159	-	-
Economic development	-	-	-	-
Special projects	-	-	-	-
Capital projects	69,509	-	4,973,689	3,039,263
Unassigned	3,834,067	-	-	-
Total Fund Balances	3,951,813	398,159	4,973,689	3,039,263
Total Liabilities, Deferred Inflows of Resources, and Fund Balances	\$ 5,171,371	\$ 435,970	\$ 4,988,525	3,039,263

Amounts reported for governmental activities in the Statement of Net Position are different because:

Capital assets used in governmental activities are not financial resources and, therefore, are not reported in the funds.

Capital assets, nondepreciable

Capital assets, net depreciable

Other long-term assets are not available to pay for current period expenditures and, therefore, are deferred in the funds.

An internal service fund is used by management to charge the costs of unemployment expenses to individual funds. The assets

and liabilities of the internal service fund are included in the governmental activities in the Statement of Net Position.

Long-term liabilities are not due and payable in the current period and, therefore, are not reported in the funds.

Accrued interest payable

Noncurrent liabilities due in one year

Noncurrent liabilities due in more than one year

Net pension liability (TMRS)

Net pension liability (TESRS)

Total OPEB liability

Deferred outflows - pensions (TMRS)

Deferred outflows - pensions (TESRS)

Deferred outflows - OPEB

Deferred inflows - pensions (TMRS)

Deferred inflows - pensions (TESRS)

Deferred inflows - OPEB

Deferred charge on refunding

See Notes to Financial Statements.

Net Position of Governmental Activities

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American Rescue Plan	Angleton Better Living	Nonmajor Governmental	Total Governmental Funds
\$ 2,416,169	\$ 1,102,402	\$ 4,428,918	\$ 19,097,748
-	-	349,742	699,484
-	309,508	126,997	1,751,383
-	-	19,036	19,178
-	-	-	48,095
-	-	-	99,258
-	-	30,407	82,914
-	-	-	620,248
<u>\$ 2,416,169</u>	<u>1,411,910</u>	<u>\$ 4,955,100</u>	<u>\$ 22,418,308</u>
\$ 8,327	\$ 12,439	\$ 300,086	\$ 1,272,852
2,407,364	-	-	2,607,364
-	620,248	-	620,248
<u>2,415,691</u>	<u>632,687</u>	<u>300,086</u>	<u>4,500,464</u>
-	-	-	120,205
-	-	-	120,205
-	-	19,036	67,273
-	-	-	398,159
-	-	550,380	550,380
-	-	246,935	246,935
478	779,223	3,838,663	12,700,825
-	-	-	3,834,067
<u>478</u>	<u>779,223</u>	<u>4,655,014</u>	<u>17,797,639</u>
<u>\$ 2,416,169</u>	<u>\$ 1,411,910</u>	<u>\$ 4,955,100</u>	
			2,361,720
			22,217,227
			120,205
			18,887
			(51,967)
			(1,578,774)
			(13,299,995)
			(1,613,983)
			(167,148)
			(400,162)
			686,701
			34,002
			92,401
			(747,602)
			(8,234)
			(15,150)
			28,226
			<u>\$ 25,473,993</u>

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CITY OF ANGLETON, TEXAS
STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
GOVERNMENTAL FUNDS
For the Year Ended September 30, 2021

Item 5.

	General	Debt Service	C. O. Series 2018	C. O. Series 2020
Revenues				
Property taxes	\$ 6,590,804	\$ 939,015	\$ -	\$ -
Franchise fees and local taxes	594,063	-	-	-
Sales taxes	3,416,639	-	-	-
Industrial district agreement	104,170	-	-	-
Permits, licenses, and fees	685,324	-	-	-
Fines and forfeitures	478,290	-	-	-
Charges for services	2,160,449	-	-	-
Intergovernmental	49,048	-	-	-
Investment revenue	9,592	814	-	1,047
Miscellaneous revenue	109,637	-	-	35,660
Total Revenues	14,198,016	939,829	-	36,707
Expenditures				
Current:				
General administration	3,996,292	-	-	-
Financial administration	534,962	-	-	-
Public safety	7,580,723	-	-	-
Community services	3,565,174	-	-	-
Economic development	187,050	-	-	-
Capital outlay	903,655	-	326,255	-
Debt service:				
Principal	64,000	1,129,983	-	-
Interest and fiscal agent fees	8,240	471,431	-	-
Issuance costs	-	-	-	122,252
Total Expenditures	16,840,096	1,601,414	326,255	122,252
Excess (Deficiency) of Revenues Over (Under) Expenditures	(2,642,080)	(661,585)	(326,255)	(85,545)
Other Financing Sources (Uses)				
Transfers in	498,516	635,789	-	-
Transfers (out)	(50,034)	-	-	-
Bonds issued	-	-	-	2,925,000
Bonds premium	-	-	-	199,808
Sale of capital assets	36,057	-	-	-
Total Other Financing Sources (Uses)	484,539	635,789	-	3,124,808
Net Change in Fund Balances	(2,157,541)	(25,796)	(326,255)	3,039,263
Beginning fund balances	6,109,354	423,955	5,299,944	-
Ending Fund Balances	\$ 3,951,813	\$ 398,159	\$ 4,973,689	\$ 3,039,263

See Notes to Financial Statements.

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<u>American Rescue Plan</u>	<u>Angleton Better Living</u>	<u>Nonmajor Governmental</u>	<u>Total Governmental Funds</u>
\$ -	\$ -	\$ 21,394	\$ 7,551,213
-	-	162,329	756,392
-	1,708,319	-	5,124,958
-	-	-	104,170
-	-	-	685,324
-	-	19,782	498,072
-	-	335,803	2,496,252
-	-	746,308	795,356
-	2,470	7,789	21,712
478	-	831,144	976,919
<u>478</u>	<u>1,710,789</u>	<u>2,124,549</u>	<u>19,010,368</u>
-	37,232	1,650,210	5,683,734
-	-	-	534,962
-	-	415,213	7,995,936
-	-	-	3,565,174
-	-	276,803	463,853
-	-	875,456	2,105,366
-	-	-	1,193,983
-	-	-	479,671
-	-	-	122,252
<u>-</u>	<u>37,232</u>	<u>3,217,682</u>	<u>22,144,931</u>
<u>478</u>	<u>1,673,557</u>	<u>(1,093,133)</u>	<u>(3,134,563)</u>
-	-	922,188	2,056,493
-	(1,782,356)	(109,902)	(1,942,292)
-	-	-	2,925,000
-	-	-	199,808
-	-	-	36,057
<u>-</u>	<u>(1,782,356)</u>	<u>812,286</u>	<u>3,275,066</u>
478	(108,799)	(280,847)	140,503
-	888,022	4,935,861	17,657,136
<u>\$ 478</u>	<u>\$ 779,223</u>	<u>\$ 4,655,014</u>	<u>\$ 17,797,639</u>

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CITY OF ANGLETON, TEXAS
RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES OF GOVERNMENTAL FUNDS TO THE
STATEMENT OF ACTIVITIES
For the Year Ended September 30, 2021

Amounts reported for governmental activities in the Statement of Activities are different because:

Net changes in fund balances - total governmental funds	\$ 140,503
Governmental funds report capital outlays as expenditures. However, in the Statement of Activities, the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense.	
Capital additions	1,866,524
Contribution of capital assets	473,506
Net effect of disposals	(5,303)
Depreciation	(1,334,900)
Revenue in the Statement of Activities that does not provide current financial resources is not reported as revenue in the funds.	20,049
The issuance of long-term debt (e.g., bonds, certificates of obligation, etc.) provides current financial resources to governmental funds, while the repayment of the principal of long-term debt consumes the current financial resources of governmental funds. Neither transaction, however, has any effect on net position. Also, governmental funds report the effect of premiums, discounts, and similar items when debt is first issued; whereas, these amounts are deferred and amortized in the Statement of Activities.	
Principal repayments	1,193,983
Bonds issued	(2,925,000)
Bond premium, net	(158,719)
Refunding loss	(8,821)
Accrued interest	(5,508)
Some expenses reported in the Statement of Activities do not require the use of current financial resources and, therefore, are not reported as expenditures in governmental funds.	
Compensated absences	(3,846)
Net pension liability (TESRS)	(57,451)
Net pension liability (TMRS)	328,507
Total OPEB liability	(84,930)
Deferred outflows - pensions (TMRS)	24,388
Deferred outflows - pensions (TESRS)	(11,442)
Deferred outflows - OPEB	37,325
Deferred inflows - pensions (TMRS)	117,299
Deferred inflows - pensions (TESRS)	(8,101)
Deferred inflows - OPEB	5,456
On behalf revenue - (TESRS)	5,144
Pension expense - (TESRS)	(5,144)
An internal service fund is used by management to charge the costs of unemployment costs to individual funds. The net revenue (expense) of the internal service fund is reported with governmental activities.	
	(25,146)
Change in Net Position of Governmental Activities	\$ (421,627)

See Notes to Financial Statements.

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CITY OF ANGLETON, TEXAS

STATEMENT OF NET POSITION

PROPRIETARY FUNDS

September 30, 2021

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	Business-Type Activities	Governmental Activities
	Utility	Internal Service
<u>Assets</u>		
Current assets:		
Cash and cash equivalents	\$ 1,255,342	\$ 18,887
Investments	349,742	-
Receivables, net	1,118,796	-
Inventory	60,232	-
Restricted cash and cash equivalents	3,481,636	-
Total Current Assets	6,265,748	18,887
Capital assets:		
Nondepreciable	5,836,089	-
Depreciable, net	18,566,828	-
Total Capital Assets (Net of Accumulated Depreciation)	24,402,917	-
Total Noncurrent Assets	24,402,917	-
Total Assets	30,668,665	18,887
<u>Deferred Outflows of Resources</u>		
Deferred outflows - pensions	128,673	-
Deferred outflows - OPEB	17,379	-
Deferred charge on refunding	42,169	-
Total Deferred Outflows of Resources	188,221	-
<u>Liabilities</u>		
Current liabilities:		
Accounts payable and accrued liabilities	575,828	-
Accrued interest payable	54,914	-
Customer deposits	339,475	-
Total Current Liabilities	970,217	-
Noncurrent liabilities:		
Long-term debt due within one year	1,389,267	-
Long-term debt due in more than one year	15,089,527	-
Total Noncurrent Liabilities	16,478,794	-
Total Liabilities	17,449,011	-
<u>Deferred Inflows of Resources</u>		
Deferred inflows - pensions	156,578	-
Deferred inflows - OPEB	2,459	-
Total Deferred Inflows of Resources	159,037	-
<u>Net Position</u>		
Net investment in capital assets	11,354,144	-
Restricted for capital projects	1,002,060	-
Unrestricted	892,634	18,887
Total Net Position	\$ 13,248,838	\$ 18,887

See Notes to Financial Statements.

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CITY OF ANGLETON, TEXAS
STATEMENT OF REVENUES, EXPENSES, AND CHANGES IN FUND NET POSITION
PROPRIETARY FUNDS
For the Year Ended September 30, 2021

	Business-Type Activities	Governmental Activities
	Utility	Internal Service
<u>Operating Revenues</u>		
Water sales	\$ 4,161,916	\$ -
Sanitary sewer services	2,548,597	-
Other service fees	391,649	5,129
Total Operating Revenues	7,102,162	5,129
<u>Operating Expenses</u>		
Water distribution	431,588	-
Water plant operations	923,696	-
Water purchases	2,154,960	-
Sewer	269,297	-
Collection administration	1,745,153	-
Personnel services	-	30,316
Depreciation	1,038,614	-
Total Operating Expenses	6,563,308	30,316
Operating Income (Loss)	538,854	(25,187)
<u>Nonoperating Revenues (Expenses)</u>		
Investment revenue	10,027	41
Interest expense	(379,795)	-
Gain (loss) on sale of capital assets	8,607	-
Total Nonoperating Revenues (Expenses)	(361,161)	41
Income (Loss) Before Transfers	177,693	(25,146)
<u>Transfers</u>		
Transfers (out)	(114,201)	-
Total Transfers	(114,201)	-
Change in Net Position	63,492	(25,146)
Beginning net position	13,185,346	44,033
Ending Net Position	\$ 13,248,838	\$ 18,887

See Notes to Financial Statements.

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CITY OF ANGLETON, TEXAS
STATEMENT OF CASH FLOWS
PROPRIETARY FUNDS (Page 1 of 2)
For the Year Ended September 30, 2021

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	<u>Business-Type Activities</u>	<u>Governmental Activities</u>
	<u>Utility</u>	<u>Internal Service</u>
<u>Cash Flows from Operating Activities</u>		
Receipts from customers and users	\$ 6,972,961	\$ (25,187)
Payments to suppliers	(3,849,551)	-
Payments to employees	(1,738,422)	-
Net Cash Provided (Used) by Operating Activities	<u>1,384,988</u>	<u>(25,187)</u>
<u>Cash Flows from Noncapital Financing Activities</u>		
Transfers to other funds	(114,201)	-
Net Cash (Used) by Noncapital Financing Activities	<u>(114,201)</u>	<u>-</u>
<u>Cash Flows from Capital and Related Financing Activities</u>		
Acquisition and construction of capital assets	(4,309,127)	-
Gain (loss) on sale of capital assets	8,607	-
Principal paid on capital debt	(1,215,017)	-
Interest paid on capital debt	(379,795)	-
Net Cash (Used) by Capital and Related Financing Activities	<u>(5,895,332)</u>	<u>-</u>
<u>Cash Flows from Investing Activities</u>		
Purchase of investment	(2,220)	-
Interest received	10,027	41
Net Cash Provided by Investing Activities	<u>7,807</u>	<u>41</u>
Net (Decrease) in Cash and Cash Equivalents	(4,616,738)	(25,146)
Beginning cash and cash equivalents	<u>9,353,716</u>	<u>44,033</u>
Ending Cash and Cash Equivalents	<u>\$ 4,736,978</u>	<u>\$ 18,887</u>
<u>Ending Cash and Cash Equivalents</u>		
Unrestricted cash and cash equivalents	\$ 1,255,342	\$ 18,887
Restricted cash and cash equivalents	3,481,636	-
	<u>\$ 4,736,978</u>	<u>\$ 18,887</u>

CITY OF ANGLETON, TEXAS
STATEMENT OF CASH FLOWS
PROPRIETARY FUND (Page 2 of 2)
For the Year Ended September 30, 2021

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	<u>Business-Type Activities</u>	<u>Governmental Activities</u>
	<u>Utility</u>	<u>Internal Service</u>
Reconciliation of Operating Income (Loss)		
to Net Cash Provided (Used) by Operating Activities		
Operating income (loss)	\$ 538,854	\$ (25,187)
Adjustments to reconcile operating income (loss)		
to net cash provided (used) by operating activities:		
Depreciation	1,038,614	-
Changes in Operating Assets and Liabilities:		
(Increase) Decrease in Current Assets:		
Accounts receivable	(143,561)	-
Inventory	3,598	-
Deferred outflows - pensions	2,197	-
Deferred outflows - OPEB	(6,828)	-
Deferred charge on refunding	13,010	-
Increase (Decrease) in Current Liabilities:		
Accounts payable and accrued liabilities	31,587	-
Compensated absences	(1,895)	-
Deferred inflows - pensions	(21,526)	-
Deferred inflows - OPEB	(1,001)	-
Premium	(37,723)	-
Net pension liability	(60,284)	-
Total OPEB liability	15,586	-
Customer deposits	14,360	-
Net Cash Provided (Used) by Operating Activities	<u><u>\$ 1,384,988</u></u>	<u><u>\$ (25,187)</u></u>

See Notes to Financial Statements.

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I. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A. Reporting Entity

The City of Angleton, Texas (the “City”) was incorporated in 1912. The City has operated under a “Home Rule Charter” which provides for a Mayor-Council-Administrator form of government.

The City Council is the principal legislative body of the City. The City Manager is appointed by the City Council and is responsible to the Council for the administration of all the affairs of the City. The City Manager is responsible for the appointment and removal of department directors and employees, supervision and control of all City departments, and preparation of the annual budget.

The City provides the following services: general administration, financial administration, public safety (municipal court, police, animal control, fire, and code enforcement), community services (streets, parks and recreation, swimming pool, and sanitation), economic development, water distribution, and wastewater collection/treatment.

The City is an independent political subdivision of the State of Texas (the “State”) governed by an elected council and a mayor and is considered a primary government. As required by generally accepted accounting principles, these basic financial statements have been prepared based on considerations regarding the potential for inclusion of other entities, organizations, or functions as part of the City’s financial reporting entity. The component units listed below, although legally separate, are considered part of the reporting entity. No other entities have been included in the City’s reporting entity. Additionally, as the City is considered a primary government for financial reporting purposes, its activities are not considered a part of any other governmental or other type of reporting entity.

Considerations regarding the potential for inclusion of other entities, organizations, or functions in the City’s financial reporting entity are based on criteria prescribed by generally accepted accounting principles. These same criteria are evaluated in considering whether the City is a part of any other governmental or other type of reporting entity. The overriding elements associated with prescribed criteria considered in determining that the City’s financial reporting entity status is that of a primary government are that it has a separately elected governing body, it is legally separate, and it is fiscally independent of other state and local governments. Additionally, prescribed criteria under generally accepted accounting principles include considerations pertaining to organizations for which the primary government is financially accountable and considerations pertaining to organizations for which the nature and significance of their relationship with the primary government are such that exclusion would cause the reporting entity’s financial statements to be misleading or incomplete.

Blended Component Units

Angleton Better Living Corporation

Angleton Better Living Corporation, Inc. (the “Corporation”) has been included in the reporting entity as a blended component unit. The Corporation is a governmental entity that promotes economic and community development in the City. The Corporation’s Board of Directors is appointed by and serves at the discretion of City Council. The Corporation is primarily funded through a one-half cent sales tax approved by general election in 2001. City Council approval is required for the annual budget and the issuance of any debt. In the event of dissolution, any assets of the Corporation will be transferred to the City. Separate financial statements of the Corporation may be obtained from the Finance Department of the City.

CITY OF ANGLETON, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

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Tax Increment Reinvestment Zone No. One

During fiscal year 2005, the City passed an ordinance creating a Tax Increment Reinvestment Zone No. One (TIRZ #1), in accordance with Section 311.005 of the Texas Tax Code, for the purpose of providing for the design and construction of water, wastewater, and roadway infrastructure improvements, in order to facilitate the development of new commercial properties. The TIRZ #1 includes participation by a developer and another governmental entity, the Angleton Drainage District. Under this arrangement, increases in property taxes will be utilized to pay for certain infrastructure costs. Such taxes are controlled by a board of directors managing the TIRZ #1 and accounted for as a special revenue fund with the City's financial oversight. This fund is holding monies to be remitted to the developer for payment of related debt when the related improvements are accepted by the City.

Tax Increment Reinvestment Zone No. Two

During fiscal year 2020, the City passed an ordinance creating Tax Increment Reinvestment Zone No. Two (TIRZ #2), also referred to as the Riverwood Ranch TIRZ, in accordance with Section 311.005 of the Texas Tax Code, for the purpose of promoting the redevelopment of the area. Increases in property taxes will be utilized for certain infrastructure costs. Such taxes are controlled by a board of directors who is responsible for the management and oversight of the TIRZ #2 in accordance with the project and financing plan. Tax deposits shall not commence until after January 1, 2021 and termination of the operation of TIRZ #2 shall occur on December 31, 2051, or at an earlier time designated by subsequent ordinance or when all project costs, other obligations, debt, and interest have been paid in full. There was no financial activity related to TIRZ #2 for fiscal year 2020.

B. Government-Wide Financial Statements

The government-wide financial statements (i.e., the Statement of Net Position and the Statement of Activities) report information on all of the activities of the primary government and its component units. *Governmental activities*, which normally are supported by taxes and intergovernmental revenues, are reported separately from *business-type activities*, which rely to a significant extent on fees and charges to external customers for support.

C. Basis of Presentation – Government-Wide Financial Statements

While separate government-wide and fund financial statements are presented, they are interrelated. The governmental activities column incorporates data from governmental funds and an internal service fund, while business-type activities incorporate data from the City's enterprise funds. Separate financial statements are provided for governmental funds and proprietary funds.

As a general rule, the effect of interfund activity has been eliminated from the government-wide financial statements. Exceptions to this general rule are payments in lieu of taxes where the amounts are reasonably equivalent in value to the interfund services provided and other charges between the City's water and wastewater functions and various other functions of the City. Elimination of these charges would distort the direct costs and program revenues reported for the various functions concerned.

D. Basis of Presentation – Fund Financial Statements

The fund financial statements provide information about the City's funds, including its blended component units. Separate statements for each fund category – governmental and proprietary – are presented. The emphasis of fund financial statements is on major governmental and enterprise funds,

CITY OF ANGLETON, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

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each displayed in a separate column. All remaining governmental and enterprise funds are aggregated and reported as nonmajor funds.

The City reports the following governmental funds:

The *general fund* is used to account for all financial transactions not properly includable in other funds. The principal sources of revenues include local property taxes, sales taxes, franchise fees, licenses and permits, fines and forfeitures, and charges for services. Expenditures include general administration, financial administration, public safety, community services, and economic development. The general fund is always considered a major fund for reporting purposes.

The *debt service fund* is used to account for the payment of interest and principal on all general obligation bonds and other long-term debt of the City. The primary source of revenue for debt service is local property taxes. The City has elected to present the debt service fund as a major fund for reporting purposes.

The *special revenue funds* are used to account for proceeds of specific revenue sources that are legally restricted to expenditures for specified purposes. The special revenue funds are considered nonmajor funds for reporting purposes except for the American Rescue Plan fund for pandemic assistant activity and Angleton Better Living fund for activity related to restricted sources for community capital projects, which are considered major funds for reporting purposes.

The *capital projects funds* are used to account for the expenditures of resources accumulated from sales tax revenues and the sale of bonds and related interest earnings for capital improvement projects. The capital projects funds are considered nonmajor funds for reporting purposes, except for the C.O. series 2018 fund and C.O. series 2020 fund, which are considered major funds for reporting purposes.

The City reports the following enterprise fund:

The *enterprise fund* is used to account for the operations that provide water and wastewater collection and wastewater treatment operations. The services are financed and operated in a manner similar to private business enterprises where the intent of the governing body is that the costs (expenses including depreciation) of providing goods or services to the general public on a continuing basis will be financed or recovered primarily through user charges. The utility fund is considered a major fund for reporting purposes.

Additionally, the City reports the following fund type:

Internal service funds account for services provided to other departments of the City, or to other governments, on a cost reimbursement basis. The internal service fund is used to account for unemployment costs.

During the course of operations, the City has activity between funds for various purposes. Any residual balances outstanding at year end are reported as due from/to other funds and advances to/from other funds. While these balances are reported in fund financial statements, certain eliminations are made in the preparation of the government-wide financial statements. Balances between the funds included in governmental activities (i.e., the governmental and internal service funds) are eliminated so that only the net amount is included as internal balances in the governmental activities column. Similarly, balances between the funds included in business-type activities (i.e., the enterprise fund) are eliminated so that only the net amount is included as internal balances in the business-type activities column.

CITY OF ANGLETON, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

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Further, certain activity occurs during the year involving transfers of resources between funds. In fund financial statements, these amounts are reported at gross amounts as transfers in/out. While reported in fund financial statements, certain eliminations are made in the preparation of the government-wide financial statements. Transfers between the funds included in governmental activities are eliminated so that only the net amount is included as transfers in the governmental activities column. Similarly, balances between the funds included in business-type activities are eliminated so that only the net amount is included as internal balances in the business-type activities column.

E. Measurement Focus and Basis of Accounting

The accounting and financial reporting treatment is determined by the applicable measurement focus and basis of accounting. Measurement focus indicates the type of resources being measured such as *current financial resources* or *economic resources*. The basis of accounting indicates the timing of transactions or events for recognition in the financial statements.

The government-wide and proprietary fund financial statements are reported using the *economic resources measurement focus* and the *accrual basis of accounting*. Revenues are recorded when earned and expenses are recorded when a liability is incurred, regardless of the timing of related cash flows. Property taxes are recognized as revenues in the year for which they are levied. Grants and similar items are recognized as revenue as soon as all eligibility requirements imposed by the provider have been met.

The governmental fund financial statements are reported using the *current financial resources measurement focus* and the *modified accrual basis of accounting*. Revenues are recognized as soon as they are both measurable and available. Revenues are considered to be available when they are collectible within the current period or soon enough thereafter to pay liabilities of the current period. For this purpose, the City considers revenues to be available if they are collected within 60 days of the end of the current fiscal period. Expenditures generally are recorded when a liability is incurred, as under accrual accounting. However, debt service expenditures, as well as expenditures related to compensated absences and claims and judgments, are recorded only when payment is due. General capital asset acquisitions are reported as expenditures in governmental funds. Issuance of long-term debt and acquisitions under capital leases are reported as other financing sources.

Property taxes, sales taxes, franchise fees, licenses, and interest associated with the current fiscal period are all considered to be susceptible to accrual and so have been recognized as revenues of the current fiscal period. Entitlements are recorded as revenues when all eligibility requirements are met, including any time requirements, and the amount is received during the period or within the availability period for this revenue source (within 60 days of year end). Expenditure-driven grants are recognized as revenue when the qualifying expenditures have been incurred and all other eligibility requirements have been met, and the amount is received during the period or within the availability period for this revenue source (within 60 days of year end). All other revenue items are considered to be measurable and available only when cash is received by the City.

F. Assets, Liabilities, Deferred Outflows/Inflows of Resources, and Net Position/Fund Balance

1. Cash and Cash Equivalents

The City's cash and cash equivalents are considered to be cash on hand, demand deposits, balances in statewide investment pools, and short-term investments with original maturities of three months or less from the date of acquisition. For the purpose of the statement of cash flows, the proprietary fund types consider temporary investments with maturity of three months or less when purchased to be cash equivalents.

CITY OF ANGLETON, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

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The City maintains a pooled cash account. Each fund whose monies are deposited in the pooled cash account has equity therein, and interest earned on the investment of these monies is allocated based upon relative equity at the previous month end. Amounts on deposit in interest-bearing accounts and other investments are displayed on the combined balance sheet as “cash and cash equivalents”. For cash management purposes, the City has a sweep arrangement with the bank to transfer cash balances to a money market mutual fund account each day. Cash in excess of current requirements is invested in various interest-bearing securities and disclosed as part of the City’s investments.

2. Investments

Investments, except for certain investment pools, commercial paper, money market funds, and investment contracts, are reported at fair value. The investment pools operate in accordance with appropriate state laws and regulations and are reported at amortized cost. Money market funds, which are short-term highly liquid debt instruments that may include U.S. Treasury and agency obligations and commercial paper that have a remaining maturity of one year or less upon acquisition, are reported at amortized cost. Investments in nonparticipating interest earning contracts, such as certificates of deposit, are reported at cost.

The City has adopted a written investment policy regarding the investment of its funds as defined in the Public Funds Investment Act, Chapter 2256, Texas Government Code. In summary, the City is authorized to invest in the following:

- Direct obligations of the U.S. Government or U.S. Government agencies
- Fully collateralized certificates of deposit
- Money market mutual funds that meet certain criteria
- Bankers’ acceptances
- Statewide investment pools

3. Inventories and Prepaid Items

The costs of governmental fund type inventories are recorded as expenditures when the related liability is incurred (i.e., the purchase method). Certain payments to vendors reflect costs applicable to future accounting periods (prepaid expenditures) are recognized as expenditures when utilized.

4. Restricted Assets

Restricted assets are either limited for use for specified purposes or are otherwise not available for payment of current operating expenses. The City’s restricted assets consist of cash and investments resulting from the issuance of debt restricted to the purchase and/or construction of governmental and business-type activity capital assets.

5. Capital Assets

Capital assets, which include property, plant, equipment, and infrastructure assets (e.g., roads, bridges, sidewalks, and similar items), are reported in the applicable governmental or business-type activities columns in the government-wide financial statements. In accordance with GASB Statement No. 34, infrastructure has been capitalized retroactively. Capital assets are defined by the City as assets with an initial, individual cost of more than \$5,000 and an estimated useful life in excess of five years. Such assets are recorded at historical cost or estimated historical cost if purchased or constructed. Donated capital assets are recorded at acquisition value at the date of donation.

CITY OF ANGLETON, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

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Major outlays for capital assets and improvements are capitalized as projects are constructed. The costs of normal maintenance and repairs that do not add to the value of the asset or materially extend assets' lives are not capitalized.

Property, plant, and equipment of the primary government are depreciated using the straight-line method over the following estimated useful years:

Asset Description	Estimated Useful Life
Buildings and improvements	10 to 40 years
Vehicles, equipment, and furnishings	5 to 15 years
Infrastructure	30 to 50 years
Water and sewer system	30 to 50 years

6. Deferred Outflows/Inflows of Resources

In addition to assets, the statement of financial position will sometimes report a separate section for deferred outflows of resources. This separate financial statement element, *deferred outflows of resources*, represents a consumption of net position that applies to a future period(s) and so will *not* be recognized as an outflow of resources (expense/expenditure) until then. In addition to liabilities, the statement of financial position will sometimes report a separate section for deferred inflows of resources. This separate financial statement element, *deferred inflows of resources*, represents an acquisition of net position that applies to a future period(s) and so will *not* be recognized as an inflow of resources (revenue) until that time.

Deferred outflows/inflows of resources are amortized as follows:

- Deferred outflows/inflows from pension/other postemployment benefits (OPEB) activities are amortized over the average of the expected service lives of pension/OPEB plan members, except for the net differences between the projected and actual investment earnings on the pension/OPEB plan assets, which are amortized over a period of five years.
- For employer pension/OPEB plan contributions that were made subsequent to the measurement date through the end of the City's fiscal year, the amount is deferred and recognized as a reduction to the net pension/OPEB liability during the measurement period in which the contributions were made.
- A deferred charge on refunding results from the difference in the carrying value of refunded debt and its reacquisition price. This amount is deferred and amortized over the shorter of the life of the refunded or refunding debt.

At the fund level, the City has only one type of item, which arises only under a modified accrual basis of accounting, that qualifies for reporting in this category. Accordingly, the item, *unavailable revenue*, is reported only in the governmental funds balance sheet. The governmental funds report unavailable revenues from property taxes. This amount is deferred and recognized as an inflow of resources in the period that the amount becomes available.

7. Compensated Employee Absences

The City records a liability for the amount of unused vacation and other benefit time that has vested for each employee at year end. Time accumulated for sick leave is not included in this accrual as such time is only used for cause and is subject to forfeiture.

CITY OF ANGLETON, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

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8. Long-Term Obligations

In the government-wide financial statements and proprietary fund types in the fund financial statements, long-term debt and other long-term obligations are reported as liabilities in the applicable governmental activities, business-type activities, or proprietary fund type Statement of Net Position. Bond premiums and discounts are deferred and amortized over the life of the bonds using the straight-line method. Bonds payable are reported net of applicable bond premiums or discounts.

In the fund financial statements, governmental fund types recognize bond premiums and discounts, as well as issuance costs, during the current period. The face amount of debt issued is reported as other financing sources. Premiums received on debt issuances are reported as other financing sources while discounts on debt issuances are reported as other financing uses. Issuance costs, whether or not withheld from the actual debt proceeds received, are reported as debt service expenditures.

The property tax rate is allocated each year between the general and debt service funds. The full amount estimated to be required for debt service on general obligation debt is provided by the tax along with the interest earned in the debt service fund. Although a portion of the general obligation debt was directly related to the purchase of water and sewer infrastructure, the debt service expenditures are included in the governmental fund financial statements as they are expected to be paid from debt service tax revenues instead of water system revenues.

Assets acquired under the terms of a capital lease are recorded as liabilities and capitalized in the government-wide financial statements at the present value of net minimum lease payments at inception of the lease. In the year of acquisition, capital lease transactions are recorded as other financing sources and as capital outlay expenditures in the applicable fund. Lease payments representing both principal and interest are recorded as expenditures in the general fund upon payment with an appropriate reduction of principal recorded in the government-wide financial statements.

9. Net Position Flow Assumption

Sometimes the City will fund outlays for a particular purpose from both restricted (e.g., restricted bond or grant proceeds) and unrestricted resources. In order to calculate the amounts to report as restricted net position and unrestricted net position in the government-wide and proprietary fund financial statements, a flow assumption must be made about the order in which the resources are considered to be applied. It is the City's policy to consider restricted net position to have been depleted before unrestricted net position is applied.

10. Fund Balance Flow Assumptions

Sometimes the City will fund outlays for a particular purpose from both restricted and unrestricted resources (the total of committed, assigned, and unassigned fund balance). In order to calculate the amounts to report as restricted, committed, assigned, and unassigned fund balance in the governmental fund financial statements, a flow assumption must be made about the order in which the resources are considered to be applied. It is the City's policy to consider restricted fund balance to have been depleted before using any of the components of unrestricted fund balance. Further, when the components of unrestricted fund balance can be used for the same purpose, committed fund balance is depleted first, followed by assigned fund balance. Unassigned fund balance is applied last.

11. Fund Balance Policies

Fund balances of governmental funds are reported in various categories based on the nature of any limitations requiring the use of resources for specific purposes. The City itself can establish limitations

CITY OF ANGLETON, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

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on the use of resources through either a commitment (committed fund balance) or an assignment (assigned fund balance).

Amounts that cannot be spent because they are either not in spendable form or legally or contractually required to be maintained intact are classified as nonspendable fund balance. Amounts that are externally imposed by creditors, grantors, contributors, or laws or regulations of other governments or imposed by law through constitutional provisions are classified as restricted.

The committed fund balance classification includes amounts that can be used only for the specific purposes determined by a formal action of the City's highest level of decision-making authority. The City Council is the highest level of decision-making authority for the City that can, by adoption of an ordinance prior to the end of the fiscal year, commit fund balance. Once adopted, the limitation imposed by the ordinance remains in place until a similar action is taken (the adoption of another ordinance) to remove or revise the limitation.

Amounts in the assigned fund balance classification are intended to be used by the City for specific purposes but do not meet the criteria to be classified as committed. The City Council may also assign fund balance as it does when appropriating fund balance to cover a gap between estimated revenue and appropriations in the subsequent year's appropriated budget. Unlike commitments, assignments generally only exist temporarily. In other words, an additional action does not normally have to be taken for the removal of an assignment. Conversely, as discussed above, an additional action is essential to either remove or revise a commitment.

12. Estimates

The preparation of financial statements, in conformity with generally accepted accounting principles, requires management to make estimates and assumptions that affect the reported amounts of assets, liabilities, disclosure of contingent assets and liabilities at the date of the financial statements, and the reported amounts of revenues and expenditures/expenses during the reporting period. Actual results could differ from those estimates.

13. Pensions

For the purposes of measuring the net pension liability, deferred outflows of resources and deferred inflows of resources related to pensions, and pension expense, information about the fiduciary net position of the Texas Municipal Retirement System (TMRS) and the Texas Emergency Services Retirement System (TESRS) and additions to/deductions from TMRS's and TESRS's fiduciary net position have been determined on the same basis as they are reported by TMRS and TESRS. For this purpose, plan contributions are recognized in the period that compensation is reported for the employee, which is when contributions are legally due. Benefit payments and refunds are recognized when due and payable in accordance with the benefit terms. Investments are reported at fair value.

14. Other Postemployment Benefits

The City participates in a single-employer, unfunded, defined benefit group-term life insurance plan operated by TMRS known as the Supplemental Death Benefits Fund (SDBF). The City elected, by ordinance, to provide group-term life insurance coverage to both current and retired employees. The funding policy for the SDBF program is to assure that adequate resources are available to meet all death benefit payments for the upcoming year. Benefit payments are treated as being equal to the employer's yearly contributions for retirees. Benefit payments and refunds are due and payable in accordance with the benefit terms. Information about the City's total OPEB liability, deferred

CITY OF ANGLETON, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

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outflows of resources, deferred inflows of resources, and OPEB expense is provided by TMRS from reports prepared by their consulting actuary.

G. Revenues and Expenditures/Expenses

1. Program Revenues

Amounts reported as *program revenues* include 1) charges to customers or applicants who purchase, use, or directly benefit from goods, services, or privileges provided by a given function or segment and 2) grants and contributions (including special assessments) that are restricted to meeting the operational or capital requirements of a particular function or segment. All taxes, including those dedicated for specific purposes, and other internally dedicated resources are reported as general revenues rather than as program revenues.

2. Property Taxes

Property taxes are levied during October of each year, are due upon receipt of the City's tax bill, and become delinquent if unpaid on February 1, with late fees assessed monthly. After June 30, any taxes still uncollected are subject to lawsuit for collection and additional charges to offset legal costs.

3. Proprietary Funds Operating and Nonoperating Revenues and Expenses

Proprietary funds distinguish operating revenues and expenses from nonoperating items. Operating revenues and expenses generally result from providing services and producing and delivering goods in connection with a proprietary fund's principal ongoing operations. The principal operating revenues of the enterprise fund and internal service fund are charges to customers for sales and services. The enterprise fund also recognizes as operating revenue the portion of tap fees intended to recover the cost of connecting new customers to the system. Operating expenses for the enterprise fund and internal service fund include the cost of sales and services, administrative expenses, and depreciation on capital assets. All revenues and expenses not meeting this definition are reported as nonoperating revenues and expenses.

II. STEWARDSHIP, COMPLIANCE, AND ACCOUNTABILITY

Annual budgets are adopted for governmental funds on a basis consistent with generally accepted accounting principles except for the capital projects funds, which adopt project length budgets. The original budget is adopted by the City Council prior to the beginning of the year. The legal level of control as defined by the charter is the object and purpose stated in the approved budget. Appropriations lapse at the end of the year, excluding capital project budgets. Supplemental budget appropriations were made for the year ended September 30, 2021.

CITY OF ANGLETON, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

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III. DETAILED NOTES ON ALL FUNDS

A. Deposits and Investments

As of September 30, 2021, the City had the following investments:

Investment Type	Fair Value	Weighted Average Maturity (Years)
Investment pools		
TexPool	\$ 4,604,280	0.10
TexStar	3,935,315	0.12
Lone Star	6,954,230	0.13
Certificates of deposit	1,049,227	0.67
Total Fair Value	\$ 16,543,052	
Portfolio weighted average maturity		0.14

Custodial credit risk – deposits. In the case of deposits, this is the risk that in the event of a bank failure, the City's deposits may not be returned to it. The City's investment policy requires funds on deposit at the depository bank to be collateralized by securities. As of year end, fair market values of pledged securities and FDIC coverage exceeded bank balances.

Credit risk. The City's investment policy limits investments in public fund investment pools rated as to investment quality not less than 'AAA' or 'AAA-m', or at an equivalent rating by at least one nationally recognized rating service. As of September 30, 2021, the City's investments in investment pools were rated 'AAAm' by Standard & Poor's.

TexPool

TexPool was established as a trust company with the Treasurer of the State as trustee, segregated from all other trustees, investments, and activities of the trust company. The State Comptroller of Public Accounts exercises oversight responsibility over TexPool. Oversight includes the ability to significantly influence operations, designation of management, and accountability for fiscal matters. Additionally, the State Comptroller has established an advisory board composed of both participants in TexPool and other persons who do not have a business relationship with TexPool. The advisory board members review the investment policy and management fee structure. Finally, Standard & Poor's rates TexPool 'AAAm'. As a requirement to maintain the rating, weekly portfolio information must be submitted to Standard & Poor's, as well as to the office of the Comptroller of Public Accounts for review.

TexPool is an external investment pool measured at amortized cost. In order to meet the criteria to be recorded at amortized cost, TexPool pool must transact at a stable net asset value per share and maintain certain maturity, quality, liquidity, and diversification requirements within TexPool. TexPool transacts at a net asset value of \$1.00 per share, has weighted average maturities of 60 days or less, and weighted average lives of 120 days or less. Investments held are highly rated by nationally recognized statistical rating organizations, have no more than five percent of portfolio with one issuer (excluding U.S. government securities), and can meet reasonably foreseeable redemptions. TexPool has a redemption notice period of one day and may redeem daily. TexPool may only impose restrictions on redemptions in the event of a general suspension of trading on major securities markets, general banking moratorium, or national state of emergency that affects TexPool's liquidity.

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For the Year Ended September 30, 2021

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TexSTAR

The Texas Short-Term Asset Reserve Fund (TexSTAR) is a local government investment pool organized under the authority of the Interlocal Cooperation Act, Chapter 791, Texas Government Code, and the Public Funds Investment Act, Chapter 2256, Texas Government Code. TexSTAR was created in April 2002 by contract among its participating governmental units and is governed by a board of directors. JPMorgan Fleming Asset Management (USA), Inc. and First Southwest Asset Management, Inc. act as co-administrators, providing investment management services, participant services, and marketing. JPMorgan Chase Bank and/or its subsidiary, J.P. Morgan Investor Services, Inc., provide custodial, transfer agency, fund accounting, and depository services.

TexSTAR is measured at amortized cost. TexSTAR's strategy is to seek preservation of principal, liquidity, and current income through investment in a diversified portfolio of short-term marketable securities. The City has no unfunded commitments related to TexSTAR. TexSTAR has a redemption notice period of one day and may redeem daily. TexSTAR may only impose restrictions on redemptions in the event of a general suspension of trading on major securities markets, general banking moratorium, or national or state emergency that affects TexSTAR's liquidity.

Lone Star

Lone Star is a public funds investment pool organized under the authority of the Interlocal Cooperation Act of the Texas Government Code, Chapter 791, and the Public Funds Investment Act, Texas Government Code, Chapter 2256. Lone Star is sponsored by the Texas Association of School Boards. The Lone Star Board (the "Board") acts as trustee and is comprised of 11 members representing school districts that have adopted the investment agreement, including school board members, school administrators, and school business officials. The Board has entered into an agreement with First Public, LLC to act as administrator for Lone Star. Responsibilities of First Public include daily servicing of participants' accounts, negotiating contracts with investment advisors and other service providers, and performing related administrative services. Finally, Standard & Poor's rates Lone Star "AAAm". As a requirement to maintain the rating, weekly portfolio information must be submitted to Standard & Poor's, as well as to the office of the Comptroller of Public Accounts for

B. Receivables

The following comprise receivable balances as of September 30, 2021:

	General	Debt Service	Angleton Better Living	Nonmajor Governmental	Utility	Total
Property taxes	\$ 166,455	\$ 25,668	\$ -	\$ -	\$ -	\$ 192,123
Other taxes	785,137	-	309,508	-	-	1,094,645
Intergovernmental	15,000	-	-	123,668	-	138,668
Accounts	397,018	-	-	3,329	1,616,764	2,017,111
Less allowance	(64,655)	(9,745)	-	-	(497,968)	(572,368)
Totals	\$ 1,298,955	\$ 15,923	309,508	\$ 126,997	\$ 1,118,796	\$ 2,870,179

CITY OF ANGLETON, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

Item 5.

C. Capital Assets

A summary of changes in capital assets for governmental activities for the fiscal year ended September 30, 2021 is as follows:

	Beginning Balance	Increases	Decreases	Ending Balance
Governmental Activities:				
Capital assets not being depreciated:				
Land	\$ 1,495,840	\$ -	\$ -	\$ 1,495,840
Construction in progress	527,211	1,496,419	(1,157,750)	865,880
Total capital assets not being depreciated	<u>2,023,051</u>	<u>1,496,419</u>	<u>(1,157,750)</u>	<u>2,361,720</u>
Other capital assets:				
Buildings and improvements	12,395,860	-	-	12,395,860
Equipment	11,665,581	2,001,361	(53,027)	13,613,915
Infrastructure	27,824,039	-	-	27,824,039
Total other capital assets	<u>51,885,480</u>	<u>2,001,361</u>	<u>(53,027)</u>	<u>53,833,814</u>
Less accumulated depreciation for:				
Buildings and improvements	(4,787,643)	(272,144)	-	(5,059,787)
Equipment	(9,154,922)	(637,343)	47,724	(9,744,541)
Infrastructure	(16,386,846)	(425,413)	-	(16,812,259)
Total accumulated depreciation	<u>(30,329,411)</u>	<u>(1,334,900)</u>	<u>47,724</u>	<u>(31,616,587)</u>
Other capital assets, net	<u>21,556,069</u>	<u>666,461</u>	<u>(5,303)</u>	<u>22,217,227</u>
Governmental Activities Capital Assets, Net	<u>\$ 23,579,120</u>	<u>\$ 2,162,880</u>	<u>\$ (1,163,053)</u>	<u>24,578,947</u>
				Less associated debt (14,373,094)
				Plus unspent bond proceeds 7,968,196
				Plus deferred charge on refunding 28,226
				<u>Net Investment in Capital Assets \$ 18,202,275</u>

Depreciation was charged to governmental functions as follows:

General administration	\$ 272,144
Public safety	637,343
Community services	<u>425,413</u>
Total Governmental Activities Depreciation Expense	<u>\$ 1,334,900</u>

CITY OF ANGLETON, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

Item 5.

The following is a summary of changes in capital assets for business-type activities for the fiscal year ended September 30, 2021:

	<u>Beginning Balance</u>	<u>Increases</u>	<u>Decreases</u>	<u>Ending Balance</u>
Business-Type Activities:				
Capital assets not being depreciated:				
Construction in progress	\$ 2,092,217	\$ 3,743,872	\$ -	\$ 5,836,089
Total capital assets not being depreciated	<u>2,092,217</u>	<u>3,743,872</u>	<u>-</u>	<u>5,836,089</u>
Other capital assets:				
Buildings and other improvements	319,665	-	-	319,665
Equipment	2,680,105	178,186	-	2,858,291
Infrastructure	<u>47,329,104</u>	<u>387,069</u>	<u>-</u>	<u>47,716,173</u>
Total other capital assets	<u>50,328,874</u>	<u>565,255</u>	<u>-</u>	<u>50,894,129</u>
Less accumulated depreciation for:				
Buildings and other improvements	(268,485)	(4,025)	-	(272,510)
Equipment	(1,757,963)	(185,628)	-	(1,943,591)
Infrastructure	<u>(29,262,239)</u>	<u>(848,961)</u>	<u>-</u>	<u>(30,111,200)</u>
Total accumulated depreciation	<u>(31,288,687)</u>	<u>(1,038,614)</u>	<u>-</u>	<u>(32,327,301)</u>
Other capital assets, net	<u>19,040,187</u>	<u>(473,359)</u>	<u>-</u>	<u>18,566,828</u>
Business-Type Activities Capital Assets, Net	<u>\$ 21,132,404</u>	<u>\$ 3,270,513</u>	<u>\$ -</u>	<u>24,402,917</u>
				Less associated debt (15,443,105)
				Plus unspent bond proceeds 2,352,163
				Plus deferred charge on refunding <u>42,169</u>
				Net Investment in Capital Assets <u>\$ 11,354,144</u>

Depreciation was charged to business-type functions as follows:

Water	\$ 218,052
Sewer	<u>820,562</u>
Total Business-Type Activities Depreciation Expense	<u>\$ 1,038,614</u>

CITY OF ANGLETON, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

Item 5.

D. Long-Term Debt

The City issues general obligation bonds and certificates of obligation for the acquisition of assets and construction of major capital facilities. These debt issues have been used for both governmental and business-type activities. Each debt issue is serviced by a specific City fund.

General obligation debt pledges the full faith and credit of the City. The bonds and certificates of obligation are further supported by specific annual tax levies, which are legally restricted to servicing these debt issues. The collection and remittance of such levies are controlled and reported in the debt service fund. Some issues are also secured by a pledge of the City's utility fund net revenues and, in previous years, the utility fund was making annual transfers into the debt service fund to pay for a portion of the debt service. Beginning in fiscal year 2003, all long-term debt originating for the purpose of constructing proprietary fund assets is carried within and directly serviced by the utility fund. The following is a summary of changes in the City's total governmental long-term liabilities for the fiscal year ended September 30, 2021. In general, the City uses the debt service fund and general fund to liquidate governmental long-term liabilities.

	Beginning Balance	Additions	Reductions	Ending Balance	Amounts Due Within One Year
Governmental Activities					
General obligation refunding bonds	\$ 1,350,000	\$ -	\$ 210,000	\$ 1,140,000 *	\$ 170,000
Direct borrowings/private placement: Refunding bonds	568,725	-	228,773	339,952 *	179,597
Certificates of obligation	9,858,790	2,925,000	691,210	12,092,580 *	667,480
Capital leases	268,051	-	64,000	204,051 *	65,500
Plus deferred amounts: For premiums	437,792	199,808	41,089	596,511 *	41,089
	<u>12,483,358</u>	<u>3,124,808</u>	<u>1,235,072</u>	<u>14,373,094</u>	<u>1,123,666</u>
Other liabilities:					
Net pension liability - TMRS	1,942,490	-	328,507	1,613,983	-
Net pension liability - TESRS	109,697	57,451	-	167,148	-
Total OPEB liability	315,232	84,930	-	400,162	-
Compensated absences	501,829	454,030	450,184	505,675	455,108
	<u>2,869,248</u>	<u>596,411</u>	<u>778,691</u>	<u>2,686,968</u>	<u>455,108</u>
Total Governmental Activities	<u>\$ 15,352,606</u>	<u>\$ 3,721,219</u>	<u>\$ 2,013,763</u>	<u>\$ 17,060,062</u>	<u>\$ 1,578,774</u>
Long-Term Debt Due In More Than One Year				<u>\$ 15,481,288</u>	
* Debt Associated With Capital Assets				<u>\$ 14,373,094</u>	

CITY OF ANGLETON, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

Item 5.

Long-term liabilities applicable to the City's governmental activities are not due and payable in the current period and, accordingly, are not reported as fund liabilities in the governmental funds. The governmental activities compensated absences are generally liquidated by the general fund. Interest on long-term debt is not accrued in governmental funds, but rather is recognized as an expenditure when due.

	Beginning Balance	Additions	Reductions	Ending Balance	Amounts Due Within One Year
Business-Type Activities					
General obligation refunding bonds	\$ 1,620,000	\$ -	\$ 195,000	\$ 1,425,000 *	\$ 325,000
Direct borrowings/private placement:					
Refunding bonds	761,275	-	306,227	455,048 *	240,403
Certificates of obligation	2,195,000	-	275,000	1,920,000 *	225,000
Certificates of obligation	11,576,210	-	438,790	11,137,420 *	452,520
Plus deferred amounts:					
For premiums	543,360	-	37,723	505,637 *	37,723
	<u>16,695,845</u>	<u>-</u>	<u>1,252,740</u>	<u>15,443,105</u>	<u>1,280,646</u>
Other liabilities:					
Net pension liability	902,578	-	60,284	842,294	-
Total OPEB liability	57,119	15,586	-	72,705	-
Compensated absences	122,585	115,346	117,241	120,690	108,621
	<u>1,082,282</u>	<u>130,932</u>	<u>177,525</u>	<u>1,035,689</u>	<u>108,621</u>
Total Business-Type Activities	<u>\$ 17,778,127</u>	<u>\$ 130,932</u>	<u>\$ 1,430,265</u>	<u>\$ 16,478,794</u>	<u>\$ 1,389,267</u>
Long-Term Debt Due In More Than One Year				<u>\$ 15,089,527</u>	
* Debt Associated With Capital Assets				<u>\$ 15,443,105</u>	

In November 2020, the City issued Combination Tax and Revenue Certificates of Obligation, Series 2020 (the "Certificates") in the amount of \$2,925,000. Proceeds from the sale of the Certificates will be used for all or any part of the costs associated with the construction, acquisition, renovation, and equipment of improvements to (i) the Lakeside Park project and any/all other City parks, (ii) the Municipal Pool, (iii) the B.G. Peck Soccer Complex, and (iv) the Angleton Recreation Center within the City, and the cost of professional services incurred in connection therewith. The Certificates will mature on February 15, 2040. The Certificates bear an interest rate ranging between 2.00% and 3.00%.

CITY OF ANGLETON, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

Item 5.

Long-term debt at year end was comprised of the following debt issues:

Description	Interest Rates	Balance
<u>Governmental Activities</u>		
General Obligation Refunding Bonds		
Series 2013	1.75%	\$ 339,952
Series 2016	2.00-4.00%	1,140,000
		<u>1,479,952</u>
Certificates of Obligation		
Series 2018	3.00-4.00%	8,170,000
Series 2019	2.00-4.00%	1,127,580
Series 2020	2.00-3.00%	2,795,000
		<u>12,092,580</u>
Capital Leases		
Fire truck	3.25%	<u>204,051</u>
Total Governmental Activities Long-Term Debt		<u>\$ 13,776,583</u>
<u>Business-Type Activities</u>		
General Obligation Refunding Bonds		
Series 2013	1.75%	\$ 455,048
Series 2016	2.00-4.00%	1,425,000
		<u>1,880,048</u>
Certificates of Obligation		
Water and sewer, series 2013	2.28%	1,920,000
Water and sewer, series 2015	3.00-4.00%	3,390,000
Series 2019	2.00-4.00%	7,747,420
		<u>13,057,420</u>
Total Business-Type Activities Long-Term Debt		<u>\$ 14,937,468</u>

CITY OF ANGLETON, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2020

Item 5.

The annual requirements to amortize debt issues outstanding at year end were as follows:

Governmental Activities						
Fiscal Year Ending Sep 30	General Obligation Refunding Bonds		Certificates of Obligation		Capital Leases	
	Principal	Interest	Principal	Interest	Principal	Interest
2022	\$ 170,000	\$ 36,150	\$ 667,480	\$ 355,876	\$ 65,500	\$ 6,144
2023	185,000	31,675	665,246	330,721	68,000	3,991
2024	250,000	25,150	715,103	304,924	70,551	2,382
2025	220,000	17,000	685,185	281,561	-	-
2026	220,000	8,200	667,398	261,531	-	-
2027-2031	95,000	3,900	3,528,695	989,836	-	-
2032-2036	-	-	3,455,580	490,612	-	-
2037-2040	-	-	1,707,893	61,158	-	-
Total	\$ 1,140,000	\$ 122,075	\$ 12,092,580	\$ 3,076,219	\$ 204,051	\$ 12,517

Governmental Activities - Direct Borrowings/Private Placement		
Fiscal Year Ending Sep 30	General Obligation Refunding Bonds	
	Principal	Interest
2022	\$ 179,597	\$ 5,949
2023	160,355	2,806
Total	\$ 339,952	\$ 8,755

Business-Type Activities				
Fiscal Year Ending Sep 30	General Obligation Refunding Bonds		Certificates of Obligation	
	Principal	Interest	Principal	Interest
2022	\$ 325,000	\$ 40,900	\$ 452,520	\$ 307,510
2023	390,000	31,800	304,754	294,340
2024	245,000	22,275	519,897	280,977
2025	235,000	13,900	559,815	264,315
2026	230,000	4,600	447,602	249,901
2027-2031	-	-	3,856,305	907,759
2032-2036	-	-	3,499,420	386,317
2037-2039	-	-	1,497,107	54,061
Total	\$ 1,425,000	\$ 113,475	\$ 11,137,420	\$ 2,745,180

Business-Type Activities - Direct Borrowings/Private Placement				
Fiscal Year Ending Sep 30	General Obligation Refunding Bonds		Certificates of Obligation	
	Principal	Interest	Principal	Interest
2022	\$ 240,403	\$ 7,963	\$ 225,000	\$ 41,211
2023	214,645	3,756	200,000	36,366
2024	-	-	315,000	30,495
2025	-	-	310,000	23,370
2026	-	-	305,000	16,359
2037-2039	-	-	565,000	12,825
Total	\$ 455,048	\$ 11,719	\$ 1,920,000	\$ 160,626

CITY OF ANGLETON, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

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The City is not obligated in any manner for special assessment debt. Capital assets acquired under current capital lease obligations totaled \$2,402,992, less accumulated depreciation of \$1,951,374, net \$451,618.

Federal Arbitrage

The Tax Reform Act of 1986 instituted certain arbitrage restrictions consisting of complex regulations with respect to issuance of tax-exempt bonds after August 31, 1986. Arbitrage regulations deal with the investment of tax-exempt bond proceeds at an interest yield greater than the interest yield paid to bondholders. Generally, all interest paid to bondholders can be retroactively rendered taxable if applicable rebates are not reported and paid to the Internal Revenue Service (IRS) at least every five years for applicable bond issues. Accordingly, there is the risk that if such calculations are not performed, or are not performed correctly, it could result in a substantial liability to the City. The City engages an arbitrage consultant to perform the calculations in accordance with the rules and regulations of the IRS.

E. Interfund Transactions

Transfers between the primary government funds during the year were as follows:

<u>Transfer In</u>	<u>Transfer Out</u>	<u>Amounts</u>
General	Nonmajor	\$ 109,902
General	Utility	10,200
General	Angleton Better Living	378,414
Debt service	Angleton Better Living	625,478
Debt service	Utility	10,311
Nonmajor	General	50,034
Nonmajor	Utility	93,690
Nonmajor	Angleton Better Living	778,464
		<u>\$ 2,056,493</u>

Transfers to the general fund were subsidies for administrative expenditures and reimbursements for capital lease payments. Other amounts transferred between funds related to amounts collected by the nonmajor governmental funds for various governmental expenditures. Transfer made to the debt service fund were to satisfy debt allocated to each of corresponding funds.

The composition of interfund balances as of year end is as follows:

<u>Due To</u>	<u>Due From</u>	<u>Amount</u>
General	Angleton Better Living	<u>\$ 620,248</u>

The amounts recorded as due to/from are considered to be a temporary loan and will be repaid during the following year.

F. Fund Equity

Funds restricted by enabling legislation are \$517,254 related to hotel/motel tax, child safety, and municipal court security and technology.

CITY OF ANGLETON, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

Item 5.

G. Restricted Assets

The balances of the restricted cash accounts in the general fund and enterprise fund recognized by the City were as follows:

General Fund	
Restricted for capital projects	\$ 99,258
Utility Fund	
Restricted for capital projects	3,481,636
Total	<u>\$ 3,580,894</u>

IV. OTHER INFORMATION

A. Risk Management

The City is exposed to various risks of loss related to torts; theft of, damage to, and destruction of assets; errors and omissions; and natural disasters for which the City participates along with 2,617 other entities in the Texas Municipal League's Intergovernmental Risk Pools (the "Pool"). The Pool purchases commercial insurance at group rates for participants in the Pool. The City has no additional risk or responsibility to the Pool, outside of the payment of insurance premiums. The City has not significantly reduced insurance coverage or had settlements which exceeded coverage amounts for the past three years.

B. Contingent Liabilities

Amounts received or receivable from granting agencies are subject to audit and adjustment by grantor agencies, principally the federal government. Any disallowed claims, including amounts already collected, may constitute a liability of the applicable funds. The amounts of expenditures which may be disallowed by the grantor cannot be determined at this time although the City expects such amounts, if any, to be immaterial.

Liabilities are reported when it is probable that a loss has occurred and the amount of the loss can be reasonably estimated. Liabilities include an amount for claims that have been incurred but not reported. Claim liabilities are calculated considering the effects of inflation, recent claim settlement trends including frequency and amount of payouts, and other economic and social factors. No claim liabilities are reported at year end.

The continued spread of the COVID-19 pandemic has given a rise in uncertainties that may have a significant negative impact on the operating activities and results of the City. The occurrence and extent of such impact will depend on future developments, including (i) the duration and spread of the virus, (ii) government quarantine measures, (iii) the effects on the financial markets, and (iv) the effects on the economy overall, all of which are uncertain.

TIRZ #1 Due to Developer

The TIRZ #1 Board approved a developer reimbursement audit in fiscal year 2012 for improvements made within the TIRZ #1. The Board approved a total due to developer in the amount of \$2,189,414 which consisted of \$1,758,250 in costs and accrued interest of \$431,164. Total payments to date have been made in the amount of \$371,933, leaving a balance due to the developer of \$1,817,481 as of September 30, 2021. Payments due to the developer are contingent upon future tax increments paid within the TIRZ #1.

CITY OF ANGLETON, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

Item 5.

C. Pension Plans

1. Texas Municipal Retirement System

Plan Description

The City participates as one of 895 plans in the defined benefit cash-balance plan administered by TMRS. TMRS is a statewide public retirement plan created by the State and administered in accordance with the TMRS Act, Subtitle G, Title 8, Texas Government Code (the "TMRS Act") as an agent multiple-employer retirement system for employees of Texas participating cities. The TMRS Act places the general administration and management of TMRS with a six-member, Governor-appointed Board of Trustees; however, TMRS is not fiscally dependent on the State. TMRS issues a publicly available Annual Comprehensive Financial Report that can be obtained at www.tmr.com.

All eligible employees of the City are required to participate in TMRS.

Benefits Provided

TMRS provides retirement, disability, and death benefits. Benefit provisions are adopted by the governing body of the City, within the options available in the state statutes governing TMRS.

At retirement, the benefit is calculated as if the sum of the employee's contributions, with interest, and the City-financed monetary credits, with interest, were used to purchase an annuity. Members may choose to receive their retirement benefit in one of seven payment options. Members may also choose to receive a portion of their benefit as a partial lump sum distribution in an amount equal to 12, 24, or 36 monthly payments, which cannot exceed 75 percent of the member's deposits and interest.

The plan provisions are adopted by the governing body of the City, within the options available in the state statutes governing TMRS. Plan provisions for the City were as follows:

	<u>2021</u>	<u>2020</u>
Employee deposit rate	6.00%	6.00%
Matching ratio (City to employee)	2 to 1	2 to 1
Years required for vesting	5	5
Service requirement eligibility (expressed as age/yrs of service)	60/5, 0/20	60/5, 0/20
Updated service credit	100%	100%
Annuity increase (to retirees)	70% of CPI	70% of CPI

Employees Covered by Benefit Terms

At the December 31, 2020 valuation and measurement date, the following employees were covered by the benefit terms:

Inactive employees or beneficiaries currently receiving benefits	78
Inactive employees entitled to, but not yet receiving, benefits	83
Active employees	136
Total	<u>297</u>

CITY OF ANGLETON, TEXAS
NOTES TO FINANCIAL STATEMENTS (Continued)
For the Year Ended September 30, 2021

Item 5.

Contributions

The contribution rates for employees in TMRS are either five percent, six percent, or seven percent of employee gross earnings, and the City-matching percentages are either 100 percent, 150 percent, or 200 percent, both as adopted by the governing body of the City. Under the state law governing TMRS, the contribution rate for each city is determined annually by the actuary using the Entry Age Normal (EAN) actuarial cost method. The City's contribution rate is based on the liabilities created from the benefit plan options selected by the City and any changes in benefits or actual experience over time.

Employees for the City were required to contribute six percent of their annual gross earnings during the fiscal year. The contribution rates for the City were 12.21% and 12.05% in calendar years 2020 and 2021, respectively. The City's contributions to TMRS for the fiscal year ended September 30, 2021 were \$975,403 and were equal to the required contributions.

Net Pension Liability

The City's Net Pension Liability (NPL) was measured as of December 31, 2020 and the Total Pension Liability (TPL) used to calculate the NPL was determined by an actuarial valuation as of that date.

Actuarial Assumptions

The TPL in the December 31, 2020 actuarial valuation was determined using the following actuarial assumptions:

Inflation	2.50% per year
Overall payroll growth	2.75% per year
Investment rate of return	6.75%, net of pension plan investment expense, including inflation

Salary increases were based on a service-related table. Mortality rates for active members are based on the PUB(10) mortality tables with the Public Safety table used for males and the General Employee table used for females. Mortality rates for healthy retirees and beneficiaries are based on the Gender-Distinct 2019 Municipal Retirees of Texas mortality tables. The rates for active members, healthy retirees, and beneficiaries are projected on a fully generational basis by Scale UMP to account for future mortality improvements. For disabled annuitants, the same mortality tables for healthy retirees are used with a four-year set-forward for males and a three-year set-forward for females. In addition, a 3.5 percent and 3.0 percent minimum mortality rate is applied for males and females, respectively, to reflect the impairment for younger members who become disabled. The rates are projected on a fully generational basis by Scale UMP to account for future mortality improvements subject to the floor.

The actuarial assumptions were developed primarily from the actuarial investigation of the experience of TMRS over the four-year period from December 31, 2014 to December 31, 2018. They were adopted in 2019 and first used in the December 31, 2019 actuarial valuation. The postretirement mortality assumption for annuity purchase rates is based on the Mortality Experience Investigation Study covering 2009 through 2011 and dated December 31, 2013. Plan assets are managed on a total return basis with an emphasis on both capital appreciation, as well as the production of income, in order to satisfy the short-term and long-term funding needs of TMRS.

The long-term expected rate of return on pension plan investments was determined using a building-block method in which best estimate ranges of expected future real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class. These ranges are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage and by adding expected inflation. In

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determining their best estimate of a recommended investment return assumption under the various alternative asset allocation portfolios, the actuary focused on the area between (1) arithmetic mean (aggressive) without an adjustment for time (conservative) and (2) the geometric mean (conservative) with an adjustment for time (aggressive).

The target allocation and best estimates of real rates of return for each major asset class are summarized in the following table:

<u>Assets Class</u>	<u>Target Allocation</u>	<u>Expected Real Rate of</u>
Global Equities	30.00%	5.30%
Core Fixed Income	10.00%	1.25%
Non-Core Fixed Income	20.00%	4.14%
Real Return	10.00%	3.85%
Real Estate	10.00%	4.00%
Absolute Return	10.00%	3.48%
Private Equity	10.00%	7.75%
Total	100.0%	

Discount Rate

The discount rate used to measure the TPL was 6.75%. The projection of cash flows used to determine the discount rate assumed that employee and employer contributions will be made at the rates specified in statute. Based on that assumption, the TMRS fiduciary net position was projected to be available to make all projected future benefit payments of current active and inactive employees. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the TPL.

Changes in the NPL

	<u>Increase (Decrease)</u>		
	<u>Total Pension Liability (A)</u>	<u>Plan Fiduciary Net Position (B)</u>	<u>Net Pension Liability (A) - (B)</u>
Changes for the year:			
Service cost	\$ 1,065,898	\$ -	\$ 1,065,898
Interest	1,913,148	-	1,913,148
Change in current period benefits	-	-	-
Difference between expected and actual experience	(75,064)	-	(75,064)
Changes of assumptions	-	-	-
Contributions - employer	-	904,937	(904,937)
Contributions - employee	-	445,051	(445,051)
Net investment income	-	1,955,933	(1,955,933)
Benefit payments, including refunds of employee contributions	(1,598,568)	(1,598,568)	-
Administrative expense	-	(12,655)	12,655
Other changes	-	(493)	493
Net Changes	1,305,414	1,694,205	(388,791)
Balance at December 31, 2019	29,609,271	25,764,203	2,845,068
Balance at December 31, 2020	\$ 30,914,685	\$ 27,458,408	\$ 2,456,277

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Sensitivity of the NPL to Changes in the Discount Rate

The following presents the NPL of the City, calculated using the discount rate of 6.75%, as well as what the City's NPL would be if it were calculated using a discount rate that is 1% lower (5.75%) or 1% higher (7.75%) than the current rate:

	1% Decrease in Discount Rate (5.75%)	Discount Rate (6.75%)	1% Increase in Discount Rate (7.75%)
City's Net Pension Liability/(Asset)	\$ 6,637,170	\$ 2,456,277	\$ (948,540)

Pension Plan Fiduciary Net Position

Detailed information about the TMRS fiduciary net position is available in a separately-issued TMRS financial report. That report may be obtained on the Internet at www.tmr.com.

Pension Expense and Deferred Outflows/Deferred Inflows of Resources Related to Pensions

For the fiscal year ended September 30, 2021, the City recognized pension expense of \$419,452.

At September 30, 2021, the City reported deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences between expected and actual economic experience	\$ 29,851	\$ 172,317
Changes in actuarial assumptions	64,098	-
Net difference between projected and actual investment earnings	-	731,863
Contributions subsequent to the measurement date	721,425	-
Total	\$ 815,374	\$ 904,180

\$721,425 reported as deferred outflows of resources related to pensions resulting from contributions subsequent to the measurement date will be recognized as a reduction of the NPL for the fiscal year ending September 30, 2022. Other amounts reported as deferred outflows and inflows of resources related to pensions will be recognized in pension expense as follows:

Fiscal Year Ended September 30	Pension Expense
2022	\$ (347,494)
2023	20,462
2024	(439,829)
2025	(43,370)
2026	-
Thereafter	-
Total	\$ (810,231)

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2. Texas Emergency Services Retirement System

Plan Description

The City participates in a cost-sharing multiple employer pension plan that has a special funding situation. The plan is administered by the TESRS and established and administered by the State to provide pension benefits for emergency services personnel who serve without significant monetary remuneration. At August 31, 2020, there were 238 contributing fire and/or emergency services department members participating in TESRS. Eligible participants include volunteer emergency services personnel who are members in good standing of a member department.

On August 31, 2020, the TESRS membership consisted of:

Retirees and Beneficiaries Currently Receiving Benefits	3,837
Terminated Members Entitled to Benefits but Not Yet Receiving Them	1,787
Active Participants (Vested and Nonvested)	3,634

Pension Plan Fiduciary Net Position

Detailed information about TESRS's fiduciary net position is available in a separately-issued Annual Comprehensive Financial Report that includes financial statements and Required Supplementary Information. TESRS issues a publicly available Annual Financial Report, which includes financial statements, notes, and Required Supplementary Information, and can be obtained at www.tesrs.org. The separately issued actuarial valuations that may be of interest are also available at the same link.

Benefits Provided

Senate Bill 411, 65th Legislature, Regular Session (1977), created TESRS and established the applicable benefit provisions. The 79th Legislature, Regular Session (2005), re-codified the provisions and gave the TESRS Board of Trustees (the "Board") authority to establish vesting requirements, contribution levels, benefit formulas, and eligibility requirements by Board rule. The benefit provisions include retirement benefits, as well as death and disability benefits. Members are 50% vested after the tenth year of service, with the vesting percentage increasing 10% for each of the next five years of service so that a member becomes 100% vested with 15 years of service.

Upon reaching age 55, each vested member may retire and receive a monthly pension equal to his vested percentage multiplied by six times the governing body's average monthly contribution over the member's years of qualified service. For years of service in excess of 15 years, this monthly benefit is increased at the rate of 6.2% compounded annually. There is no provision for automatic postretirement benefit increases.

On-and off-duty death benefits and on-duty disability benefits are dependent on whether or not the member was engaged in the performance of duties at the time of death or disability. Death benefits include a lump sum amount or continuing monthly payments to a member's surviving spouse and dependent children.

Funding Policy

Contributions are made by governing bodies for the participating departments. No contributions are required from the individuals who are members of TESRS, nor are they allowed. The governing bodies of each participating department are required to make contributions for each month a member performs emergency services for a department (this minimum contribution is \$36 per member and the department may make a higher monthly contribution for its members). This is referred to as a Part One

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contribution, which is the legacy portion of the TESRS contribution that directly impacts future retiree annuities.

The State is required to contribute an amount necessary to make TESRS “actuarially sound” each year, which may not exceed one-third of the total of all contributions made by participating governing bodies in a particular year.

The Board rule defining contributions was amended effective July 27, 2014 to add the potential for actuarially determined Part Two contributions that would be required only if the expected future annual contributions from the State are not enough with the Part One contributions to provide an adequate contribution arrangement as determined by the most recent actuarial valuation. This Part Two portion, which is actuarially determined as a percentage of the Part One portion (not to exceed 15%), is to be actuarially adjusted near the end of each even-numbered calendar year based on the most recent actuarial valuation. Based on the August 31, 2018 and 2020 actuarial valuation, the Part Two contributions are not required for an adequate contribution arrangement.

Additional contributions may be made by governing bodies within two years of joining TESRS to grant up to 15 years of credit for service per member. Prior service purchased must have occurred before the department began participation in TESRS.

A small subset of participating departments has a different contribution arrangement that is being phased out over time. In this arrangement, contributions made in addition to the monthly contributions for active members are made by local governing bodies on a pay-as-you-go basis for members who were pensioners when their respective departments merged into TESRS. There is no actuarial impact associated with this arrangement as the pay-as-you-go contributions made by these governing bodies are always equal to benefit payments paid by TESRS.

Contributions

The contribution requirement per active emergency services personnel member per month is not actuarially determined. Rather, the minimum contribution provisions were set by Board rule, and there is no maximum contribution rate. For the fiscal year ending August 31, 2020, total contributions (dues, prior service, and interest on prior service financing) of \$33,095 were paid by the City. The State appropriated \$1,329,224 for the fiscal year ending August 31, 2020 to TESRS as a whole.

Actuarial Assumptions

The TPL in the August 31, 2020, actuarial valuation was determined using the following actuarial assumptions, applied to all periods included in the measurement:

Actuarial Valuation Date	8/31/2020
Actuarial Cost Method	Entry age
Amortization Method	Level dollar, open
Amortization Period	30 years
Asset Valuation Method	Market value smoothed by a 5-year deferred recognition method with a 80%/120% corridor on market value
Actuarial Assumptions:	
Investment Rate of Return*	7.5%
Projected Salary Increases	N/A
*Includes Inflation at	3.0%
Cost-of-Living Adjustments	None

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Mortality rates were based on the RP-2000 Combined Healthy Lives Mortality Tables for males and for females projected to 2024 by scale AA. The long-term expected rate of return on pension plan investments was determined using a building-block method in which expected future net real rates of return (expected returns, net of pension plan investment expense and inflation) are developed for each major asset class. These components are combined to produce the long-term expected rate of return by weighting the expected future real rates of return by the target asset allocation percentage (currently 5.01%) and by adding expected inflation (3.0%). In addition, the final 7.5% assumption reflected a reduction of 0.26 percent for adverse deviation. The target allocation and expected arithmetic real rates of return for each major asset class are summarized in the following table:

Assets Class	Target Allocation	Long -Term Expected Net Real Rate of Return
Equities		
Large cap domestic	20%	5.83%
Small cap domestic	10%	5.94%
Developed international	15%	6.15%
Emerging markets	5%	7.25%
Global Infrastructure	5%	6.41%
Multi asset income	5%	3.84%
Real estate	10%	4.48%
Fixed income	30%	1.99%
Total	100%	
Weighted average		4.60%

Discount Rate

The discount rate used to measure the TPL was 7.5%. No projection of cash flows was used to determine the discount rate because the August 31, 2020 actuarial valuation showed that expected contributions would pay the normal cost and amortize the unfunded actuarial accrued liability in 30 years using the conservative level dollar amortization method. Because of the 30-year amortization period with the conservative amortization method and with a lower value of assets, the TESRS fiduciary net position is expected to be available to make all projected future benefit payments of current active and inactive members. Therefore, the long-term expected rate of return on pension plan investments was applied to all periods of projected benefit payments to determine the TPL.

Discount Rate Sensitivity Analysis

The following presents the NPL of the City, calculated using the discount rate of 7.5%, as well as what the City's NPL would be if it were calculated using a discount rate that is one percentage point lower (6.5%) or one percentage point higher (8.5%) than the current rate:

	1% Decrease in Discount Rate (6.5%)	Discount Rate (7.5%)	1% Increase in Discount Rate (8.5%)
City's proportionate share of the net pension liability	\$ 334,018	\$ 167,148	\$ 90,143

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Pension Liability, Pension Expense, and Deferred Outflows/Inflows of Resources Related to Pensions

At August 31, 2020, the City reported a liability of \$167,148 for its proportionate share of TESRS's NPL. The amount recognized by the City as its proportionate share of the NPL, the related State support, and the total portion of the NPL that was associated with the City were as follows:

City's proportionate share of the collective net pension liability	\$ 167,148
State's proportionate share that is associated with the City*	47,469
Total	\$ 214,797

**Calculated using the City's proportionate share of contributions multiplied by the State's share of the collective net pension liability.*

The TPL used to calculate the NPL was determined by an actuarial valuation as of August 31, 2020. GASB Statement No. 68 *Accounting and Financial Reporting for Pensions* (GASB 68), requires the NPL to be measured as of a date no earlier than the end of the employer's prior fiscal year. TESRS did not roll forward (nor did they provide the necessary information for the participants to roll forward) the NPL to be measured as of a date no earlier than the end of the City's prior fiscal year. While the City acknowledges that the measurement date does not fall within this 12-month period, the City elected to honor the conservatism principle and report an NPL measured as of August 31, 2020. The City used the assumption that any differences in the NPL measured as of August 31, 2020 versus September 30, 2021 would be immaterial. The employer's proportion of the NPL was based on the employer's contributions to TESRS relative to the contributions of all employers to TESRS for the period September 1, 2019 through August 31, 2020.

At August 31, 2020, the City's proportion of the collective NPL was 0.663%, which was an increase 0.276% of from its proportion measured as of August 31, 2019.

The assumptions reflect a change in investment rate of return on pension plan investments and discount rate used to measure the total pension liability from 7.75% to 7.50% based on the August 31, 2020, actuarial valuation. There were no other changes in assumptions or other inputs that affected measurement of the TPL during the measurement period.

There were no changes of benefit terms that affected measurement of the TPL during the measurement period.

For the year ended September 30, 2021, the City recognized pension expense of \$44,228. The City recognized on-behalf revenues of \$8,813 calculated by taking the State's total contributions to TESRS multiplied by the City's proportionate share.

At September 30, 2021, the City reported its proportionate share of the TESRS's deferred outflows of resources and deferred inflows of resources related to pensions from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Difference between projected and actual investment earnings	\$ 907	\$ -
Changes in assumptions	-	273
Difference between expected and actual economic experience	-	7,961
Contributions paid to TESRS subsequent to the measurement date	33,095	-
Total	\$ 34,002	\$ 8,234

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The net amounts of the City's balances of deferred outflows of resources related to pensions will be recognized in pension expense as follows:

Fiscal Year Ended September 30	Pension Expense
2022	\$ (7,112)
2023	(1,461)
2024	5,747
2025	(4,501)
Total	\$ (7,327)

D. Other Postemployment Benefits

TMRS - Supplemental Death Benefit

Plan Description

The City participates in an OPEB plan administered by TMRS. TMRS administers the defined benefit group-term life insurance plan known as the SDBF. This is a voluntary program in which participating member cities may elect, by ordinance, to provide group-term life insurance coverage for their active members, including or not including retirees. Employers may terminate coverage under, and discontinue participation in, the SDBF by adopting an ordinance before November 1 of any year to be effective the following January 1.

The member city contributes to the SDBF at a contractually required rate (based on the covered payroll of employee members) as determined by an annual actuarial valuation. The rate is equal to the cost of providing one-year term life insurance. The funding policy for the SDBF program is to assure that adequate resources are available to meet all death benefit payments for the upcoming year. The intent is not to pre-fund retiree term life insurance during employees' entire careers. No assets are accumulated in a trust that meets the criteria in paragraph 4 of GASB 75. As such, the SDBF is considered to be a single-employer unfunded OPEB defined benefit plan with benefit payments treated as being equal to the employer's yearly contributions for retirees.

The contributions to the SDBF are pooled for investment purposes with those of the Pension Trust Fund (PTF). The TMRS Act requires the PTF to allocate a 5% interest credit from investment income to the SDBF on an annual basis each December 31 based on the mean balance in the SDBF during the year.

Benefits

The death benefit for active employees provides a lump-sum payment approximately equal to the employee's annual salary (calculated based on the employee's actual earnings, for the 12-month period preceding the month of death). The death benefit for retirees is considered an OPEB and is a fixed amount of \$7,500. As the SDBF covers both active and retiree participants with no segregation of assets, the SDBF is considered to be an unfunded OPEB plan (i.e., no assets are accumulated).

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Participation in the SDBF as of December 31, 2020 is summarized below:

Inactive employees or beneficiaries currently receiving benefits	53
Inactive employees entitled to, but not yet receiving, benefits	25
Active employees	136
Total	214

Total OPEB Liability

The City's total OPEB liability of \$472,868 was measured as of December 31, 2020 and was determined by an actuarial valuation as of that date.

Actuarial Assumptions and Other Inputs

The total OPEB liability in the December 31, 2020 actuarial valuation was determined using the following actuarial assumptions and other inputs, applied to all periods included in the measurement, unless otherwise specified:

Inflation	2.50%
Salary increases	3.50% to 11.50% including inflation
Discount rate*	2.00%
Administrative expenses	All administrative expenses are paid through the PTF and accounted for under reporting requirements under GASB 68.
Mortality - service retirees	2019 Municipal Retirees of Texas Mortality Tables. The rates are projected on a fully generational basis with scale UMP.
Mortality - disabled retirees	2019 Municipal Retirees of Texas Mortality Tables with a 4-year set-forward for males and a 3-year set-forward for females. In addition, a 3.5% and 3.0% minimum mortality rate will be applied to reflect the impairment for younger members who become disabled for males and females, respectively. The rates are projected on a fully generational basis by Scale UMP to account for future mortality improvements subject to the floor.

*The discount rate was based on the Fidelity Index's "20-Year Municipal GO AA Index" rate as of December 31, 2020.

The actuarial assumptions used in the December 31, 2020 valuation were based on the results of an actuarial experience study for the period December 31, 2014 to December 31, 2018.

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Changes in the Total OPEB Liability

	Total OPEB Liability
Changes for the year:	
Service cost	\$ 21,511
Interest	10,495
Changes of benefit terms	-
Difference between expected and actual experience	4,511
Changes of assumptions	66,967
Benefit payments*	(2,967)
Net Changes	100,517
Balance at December 31, 2019	372,351
Balance at December 31, 2020	\$ 472,868

* Benefit payments are treated as being equal to the employer's yearly contribution for retirees due to the SDBF being considered an unfunded OPEB plan under GASB 75.

There were no changes of assumptions or other inputs that affected measurement of the total OPEB liability during the measurement period.

There were no changes of benefit terms that affected measurement of the total OPEB liability during the measurement period.

Sensitivity of the Total OPEB Liability to Changes in the Discount Rate

The following presents the total OPEB liability of the City, as well as what the City's total OPEB liability would be if it were calculated using a discount rate that is one percentage point lower or one percentage point higher than the current discount rate:

	1% Decrease (1.00%)	Discount Rate (2.00%)	1% Increase (3.00%)
City's total OPEB liability	\$ 589,050	\$ 472,868	\$ 386,629

OPEB Expense and Deferred Outflows/Inflows of Resources Related to OPEB

For the year ended September 30, 2021, the City recognized OPEB expense of \$54,872. The City reported deferred outflows/inflows of resources related to OPEB from the following sources:

	Deferred Outflows of Resources	Deferred Inflows of Resources
Differences between expected and actual economic experience	\$ 3,632	\$ 7,801
Changes in actuarial assumptions	101,997	9,808
Contributions subsequent to the measurement date	7,783	-
Total	\$ 109,780	\$ 17,609

\$7,783 reported as deferred outflows of resources related to OPEB resulting from contributions subsequent to the measurement date will be recognized as a reduction of the total OPEB liability for the fiscal year ending September 30, 2022.

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NOTES TO FINANCIAL STATEMENTS (Continued)
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Amounts reported as deferred outflows of resources related to OPEB will be recognized in OPEB expense as follows:

Fiscal Year Ended September 30	OPEB Expense
2022	\$ 22,866
2023	21,516
2024	20,788
2025	21,037
2026	1,813
Thereafter	-
Total	\$ 88,020

E. Deferred Compensation Plan

The City offers its employees a deferred compensation plan (the “Plan”) created in accordance with Internal Revenue Code Section 457. The Plan, available to all City employees, permits them to defer a portion of their salary until future years. The deferred compensation is not available to employees until termination, retirement, death, or unforeseeable emergency. The Plan’s trust arrangements are established to protect deferred compensation amounts of employees under the Plan from any other use than intended under the Plan (eventual payment to employees deferring the compensation) in accordance with federal tax laws. Amounts of compensation deferred by employees under Plan provisions are disbursed monthly by the City to a third-party administrator. The third-party administrator handles all funds in the Plan and makes investment decisions and disburses funds to employees in accordance with Plan provisions.

F. Chapter 380 Economic Development Agreements/Tax Abatements

Chapter 380, *Miscellaneous Provisions Relating to Municipal Planning and Development*, of the Texas Local Government Code provides the authority to the governing body of a municipality to establish and provide for the administration of one or more programs, including programs to promote state or local economic development and to stimulate business and commercial activity in the municipality.

Dees Properties, LLC 380 Agreement

On October 8, 2019, City Council approved a community development program agreement (the “Agreement”) with Dees Properties LLC (the “Business”) for the restoration and preservation of the Bowman Building located at 116 North Velasco (the “Building”). The City agreed to the following:

- Provide a 5-year refund equal to 50% of the property and sales taxes or until the property and sales taxes rebate imposed and received by the City reaches a combined total of \$300,000, whichever comes first.
- This Agreement shall remain in effect until the expiration of the 5-year period and may be extended for an additional period on terms mutually accepted by both parties.
- In the event this Agreement is terminated, or the Building is sold by the Business to another party other than City, before the fifth anniversary of the signing of this Agreement, the Business shall repay the total amount of the grant received up to the date of sale or termination.

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The Business agreed to the following:

- Revitalize the Bowman Building.
- Add taxable improvements to the real property.
- Create employment opportunities.

\$2,065 taxes were refunded during fiscal year 2021.

G. Subsequent Event

In November 2021, the City issued Combination Tax and Revenue Certificates of Obligation, Series 2021 (the "Certificates") in the amount of \$2,275,000. Proceeds from the sale of the Certificates will be used for all or any part of the costs associated with the construction, acquisition, renovation, and equipment of improvements to (i) the City's utility and water distribution system including the Chenango Water Plant site and (ii) and the cost of professional services incurred in connection therewith.

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REQUIRED SUPPLEMENTARY INFORMATION

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SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES
IN FUND BALANCE - BUDGET AND ACTUAL
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	Original Budget Amounts	Final Budget Amounts	Actual Amounts	Variance with Final Budget Positive (Negative)
<u>Revenues</u>				
Property taxes	\$ 6,650,255	\$ 6,650,255	\$ 6,590,804	\$ (59,451)
Franchise fees and local taxes	704,000	704,000	594,063	(109,937)
Sales taxes	3,484,843	3,484,843	3,416,639	(68,204)
Industrial district agreement	123,063	123,063	104,170	(18,893)
Permits, licenses, and fees	325,160	697,410	685,324	(12,086)
Fines and forfeitures	688,261	688,261	478,290	(209,971)
Charges for services	2,209,696	2,209,696	2,160,449	(49,247)
Intergovernmental	36,450	36,450	49,048	12,598
Investment revenue	48,000	48,000	9,592	(38,408)
Miscellaneous revenue	299,024	30,000	109,637	79,637
Total Revenues	14,568,752	14,671,978	14,198,016	(473,962)
<u>Expenditures</u>				
General administration				
Administrative	3,746,344	3,870,482	3,870,482	-
Buildings	189,314	127,088	125,810	1,278
Total general administration	<u>3,935,658</u>	<u>3,997,570</u>	<u>3,996,292</u>	<u>1,278</u>
Financial administration				
Tax collection	48,000	48,000	47,990	10
Finance and accounting	442,371	495,371	486,972	8,399
Total financial administration	<u>490,371</u>	<u>543,371</u>	<u>534,962</u>	<u>8,409</u>
Public safety				
Municipal court	556,285	556,285	543,490	12,795
Police department	5,114,363	5,111,258	5,111,258	-
Animal control	305,087	305,587	284,873	20,714
Fire department	725,603	783,363	783,363	-
Emergency management	92,486	98,720	91,681	7,039
Code enforcement	754,360	784,413	766,058	18,355
Total public safety	<u>7,548,184</u>	<u>7,639,626</u>	<u>7,580,723</u>	<u>58,903</u>
Community services				
Information technology	485,822	657,884	657,884	-
Parks and recreation	1,465,442	1,618,796	1,618,796	-
Public works	1,251,511	1,288,494	1,288,494	-
Total community services	<u>3,202,775</u>	<u>3,565,174</u>	<u>3,565,174</u>	<u>-</u>

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SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES
IN FUND BALANCE - BUDGET AND ACTUAL
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	Original Budget Amounts	Final Budget Amounts	Actual Amounts	Variance with Final Budget Positive Negative
<u>Expenditures (continued)</u>				
Economic development	\$ 209,518	\$ 215,252	\$ 187,050	\$ 28,202
Debt service				
Principal	64,000	64,000	64,000	-
Interest expense	-	23,038	8,240	14,798
Total debt service	64,000	87,038	72,240	14,798
Total Expenditures	15,450,506	16,048,031	15,936,441	111,590
 (Deficiency) of Revenues				
(Under) Expenditures	(881,754)	(1,376,053)	(1,738,425)	(362,372)
 <u>Other Financing Sources (Uses)</u>				
Transfers in	415,662	415,662	498,516	82,854
Transfers (out)	(69,555)	(106,092)	(50,034)	56,058
Sale of capital assets	107,500	107,500	36,057	(71,443)
 Total Other Financing Sources	453,607	417,070	484,539	67,469
 Net Change in Budgeted				
Fund Balance	\$ (428,147)	\$ (958,983)	(1,253,886)	\$ (294,903)
 Reconciliation to Net Change in Fund Balance (GAAP Basis):				
Capital outlay from unspent certificates of obligation proceeds			(903,655)	
Net Change in Fund Balance			(2,157,541)	
Beginning fund balance			6,109,354	
Ending Fund Balance			\$ 3,951,813	

Notes to Required Supplementary Information:

1. Annual budgets are adopted on a basis consistent with generally accepted accounting principles (GAAP).

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CITY OF ANGLETON, TEXAS
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES
IN FUND BALANCE - BUDGET AND ACTUAL
ANGLETON BETTER LIVING FUND
For the Year Ended September 30, 2021

	Original Budget Amounts	Final Budget Amounts	Actual Amounts	Variance with Final Budget Positive (Negative)
<u>Revenues</u>				
Sales taxes	\$ 1,742,421	\$ 1,742,421	\$ 1,708,319	\$ (34,102)
Investment revenue	3,900	3,900	2,470	(1,430)
Total Revenues	<u>1,746,321</u>	<u>1,746,321</u>	<u>1,710,789</u>	<u>(35,532)</u>
<u>Expenditures</u>				
Current:				
General administration	91,893	91,893	37,232	54,661
Total Expenditures	<u>91,893</u>	<u>91,893</u>	<u>37,232</u>	<u>54,661</u>
Excess of Revenue Over Expenditures	<u>1,654,428</u>	<u>1,654,428</u>	<u>1,673,557</u>	<u>19,129</u>
<u>Other Financing Sources (Uses)</u>				
Transfer (out)	(1,838,214)	(1,838,214)	(1,782,356)	55,858
Total Other Financing (Uses)	<u>(1,838,214)</u>	<u>(1,838,214)</u>	<u>(1,782,356)</u>	<u>55,858</u>
Net Change in Fund Balance	<u>\$ (183,786)</u>	<u>\$ (183,786)</u>	<u>(108,799)</u>	<u>\$ 74,987</u>
Beginning fund balance			888,022	
Ending Fund Balance			<u>\$ 779,223</u>	

Notes to Required Supplementary Information:

1. Annual budgets are adopted on a basis consistent with generally accepted accounting principles (GAAP).

CITY OF ANGLETON, TEXAS
SCHEDULE OF CHANGES IN NET PENSION LIABILITY AND RELATED RATIOS
TEXAS MUNICIPAL RETIREMENT SYSTEM (TMRS)
For the Year Ended September 30, 2021

	Measurement Year*			
	2020	2019	2018	2017
Total Pension Liability				
Service cost	\$ 1,065,898	\$ 967,612	\$ 875,925	\$ 842,374
Interest (on the total pension liability)	1,913,148	1,810,253	1,741,013	1,651,811
Changes of benefit terms	-	-	-	(42,824)
Difference between expected and actual experience	(75,064)	56,625	(372,360)	(85,751)
Changes of assumptions	-	121,586	-	-
Benefit payments, including refunds of employee contributions	(1,598,568)	(1,363,110)	(1,166,182)	(1,041,573)
Net Change in Total Pension Liability		1,592,966	1,078,396	1,324,217
Beginning total pension liability	28,609,271	27,016,305	25,937,909	24,613,692
Ending Total Pension Liability	<u>\$ 29,914,685</u>	<u>\$ 28,609,271</u>	<u>\$ 27,016,305</u>	<u>\$ 25,937,909</u>
Plan Fiduciary Net Position				
Contributions - employer	\$ 904,937	\$ 822,437	\$ 754,235	\$ 729,850
Contributions - employee	445,051	399,564	361,455	368,923
Net investment income	1,955,933	3,472,078	(695,480)	2,820,968
Benefit payments, including refunds of employee contributions	(1,598,568)	(1,363,110)	(1,166,182)	(1,041,573)
Administrative expense	(12,655)	(19,614)	(13,439)	(14,617)
Other	(493)	(589)	(702)	(742)
Net Change in Plan Fiduciary Net Position	1,694,205	3,310,766	(760,113)	2,862,809
Beginning plan fiduciary net position	25,764,203	22,453,437	23,213,550	20,350,741
Ending Plan Fiduciary Net Position	<u>\$ 27,458,408</u>	<u>\$ 25,764,203</u>	<u>\$ 22,453,437</u>	<u>\$ 23,213,550</u>
Net Pension Liability	<u>\$ 2,456,277</u>	<u>\$ 2,845,068</u>	<u>\$ 4,562,868</u>	<u>\$ 2,724,359</u>
Plan Fiduciary Net Position as a Percentage of Total Pension Liability	91.79%	90.06%	83.11%	89.50%
Covered Payroll	\$ 7,417,525	\$ 6,659,408	\$ 6,024,244	\$ 6,148,715
Net Pension Liability as a Percentage of Covered Payroll	33.11%	42.72%	75.74%	44.31%

*Only seven years of information is currently available.

The City will build this schedule over the next three-year period.

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Measurement Year*		
2016	2015	2014
\$ 785,512	\$ 791,844	\$ 698,595
1,584,707	1,562,646	1,507,813
-	-	-
(252,182)	(165,121)	(436,428)
-	137,392	-
(1,177,455)	(1,163,080)	(903,465)
940,582	1,163,981	866,515
23,673,110	22,509,129	21,642,614
<u>\$ 24,613,692</u>	<u>\$ 23,673,110</u>	<u>\$ 22,509,129</u>
\$ 687,899	\$ 730,615	\$ 660,722
346,549	353,239	323,355
1,298,516	28,450	1,039,581
(1,177,455)	(1,163,080)	(903,465)
(14,663)	(17,328)	(10,853)
(790)	(856)	(892)
1,140,056	68,960	1,108,448
19,210,685	19,279,645	18,171,197
<u>\$ 20,350,741</u>	<u>\$ 19,210,685</u>	<u>\$ 19,279,645</u>
<u>\$ 4,262,951</u>	<u>\$ 4,462,425</u>	<u>\$ 3,229,484</u>
82.68%	81.15%	85.65%
\$ 5,775,821	\$ 5887320	\$ 5,389,248
73.81%	75.80%	59.92%

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CITY OF ANGLETON, TEXAS
SCHEDULE OF THE CITY'S PROPORTIONATE
SHARE OF THE NET PENSION LIABILITY
TEXAS EMERGENCY SERVICES RETIREMENT SYSTEM (TESRS)
For the Year Ended September 30, 2021

	Measurement Year*			
	2020	2019	2018	2017
City's proportion of the net pension liability	0.663%	0.387%	0.319%	0.354%
City's proportionate share of the net pension liability	\$ 167,148	\$ 109,697	\$ 69,065	\$ 84,966
State's proportionate share of the net pension liability	47,649	32,539	19,168	27,824
Total	<u>\$ 214,797</u>	<u>\$ 142,236</u>	<u>\$ 88,233</u>	<u>\$ 112,790</u>
Number of Active Members**	28	27	37	40
City's net pension liability per active member	\$ 5,970	\$ 4,063	\$ 1,846	\$ 2,102
Plan fiduciary net position as a percentage of the total pension liability	83.2%	80.2%	84.3%	81.4%

*Only seven years of information is currently available. The City will build this schedule over the next three-year period.

**There is no compensation for active members. Number of active members is used instead.

Notes to Required Supplementary Information:

1. Changes in benefit terms

There were no changes of benefit terms that affected measurement of the total pension liability (TPL) during the measurement period.

2. Changes in assumptions

Changes in assumptions reflect a change in investment rate of return on pension plan investments and discount rate used to measure the TPL from 7.75% to 7.50% based on August 31, 2020 actuarial valuation.

There were no other change in assumptions or other inputs that affected measurement of the TPL during the measurement period.

Measurement Year *		
2016	2015	2014
0.413%	0.428%	0.452%
\$ 120,165	\$ 114,150	\$ 82,146
41,542	39,568	27,613
\$ 161,707	\$ 153,718	\$ 109,759
32	34	34
\$ 3,815	\$ 3,391	\$ 2,416
76.3%	76.9%	83.5%

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CITY OF ANGLETON, TEXAS
SCHEDULE OF CONTRIBUTIONS
TEXAS MUNICIPAL RETIREMENT SYSTEM (TMRS)
For the Year Ended September 30, 2021

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	Fiscal Year*			
	2021	2020	2019	2018
Actuarially determined contribution	\$ 975,404	\$ 887,773	\$ 808,099	\$ 735,614
Contributions in relation to the actuarially determined contribution	975,404	887,773	808,099	735,614
Contribution deficiency (excess)	\$ -	\$ -	\$ -	\$ -
Covered payroll	\$ 8,067,011	\$ 7,249,082	\$ 6,519,525	\$ 5,961,986
Contributions as a percentage of covered payroll	12.09%	12.25%	12.40%	12.34%

*Only eight years of information are currently available. The City will build this schedule over the next two-year period.

Notes to Required Supplementary Information:

1. Valuation Date:

Actuarially determined contribution rates are calculated as of December 31 and become effective in January, 13 months later.

2. Methods and Assumptions Used to Determine Contribution Rates:

Actuarial cost method	Entry age normal
Amortization method	Level percentage of payroll, closed
Remaining amortization period	25 years
Asset valuation method	10 year smoothed market; 12% soft corridor
Inflation	2.50%
Salary increases	3.50% to 11.50% including inflation
Investment rate of return	6.75%
Retirement age	Experience-based table of rates that are specific to the City's plan of benefits. Last updated for the 2019 valuation pursuant to an experience study of the period December 31, 2014-December 31, 2018.
Mortality	Post-retirement 2019 Municipal Retirees of Texas Mortality Tables. The rates are projected on a fully generational basis with scale UMP. Pre-retirement: PUB(10) mortality tables, with the Public Safety table used for males and the General Employee table used for females. The rates are projected on a fully generational basis with scale UMP.

3. Other Information:

There were no benefit changes during this year.

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Fiscal Year *			
2017	2016	2015	2014
\$ 727,148	\$ 693,433	\$ 687,403	\$ 658,787
727,148	693,433	687,403	658,787
\$ -	\$ -	\$ -	\$ -
\$ 6,120,417	\$ 5,754,427	\$ 5,554,619	\$ 5,389,248
11.88%	12.05%	12.38%	12.22%

CITY OF ANGLETON, TEXAS
SCHEDULE OF CONTRIBUTIONS
TEXAS EMERGENCY SERVICES RETIREMENT SYSTEM (TESRS)
For the Year Ended September 30, 2021

	Fiscal Year*			
	2021	2020	2019	2018
Contractually required contribution	\$ 33,095	\$ 31,318	\$ 24,996	\$ 22,453
Contributions in relation to the contractually required	33,095	31,318	24,996	22,453
Contribution deficiency (excess)	\$ -	\$ -	\$ -	\$ -
Number of active members**	28	26	42	37
Contributions per active member	\$ 1,182	\$ 1,205	\$ 595	\$ 607

*Only eight years of information is currently available. The City will build this schedule over the next two-year period.

**There is no compensation for active members. Number of active members is used instead.

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Fiscal Year *			
2017	2016	2015	2014
\$ 24,255	\$ 18,900	\$ 20,200	\$ 20,580
24,255	18,900	20,200	20,580
\$ -	\$ -	\$ -	\$ -
40	36	34	34
\$ 606	\$ 525	\$ 594	\$ 605

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CITY OF ANGLETON, TEXAS

SCHEDULE OF CHANGES IN THE CITY'S TOTAL OPEB LIABILITY AND RELATED RATIOS TEXAS MUNICIPAL RETIREMENT SYSTEM (TMRS)

For the Year Ended September 30, 2021

	Measurement Year*			
	2020	2019	2018	2017
Total OPEB Liability				
Service cost	\$ 21,511	\$ 15,983	\$ 16,265	\$ 14,142
Interest (on the total OPEB liability)	10,495	10,873	10,069	9,793
Changes of benefit terms	-	-	-	-
Difference between expected and actual experience	4,511	(2,124)	(13,650)	-
Change of assumptions	66,967	63,878	(20,830)	22,154
Benefit payments**	(2,967)	(2,664)	(3,012)	(3,074)
Net Change in Total OPEB Liability	100,517	85,946	(11,158)	44,015
Beginning total OPEB liability	372,351	286,405	297,563	253,548
Ending Total OPEB Liability	472,868	372,351	\$ 286,405	\$ 297,563
Covered Payroll	7,417,525	6,659,408	\$ 6,024,244	\$ 6,148,715
Total OPEB Liability as a Percentage of Covered Payroll	6.38%	5.59%	4.75%	4.84%

* Only four years of information is currently available. The City will build this schedule over the next six-year period.

** Due to the SDBF being considered an unfunded OPEB plan under GASB 75, benefit payments are treated as being equal to the employer's yearly contributions for retirees.

Notes to Required Supplementary Information:

1. Valuation Date:

Actuarially determined contribution rates are calculated as of December 31 and become effective in January, 13 months later.

Methods and Assumptions Used to Determine Contribution Rates:

Actuarial cost method	Entry age normal
Inflation	2.5%
Salary increases	3.5% to 11.5% including inflation
Discount rate	2.0%
Administrative expenses	All administrative expenses are paid through the PTF and accounted for under reporting requirements under GASB 68.
Mortality - service retirees	2019 Municipal Retirees of Texas Mortality Tables. The rates are projected on a fully generational basis with scale UMP.
Mortality - disabled retirees	2019 Municipal Retirees of Texas Mortality Tables with a 4-year set-forward for males and a 3-year set-forward for females. In addition, a 3.5% and 3.0% minimum mortality rate will be applied to reflect the impairment for younger members who become disabled for males and females, respectively. The rates are projected on a fully generational basis by Scale UMP to account for future mortality improvements subject to the floor.

2. Other Information:

The discount rate was based on the Fidelity Index's "20-Year Municipal GO AA Index" rate as of December 31, 2020.

There were no benefit changes during the year.

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COMBINING STATEMENTS AND SCHEDULES

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NONMAJOR GOVERNMENTAL FUNDS

Special Revenue Funds

Hotel/Motel Fund - Hotel tax revenue from local hotels.

Child Safety Fund - Collection and disbursement of money used for child safety programs.

Municipal Court Technology Fund - Collection and disbursement of money used for court technology.

Municipal Court Building Security Fund - Collection and disbursement of money used for court security.

GLO Grant Fund - Revenue and expenses for General Land Office (GLO) grant.

Drug Confiscation Fund - Police seizure and buy account.

Keep Angleton Beautiful Fund - Donations to clean up and landscape across the City.

Angleton Act Center Fund - Revenues and expenditures for the recreation center.

TIRZ #1 Fund - Property tax funds that will be utilized for certain infrastructure costs.

OBJ Police Grant Fund - Office of Byrne Memorial Justice assistance program grant designated for body worn cameras.

Police Donation Fund - Money donated to the police department for special purposes.

Fire Department ESD Fund - Contract with the County fire department.

A/C Donations Fund - Donations for the animal control.

TxDOT Grant Fund - Revenue and expenses for Texas Department of Transportation (TXDOT) grant.

Traffic Enforcement Fund - Revenue and expenses for Selective Traffic Enforcement Program (STEP) grant.

Developer Deposit Fund - To account for the developers deposit and capital projects activities.

Generator Grant Fund - Revenue and expenses for Texas Department of Emergency Management (TDEM) grant.

Capital Project Funds

Street Fund - Capital improvements for city streets.

Local Park Grant Fund - Capital improvements for Local Park Grant.

City-Wide Capital Projects Fund - Capital improvements for the City.

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CITY OF ANGLETON, TEXAS
COMBINING BALANCE SHEET (Page 1 of 3)
NONMAJOR GOVERNMENTAL FUNDS
September 30, 2021

Item 5.

Special Revenue Funds				
	Hotel/Motel	Child Safety	Municipal Court Technology	Municipal Court Building Security
<u>Assets</u>				
Current assets:				
Cash and cash equivalents	\$ 464,883	\$ 4,840	\$ 8,288	\$ 26,887
Investments	-	-	-	-
Receivables, net	40,300	-	-	-
Due from other government	-	-	-	-
Inventory	-	-	-	-
Total Assets	\$ 505,183	\$ 4,840	\$ 8,288	\$ 26,887
<u>Liabilities and Fund Balances</u>				
Liabilities:				
Accounts payable and accrued liabilities	\$ 27,944	\$ -	\$ -	\$ -
Fund balances:				
Nonspendable: Inventory	-	-	-	-
Restricted for:				
Economic development	477,239	-	-	-
Special projects	-	4,840	8,288	26,887
Capital projects	-	-	-	-
Total Fund Balances	477,239	4,840	8,288	26,887
Total Liabilities and Fund Balance	\$ 505,183	\$ 4,840	\$ 8,288	\$ 26,887

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Special Revenue Funds

GLO Grant	Drug Confiscation	Keep Angleton Beautiful	Angleton Act Center	TIRZ #1	OBJ Police Grant
\$ -	\$ 22,318	\$ 29,046	\$ 51,738	\$ 6,677	\$ 20,703
-	-	-	-	-	-
-	-	3,329	73,491	-	9,877
-	-	-	-	-	-
-	-	-	-	-	-
<u>\$ -</u>	<u>\$ 22,318</u>	<u>\$ 32,375</u>	<u>\$ 125,229</u>	<u>\$ 6,677</u>	<u>\$ 30,580</u>
\$ -	\$ 7,500	\$ -	\$ 52,088	\$ 6,530	\$ 1,113
-	-	-	-	-	-
-	-	-	73,141	-	-
-	14,818	32,375	-	147	29,467
-	-	-	-	-	-
<u>-</u>	<u>14,818</u>	<u>32,375</u>	<u>73,141</u>	<u>147</u>	<u>29,467</u>
<u>\$ -</u>	<u>\$ 22,318</u>	<u>\$ 32,375</u>	<u>\$ 125,229</u>	<u>\$ 6,677</u>	<u>\$ 30,580</u>

CITY OF ANGLETON, TEXAS
COMBINING BALANCE SHEET (Page 2 of 3)
NONMAJOR GOVERNMENTAL FUNDS
September 30, 2021

Item 5.

Special Revenue Funds

	Police Donation	Fire Dept. ESD	A/C Donations	TxDOT Grant
<u>Assets</u>				
Current assets:				
Cash and cash equivalents	\$ 18,062	\$ 114,964	\$ 18,543	\$ 3,708
Investments	-	-	-	-
Receivables, net	-	-	-	-
Due from other government	-	-	-	-
Inventory	-	-	-	-
Total Assets	\$ 18,062	\$ 114,964	\$ 18,543	\$ 3,708
<u>Liabilities and Fund Balances</u>				
Liabilities:				
Accounts payable and accrued liabilities	\$ -	\$ 26,144	\$ -	\$ -
Fund balances:				
Nonspendable: Inventory	-	-	-	-
Restricted for:				
Economic development	-	-	-	-
Special projects	18,062	88,820	18,543	3,708
Capital projects	-	-	-	-
Total Fund Balances	18,062	88,820	18,543	3,708
Total Liabilities and Fund Balance	\$ 18,062	\$ 114,964	\$ 18,543	\$ 3,708

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Special Revenue Funds			Capital Projects Funds		
Traffic Enforcement	Developer Deposit	Generator Grant	Street	Local Park Grant	City-Wide Capital Projects
\$ -	\$ 995,424	\$ -	\$ 2,058,862	\$ 176,212	\$ 407,763
-	-	-	349,742	-	-
-	-	-	-	-	-
980	-	29,427	-	-	-
-	-	-	19,036	-	-
<u>\$ 980</u>	<u>\$ 995,424</u>	<u>\$ 29,427</u>	<u>\$ 2,427,640</u>	<u>\$ 176,212</u>	<u>\$ 407,763</u>
\$ -	\$ -	\$ -	\$ 178,767	\$ -	\$ -
-	-	-	19,036	-	-
-	-	-	-	-	-
980	-	-	-	-	-
-	995,424	29,427	2,229,837	176,212	407,763
<u>980</u>	<u>995,424</u>	<u>29,427</u>	<u>2,248,873</u>	<u>176,212</u>	<u>407,763</u>
<u>\$ 980</u>	<u>\$ 995,424</u>	<u>\$ 29,427</u>	<u>\$ 2,427,640</u>	<u>\$ 176,212</u>	<u>\$ 407,763</u>

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CITY OF ANGLETON, TEXAS
COMBINING BALANCE SHEET (Page 3 of 3)
NONMAJOR GOVERNMENTAL FUNDS
September 30, 2021

Item 5.

	Total Nonmajor Governmental Funds
<u>Assets</u>	
Current assets:	
Cash and cash equivalents	\$ 4,428,918
Investments	349,742
Receivables, net	126,997
Due from other governments	30,407
Inventory	19,036
	<hr/>
Total Assets	\$ 4,955,100
	<hr/>
<u>Liabilities and Fund Balances</u>	
Liabilities:	
Accounts payable and accrued liabilities	\$ 300,086
	<hr/>
Fund balances:	
Nonspendable: Inventory	19,036
Restricted for:	
Economic development	550,380
Special projects	246,935
Capital projects	3,838,663
	<hr/>
Total Fund Balances	4,655,014
	<hr/>
Total Liabilities and Fund Balance	\$ 4,955,100
	<hr/>

CITY OF ANGLETON, TEXAS
COMBINING STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES (Page 1 of 3)
NONMAJOR GOVERNMENTAL FUNDS
For the Year Ended September 30, 2021

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Special Revenue Funds				
	Hotel/Motel	Child Safety	Municipal Court Technology	Municipal Court Building Security
Revenues				
Property taxes	\$ -	\$ -	\$ -	\$ -
Franchise fees and local taxes	162,329	-	-	-
Fines and forfeitures	-	2,494	8,163	9,125
Intergovernmental	-	-	-	-
Charges for services	-	-	-	-
Investment revenue	776	8	17	42
Miscellaneous revenue	-	-	-	-
Total Revenues	163,105	2,502	8,180	9,167
Expenditures				
Current:				
General administration	-	-	-	-
Public safety	-	-	-	1,119
Economic development	207,834	-	-	-
Capital outlay	-	-	-	-
Total Expenditures	207,834	-	-	1,119
Excess (Deficiency) of Revenues Over (Under) Expenditures	(44,729)	2,502	8,180	8,048
Other Financing Sources (Uses)				
Transfers in	-	-	-	-
Transfers (out)	(30,662)	(2,000)	-	(5,000)
Total Other Financing Sources (Uses)	(30,662)	(2,000)	-	(5,000)
Net Change in Fund Balances	(75,391)	502	8,180	3,048
Beginning fund balances	552,630	4,338	108	23,839
Ending Fund Balances	\$ 477,239	\$ 4,840	\$ 8,288	\$ 26,887

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Special Revenue Funds

GLO Grant	Drug Confiscation	Keep Angleton Beautiful	Angleton Act Center	TIRZ #1	OBJ Police Grant
\$ -	\$ -	\$ -	\$ -	\$ 21,394	\$ -
-	-	-	-	-	-
-	-	-	-	-	-
105,756	-	-	-	-	55,320
-	-	-	335,803	-	-
-	48	97	140	32	-
-	11,199	32,828	-	-	-
105,756	11,247	32,925	335,943	21,426	55,320
199,446	-	-	1,308,823	21,394	-
-	24,647	-	-	-	69,143
-	-	68,969	-	-	-
-	-	-	-	-	-
199,446	24,647	68,969	1,308,823	21,394	69,143
(93,690)	(13,400)	(36,044)	(972,880)	32	(13,823)
93,690	-	-	778,464	-	14,558
-	-	-	-	-	-
93,690	-	-	778,464	-	14,558
-	(13,400)	(36,044)	(194,416)	32	735
-	28,218	68,419	267,557	115	28,732
\$ -	\$ 14,818	\$ 32,375	\$ 73,141	\$ 147	\$ 29,467

CITY OF ANGLETON, TEXAS
COMBINING STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES (Page 2 of 3)
NONMAJOR GOVERNMENTAL FUNDS
For the Year Ended September 30, 2021

Special Revenue Funds

	Police Donation	Fire Dept. ESD	A/C Donations	TxDOT Grant
Revenues				
Property taxes	\$ -	\$ -	\$ -	\$ -
Franchise fees and local taxes	-	-	-	-
Fines and forfeitures	-	-	-	-
Intergovernmental	-	290,286	-	2,269
Charges for services	-	-	-	-
Investment revenue	33	-	28	-
Miscellaneous revenue	5,060	243	13,956	-
Total Revenues	5,093	290,529	13,984	2,269
Expenditures				
Current:				
General administration	-	-	3,328	-
Public safety	16,300	273,214	-	1,577
Economic development	-	-	-	-
Capital outlay	-	-	-	-
Total Expenditures	16,300	273,214	3,328	1,577
Excess (Deficiency of Revenues Over (Under) Expenditures	(11,207)	17,315	10,656	692
Other Financing Sources (Uses)				
Transfers in	-	-	-	3,016
Transfers (out)	-	(72,240)	-	-
otal Other Financing Sources (Uses)	-	(72,240)	-	3,016
Net Change in Fund Balances	(11,207)	(54,925)	10,656	3,708
Beginning fund balances	29,269	143,745	7,887	-
Ending Fund Balances	\$ 18,062	\$ 88,820	\$ 18,543	\$ 3,708

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Special Revenue Funds			Capital Projects Funds		
Traffic Enforcement	Developer Deposit	Generator Grant	Street Fund	Local Park Grant	City-Wide Capital Projects
\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
-	-	-	-	-	-
-	-	-	-	-	-
5,096	-	137,581	-	150,000	-
-	-	-	-	-	-
-	-	-	5,900	-	668
-	767,858	-	-	-	-
5,096	767,858	137,581	5,900	150,000	668
-	115,410	1,809	-	-	-
7,149	-	22,064	-	-	-
-	-	-	-	-	-
-	-	113,708	440,252	321,496	-
7,149	115,410	137,581	440,252	321,496	-
(2,053)	652,448	-	(434,352)	(171,496)	668
3,033	-	29,427	-	-	-
-	-	-	-	-	-
3,033	-	29,427	-	-	-
980	652,448	29,427	(434,352)	(171,496)	668
-	342,976	-	2,683,225	347,708	407,095
\$ 980	\$ 995,424	\$ 29,427	\$ 2,248,873	\$ 176,212	407,763

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CITY OF ANGLETON, TEXAS
COMBINING STATEMENT OF REVENUES, EXPENDITURES
AND CHANGES IN FUND BALANCES (Page 3 of 3)
NONMAJOR GOVERNMENTAL FUNDS
For the Year Ended September 30, 2021

	Total Nonmajor Governmental Funds
<u>Revenues</u>	
Property taxes	\$ 21,394
Franchise fees and local taxes	162,329
Fines and forfeitures	19,782
Intergovernmental	746,308
Charges for services	335,803
Investment revenue	7,789
Miscellaneous revenue	831,144
Total Revenues	2,124,549
<u>Expenditures</u>	
Current:	
General administration	1,650,210
Public safety	415,213
Economic development	276,803
Capital outlay	875,456
Total Expenditures	3,217,682
 Excess (Deficiency of Revenues Over (Under) Expenditures	 (1,093,133)
 <u>Other Financing Sources (Uses)</u>	
Transfers in	922,188
Transfers (out)	(109,902)
Total Other Financing Sources (Uses)	812,286
 Net Change in Fund Balances	 (280,847)
 Beginning fund balances	 4,935,861
Ending Fund Balances	\$ 4,655,014

CITY OF ANGLETON, TEXAS
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES
IN FUND BALANCES – BUDGET AND ACTUAL
NONMAJOR SPECIAL REVENUE FUNDS

For the Year Ended September 30, 2021

	Hotel / Motel			Variance with
	Original Budget Amounts	Final Budget Amounts	Actual Amounts	Final Budget Positive (Negative)
Revenues				
Franchise fees and local taxes	\$ 250,000	\$ 250,000	\$ 162,329	\$ (87,671)
Investment revenue	1,545	1,545	776	(769)
Total Revenues	<u>251,545</u>	<u>251,545</u>	<u>163,105</u>	<u>(88,440)</u>
Expenditures				
Current:				
Economic development	217,948	217,948	207,834	10,114
Total Expenditures	<u>217,948</u>	<u>217,948</u>	<u>207,834</u>	<u>10,114</u>
Excess (Deficiency) of Revenues Over (Under) Expenditures	<u>33,597</u>	<u>33,597</u>	<u>(44,729)</u>	<u>(78,326)</u>
Other Financing Sources (Uses)				
Transfers (out)	(33,597)	(33,597)	(30,662)	2,935
Total Other Financing Sources (Uses)	<u>(33,597)</u>	<u>(33,597)</u>	<u>(30,662)</u>	<u>2,935</u>
Net Change in Fund Balance	<u>\$ -</u>	<u>\$ -</u>	<u>(75,391)</u>	<u>\$ (75,391)</u>
Beginning fund balance			552,630	
Ending Fund Balance			<u>\$ 477,239</u>	

Notes to Supplementary Information:

1. Annual budgets are adopted on a basis consistent with generally accepted accounting principles (GAAP).

CITY OF ANGLETON, TEXAS
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES
IN FUND BALANCE – BUDGET AND ACTUAL
NONMAJOR SPECIAL REVENUE FUNDS (Continued)
For the Year Ended September 30, 2021

	Child Safety			
	Original Budget Amounts	Final Budget Amounts	Actual Amounts	Variance with Final Budget Positive (Negative)
<u>Revenues</u>				
Fines and forfeitures	\$ 2,000	\$ 2,000	\$ 2,494	\$ 494
Investment revenue	25	25	8	(17)
Total Revenues	<u> 2,025</u>	<u> 2,025</u>	<u> 2,502</u>	<u> 477</u>
Excess of Revenues Over Expenditures	<u> 2,025</u>	<u> 2,025</u>	<u> 2,502</u>	<u> 477</u>
<u>Other Financing Sources (Uses)</u>				
Transfers (out)	<u> (2,025)</u>	<u> (2,025)</u>	<u> (2,000)</u>	<u> 25</u>
Total Other Financing (Uses)	<u> (2,025)</u>	<u> (2,025)</u>	<u> (2,000)</u>	<u> 25</u>
Net Change in Fund Balance	<u><u> -</u></u>	<u><u> -</u></u>	<u> 502</u>	<u><u> 502</u></u>
Beginning fund balance			<u> 4,338</u>	
Ending Fund Balance			<u><u> \$ 4,840</u></u>	

Municipal Court Technology				
	Original Budget Amounts	Final Budget Amounts	Actual Amounts	Variance with Final Budget Positive (Negative)
Revenues				
Fines and forfeitures	\$ 10,000	\$ 10,000	\$ 8,163	\$ (1,837)
Investment revenue	-	-	17	17
Total Revenues	<u>10,000</u>	<u>10,000</u>	<u>8,180</u>	<u>(1,820)</u>
Expenditures				
Current:				
Public safety	10,000	10,000	-	10,000
Total Expenditures	<u>10,000</u>	<u>10,000</u>	<u>-</u>	<u>10,000</u>
Net Change in Fund Balance	<u>\$ -</u>	<u>\$ -</u>	8,180	<u>\$ 8,180</u>
Beginning fund balance			108	
Ending Fund Balance			\$ 8,288	

Notes to Supplementary Information:

1. Annual budgets are adopted on a basis consistent with generally accepted accounting principles (GAAP).

CITY OF ANGLETON, TEXAS
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES
IN FUND BALANCE – BUDGET AND ACTUAL
NONMAJOR SPECIAL REVENUE FUNDS (Continued)
For the Year Ended September 30, 2021

Municipal Court Building Security				
	Original Budget Amounts	Final Budget Amounts	Actual Amounts	Variance with Final Budget Positive (Negative)
Revenues				
Fines and forfeitures	\$ 7,000	\$ 7,000	\$ 9,125	\$ 2,125
Investment revenue	160	160	42	(118)
Total Revenues	<u>7,160</u>	<u>7,160</u>	<u>9,167</u>	<u>2,007</u>
Expenditures				
Current:				
Public safety	7,160	7,160	1,119	6,041
Total Expenditures	<u>7,160</u>	<u>7,160</u>	<u>1,119</u>	<u>6,041</u>
Excess of Revenues Over Expenditures	<u>-</u>	<u>-</u>	<u>8,048</u>	<u>8,048</u>
Other Financing Sources (Uses)				
Transfers (out)	(5,000)	(5,000)	(5,000)	-
Total Other Financing (Uses)	<u>(5,000)</u>	<u>(5,000)</u>	<u>(5,000)</u>	<u>-</u>
Net Change in Fund Balance	<u>\$ (5,000)</u>	<u>\$ (5,000)</u>	<u>3,048</u>	<u>\$ 8,048</u>
Beginning fund balance			23,839	
Ending Fund Balance			<u>\$ 26,887</u>	

GLO Grant				
	Original Budget Amounts	Final Budget Amounts	Actual Amounts	Variance with Final Budget Positive (Negative)
Revenues				
Intergovernmental	\$ 154,439	\$ 154,439	\$ 105,756	\$ (48,683)
Total Revenues	<u>154,439</u>	<u>154,439</u>	<u>105,756</u>	<u>(48,683)</u>
Expenditures				
Current:				
General administration	366,243	366,243	199,446	166,797
Total Expenditures	<u>366,243</u>	<u>366,243</u>	<u>199,446</u>	<u>166,797</u>
(Deficiency) of Revenues (Under) Expenditures	<u>(211,804)</u>	<u>(211,804)</u>	<u>(93,690)</u>	<u>118,114</u>
Other Financing Sources (Uses)				
Transfers in	211,804	211,804	93,690	(118,114)
Total Other Financing Sources	<u>211,804</u>	<u>211,804</u>	<u>93,690</u>	<u>(118,114)</u>
Net Change in Fund Balance	<u>\$ -</u>	<u>\$ -</u>	<u>-</u>	<u>\$ -</u>
Beginning fund balance			-	
Ending Fund Balance			<u>\$ -</u>	

Notes to Supplementary Information:

1. Annual budgets are adopted on a basis consistent with generally accepted accounting principles (GAAP).

CITY OF ANGLETON, TEXAS
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES
IN FUND BALANCE – BUDGET AND ACTUAL
NONMAJOR SPECIAL REVENUE FUNDS (Continued)
For the Year Ended September 30, 2021

Drug Confiscation			
	Original Budget Amounts	Final Budget Amounts	Variance with Final Budget Positive (Negative)
Revenues			
Investment revenue	\$ 100	\$ 50	\$ 48 (2)
Miscellaneous revenue	-	11,198	11,199 1
Total Revenues	100	11,248	11,247 (1)
Expenditures			
Current:			
Public safety	6,000	24,648	24,647 1
Total Expenditures	6,000	24,648	24,647 1
Net Change in Fund Balance	\$ (5,900)	\$ (13,400)	(13,400) \$ -
Beginning fund balance			28,218
Ending Fund Balance			\$ 14,818

Keep Angleton Beautiful			
	Original Budget Amounts	Final Budget Amounts	Variance with Final Budget Positive (Negative)
Revenues			
Investment revenue	\$ 350	\$ 350	\$ 97 (253)
Miscellaneous revenue	29,275	29,275	32,828 3,553
Total Revenues	29,625	29,625	32,925 3,300
Expenditures			
Current:			
Economic development	82,700	82,700	68,969 13,731
Total Expenditures	82,700	82,700	68,969 13,731
Net Change in Fund Balance	\$ (53,075)	\$ (53,075)	(36,044) \$ 17,031
Beginning fund balance			68,419
Ending Fund Balance			\$ 32,375

Notes to Supplementary Information:

1. Annual budgets are adopted on a basis consistent with generally accepted accounting principles (GAAP).

CITY OF ANGLETON, TEXAS
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES
IN FUND BALANCE – BUDGET AND ACTUAL
NONMAJOR SPECIAL REVENUE FUNDS (Continued)
For the Year Ended September 30, 2021

Angleton Act Center				
	Original Budget Amounts	Final Budget Amounts	Actual Amounts	Variance with Final Budget Positive Negative
Revenues				
Charges for services	\$ 385,893	\$ 383,493	\$ 335,803	\$ (47,690)
Investment revenue	75	75	140	65
Total Revenues	<u>385,968</u>	<u>383,568</u>	<u>335,943</u>	<u>(47,625)</u>
Expenditures				
Current:				
General administration	1,309,060	1,309,060	1,308,823	237
Total Expenditures	<u>1,459,060</u>	<u>1,462,060</u>	<u>1,308,823</u>	<u>237</u>
(Deficiency) of Revenues (Under) Expenditures	<u>(1,073,092)</u>	<u>(1,078,492)</u>	<u>(972,880)</u>	<u>47,388</u>
Other Financing Sources (Uses)				
Transfers in	825,342	925,342	778,464	(146,878)
Total Other Financing Sources	<u>825,342</u>	<u>925,342</u>	<u>778,464</u>	<u>(146,878)</u>
Net Change in Fund Balance	<u>\$ (247,750)</u>	<u>\$ (153,150)</u>	<u>(194,416)</u>	<u>\$ (41,266)</u>
Beginning fund balance			267,557	
Ending Fund Balance			<u>\$ 73,141</u>	

TIRZ #1 Property Tax				
	Original Budget Amounts	Final Budget Amounts	Actual Amounts	Variance with Final Budget Positive Negative
Revenues				
Property taxes	\$ 25,599	\$ 25,599	\$ 21,394	\$ (4,205)
Investment revenue	100	100	32	(68)
Other revenue	6,530	6,530	-	(6,530)
Total Revenues	<u>32,229</u>	<u>32,229</u>	<u>21,426</u>	<u>(10,803)</u>
Expenditures				
Current:				
General administration	32,129	32,129	21,394	10,735
Total Expenditures	<u>32,129</u>	<u>32,129</u>	<u>21,394</u>	<u>10,735</u>
Net Change in Fund Balance	<u>\$ 100</u>	<u>\$ 100</u>	<u>32</u>	<u>\$ (68)</u>
Beginning fund balance			115	
Ending Fund Balance			<u>\$ 147</u>	

Notes to Supplementary Information:

1. Annual budgets are adopted on a basis consistent with generally accepted accounting principles (GAAP).

CITY OF ANGLETON, TEXAS
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES
IN FUND BALANCE – BUDGET AND ACTUAL
NONMAJOR SPECIAL REVENUE FUNDS (Continued)
For the Year Ended September 30, 2021

OBJ Police Grant				
	Original Budget Amounts	Final Budget Amounts	Actual Amounts	Variance with Final Budget Positive Negative
Revenues				
Intergovernmental	\$ 55,319	\$ 55,319	\$ 55,320	\$ 1
Total Revenues	<u>55,319</u>	<u>55,319</u>	<u>55,320</u>	<u>1</u>
Expenditures				
Current:				
Public safety	69,877	69,877	69,143	734
Total Expenditures	<u>69,877</u>	<u>69,877</u>	<u>69,143</u>	<u>734</u>
(Deficiency) of Revenues (Under) Expenditures	<u>(14,558)</u>	<u>(14,558)</u>	<u>(13,823)</u>	<u>735</u>
Other Financing Sources (Uses)				
Transfers in	14,558	14,558	14,558	-
Total Other Financing Sources	<u>14,558</u>	<u>14,558</u>	<u>14,558</u>	<u>-</u>
Net Change in Fund Balance	<u>\$ -</u>	<u>\$ -</u>	<u>735</u>	<u>\$ 735</u>
Beginning fund balance			28,732	
Ending Fund Balance			<u>\$ 29,467</u>	

Police Donation				
	Original Budget Amounts	Final Budget Amounts	Actual Amounts	Variance with Final Budget Positive Negative
Revenues				
Investment revenue	\$ 50	\$ 50	\$ 33	\$ (17)
Miscellaneous revenue	10,000	5,060	5,060	-
Total Revenues	<u>10,050</u>	<u>5,110</u>	<u>5,093</u>	<u>(17)</u>
Expenditures				
Current:				
Public safety	15,000	16,300	16,300	-
Total Expenditures	<u>15,000</u>	<u>16,300</u>	<u>16,300</u>	<u>-</u>
Net Change in Fund Balance	<u>\$ (4,950)</u>	<u>\$ (11,190)</u>	<u>(11,207)</u>	<u>\$ (17)</u>
Beginning fund balance			29,269	
Ending Fund Balance			<u>\$ 18,062</u>	

Notes to Supplementary Information:

1. Annual budgets are adopted on a basis consistent with generally accepted accounting principles (GAAP).

CITY OF ANGLETON, TEXAS
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES
IN FUND BALANCE – BUDGET AND ACTUAL
NONMAJOR SPECIAL REVENUE FUNDS (Continued)
For the Year Ended September 30, 2021

Fire Department ESD				
	Original Budget Amounts	Final Budget Amounts	Actual Amounts	Variance with Final Budget Positive (Negative)
Revenues				
Intergovernmental	\$ 290,286	\$ 290,286	\$ 290,286	\$ -
Other revenue	1,116	1,116	243	(873)
Total Revenues	<u>291,402</u>	<u>291,402</u>	<u>290,529</u>	<u>(873)</u>
Expenditures				
Current:				
Public safety	218,045	341,045	273,214	67,831
Total Expenditures	<u>218,045</u>	<u>341,045</u>	<u>273,214</u>	<u>67,831</u>
Excess (Deficiency) of Revenues Over (Under) Expenditures	<u>73,357</u>	<u>(49,643)</u>	<u>17,315</u>	<u>66,958</u>
Other Financing Sources (Uses)				
Transfers (out)	(73,357)	(73,357)	(72,240)	1,117
Total Other Financing (Uses)	<u>(73,357)</u>	<u>(73,357)</u>	<u>(72,240)</u>	<u>1,117</u>
Net Change in Fund Balance	<u>\$ -</u>	<u>\$ (123,000)</u>	<u>(54,925)</u>	<u>\$ 68,075</u>
Beginning fund balance			143,745	
Ending Fund Balance			<u>\$ 88,820</u>	

Notes to Supplementary Information:

1. Annual budgets are adopted on a basis consistent with generally accepted accounting principles (GAAP).

CITY OF ANGLETON, TEXAS
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES
IN FUND BALANCE – BUDGET AND ACTUAL
NONMAJOR SPECIAL REVENUE FUNDS (Continued)
For the Year Ended September 30, 2021

A/C Donations				
	Original Budget Amounts	Final Budget Amounts	Actual Amounts	Variance with Final Budget Positive (Negative)
Revenues				
Miscellaneous revenue	\$ 5,950	\$ 15,950	\$ 13,956	\$ (1,994)
Investment revenue	50	50	28	(22)
Total Revenues	<u>6,000</u>	<u>16,000</u>	<u>13,984</u>	<u>(2,016)</u>
Expenditures				
Current:				
General administration	10,000	20,000	3,328	16,672
Total Expenditures	<u>10,000</u>	<u>20,000</u>	<u>3,328</u>	<u>16,672</u>
Excess (Deficiency) of Revenues Over (Under) Expenditures	<u>(4,000)</u>	<u>(4,000)</u>	<u>10,656</u>	<u>(14,656)</u>
Other Financing Sources (Uses)				
Transfers in	4,000	4,000	-	(4,000)
Total Other Financing Sources	<u>4,000</u>	<u>4,000</u>	<u>-</u>	<u>(4,000)</u>
Net Change in Fund Balance	<u>\$ -</u>	<u>\$ -</u>	<u>10,656</u>	<u>\$ 10,656</u>
Beginning fund balance			7,887	
Ending Fund Balance			<u>\$ 18,543</u>	

TxDOT Grant				
	Original Budget Amounts	Final Budget Amounts	Actual Amounts	Variance with Final Budget Positive (Negative)
Revenues				
Intergovernmental	\$ -	\$ 11,999	\$ 2,269	\$ (9,730)
Total Revenues	<u>-</u>	<u>11,999</u>	<u>2,269</u>	<u>(9,730)</u>
Expenditures				
Current:				
Public safety	-	15,015	1,577	13,438
Total Expenditures	<u>-</u>	<u>15,015</u>	<u>1,577</u>	<u>13,438</u>
Excess (Deficiency) of Revenues Over (Under) Expenditures	<u>-</u>	<u>(3,016)</u>	<u>692</u>	<u>(3,708)</u>
Other Financing Sources (Uses)				
Transfers in	-	3,016	3,016	-
Total Other Financing Sources	<u>-</u>	<u>3,016</u>	<u>3,016</u>	<u>-</u>
Net Change in Fund Balance	<u>\$ -</u>	<u>\$ -</u>	<u>3,708</u>	<u>\$ 3,708</u>
Beginning fund balance			-	
Ending Fund Balance			<u>\$ 3,708</u>	

Notes to Supplementary Information:

- Annual budgets are adopted on a basis consistent with generally accepted accounting principles (GAAP).

CITY OF ANGLETON, TEXAS
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES
IN FUND BALANCE – BUDGET AND ACTUAL
NONMAJOR SPECIAL REVENUE FUNDS (Continued)
For the Year Ended September 30, 2021

		Traffic Enforcement			Variance with Final Budget Positive (Negative)
		Original Budget Amounts	Final Budget Amounts	Actual Amounts	
Revenues					
Intergovernmental		\$ 23,998	\$ 11,999	\$ 5,096	\$ (6,903)
Total Revenues		<u>23,998</u>	<u>11,999</u>	<u>5,096</u>	<u>(6,903)</u>
Expenditures					
Current:					
Public safety		10,006	12,510	7,149	5,361
Total Expenditures		<u>10,006</u>	<u>12,510</u>	<u>7,149</u>	<u>5,361</u>
Excess (Deficiency) of Revenues Over (Under) Expenditures		<u>13,992</u>	<u>(511)</u>	<u>(2,053)</u>	<u>1,542</u>
Other Financing Sources (Uses)					
Transfers in		6,032	3,016	3,033	17
Total Other Financing Sources		<u>6,032</u>	<u>3,016</u>	<u>3,033</u>	<u>17</u>
Net Change in Fund Balance		<u>\$ 20,024</u>	<u>\$ 2,505</u>	<u>980</u>	<u>\$ (1,525)</u>
Beginning fund balance				-	
Ending Fund Balance				<u>\$ 980</u>	

		Developer Deposit			Variance with Final Budget Positive (Negative)
		Original Budget Amounts	Final Budget Amounts	Actual Amounts	
Revenues					
Miscellaneous revenue		\$ 340,876	\$ 340,876	\$ 767,858	\$ 426,982
Total Revenues		<u>340,876</u>	<u>340,876</u>	<u>767,858</u>	<u>426,982</u>
Expenditures					
Current:					
General administration		340,876	340,876	115,410	225,466
Total Expenditures		<u>340,876</u>	<u>340,876</u>	<u>115,410</u>	<u>225,466</u>
Net Change in Fund Balance		<u>\$ -</u>	<u>\$ -</u>	<u>652,448</u>	<u>\$ 652,448</u>
Beginning fund balance				342,976	
Ending Fund Balance				<u>\$ 995,424</u>	

Notes to Supplementary Information:

1. Annual budgets are adopted on a basis consistent with generally accepted accounting principles (GAAP).

CITY OF ANGLETON, TEXAS
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES
IN FUND BALANCE – BUDGET AND ACTUAL
NONMAJOR SPECIAL REVENUE FUNDS (Continued)
For the Year Ended September 30, 2021

		Generator Grant			Variance with Final Budget Positive (Negative)
		Original Budget Amounts	Final Budget Amounts	Actual Amounts	
<u>Revenues</u>					
Intergovernmental		\$ -	\$ 137,581	\$ 137,581	\$ -
	Total Revenues	<u>-</u>	<u>137,581</u>	<u>137,581</u>	<u>-</u>
<u>Expenditures</u>					
Current:					
General administration		-	1,809	1,809	-
Public safety		-	22,064	22,064	-
Capital Outlay			113,708	113,708	-
	Total Expenditures	<u>-</u>	<u>22,064</u>	<u>137,581</u>	<u>-</u>
Net Change in Fund Balance		<u>\$ -</u>	<u>\$ 115,517</u>	-	<u>\$ (115,517)</u>
Beginning fund balance				-	
Ending Fund Balance				<u>\$ -</u>	

Notes to Supplementary Information:

1. Annual budgets are adopted on a basis consistent with generally accepted accounting principles (GAAP).

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CITY OF ANGLETON, TEXAS
SCHEDULE OF REVENUES, EXPENDITURES, AND CHANGES
IN FUND BALANCE - BUDGET AND ACTUAL
DEBT SERVICE FUND

For the Year Ended September 30, 2021

	Original Budget Amounts	Final Budget Amounts	Actual Amounts	Variance with Final Budget Positive (Negative)
Revenues				
Property taxes	\$ 959,706	\$ 947,706	\$ 939,015	\$ (8,691)
Investment revenue	1,000	1,000	814	(186)
Total Revenues	<u>960,706</u>	<u>948,706</u>	<u>939,829</u>	<u>(8,877)</u>
Expenditures				
Debt service:				
Principal	2,215,000	2,215,000	1,129,983	1,085,017
Interest and fiscal agent fees	804,846	804,846	471,431	333,415
Total Expenditures	<u>3,019,846</u>	<u>3,019,846</u>	<u>1,601,414</u>	<u>1,418,432</u>
(Deficiency) of Revenues (Under) Expenditures	<u>(2,059,140)</u>	<u>(2,071,140)</u>	<u>(661,585)</u>	<u>1,409,555</u>
Other Financing Sources (Uses)				
Transfers in	2,045,310	2,045,310	635,789	(1,409,521)
Total Other Financing Sources	<u>2,045,310</u>	<u>2,045,310</u>	<u>635,789</u>	<u>(1,409,521)</u>
Net Change in Fund Balance	<u>\$ (13,830)</u>	<u>\$ (25,830)</u>	<u>(25,796)</u>	<u>\$ 34</u>
Beginning fund balance			<u>423,955</u>	
Ending Fund Balance			<u>\$ 398,159</u>	

Notes to Supplementary Information:

1. Annual budgets are adopted on a basis consistent with generally accepted accounting principles (GAAP).

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CONSOLIDATED SUB-FUND STATEMENTS

CITY OF ANGLETON, TEXAS
CONSOLIDATED BALANCE SHEET
GENERAL FUND - SUB-FUNDS
September 30, 2021

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	General	Community Events	Capital Lease Purchase	Downtown Revitalization
<u>Assets</u>				
Cash and cash equivalents	\$ 2,669,723	\$ 9,292	\$ 4,081	\$ 11,910
Investments	349,742	-	-	-
Receivables, net	1,298,955	-	-	-
Inventory	142	-	-	-
Prepays	48,095	-	-	-
Restricted cash and cash equivalents	-	-	-	-
Due from other governments	52,507	-	-	-
Due from other funds	620,248	-	-	-
Total Assets	\$ 5,039,412	\$ 9,292	\$ 4,081	\$ 11,910
<u>Liabilities</u>				
Accounts payable and accrued liabilities	\$ 876,797	\$ 8,730	\$ -	\$ -
Unearned revenue	200,000	-	-	-
Total Liabilities	1,076,797	8,730	-	-
<u>Deferred Inflows of Resources</u>				
Unavailable revenue - property taxes	104,282	-	-	-
<u>Fund Balances</u>				
Nonspendable:				
Inventory and prepaids	48,237	-	-	-
Restricted for:				
Capital projects	-	-	-	-
Unassigned	3,810,096	562	4,081	11,910
Total Fund Balances	3,858,333	562	4,081	11,910
Total Liabilities, Deferred Inflows of Resources, and Fund Balances	\$ 5,039,412	\$ 9,292	\$ 4,081	\$ 11,910

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Citywide Repairs	2019 C.O. Bonds	City Employee	Total General Fund
\$ 876	\$ -	\$ 6,542	\$ 2,702,424
-	-	-	349,742
-	-	-	1,298,955
-	-	-	142
-	-	-	48,095
-	99,258	-	99,258
-	-	-	52,507
-	-	-	620,248
<u>\$ 876</u>	<u>\$ 99,258</u>	<u>\$ 6,542</u>	<u>\$ 5,171,371</u>
\$ -	\$ 29,749	\$ -	\$ 915,276
-	-	-	200,000
<u>-</u>	<u>29,749</u>	<u>-</u>	<u>1,115,276</u>
-	-	-	104,282
-	-	-	48,237
-	69,509	-	69,509
876	-	6,542	3,834,067
<u>876</u>	<u>69,509</u>	<u>6,542</u>	<u>3,951,813</u>
<u>\$ 876</u>	<u>\$ 99,258</u>	<u>\$ 6,542</u>	<u>\$ 5,171,371</u>

CITY OF ANGLETON, TEXAS
CONSOLIDATED STATEMENT OF REVENUES, EXPENDITURES,
AND CHANGES IN FUND BALANCES
GENERAL FUND - SUB-FUNDS
For the Year Ended September 30, 2021

	General	Community Events	Capital Lease Purchase	Downtown Revitalization
<u>Revenues</u>				
Property taxes	\$ 6,590,804	\$ -	\$ -	\$ -
Franchise fees and local taxes	594,063	-	-	-
Sales taxes	3,416,639	-	-	-
Industrial district agreement	104,170	-	-	-
Permits, licenses, and fees	685,324	-	-	-
Fines and forfeitures	478,290	-	-	-
Charges for services	2,160,449	-	-	-
Intergovernmental	49,048	-	-	-
Investment revenue	9,505	16	-	20
Miscellaneous revenue	79,917	29,720	-	-
Total Revenues	14,168,209	29,736	-	20
<u>Expenditures</u>				
Current:				
General administration	3,964,137	-	-	-
Financial administration	534,962	-	-	-
Public safety	7,580,723	-	-	-
Community services	3,565,174	-	-	-
Economic development	104,952	82,098	-	-
Capital outlay	-	-	-	-
Debt service:				
Principal	-	-	64,000	-
Interest and fiscal agent fees	-	-	8,240	-
Total Expenditures	15,749,948	82,098	72,240	-
Excess (Deficiency) of Revenues Over (Under) Expenditures	(1,581,739)	(52,362)	(72,240)	20
<u>Other Financing Sources (Uses)</u>				
Transfers in	389,739	36,537	72,240	-
Transfers (out)	(50,034)	-	-	-
Sale of capital assets	36,057	-	-	-
Total Other Financing Sources	375,762	36,537	72,240	-
Net Change in Fund Balances	(1,205,977)	(15,825)	-	20
Beginning fund balances	5,064,310	16,387	4,081	11,890
Ending Fund Balances	\$ 3,858,333	\$ 562	\$ 4,081	\$ 11,910

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Item 5.

Citywide Repairs	2019 C.O. Bonds	City Employee	Total General Fund
\$ -	\$ -	\$ -	\$ 6,590,804
-	-	-	594,063
-	-	-	3,416,639
-	-	-	104,170
-	-	-	685,324
-	-	-	478,290
-	-	-	2,160,449
-	-	-	49,048
36	-	15	9,592
-	-	-	109,637
36	-	15	14,198,016
28,106	-	4,049	3,996,292
-	-	-	534,962
-	-	-	7,580,723
-	-	-	3,565,174
-	-	-	187,050
-	903,655	-	903,655
-	-	-	64,000
-	-	-	8,240
28,106	903,655	4,049	16,840,096
(28,070)	(903,655)	(4,034)	(2,642,080)
-	-	-	498,516
-	-	-	(50,034)
-	-	-	36,057
-	-	-	484,539
(28,070)	(903,655)	(4,034)	(2,157,541)
28,946	973,164	10,576	6,109,354
\$ 876	\$ 69,509	\$ 6,542	\$ 3,951,813

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CITY OF ANGLETON, TEXAS

CONSOLIDATED STATEMENT OF NET POSITION

UTILITY FUND - SUB-FUNDS

September 30, 2021

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	Water	Capital Lease Purchase	Infrastructure	2013 C.O. Bonds
<u>Assets</u>				
Current assets:				
Cash and cash equivalents	\$ 1,255,326	\$ 16	\$ -	\$ -
Investments	349,742	-	-	-
Receivables, net	1,118,796	-	-	-
Inventory	60,232	-	-	-
Restricted cash and cash equivalents	-	-	991,920	152,629
Total Current Assets	2,784,096	16	991,920	152,629
Capital assets:				
Nondepreciable	12,891	-	10,140	71,618
Depreciable, net	18,198,906	-	-	367,922
Total Capital Assets				
(Net of Accumulated Depreciation)	18,211,797	-	10,140	439,540
Total Noncurrent Assets	18,211,797	-	10,140	439,540
Total Assets	20,995,893	16	1,002,060	592,169
<u>Deferred Outflows of Resources</u>				
Deferred outflows - pensions	128,673	-	-	-
Deferred outflows - OPEB	17,379	-	-	-
Deferred charge on refunding	42,169	-	-	-
Total Deferred Outflows of Resources	188,221	-	-	-
<u>Liabilities</u>				
Current liabilities:				
Accounts payable and accrued liabilities	549,088	-	-	6,654
Customer deposits	339,475	-	-	-
Accrued interest payable	54,914	-	-	-
Total Current Liabilities	943,477	-	-	6,654
Noncurrent liabilities:				
Long-term debt due within one year	1,140,477	-	-	-
Long-term debt due in more than one year	7,279,876	-	-	-
Total Noncurrent Liabilities	8,420,353	-	-	-
Total Liabilities	9,363,830	-	-	6,654
<u>Deferred Inflows of Resources:</u>				
Deferred inflows - pensions	156,578	-	-	-
Deferred inflows - OPEB	2,459	-	-	-
Total Deferred inflows of Resources	159,037	-	-	-
<u>Net Position</u>				
Net investment in capital assets	10,768,629	-	-	585,515
Restricted for capital projects	-	-	1,002,060	-
Unrestricted	892,618	16	-	-
Total Net Position	\$ 11,661,247	\$ 16	\$ 1,002,060	\$ 585,515

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2019 C.O. Bonds	Total Utility Fund
\$ -	\$ 1,255,342
-	349,742
-	1,118,796
-	60,232
2,337,087	3,481,636
<u>2,337,087</u>	<u>6,265,748</u>
5,741,440	5,836,089
<u>-</u>	<u>18,566,828</u>
5,741,440	24,402,917
<u>5,741,440</u>	<u>24,402,917</u>
<u>8,078,527</u>	<u>30,668,665</u>
-	128,673
-	17,379
-	42,169
<u>-</u>	<u>188,221</u>
20,086	575,828
-	339,475
-	54,914
<u>20,086</u>	<u>970,217</u>
248,790	1,389,267
<u>7,809,651</u>	<u>15,089,527</u>
<u>8,058,441</u>	<u>16,478,794</u>
<u>8,078,527</u>	<u>17,449,011</u>
-	156,578
-	2,459
<u>-</u>	<u>159,037</u>
-	11,354,144
-	1,002,060
-	892,634
<u>\$ -</u>	<u>\$ 13,248,838</u>

CITY OF ANGLETON, TEXAS
CONSOLIDATED STATEMENT OF REVENUES, EXPENSES,
AND CHANGES IN FUND NET POSITION
UTILITY FUND - SUB-FUNDS
For the Year Ended September 30, 2021

Item 5.

	Water	Capital Lease Purchase	Infrastructure	2013 C.O. Bonds
<u>Operating Revenues</u>				
Water sales	\$ 3,999,962	\$ -	\$ 161,954	\$ -
Sanitary sewer services	2,391,640	-	156,957	-
Other service fees	391,649	-	-	-
Total Operating Revenues	6,783,251	-	318,911	-
<u>Operating Expenses</u>				
Water distribution	431,588	-	-	-
Water plant operations	923,696	-	-	-
Water purchases	2,154,960	-	-	-
Sewer	268,981	-	-	316
Collection administration	1,745,153	-	-	-
Depreciation	1,038,614	-	-	-
Total Operating Expenses	6,562,992	-	-	316
Operating Income	220,259	-	318,911	(316)
<u>Nonoperating Revenues (Expenses)</u>				
Investment revenue	4,959	-	1	2,448
Interest expense	(303,202)	(22,600)	(115,063)	-
Gain (loss) on sale of capital assets	8,607	-	-	-
Total Nonoperating Revenues (Expenses)	(289,636)	(22,600)	(115,062)	2,448
Income (Loss) Before Transfers	(69,377)	(22,600)	203,849	2,132
<u>Transfers</u>				
Transfers in/ (out)	(358,924)	22,600	-	-
Total Transfers	(358,924)	22,600	-	-
Change in Net Position	(428,301)	-	203,849	2,132
Beginning net position	12,089,548	16	798,211	583,383
Ending Net Position	\$ 11,661,247	\$ 16	\$ 1,002,060	\$ 585,515

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2019 C.O. Bonds	Total Utility Fund
\$ -	\$ 4,161,916
-	2,548,597
-	391,649
-	7,102,162
-	431,588
-	923,696
-	2,154,960
-	269,297
-	1,745,153
-	1,038,614
-	6,563,308
-	538,854
2,619	10,027
61,070	(379,795)
-	8,607
63,689	(361,161)
63,689	177,693
222,123	(114,201)
222,123	(114,201)
285,812	63,492
(285,812)	13,185,346
\$ -	\$ 13,248,838

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AGENDA ITEM SUMMARY FORM

MEETING DATE: 03/22/2022

PREPARED BY: Chris Hill, Finance Director

AGENDA CONTENT: Discuss and Approve Projects to be included in the Notice of Intent to Issue Certificates of Obligation.

AGENDA ITEM SECTION: Workshop Agenda

BUDGETED AMOUNT: N/A

FUNDS REQUESTED: N/A

FUND: N/A

EXECUTIVE SUMMARY:

Angleton Operations Center - \$7.5 million.

Street Projects \$2 million

Fire Department Storage Building - \$350K.

Emergency Generator - \$150K.

Total Certificates of Obligation, Series 2022 - \$10 million

RECOMMENDATION:

Staff recommends council approve projects to be funding with Certificates of Obligation.



AGENDA ITEM SUMMARY FORM

MEETING DATE: 03/22/2022

PREPARED BY: Chris Hill, Finance Director

AGENDA CONTENT: Discuss and Approve Resolution Authorizing Notice of Intent to Issue Certificates of Obligation and Approving Reimbursement.

AGENDA ITEM SECTION: Regular Agenda

BUDGETED AMOUNT: N/A

FUNDS REQUESTED: N/A

FUND: N/A

EXECUTIVE SUMMARY:

Angleton Operations Center and other projects to be discussed in Workshop for estimated total of \$10 million.

Discuss Notice of Intent to Issue Certificates of Obligation (Debt) for Projects.

Discuss Timeline for Certificates of Obligation, Series 2022.

Discuss reimbursement process and reserve funding as necessary.

RECOMMENDATION:

Staff recommends council approve Resolution Authorizing Notice of Intent and funding for any expenses incurred prior to Closing and Delivery of Funds.

RESOLUTION NO. 2022-0322____

A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ANGLETON,
TEXAS, AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO
ISSUE CERTIFICATES OF OBLIGATION; AND APPROVING OTHER
MATTERS INCIDENTAL THERETO

THE STATE OF TEXAS §
COUNTY OF BRAZORIA §
CITY OF ANGLETON §

WHEREAS, the City Council of the City of Angleton, Texas (the “City”) deems it advisable to issue certificates of obligation of the City (the “Certificates”) in accordance with the notice hereinafter set forth; and

WHEREAS, the City desires to authorize the preparation of a preliminary official statement (“Preliminary Official Statement”) and notice of sale (“Notice of Sale”) in anticipation of its issuance of the Certificates; and

WHEREAS, it is hereby found and determined that the meeting at which this resolution is considered is open to the public as required by law, and public notice of the time, place and purpose of said meeting was given as required by Chapter 551, Texas Government Code, as amended; NOW, THEREFORE

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS THAT:

Section 1. The findings, determinations, definitions and recitations set out in the preamble to this resolution are found to be true and correct and are hereby adopted by City Council of the City (the “City Council”) and made a part hereof for all purposes.

Section 2. The City Secretary is hereby authorized and directed to cause to be published and posted in the manner required by law and in substantially the form attached hereto as Exhibit A, notice of the City’s intention to issue the Certificates (the “Notice”).

Section 3. The Notice shall be published once a week for two (2) consecutive weeks in a newspaper that is of general circulation in the City, the date of the first publication to be before the 45th day before the date tentatively set in the Notice for the passage of the ordinance authorizing the issuance of the Certificates. In addition, the Notice shall be posted continuously on the City’s website for at least 45 days before the date tentatively set in the Notice for the passage of the ordinance authorizing the issuance of the Certificates.

Section 4. For the purposes of the Notice, the City hereby designates as self-supporting those public securities listed in the attached Exhibit B, the debt service on which the City currently pays from sources other than ad valorem tax collections. The City plans to continue to pay these public securities based on this practice; however, there is no guarantee this practice will continue in future years.

Section 5. For purposes of section 1.150-2(d) of the Treasury Regulations, this Resolution and the Notice serve as the City's official declaration of intent to reimburse itself from proceeds of the Certificates in the maximum principal amount and for expenditures paid in connection with the projects, each as set forth in Exhibit A hereof. Any such reimbursement will only be made (i) for an original expenditure paid no earlier than 60 days prior to the date hereof and (ii) not later than 18 months after the later of (A) the date the original expenditure is paid or (B) the date of which the project to which such expenditure relates is placed in service or abandoned, but in no event more than three years after the original expenditure is paid.

Section 6. The City's financial advisor, Hilltop Securities Inc., and bond counsel, Bracewell LLP, are hereby authorized and directed to proceed with the necessary arrangements for the sale of the Certificates.

Section 7. The City hereby authorizes the preparation and distribution of a Preliminary Official Statement and Notice of Sale relating to the Certificates and authorizes the Mayor, City Manager, or Finance Director to approve the final form of and deem final the Preliminary Official Statement within the meaning and for the purposes of paragraph (b)(1) of Rule 15c2-12 of the United States Securities and Exchange Commission.

Section 8. The Mayor, City Manager, Finance Director, City Secretary, and other officers and agents of the City are hereby authorized and directed to do any and all things necessary or desirable to carry out the provisions of this resolution.

Section 9. This resolution shall take effect immediately from and after its passage by the City Council.

Section 10. The notice and agenda relating to this meeting and heretofore posted by the City Secretary, and the posting thereof, are hereby authorized, approved, and ratified.

[Execution Page to Follow]

PASSED AND APPROVED on this the 22nd day of March, 2022.

CITY OF ANGLETON, TEXAS

Jason Perez, Mayor
City of Angleton, Texas

ATTEST:

Frances Aguilar, City Secretary
City of Angleton, Texas

[SEAL]

EXHIBIT A

NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION

NOTICE IS HEREBY GIVEN that the City Council of the City of Angleton, Texas (the “City”), will meet at 121 S Velasco Street, Angleton, Texas, 77515 at 6:00 p.m. on the 24th day of May, 2022, which is the time and place tentatively set for the final passage of an ordinance authorizing the issuance by the City of a series of certificates of obligation (the “Certificates”) and such other action as may be deemed necessary to authorize the issuance of the Certificates, in the maximum aggregate principal amount not to exceed \$10,000,000 payable from ad valorem taxes and from a limited pledge of a subordinate lien on the net revenues of the City’s waterworks and sanitary sewer system, bearing interest at any rate or rates not to exceed the maximum interest rate authorized by law, as shall be determined within the discretion of the City Council of the City at the time of issuance of the Certificates, and maturing over a period not to exceed forty (40) years from the date of issuance, for the purposes of evidencing the indebtedness of the City for all or any part of the costs associated with the (i) acquisition, construction and equipment of a facility for parks and recreation, public works, and information technology; (ii) acquisition, construction and equipment of firefighting facilities; (iii) acquisition of waterworks and sewer system equipment; (iv) acquisition, construction and equipment of city streets and related infrastructure; and (v) costs of professional services related thereto. The estimated combined principal and interest required to pay the Certificates on time and in full is approximately \$13,671,150. Such estimate is provided for illustrative purposes only, and is based on an assumed interest rate of 3.00%. Market conditions affecting interest rates vary based on a number of factors beyond the control of the City, and the City cannot and does not guarantee a particular interest rate associated with the Certificates. As of the date of this notice, the aggregate principal amount outstanding of tax-supported debt obligations of the City (excluding public securities secured by an ad valorem tax but designated by the City as self-supporting in Resolution [add this NOI resolution number, when available], dated March 22, 2022, which resolution is available from the City upon request) is \$9,030,000. Based on the City’s expectations, as of the date of this notice, the combined principal and interest required to pay all of the outstanding tax-supported debt obligations of the City (excluding public securities secured by an ad valorem tax but designated by the City as self-supporting) on time and in full is \$11,287,755.

WITNESS MY HAND AND THE OFFICIAL SEAL OF THE CITY, this 22nd day of March, 2022.

Frances Aguilar
City Secretary
City of Angleton, Texas

EXHIBIT B
SELF-SUPPORTING DEBT

\$21,755,000 **Total Principal Amount Designated as Self-Supporting**

The total principal amount of self-supporting debt is comprised of some or all of the debt from the following series of obligations:

Series Designation

Combination Tax and Revenue Certificates of Obligation, Series 2021

Combination Tax and Revenue Certificates of Obligation, Series 2020

Combination Tax and Revenue Certificates of Obligation, Series 2019

Combination Tax and Revenue Certificates of Obligation, Series 2018

General Obligation Refunding Bonds, Series 2016

Combination Tax and Revenue Certificates of Obligation, Series 2015

Combination Tax and Revenue Certificates of Obligation, Series 2013

General Obligation Refunding Bonds, Series 2013

CERTIFICATE FOR RESOLUTION

THE STATE OF TEXAS §
COUNTY OF BRAZORIA §

I, the undersigned officer of the City Council of the City of Angleton, Texas, hereby certify as follows:

1. The City Council of the City of Angleton, Texas, convened in a regular meeting on the 22nd day of March, 2022, at the regular meeting place thereof, within said City, and the roll was called of the duly constituted officers and members of said City Council, to wit:

Jason Perez	Mayor
John Wright	Mayor Pro-Tem and Councilmember, Position 3
Mikey Svoboda	Councilmember, Position 1
Travis Townsend	Councilmember, Position 2
Cecil Booth	Councilmember, Position 4
Mark Gongora	Councilmember, Position 5

and all of said persons were present, except the following absentee(s): _____, thus constituting a quorum. Whereupon, among other business, the following was transacted at said meeting: a written

RESOLUTION NO. 2022-_____

RESOLUTION BY THE CITY COUNCIL OF THE CITY OF ANGLETON,
TEXAS, AUTHORIZING PUBLICATION OF NOTICE OF INTENTION TO
ISSUE CERTIFICATES OF OBLIGATION; AND APPROVING OTHER
MATTERS INCIDENTAL THERETO

was duly introduced for the consideration of said City Council. It was then duly moved and seconded that said resolution be adopted; and, after due discussion, said motion, carrying with it the adoption of said resolution, prevailed and carried by the following vote:

AYES: _____ Members shown present voted "Aye."

NOES: _____ Members shown present voted "No."

2. A true, full and correct copy of the aforesaid resolution adopted at the meeting described in the above and foregoing paragraph is attached to and follows this certificate; that said resolution has been duly recorded in said City Council's minutes of said meeting; that the above and foregoing paragraph is a true, full and correct excerpt from said City Council's minutes of said meeting pertaining to the adoption of said resolution; that the persons named in the above and foregoing paragraph are the duly chosen, qualified and acting officers and members of said City Council as indicated therein; that each of the officers and members of said City Council was duly and sufficiently notified officially and personally, in advance, of the date, hour, place and purpose

of the aforesaid meeting, and that said resolution would be introduced and considered for adoption at said meeting, and each of said officers and members consented, in advance, to the holding of said meeting for such purpose; that said meeting was open to the public as required by law; and that public notice of the date, hour, place and subject of said meeting was given as required by Chapter 551, Texas Government Code.

SIGNED AND SEALED this 22nd day of March, 2022.

Frances Aguilar, City Secretary
City of Angleton, Texas

[SEAL]



City of Angleton, Texas

Combination Tax and Revenue Certificates of Obligation, Series 2022

Projected Schedule of Events

Mar-22						
S	M	T	W	T	F	S
		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31		

Apr-22						
S	M	T	W	T	F	S
					1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30

May-22						
S	M	T	W	T	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	31				

Jun-22						
S	M	T	W	T	F	S
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30		

Meeting Dates

Holidays

By	Day	Event	Responsibility
22-Mar-22	Tuesday	City Council considers Resolution Authorizing Notice of Intent to Issue Certificates of Obligation	City
1-Apr-22	Friday	First Publication of Notice of Intent to Issue Certificates	City
6-Apr-22	Wednesday	Provide first draft of Preliminary Official Statement (POS) to City and Bond Counsel for comments and modifications	FA
8-Apr-22	Friday	Second Publication of Notice of Intent to Issue Certificates	City
15-Apr-22	Friday	Receive comments to first draft of POS	FWG
20-Apr-22	Wednesday	Send second draft of POS to working group for comments Send second draft of POS to Rating Agency	FA FA
26-Apr-22	Week Of	Rating Agency Calls	City, FA
28-Apr-22	Thursday	Receive comments to second draft of POS	FWG
2-May-22	Monday	Send out POS for final comments and sign off	FA
10-May-22	Tuesday	Receive credit ratings and final comments to POS	FA
12-May-22	Thursday	Finalize POS and Notice of Sale Distribute electronically through i-Deal Prospectus	FA
13-May-22	Friday	Apply for CUSIP Numbers	FA
24-May-22	Tuesday	Competitive Bids Due	City, FA
25-May-22	Wednesday	Circulate Draft of Final Official Statement (FOS)	FA
31-May-22	Tuesday	Comments due on FOS	FWG
1-Jun-22	Wednesday	Print and Mail OS	FA
15-Jun-22	Wednesday	Circulate Closing Memo	FA
21-Jun-22	Tuesday	Closing and Delivery of Funds	FWG

Symbol Key	
FWG	Finance Working Group..... Includes the City, BC & FA
City	City of Lake Jackson..... --
BC	Bond Counsel..... Horton Andrews Kurth, LLP
FA	Financial Advisor..... HilltopSecurities





AGENDA ITEM SUMMARY FORM

MEETING DATE: March 22, 2022

PREPARED BY: Walter E. Reeves Jr., AICP, Development Services Director

AGENDA CONTENT: Discussion and possible action on a resolution approving and authorizing the PID Reimbursement Agreement for the Kiber Reserve PID

AGENDA ITEM SECTION: Regular Agenda

BUDGETED AMOUNT: None

FUNDS REQUESTED: None

FUND: None

EXECUTIVE SUMMARY:

A resolution approving the PID Reimbursement Agreement for the Kiber Reserve PID, as well as a reimbursement agreement, was presented to City Council on October 12, 2022. The SAP and PID Reimbursement Agreement had both been reviewed by the developer's legal counsel. The City Council approved the resolution approving and authorizing the PID Reimbursement Agreement for Kiber Reserve subject to any revisions by the City Attorney by a 4 in-favor/2 opposed/0 abstention vote. After City Council approval, a question was raised by the developer regarding the numbers in reimbursement agreement. As revising those numbers would not be considered a typographic or scrivener's error, the Resolution and amended/revised Reimbursement Agreement needs to be approved by City Council. Attached is a resolution approving and authorizing the amended/revised PID Reimbursement Agreement for the Kiber Reserve PID. The agreement details the timing and collection of the assessments on property within the PID as well as the timing and distribution of the assessments.

RECOMMENDATION:

Staff recommends approval of the resolution approving and authorizing the PID Reimbursement Agreement for the Kiber Reserve PID.

SUGGESTED MOTION:

I move we approve the resolution approving and authorizing the PID Reimbursement Agreement for the Kiber Reserve PID.

CITY OF ANGLETON RESOLUTION NO. _____

A RESOLUTION APPROVING AND AUTHORIZING THE PID REIMBURSEMENT AGREEMENT FOR THE KIBER RESERVE PUBLIC IMPROVEMENT DISTRICT IN THE CITY OF ANGLETON, TEXAS; AND MAKING OTHER PROVISIONS RELATED TO THE SUBJECT.

WHEREAS, the City of Angleton (the "City") pursuant to and in accordance with the terms, provisions and requirements of the Public Improvement District Assessment Act, Chapter 372 Texas Local Government Code (the "PID" Act), authorized the creation of the Kiber Reserve Public Improvement District pursuant to Resolution No. 2020-01110-007 on November 10, 2020; and

WHEREAS, the City entered into a Development Agreement with Waterstone Development Group LLC on December 10, 2019;

WHEREAS, the City Council considered the Kiber Reserve Public Improvement District Reimbursement Agreement on October 12, 2021 between the developer Waterstone Development Group, LLC, and the City

WHEREAS, the City Council has determined that it is necessary and in the best interests of the City to approve the Kiber Reserve Public Improvement District Reimbursement Agreement; and

WHEREAS, THE MEETING AT WHICH THIS Resolution is considered is open to the public as required by law, and the public notice of the time, place, and purpose of said meeting was given as required by Chapter 551, Texas Government Code as amended;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF ANGLETON:

Section 1. The facts recited in the preamble hereto are hereby found to be true and correct.

Section 2. The Kiber Reserve Public Improvement District Reimbursement Agreement, which is attached hereto as Exhibit "A" is incorporated herein for all purposes, is hereby approved and the Mayor is authorized to execute such Reimbursement Agreement on behalf of the City.

Section 3. This Resolution shall be effective immediately upon its adoption.

PASSED AND ADOPTED this _____ day of _____, 2022.

Jason Perez, Mayor

Attest:

Frances Aguilar, City Secretary

EXHIBIT A

PID Reimbursement Agreement

Kiber Reserve Public Improvement District

This PID Reimbursement Agreement - Kiber Reserve Public Improvement District (this “Agreement”) is entered into by Waterstone Development Group, LLC, a Texas limited liability company (the “Developer”) and the City of Angleton, Texas (the “City”), to be effective September 14, 2021 (the “Effective Date”). The Developer and the City are individually referred to as a “Party” and collectively as the “Parties.”

SECTION 1. RECITALS

1.1 WHEREAS, capitalized terms used in this Agreement shall have the meanings given to them in Section 2, unless otherwise defined herein;

1.2 WHEREAS, unless otherwise defined: (1) all references to “sections” shall mean sections of this Agreement; (2) all references to “exhibits” shall mean exhibits to this Agreement which are incorporated as part of this Agreement for all purposes; and (3) all references to “ordinances” or “resolutions” shall mean ordinances or resolutions adopted by the City Council;

1.3 WHEREAS, the Developer is a Texas limited liability company;

1.4 WHEREAS, the City is a home rule municipality;

1.5 WHEREAS, on November 10, 2020, the City Council passed and approved Resolution No. 20201110-007 (the “PID Creation Resolution”) authorizing the creation of the PID pursuant to the authority of Chapter 372, Texas Local Government Code, as amended (the “Act”), covering approximately 19.84 contiguous acres within the City's corporate limits and which land is described in the PID Creation Resolution, and as described in the attached Exhibit “A”;

1.6 WHEREAS, the City intends to adopt a service and assessment plan (collectively “SAP”) in accordance with the Act, to specify the assessments on the land located within the PID (collectively the “Assessment Ordinance”);

1.7 WHEREAS, the SAP will specify Authorized Improvements heretofore or hereafter designed, constructed, and installed by or at the direction of the Parties that confer a special benefit on the Assessed Property;

1.8 WHEREAS, the Assessment Ordinance will levy assessments against the Assessed Property in the amounts set forth on the Assessment Roll(s) contained therein;

1.9 WHEREAS, Assessments, including the Annual Installments thereof, for the Authorized Improvements will be due and payable as described in the SAP;

1.10 WHEREAS, Annual Installments shall be billed and collected by the City or it's designee;

1.11 WHEREAS, Assessment Revenue from the collection of Assessments, including the Annual Installments thereof, levied against the Assessed Property shall be deposited as provided in this Agreement;

1.12 WHEREAS, this Agreement is a “reimbursement agreement” authorized by Section 372.023(d)(1) of the Act and the City is authorized to enter this agreement providing for the reimbursement of the costs of the authorized improvements constructed or funded by Developer;

NOW THEREFORE, for and in consideration of the mutual obligations of the Parties set forth in this Agreement, the Parties agree as follows:

SECTION 2. DEFINITIONS

2.1 “Act” is defined as Chapter 372, Texas Local Government Code, as amended.

2.2 “Actual Costs” are those as defined in the SAP.

2.3 “Annual Collection Costs” are those as defined in the SAP.

2.4 “Annual Installment” is as defined in the SAP.

2.5 “Annual SAP” is the updated SAP adopted annually in accordance with the Applicable Laws.

2.6 “Applicable Laws” means the Act and all other laws or statutes, rules, or regulations of the State of Texas or the United States, as the same may be amended, by which the City and its powers, securities, operations, and procedures are, or may be, governed or from which its powers may be derived.

2.7 “Assessed Property” is as defined in the SAP.

2.8 “Assessment” is as defined in the SAP.

2.9 “Assessment Ordinance” is as defined in the SAP.

2.10 “Assessment Revenue” means the revenues actually received by or on behalf of the City from the collection of Assessments, including Prepayments, Annual Installments, Delinquent Collection Costs and foreclosure proceeds.

2.11 “Assessment Roll” is as defined in the SAP.

2.12 “Authorized Improvements” are those defined in the SAP.

2.13 “Certificate for Payment” means a certificate (substantially in the form of Exhibit A or as otherwise approved by the Developer and the City Representative) executed by a representative of the Developer and approved by the City Representative, delivered to the City Representative

specifying the work performed and the amount charged (including materials and labor costs) for Actual Costs, and requesting payment of such amount from the Kiber Reserve PID Reimbursement Fund. Each certificate shall include supporting documentation in the standard form for City construction projects and evidence that each Authorized Improvement (or completed segment) covered by the certificate has been inspected and accepted by the City pursuant to Section 3.9.

2.14 “City Council” means the governing body of the City.

2.15 “City Representative” means the person authorized by the City Council to undertake the actions referenced herein.

2.16 “Delinquent Collection Costs” are those costs defined in the SAP.

2.17 “Developer Advances” mean advances made by the Developer to pay Actual Costs.

2.18 “Kiber Reserve PID Reimbursement Agreement Balance” are amounts equal to then-current expended amounts related to the Actual Costs of Authorized Improvements shown on each Certificate for Payment (which amounts include only Actual Costs for Authorized Improvements paid by or at the direction of the Developer) plus interest on the unpaid principal balance

2.19 “Kiber Reserve PID Reimbursement Fund” means the fund established by the City under this Agreement (and segregated from all other funds of the City) into which the City deposits Assessment Revenue.

2.20 “Maturity Date” is the earlier date of (1) thirty-five (35) years from the Effective Date of this Agreement, or (2) to the extent allowed by law, the date that the Kiber Reserve PID Reimbursement Agreement Balance is paid in full in accordance with the terms of this Agreement.

2.21 “Parcel” is as defined in the SAP.

2.22 “PID” is defined as the Kiber Reserve Public Improvement District created by the PID Creation Resolution.

2.23 “PID Administrator” is as defined in Section 4.6.

2.24 “Prepayment” is as defined in the SAP.

2.25 “SAP” is defined as *Kiber Reserve Public Improvement District Service and Assessment Plan* to be approved by the City Council as part of the Assessment Ordinance, as the same may be updated or amended from time to time by City Council action in accordance with the Act. The SAP, including a draft of the defined terms, is attached hereto as Exhibit “B.”

2.26 “Transfer” and “Transferee” are defined in Section 4.12.

SECTION 3. FUNDING AUTHORIZED IMPROVEMENTS

3.1 Fund Deposits. The City shall bill, collect, and deposit into the Kiber Reserve PID Reimbursement Fund all Assessment Revenues consisting of: (1) revenue collected from the payment of Assessments (including pre-payments and amounts received from the foreclosure of liens but excluding costs and expenses related to collection) levied against Assessed Property; and (2) revenue collected from the payment of Annual Installments (excluding Annual Collection Costs and Delinquent Collection Costs) of Assessments levied against Assessed Property. Annual Installments of the Assessments shall be billed and collected by the City (or by any person, entity, or governmental agency permitted by law) in the same manner and at the same time as City ad valorem taxes are billed and collected. Funds in the Kiber Reserve PID Reimbursement Fund shall be used only to pay the Kiber Reserve PID Reimbursement Agreement Balance in accordance with this Agreement. The City will take and pursue all actions permissible under Applicable Laws to cause the Assessments to be collected and the liens related to such Assessments to be enforced continuously, in the manner and to the maximum extent permitted by the Applicable Laws, and, to the extent permitted by Applicable Laws, to cause no reduction, abatement or exemption in the Assessments for so long as a Kiber Reserve PID Reimbursement Agreement Balance remains outstanding. The City shall determine or cause to be determined, no later than February 15 of each year whether any Annual Installment is delinquent and if such delinquencies exist, the City will order and cause to be commenced as soon as practicable (i.e. at the time the City generally begins delinquent ad valorem tax collection efforts) any and all appropriate and legally permissible actions to collect such Annual Installment, and any delinquent charges and interest thereon, including diligently prosecuting an action to foreclose the currently delinquent Annual Installment; provided, however, the City shall not be required under any circumstances to purchase or make payment for the purchase of the delinquent Assessment or the corresponding Assessed Property.

3.2 Payment of Actual Costs. The Developer has heretofore and may hereafter elect to make Developer Advances to pay Actual Costs of such Authorized Improvements. The Developer shall also make Developer Advances to pay for cost overruns of such Authorized Improvements (after applying cost savings).

3.3 Payment of Kiber Reserve PID Reimbursement Agreement Balance. The City agrees to pay to the Developer, and the Developer shall be entitled to receive payments from the City for the Kiber Reserve PID Reimbursement Agreement Balance in accordance with the terms of this Reimbursement Agreement until the Maturity Date; provided, however, the Actual Costs shall not exceed \$1,780,000.00 (excluding interest paid on such amount). Any unpaid balance of a Certificate for Payment for Actual Costs that has been approved by the City in accordance with this Agreement shall bear simple interest at the rate of: four and four hundredths percent (4.04%) per annum from the Effective Date through the Maturity Date. Such interest shall begin to accrue on the unpaid Kiber Reserve PID Reimbursement Agreement Balance at the same time that interest on the unpaid Assessments levied against the Assessed Property benefitting from the Authorized Improvements contained in the Certificate for Payment begins to accrue as provided in the SAP. The interest rate has been approved by the City Council and complies with Section 372.023(e) of the Act and was determined based upon the index rate of two- and one-half percent (2.5%) reported on the fourth week of August 2021 before the effective date of this agreement in the “Bond Buyer's

Index of 25 Revenue Bonds,” a weekly bond index for tax-exempt bonds published in *The Bond Buyer*.

The obligation of the City to pay the Kiber Reserve PID Reimbursement Agreement Balance is payable solely from the Assessment Revenue deposited in the Kiber Reserve PID Reimbursement Fund. No other City funds, revenue, taxes, income, or property shall be used even if the Kiber Reserve PID Reimbursement Agreement Balance is not paid in full by the Maturity Date.

Assessment Revenue generated from the levy of an Assessment, including the collection of Annual Installment, from one Parcel of Assessed Property may not be applied against the obligation of an Assessment, levied against another Parcel of Assessed Property, including an Annual Installment.

The Developer may request payment from the Kiber Reserve PID Reimbursement Fund for the Kiber Reserve PID Reimbursement Agreement Balance annually, (i) the first no earlier than 60 days after the date payment of the Annual Installments are due and payable to the City, or April 1st of each year, whichever is later, and (ii) the second no earlier than August 1 of each calendar year. The City shall make payment to the Developer from the Kiber Reserve PID Fund of the Assessment Revenue actually received by the City. In the event that a Prepayment of an Assessment is made by a property owner for the entire principal amount and interest due up to the date of the Prepayment, then the City shall notify the PID Administrator, who will prepare a lien release to be filed in the Real Property Records, and as soon as practical after the lien release is filed, remit payment to the Developer of the Assessment Revenue deposited into the Kiber Reserve PID Reimbursement Fund. If the Prepayment is made after the Annual SAP has been approved by the City Council in a given year, then the lien release will be held until the tax bills are collected and accounted for to ensure complete payment of the lien. Each payment from the Kiber Reserve PID Reimbursement Fund shall be accompanied by an accounting that certifies the Kiber Reserve PID Reimbursement Agreement Balance as of the date of the payment and that itemizes all deposits to and disbursements from the Kiber Reserve PID Reimbursement Fund since the last payment. If there is a dispute over the amount of any payment, the City shall nevertheless pay the undisputed amount, and the Parties shall use all reasonable efforts to resolve the disputed amount before the next payment is made.

3.4 Disbursements from the Kiber Reserve PID Reimbursement Fund. In order to receive disbursements from the Kiber Reserve PID Reimbursement Fund for payment of the Kiber Reserve PID Reimbursement Agreement Balance, the Developer shall execute a Certificate for Payment, no more frequently than four (4) times per calendar year, to be delivered to the City for payment in accordance with the provisions of this Agreement. Only Actual Costs for Authorized Improvements for which the City has accepted title pursuant to Section 3.9 shall be included in the Certificate for Payment. Upon receipt of a Certificate for Payment (along with all accompanying documentation required by the City) from the Developer, the City shall conduct a review in order to confirm that such request is complete, to confirm that the work for which payment is requested was performed in accordance with all Applicable Laws and applicable plans therefore and with the terms of this Agreement and any other agreement between the parties related to property in the PID, and to verify and approve the Actual Costs of such work specified in such Certificate for Payment. The City shall also conduct such review as is required in its discretion to confirm the

matters certified in the Certificate for Payment. The Developer agrees to cooperate with the City in conducting each such review and to provide the City with such additional information and documentation as is reasonably necessary for the City to conclude each such review. Within fifteen (30) business days following receipt of any Certificate for Payment, the City shall either: (1) approve the Certificate for Payment and arrange for payment, or (2) provide the Developer with written notification of disapproval of all or part of a Certificate for Payment, specifying the basis for any such disapproval. Any disputes shall be resolved as required by Section 3.3 herein. Upon approval or partial approval of the Certificate for Payment, the City shall arrange for payment to the Developer from the Kiber Reserve PID Reimbursement Fund as quickly as practicable thereafter; provided, however, except for the final payment to the Developer, the City shall not be required to make payments to the Developer in increments of less than \$5,000.

3.5 Obligations Limited. The obligations of the City under this Agreement shall not, under any circumstances, give rise to or create a charge against the general credit or taxing power of the City or a debt or other obligation of the City payable from any source other than the Kiber Reserve PID Reimbursement Fund. No other City funds, revenues, taxes, or income of any kind shall be used to pay: (1) the Actual Costs of the Authorized Improvements, or (2) the Kiber Reserve PID Reimbursement Agreement Balance even if the Kiber Reserve PID Reimbursement Agreement Balance is not paid in full on or before the Maturity Date. None of the City or any of its elected or appointed officials or any of its officers, employees, consultants or representatives shall incur any liability hereunder to the Developer or any other party in their individual capacities by reason of this Agreement or their acts or omissions under this Agreement.

3.6 Obligation to Pay from Kiber Reserve PID Reimbursement Fund. Subject to the provisions of Section 3.3 and 3.5, if the Developer is in substantial compliance with its obligations under this Agreement, then following the inspection and approval of any portion of an Authorized Improvement for which Developer seeks reimbursement of the Actual Costs by submission of a Certificate for Payment, the obligations of the City under this Agreement to pay disbursements (whether to the Developer or to any person designated by the Developer) identified in any Certificate for Payment are unconditional AND NOT subject to any defenses or rights of offset.

3.7 City Delegation of Authority. All Authorized Improvements shall be constructed by or at the direction of the Developer in accordance with the plans and in accordance with this Agreement the Development Agreement, and any other agreement between the Parties related to property in the PID. The Developer shall perform, or cause to be performed, all of its obligations and shall conduct, or cause to be conducted, all operations with respect to the construction of Authorized Improvements in a good, workmanlike and commercially reasonable manner, with the standard of diligence and care normally employed by duly qualified persons utilizing their commercially reasonable efforts in the performance of comparable work in accordance with City ordinances and regulations and in accordance with generally accepted practices appropriate to the activities undertaken. The Developer has sole responsibility of ensuring that all Authorized Improvements are constructed in a good, workmanlike and commercially reasonable manner, with the standard of diligence and care normally employed by duly qualified persons utilizing their commercially reasonable efforts in the performance of comparable work in accordance with City ordinances and regulations and in accordance with generally accepted practices appropriate to the activities undertaken. The Developer shall employ at all times adequate staff or consultants with the requisite

experience necessary to administer and coordinate all work related to the design, engineering, acquisition, construction and installation of all Authorized Improvements to be acquired and accepted by the City from the Developer. If any Authorized Improvements are or will be on land owned by the City, the City hereby grants to the Developer a license to enter upon such land for purposes related to construction (and maintenance pending acquisition and acceptance) of the Authorized Improvements. Inspection and acceptance of Authorized Improvements will be in accordance with applicable City ordinances and regulations.

3.8 Security for Authorized Improvements. Prior to completion and conveyance to the City of any Authorized Improvements, the Developer shall cause to be provided to the City a maintenance bond in the amount required by the City's regulations for applicable Authorized Improvements, which maintenance bond shall be for a term of one year from the date of final acceptance of the applicable Authorized Improvements. Any surety company through which a bond is written shall be a surety company duly authorized to do business in the State of Texas, provided that legal counsel for the City has the right to reject any surety company regardless of such company's authorization to do business in Texas. Nothing in this Agreement shall be deemed to prohibit the Developer or the City from contesting in good faith the validity or amount of any mechanics or materialman's lien or judgment nor limit the remedies available to the Developer or the City with respect thereto so long as such delay in performance shall not subject the Authorized Improvements to foreclosure, forfeiture, or sale. In the event that any such lien or judgment with respect to the Authorized Improvements is contested, the Developer shall be required to post or cause the delivery of a surety bond or letter of credit, whichever is preferred by the City, in an amount reasonably determined by the City, not to exceed one hundred twenty percent (120%) of the disputed amount.

3.9 Ownership and Transfer of Authorized Improvements. The Developer shall furnish to the City a preliminary title report for land related to the Authorized Improvements to be acquired and accepted by the City from the Developer and not previously dedicated or otherwise conveyed to the City. The report shall be made available for City review and approval at least fifteen (15) business days prior to the scheduled transfer of title. The City shall approve the preliminary title report unless it reveals a matter which, in the reasonable judgment of the City, would materially affect the City's use and enjoyment of the Authorized Improvements. If the City objects to any preliminary title report, the City shall not be obligated to accept title to the applicable Authorized Improvements until the Developer has cured the objections to the reasonable satisfaction of the City.

SECTION 4. ADDITIONAL PROVISIONS

4.1 Term. The term of this Agreement shall begin on the Effective Date and shall continue until the Maturity Date.

4.2 No Competitive Bidding. Construction of the Authorized Improvements shall not require competitive bidding pursuant to Section 252.022(a) (9) of the Texas Local Government Code, as amended. All plans and specifications, but not construction contracts, shall be reviewed and approved, in writing, by the City prior to Developer selecting the contractor.

4.3 Independent Contractor. In performing this Agreement, the Developer is an independent contractor and not the agent or employee of the City.

4.4 Audit Related to Authorized Improvements. The City Representative shall have the right, during normal business hours and upon five (5) business days' prior written notice to the Developer, to review all books and records of the Developer pertaining to costs and expenses incurred by the Developer with respect to any of the Authorized Improvements. For a period of two (2) years after completion of the Authorized Improvements, the Developer shall maintain proper books of record and account for the construction of the Authorized Improvements and all costs related thereto. Such accounting books shall be maintained in accordance with customary real estate accounting principles. The Developer shall have the right, during normal business hours, to review all records and accounts pertaining to the Assessments upon written request to the City. The City shall provide the Developer an opportunity to inspect such books and records relating to the Assessments during the City's regular business hours and on a mutually agreeable date no later than ten (10) business days after the City receives such written request. The City shall keep and maintain a proper and complete system of records and accounts pertaining to the Assessments for so long as the Kiber Reserve PID Reimbursement Agreement Balance remains unpaid.

4.5 Developer's Right to Protest Ad Valorem Taxes. Nothing in this Agreement shall be construed to limit or restrict Developer's right to protest ad valorem taxes. The Developer's decision to protest ad valorem taxes on Assessed Property does not constitute a Default under this Agreement.

4.6 PID Administration and Collection of Assessments. If the City designates an administrator who shall have the responsibilities provided in the SAP related to the duties and responsibilities of the administration of the PID (the "PID Administrator"), the City shall provide the Developer with a copy of the agreement between the City and the PID Administrator upon written request by the Developer. If the City contracts with a third-party for the collection of Annual Installments of the Assessments, the City shall provide the Developer with a copy of such agreement upon written request from the Developer.

4.7 Representations and Warranties.

4.7.1 The Developer represents and warrants to the City that: (1) the Developer has the authority to enter into and perform its obligations under this Agreement; (2) the Developer has the financial resources, or the ability to obtain sufficient financial resources, to meet its obligations under this Agreement; (3) the person executing this Agreement on behalf of the Developer has been duly authorized to do so; (4) this Agreement is binding upon the Developer in accordance with its terms; and (5) the execution of this Agreement and the performance by the Developer of its obligations under this Agreement do not constitute a breach or event of default by the Developer under any other agreement, instrument, or order to which the Developer is a party or by which the Developer is bound.

4.7.2 The City represents to the Developer that: (1) the City has the authority to enter into and perform its obligations under this Agreement; (2) the person executing this Agreement on behalf of the City has been duly authorized to do so; (3) this Agreement is binding upon

the City in accordance with its terms; and (4) the execution of this Agreement and the performance by the City of its obligations under this Agreement do not constitute a breach or event of default by the City under any other agreement, instrument, or order to which the City is a party or by which the City is bound.

4.8 Default/Remedies.

4.8.1 If either Party fails to perform an obligation imposed on such Party by this Agreement (a "Failure") and such Failure is not cured after notice and the expiration of the cure periods provided in this section, then such Failure shall constitute a "Default." If a Failure is monetary, the non-performing Party shall have ten (10) business days within which to cure. If the Failure is non-monetary, the non-performing Party shall have thirty (30) days within which to cure.

4.8.2 If the Developer is in Default, the City shall have available all remedies at law or in equity; provided, no Default by the Developer shall entitle the City to terminate this Agreement or to withhold payments to the Developer from the Kiber Reserve PID Reimbursement Fund in accordance with this Agreement.

4.8.3 If the City is in Default, the Developer shall have available all remedies at law or in equity; provided, however, no Default by the City shall entitle the Developer to terminate this Agreement.

4.8.4 The City shall give notice of any alleged Failure by the Developer to each Transferee identified in any notice from the Developer, and such Transferees shall have the right, but not the obligation, to cure the alleged Failure within the same cure periods that are provided to the Developer. The election by a Transferee to cure a Failure by the Developer shall constitute a cure by the Developer but shall not obligate the Transferee to be bound by this Agreement unless the Transferee agrees in writing to be bound.

4.9 Remedies Outside the Agreement. Nothing in this Agreement constitutes a waiver by the City of any remedy the City may have outside this Agreement against the Developer, any Transferee, or any other person or entity involved in the design, construction, or installation of the Authorized Improvements. The obligations of the Developer hereunder shall be those of a party hereto and not as an owner of property in the PID. Nothing herein shall be construed as affecting the City's or the Developer's rights or duties to perform their respective obligations under other agreements, use regulations, or subdivision requirements relating to the development property in the PID.

4.10 Personal liability of public officials, legal relations. To the extent permitted by State law no director, officer, representative, employee or agent of the City shall be personally responsible for any liability arising under or growing out of the Agreement. The developer SHALL INDEMNIFY AND SAVE HARMLESS THE CITY AND ITS RESPECTIVE OFFICERS. DIRECTORS. EMPLOYEES. REPRESENTATIVES. AND AGENTS FROM ALL SUITS. ACTIONS. OR CLAIMS OF ANY CHARACTER BROUGHT FOR OR ON ACCOUNT OF ANY INJURIES OR DAMAGES RECEIVED BY ANY PERSON. PERSONS. OR PROPERTY

RESULTING FROM THE NEGLIGENT ACTS OF THE DEVELOPER. OR ANY OF ITS AGENTS. OFFICERS. OR REPRESENTATIVES IN PERFORMING ANY OF THE SERVICES AND ACTIVITIES UNDER THIS AGREEMENT.

4.11 Estoppel Certificate. From time to time upon written request of the Developer, the City Administrator will execute a written estoppel certificate (1) identifying any obligations of the Developer under this Agreement that are in default or, with the giving of notice or passage of time, would be in default; or (2) stating, to the extent true, that to the best knowledge and belief of the City, the Developer is in compliance with its duties and obligations under this Agreement.

4.12 Transfers. The Developer has the right to convey, transfer, assign, mortgage, pledge, or otherwise encumber, in whole or in part without the consent of (but with notice to) the City, the Developer's right, title, or interest to payments under this Agreement (but not performance obligations) including, but not limited to, any right, title, or interest of the Developer in and to payments of the Kiber Reserve PID Reimbursement Agreement Balance (any of the foregoing, a "Transfer," and the person or entity to whom the transfer is made, a "Transferee"). Notwithstanding the foregoing, no Transfer shall be effective until notice of the Transfer is given to the City. The City may rely on notice of a Transfer received from the Developer without obligation to investigate or confirm the validity of the Transfer. The Developer waives all rights or claims against the City for any funds paid to a third party as a result of a Transfer for which the City received notice.

4.13 Applicable Law; Venue. This Agreement is being executed and delivered and is intended to be performed in the State of Texas. Except to the extent that the laws of the United States may apply, the substantive laws of the State of Texas shall govern the interpretation and enforcement of this Agreement. In the event of a dispute involving this Agreement, venue shall lie in any court of competent jurisdiction in Brazoria County, Texas.

4.14 Notice. Any notice referenced in this Agreement must be in writing and shall be deemed given at the addresses shown below: (1) when delivered by a nationally recognized delivery service such as FedEx or UPS with evidence of delivery signed by any person at the delivery address regardless of whether such person is the named addressee; or (2) 72 hours after deposited with the United States Postal Service, Certified Mail, Return Receipt Requested.

To the City: Attn: Chris Whittaker
City Manager City of Angleton
121 S. Velasco
Angleton, Texas 77515

With a copy to: City Attorney, Randle Law Office LTD. LLC
J. Grady Randle
820 Gessner, Ste. 1570
Houston, Texas 77024

To the Developer: Waterstone Development Group, LLC
185 Cedar Point Drive
Livingston, Texas 77351

With a copy to: Timothy G. Green
Coats Rose, P.C.
9 Greenway Plaza, Suite 1000
Houston, Texas 77046

Any Party may change its address by delivering notice of the change in accordance with this section.

4.15 Conflicts; Amendment. In the event of any conflict between this Agreement and any other instrument, document, or agreement by which either Party is bound, the provisions and intent of this Agreement controls. This Agreement may only be amended by written agreement of the Parties.

4.16 Severability. If any provision of this Agreement is determined by a court of competent jurisdiction to be unenforceable for any reason, then (a) such unenforceable provision shall be deleted from this Agreement; (b) the unenforceable provision shall, to the extent possible, be rewritten to be enforceable and to give effect to the intent of the Parties; and (c) the remainder of this Agreement shall remain in full force and effect and shall be interpreted to give effect to the intent of the Parties. Additionally, if any provision of this Agreement requires revision based on the controlling definitions in the SAP (a) such conflicting provision shall be deleted from this Agreement; (b) the conflicting provision shall, to the extent possible, be rewritten to be conforming and to give effect to the intent of the Parties; and (c) the remainder of this Agreement shall remain in full force and effect and shall be interpreted to give effect to the intent of the Parties.

4.17 Non-Waiver. The failure by a Party to insist upon the strict performance of any provision of this Agreement by the other Party, or the failure by a Party to exercise its rights upon a Default by the other Party, shall not constitute a waiver of such Party's right to insist and demand strict compliance by such other Party with the provisions of this Agreement.

4.18 Third Party Beneficiaries. Nothing in this Agreement is intended to or shall be construed to confer upon any person or entity other than the City, the Developer, and Transferees any rights under or by reason of this Agreement. All provisions of this Agreement shall be for the sole and exclusive benefit of the City, the Developer, and Transferees.

4.19 Counterparts. This Agreement may be executed in multiple counterparts, which, when taken together, shall be deemed one original.

4.20 Legal costs. If any Party hereto is the prevailing party in any legal proceedings against another Party brought under or with relation to this Agreement, such prevailing Party shall additionally be entitled to recover court costs and reasonable attorneys' fees from the non-prevailing Party to such proceedings.

4.21 No Waiver of Powers or Immunity. City does not waive or surrender any of its governmental powers, immunities or rights except as necessary to allow Owner to enforce its remedies under this Agreement.

4.22 Further assurances. Each Party hereby agrees that it will take all actions and execute all documents necessary to fully carry out the purposes and intent of this Agreement.

4.23 Iran, Sudan, and Foreign Terrorist Organizations. The Developer 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 2271.0201, Texas Government Code, and posted on any of the following pages of such officer's internet website:

<https://comptroller.texas.gov/purchasing/docs/sudan-list.pdf>,
<https://comptroller.texas.gov/purchasing/docs/iran-list.pdf>, or
<https://comptroller.texas.gov/purchasing/docs/fto-list.pdf>.

The foregoing representation is made solely to comply with Section 2252.152, Texas Government Code, and to the extent such Section does not contravene applicable Federal law and excludes the Developer 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. The Developer understands “affiliate” to mean any entity that controls, is controlled by, or is under common control with the Developer and exists to make a profit.

4.24 No Boycott of Israel. The Developer hereby verifies that it and its parent company, wholly- or majority-owned subsidiaries, and other affiliates, if any, do not boycott Israel and, to the extent this Agreement is a contract for goods or services, will not boycott Israel during the term of this Agreement. The foregoing verification is made solely to comply with Section 2271.002, Texas Government Code, and to the extent such Section does not contravene applicable Federal law. As used in the foregoing verification, “boycott Israel” means refusing to deal with, terminating business activities with, or otherwise taking any action that is intended to penalize, inflict economic harm on, or limit commercial relations specifically with Israel, or with a person or entity doing business in Israel or in an Israeli-controlled territory, but does not include an action made for ordinary business purposes. The Developer understands “affiliate” to mean an entity that controls, is controlled by, or is under common control with the Developer and exists to make a profit.

4.25 Employment of Undocumented Workers. During the term of this Agreement, and to the extent required under State law, the Developer agrees not to knowingly employ any undocumented workers and, if convicted of a violation under 8 U.S.C. Section 1324a (f), the Developer shall repay the amount of the public subsidy herein within 120 days after the date the Developer is notified by the City of such violation, plus interest at the rate of six percent (6%) compounded annually from the date of violation until paid. Pursuant to Section 2264.101 (c), Texas Government Code, a business is not liable for a violation of Chapter 2264 by a subsidiary, affiliate, or franchisee of the business, or by a person with whom the business contracts.

[Execution pages follow.]

CITY OF ANGLETON, TEXAS

By: _____
_____, Mayor

ATTEST:

By: _____

City Secretary

WATERSTONE DEVELOPMENT GROUP, LLC
A Texas limited liability company

By: _____

Name: _____

Title: _____

Exhibit A**CERTIFICATE FOR PAYMENT FORM**

The undersigned is an agent for Waterstone Development Group, LLC, a Texas limited liability company (the “Developer”) and requests from the City of Angleton, Texas (the “City”) payment from the Kiber Reserve PID Reimbursement Fund in the amount of _____ for labor, materials, fees, and/or other general costs related to the creation of the PID, acquisition, or construction of certain Authorized Improvements providing a special benefit to property within the Kiber Reserve Public Improvement District. Unless otherwise defined, any capitalized terms used herein shall have the meanings ascribed to them in the PID Reimbursement Agreement- Kiber Reserve Public Improvement District between the Developer and the City (the “Reimbursement Agreement”).

In connection with the above referenced payment, the Developer represents and warrants to the City as follows:

1. The undersigned is a duly authorized officer of the Developer, is qualified to execute this Certificate for Payment Form on behalf of the Developer and is knowledgeable as to the matters set forth herein.
2. The payment requested for the below referenced Authorized Improvements has not been the subject of any prior payment request submitted for the same work to the City or, if previously requested, no disbursement was made with respect thereto.
3. The amount listed for the Authorized Improvements below is a true and accurate representation of the Actual Costs associated with the creation of the PID, acquisition, or construction of said Authorized Improvements, and such costs (i) are in compliance with the Reimbursement Agreement, and (ii) are consistent with the SAP.
4. The Developer is in compliance with the terms and provisions of the Reimbursement Agreement, and all other agreements with the City.
5. The Developer has timely paid all ad valorem taxes and annual installments of special assessments it owes or an entity the Developer controls owes, located in the PID and has no outstanding delinquencies for such assessments.
6. All conditions set forth in the Reimbursement Agreement for the payment hereby requested have been satisfied.
7. The work with respect to the Authorized Improvements referenced below (or its completed segment) has been completed, and the City has inspected such Authorized Improvements (or its completed segment).

8. The Developer agrees to cooperate with the City in conducting its review of the requested payment and agrees to provide additional information and documentation as is reasonably necessary for the City to complete said review.

I hereby declare that the above representations and warranties are true and correct.

WATERSTONE DEVELOPMENT GROUP, LLC
A Texas limited liability company

By: _____

Name: _____

Title: _____

Date: _____

APPROVAL OF REQUEST BY CITY

The City is in receipt of the attached Certificate for Payment, acknowledges the Certificate for Payment, acknowledges that the Authorized Improvements (or completed segment thereof) covered by the certificate have been inspected by the City, and otherwise finds the Certificate for Payment to be in order. After reviewing the Certificate for Payment, the City approves the Certificate for Payment and the payments to be made from the Kiber Reserve PID Reimbursement Fund to the Developer or to any person designated by the Developer.

CITY OF ANGLETON, TEXAS

By: _____

Name: _____

Title: _____

Date: _____

Exhibit B

SERVICE AND ASSESSMENT PLAN

Kiber Reserve Public Improvement District

SERVICE AND ASSESSMENT PLAN

SEPTEMBER 14, 2021



AUSTIN, TX | NORTH RICHLAND HILLS, TX

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INTRODUCTION

Capitalized terms used in this Service and Assessment Plan shall have the meanings given to them in **Section I** unless otherwise defined in this Service and Assessment Plan or unless the context in which a term is used clearly requires a different meaning. Unless otherwise defined, a reference to a “Section” or an “Exhibit” shall be a reference to a Section of this Service and Assessment Plan, or an Exhibit attached to and made a part of this Service and Assessment Plan for all purposes.

On November 10, 2020, the City passed and approved Resolution No. 20201110-007 authorizing the establishment of the District in accordance with the PID Act, which authorization was effective upon publication as required by the PID Act. The purpose of the District is to finance the Actual Costs of Authorized Improvements that confer a special benefit on approximately 19.84 acres located within the corporate limits of the City, as described by metes and bounds and depicted on **Exhibit A**.

The PID Act requires a service plan covering a period of at least five years and defining the annual indebtedness and projected cost of the Authorized Improvements. The Service Plan is contained in **Section IV**.

The PID Act requires that the Service Plan include an assessment plan that assesses the costs of the Authorized Improvements against the District based on the special benefits conferred on the District by the Authorized Improvements. The Assessment Plan is contained in **Section V**.

The PID Act requires an Assessment Roll that states the Assessment against each Parcel of Assessed Property within the District determined by the method chosen by the City. The Assessment against each Parcel of Assessed Property must be sufficient to pay the share of the Actual Costs of the Authorized Improvements apportioned to such Parcel and cannot exceed the special benefit conferred on the Parcel by the Authorized Improvements. The Assessment Roll is included as **Exhibit E**.

SECTION I: DEFINITIONS

“Actual Costs” mean with respect to Authorized Improvements, the Owner’s demonstrated, reasonable, allocable, and allowable costs of constructing such Authorized Improvements, as specified in a payment request in a form that has been reviewed and approved by the City and in an amount not to exceed the total amount of Authorized Improvements as set forth in this Service and Assessment Plan. Actual Costs may include: (1) the costs incurred by or on behalf of the Owner (either directly or through affiliates) for the design, planning, administration/management, acquisition, installation, construction and/or implementation of such Authorized Improvements; (2) the fees paid for obtaining permits, licenses, or other governmental approvals for such Authorized Improvements; (3) construction management fees equal to 4% of costs; (4) the costs incurred by or on behalf of the Owner for external professional costs, such as engineering, geotechnical, surveying, land planning, architectural landscapers, appraisals, legal, accounting, and similar professional services; (5) all labor, bonds, and materials, including equipment and fixtures, by contractors, builders, and materialmen in connection with the acquisition, construction, or implementation of the Authorized Improvements; (6) all related permitting and public approval expenses, architectural, engineering, and consulting fees, and governmental fees and charges.

“Administrator” means an employee or designee of the City who shall have the responsibilities provided in this Service and Assessment Plan, or any other agreement or document approved by the City related to the duties and responsibilities of the administration of the District. The initial Administrator is P3Works, LLC.

“Annual Collection Costs” mean the actual or budgeted costs and expenses related to the operation of the District, including, but not limited to, costs and expenses for: (1) the Administrator; (2) City staff; (3) legal counsel, engineers, accountants, financial advisors, and other consultants engaged by the City; (4) calculating, collecting, and maintaining records with respect to Assessments and Annual Installments; (5) preparing and maintaining records with respect to Assessment Rolls and Annual Service Plan Updates; (6) investing or depositing Assessments and Annual Installments; (7) complying with this Service and Assessment Plan and the PID Act; and (8) administering the construction of the Authorized Improvements. Annual Collection Costs collected but not expended in any year shall be carried forward and applied to reduce Annual Collection Costs for subsequent years.

“Annual Installment” means, with respect to each Parcel, the annual installment payment of an Assessment as calculated by the Administrator, approved by the City Council, and shown on an Assessment Roll, and includes: (1) principal; (2) interest; and (3) Annual Collection Costs.

“Annual Service Plan Update” means an update to the Service and Assessment Plan prepared no less frequently than annually by the Administrator and approved by the City Council.

“Assessed Property” means any Parcel within the District against which an Assessment is levied.

“Assessment” means an assessment levied against a Parcel within the District and imposed pursuant to the PID Act, the Assessment Ordinance, and the provisions of this Service and Assessment Plan, as shown on an Assessment Roll, subject to reallocation upon the subdivision of such Parcel or reduction according to the provisions herein and the PID Act. The Assessment for a Parcel consists of the principal portion of the Annual Installments to be collected in all years.

“Assessment Ordinance” means an ordinance adopted by the City Council in accordance with the PID Act that levies an Assessment on the Initial Parcel as shown on an Assessment Roll.

“Assessment Plan” means the methodology employed to determine the Assessments for the Actual Costs of the Authorized Improvements against Assessed Property based on the special benefits conferred on such Assessed Property by the Authorized Improvements, more specifically described in **Section V**.

“Assessment Roll” means any assessment roll for Assessed Property, including the Assessment Roll attached as **Exhibit E**, as updated, modified, or amended from time to time in accordance with the procedures set forth herein and in the PID Act, including updates in connection with any Annual Service Plan Update.

“Authorized Improvements” means those public improvements authorized by Section 372.003 of the PID Act and described in **Section III** which are constructed for the special benefit of the property within the District, and which estimated costs are shown on **Exhibit B**.

“City” means the City of Angleton, Texas.

“City Council” means the governing body of the City.

“County” means Brazoria County, Texas.

“Delinquent Collection Costs” mean costs related to the foreclosure on Assessed Property and the costs of collection of delinquent Assessments, delinquent Annual Installments, or any other delinquent amounts due under this Service and Assessment Plan including penalties and reasonable attorney’s fees actually paid, but excluding amounts representing interest and penalty interest.

“District” means the Kiber Reserve Public Improvement District containing approximately 19.84 acres located within the corporate limits of the City, which is legally described by metes and bounds and depicted on **Exhibit A**.

“District Formation Costs” means the costs and expenses directly associated with forming the District, including but not limited to attorney fees, financial advisory fees, consultant fees, appraisal fees, printing costs, City costs, first year Annual Collection Costs, and any other cost or expense directly associated with the establishment of the District.

“Initial Parcel” means the approximately 19.84 contiguous acres located within the corporate limits of the City, as more particularly described by metes and bounds and depicted on **Exhibit A**.

“Lot” means for any portion of the District for which a final subdivision plat has been recorded in the official public records of the County, a tract of land described by “lot” in such final and recorded subdivision plat.

“Maximum Assessment” means, for each Residential Lot, \$19,139.78, which amount shall be reduced annually based on the principal paid as part of the Annual Installment.

“Non-Benefited Property” means Parcels within the boundaries of the District that accrue no special benefit from the Authorized Improvements. Property is identified as Non-Benefitted Property at the time the Assessments are (1) imposed, or (2) reallocated pursuant to a subdivision of a Parcel that is not assessed.

“Notice of Assessment Termination” means a recorded document evidencing the termination of an Assessment, a form of which is attached as **Exhibit I**.

“Owner” means Waterstone Development Group, LLC., a Texas limited liability company, including its successors and assigns.

“Parcel” or **“Parcels”** means a specific property within the District identified by any of the following: (i) by a tax map identification number assigned by the Brazoria County Appraisal District for real property tax purposes, (ii) by metes and bounds description, (iii) by lot and block number in a final subdivision plat recorded in the official public records of the County, or (iv) by any other means determined by the City.

“PID Act” means Chapter 372, Texas Local Government Code, as amended.

“Prepayment” means the payment of all or a portion of an Assessment before the due date thereof. Amounts received at the time of a Prepayment which represent a payment of principal, interest, or penalties on a delinquent installment of an Assessment are not to be considered a Prepayment, but rather are to be treated as the payment of the regularly scheduled Assessment.

“Prepayment Costs” means interest, Delinquent Collection Costs and Annual Collection Costs to the date of Prepayment.

“Reimbursement Agreement” means that certain “PID Reimbursement Agreement – Kiber Reserve Public Improvement District,” effective [REDACTED], 2021 by and between the City and the

Owner, in which the Owner agrees to construct the Authorized Improvements and to fund certain Actual Costs of the Authorized Improvements, and the City agrees to reimburse the Owner for Actual Costs of the Authorized Improvements paid solely from the revenue collected by the City from Assessments, including Annual Installments.

“Reimbursement Obligation” means an amount not to exceed \$1,780,000 secured by the Assessments to be paid to the Owner pursuant to the Reimbursement Agreement. The Annual Installments for the Reimbursement Obligation are shown on **Exhibit F-1**.

“Residential Lot” means a Lot in the District which is anticipated to contain a single family home.

“Service and Assessment Plan” means this Kiber Ranch Public Improvement District Service and Assessment Plan as updated, amended or supplemented from time to time.

“Service Plan” means the plan that defines the annual indebtedness and projected costs of the Authorized Improvements, and covers a period of at least five years, more specifically described in **Section IV**.

SECTION II: THE DISTRICT

The District includes approximately 19.84 contiguous acres located within the corporate limits of the City, as more particularly described by metes and bounds and depicted on **Exhibit A**. Development of the District is anticipated to include 93 Residential Lots.

SECTION III: AUTHORIZED IMPROVEMENTS

The City Council, based on information provided by the Owner and its engineer and reviewed by City staff and by third-party consultants retained by the City, has determined that the costs described below are costs of Authorized Improvements, as defined by the PID Act, that confer a special benefit on the Assessed Property. All Authorized Improvements will be designed and constructed in accordance with City standards and will be owned and operated by the City. The budget for the Authorized Improvements is shown on **Exhibit B**.

A. Authorized Improvements

▪ *Street*

Improvements including subgrade stabilization, concrete and reinforcing steel for roadways, testing, handicapped ramps, and streetlights. All related earthwork, excavation, erosion control, intersections, signage and striping, and re-vegetation of all disturbed areas within the right-of-way are included. The street improvements will provide benefit to each Lot within the District.

▪ *Storm Drainage*

Improvements including earthen channels, swales, curb and drop inlets, RCP piping and boxes, headwalls, manholes, concrete flumes, rock rip rap, detention ponds, concrete outfalls, and testing as well as all related earthwork, excavation, erosion control and all necessary appurtenances to provide storm drainage for all Lots within the District.

▪ *Sanitary Sewer*

Improvements including trench excavation and embedment, trench safety, PVC piping, encasement, boring, manholes, service connections, testing, related earthwork, excavation, erosion control and all necessary appurtenances required to provide wastewater service to all Lots within the District.

▪ *Water*

Improvements including trench excavation and embedment, trench safety, plastic/metal piping, service connections, water mains, valves, fire hydrants, testing, earthwork,

excavation, erosion control, and all necessary appurtenances required to provide water service. The water improvements will be designed and constructed in accordance with City standards and specifications and will be owned and operated by the City.

- *Soft Costs*

Costs related to designing, constructing, and installing the Authorized Improvements including land planning and design, City fees, inspection fees, engineering, material testing, survey, construction management, contingency, and District Formation Costs.

SECTION IV: SERVICE PLAN

The PID Act requires the Service Plan to cover a period of at least five years. The Service Plan is required to define the annual projected costs and indebtedness for the Authorized Improvements undertaken within the District during the five-year period. The Service Plan must be reviewed and updated, at least annually, and approved by the City Council. **Exhibit C** summarizes the Service Plan for the District.

Exhibit D summarizes the sources and uses of funds required to construct the Authorized Improvements. The sources and uses of funds shown on **Exhibit D** shall be updated each year in the Annual Service Plan Update to reflect any budget revisions and Actual Costs.

SECTION V: ASSESSMENT PLAN

The PID Act requires the City Council to apportion the costs of the Authorized Improvements to the Assessed Property based on the special benefit received from the Authorized Improvements. The PID Act provides that such costs may be apportioned: (1) equally per front foot or square foot; (2) according to the value of property as determined by the City Council, with or without regard to improvements constructed on the property; or (3) in any other manner approved by the City Council that results in imposing equal shares of such costs on property similarly benefited. The PID Act further provides that the City Council may establish by ordinance reasonable classifications and formulas for the apportionment of the cost between the City and the area to be assessed and the methods of assessing the special benefits for various classes of improvements.

The determination by the City Council of the assessment methodologies set forth below is the result of the discretionary exercise by the City Council of its legislative authority and governmental powers and is conclusive and binding on the Owner, as the owner of Assessed Property within the District, and all future owners and developers of Assessed Property.

A. Assessment Methodology

The City Council, acting in its legislative capacity based on information provided by the Owner and its engineer and reviewed by City staff and by third-party consultants retained by the City, has determined that the Actual Costs of the Authorized Improvements shall be allocated entirely to the Initial Parcel. Upon subdivision of the Initial Parcel, the cost of the Authorized Improvements shall be reallocated further as described in **Section VI**.

B. Assessments

Assessments will be levied on the Initial Parcel in the amount shown on the Assessment Roll, attached hereto as **Exhibit E**. The projected Annual Installments for the District and each Residential Lot are shown on **Exhibit F-1** and **Exhibit F-2**, respectively. Upon subdivision of the Initial Parcel by the recording of a final plat in the official public records of the County, Assessments will be reallocated pursuant to **Section VI**.

The projected Assessment and Annual Installment shown on **Exhibit F-1** and **Exhibit F-2** are preliminary and are subject to change based on the land uses contained within the final plat, but in no case will the Assessment for any Residential Lot exceed the Maximum Assessment.

Under the Reimbursement Agreement, Assessments, including Annual Installments, may only be used to pay the Actual Costs of the Authorized Improvements based on the special benefit conferred on the Assessed Property by the Authorized Improvements. Revenue generated from the levy of an Assessment, including the collection of Annual Installment, from a Parcel of Assessed Property may not be applied against the obligation of an Assessment, levied against another Parcel of Assessed Property, including an Annual Installment.

C. Findings of Special Benefit

The City Council, acting in its legislative capacity based on information provided by the Owner and its engineer and reviewed by the City staff and by third-party consultants retained by City, has found and determined:

- The estimated total cost of the Authorized Improvements equal \$2,121,890 as shown on **Exhibit B**.
- The Assessed Property receives special benefit from the Authorized Improvements equal to or greater than the Actual Cost of the Authorized Improvements.
- The Initial Parcel is allocated 100% of the Assessments, which equal \$1,780,000, levied for the Authorized Improvements, as shown on the Assessment Roll attached hereto as **Exhibit E**.

- The special benefit ($\geq \$2,121,890$) received by the Initial Parcel from the Authorized Improvements is equal to or greater than the amount of the Assessments (\$1,780,000) levied on the Initial Parcel for payment of the Actual Costs of the Authorized Improvements.
- At the time the City Council adopted the Assessment Ordinance and approved the Service and Assessment Plan, the Owner owned 100% of the Initial Parcel. The Owner, as the owner of 100% of the Initial Parcel, acknowledged that the Authorized Improvements confer a special benefit on the Initial Parcel and consented to the imposition of the Assessments to pay for the Actual Costs of the Authorized Improvements associated therewith. The Owner ratified, confirmed, accepted, agreed to, and approved: (1) the determinations and findings by the City Council as to the special benefits described herein and the Assessment Ordinance; (2) the approval of the Service and Assessment Plan and the adoption of the Assessment Ordinance, and (3) the levying of Assessments on the Initial Parcel.

D. Annual Collection Costs

The Annual Collection Costs shall be paid for by each Parcel of Assessed Property pro rata based on the ratio of the amount of outstanding Assessment remaining on such Parcel to the total outstanding Assessment on all Parcels of Assessed Property. Prior to the Trigger Date for the collection of Annual Installments, the Annual Collection Costs shall be billed and collected in the same manner as ad valorem taxes in the amounts set forth in each Annual Service Plan Update. Following the Trigger Date for the collection of Annual Installments, the Annual Collection Costs shall be collected as part of and in the same manner as Annual Installments in the amounts shown on the Assessment Roll, which may be revised based on actual costs incurred in Annual Service Plan Updates.

SECTION VI: TERMS OF THE ASSESSMENTS

A. Reallocation of Assessments

1. Upon Division

Upon the division of any Assessed Property (with or without the recording of a subdivision plat), the Administrator shall reallocate the Assessment for the Assessed Property prior to the division among the newly divided Assessed Properties according to the following formula:

$$A = B \times (C \div D)$$

Where the terms have the following meanings:

A = the Assessment for the newly divided Assessed Property

B = the Assessment for the Assessed Property prior to division

C = the number of Residential Lots within the newly divided Assessed Property

D = the sum of the number of Residential Lots for all of the newly divided Assessed Properties

The sum of the Assessments for all newly divided Assessed Properties shall equal the Assessment for the Assessed Property prior to subdivision. The calculation shall be made separately for each newly divided Assessed Property. The reallocation of an Assessment for an Assessed Property that is a homestead under Texas law may not exceed the Assessment prior to the reallocation. Any reallocation pursuant to this section shall be reflected in the next Annual Service Plan Update and approved by the City Council.

2. Upon Consolidation

If two or more Lots or Parcels are consolidated, the Administrator shall allocate the Assessments against the Lots or Parcels before the consolidation to the consolidated Lot or Parcel, which allocation shall be reflected in the next Annual Service Plan Update and approved by the City Council.

B. Mandatory Prepayment of Assessments

If any Assessed Property is transferred to a person or entity that is exempt from payment of the Assessment, the owner transferring such Assessed Property shall pay to the City the full amount of the Assessment on such Assessed Property, plus Prepayment Costs and Delinquent Collection Costs, prior to the transfer. If the owner of any Assessed Property causes the Assessed Property to become Non-Benefited Property, the owner causing the change in status shall pay the full amount of the Assessment, plus Prepayment Costs and Delinquent Collection Costs, if any, prior to the change in status.

C. True-Up of Assessments if Maximum Assessment Exceeded at Plat

Prior to the City approving a final subdivision plat, the Administrator will certify that such plat will not result in the Assessment per Lot for any Residential Lot to exceed the Maximum Assessment. If the Administrator determines that the resulting Assessment per Lot for any Residential Lot will exceed the Maximum Assessment, then (i) the Assessment applicable to each Residential Lot exceeding the Maximum Assessment shall be reduced to the Maximum Assessment, and (ii) the obligation under the Reimbursement Agreement shall be reduced by the amount of the Maximum Assessment multiplied by the number of Residential Lots.

D. Reduction of Assessments

If, as a result of cost savings or an Authorized Improvement not being constructed, the Actual Costs of completed Authorized Improvements are less than the Assessments, the City Council shall reduce each Assessment on a pro-rata basis such that the sum of the resulting reduced Assessments for all Assessed Properties equals the reduced Actual Costs.

The Administrator shall update (and submit to the City Council for review and approval as part of the next Annual Service Plan Update) the Assessment Roll and corresponding Annual Installments to reflect the reduced Assessments.

E. Prepayment of Assessments

The owner of the Assessed Property may pay, at any time, all or any part of an Assessment in accordance with the PID Act. If an Annual Installment has been billed prior to the Prepayment, the Annual Installment shall be due and payable and shall be credited against the Prepayment.

If an Assessment is paid in full, with interest: (1) the Administrator shall cause the Assessment to be reduced to zero and the Assessment Roll to be revised accordingly; (2) the Administrator shall submit the revised Assessment Roll for the City Council's approval as part of the next Annual Service Plan Update; (3) the obligation to pay the Assessment and corresponding Annual Installments shall terminate; and (4) the City shall provide the owner with a recordable Notice of Assessment Termination, a form of which is attached as **Exhibit I**.

If an Assessment is paid in part, with interest: (1) the Administrator shall cause the Assessment to be reduced and the Assessment Roll revised accordingly; (2) the Administrator shall submit the revised Assessment Roll for the City Council's approval as part of the next Annual Service Plan Update; and (3) the obligation to pay the Assessment and corresponding Annual Installments shall be reduced.

F. Payment of Assessment in Annual Installments

Assessments that are not paid in full shall be due and payable in Annual Installments. **Exhibit F-1** shows the projected Annual Installments. Annual Installments are subject to adjustment in each Annual Service Plan Update.

If any Parcel shown on the Assessment Roll is assigned multiple tax identification numbers, the Annual Installment shall be allocated pro rata based on the acreage of the property as shown by Brazoria County Appraisal District for each tax identification number.

The Administrator shall prepare and submit to the City Council for its review and approval an Annual Service Plan Update to allow for the billing and collection of Annual Installments. Each Annual Service Plan Update shall include updated Assessment Rolls and updated calculations of

Annual Installments. The Annual Collection Costs shall be paid for by each Parcel of Assessed Property pro rata based on the ratio of the amount of outstanding Assessment remaining on such Parcel to the total outstanding Assessment on all Parcels of Assessed Property. Annual Installments shall be collected by the City in the same manner and at the same time as ad valorem taxes. Annual Installments shall be subject to the penalties, procedures, and foreclosure sale in case of delinquencies as set forth in the PID Act and in the same manner as ad valorem taxes for the City. The City Council may provide for other means of collecting Annual Installments. Assessments shall have the lien priority specified in the PID Act.

Sales of the Assessed Property for nonpayment of Annual Installments shall be subject to the lien for the remaining unpaid Annual Installments against the Assessed Property, and the Assessed Property may again be sold at a judicial foreclosure sale if the purchaser fails to timely pay the non-delinquent Annual Installments as they become due and payable.

Each Annual Installment of an Assessment, including interest on the unpaid principal of the Assessment, shall be updated annually. Each Annual Installment shall be due when billed and shall be delinquent if not paid prior to February 1 of the following year. Failure of an owner of Assessed Property to receive an invoice for an Annual Installment on the property tax bill or otherwise shall not relieve the owner of Assessed Property of the obligation to pay the Assessment. Assessments, or Annual Installment therefor that are delinquent shall incur Delinquent Collection Costs.

G. Prepayment as a Result of an Eminent Domain Proceeding or Taking

If any portion of any Parcel of Assessed Property is taken from an owner as a result of eminent domain proceedings or if a transfer of any portion of any Parcel of Assessed Property is made to an entity with the authority to condemn all or a portion of the Assessed Property in lieu of or as a part of an eminent domain proceeding (a "Taking"), the portion of the Assessed Property that was taken or transferred (the "Taken Property") shall be reclassified as Non-Benefitted Property.

For the Assessed Property that is subject to the Taking as described in the preceding paragraph, the Assessment that was levied against the Assessed Property (when it was included in the Taken Property) prior to the Taking shall remain in force against the remaining Assessed Property (the Assessed Property less the Taken Property) (the "Remaining Property") following the reclassification of the Taken Property as Non-Benefitted Property. The Owner will remain liable to pay in Annual Installments, or as otherwise provided by this Service and Assessment Plan, as updated, or the Act, the Assessment that remains due on the Remaining Property. Notwithstanding the foregoing, if the Assessment that remains due on the Remaining Property exceeds the Maximum Assessment, the owner will be required to make a Prepayment in an amount necessary to ensure that the Assessment against the Remaining Property does not exceed the Maximum Assessment.

Following the initiation of the Taking, the Administrator will be required, as part of the next Annual Service Plan Update, to determine the portion of the Assessment that was levied against the Assessed Property that would have been allocated to the Taken Property prior to its reclassification as Non-Benefitted Property based on a manner that results in imposing equal shares of the costs of the applicable Authorized Improvements on property similarly benefitted.

Within 30 days of the receipt by the owner of the funds received from the entity taking the Taken Property, the owner shall make a Prepayment of the Assessment in an amount equal to the lesser of (i) the amount the owner received as a result of the Taking or (ii) the amount determined by the Administrator in the above paragraph; provided, however, that in all instances the Assessment remaining on the Remaining Property shall not exceed the Maximum Assessment.

By way of illustration, if an owner owns 100 acres of Assessed Property subject to a \$100 Assessment and 10 acres is taken through a Taking, the 10 acres of Taken Property shall be reclassified as Non-Benefitted Property and the remaining 90 acres of Remaining Property shall be subject to the \$100 Assessment, (provided that this \$100 Assessment does not exceed the Maximum Assessment on the Remaining Property). If the Administrator determines that the portion of the \$100 Assessment that would have been allocated to the Taken Property prior to its reallocation is \$10 and the owner receives \$8 as compensation for the Taken Property as a result of the Taking, the Owner shall be required to pay \$8 as a Prepayment of the Assessment against the Remaining Property (in addition to any other amount that would be required to ensure the Assessment does not exceed the Maximum Assessment). Alternatively, in the above scenario, if the owner receives \$20 in compensation for the Taken Property, the owner shall be required to pay \$10 as a Prepayment of the Assessment.

Notwithstanding the previous two paragraphs, if the owner notifies the City and the Administrator that the Taking prevents the Remaining Property from being developed as shown on a final plat, the owner shall, upon receipt of the compensation for the Taken Property, be required to prepay the total amount of the Assessment levied against the Taken Property and, and the amount of the Assessment required to buy down the outstanding Assessment to the Maximum Assessment on the Remaining Property. The owner will remain liable to pay the Annual Installments on both the Taken Property and the Remaining Property until such time that such Assessment has been prepaid in full.

SECTION VII: ASSESSMENT ROLL

The Assessment Roll is attached as **Exhibit E**. The Administrator shall prepare and submit to the City Council for review and approval, proposed revisions to the Assessment Roll and Annual Installments for each Parcel of Assessed Property as part of each Annual Service Plan Update.

SECTION VIII: ADDITIONAL PROVISIONS

A. Calculation Errors

If the owner of a Parcel claims that an error has been made in any calculation required by this Service and Assessment Plan, including, but not limited to, any calculation made as part of any Annual Service Plan Update, the owner's sole and exclusive remedy shall be to submit a written notice of error to the Administrator by December 1st of each year following City Council approval of the calculation; otherwise, the owner shall be deemed to have unconditionally approved and accepted the calculation. Upon receipt of a written notice of error from an owner the Administrator shall provide a written response to the City Council and the owner within 30 days of providing such notice and the response thereto. The City Council shall consider the owner's notice of error and the Administrator's response at a public hearing, and within 30 days after closing such hearing, the City Council shall make a final determination as to whether an error has been made. If the City Council determines that an error has been made, the City Council shall take such corrective action as is authorized by the PID Act, this Service and Assessment Plan, the Assessment Ordinance, or is otherwise authorized by the discretionary power of the City Council. The determination by the City Council as to whether an error has been made, and any corrective action taken by the City Council, shall be final and binding on the owner and the Administrator.

B. Amendments

Amendments to this Service and Assessment Plan must be made by the City Council in accordance with the PID Act. To the extent permitted by the PID Act, this Service and Assessment Plan may be amended without notice to owners of the Assessed Property: (1) to correct mistakes and clerical errors; (2) to clarify ambiguities; and (3) to provide procedures to collect Assessments, Annual Installments, and other charges imposed by this Service and Assessment Plan.

C. Administration and Interpretation

The Administrator shall: (1) perform the obligations of the Administrator as set forth in this Service and Assessment Plan; (2) administer the District for and on behalf of and at the direction of the City Council; and (3) interpret the provisions of this Service and Assessment Plan. Interpretations of this Service and Assessment Plan by the Administrator shall be in writing and shall be appealable to the City Council by owners or developers adversely affected by the interpretation. Appeals shall be decided by the City Council after holding a public hearing at which all interested parties have an opportunity to be heard. Decisions by the City Council shall be final and binding on the owners and developers and their successors and assigns.

D. Severability

If any provision of this Service and Assessment Plan is determined by a governmental agency or court to be unenforceable, the unenforceable provision shall be deleted and, to the maximum extent possible, shall be rewritten to be enforceable. Every effort shall be made to enforce the remaining provisions.

EXHIBITS

The following Exhibits are attached to and made a part of this Service and Assessment Plan for all purposes:

Exhibit A	District Legal Description and District Map
Exhibit B	Authorized Improvements
Exhibit C	Service Plan
Exhibit D	Sources and Uses of Funds
Exhibit E	Assessment Roll
Exhibit F-1	District Projected Annual Installments
Exhibit F-2	Residential Lot Projected Annual Installments
Exhibit G	Maximum Assessment and Tax Rate Equivalent
Exhibit H	Maps of Authorized Improvements
Exhibit I	Form of Notice of Assessment Termination
Exhibit J	Engineer's Opinion of Probable Cost
Exhibit K	Residential Lot Buyer Disclosure

EXHIBIT A – DISTRICT LEGAL DESCRIPTION AND DISTRICT MAP

[illegible]

EXHIBIT B – AUTHORIZED IMPROVEMENTS

<i>Authorized Improvements</i>	Total Costs
Streets	\$ 821,686
Storm Drainage	602,572
Sanitary Sewer	203,387
Water	164,016
Soft Costs	330,229
Total	\$ 2,121,890

Notes: See Exhibit K for detailed Engineer's Opinion of Probable Cost

EXHIBIT C – SERVICE PLAN

Annual Installments ¹		1/31/2022	1/31/2023	1/31/2024	1/31/2025	1/31/2026
Principal		\$ -	\$ 31,526.10	\$ 32,799.75	\$ 34,124.86	\$ 35,503.51
Interest		\$ -	\$ 71,912.00	\$ 70,638.35	\$ 69,313.24	\$ 67,934.59
	(1)	\$ -	\$ 103,438.10	\$ 103,438.10	\$ 103,438.10	\$ 103,438.10
Annual Collection Costs	(2)	\$ 15,000.00	\$ 15,300.00	\$ 15,606.00	\$ 15,918.12	\$ 16,236.48
Total Annual Installment	(3) = (1) + (2)	\$ 15,000.00	\$ 118,738.10	\$ 119,044.10	\$ 119,356.22	\$ 119,674.58

Footnotes:

1) Preliminary, subject to change.

EXHIBIT D – SOURCES AND USES OF FUNDS

Sources of Funds		
PID Reimbursement Obligation	\$	1,780,000
Owner Contribution		341,890
Total Sources	\$	2,121,890
Uses of Funds		
Authorized Improvements		
Streets	\$	821,686
Storm Drainage		602,572
Sanitary Sewer		203,387
Water		164,016
Soft Costs		330,229
	\$	2,121,890
Total Uses	\$	2,121,890

Footnotes:

1) Non-reimbursable to the Owner through Assessments.

EXHIBIT E – ASSESSMENT ROLL

Property ID ¹	Outstanding Assessment	Annual Installment due 1/31/22
Initial Parcel	\$ 1,780,000.00	\$ 15,000.00
Total	\$ 1,780,000.00	\$ 15,000.00

Footnotes:

1) The entire District is contained within Property ID 278118.

EXHIBIT F-1 – DISTRICT PROJECTED ANNUAL INSTALLMENTS

Annual Installments Due 1/31	Principal	Interest ²	Annual Collection Costs	Total Annual Installment ¹
2022	\$ -	\$ -	\$ 15,000.00	\$ 15,000.00
2023	\$ 31,526.10	\$ 71,912.00	\$ 15,300.00	\$ 118,738.10
2024	\$ 32,799.75	\$ 70,638.35	\$ 15,606.00	\$ 119,044.10
2025	\$ 34,124.86	\$ 69,313.24	\$ 15,918.12	\$ 119,356.22
2026	\$ 35,503.51	\$ 67,934.59	\$ 16,236.48	\$ 119,674.58
2027	\$ 36,937.85	\$ 66,500.25	\$ 16,561.21	\$ 119,999.31
2028	\$ 38,430.14	\$ 65,007.96	\$ 16,892.44	\$ 120,330.53
2029	\$ 39,982.72	\$ 63,455.38	\$ 17,230.29	\$ 120,668.38
2030	\$ 41,598.02	\$ 61,840.08	\$ 17,574.89	\$ 121,012.99
2031	\$ 43,278.58	\$ 60,159.52	\$ 17,926.39	\$ 121,364.49
2032	\$ 45,027.03	\$ 58,411.07	\$ 18,284.92	\$ 121,723.01
2033	\$ 46,846.12	\$ 56,591.97	\$ 18,650.61	\$ 122,088.71
2034	\$ 48,738.71	\$ 54,699.39	\$ 19,023.63	\$ 122,461.72
2035	\$ 50,707.75	\$ 52,730.35	\$ 19,404.10	\$ 122,842.20
2036	\$ 52,756.34	\$ 50,681.75	\$ 19,792.18	\$ 123,230.28
2037	\$ 54,887.70	\$ 48,550.40	\$ 20,188.03	\$ 123,626.12
2038	\$ 57,105.16	\$ 46,332.94	\$ 20,591.79	\$ 124,029.88
2039	\$ 59,412.21	\$ 44,025.89	\$ 21,003.62	\$ 124,441.72
2040	\$ 61,812.46	\$ 41,625.63	\$ 21,423.69	\$ 124,861.79
2041	\$ 64,309.69	\$ 39,128.41	\$ 21,852.17	\$ 125,290.27
2042	\$ 66,907.80	\$ 36,530.30	\$ 22,289.21	\$ 125,727.31
2043	\$ 69,610.87	\$ 33,827.22	\$ 22,735.00	\$ 126,173.09
2044	\$ 72,423.15	\$ 31,014.94	\$ 23,189.70	\$ 126,627.79
2045	\$ 75,349.05	\$ 28,089.05	\$ 23,653.49	\$ 127,091.59
2046	\$ 78,393.15	\$ 25,044.95	\$ 24,126.56	\$ 127,564.66
2047	\$ 81,560.23	\$ 21,877.86	\$ 24,609.09	\$ 128,047.19
2048	\$ 84,855.27	\$ 18,582.83	\$ 25,101.27	\$ 128,539.37
2049	\$ 88,283.42	\$ 15,154.68	\$ 25,603.30	\$ 129,041.40
2050	\$ 91,850.07	\$ 11,588.03	\$ 26,115.36	\$ 129,553.46
2051	\$ 95,560.81	\$ 7,877.28	\$ 26,637.67	\$ 130,075.77
2052	\$ 99,421.47	\$ 4,016.63	\$ 27,170.42	\$ 130,608.52
Total	\$ 1,780,000.00	\$ 1,323,142.94	\$ 635,691.61	\$ 3,738,834.55

Footnotes:

- 1) The figures shown above are estimates only and subject to change in Annual Service Plan Updates. Changes in Annual Collection Costs, interest earnings, or other available offsets could increase or decrease the amounts shown.
- 2) The interest rate on the Reimbursement Obligation is estimated at a 4.04% rate.

EXHIBIT F-2 – RESIDENTIAL LOT PROJECTED ANNUAL INSTALLMENTS

Annual Installments Due 1/31	Principal		Interest ²		Annual Collection Costs	Total Annual Installment ¹
2022	\$	-	\$	-	\$ 161.29	\$ 161.29
2023	\$	338.99	\$	773.25	\$ 164.52	\$ 1,276.75
2024	\$	352.69	\$	759.55	\$ 167.81	\$ 1,280.04
2025	\$	366.93	\$	745.30	\$ 171.16	\$ 1,283.40
2026	\$	381.76	\$	730.48	\$ 174.59	\$ 1,286.82
2027	\$	397.18	\$	715.06	\$ 178.08	\$ 1,290.32
2028	\$	413.23	\$	699.01	\$ 181.64	\$ 1,293.88
2029	\$	429.92	\$	682.32	\$ 185.27	\$ 1,297.51
2030	\$	447.29	\$	664.95	\$ 188.98	\$ 1,301.21
2031	\$	465.36	\$	646.88	\$ 192.76	\$ 1,304.99
2032	\$	484.16	\$	628.08	\$ 196.61	\$ 1,308.85
2033	\$	503.72	\$	608.52	\$ 200.54	\$ 1,312.78
2034	\$	524.07	\$	588.17	\$ 204.56	\$ 1,316.79
2035	\$	545.24	\$	566.99	\$ 208.65	\$ 1,320.88
2036	\$	567.27	\$	544.97	\$ 212.82	\$ 1,325.06
2037	\$	590.19	\$	522.05	\$ 217.08	\$ 1,329.31
2038	\$	614.03	\$	498.20	\$ 221.42	\$ 1,333.65
2039	\$	638.84	\$	473.40	\$ 225.85	\$ 1,338.08
2040	\$	664.65	\$	447.59	\$ 230.36	\$ 1,342.60
2041	\$	691.50	\$	420.74	\$ 234.97	\$ 1,347.21
2042	\$	719.44	\$	392.80	\$ 239.67	\$ 1,351.91
2043	\$	748.50	\$	363.73	\$ 244.46	\$ 1,356.70
2044	\$	778.74	\$	333.49	\$ 249.35	\$ 1,361.59
2045	\$	810.20	\$	302.03	\$ 254.34	\$ 1,366.58
2046	\$	842.94	\$	269.30	\$ 259.43	\$ 1,371.66
2047	\$	876.99	\$	235.25	\$ 264.61	\$ 1,376.85
2048	\$	912.42	\$	199.82	\$ 269.91	\$ 1,382.14
2049	\$	949.28	\$	162.95	\$ 275.30	\$ 1,387.54
2050	\$	987.64	\$	124.60	\$ 280.81	\$ 1,393.05
2051	\$	1,027.54	\$	84.70	\$ 286.43	\$ 1,398.66
2052	\$	1,069.05	\$	43.19	\$ 292.16	\$ 1,404.39
Total	\$	19,139.78	\$	14,227.34	\$ 6,835.39	\$ 40,202.52

Footnotes:

1) The figures shown above are estimates only and subject to change in Annual Service Plan Updates. Changes in Annual Collection Costs, interest earnings, or other available offsets could increase or decrease the amounts shown.

2) The interest rate on the Reimbursement Obligation is estimated at a 4.04% rate.

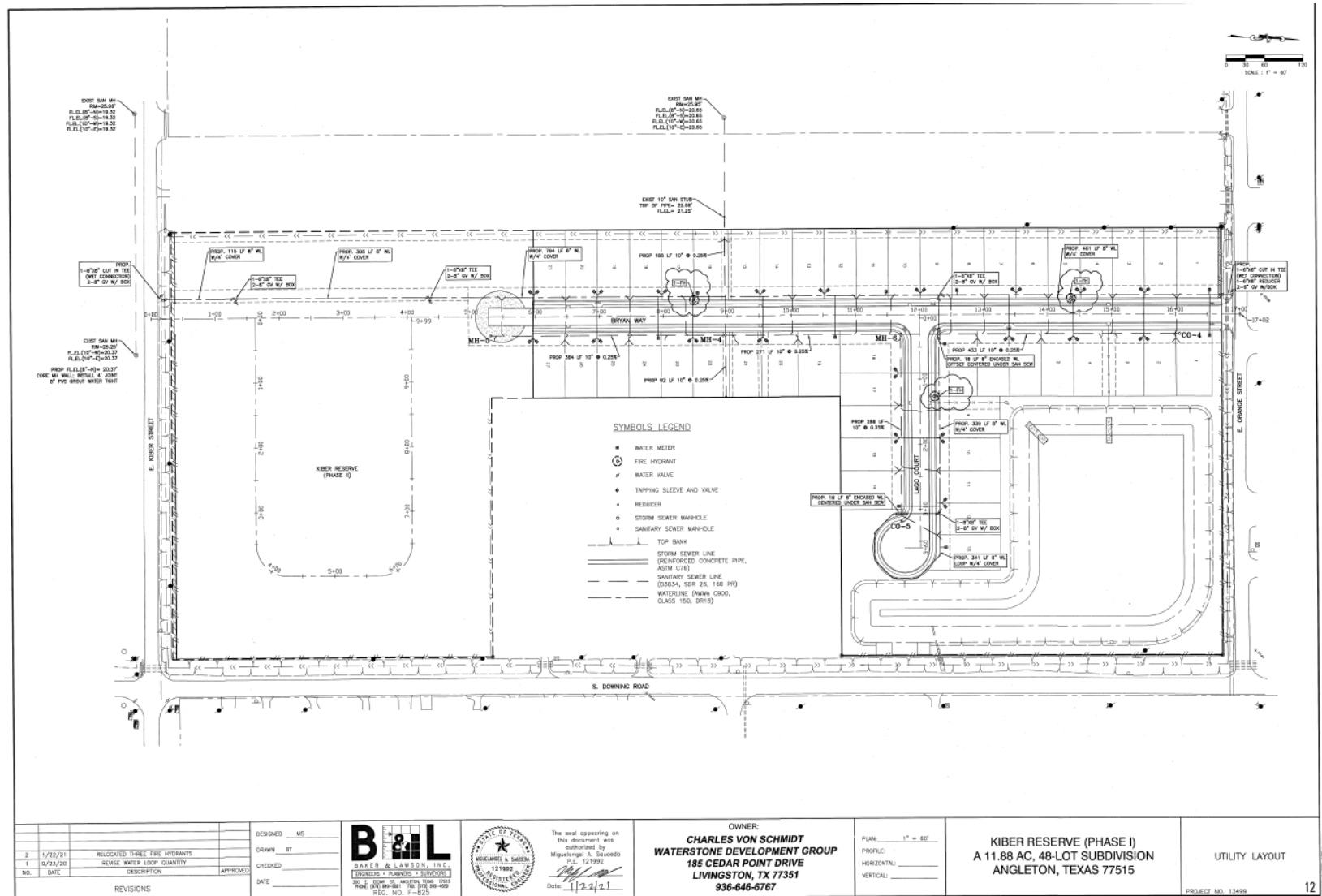
EXHIBIT G – MAXIMUM ASSESSMENT AND TAX RATE EQUIVALENT

Lot Type	Units ¹	Estimated Buildout Value Per Unit ¹	Estimated Buildout Value	Total Assessment	Maximum Assessment per Unit	Average Annual Installment	Average Annual Installment per Unit	PID Equivalent Tax Rate
Residential Lot	93	\$ 265,000	\$ 24,645,000	\$ 1,780,000	\$ 19,140	\$ 118,738	\$ 1,277	\$ 0.4818
	93		\$ 24,645,000	\$ 1,780,000		\$ 118,738		

Footnotes:

1) Per information provided by the Owner.

EXHIBIT H – MAP OF AUTHORIZED IMPROVEMENTS



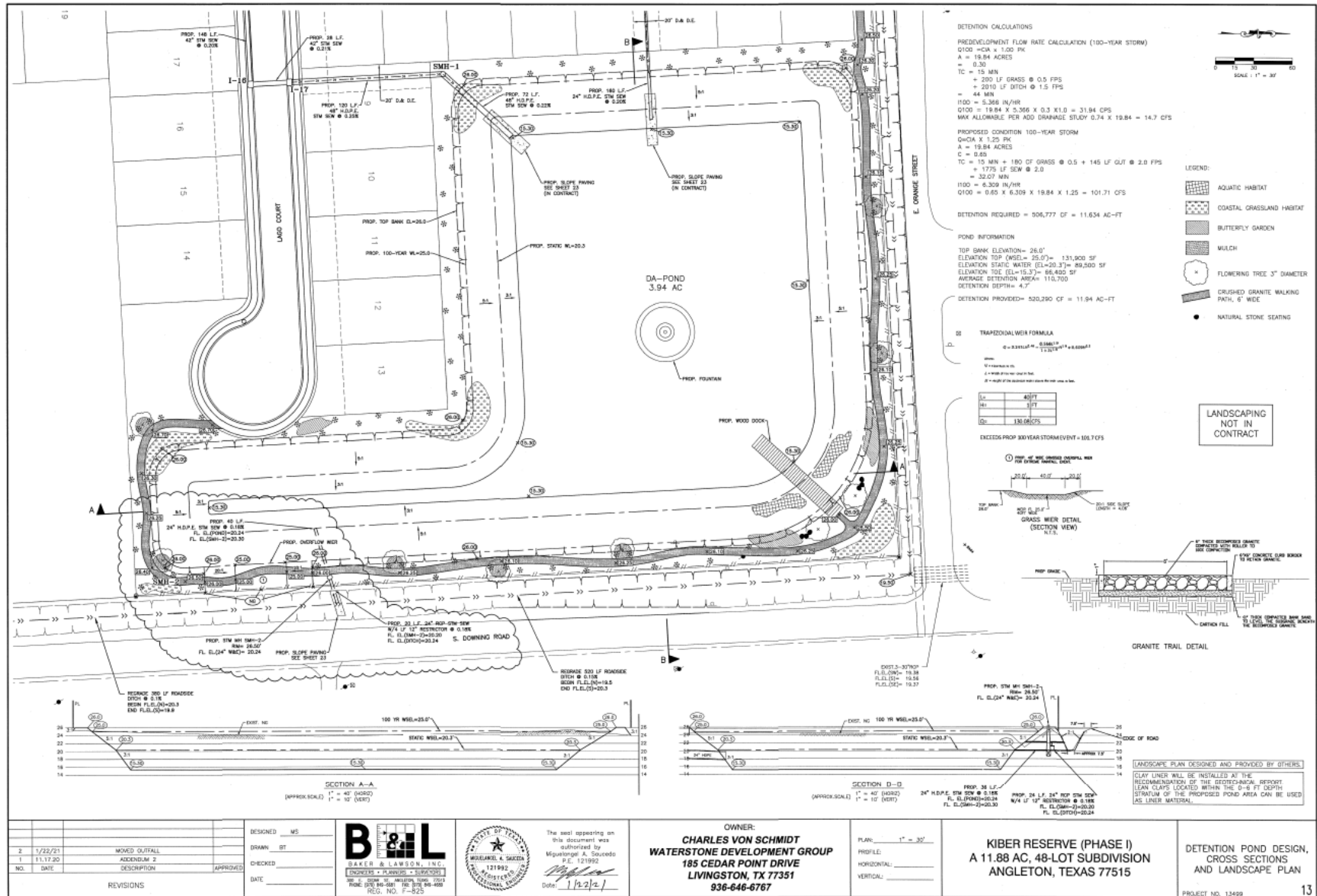


EXHIBIT I – FORM OF NOTICE OF ASSESSMENT TERMINATION



P3Works, LLC
9284 Huntington Square, Suite 100
North Richland Hills, TX 76182

[Date]

Brazoria County Clerk's Office
Honorable [County Clerk Name]
Courthouse County Clerk's Office
111 E. Locust, Suite 200
Angleton, TX 77515

Re: City of Angleton Lien Release Documents for Filing

Dear Ms./Mr. [County Clerk Name],

Enclosed is a lien release that the City of Angleton is requesting to be filed in your office. Lien release for [insert legal description]. Recording Numbers: [Plat]. Please forward copies of the filed documents below:

City of Angleton
Attn: [City Secretary]
121 S. Velasco
Angleton, TX 77515

Please contact me if you have any questions or need additional information.

Sincerely,
[Signature]

P3Works, LLC
P: (817) 393-0353
admin@p3-works.com
www.P3-Works.com

AFTER RECORDING RETURN TO:**[City Secretary Name]**

121 S. Velasco

Angleton, TX 77515

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

FULL RELEASE OF PUBLIC IMPROVEMENT DISTRICT LIEN

STATE OF TEXAS	§	
	§	NOW ALL MEN BY THESE PRESENTS:
COUNTY OF BRAZORIA	§	

THIS FULL RELEASE OF PUBLIC IMPROVEMENT DISTRICT LIEN (this "Full Release") is executed and delivered as of the Effective Date by the City of Angleton, Texas, a Texas home rule municipality.

RECITALS

WHEREAS, the governing body (hereinafter referred to as the "City Council") of the City of Angleton, Texas (hereinafter referred to as the "City"), is authorized by Chapter 372, Texas Local Government Code, as amended (hereinafter referred to as the "Act"), to create public improvement districts within the corporate limits and extraterritorial jurisdiction of the City; and

WHEREAS, on or about November 10, 2020, the City Council for the City, approved Resolution No. 20201110-007, creating the Kiber Reserve Public Improvement District; and

WHEREAS, the Kiber Reserve Public Improvement District consists of approximately 19.84 contiguous acres within the corporate limits of the City; and

WHEREAS, on or about _____, 2021, the City Council approved Ordinance No. ____-2021, (hereinafter referred to as the "Assessment Ordinance") approving a service and assessment plan and assessment roll for the Property within the Kiber Reserve Public Improvement District; and

WHEREAS, the Assessment Ordinance imposed an assessment in the amount of [amount] (hereinafter referred to as the "Lien Amount") for the following property:

[legal description], a subdivision in Brazoria County, Texas, according to the map or plat of record in Document/Instrument No. _____ of the Plat Records of Travis County, Texas (hereinafter referred to as the "Property"); and

WHEREAS, the property owners of the Property have paid unto the City the Lien Amount.

RELEASE

NOW THEREFORE, the City, the owner and holder of the Lien, Instrument No. _____, in the Real Property Records of Brazoria County, Texas, in the amount of the Lien Amount against the Property releases and discharges, and by these presents does hereby release and discharge, the above-described Property from said lien held by the undersigned securing said indebtedness.

EXECUTED to be **EFFECTIVE** this the ____ day of _____, 20__.

CITY OF ANGLETON, TEXAS,

A Texas home rule municipality,

By: _____

[Manager Name], City Manager

ATTEST:

[Secretary Name], City Secretary

STATE OF TEXAS §

§

COUNTY OF BRAZORIA §

This instrument was acknowledged before me on the ____ day of _____, 20__, by [Manager Name], City Manager for the City of Angleton, Texas, a Texas home rule municipality, on behalf of said municipality.

Notary Public, State of Texas

EXHIBIT J – ENGINEER’S OPINION OF PROBABLE COST

Kiber Reserve Construction Cost to Date and Engineer's Estimate

ITEM #	SPEC #	ITEM DESCRIPTION	UNIT	UNIT PRICE	INSTALLED TO DATE	EXTENSION	Category
Construction Items Paid							
11	500	General Conditions	L.S.	\$ 3,053.00	1	\$ 3,053.00	E&O
12	501	Mobilization & Construction Staking	L.S.	\$ 24,187.00	1	\$ 24,187.00	E&O
57	1000	General Conditions	L.S.	\$ 12,050.00	1	\$ 12,050.00	E&O
58	500	Construction Staking	L.S.	\$ 10,000.00	1	\$ 10,000.00	E&O
32	90	10" Sanitary Sewer (0' to 5' Depth)	L.F.	\$ 38.00	1539	\$ 62,434.00	S
33	90	Sanitary Cleanout	EA.	\$ 593.00	2	\$ 1,186.00	S
34	91	Sanitary Sewer Service (Short-Single)	EA.	\$ 820.00	9	\$ 7,380.00	S
35	91	Sanitary Sewer Service (Short-Double)	EA.	\$ 845.00	8	\$ 6,760.00	S
36	91	Sanitary Sewer Service (Long-Single)	EA.	\$ 2,263.00	3	\$ 6,789.00	S
37	91	Sanitary Sewer Service (Long-Single) ASTM 2241 DR26 160 psi pipe with ASTM	EA.	\$ 2,263.00	1	\$ 2,263.00	S
38	91	Sanitary Sewer Service (Long-Double)	EA.	\$ 2,255.00	7	\$ 15,785.00	S
39	91	Sanitary Sewer Service (Long-Double) ASTM 2241 DR26 160 psi pipe with ASTM	EA.	\$ 2,255.00	4	\$ 9,020.00	S
26	86	Sanitary Sewer Manhole (0'-5')	EA.	\$ 2,397.00	3	\$ 7,191.00	S
1	4	Swale Excavation in 15' easement (Spread Material on Site)	L.F.	\$ 3.00	2390	\$ 7,170.00	SD
2	4	Regrade Dowling and Orange St Roadside Ditch (Spread Material on Site)	L.F.	\$ 3.00	2220	\$ 6,660.00	SD
4	4	Retention Pond Excavation (Includes Lot Grading, 30" RCP Removal, Asphalt Road	C.Y.	\$ 5.35	28652	\$ 153,288.20	SD
5	75	Slope Paving (outfall)	EA	\$ 4,290.00	1	\$ 4,290.00	SD
6	85	Storm Sewer Manholes	EA.	\$ 2,948.00	1	\$ 2,948.00	SD
7	90	24" Storm Sewer (HDPE Outfall)	L.S.	\$ 85.00	36	\$ 3,060.00	SD
8	90	24" Storm Sewer (RCP Outfall)	L.F.	\$ 122.00	124	\$ 15,128.00	SD
9	90	12" PVC Restrictor	L.F.	\$ 123.00	4	\$ 492.00	SD
13	2000	Storm Water Pollution Prevention Plan	L.S.	\$ 1,650.00	1	\$ 1,650.00	SD
14	4	Lot Grading (Spread Utility Spoils on Lot and behind curb)	C.Y.	\$ 5.00	1825	\$ 9,125.00	SD
23	75	Slope Paving (outfall)	EA	\$ 7,095.00	2	\$ 14,190.00	SD
24	85	Inlets (Type C - L=5')	EA.	\$ 3,440.00	9.0	\$ 30,960.00	SD
25	85	Storm Sewer Manholes	EA.	\$ 5,894.00	1	\$ 5,894.00	SD
27	90	18" Storm Sewer (Under Pavement)	L.F.	\$ 62.00	84	\$ 5,208.00	SD
28	90	24" Storm Sewer (HDPE Outfall to Pond)	L.F.	\$ 61.00	160	\$ 9,760.00	SD
29	90	36" Storm Sewer (Under Pavement)	L.F.	\$ 101.00	128	\$ 12,928.00	SD
30	90	42" Storm Sewer (Under Pavement)	L.F.	\$ 120.00	678	\$ 85,680.00	SD
31	90	48" Storm Sewer (HDPE Outfall)	L.F.	\$ 109.00	192	\$ 20,928.00	SD
54	400	Deep Trench Construction (Storm Sewer Over 7')	L.F.	\$ 0.10	1200	\$ 120.00	SD
60	2000	Storm Water Pollution Prevention Plan	L.S.	\$ 7,912.00	1	\$ 7,912.00	SD

Kiber Reserve
Contruccion Cost to Date and Engineer's Estimate

ITEM #	SPEC #	ITEM DESCRIPTION	UNIT	UNIT PRICE	INSTALLED TO DATE	EXTENSION	Category
		Change order #1 - Utilities	L.S.	\$ 20,695.00	1	\$ 6,904.00	SD
		Change order #2 - Utilities	L.S.	\$ 6,850.00	1	\$ 6,850.00	SD
		Change order #3 - Utilities	L.S.	\$ 9,900.00	1	\$ 9,900.00	SD
		Change Order #1 Dirt		\$18,195.50	1	\$18,195.50	SD
3	4	Roadway Excavation (Includes Lot Grading)	C.Y.	\$ 4.14	1465	\$ 6,065.10	SS
15	30	6" Lime Stabilized Subgrade	S.Y.	\$ 5.00	5225	\$ 26,125.00	SS
16	30	Lime (7% by Weight)	Ton	\$ 200.00	82	\$ 16,400.00	SS
17	33	8" Limestone	S.Y.	\$ 65.00	380	\$ 24,700.00	SS
18	60	2" Hot Mix Asphlatic Concrete Pavement	S.Y.	\$ 50.00	380	\$ 19,000.00	SS
19	70	Concrete Pavement 6" Thick	S.Y.	\$ 48.00	5274	\$ 253,152.00	SS
20	70	Concrete Curb (4" to 6")	L.F.	\$ 3.50	3380	\$ 11,830.00	SS
21	70	Mailboxes Foundations (3 Ea.)	EA	\$ 1,500.00	2	\$ 3,000.00	SS
22	74	Wheelchair Ramps	EA	\$ 2,000.00	3	\$ 6,000.00	SS
	501	Striping/Marking	EA.	\$ 560.00	1	\$ 560.00	SS
	501	Stop Sign	EA.	\$ 2,250.00	1	\$ 2,250.00	SS
	501	Speed Limit Sign	EA.	\$ 750.00	1	\$ 750.00	SS
	501	Type II Barricade	EA.	\$ 1,460.00	1	\$ 1,460.00	SS
40	111	6" FH Lead (6' Long)	EA	\$ 106.00	3	\$ 318.00	W
41	111	8" Waterline	L.F.	\$ 18.00	2364	\$ 42,552.00	W
42	111	16" Steel Casing on 8" Waterline	L.F.	\$ 69.00	36	\$ 2,484.00	W
43	111	Fittings (Includes Restraints & Bolt Pack)	TON	\$ 2,751.00	1.5	\$ 4,126.50	W
44	112	Water Line Service (Short-Single)	EA.	\$ 419.00	6	\$ 2,514.00	W
45	112	Water Line Service (Short-Double)	EA.	\$ 462.00	11	\$ 5,082.00	W
46	112	Water Line Service (Long- Single)	EA.	\$ 1,198.00	4	\$ 4,792.00	W
47	112	Water Line Service (Long-Double)	EA.	\$ 1,261.00	9	\$ 11,349.00	W
48	115	6" Gate Valve w/ Box	EA.	\$ 857.00	5	\$ 4,285.00	W
49	115	8" Gate Valve w/ Box	EA.	\$ 1,189.00	10	\$ 11,890.00	W
50	111	8" X 8" Wet Connection	EA.	\$ 1,991.00	1	\$ 1,991.00	W
51	111	6" X 6" Wet Connection	EA.	\$ 2,045.00	1	\$ 2,045.00	W
52	116	Fire Hydrant	EA.	\$ 3,494.00	4	\$ 13,976.00	W
Total Construction Completed						\$1,086,035	
		Engineering and Platting	L.S.	1	\$78,636	\$78,636	E&O
		Contruccion Inspection, Lot Staking, and Recordation	L.S.	1	\$21,363	\$21,363	E&O
		Lot Staking	L.S.	1	\$3,255	\$3,255	E&O
		City and County Review and Platting Fees	L.S.	1	\$3,178	\$3,178	E&O
		ADD Fees	L.S.	1	\$1,750	\$1,750	E&O
Completed Non Contruction						\$108,182	

Kiber Reserve
Construction Cost to Date and Engineer's Estimate

ITEM #	SPEC #	ITEM DESCRIPTION	UNIT	UNIT PRICE	INSTALLED TO DATE	EXTENSION	Category
Construction to be completed							
45	1000	General Conditions	L.S.	1	\$ 12,050.00	\$12,050.00	E&O
49		Performance and Payment Bonds 2%	L.S.	1	\$15,539.30	\$15,539.30	E&O
46	1000	Construction Staking	L.S.	1	\$10,000.00	\$10,000.00	E&O
19	90	8" Sanitary Sewer (0' to 5' Depth)	L.F.	1014	\$ 19.90	\$20,178.60	S
20	90	10" Sanitary Sewer (0' to 5' Depth)	L.F.	84	\$ 38.00	\$3,192.00	S
21	90	8" Sanitary Sewer (Encased Road Bore under Kiber)	L.F.	44	90	\$3,960.00	S
22	90	8" Sanitary Connection to Sanitary MH on Kiber	EA.	1	\$ 3,000.00	\$3,000.00	S
23	90	8" Sanitary D.I. joint through Storm Manhole	EA.	2	2000	\$4,000.00	S
24	90	Sanitary Cleanout	EA.	3	593	\$1,779.00	S
26	91	Sanitary Sewer Service (Short-Double)	EA.	6	\$ 845.00	\$5,070.00	S
27	91	Sanitary Sewer Service (Long-Single)	EA.	2	\$ 2,263.00	\$4,526.00	S
28	91	Sanitary Sewer Service (Lon-Double)	EA.	14	\$ 2,263.00	\$31,682.00	S
13	86	Sanitary Sewer Manhole (0'-5')	EA.	3	2397	\$7,191.00	S
1	2	Demo and Haul 385 SY Asphalt Pavement	EA.	1	\$ 400.00	\$400.00	SD
2	4	Backfill Temporary Swales (1.5 ft Deep, 3:1 Slopes)	LF	720	\$ 10.00	\$7,200.00	SD
3	4	Excavate and Spread Utility Spoils in Temporary Swales	C.Y.	1000	5	\$5,200.00	SD
10	85	Inlets (Type C - L=5')	EA.	10	\$ 3,440.00	\$34,400.00	SD
11	85	Storm Sewer Manholes	EA.	2	\$ 5,894.00	\$11,788.00	SD
12	85	Type A Inlet	EA	1	3300	\$3,300.00	SD
14	90	24" RCP Culvert	L.F.	101	74	\$7,474.00	SD
15	90	18" Storm Sewer (Under Pavement)	L.F.	126	\$ 62.00	\$7,812.00	SD
16	90	24" Storm Sewer (Under Pavement)	L.F.	644	\$ 74.00	\$47,656.00	SD
17	90	30" Storm Sewer (Under Pavement)	L.F.	204	\$ 88.00	\$17,952.00	SD
18	90	36" Storm Sewer (Under Pavement)	L.F.	120	\$ 101.00	\$12,120.00	SD
42	400	Deep Trench Construction (Storm Sewer Over 7')	L.F.	1176	\$ 0.10	\$117.60	SD
48	2000	Storm Water Pollution Prevention Plan	L.S.	1	\$ 7,912.00	\$7,912.00	SD

Kiber Reserve
Contruction Cost to Date and Engineer's Estimate

ITEM #	SPEC #	ITEM DESCRIPTION	UNIT	UNIT PRICE	INSTALLED TO DATE	EXTENSION	Category
48	SPL-3	Monuments	L.S.	1	10860	\$10,860.00	SS
47	1000	Type III Barricades	EA.	2	1460	\$2,920.00	SS
48	SPL-1	Pond Fountain	L.S.	1	8850	\$8,850.00	SS
48	SPL-4	Pond Amenities	L.S.	1	50000	\$50,000.00	SS
4	4	Roadway Excavation (Includes Lot Grading)	C.Y.	1,800	\$ 10.00	\$18,000.00	SS
5	30	6" Lime Stabilized Subgrade	S.Y.	6,200	5	\$31,000.00	SS
6	30	Lime (7% by Weight)	Ton	100	\$ 200.00	\$20,000.00	SS
7	70	Concrete Pavement 6" Thick	S.Y.	5400	\$ 48.00	\$259,200.00	SS
8	70	Concrete Curb (4" to 6")	L.F.	3040	\$ 3.50	\$10,640.00	SS
	70	Sidewalks Adjacent to Reserve	S.Y.	94	\$ 66.00	\$6,204.00	SS
9	74	Wheelchair Ramps	EA	6	\$ 2,000.00	\$12,000.00	SS
41	204	Striping and Pavement Markings (12" Thermoplastic Stop Bar)	LF	36	\$ 20.00	\$720.00	SS
43	501	Stop Signs w/ Street Names	EA.	3	\$ 750.00	\$2,250.00	SS
44	501	Speed Limit Signs	EA.	3	750	\$2,250.00	SS
48	SPL-2	Mailboxes	L.S.	1	15500	\$15,500.00	SS
29	111	6" FH Lead	EA	2	\$ 250.00	\$500.00	W
30	111	8" Waterline	L.F.	1,244	\$ 18.00	\$22,392.00	W
31	111	Fittings	TON	1	\$ 2,751.00	\$2,751.00	W
32	111	18" Steel Casing for 8" WL	EA.	1	\$ 1,242.00	\$1,242.00	W
33	112	Water Line Service (Short-Single)	EA.	5	\$ 419.00	\$2,095.00	W
34	112	Water Line Service (Short-Double)	EA.	13	\$ 462.00	\$6,006.00	W
36	112	Water Line Service (Long-Double)	EA.	6	\$ 1,261.00	\$7,566.00	W
37	115	6" Gate Valve w/ Box	EA.	3	\$ 857.00	\$2,571.00	W
38	116	Remove and Reinstall Fire Hydrant to access Storm Sewer	EA.	1	\$ 2,500.00	\$2,500.00	W
39	116	Fire Hydrant	EA.	2	\$ 3,494.00	\$6,988.00	W
40	117	Remove 8" WL Plug and Connect to exist 8" Gate Valve	EA.	2	\$ 1,000.00	\$2,000.00	W
		15% Contingency	L.S.	1	\$116,544.78	\$116,544.78	All categories grossed up 15%
Estimated Total Construction To Be Completed						\$	909,049.28

Kiber Reserve
Contruction Cost to Date and Engineer's Estimate

ITEM #	SPEC #	ITEM DESCRIPTION	UNIT	UNIT PRICE	INSTALLED TO DATE	EXTENSION	Category
Non-construction to be completed							
		Contruction Inspection, Lot Staking, and Recordation	L.S.	1	\$13,695	\$13,695	E&O
		City and County Review and Platting Fees	L.S.	1	\$3,178	\$3,178	E&O
		ADD Fees	L.S.	1	\$1,750	\$1,750	E&O
Estimated Non-Construction Total						\$	18,623.00

SS- Streets & Sidewalk	\$821,686
SD- Stormsewer/Drainage	\$602,572
W- Water	\$164,016
S- Sewer	\$203,387
E&O - Engineering/Other	\$213,684
Contineny on Estimated ConstructionTotal	\$116,545
Total	\$2,121,890

NAME: Miguel SaucedoADDRESS: 300 E CedarPHONE NO.: 979 849 6681DATE: 7/13/21

ATTEST:

[Signature]
 Seal, if Corporation

EXHIBIT K – RESIDENTIAL LOT BUYER DISCLOSURE

NOTICE OF OBLIGATIONS RELATED TO PUBLIC IMPROVEMENT DISTRICT

A person who proposes to sell or otherwise convey real property that is located in a public improvement district established under Subchapter A, Chapter 372, Local Government Code (except for public improvement districts described under Section 372.005), or Chapter 382, Local Government Code, shall first give to the purchaser of the property this written notice, signed by the seller.

For the purposes of this notice, a contract for the purchase and sale of real property having a performance period of less than six months is considered a sale requiring the notice set forth below.

This notice requirement does not apply to a transfer:

- 1) under a court order or foreclosure sale;
- 2) by a trustee in bankruptcy;
- 3) to a mortgagee by a mortgagor or successor in interest or to a beneficiary of a deed of trust by a trustor or successor in interest;
- 4) by a mortgagee or a beneficiary under a deed of trust who has acquired the land at a sale conducted under a power of sale under a deed of trust or a sale under a court-ordered foreclosure or has acquired the land by a deed in lieu of foreclosure;
- 5) by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust;
- 6) from one co-owner to another co-owner of an undivided interest in the real property;
- 7) to a spouse or a person in the lineal line of consanguinity of the seller;
- 8) to or from a governmental entity; or
- 9) of only a mineral interest, leasehold interest, or security interest

The following notice shall be given to a prospective purchaser before the execution of a binding contract of purchase and sale, either separately or as an addendum or paragraph of a purchase contract. In the event a contract of purchase and sale is entered into without the seller having provided the required notice, the purchaser, subject to certain exceptions, is entitled to terminate the contract.

A separate copy of this notice shall be executed by the seller and the purchaser and must be filed in the real property records of the county in which the property is located at the closing of the purchase and sale of the property.

AFTER RECORDING¹ RETURN TO:

NOTICE OF OBLIGATION TO PAY IMPROVEMENT DISTRICT ASSESSMENT TO
ANGLETON, TEXAS
CONCERNING THE FOLLOWING PROPERTY

STREET ADDRESS

RESIDENTIAL LOT PRINCIPAL ASSESSMENT: \$19,139.78

As the purchaser of the real property described above, you are obligated to pay assessments to City of Angleton, Texas, for the costs of a portion of a public improvement or services project (the "Authorized Improvements") undertaken for the benefit of the property within ***Kiber Reserve Public Improvement District*** (the "District") created under Subchapter A, Chapter 372, Local Government Code.

AN ASSESSMENT HAS BEEN LEVIED AGAINST YOUR PROPERTY FOR THE AUTHORIZED IMPROVEMENTS, WHICH MAY BE PAID IN FULL AT ANY TIME. IF THE ASSESSMENT IS NOT PAID IN FULL, IT WILL BE DUE AND PAYABLE IN ANNUAL INSTALLMENTS THAT WILL VARY FROM YEAR TO YEAR DEPENDING ON THE AMOUNT OF INTEREST PAID, COLLECTION COSTS, ADMINISTRATIVE COSTS, AND DELINQUENCY COSTS.

The exact amount of the assessment may be obtained from City of Angleton. The exact amount of each annual installment will be approved each year by the Angleton City Council in the annual service plan update for the District. More information about the assessments, including the amounts and due dates, may be obtained from City of Angleton.

Your failure to pay any assessment or any annual installment may result in penalties and interest being added to what you owe or in a lien on and the foreclosure of your property.

¹ To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Brazoria County when updating for the Current Information of Obligation to Pay Improvement District Assessment.

[The undersigned purchaser acknowledges receipt of this notice before the effective date of a binding contract for the purchase of the real property at the address described above.

DATE:

DATE:

SIGNATURE OF
PURCHASER

SIGNATURE OF
PURCHASER

The undersigned seller acknowledges providing this notice to the potential purchaser before the effective date of a binding contract for the purchase of the real property at the address described above.

DATE:

DATE:

SIGNATURE OF SELLER

SIGNATURE OF SELLER]²

² To be included in copy of the notice required by Section 5.014, Tex. Prop. Code, to be executed by seller in accordance with Section 5.014(a-1), Tex. Prop. Code.

[The undersigned purchaser acknowledges receipt of this notice before the effective date of a binding contract for the purchase of the real property at the address described above. The undersigned purchaser acknowledged the receipt of this notice including the current information required by Section 5.0143, Texas Property Code, as amended.

DATE:

DATE:

SIGNATURE OF
PURCHASER

SIGNATURE OF
PURCHASER

STATE OF TEXAS

§

§

COUNTY OF _____

§

The foregoing instrument was acknowledged before me by _____ and _____, known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he or she executed the same for the purposes therein expressed.

Given under my hand and seal of office on this _____, 20__.

Notary Public, State of Texas]³

³ To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Brazoria County.

[The undersigned seller acknowledges providing a separate copy of the notice required by Section 5.014 of the Texas Property Code including the current information required by Section 5.0143, Texas Property Code, as amended, at the closing of the purchase of the real property at the address above.

DATE:

DATE:

SIGNATURE OF SELLER

SIGNATURE OF SELLER

STATE OF TEXAS

§

§

COUNTY OF _____

§

The foregoing instrument was acknowledged before me by _____ and _____, known to me to be the person(s) whose name(s) is/are subscribed to the foregoing instrument, and acknowledged to me that he or she executed the same for the purposes therein expressed.

Given under my hand and seal of office on this _____, 20__.

Notary Public, State of Texas]⁴

⁴ To be included in separate copy of the notice required by Section 5.0143, Tex. Prop. Code, to be executed at the closing of the purchase and sale and to be recorded in the deed records of Brazoria County.

ANNUAL INSTALLMENTS - RESIDENTIAL LOT

Annual Installments Due 1/31	Principal		Interest ²		Annual Collection Costs		Total Annual Installment ¹
2022	\$	-	\$	-	\$	161.29	\$ 161.29
2023	\$	338.99	\$	773.25	\$	164.52	\$ 1,276.75
2024	\$	352.69	\$	759.55	\$	167.81	\$ 1,280.04
2025	\$	366.93	\$	745.30	\$	171.16	\$ 1,283.40
2026	\$	381.76	\$	730.48	\$	174.59	\$ 1,286.82
2027	\$	397.18	\$	715.06	\$	178.08	\$ 1,290.32
2028	\$	413.23	\$	699.01	\$	181.64	\$ 1,293.88
2029	\$	429.92	\$	682.32	\$	185.27	\$ 1,297.51
2030	\$	447.29	\$	664.95	\$	188.98	\$ 1,301.21
2031	\$	465.36	\$	646.88	\$	192.76	\$ 1,304.99
2032	\$	484.16	\$	628.08	\$	196.61	\$ 1,308.85
2033	\$	503.72	\$	608.52	\$	200.54	\$ 1,312.78
2034	\$	524.07	\$	588.17	\$	204.56	\$ 1,316.79
2035	\$	545.24	\$	566.99	\$	208.65	\$ 1,320.88
2036	\$	567.27	\$	544.97	\$	212.82	\$ 1,325.06
2037	\$	590.19	\$	522.05	\$	217.08	\$ 1,329.31
2038	\$	614.03	\$	498.20	\$	221.42	\$ 1,333.65
2039	\$	638.84	\$	473.40	\$	225.85	\$ 1,338.08
2040	\$	664.65	\$	447.59	\$	230.36	\$ 1,342.60
2041	\$	691.50	\$	420.74	\$	234.97	\$ 1,347.21
2042	\$	719.44	\$	392.80	\$	239.67	\$ 1,351.91
2043	\$	748.50	\$	363.73	\$	244.46	\$ 1,356.70
2044	\$	778.74	\$	333.49	\$	249.35	\$ 1,361.59
2045	\$	810.20	\$	302.03	\$	254.34	\$ 1,366.58
2046	\$	842.94	\$	269.30	\$	259.43	\$ 1,371.66
2047	\$	876.99	\$	235.25	\$	264.61	\$ 1,376.85
2048	\$	912.42	\$	199.82	\$	269.91	\$ 1,382.14
2049	\$	949.28	\$	162.95	\$	275.30	\$ 1,387.54
2050	\$	987.64	\$	124.60	\$	280.81	\$ 1,393.05
2051	\$	1,027.54	\$	84.70	\$	286.43	\$ 1,398.66
2052	\$	1,069.05	\$	43.19	\$	292.16	\$ 1,404.39
Total	\$	19,139.78	\$	14,227.34	\$	6,835.39	\$ 40,202.52

Footnotes:

1) The figures shown above are estimates only and subject to change in Annual Service Plan Updates. Changes in Annual Collection Costs, interest earnings, or other available offsets could increase or decrease the amounts shown.

2) The interest rate on the Reimbursement Obligation is estimated at a 4.04% rate.



AGENDA ITEM SUMMARY FORM

MEETING DATE: March 22, 2022

PREPARED BY: Chris Whittaker

AGENDA CONTENT: Northside Wastewater Treatment Plant

AGENDA ITEM SECTION: Regular Agenda

BUDGETED AMOUNT:
N/A

FUNDS REQUESTED:
N/A

FUND:N/A

EXECUTIVE SUMMARY:

HDR has completed the Northside Wastewater Treatment Plant Study. This study evaluated multiple treatment processes and the latest technologies, work with staff on the selection of desired treatment processes, identified potential locations of the treatment plant (4 sites), provided a list of pros and cons for each of the four sites, identified infrastructure improvements required at each site (sewer, water, electrical, etc.) and provided an opinion of probable construction cost for each site. HDR has held several meetings at the end of each phase of the study with the City's technical team and discussed findings and costs. This presentation is to provide the finds for council and address any questions Council may have on the study.

RECOMMENDATION: Accept the Northside Wastewater Treatment Plant Study.

North Side WWTP Study

City of Angleton



03/22/2022

Item 9.



Population and Housing Density and Wastewater Flow

Item 9.

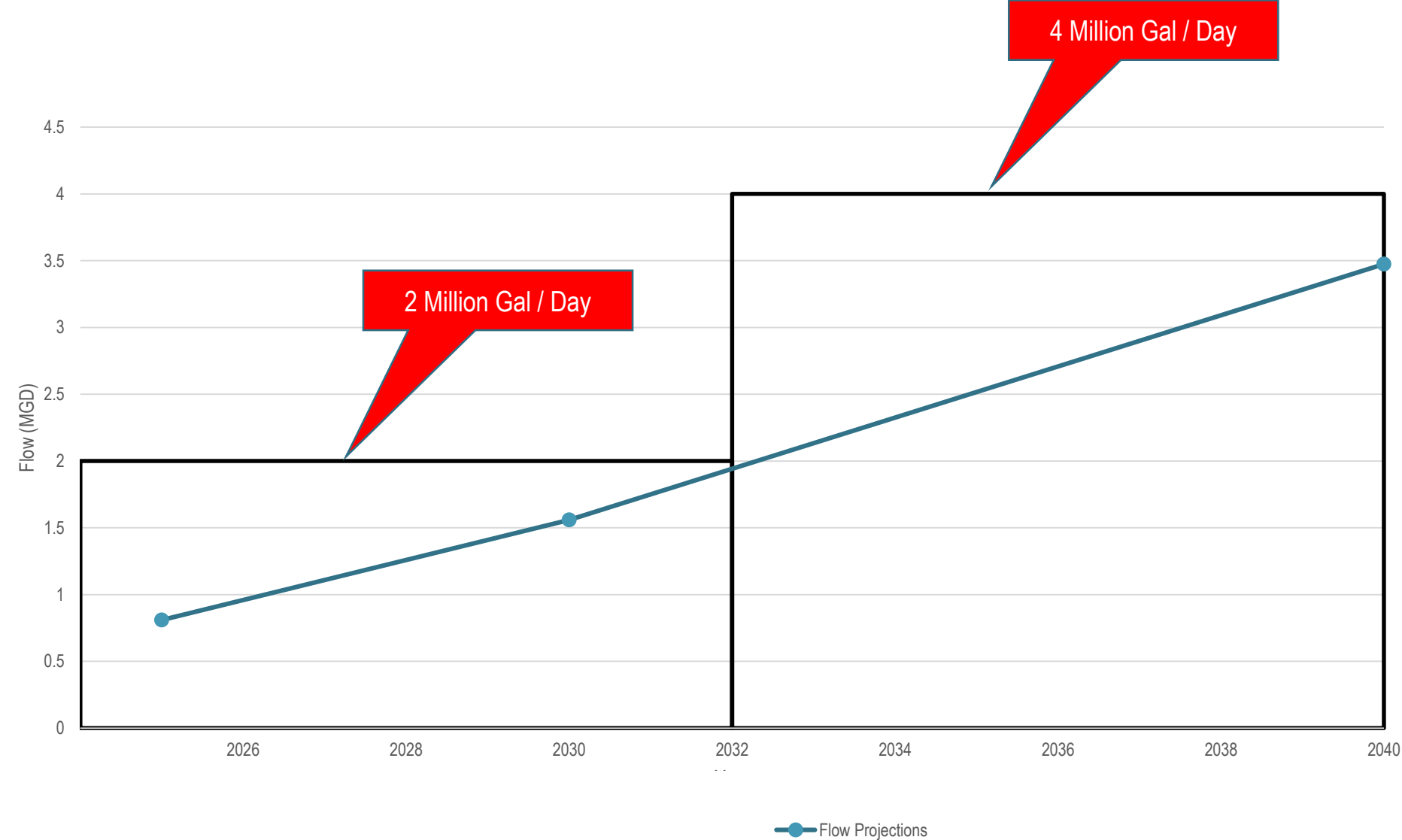
New Development Density

- Single Family Homes
 - 90% of land use
 - 4 homes per acre
 - 3 people per 4 home
- Commercial Development
 - 10% of land use
 - 1 connection per acre (average)

Wastewater Flow

- Angleton (2011) Rate Study
 - Average Daily Flow: 250 gpd/connection
- TCEQ Recommendations
 - 75-100 gpd/person
 - Assuming 3 people/connection
 - Average Daily Flow: 300 gpd/connection
- Commercial Development
 - Average Daily Flow : 600 gpd/connection

WWTP Phasing – Initial Construction & Future Growth



Item 9.

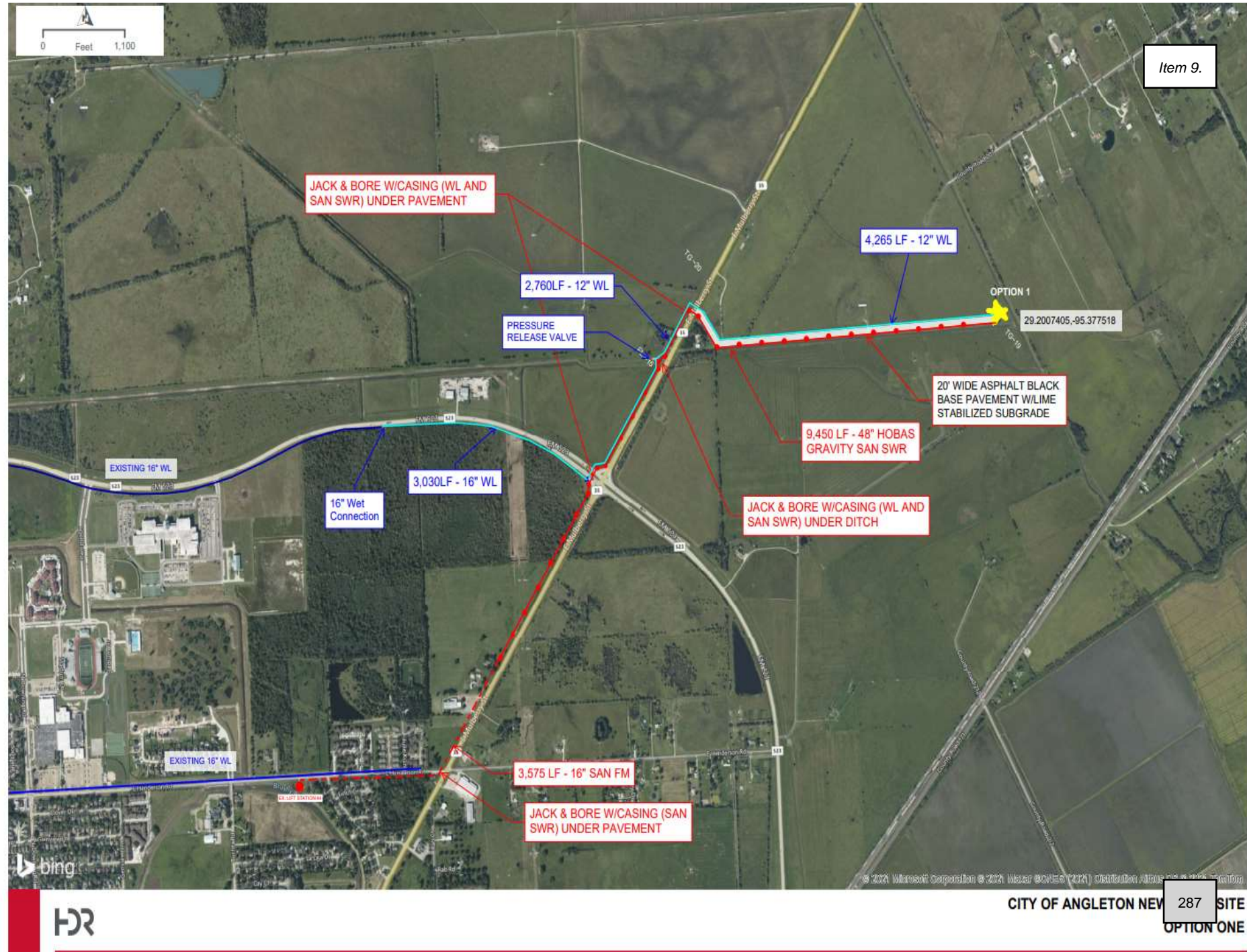


Cost Estimate - WWTP

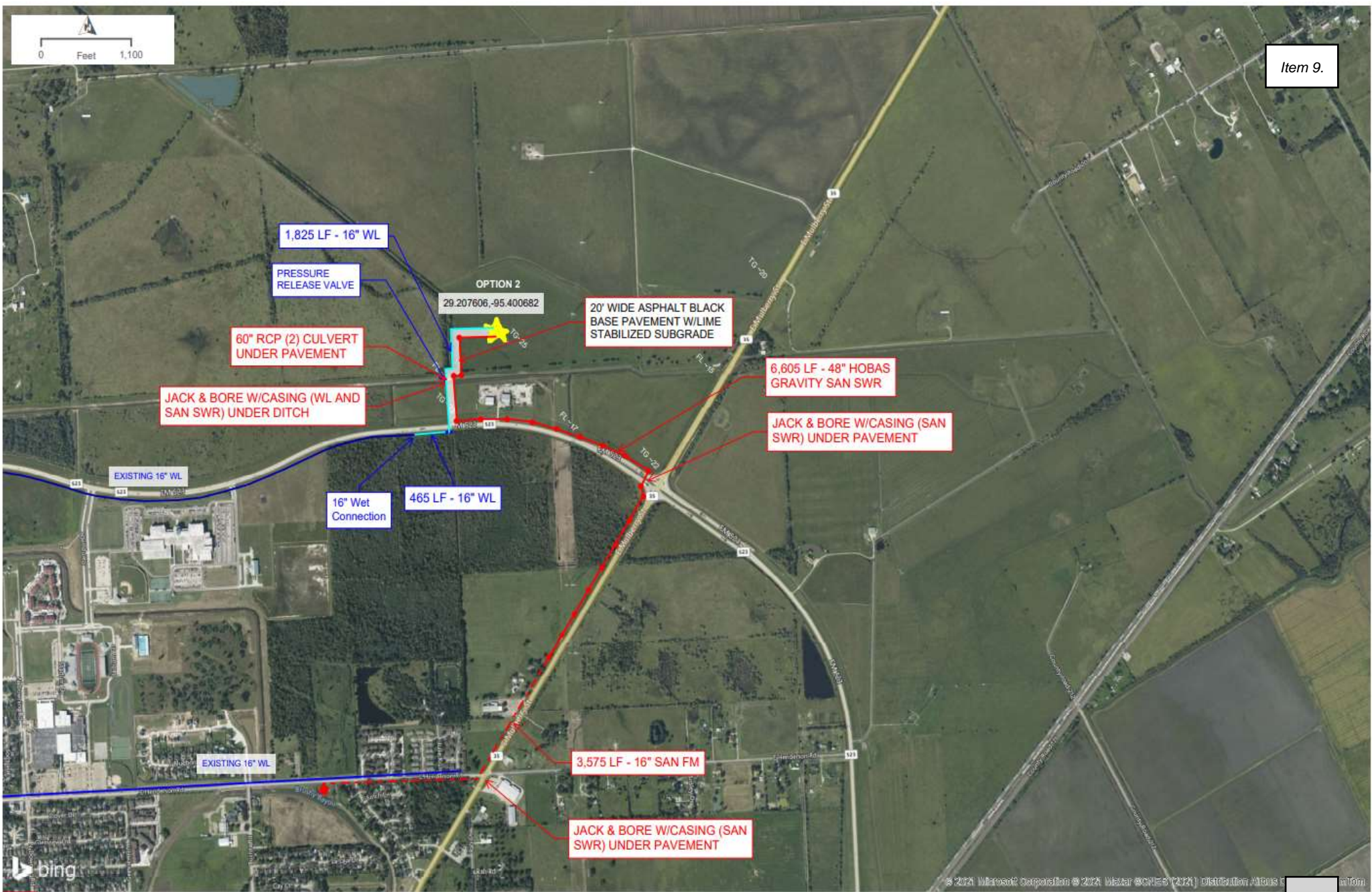
Item 9.

Item	Cost (\$)
Influent Lift Station	1,503,000
Fine Screen	2,473,000
Aeration Basin (2)	7,000,000
Vortex Grit Chamber	450,000
Final Clarifier (2)	9,200,000
Aerated Sludge Storage Tank	10,292,000
UV Disinfection System	3,300,000
Chemical Feed	278,000
Blower Building	1,922,000
Disc Filter	1,632,000
Electrical Generator	1,630,000
Administration Building	1,800,000
Land	750,000
Total	42,230,000

Site 1



Site 2



Item 9.

Site 3



Item 9.

Site 4



Total Cost for 4 Site Options

	Site 1	Site 2	Site 3	Site 4
On-Site OPCC	\$46,378,000	\$46,378,000	\$46,378,000	\$46,378,000
Off-site OPCC	\$18,416,000	\$15,324,100	\$15,552,600	\$17,288,700
Total (\$)	\$64,794,000	\$61,702,100	\$61,930,600	\$63,666,700

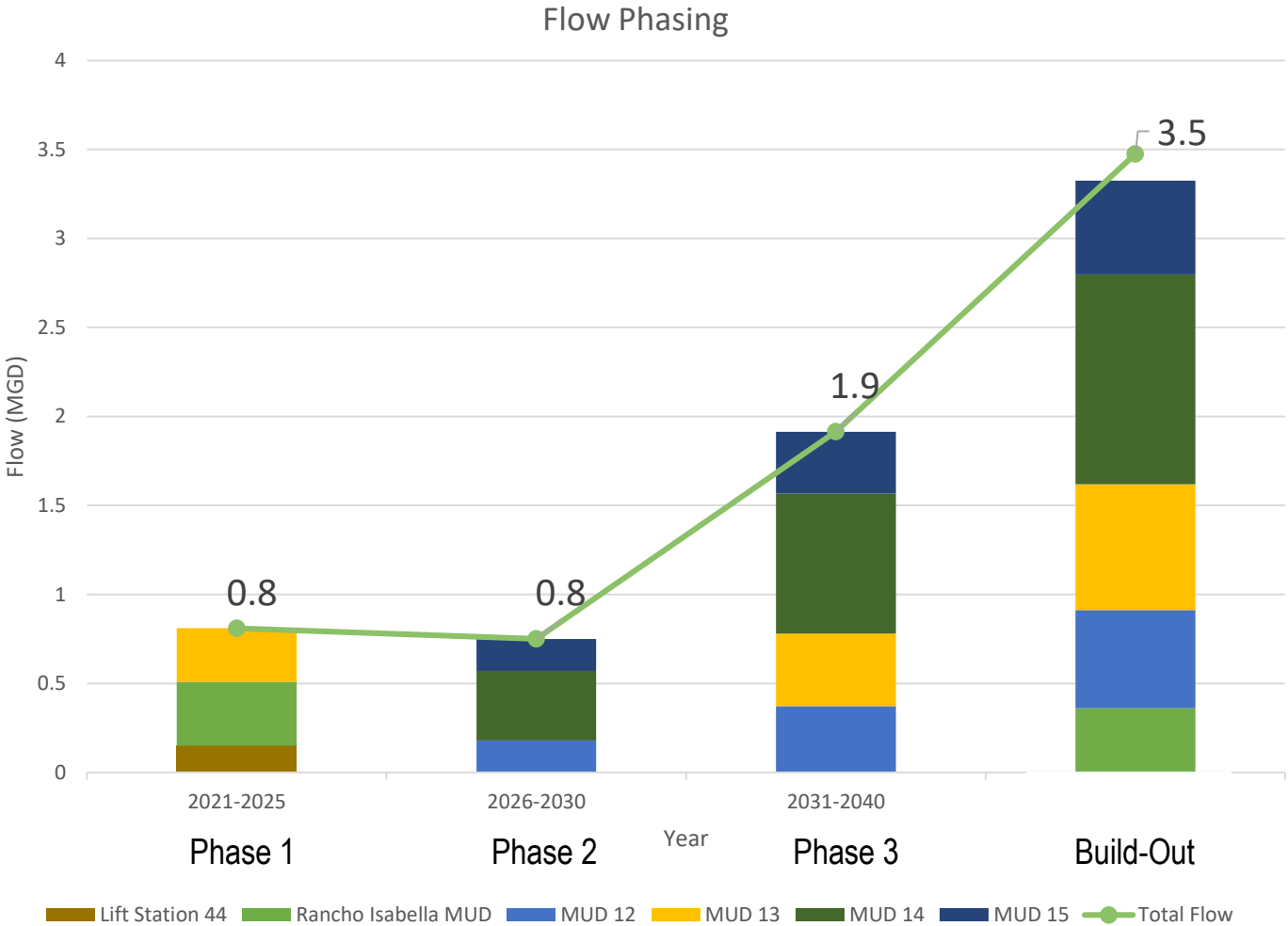
Note:

1. Costs are in terms of 2021 dollars
2. Does not include a “mid-point of construction” escalation
3. Does not include a “market volatility” escalation

Questions?

Phasing of Growth

MUD	Phase 1 2021 – 2025 (ac)	Phase 2 2026 – 2030 (ac)	Phase 3 2031 – 2040 (ac)	Total Service Area of Development (ac)
Rancho Isabella	300			300
MUD 12		150	310	460
MUD 13	250		340	590
MUD 14		325	655	980
MUD 15		150	290	440
Total acreage per Phase	550	625	1,595	2,770

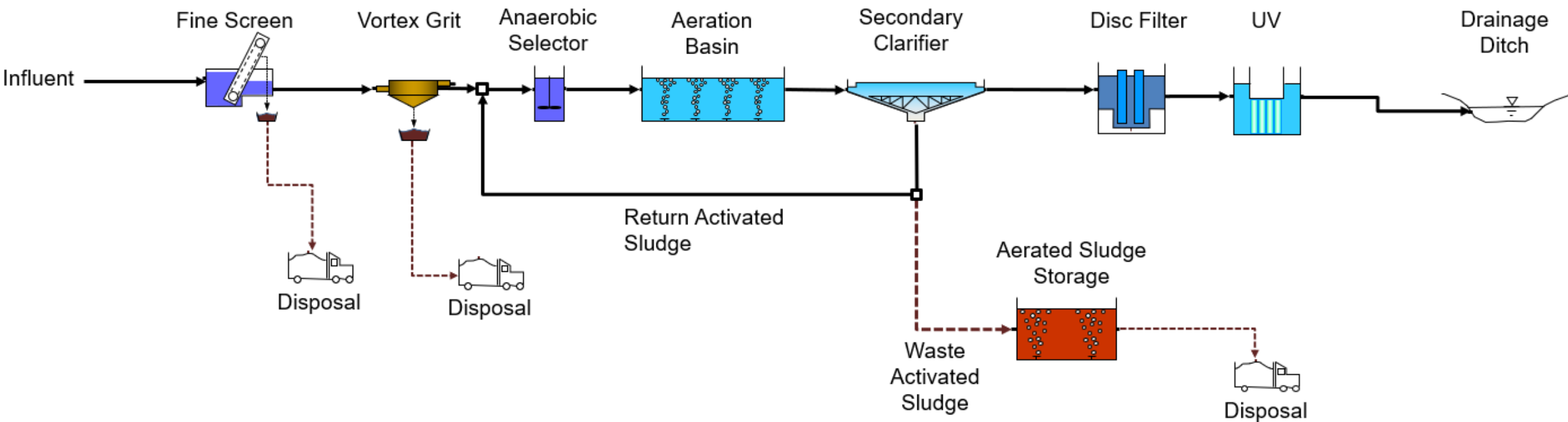


WWTP Design Summary

- Average Daily Flow Rate
 - Initial 2.0 MGD
 - Build Out 4.0 MGD
- Peak Flow Capacity
 - 16.0 MGD
- Influent Loading (HDR Recommendation):
 - BOD (Biological Oxygen Demand) - 450 mg/L
 - TSS (Total Suspended Solids) - 450 mg/L
 - Ammonia - 50 mg/L

Process Design

Process Flow Diagram



Influent Lift Station

- 2 Submersible Pumps

Flow	2 MGD at 50 ft TDH
Power Requirement	40 HP
Efficiency	70%

- 2 Submersible Pumps (Peak Flow)

Flow	8 MGD at 55 ft TDH
Power Requirement	170 HP
Efficiency	70%



Drake Lift Station, Bend, Oregon, Nov 2018

Fine Screening

Design Flow	2/4 MGD
Screen Diameter	8 ft
Screen Type & Material	Stainless Steel Perforated Plate
Power Requirement	3 HP, 480 VAC, 60 Hz
Sensor	Water level



Item 9.

Huber EI2 Proposal for Fine Screen, Angleton WWTP, 2021



Grit Removal

Item 9.

Headcell

- Stacked tray system to remove grit
- 95% removal of 75 micron and larger
- Grit dewatering system



Source: Hydro International HeadCell

Primary Clarifier (Future)

Item 9.

Flow	4 MGD
Diameter	75 FT
Depth	14 FT
Surface Area	4,450 SQFT



Aeration Basin

Item 9.

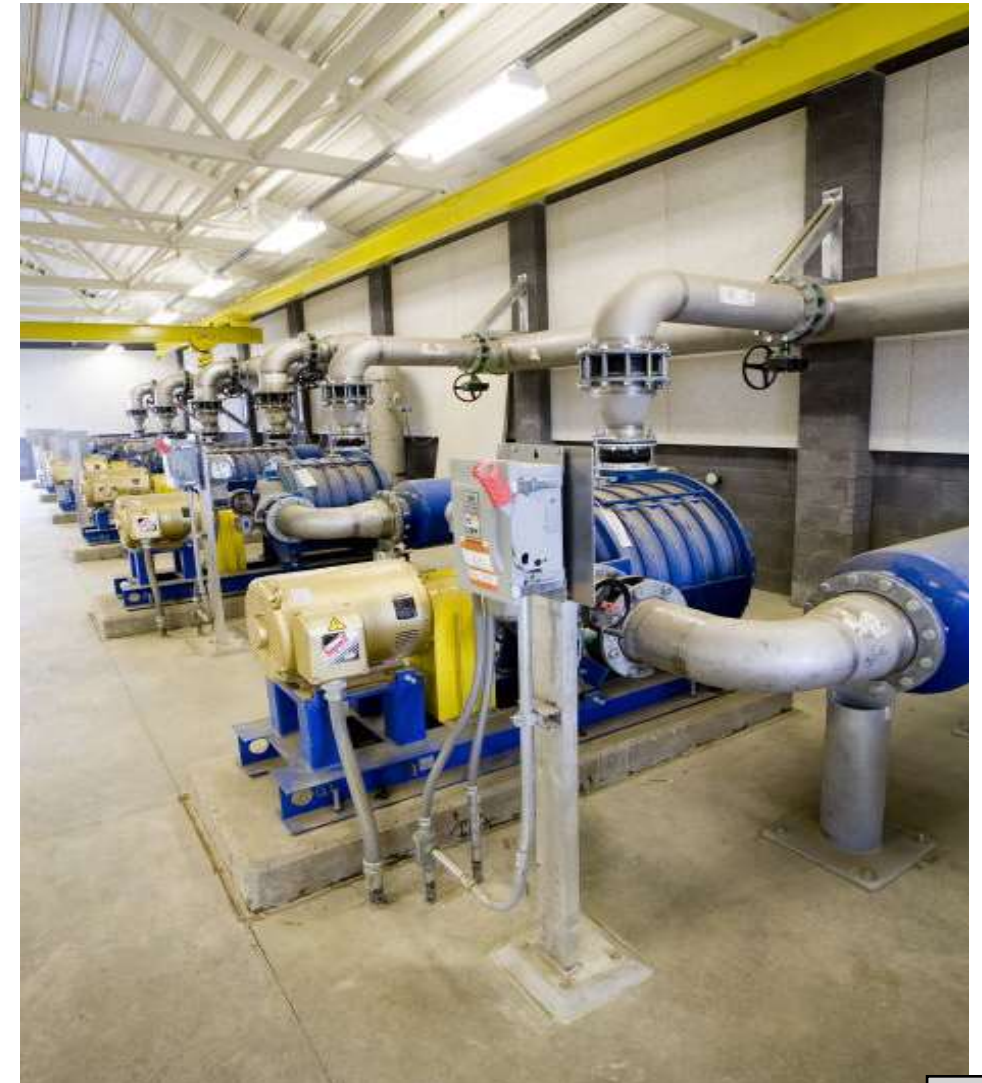
Flow (Current Phase)	2 MGD (Peak Flow = 8 MGD)
Dimensions (Length & Width)	168' X 40' ea basin
Side Water Depth	16'
BOD Loading as per TCEQ	35 lb cBOD5/1000 CF



Blowers

Item 9.

Number & Type of Blowers	3 Multistage Centrifugal
Flow	5,250 SCFM at 7 psi
Power Requirement	750 HP



Diffusers

Item 9.

Aeration Basin Type of Diffuser	Membrane Diffuser
Flow	9,500 SCFM at 16 ft depth

Sludge Holding Type of Diffuser	Coarse Air Diffuser
Flow	1,000 SCFM at 16 ft depth



Secondary Clarifiers

Item 9.

Flow (Current Phase)	2 MGD (Peak Flow = 8 MGD)
Diameter (2 Clarifiers)	70 FT
Sidewater Depth	14 FT
Combined Volume	600,000 Gallons
RAS flow rate	1.5 MGD
WAS flow rate	0.125 MGD



Disc Filters

Flow (Current Phase)	2 MGD (Peak Flow = 8 MGD)
Number of Discs	24
Number of Units	1 duty, 1 standby
Power Requirement	24 HP
Dimensions	32' X 8' X 7.5'



Evoqua EI2 Proposal for Disc Filters, Angleton WWTP, 2021

UV Disinfection System

Flow (Current Phase)	2 MGD (Peak Flow = 8 MGD)
Number of bulbs	96
Type	Inclined
Power Requirement	76 HP (equivalent)
Number of UV Channels	1 duty, 1 standby



Item 9.



Suez Aquaray UV Proposal, Angleton WWTP, 2021

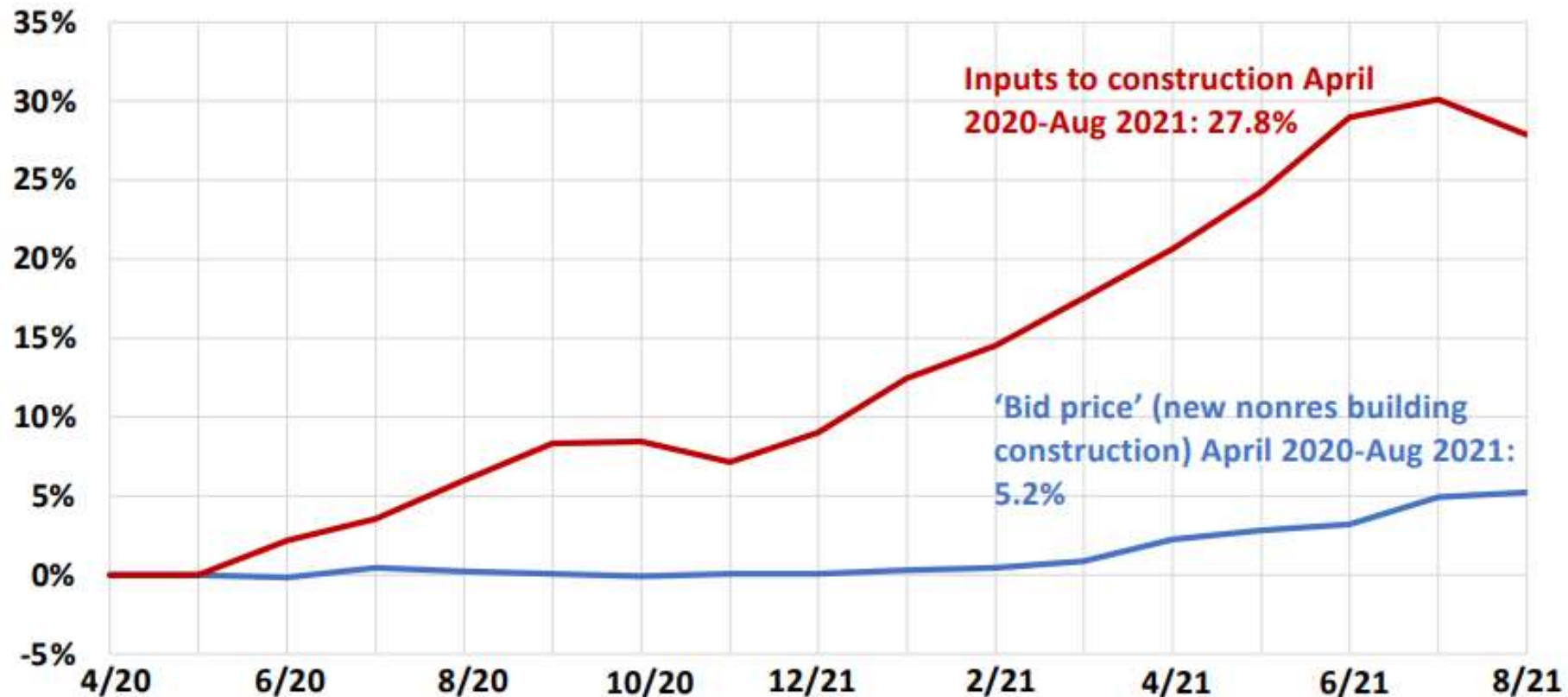
Cost Considerations



Materials

Item 9.

Construction input and 'bid price' producer price indexes (PPIs) cumulative change in PPIs, April 2020-Aug 2021 (not seasonally adjusted)



AGC Reports

- Supply chain issues
 - Longer fabrication times
 - One Steel Fabricator – Bar Joists – Supplier May 2022
 - Pre-Engineered Metal Building – 48 Week Lead Time
 - Roofing Materials 4 to 6 month lead time – Issues with availability of fasteners
 - Plant Shutdowns and Transportation Issues
 - Tight supplies, inventory draw-downs, and localized shortages
 - Port of Long Beach and LA 169 Ships – Trucker shortage +30% (80,000)
 - New California emission standards – Trucks 3 years 50% blocked from entry to ports
 - Asia and Europe cannot get enough shipping containers to send products to the USA.

Bidding Climate Context

- Pre-Covid & Supply Chain Conditions
 - Rule of Thumb for 0% - 2% Design → \$15 - \$17 per gallon
 - Fall 2019 Bid of Similar 2 MGD WWTP
 - \$35M
 - \$17.5M per gallon
- Post-Covid & Supply Chain Conditions (Current)
 - Rule of Thumb for 0% - 2% Design → \$18 - \$21 per gallon
 - Escalate similar 2 MGD WWTP
 - \$42.3M if bid today

Item 9.

[illegible]



AGENDA ITEM SUMMARY FORM

MEETING DATE: March 22, 2022

PREPARED BY: Chris Whittaker

AGENDA CONTENT: Parish Intersection Drainage Project

AGENDA ITEM SECTION: Regular Agenda

BUDGETED AMOUNT:
\$183,200

FUNDS REQUESTED:
\$156,605

FUND: 97-571-600

EXECUTIVE SUMMARY:

The City of Angleton elected to go to bids for the Parish Intersection Drainage Project. This project includes improvements to the road turning radii, sidewalks, storm sewer, and inlet on Miller and Parish. HTI Construction, LLC was the low bidder and is the responsive low bidder for this project. HDR evaluated the references and spoke to City staff. HDR recommends the City award the Parish Intersection Drainage Project to HTI Construction, LLC

RECOMMENDATION: Award HTI Construction, LLC the Parish Intersection Drainage Project for the not to exceed amount of \$156,605.00.

LETTER OF RECOMMENDATION
FOR
City of Angleton
Parrish Intersection Drainage Improvements Project



CITY OF ANGLETON
MARCH 2022
HDR Project No. 10306403



HDR ENGINEERING, INC.
4828 LOOP CENTRAL DRIVE, SUITE 800
HOUSTON, TEXAS 77081
(713) 622-9264

March 16, 2022

Mayor and City Council Members
City of Angleton, Texas
121 S. Velasco
Angleton, TX 77515

Re: Parrish Intersection Drainage Improvements Project
City of Angleton, Texas
HDR Job No. 10306403

Dear Mayor and City Council Members:

On March 4, 2022, two (2) bids were received on the above referenced project.

1. Bid Tabulation Sheet – Two (2) construction firms participated in the bidding process. Each bid was checked for mathematical errors and/or bid irregularities. Appropriate corrections to the errors were made and included in the attached bid tabulations. The errors did not affect the order of the bids. The project was bid with Base Bid, Supplemental items and one Add Alternate. A bid tab is included in Section 1. The bids for the project are as follows:

CONTRACTOR	TOTAL (BASE BID AND SUPPLEMENTAL ITEMS)
HTI Construction, LLC (Apparent Low Bidder)	\$156,605.00
Matula and Matula Construction, Inc.	\$221,109.60

2. Evaluation of the Apparent Low Bidder - The apparent low bidder is HTI Construction, Inc. HDR has contacted references of recent work performed. They have previously performed similar work for the City of Angleton on the 30-inch Emergency Sanitary Sewer Repair. Please see Section 2 of this report.
3. Telephone Conversations with References – HTI Construction, Inc. provided a list of references including areas of work in Brazoria County including Angleton. Three (3) references were contacted by telephone and were asked to respond to a questionnaire as part of the evaluation process of the apparent low bidder. The Contractor received excellent ratings on their previous projects. The references indicated that they were satisfied with the work HTI Construction, LLC had performed and would use them again in the future. Improvements Project since this project is similar in scope and size. Section 3 of this report represents the five references previously contacted.
4. Resumes – Company resumes for the supervisory positions have been included in the report for referencing qualifications. Please see Section 4 of this report.

HTI, Inc. is a company with experience in paving and utility projects and appears to be a responsible firm that should be capable of performing the specified work in a satisfactory manner. They also have performed previous work for the City, and discussion with City staff members about HTI Construction, LLC's experience and capabilities were positive. For the reasons listed above, HDR recommends that the City of Angleton award the Parrish Intersection Drainage Improvements Project for a Base Bid including Supplemental Items for One-Hundred Fifty-Six Thousand, Six-Hundred Five Dollars and Zero Cents (\$156,605.00).

If you have any questions, please feel free to contact us, (713) 622-9264.

Sincerely,

HDR ENGINEERING, INC.



John Peterson, P.E., CFM
Project Manager

SECTION 1

Bid Tabulation

Bid Tabulation
Parrish Street Intersection Improvements
City of Angleton

Item	Item Description			Low Bidder		Matula & Matula Construction, Inc.	
				HTI Construction			
		Unit	Quantity	UNIT PRICE	TOTAL AMOUNT	UNIT PRICE	TOTAL AMOUNT
	A) Paving Items						
1	Traffic Control, including Flagmen, Signs, Barrels, Barricades, Arrow Boards, Maintaining All Weather Access to Traffic, complete in place, the sum of:	LS	1	\$ 5,000.00	\$ 5,000.00	\$ 5,502.50	\$ 5,502.50
2	Remove and replace 6" thick reinforced concrete driveway, including proof rolling, level up sand, and full depth saw cut, complete in place, the sum of:	SY	45	\$ 90.00	\$ 4,050.00	\$ 201.40	\$ 9,063.00
3	Temporary driveways, complete in place, the sum of:	EA	1	\$ 800.00	\$ 800.00	\$ 3,850.50	\$ 3,850.50
4	Remove and dispose of existing asphalt pavement, complete in place, the sum of:	SY	70	\$ 10.00	\$ 700.00	\$ 18.00	\$ 1,260.00
5	2" Type D HMAC overlay, including tack coat, complete in place, the sum of:	SY	90	\$ 44.00	\$ 3,960.00	\$ 98.00	\$ 8,820.00
6	8" Type A HMAC (black base), complete in place, the sum of:	SY	105	\$ 68.00	\$ 7,140.00	\$ 97.20	\$ 10,206.00
7	12" cement stabilized sand subgrade, complete in place, the sum of:	SY	115	\$ 23.00	\$ 2,645.00	\$ 44.50	\$ 5,117.50
8	Prime Coat, complete in place, the sum of:	GAL	36	\$ 20.00	\$ 720.00	\$ 36.70	\$ 1,321.20
9	Remove and dispose of existing concrete pavement, complete in place, the sum of:	SY	55	\$ 12.00	\$ 660.00	\$ 20.20	\$ 1,111.00
10	Concrete point repair including removal, disposal, reinforcing joints, dowels, paving under cut, and replacement of 7" thick concrete and 12" thick cement stabilized sand subgrade, complete in place, the sum of:	SY	60	\$ 125.00	\$ 7,500.00	\$ 342.20	\$ 20,532.00
11	Remove and dispose of existing concrete sidewalk, complete in place, the sum of:	SF	90	\$ 3.00	\$ 270.00	\$ 5.00	\$ 450.00
12	Curb ramp with detectable warning pavers along Miller Street, in conformance with ADA requirements, complete in place, the sum of:	EA	3	\$ 4,000.00	\$ 12,000.00	\$ 3,116.10	\$ 9,348.30
13	4" thick reinforced concrete sidewalk along Miller Street, complete in place, the sum of:	SF	925	\$ 7.00	\$ 6,475.00	\$ 11.30	\$ 10,452.50
14	4" thick reinforced concrete sidewalk along Parrish Street and TJ Wright Street, complete in place, the sum of:	SF	300	\$ 7.00	\$ 2,100.00	\$ 11.30	\$ 3,390.00
15	Remove, dispose, and replce 6" concrete curb, complete in place, the sum of:	LF	35	\$ 15.00	\$ 525.00	\$ 55.00	\$ 1,925.00
16	12" wide solid Type I reflective pavement markers (thermoplastic), complete in place, the sum of:	LF	85	\$ 10.00	\$ 850.00	\$ 18.00	\$ 1,530.00
17	24" wide solid white Type I reflective pavement markers (thermoplastic), complete in place, the sum of:	LF	15	\$ 20.00	\$ 300.00	\$ 101.90	\$ 1,528.50
18	Remove and Reset existing street sign, complete in place, the sum of:	EA	3	\$ 200.00	\$ 600.00	\$ 366.80	\$ 1,100.40
Paving Items Total					\$ 56,295.00		\$ 96,508.40

Bid Tabulation
Parrish Street Intersection Improvements
City of Angleton

Item	Item Description			Low Bidder		Matula & Matula Construction, Inc.	
				HTI Construction			
				UNIT	TOTAL	UNIT	TOTAL
				PRICE	AMOUNT	PRICE	AMOUNT
	B) Drainage Items						
19	Remove existing storm sewer pipe or culvert, all sizes, complete in place, the sum of:	LF	345	\$ 30.00	\$ 10,350.00	\$ 26.90	\$ 9,280.50
20	8" PVC (SDR 26) storm sewer including bedding and backfill, complete in place, the sum of:	LF	110	\$ 50.00	\$ 5,500.00	\$ 59.10	\$ 6,501.00
21	12" PVC (SDR 26) storm sewer including bedding and backfill, complete in place, the sum of:	LF	575	\$ 58.00	\$ 33,350.00	\$ 87.50	\$ 50,312.50
22	12" RCP storm sewer including bedding and backfill, complete in place, the sum of:	LF	8	\$ 120.00	\$ 960.00	\$ 145.20	\$ 1,161.60
23	4'X4' Junction Box, including bedding and backfill, complete in place, the sum of:	EA	5	\$ 4,000.00	\$ 20,000.00	\$ 3,669.70	\$ 18,348.50
24	Type A Inlet, including bedding and backfill, complete in place, the sum of:	EA	6	\$ 3,500.00	\$ 21,000.00	\$ 2,385.80	\$ 14,314.80
25	Tie-in proposed storm sewer to existing storm sewer with concrete collar, complete in place, the sum of:	EA	1	\$ 2,000.00	\$ 2,000.00	\$ 1,417.90	\$ 1,417.90
26	Ditch regrading, including cut and fill as required to provide positive drainage per plans, complete in place, the sum of:	LF	40	\$ 25.00	\$ 1,000.00	\$ 31.40	\$ 1,256.00
27	Storm Water Pollution Prevention, complete in place, the sum of:	LS	1	\$ 1,500.00	\$ 1,500.00	\$ 4,279.70	\$ 4,279.70
	Drainage Items Total			\$ 95,660.00		\$	106,872.50
	C) Supplemental Items						
28	Well pointing for storm sewer, all sizes, all depths, including all necessary appurtenances, complete in place, the sum of:	LF	50	\$ 20.00	\$ 1,000.00	\$ 183.40	\$ 9,170.00
29	Piezometer, including installation and removal, complete in place, the sum of:	EA	1	\$ 200.00	\$ 200.00	\$ 1,222.80	\$ 1,222.80
30	Wet condition bedding for storm sewer installation, all sizes, all depths, consisting of limestone or recycled concrete foundation, filter fabrics and all appurtenances, complete in place, the sum of:	LF	50	\$ 5.00	\$ 250.00	\$ 42.80	\$ 2,140.00
31	Extra Cement stabilized sand, complete in place, the sum of:	CY	25	\$ 48.00	\$ 1,200.00	\$ 61.10	\$ 1,527.50
32	Remove tree 12" to 17.99" in diameter, complete in place, the sum of:	EA	2	\$ 1,000.00	\$ 2,000.00	\$ 1,834.20	\$ 3,668.40
	Supplemental Items Total			\$ 4,650.00		\$	17,728.70
TOTAL PAVING ITEMS:					\$ 56,295.00	\$ 96,508.40	
TOTAL DRAINAGE ITEMS:					\$ 95,660.00	\$ 106,872.50	
TOTAL SUPPLEMENTAL ITEMS:					\$ 4,650.00	\$ 17,728.70	
TOTAL BASE BID (INCLUDING SUPPLEMENTAL ITEMS):					\$ 156,605.00	\$ 221,109.60	
Represents Error Corrected by Engineer							

Represents Error Corrected by Engineer

SECTION 2

References



515 Reinhard St., Rosenberg, Texas 77471 | 832-600-7632 | tg.hticonstruction@gmail.com

REFERENCES

Jeff Sifford

Public Works Director
City of Angleton
901 S. Velasco
Angleton, TX 77515
979-481-1629
jsifford@angleton.tx.us

20016 Sidewalk Improvements Pkg. 1
28" Force Main Casing Extension
Heritage Oaks Sewer Repair
30" Emergency Sanitary Sewer Extension
Multiple Concrete Street, Sidewalks Repairs & Installs Project

David Leyendecker

City of Katy Engineer
Clay & Leyendecker Inc.
1350 Avenue D
Katy, TX 77493
281-391-0173
davidleyendecker@aol.com

City of Katy First St. Storm Sewer Replacement
OPD Sanitary Sewer Extension
2019 Waterline Rehabilitation
Goldeneye Storm Sewer Project

Javier Vasquez

Engineer
HDR Engineering Inc.
4820 Loop Central Dr. #800
Houston, TX 77081
713-622-9264
Javier.vasquez@hdrinc.com

2016 Sidewalk Improvements Pkg.1
30" Emergency Sanitary Sewer Extension

Eddie Herrera

City Inspector/Engineer
 City of Lake Jackson
 25 Oak Drive Ln.
 Lake Jackson, TX 77566
 979-482-3521
eherrera@lakejacksontx.gov

Magnolia Ditch Slope Paving
 12 Inch DOW Tower Waterline Replacement
 Majestic Oaks Drainage Project

Louis Brown

Project Manager
 Costello Engineering & Surveying
 2107 Citywest Blvd. 3rd Floor
 Houston, TX 77042
 713-783-7788
lbrown@costelloinc.com

Drainage & Sidewalk Improvements for Katy City Park

Nick Huerta

Construction Manager
 Jones & Carter
 2322 West Grand Parkway, North Suite 150
 Katy, TX 77449
 832-913-4000
nhuerta@jonescarter.com

12 Inch Water Line Along Kroesche Rd. & I-69
 Linwood Dr. & Crestmont St Reconstruction Project- City of Wharton
 Highland Meadows Lift Station & Offsite Utilities-In Progress

Jared Bierman

Engineer
 Jones & Carter
 2322 West Grand Parkway, North Suite 150
 Katy, TX 77449
 832-913-4000 X 3216
jbiermann@jonescarter.com

Linwood Dr. & Crestmont St Reconstruction Project- City of Wharton

David Stredick

Program Manager/Inspector
 City of Rosenberg
 2630 Avenue A
 Rosenberg, TX 77471
 832-595-3593
dstredick@rosenbergtx.gov

12 Inch Water Line Along Kroesche Rd. & I-69

Rodger Thomas

Public Works Director
 City of Danbury
 6102 5th St.
 Danbury, TX 77534
 979-922-1551
Rsthomas5151@gmail.com

City of Danbury Sewer & Water Installation
 City of Danbury Sewer Point Repair & Manhole Install

Cliff Custer

Public Works Director
 City of Richwood
 1800 Brazosport Blvd. N
 Richwood, TX 77531
 979-265-3312
Ccuster@richwoodtx.gov

City of Richwood Sink Hole Project
 Storm Sewer Improvement Cedar & N.Mahan

Sarah Abrams

Engineer
 Odyssey Engineering Group
 2500 Tanglewilde St. Suite 480
 Houston, TX 77063
 281-306-0240 X 105
sabrams@odysseyeg.com

Victoria Garden Storm Sewer Repair

Nancy Davis

Owner
 Palms Funeral Home
 2300 E. Mulberry
 Angleton, TX 77515
 979-849-4343
palmsfuneralhome@msn.com

Asphalt Parking Lot & Detention Pond Install

Mark Hodges

Engineer
 Odyssey Engineering Group
 2500 Tanglewilde St, Suite 480
 Houston, TX 77063
 281-306-0240 X 109
mhodes@odysseyeg.com

Highland Meadows Lift Station & Off-site Utilities- In Progress

Jay Culbertson

General Contractor
 Culbertson Contractors LLC
 764 HWY 84 W
 Brookhaven, MS 39601
 601-835-1266
jay@culbertsoncontractors.com

Storm Drainage & Detention Pond Grading Install- Rich's Alvin LLC, Tunnel Car Wash

John Stroehlein

Project Manager
 Mr. Bryant Fitts
 4801 Richmond Ave
 Houston, TX 77027
 713-201-3135
lstroehlein@mac.com

Country Aire Mobile Home Park Extension Water, Sewer, Drainage & Paving-
 In progress

Don Barrett

Project Manager
 Sorrell Construction
 2101 Oyster Creek Bend
 Oyster Creek, TX 77541
 979-233-6655
don@sorrelltx.com

Brazos Junior High 10" Waterline Install

SECTION 3

Telephone Conversation With References

REFERENCE: City of Angleton
PROJECT: 20016 Sidewalk Improvements Pkg. 1
TELEPHONE NO.: 979-481-1629
CONTACT: Jeff Sifford

QUESTIONS

1. How did HTI Construction perform for you on previous projects? (On a scale of 1-10)
“Great”
2. Were you satisfied with their performance?
ANSWER: “absolutely”
3. How would you rate the quality of their work? (On a scale of 1-10)
ANSWER: “Good”
4. How would you rate their ability to coordinate the work with neighboring property owners? (Scale of 1-10)
ANSWER: “They were great”
5. Did they have any problems with any jobs? If so, what was the nature of the problem?
ANSWER: “No”
6. Were they able to complete projects within the time allotted? If not, what was the reason?
ANSWER: Yes
7. How would you rate their ability to cooperate with a client? (On a scale of 1-10)
ANSWER: “They were great”
8. Would you like to have them perform a job for you again?
ANSWER: “Yes they do work for us all the time”

REFERENCE: City of Danbury
PROJECT: City of Danbury Sewer & Water Installation
TELEPHONE NO.: 979-922-1551
CONTACT: Rodger Thomas

QUESTIONS

1. How did HTI Construction perform for you on previous projects? (On a scale of 1-10)
10
2. Were you satisfied with their performance?
ANSWER: "Excellent"
3. How would you rate the quality of their work? (On a scale of 1-10)
ANSWER: 10
4. How would you rate their ability to coordinate the work with neighboring property owners? (Scale of 1-10)
ANSWER: "Very Good, they were good"
5. Did they have any problems with any jobs? If so, what was the nature of the problem?
ANSWER: "No man"
6. Were they able to complete projects within the time allotted? If not, what was the reason?
ANSWER: Yes
7. How would you rate their ability to cooperate with a client? (On a scale of 1-10)
ANSWER: 10
8. Would you like to have them perform a job for you again?
ANSWER: Yes

REFERENCE: City of Rosenberg
PROJECT: 12 Inch Water Line Along Kroesche Rd. & I-69
TELEPHONE NO.: 832-595-3593
CONTACT: David Stredick

QUESTIONS

1. How did HTI Construction perform for you on previous projects? (On a scale of 1-10)
10
2. Were you satisfied with their performance?
ANSWER: OF course
3. How would you rate the quality of their work? (On a scale of 1-10)
ANSWER: 9
4. How would you rate their ability to coordinate the work with neighboring property owners? (Scale of 1-10)
ANSWER: 9
5. Did they have any problems with any jobs? If so, what was the nature of the problem?
ANSWER: No problems
6. Were they able to complete projects within the time allotted? If not, what was the reason?
ANSWER: They finished it way ahead of time
7. How would you rate their ability to cooperate with a client? (On a scale of 1-10)
ANSWER: 10
8. Would you like to have them perform a job for you again?
ANSWER: Yes

SECTION 4

Resumes



515 Reinhard St., Rosenberg, Texas 77471 | 832-600-7632 | tg.hticonstruction@gmail.com

Company Resume

Henry Gutierrez

- Position: President/Superintendent
- Years of Experience: 45
- Description of Experience: Henry Gutierrez has held a supervisory position for multiple reputable companies, allowing him to serve as Superintendent for Mercer Construction, Uticon Inc., Matula & Matula Construction Inc., and Sorrell Construction. His experience and knowledge in water lines, storm sewers, sanitary sewers, paving, and concrete construction is evident in each of his projects. Mr. Gutierrez has supervised and assisted in multiple million-dollar projects of various sizes including: Stella Marie Subdivision in Galveston, Heritage Oaks in Angleton, Lake Bend Subdivision in Clute, Lane Drive Rehab in Rosenberg, Sunrise Meadows in Rosenberg, and Sewer Plant and Vacuum Line in Sargent.

Thomas Gutierrez

- Position: Vice President/Sr. Estimator
- Years of Experience: 15
- Description of Experience: Thomas Gutierrez has over 14 years of experience in sales, marketing and management. Mr. Gutierrez has experience in the management of construction and renovation projects, underground utilities and concrete construction. He is responsible for creating estimates, budgets, direct project planning, and finances. Mr. Gutierrez oversees all aspects of projects with full responsibility for completing construction on time and within budget, all while maintaining quality and safety standards. He is also responsible for negotiating with subcontractors to perform specialized work and collaborate with multiple groups to maintain tight schedules. Mr. Gutierrez has a strong understanding of safety codes, regulations, and ensures all employees of HTI Construction, Inc. maintain the same understanding and are always inspection compliant.

Lucio Narvaez

- Position: Concrete Superintendent
- Years of Experience: 19
- Description of Experience: Lucio Narvaez has over 18 years of experience in all facets of the construction industry. Lucio is skilled and experienced in various operations including heavy equipment operations, labor work, power tool operations, underground utilities, paving, and concrete construction. He is proficient in concrete construction including breaking and tearing out existing concrete, prep, form, pouring and finishing freshly poured concrete to smooth finish. He is also skilled and proficient in pouring ADA Compliance/Handicap Accessible ramps. Lucio has supervised, assisted and completed multiple projects in Angleton, Lake Jackson, Bay City, Freeport, Katy and Fort Bend County.

Jacob Nunez

- Position: Foreman
- Years of Experience: 18
- Description of Experience: Jacob Nunez has over 17 years of experience in all facets of the construction industry. Jacob is skilled and experienced in various operations including heavy equipment operations, labor work, power tool operations, underground utilities, paving, and concrete construction. He is proficient in concrete construction including breaking and tearing out existing concrete, prep, form, pouring and finishing freshly poured concrete to smooth finish. Jacob has assisted and completed multiple projects in Angleton, Lake Jackson, Bay City, Freeport and Fort Bend County.



AGENDA ITEM SUMMARY FORM

MEETING DATE: March 22, 2022

PREPARED BY: Chris Whittaker

AGENDA CONTENT: Street Bond Project – Package #1 – Amendment #1

AGENDA ITEM SECTION: Regular Agenda

BUDGETED AMOUNT:
N/A

FUNDS REQUESTED:
\$695.00

FUND: 01-558-415

EXECUTIVE SUMMARY:

During the design it was found that the existing storm sewer at the intersection of Downing and Ridgecrest was installed outside of the City Right of way. HDR has coordinated with the AISD and they are agreeable about establishing a drainage easement for the existing and proposed storm sewer. We are removing and replacing the existing storm sewer system with a larger pipe that will be set deeper. This amendment is to prepare a metes and bounds with an exhibit to identify a drainage easement for the section of storm sewer that was not installed in the City ROW. This will keep everything clean and make all activities legal. The total price for this is \$695.

HDR will provide the City the metes and bounds and the exhibit for the drainage easement. The City will be responsible for the crafting the agreement with AISD, executing it, filing it at the County Clerk's office, and any filing fees.

RECOMMENDATION: Approve Amendment #1 to perform a metes and bounds and exhibit to identify the area of the required drainage easement.



March 9, 2022

Mr. Chris Whittaker
City Manager
City of Angleton
121 S. Velasco
Angleton, Texas 77515

Re: Amendment to Fee Proposal for Professional Engineering Services for Drainage Easement Metes and Bounds For the 2021 Street Bond Project
City of Angleton
HDR Job No. 10318318
Amendment #1

HDR Engineering, Inc. (HDR) is pleased to submit this amendment to the fee proposal, which the City Council authorized on August 11, 2021, for professional engineering services associated with 2021 Street Bond Project.

The City has requested that HDR to include the following into their contract:

1. Perform a metes and bounds on the south west corner of the intersection Downing Street and Ridgecrest Street. The existing drainage system was installed outside of the City right-of-way on AISD property. HDR has coordinated with AISD and they have agreed to provide a drainage easement in this area. This metes and bound will identify the drainage easement area and provide an exhibit of the area that will allow the City to install a larger drainage system. HDR will provide this metes and bounds to the City. The City will coordinate with all necessary parties to create, execute, and record the agreement at the County Clerk's Office.

Amended Fee Amount

The fee totals with this amendment are as follows for the City:

Lump Sum Fees (NOT TO EXCEED):

	<u>Additional Fee</u>
Metes and Bound for Drainage Easement (Cost Plus 10%)	\$495
<u>Review and verify survey</u>	<u>\$200</u>
TOTAL AMOUNTS	\$695

Therefore, the total fee amendment is a increase of **\$695**. The total contract, including this amendment, is now as follows:

BASIC SERVICES ofr Package I & II

Basic Design Services – Package I & II (Lump Sum):	\$ 275,800
Traffic Control Plan – Package I & II (Lump Sum):	\$ 15,650
Storm Water Pollution Prevention Plan – Package I & II (Lump Sum):	\$ 5,500
Coordination with Angleton I.S.D. (Lump Sum):	\$ 6,700
Townhall Meeting (Lump Sum):	\$ 7,700
Surveying Services (Subconsultant's cost plus 10%):	\$ 18,700
Geotechnical Services (Subconsultant's cost plus 10%):	\$ 18,300
Tree Protection Plans (Subconsultant's cost plus 10%):	\$ 4,950
Total Design Fee:	\$ 353,300

Bid Phase Services – Package I & II (Lump Sum):	\$ 15,000
Part-Time Site Representation Services (Hourly):	\$ 156,000
* Construction Materials Testing (Subconsultant's cost +10%)	\$ 60,000

TOTAL FEE – PACKAGE I & II: **\$ 725,350**

Amendment #1: **\$ 695**

Total Project Fee (Basic & Amendment #1) **\$ 726,045**

We appreciate the opportunity to be of service on this project. If you have any questions, please do not hesitate to contact me at (713) 622-9264.

Sincerely,

HDR Engineering, Inc.



David C. Weston

Vice President/Area Manager

Approved:

Authorized signature on behalf of the City of Angleton:

Printed Name: _____

Title: _____

Date: _____



March 9, 2022

Mr. Chris Whittaker
City Manager
City of Angleton
121 S. Velasco
Angleton, Texas 77515

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 Bid Phase Services – Package I & II (Lump Sum):	 \$ 15,000
 Part-Time Site Representation Services (Hourly):	 \$ 156,000
 * Construction Materials Testing (Subconsultant's cost +10%)	 \$ 60,000
TOTAL FEE – PACKAGE I & II:	\$ 725,350
 <u>Amendment #1:</u>	 \$ 695
 Total Project Fee (Basic & Amendment #1)	 \$ 726,045

We appreciate the opportunity to be of service on this project. If you have any questions, please do not hesitate to contact me at (713) 622-9264.

Sincerely,

HDR Engineering, Inc.



David C. Weston

Vice President/Area Manager

Approved:

Authorized signature on behalf of the City of Angleton:

Printed Name: _____

Title: _____

Date: _____



AGENDA ITEM SUMMARY FORM

MEETING DATE: March 22, 2022

PREPARED BY: Lindsay Koskiniemi, CPM, CGFO, Assistant Director of Development Services

AGENDA CONTENT: Discussion on current City development and projects.

AGENDA ITEM SECTION: Regular agenda

BUDGETED AMOUNT: N/A **FUNDS REQUESTED:** N/A

FUND: N/A

EXECUTIVE SUMMARY:

This item is for informational purposes only and is intended to provide an update to the City Council on the proposed Ashton Gray Subdivision development, which is anticipated to span over one thousand acres and be mostly within the City's extraterritorial jurisdiction with the remainder in Brazoria County between the east side of FM 521 to the west side of State Highway 288.

This development is proposed to offer an estimated 475 acres of traditional single-family housing, commercial and mixed uses including an elementary school and a day care, and approximately 238 acres of parks and open space. The proposed development is within an approved legislative framework of a Municipal Utility District (MUD) whereby the utility infrastructure will be funded by bond issuance and reimbursed to the developer over a long-term bond amortization schedule.

City staff and the developer are in the process of formulating the details of a proposed development agreement.

City staff received an inquiry concerning the process by which to annex land into the City's limits. The subject property consists of 20 acres and is located to the south of Coale Road, also known as County Road 220, and contiguity with the City's limits does not appear to be a limitation to the request. The property owner has supplied a title report and survey consistent with the annexation process provided in Section 43 Subchapter C-3 of the Texas Local Government Code, however, no petition for annexation has been received by City staff. While City staff does not know the proposed use of the land, the property owner has communicated a need for City utility services and a utility capacity acquisition study. The property owner and his representative understand a \$4,000 capacity acquisition study fee and a petition for annexation will be required to move forward.



AGENDA ITEM SUMMARY FORM

MEETING DATE: March 22, 2022

PREPARED BY: Walter E. Reeves Jr., AICP, Development Services Director

AGENDA CONTENT: Workshop on Gunda Corporation on the conclusions and recommendations of their review of the City's Land Development Code, Zoning Ordinance and other development regulations

AGENDA ITEM SECTION: Workshop

BUDGETED AMOUNT: N/A

FUNDS REQUESTED: N/A

FUND: N/A

EXECUTIVE SUMMARY:

Representatives of Gunda Corporation will be presenting, in a workshop format, the conclusions and recommendations of their review of the City's Land Development Code, Zoning Ordinance and other development regulations. Should an additional workshop be needed that will be scheduled for the April 12, 2022 City Council meeting.

RECOMMENDATION:

N/A

MEMORANDUM

Date: March 14, 2022
To: Walter E. Reeves Jr., AICP, Development Services Director
From: Lata Krishnarao, AICP, LEED ND
Re: March 22, 2022 - Work session to review proposed development code amendments and Administrative Development Procedures Manual (ADPM)

Gunda Corporation (GUNDA) commenced work on reviewing the development related codes - Chapter 21.5: Signs; Chapter 23: Land Development Code; and Chapter 28: Zoning Code. The purpose of this review was to identify measures to consolidate requirements; simplify and streamline the development process; encourage economic development and investment; and make it less cumbersome in general. Comments gathered from public input, interviews with staff and developers, review of codes, guided the framing of the recommendations. The purpose of this work session is to discuss the methodology, findings, draft recommendations, and receive input.

Additionally, a draft Administrative Development Procedures Manual (ADPM) is being prepared. The ADPM is a manual that contains policies and procedures related to the development of land and building activity. This ADPM will provide vital information for applicants regarding the City's permit processes and will serve as an easy-to-follow reference guide and a tool for anyone who is interested in the development process in the City of Angleton. The manual is being finalized, and the outline and contents of this draft will be discussed at this work session.

A work session was held on November 15, 2021 to review the progress and draft recommendations. As requested, another work session is scheduled on March 22, 2022 with the Planning and Zoning Commission and City Council to discuss the changes and gain their input.

The following attachments have been included in the packet.

- Diagnostic Report, March 2022
 - Appendix A: Compiled list of recommendations (Chapter 23 LAND DEVELOPMENT CODE and Part II - CODE OF ORDINANCE)
 - Appendix B: Chapter 21.5 Signs – Outline
 - Appendix C: Redlined Chapter 23 - Land Development Code
 - Appendix D: Redlined Chapter 28 - Zoning Code
 - Appendix E: Application submission calendar example
 - Appendix F: Administrative Procedures Manual- Draft sections
 - Appendix G: Summary of Interview with Staff, Consultants, and Developers and Staff
 - Appendix H: Public Comments
- November 2021 Work Session Presentation

We thank you for this opportunity to assist the City of Angleton and for your input, and look forward to successful completion of this project.

Planning Initiatives Update

November 15, 2021

1. Memo
2. Summary of staff & developer interviews
3. Copy of questionnaire
4. Summary of questionnaire responses (SurveyMonkey)
5. Responses to open-ended questions (SurveyMonkey)
6. Diagnostic Report (draft)
7. ADPM – Proposed Table of Contents & Introduction
8. Red-lined version of the current zoning code and sign regulations (draft)

**Information
sent in the
packet**

Scope

Diagnostic Report

Review and recommend amendments to development related requirements - land development, subdivision design, public improvements, infrastructure development, permits and procedures, and construction standards.

- Zoning Ordinance -2009 and revisions

- Land Development Code - 2018

- Other development related requirements in the City Code of Ordinances - manufactured homes, junk yards, refuse containers, etc.

Administrative Development Procedures Manual

Easy to follow one-stop reference guide from annexation to certificate of occupancy

User-friendly and easily understandable format

Information regarding the City's policies and procedures related to the development of land and building activity

Community and Staff Input

Interviews

- City staff
- Development Community
- Engineering consultant
- Web site questionnaire
- Website
- Mailed to elected and appointed officials and staff

Research

- Review existing documents
- Comprehensive Plan
- Zoning ordinances
- Land Development Code (Chapter 23 of the Code of Ordinances)
- Other chapters of the Code of Ordinances
- Comparative analysis

Outreach and Research

COVID 19 UPDATE

COVID 19
Read On...

Create an Account - Increase your productivity, customize your experience, and engage in information you care about.



Sign In

City Departments

Employment

Online Payments

News Flash

Drive Through Giveaway
Read on...

Town Hall Meeting
Hurricane Preparedness
Read on...

Streamlining Development -
Questionnaire

Your Opinion Matters

Calendar

JUNE 2021

S	M	T	W	T	F	S
30	31	01	02	03	04	05
06	07	08	09	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	01	02	03

Mon Jun. 21
Junior Lifeguarding

Tue Jun. 22
Summer Jamboree
Bingo
Junior Lifeguarding

View All

Community Input Questionnaire

- * Development Process
- * Development Requirements
- * Vision

Application Processing

Cumbersome, unclear and lengthy application processing
Lack of centralized location for information

Development Codes, Standards, and Requirements

Inconsistent, outdated, and unclear codes
Design standards need to be elevated
Confusing landscape/parkland dedication requirements
Construction standards not specific to Angleton and outdated
Neighborhood design needs review
Lack of housing diversity
Too many types of plats
Angled on-street parking

Outdated Comprehensive Plan

Development Agreements - lack of standardized processes

Community Input Questionnaire

Summary of Responses Main Topics

Phase I: Diagnostic Report

Interviews - City staff, developers, officials
Gather public input - web site questionnaires
Review existing documents
Conduct research and comparative analysis.
Discuss finding with staff
Share findings and recommendations with the Planning and Zoning Commission, City Council, and others
Gather input on the draft report.

Diagnostic Report

Diagnostic Report

Phase II: Implementation of Recommendations

Consolidate development related codes

- Zoning ordinance

- Land Development Code

- Code of Ordinances

Prepare high level recommendations - input from the staff, stakeholders, P & Z, and City Council.

Receive input from the stakeholders, P & Z, City Council on the recommendations - work session

Incorporate all recommendations and prepare a draft of final amendments.

Assist with adoption at public hearing and meetings as directed by staff and finalize the document after adoption.

Evaluation Criteria

Legal Framework and Conformance to the Texas Local Government Code

Application Process Improvement

A User-Friendly Format

Adherence to City of Angleton Comprehensive Plan and other adopted plans and policies

Innovative Planning Principles and Improved Standards

Diagnostic Report

CONFORMANCE TO TEXAS LOCAL GOVERNMENT CODE (TXLGC)

Chapter 211 - Zoning

Chapter 212 of the TXLGC - Subdivision regulations

Chapter 43 - Municipal Annexation

Chapter 213 - Municipal Comprehensive Plans

Chapter 245 - Issuance of Local Permits

Others

Compliance, procedural requirements, and stream-lining

Diagnostic Report

Recommendations

APPLICATION PROCESS IMPROVEMENT

Easily comprehensible

Efficient processes

Clarity in requirements

Electronic review transition-ready

Diagnostic Report

Recommendations

IMPROVEMENTS TO CODE CONTENT

- Consolidating of and removing conflicts between the LDC and zoning code
- Clarifications to zoning categories, the official zoning map
- Incorporation of missing and omitted items, amendments, and additional requirements
- Revisions to conflicting sections, grammatical errors, and inaccuracies
- Clarification and addition of definitions
- Inclusion of visual examples and graphic representations
- Miscellaneous opportunities for improvement

A USER-FRIENDLY FORMAT

- Clear and easily comprehensible
- Ease in locating all relevant requirements
- Assist in submission of complete applications
- Assist City Staff to administer the regulations in a fair, efficient, and effective manner
- Assist the public to understand the processes better

Diagnostic Report

Recommendations

INCORPORATE COMPREHENSIVE PLAN OBJECTIVES INTO UDC

The Strategic Plan, included in the Comprehensive Plan includes action steps that pertain to the LDC and development codes.

Recommendations to implement the action steps have been identified.

Need to evaluate the validity of the adopted Comprehensive Plan in light of recent growth and lack of actual implementation since adoption.

Diagnostic Report

Recommendations

Proposed Amendments:

Combination of LDC, zoning codes, other development related codes
Consolidation of type of plats, clarify sequencing, public improvements construction, expiration
Comprehensive signage regulation update
Definitions – additions and clarifications
Clarity on external agencies and their approval responsibilities
Concept Plan/site plan requirements
Rewrite of Planned Development section
Addition of parking requirements in the land use tables
Exterior standards recommendations to conform to state statutes
Clarification on yards
Performance bond and surety amount
Comprehensive list of all applicable guidelines, regulations. and ordinances
Public improvements - color of street signs; provision of fiber in new subdivisions, etc.
Increased/updated development standards – landscaping, parking, on-street parking, subdivision entrances, subdivision connectivity, native plant list.

Diagnostic Report

Highlights

Contents

- * Overview of the development process
- * Pre-Application Conference
- * Application Processing - General information, application process, flow charts identifying all departments and agencies responsible for reviewing/approving, criteria for approval, expiration dates
 - Annexation*
 - Zone Changes*
 - Platting and Subdivision*
 - Residential Building Permits*
 - Inspections & CO*
 - Comprehensive Plan Amendments*
 - Variance, Special Exceptions, Specific Use Permits*
 - Commercial Building Permits*
 - Other permits*
 - Financing Tools - PID and TIRZ etc.*
- * Schedule of fees
- * Staff directory
- * List of all applications and permits, related application forms, submittal * checklists, and approval authority.
- * List of documents containing minimum standards and specifications
- * Other items identified by staff and specific to the City

Administrative Procedures Manual

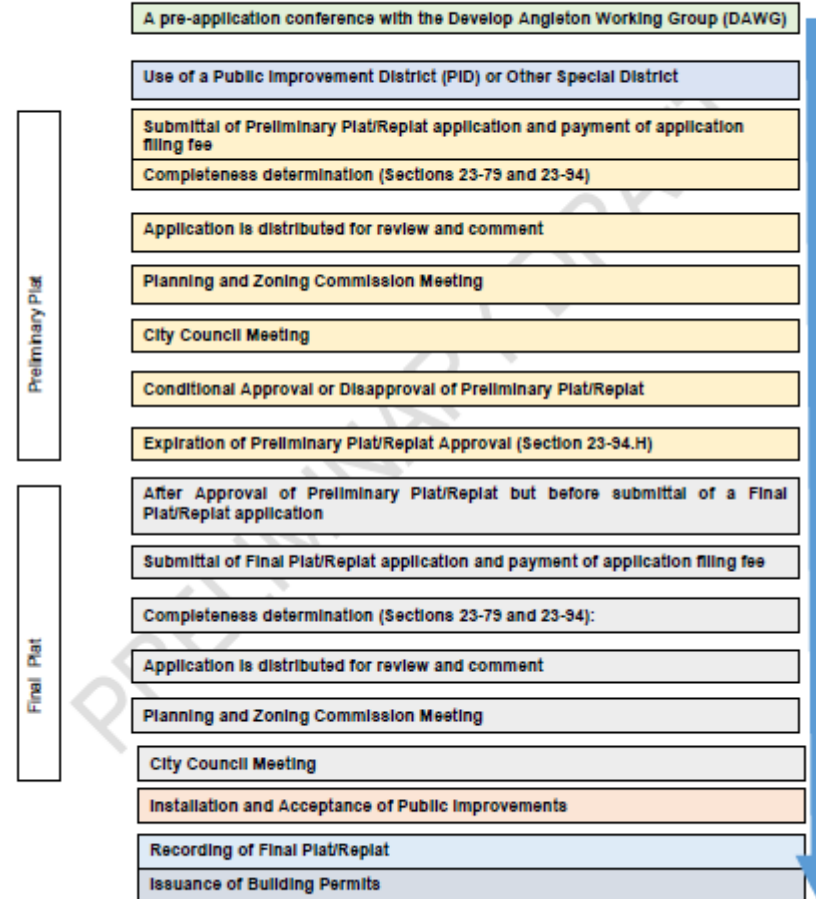
Contents

ADMINISTRATIVE DEVELOPMENT PROCEDURES MANUAL CITY OF ANGLETON 2021

DEVELOPMENT
SERVICES
DEPARTMENT

b. General Subdivision/Platting Process

The flow chart below describes the steps involved in the platting process. Depending on the type of plat, the process may differ, as explained in the following sections.



Chapter VII Platting

Page 5 | 45

Administrative Procedures Manual

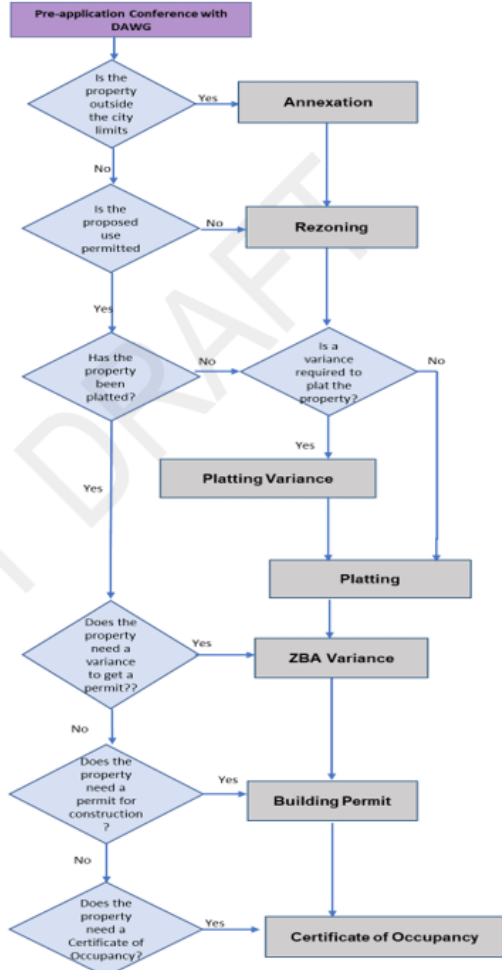
Process Flows and Streamlining



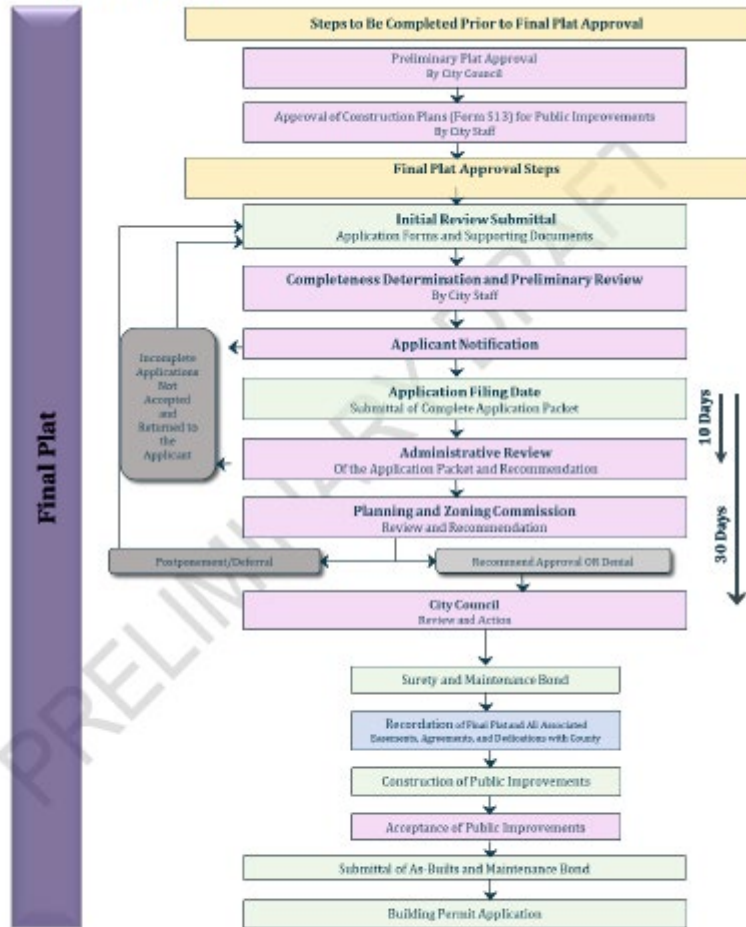
Development Process Overview

The development process can be defined as the process an applicant undertakes to obtain the necessary City approvals to construct any structure which requires a building permit within the City of Angleton. It can be a simple one-step process or a multi-step one, depending on the nature of the development. Development projects vary in scale and complexity, ranging from home renovation to the construction of a new building. The process is usually categorized into nine (8) steps from a fact-finding meeting to a certificate of occupancy.

We welcome your input and feedback so that we may continue to improve upon our current processes.

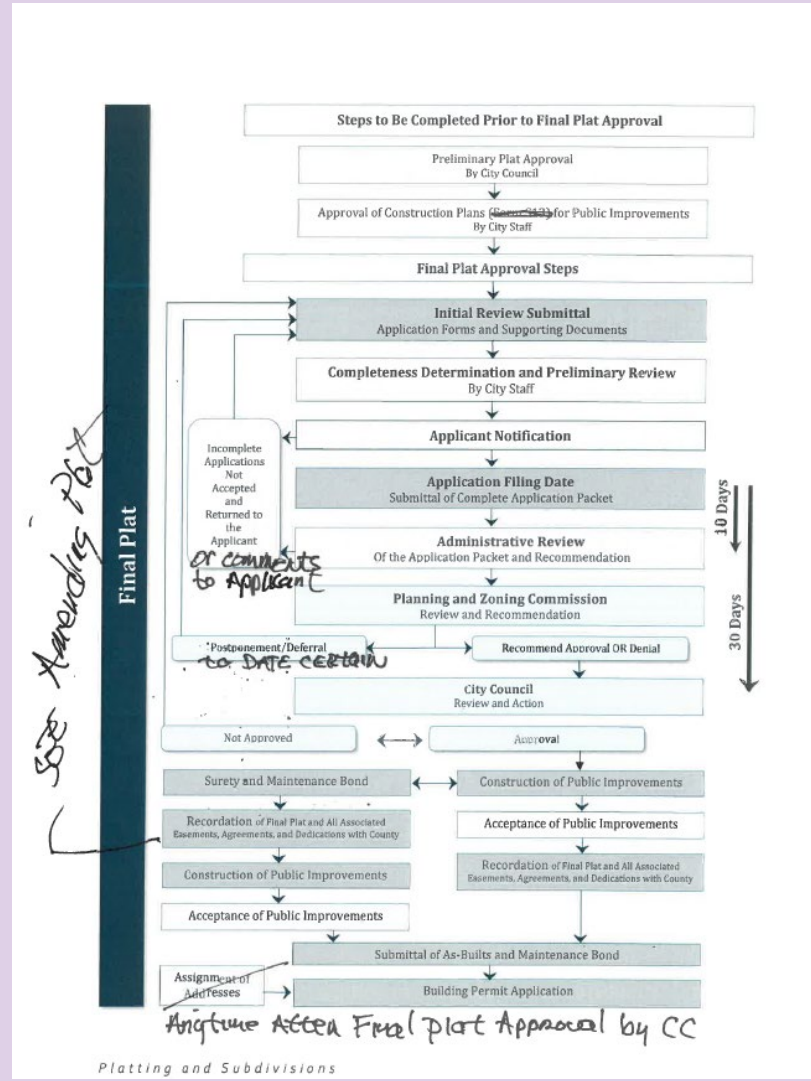


b. Process Flowchart



Administrative Procedures Manual

Compliance Requirements and Sequencing Overview & Details



Administrative Procedures Manual

- Streamlining
- Clarification of pre-requisites
- Statutory Compliance

APPENDICES**Appendix A UNIVERSAL APPLICATION FORM****Appendix B SPECIFIC APPLICATION SUBMITTAL CHECKLISTS****LAND USE POLICY RELATED**

- S1 Specific Application Form – Annexation
- S2 Specific Application Form – Rezoning and Future Land Use Map Amendment
- S3 Specific Application Form – Special Use Permit
- S4 Specific Application Form – Planned Development
- S5 Specific Application Form – Place holder

SUBDIVISION AND PROPERTY DEVELOPMENT RELATED

- S6 Specific Application Form – Amending Minor and Major Plat
- S7 Specific Application Form – Minor Consolidation Plat
- S8 Specific Application Form – Development Plat
- S9 Specific Application Form – Concept Plan
- S10 Specific Application Form – Preliminary Plat
- S11 Specific Application Form – Final Plat
- S12 Specific Application Form – Replat
- S13 Specific Application Form – Construction Plans

SITE DEVELOPMENT RELATED

- S14 Specific Application Form – Place Holder
- S15 Specific Application Form – Special Exception
- S16 Specific Application Form – Site Development Permit/Site Plan Review
- S17 Specific Application Form – Floodplain Development Permit
- S18 Specific Application Form – Stormwater Permit
- S19 Specific Application Form – Onsite Sewage Facility Permit (OSSF)
- S20 Specific Application Form – Variance
- S21 Specific Application Form – Certificate of Occupancy (CO)

S22 Specific Application Form – Group Living Operation License**S23 Specific Application Form – Grading/Clearance Permit****BUILDING PERMITS RELATED**

- S24 Specific Application Form - Commercial Building New/Remodel/Addition
- S25 Specific Application Form – Fence
- S26 Specific Application Form – Miscellaneous
- S27 Specific Application Form – Building Permit 1 & 2 Family Form
- S28 Specific Application Form – Place holder
- S29 Specific Application Form – Place holder
- S30 Specific Application Form – Solar
- S31 Specific Application Form – Swimming Pool
- S32 Specific Application Form – Demolition
- S33 Specific Application Form – Backflow Device/Irrigation Systems
- S34A Specific Application Form – Permanent Sign
- S34B Specific Application Form – Temporary Sign
- S35 Specific Application Form – Master/Common Signage Plan
- S36 Specific Application Form – Water Heater or Water Softener
- S37 Specific Application Form – Right-of-Way Construction
- S38 Specific Application Form – Flatwork/Driveway
- S39 Specific Application Form – Water-Wastewater Service

To be added:

- Moving or Wrecking Permit S X
- Alarm Permit S X
- Grooming Facility License S
- Alcohol permit S X
- Health Permit S X
- Temporary Health Permit S X
- Mobile Home Park Registration S X

Administrative Procedures Manual

Centralized Application Information

Universal Application
Specific Application



UNIVERSAL APPLICATION

All applications must be submitted with:

- (1) A complete **Universal Application** form (2 pages), and
 - (2) A complete **Specific Application Form** with all materials listed in the checklist for the specific application.
- The City staff is available to assist you in person at City Hall or over the phone at 979-849-4364.

DEVELOPMENT INFORMATION

Project Name/Address/Location: _____ Acreage: _____
 Brief Description of Project: _____
 Is property platted? ☐ No ☐ Yes Subdivision name: _____ No. of Lots: _____
 Recordation #: _____ Parcel(s) Tax ID#: _____
 Existing Use: _____ Proposed Use: _____
 Current Zoning: _____ Proposed Zoning: _____
 Occupancy Type: _____ Sq. Ft. _____ Bed #: _____ Bath #: _____ Car Garage #: _____
 Water System: ☐ Well ☐ Public Flood Zone: ☐ Yes ☐ No Sewer System: ☐ Septic ☐ Public

PROPERTY OWNER INFORMATION

Owner: _____ Contact Name: _____
 Address: _____ City/State/ZIP: _____
 Phone: _____ Email: _____

APPLICANT INFORMATION

Applicant/Developer: _____ Contact Name: _____
 Address: _____ City/State/ZIP: _____
 Phone: _____ Email: _____

KEY CONTACT INFORMATION

Name of the Individual: _____ Contact Name: _____
 Address: _____ City/State/ZIP: _____
 Phone: _____ E-mail: _____

SIGNATURE OF PROPERTY OWNER OR APPLICANT (SIGN AND PRINT OR TYPE NAME)

Signature: _____ Date: _____
 (Signed letter of authorization required if the application is signed by someone other than the property owner)

*****OFFICE USE ONLY*****	
DATE REC'D: _____	BY: _____
FEES PAID: _____	APPROVED BY: _____
DATE APPROVED: _____	
APPLICATION/PERMIT NO: _____	EXP DATE: _____

Applications shall be processed based on the City's official submission dates. When a completed application packet has been accepted and reviewed, additional information may be required by staff as a result of the review, therefore it may be necessary to postpone the proposed project and remove it from the scheduled agenda and place it on a future agenda.

SPECIFIC APPLICATION FORM Please check the appropriate type below:

Land Use Policy

- (Chapter 28 of the LDC)
☐ Annexation* - Form S#
☐ Comprehensive Plan Amendment (Text)
☐ Land Development Code (LDC) Text Amendment
☐ Rezoning/ ~~ELIM~~ amendment* - Form S#
☐ Special Use Permit* - Form S#
☐ Planned Unit Development (PUD)* - Form S#
☐ Development Agreement

Subdivision and Property Development

- (Chapter 42 of the LDC)
☐ Amending Plat* - Form S#
☐ Minor Plat* - Form S#
☐ Development Plat* - Form S#
☐ Concept Plan** - Form S#
☐ Preliminary Plat* - Form S#
☐ Final Plat* - Form S#
☐ Replat* - Form S#
☐ Construction Plans* - Form S#
☐ Vacating Plat
☐ Plat Extension

Site Development

- (Chapter 23 of the LDC)
☐ Vested Rights Verification Letter
☐ Zoning Verification Letter
☐ Written Interpretation of the LDC
☐ Temporary Use Permit* - Form S#
☐ Special Exception* - Form S#
☐ Site Development Permit* (Site Plan Review) - Form S#
☐ Floodplain Development Permit* - Form S#
☐ Stormwater Permit* - Form S#
☐ Certificate of Design Compliance* - Form S#
☐ Appeal of an Administrative Decision
 ☐ Zoning ☐ Others
☐ Variance
 ☐ Policy ☐ Judicial* - Form S#
☐ Sign Special Exception/Appeal to an Administrative Decision
☐ Administrative Exception
☐ Permit for Repair of Non-Conforming Use Building
☐ Letter of Regulatory Compliance
☐ On-Site Sewage Facility Permit (OSSF)
☐ Certificate of Occupancy (CO)* - Form S#
☐ Relief from Signage Regulations
☐ Grading/Clearance Permit - Form

Building Permits Related

- Commercial**
☐ New/Remodel/Addition* - Form S#
☐ Fence* - Form S#
☐ Miscellaneous* - Form S#
Residential
☐ New Home* - Form S#
☐ Remodel/Addition* - Form S#
☐ Detached Buildings* - Form S#
Others
☐ Solar* - Form S#
☐ Swimming Pool* - Form S#
☐ Demolition, Drive or Move S#
☐ New Lawn/Water* - Form S#
☐ Backflow Device/Irrigation Systems - Form S#
☐ Sign* (Permanent) - Form S#
☐ Appeal of Denial of Sign Permit S#
☐ Master/ Common Signage Plan* - Form S#
☐ Water Heater or Water Softener* - Form S#
☐ Right-of-Way Construction* - Form S#
☐ Flatwork* - Form S#
Inspections
☐ Mechanical ☐ Electrical
☐ Plumbing ☐ Building
☐ Others _____
Water- Wastewater Service
☐ Connect/ Disconnect Form* - Form S#

*These types of applications require additional information as listed in the Specific Application Form. Refer to **Appendix B** of the Administrative Procedures Manual for more information.

Application Checklist for all Applications

- ☐ Universal Application Form.
☐ Items listed in the checklist for the Specific Application Form (Form S#) ¹. (Please make sure the boxes are checked)
☐ Application Processing Fees and other application fees.
☐ Letter of intent explaining the request in detail and reason for the request.
☐ Signed Letter of Authorization required if the application is signed by someone other than the property owner.
☐ Site plan and shapefile drawings (if applicable) for the property
☐ Location map clearly indicating the site in relation to adjacent streets and other landmarks
☐ One (1) copy of proof of ownership (recorded property deed or current year tax statements)
☐ One (1) USB drive containing the general required documents in Adobe PDF format (if required)

¹For items that are duplicated in the specific type of application, only one copy is required.

121 S. Velasco, Angleton, Texas 77515
 979-849-4364 - Fax: 979-849-5561
<http://www.angleton.tx.us>

Administrative Procedures Manual

Universal Application Submittal Checklists



S2 SPECIFIC APPLICATION FORM – REZONING

Section 28-24 of the Zoning Ordinance

The following steps must be completed, and the items must be submitted for the application to be deemed complete and processed:

- ☐ Pre-Application Conference prior to application submittal.
- ☐ Concept Plan as prescribed in sec. 28-26 of the Zoning Ordinance (if PD district is involved)
- ☐ Site Plan as prescribed in sec. 28-26 of the Zoning Ordinance (if SUP is involved)
- ☐ A completed Universal Application and checklist signed by the owner/s of the property.
- ☐ A title report.
- ☐ Payment of all other applicable fees (see Schedule of Fees).
- ☐ 8½ x 11 copy of the legal description (metes and bounds) of the area encompassing the request. If the property is platted, a copy of the plat should be provided.
- ☐ Location/vicinity map showing the location and boundaries of the proposed zoning. Indicate scale or not to scale (NTS) and provide north arrow.
- ☐ Notarized statement verifying land ownership and, if applicable, authorization of land owner's agent to file the zoning change request
- ☐ Acknowledgement that the sign posted by the City on the property fifteen (15) days prior to the public hearing will be maintained until the zone change is heard at the public hearing.
- ☐ Provide evidence or proof that all taxes and obligations have been paid regarding the subject property.
- ☐ Electronic copies of the required exhibits in "PDF" format and shapefile for property boundary where applicable should be submitted in a USB flash drive or via email

Administrative Procedures Manual

Specific Application Submittal Checklists

Hyperlinks Resources

V. ZONING

Section 1 General Information

a. Purpose

The purpose of zoning is to ensure that the land uses of a community are properly situated in relation to one another and provide opportunity for each type of development. Zoning allows the city to manage the development density so that all areas within the city limits can be properly serviced by municipal facilities. Zoning classifies land within the City by districts or zones in which uses are established. Zoning also provides developmental requirements pertaining to lot sizes, building sizes, yard setbacks, parking, landscaping, screening, etc. These requirements vary from district to district based on the character of the district.

b. Overview

The City is divided into zoning districts as shown on the Official Zoning Map. The most critical information to verify prior to purchasing property for a particular purpose or planning a project within the City; residential or commercial, is the current zoning of the property.

The zoning of property will determine the nature of the development of the property. If the current zoning does not allow the intended use by right, a request may be made for a zone change (rezoning) or a Special Use Permit. Rezoning and Specific Use Permits are voted on by the City Council, subsequent to receiving a recommendation from the Planning and Zoning Commission. An application does not guarantee that the rezoning or Special Use Permit will be approved.

A use that currently exists on site may not always be permitted by right. In some cases, there are uses that may have been legally established prior to the adoption of current regulations and are considered non-conforming uses. Continuation and expansions of such uses or even minor additions to a property that is non-conforming may require a rezoning or other approval. It is always prudent to confirm the zoning and contact the City Staff for verification, prior to purchasing property or planning to build.

How to verify zoning and confirm permitted uses?

1. Check the zoning district designation of your property on the zoning map located in City's website at <http://angleton.tx.us/DocumentCenter/View/2257/Official-Zoning-Map-04-2017-PDF?bidId=>
2. Find out what use is permitted in zoning district that property is located in. Check : Sec. 28-81. - Use regulations (Charts) of the Code of Ordinances https://library.municode.com/tx/angleton/codes/code_of_ordinances?nodeId=PTICOOOR_CH28ZO_ARTIVUSRE_S28-81USRECH
3. Request a zoning verification letter from the City, if needed.

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CITY OF ANGLETON
2021-2022 PLAT SUBMITTAL SCHEDULE ¹

DRAFT

Meeting Month	Submittal Deadline (for Initial Review)	Completeness Check and Review Comments sent to Applicant ²	Application Filing Date (Complete Applications Only)	Administrative Review Comments Sent to Applicant	Request for Extension of Time Deadline ³	Planning & Zoning (P&Z) Meeting	City Council Meeting
	(Wednesdays at 5 pm)	(Fridays by 5 pm)	(Wednesday by 10:00am)	(Wednesdays by 5 pm)	(Fridays by 5 pm)	(2nd Thursdays at 6:30 pm) ¹	(3rd Thursdays at 6:30 pm)
January (2021)	December 9, 2020	December 18, 2020	December 23, 2020	December 30, 2020	January 8, 2021	January 14, 2021	January 21, 2021
February	January 6, 2021	January 15, 2021	January 20, 2021	January 27, 2021	February 5, 2021	February 11, 2021	February 18, 2021
March	February 3, 2021	February 12, 2021	February 17, 2021	February 24, 2021	March 5, 2021	March 11, 2021	March 18, 2021
April	March 3, 2021	March 12, 2021	March 17, 2021	March 24, 2021	April 2, 2021	April 8, 2021	April 15, 2021
May	April 7, 2021	April 16, 2021	April 21, 2021	April 28, 2021	May 7, 2021	May 13, 2021	May 20, 2021
June	May 5, 2021	May 14, 2021	May 19, 2021	May 26, 2021	June 4, 2021	June 10, 2021	June 17, 2021
July	June 2, 2021	June 11, 2021	June 16, 2021	June 23, 2021	July 2, 2021	July 8, 2021	July 15, 2021
August	July 7, 2021	July 16, 2021	July 21, 2021	July 28, 2021	August 6, 2021	August 12, 2021	August 19, 2021
September	August 4, 2021	August 13, 2021	August 18, 2021	August 25, 2021	September 3, 2021	September 9, 2021	September 16, 2021
October	September 8, 2021	September 17, 2021	September 22, 2021	September 29, 2021	October 8, 2021	October 14, 2021	October 21, 2021
November	October 6, 2021	October 15, 2021	October 20, 2021	October 27, 2021	November 5, 2021	Wed November 10, 2021	November 18, 2021
December	November 3, 2021	November 12, 2021	November 17, 2021	November 24, 2021	December 3, 2021	December 9, 2021	December 16, 2021
January (2022)	December 8, 2021	December 17, 2021	December 22, 2021	December 29, 2021	January 7, 2022	January 13, 2022	January 20, 2022

1. DATES ARE SUBJECT TO CHANGE AND MAY BE ADJUSTED DUE TO HOLIDAYS AND OTHER EVENTS
2. APPLICATIONS DEEMED INCOMPLETE WILL BE RETURNED TO THE APPLICANT AND WILL NEED TO BE SUBMITTED AT THE FOLLOWING SUBMITTAL DEADLINE FOR INITIAL REVIEW
3. EXTENSION OF 30-DAY PERIOD TO ACT

NOTE: PLATS THAT ARE APPROVED ADMINISTRATIVELY WILL FOLLOW THE SAME SCHEDULE FOR SUBMITTAL AND APPLICATION FILING

NOTE: IF A COMPLETE APPLICATION (INCLUDING REVISIONS AND RESUBMITTALS) IS SUBMITTED AFTER THE DEADLINE, THE APPLICATION WILL FOLLOW THE NEXT SUBMITTAL DEADLINE FOR INITIAL REVIEW

S13 ADMINISTRATIVE REVIEW OF CONSTRUCTION PLANS

Use this checklist as a guide for administrative purposes to review the submitted applications. Items necessary for Construction Plan review:

Case Number: _____ **County:** _____

Plat Recordation Number: _____

Reviewed by: _____ **Review Date:** _____

City / ETJ: _____

Check to make sure the application is complete and has the following information:

- ☒ A completed Universal Development Application and specific application form signed by the owner/s of the property.
- ☐ Payment of all other applicable fees.
- ☐ Electronic copies of the required exhibits in "PDF" format and shapefile for property boundary where applicable should be submitted in a USB flash drive or via email.
- ☐ Evidence that all taxes and obligations have been paid regarding the subject property
- ☐ All plans must be drawn and sealed by a Registered Professional Engineer (P.E.) and the design must be in accordance with the City of Fair Oaks Ranch policies and standards, and Unified Development Code (UDC) that can be found on the city website.

Applicants are required to provide the following information:

Yes	No	N/A	General Requirements	Code Ref.	Staff Actions Needed
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Approval of the Preliminary Plat.		Check if the plat has been approved and has any comments.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	A copy of: <input type="checkbox"/> Preliminary Plat. <input type="checkbox"/> Concept Plan, if required.		Check if it is provided.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Title report. <input type="checkbox"/> Deed restrictions. <input type="checkbox"/> Liens? <input type="checkbox"/> All easements listed in the title report must be shown on the face of the plat.		Check for accuracy between documents and the proposed plan.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	8½ x 11 black and white copy of the legal description (metes and bounds) of the area		Make sure the legal description matches

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	encompassing the annexation request. If the property is platted, a copy of the plat should be provided.		with the property shown.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All plan sheets must be 24" X 36".		Check if the submission is as per the requirement.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Location/Vicinity map showing the subject parcel and surrounding parcels and streets. Check if location/vicinity map and plat show the same location. <input type="checkbox"/> Scale 1 inch = 1 mile (suggested scale or not to scale [NTS] mentioned). <input type="checkbox"/> North arrow at top of sheet. <input type="checkbox"/> Address of the property.		Check if the location map is consistent with the plat shown.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Title Block. <input type="checkbox"/> Project Name/Name of subdivision. <input type="checkbox"/> Legal Description or Address. <input type="checkbox"/> Total acreage and total number of lots if applicable. <input type="checkbox"/> Name of owner and address. <input type="checkbox"/> Name of Registered Engineer and Surveyor. <input type="checkbox"/> Seal and signature of registered P.E. each set and Date/Date of revision.		Make sure the legal description matches with the property shown.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Boundary of tract by courses and distance with references. <input type="checkbox"/> Texas grid coordinate system. <input type="checkbox"/> Location of benchmark with M.S.L. elevations. <input type="checkbox"/> All easements and right-of-way identified and dimensioned.		Check for accuracy.
Yes	No	N/A	Site Data	UDC Ref	Comments
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	All drawings shall provide the following information: <input type="checkbox"/> Acreage in total tract <input type="checkbox"/> Average lot size <input type="checkbox"/> Total number of lots		Check for accuracy.
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Total Linear footage of infrastructure: <input type="checkbox"/> Streets. (Listed individually in lengths) <input type="checkbox"/> Water mains. (Identified size and length)		Check for accuracy.

Administrative Procedures Manual

Staff Review Checklists

Diagnostic Report

Development Codes

March 2022

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EXECUTIVE SUMMARY

The City of Angleton recognized the need for orderly growth and adopted zoning regulations for the City as early as 1981. The current Comprehensive Plan was adopted in 2005 and subsequently a comprehensive revision of the zoning ordinance was adopted in 2009 (Chapter 28 of the Code of Ordinances). Sections of the zoning ordinance have been amended since then. In addition to the zoning ordinance, the City adopted a Land Development Code (Chapter 23 of the Code of Ordinances) in 2018 that contains additional requirements and guidelines for land development, subdivision design, public improvements, infrastructure development, permits and procedures, and construction standards. Other land regulations and development related requirements such as signs, manufactured homes, junk yards, refuse containers, are interspersed in other sections of the Code of Ordinances.

The City has recognized the need to review the zoning ordinance, the Land Development Code (LDC) and other standards contained in various sections of the Code of Ordinances to identify measures to consolidate requirements; simplify and streamline the development process; encourage economic development and investment; and ensure compliance with the recent changes in the Texas Local Government Codes (TXLGC). The purpose of this Diagnostic Report is to review the applicable documents to identify areas of conflict and propose recommendations that are contextual to the City of Angleton.

As an initial step to formulate the diagnostic report, the project team gathered feedback from the City staff, developers, and the elected and appointed officials on the most pressing issues in the current code of ordinances and how to resolve those issues. Public input was gathered by using questionnaires that were sent to key stakeholders and made available on the City's website. Finally, the project team synthesized comments within a comprehensive framework of state statute analysis and industry best practices to identify areas of improvements.

Following the review of the report, City Staff, the Planning and Zoning Commission, and City Council will need to provide input on the recommendations contained herein. Once the recommendations have been incorporated, the changes will be reviewed by legal staff to ensure compliance with all applicable regulations and ordinances. Following the legal review and incorporation of the recommendations, the appropriate procedures will be followed for formal adoption.

DIAGNOSTIC REPORT

In an effort to update, reorganize and simplify the findings of the review of the City's LDC and zoning ordinance, observations and recommendations have been consolidated under four main categories listed below. Italicized text indicates the existing sections in the codes. Text proposed to be removed is shown as red strike-out and text to be added is shown in red underlined text.

CONFORMANCE TO TEXAS LOCAL GOVERNMENT CODE

Title 7, Chapter 211 of the Texas Local Government Code (TXLGC) grant powers to municipalities such as the City of Angleton to adopt zoning regulatory power to regulate development for the purpose of "...promoting the public health, safety, morals, or general welfare, and protecting and preserving places and areas of historical, cultural, or architectural importance or significance." Subdivision regulations are governed by Chapter 212 of the TXLGC. Other state statutes that guide growth and development include TXLGC Chapter 43: Municipal Annexation, Chapter 213: Municipal Comprehensive Plans, and Chapter 245 Issuance of Local Permits. The TXLGC requires that the cities follow statutory procedures when adopting these regulations.

The purpose of this section is to identify instances of non-compliance with the requirements of the TXLGC and process improvements permitted by the TXLGC that can be adopted in Angleton. The development codes must be cross-checked, improved, clarified, or rewritten to adhere to the statutory requirements, legal thresholds, and standards for planning, zoning, platting, annexation, and the administration of other land use regulations.

This section highlights recommendations to ensure that regulations are fair, defensible, and directly grounded in a legal framework. Modifications to the Code necessitated by recent changes in the Texas Local Government Codes will also be identified. This section also identifies areas where processes can be streamlined as permitted by the TXLGC.

APPLICATION PROCESS IMPROVEMENT

Application processing has these major components that assist in identifying areas of improvement.

Easy to understand
Efficient processes
Electronic review

The purpose of recommendations in this area is to:

- Incorporate simpler and more efficient processes where permitted by the state statutes, e.g., subdivision approval process.
- Assist the users to locate and comply with the application processing requirements and steps with ease.

IMPROVEMENTS TO CODE CONTENT

The code's written language and material content has been reviewed to identify areas of improvement. Zoning ordinances, development management, and other planning functions that seek to protect the health, safety and general welfare of the public can be refined and improved by undertaking the following actions:

Written Language Clarification: To improve the Code's material content, including its written style, as well as eliminating confusing and conflicting language, and ensure that various updates consider the overall intent of regulating development.

A User-Friendly Format: To identify areas that are not clear and easily comprehensible. Recommendations are included to assist applicants to find all relevant

requirements and submit complete applications with ease; for City Staff to administer the regulations in a fair, efficient, and effective manner; and for public officials to understand the process better.

These include:

- Consolidation of land development codes and zoning codes. Identification and correction conflicts between the LDC and zoning code and combining them
- Reorganization and rewrite of sign regulations to make it comprehensive
- Clarifications to zoning categories, the official zoning map, and amendments to the code
- Incorporation of additional requirements
- Revisions to conflicting sections, grammatical errors and inaccuracies
- Corrections to missing and omitted items
- Addition of definitions and clarify existing definitions
- Improvements to style and user-friendliness
- Inclusion of visual examples and graphic representations
- Miscellaneous opportunities for improvement

INCORPORATE COMPREHENSIVE PLAN OBJECTIVES INTO UDC

The City's Comprehensive Plan is the policy guide for developing the codes and regulations. The community's priorities can more holistically be reflected in the development codes and regulations to achieve the vision of the Comprehensive Plan.

While it is a good practice to identify items and tasks that could be addressed; given the age of the Comprehensive Plan, the lack of actual implementation since adoption, and the need for a Plan update due to a high growth rate, the City should evaluate the feasibility of a concentrated effort in this area. It may be beneficial to update the Comprehensive Plan to identify the current issues and action steps and reevaluate the UDC to ensure that those priorities are addressed..

The Strategic Plan, included in the Comprehensive Plan includes the following action steps that pertain to the LDC and development codes. Recommendations to implement the action steps need to be identified, if there is a consensus to move forward with any or all of these recommendations. This is not an exhaustive list and can be expanded to include other areas mentioned in the Comprehensive Plan.

#	Tasks
1	Update development related regulations such as zoning and subdivision requirements to reflect the patterns, character, mix and intensity of uses identified in the Future Land Use Plan.
2	Adopt infill/redevelopment incentives (flexibility in development regulations, waiver of development fees, direct grants, tax incentives).
3	Establish minimum design standards for the Downtown District that ensure complementary design and that implement the recommendations of the recently adopted Livable Centers Study
4	Promote the concentration of retail development at existing commercial nodes such as Downtown, the Midtown District and the SH 35 Commercial Corridor through incentives and restrictions

5	Anticipate future commercial growth along SH 288 through annexation and appropriate zoning.
6	Allow for introduction of compatible uses into residential areas, including limited neighborhood commercial development as well as major focal points such as schools, places of worship, parks, open spaces, day care, and post office as a means of strengthening neighborhood dynamics and pedestrian activity.
7	Utilize planned development provisions to encourage innovative and imaginative site design that minimizes adverse impacts on adjacent properties.
8	Protect the integrity of existing neighborhoods from intrusion by undesirable land uses through enforcement of development-related ordinances.
9	Anticipate future commercial growth along SH 288 through annexation and appropriate zoning.
10	Allow for introduction of compatible uses into residential areas, including limited neighborhood commercial development as well as major focal points such as schools, places of worship, parks, open spaces, day care, and post office as a means of strengthening neighborhood dynamics and pedestrian activity.
11	Utilize planned development provisions to encourage innovative and imaginative site design that minimizes adverse impacts on adjacent properties.
12	Protect the integrity of existing neighborhoods from intrusion by undesirable land uses through enforcement of development-related ordinances.
13	Promote remodeling and ongoing maintenance of existing structures and amenities
14	Revise development ordinances to include or enhance provisions for signage, landscaping, tree preservation, lighting, building façade design and materials.
15	Actively support visual enhancements and beautification efforts along the SH 35 corridor through public and private efforts.
16	Establish reasonable minimum standards for the screening of unattractive sites and views and the provision of buffering (dense vegetation, walls/fencing, increased setbacks, etc.) between incompatible land uses.
17	Utilize tax incentives, sales tax revenues, bonds, and public improvement districts to fund specific visual improvements and enhancements.
18	Enhance existing neighborhoods through improvements to the public right of way (such as street trees), protection of open spaces and scenic areas utilizing quality signage, landscaping, sidewalks, subsurface drainage and lighting.
19	Require connections between adjacent commercial developments and street stubs to areas available for future development.
20	Require all subdivision development to provide a minimum of two entrances. Consideration should be given for added entrances for large developments and single, divided entrances for small developments.
21	Encourage street stubs and connection to surrounding major roadways by permitting stubs and connectors to count as entrances.
22	Mandate connection to stub streets by adjacent new development
23	Develop driveway or curb cut separation standards that increase the length of separation according to street type, such as: - Arterial – 400 feet; - Major Collector – 300 feet; - Minor Collector – 200 feet; and, - Local Collector – 100 feet. 8 Examine the concept of requiring low maintenance medians for management of future major collector and arterial left-turn access.
24	Complete proposed trails along Brushy Bayou and Rancho Ditch and consider development of additional trails along other drainage ditches that include sufficient right-

	of-way.
25	Place protected crosswalks along local or collector roadways with an uninterrupted street length greater than 1,000 feet and at points of intersection with pedestrian paths.
26	Incorporate bicycle lanes along existing collector roadways that offer sufficient pavement width for safe bicycle travel (minimum six feet per side).
27	Coordinate bicycle lanes and trails to establish a connected bicycle network.
28	Establish buffer yard requirements within specific zoning districts (or in new overlay zones) to increase the visual appeal along specific corridors such as SH 288 or Loop 523.
29	Enhance signage requirements, such as shared signage, use of quality materials, and appropriate height, particularly within specified corridors. Revise parking standards to require increased vegetation within the parking area. to reduce visual clutter. Improve signage in the downtown area to clearly direct traffic to public parking facilities in the area.
30	Adopt on-site detention regulations that require development to use street “ponding” techniques and underground detention to the full extent possible. Allow for dry detention ponds as a last resort while encouraging landscaping and enforcing maintenance codes Provide opportunities for innovative site design techniques such as decreased setbacks, cluster housing, zero lot line development and reduced lot size that can improve quality of life.
31	Establish limited design guidelines that address issues such as materials, roof pitch, façade treatment, porches (if applicable), proportional dimensions, garage, and other elements necessary to ensure that affordable new development and rehabilitation are consistent with the character of the area.
32	Revise ordinances as needed to permit development of alternative housing types such as granny flats, row houses and multiple family homes in select new development and existing neighborhoods.
33	Provide density incentives to developers that are willing to incorporate alternative housing types into a new development.
34	Promote incorporation of deed restrictions or covenants into established neighborhoods along with development of a homeowners association with the capacity of enforcement.
35	Develop a voluntary “neighborhood conservation” overlay district designed to place additional maintenance, character, use, and appearance restrictions upon properties within the district.
36	Discuss the concept of annual rental registration requirement for all housing structures that will at least partially be available for lease. Registration may require an inspection of facilities prior to issuance of a permit.

APPENDICES

Appendix A: Compiled list of recommendations

- Chapter 23 LAND DEVELOPMENT CODE
- Part II - CODE OF ORDINANCE

This list includes recommendations for the following documents:

- Chapter 23 LAND DEVELOPMENT CODE
- Part II - CODE OF ORDINANCE
- Chapter 21.5 Signs – Comprehensive update/rewrite

The recommendations include the following areas:

A. General

- **Formatting** – edit for capitalization, document reference etc.
- **Consistency** - use consistent terms (e.g. City Manager /or designee) throughout the document.
- **Legal review** – legal review of all proposed changes prior to adoption.
- **Revision date** – update the revision date for each section prior to adoption.
- **Creation and adoption of standards specific to Angleton** - adopt standards relevant to the City of Angleton, as indicated.
- **References** – confirm references that area listed throughout in the LDC and zoning codes

B. Consolidation of all Development codes.

Combine Chapter 28 -Zoning and Chapter 23- Land Development Codes. Recommended combined chapter outline is shown below. Chapters deleted and moved from other sections are indicated in italicized underlined font. Existing chapters are indicated in regular black font.

Chapter 28- Zoning

- ARTICLE I. - ENACTING PROVISIONS
- ARTICLE II. - ZONING PROCEDURES AND ADMINISTRATION
- ARTICLE III ~~VI~~ - ADMINISTRATIVE PROCEDURES
- ARTICLE VI. - ADMINISTRATIVE BODIES (Combine with above)
- ARTICLE ~~I~~ - IN GENERAL (Combine with above)
- ARTICLE ~~VII~~ - PERMITS AND PROCEDURES – (Combine with above)
- ARTICLE IV ~~III~~. - ZONING DISTRICTS
- ARTICLE V ~~IV~~. - USE REGULATIONS
- ARTICLE VI ~~V~~. - DEVELOPMENT STANDARDS
- ARTICLE VII ~~II~~ - SUBDIVISION AND DEVELOPMENT DESIGN
- ARTICLE VIII ~~III~~ - PUBLIC IMPROVEMENT RESPONSIBILITIES
- ARTICLE IX ~~IV~~ - ENVIRONMENTAL MANAGEMENT
- ARTICLE X ~~V~~. - SIGNS
- ARTICLE XI ~~VI~~ - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES
- ARTICLE XII ~~VI~~ - INTERPRETATION; PRESERVING RIGHTS; PENALTY FOR VIOLATIONS; VALIDITY; EFFECTIVE DATE

- ARTICLE VIII. - ENFORCEMENT AND REMEDIES (Combine with above)

APPENDICES

- APPENDIX A. - PLAT LANGUAGE AND SUBMITTAL LISTS
- APPENDIX B. - STANDARD FORMS
- APPENDIX C. - ANGLETON CONSTRUCTION MANUAL (ACM)
- APPENDIX D. - ARTICLE IX. - RULES OF CONSTRUCTION, ACRONYMS, DEFINITIONS

Chapter 23 - Land Development Code

- ARTICLE I. - IN GENERAL
- ARTICLE II. - SUBDIVISION AND DEVELOPMENT DESIGN
- ARTICLE III. - PUBLIC IMPROVEMENT RESPONSIBILITIES
- ARTICLE IV. - DEVELOPMENT STANDARDS Reserved
- ARTICLE V. - ENVIRONMENTAL MANAGEMENT
- ARTICLE VI. - ADMINISTRATIVE BODIES
- ARTICLE VII. - PERMITS AND PROCEDURES
- ARTICLE VIII. - ENFORCEMENT AND REMEDIES
- ARTICLE IX. - RULES OF CONSTRUCTION, ACRONYMS, DEFINITIONS
- APPENDIX A. - PLAT LANGUAGE AND SUBMITTAL LISTS
- APPENDIX B. - STANDARD FORMS
- APPENDIX C. - ANGLETON CONSTRUCTION MANUAL (ACM)

C. Chapter 23 - LAND DEVELOPMENT CODE

The proposed changes, as contained in the attached redlined version of the Land Development Code (LDC), are summarized below:

1. Clarify the applicability of the LDC in the ETJ areas, in conformance to TxGC (e.g. Inconsistency of Section 23-5.G with TxLGC as it extends land use controls regarding Manufactured Home Subdivisions and Parks.
2. Remove duplication with sections in the zoning code (e.g. non-conforming uses.)
3. Clarify of the impact of LDC restriction on those restrictions imposed by private agreements.
4. Clarify other current applicable standards and requirements adopted by the City and county such as drainage criteria, construction manuals, comprehensive plan, downtown plans, highway manual, flood protection, transportation plans, and others. etc.
5. Create and adopt standards specific for Angleton.
6. Clarify drainage easement location and alignment.
7. Amend the section that currently allows minor deviations from the lot design requirements during the platting process to be approved staff. Deviations are considered variances and need to follow the variance approval processes.
8. Consider consolidation and reduction in the types of Plats. Allow for administrative approval process where permitted by TxLGC.
 - a. Current
 - i. Administrative Approval:
 1. Minor Consolidation Plat or Replat
 2. Administrative Plats
 3. Amending Plat
 4. Minor Plat
 5. Development Plat

- ii. Planning & Zoning Commission and City Council Approval;
 - 1. Preliminary Plat
 - 2. Final Plat
 - 3. Major Amending Plat
 - 4. Major Consolidation Plat or Replat
 - b. Proposed
 - i. Administrative Approval:
 - 1. Minor Plat
 - 2. Amending Plat
 - 3. Development Plat
 - ii. Planning & Zoning Commission and City Council Approval;
 - 1. Preliminary Plat
 - 2. Final Plat
 - 3. Replat
- 9. Standardize the time lines, expiration dates, and validity. Recommendations:
 - a. All plats except Final Plat - 1 yr. with an additional 1 yr. of extension.
 - b. Final Plat – 1 yr. with an additional 6 months of extension
 - c. Construction Drawings – 1 yr. with an additional 6 months of extension.
 - d. Completion of public improvements and acceptance – 1 yr. with an additional 1 yr. of extension. If construction is not complete, a performance bond needs to be submitted.
 - e. Confirm if this current requirement can be implemented - Final plat for recorded subdivision considered null and void and deemed to have been withdrawn if required improvements not completed within 30 months of approval.
- 10. Clarify the platting sequencing and construction of public improvements
 - a. Amend the subdivision process to require approval and construction of public improvements prior to Final Plat review and approval, unless a performance bond is submitted.
 - b. Step 1 – Preliminary Plat approval
 - c. Step 2 – Approval of Construction Plans for public improvements
 - d. Step 3 – Construction and acceptance of public improvements OR Performance Bond
 - e. Step 4 – Final Plat Approval
 - f. Step 6 – Construction and acceptance of public improvements if a Performance Bond was submitted
 - g. Step 7 – Plat recordation
 - h. Step 8 – Building permit issuance
- 11. Clarify the responsibilities of BOA and P & Z in granting variances:
 - a. Variance to subdivision regulations are granted by P & Z. BOA does not have the authority to grant LDC variances. Staff does not have authority to grant any variances.
- 12. Confirm and modify the time for processing appeals or variance requests by the board of adjustment. The 45 calendar day time frame may not be a statutory requirement.
- 13. Clarify that site plans need to meet all requirements. The details listed are incomplete.
- 14. Clarify when a concept plan is required and the approval process and authority. Differentiate the concept plan from site plan process.
- 15. Consider eliminating the need for P & Z approval for site plans and allow site plans to be reviewed as part of the building permit application. Currently, site plan approval is required for all non-single family residential projects prior to issuance of a building permit by the P & Z. This process is not required and adds additional time, resources,

and effort. If the site plan(s) submitted as part of obtaining a building permit do not meet minimum City standards then the applicant would be required to seek a variance from the BOA.

16. Subdivision standards;
 - a. Modify lot sizes for Through Lots – require twice the minimum lot area.
 - b. Require two means of access for all subdivisions with more than 30 lots, for any phase.
 - c. Add sidewalk width requirements for each type of street in the Street Dimension Standards table.
 - d. Require 125% (city policy) of the cost of pending public improvements as a performance bond instead of 100% noted in the LDC and 125% as maintenance bond instead of 25%.
17. Clarify finished floor elevation (FFE) for lots adjoining floodway.
18. Standardize OSS requirements for city and ETJ.
19. Easement:
 - a. Standardize location and easement width for location of utilities. Update LDC to meet city standards.
 - b. List exceptions for when utilities can be placed above ground.
 - c. Address width of pipeline easements, and the minimum setback for a structure from a pipeline.
20. Clarify TIA requirement and scope or add reference to the relevant manual and standards.
21. Confirm the policy on utility extension, distance for extension of utilities to the development.
22. Agreements:
 - a. Consider removing Division 3. Special Agreement (reimbursement) from the LDC and make it policy document.
 - b. Develop a standard agreement for reimbursements and clarify the process and commitments.
23. Revise Division 1. Flood Damage Prevention based on Atlas 14 data that may increase the required elevation above BFE. Review and revise the entire section. It was not done as part of this review.
24. Review the exceptions to tree protection requirements. Clarify what requirements would be applicable for conversion of a homestead to a commercial development.
25. Modify Table 23.76 to list all types of applications.
26. Amend the timelines in the Standard Development Procedures to meet the TxLGC requirements (shot clock provisions).
27. Recommend removing submittal requirements and forms from LDC and adding it to the Administrative Procedures Manual.
28. Others: Appendix - List of applicable codes and manuals to be updated. (Input from the City Engineer)

APPENDIX F – (Highlighted Items)	HDR Response
o. City Utilities Water and Wastewater Capital Improvements Plan (WWCIP), Water System Standard Specifications for Water and Sanitary Sewer Construction	NO - City Utilities Water and Wastewater CIP – To my knowledge, there is currently no plan in place; however, once this is developed it should be incorporated or have the section reserved.

	YES* - Water Standard Specifications for Water and Sanitary Sewer Construction – Currently use LDC requirements along with Sugar Land Design Standards.
p. Low Impact Development Technical Guidance Manual	NO - The City currently does not have a LID Manual.
q. Storm Water Design Criteria Manual	YES* - Brazoria County Drainage Criteria Manual, along with Sugar Land Design Standards (****County and TxDOT standards used where required)
r. Water Systems Standard for Utility Construction Testing	YES* - Currently use LDC requirements along with Sugar Land Design Standards. Required to follow TCEQ rules and regulations noted in Appendix F.
s. Bicycle Facility Design Guidance	NO – The City currently does not have a Bicycle Facility Design Guidance
t. Sidewalk and Driveway Design and Construction Guidelines/ Design Guidance Manual.	YES* - Currently use LDC requirements along with Sugar Land Design Standards (****County and TxDOT standards used where required)
u. Standard Specifications for Construction,	YES* - Currently use LDC requirements along with Sugar Land Standards (****County and TxDOT standards used where required)
v. Water System Specifications for Water and Sanitary Sewer Construction (Standard Details Manuals).	YES* - Currently use LDC requirements along with Sugar Land Design Standards (****County and TxDOT standards used where required)

* Code/Manual used is under a different name and is identified on the list in APPENDIX F

Other items that should be considered for the list are:

- Detention Free Zone Ordinance
- Angleton Livable Centers Study Zone
- *For Item "h." in Appendix F, need to verify if the Brazoria County Stormwater Quality Coalition SWMP latest manual is from Effective Date of January 24, 2019 (by LJA Engineering)

D. Chapter 28 ZONING

The proposed changes, as contained in the attached redlined version pf the Zoning Code, are summarized below:

1. Clarification on a Specific Use Permit - Sec. 28-41.

SUP is not an overlay district and needs to be removed from the list list.

Overlay Districts	
PD	Planned Development
SUP	Specifie Use Permit

2. Add restrictions on open storage to ensure that it is not located in visible yards to too close to adjoining properties.
3. Rewrite the Planned Development overlay district to clearly articulate the requiremntns. Clarify submittal requirements in terms of concept plans, site plans etc.
4. Add parking requirements to each land use for ease of use.

Retail Sales or Service <u>with no drive through facility</u>	P*	P	NP	NP	NP	NP	NP	NP	1 space per 300 square feet of usable building area
---	----	---	----	----	----	----	----	----	---

5. Add clarifications for fencing, walls, landscaping, and screening requirements.
Add landscaping requirements along fences.
Clarify landscaping requiremntns for parking lots, screening of parking lots, detention facilities.
Require decorative fencing in the front yard for non-residential uses.
6. Retain exterior construction and design requirements, as recommend by some legal experts. In case the legislature changes, the cities need to be prepared without having to amend the codes. Recommend changing the word “shall” to “recommended.”
7. Modify illustrations to be in conformance with the written text, especially with regards to lot width measurements. Remove the requirement for showing setback lines on the plat. These will prevent issues with vesting smallest setbacks or mandating larger setbacks that that required by the applicable zoning requirements.
8. Allow communications antennas and support structures/towers by right in nonresidential zoning districts but require SUP in residential ones. Currently, towers or antennas are allowed in all districts with an administrative approval. Add screening for ground equipment also. Recommend that all variances be granted by the BOA.
9. Consider an amendment to move TABLE A.1 - Sec. 28-107. Performance standards other pertinent sections of the code. ? Review the location in the zoning code.
10. Restrict the height of lighting in parking lots from 35’ to 25’ for commercial and 20’ for all residential lighting, including street lights. . Higher lighting can be processed as a variance to determine the impact on surroundings.
11. Restrict the home occupation uses permtted in single-family residential.
12. Remove Section 28-110 as this section is redundant. Building setback requirements and buffering requirements in other sections would apply.
13. Definitions:
 - Delete redundant language in the introduction, after confirming with legal staff.
 - Clarify that the accessory use needs to be smaller than the principal use of the property.

- For definitions related to signs, refer to the chapter on Signs.
 - Prohibit pole signs.
 - Others as redlined.
14. Subdivisions - remove inconsistencies with the LDC.
 - Add sidewalk widths for clarification and ensure compliance.
 - Modify the amount of bond required to be consistent with City policy. The City requirement for a performance bond is 125% of construction cost estimate
 - Minimum points of vehicular access for subdivisions conflicts with other sections - Section 23-11.I and 24-111. Should be incorporated into a clarifying rewrite of Section 23-11.I.
 - Clarify references to other documents as redlined.
 15. Replace parkland dedication requiremntns as a function of dwelling units and not persons. Require parkland at a ratio of one-half acre of parkland for every 30 residential dwelling units in a development (replace 1/2 acre per 100 persons in the City).
 16. Post submittal schedules as reference in the code.
 17. Review and rewrite Sec. 23-81 - Inactive applications. All subdivision applications are covered by the completeness process, Section 245 and the 30 day “shot clock”. Needs clarification on the purpose of this section. Discuss the relevance of Constructive notice section with legal staff. It may not be needed.
 18. Identify Corridor Overlay Districts and consider enhanced requiremntns.

Appendix B

Chapter 21.5 - SIGNS

Proposed Chapter Outline:

Rewrite sections to include all signs in the approved matrix.

Sec. 21.5-1. – Scope,

Sec. 21.5-2. - Sign regulations—Generally.
Purpose, Applicability, and Effect.

Sec. 21.5-3. - Definitions.

Sec. 21.5-4. - Calculations

Sec. 21.5-5. General Requirements

- (1) Permits Required
- (2) General Permit Procedures
- (3) Permits to Construct or Modify Sign

Sec. 21.5-6. Types of Signs

- (1) Freestanding
 - a. Permanent Freestanding
 - i. Monument
 - ii. Pole
 - iii. Other
 - iv. Incidental
 - v. Electronic Signs/Flashing Signs
 - vi. Changeable Copy Sign
 - vii. Electronic Reader Board Signs (ERBS)
 - viii. Off-site or On-site Event Signs – Non-residential
 - ix. Off-site or On-site Event Signs – Residential
 - x. Flags
 - xi. Home-occupation Signs
- (2) Building
 - a. Wall
 - b. Building marker/historic sign
 - c. Canopy
 - d. Projecting
 - e. Roof
 - f. Roof, Integral
 - g. Street Address
 - h. Wall Window
 - i. Open Signs (Neon)
 - j. Electronic Reader Board
 - k. Auxiliary Sign
 - l. Home-occupation Signs
- (3) Temporary
 - a. A-Frame
 - b. Building
 - c. Banner
 - d. Beacon
 - e. Daily Display/Promotional Signs

- f. Holiday Signs
- g. Inflatable Signs
- h. Moving Signs
- i. Portable Signs
- j. Yard Signs
- k. Real Estate Signs

(4) Others

- a. Subdivision Signs
- b. Home Builder Signs
- c. Kiosk Signs
- d. Master Signage Plan
 - i. Multi-Tenant
 - ii. Multi-Lot
- e. Traffic Control Sign (private property)
- f. Vehicular Signs
- g. Sidewalk Signs
- h. Signs in Public ROW

Section 21.5-7. Exempt Signs

Section 21.5-8. Prohibited Signs

Section 21.5-9. Sign Matrix

Section 21.5-10. Political Signs

Sec. 21.5-11. - Obsolete signs, abandoned and dilapidated signs and supporting structures

Sec. 21.5-12. - Nonconforming signs.

Sec. 21.5-13. - Variance.

Sec. 21.5-14. - Exceptions and exemptions.

Sec. 21.5-15. - Sign administration and enforcement.

Sec. 21.5-16. - Revocation of permits.

Sec. 21.5-17. - Appeals.

Sec. 21.5-18. - Fees.

Sec. 21.5-19. - Sign companies.

Sec. 21.5-19.5. - Structural requirements for permanent signs.

Sec. 21.5-20. - Sign maintenance and removal.

Sec. 21.5-21. - Signs resembling official signs.

Sec. 21.5-22. - Proper shielding of lighted signs; interference with drivers of motor vehicles.

Sec. 21.5-23. - Signs not to create easements.

Sec. 21.5-24. - Accumulation of rainwater prohibited.

Sec. 21.5-25. - Locations.

Sec. 21.5-26. - Other laws.

Sec. 21.5-27. - Nonliability.

Sec. 21.5-28. - Violations and penalties.

Sec. 21.5-29. - Notice.

Sec. 21.5-30. - View obstruction of signs.

Angleton - Recommended Sign Matrix

Type of Sign	Maximum Area based on zoning category (square feet)	Number	Is included in total wall sign calculation?	Height (ft.)	Setback from the street (ft.)	Allowed in what zones	Duration
Freestanding Signs							
Entry Monument Sign for townhouse, condominium, or apartment complex	24 square feet	1		5'	10	SFA, MFR-14, MFR-29, MFR-36	Permanent
Monument	CG, COR, CBD-30; CN & CMU-20; L1-75	1 per street frontage.	No	CG, COR, CBD-15; CN & CMU-10; L1-15	CG, COR, L1-10; Others-8	CG, COR, CBD-30; CN & CMU-20; L1-75. Only in non-residential	Permanent
ERBS Freestanding Only	12 square feet. per sign face	One per sign	No	Contained within the freestanding sign	NA	Only in non-residential zones	Permanent
Off-site or On-site Event Signs-Non-Residential	On-site-6 square feet. Off-site-12 square feet	Off-site- 3 per event; On-site-one per event	No	NA	10	Only in non-residential zones	Off-site events-two (2) days prior to the event and must be removed within one (1) day after the event. On-site events-fourteen (14) days prior to the event and must be removed within (1) day after the event.

Type of Sign	Maximum Area based on zoning category (square feet)	Number	Is included in total wall sign calculation?	Height (ft.)	Setback from the street (ft.)	Allowed in what zones	Duration
Off-site or On-site Event Signs- Residential	6 square feet	Off-site- 3 per event; On-site- one per event				Only in residential zones	Two (2) days prior to the event and must be removed within one (1) day after the event
Flag	100 square feet	3 per lot	No	35' if mounted on the ground. 12' if mounted on top of a building.	15	All zones	Permanent
Multi-tenant signs	20% increase in the maximum sign area	1 per street frontage. Additional sign for frontage greater than 600'.	No	As per the zoning district	10', except 15' from any property line on SH-288	Only in non-residential	Permanent
Multi-user signs	20% increase in the maximum sign	1 per street frontage. Additional sign for frontage greater than 600'.	No	As per the zoning district	10', 15' from any property line on SH 288	Only in non-residential)	Permanent

Type of Sign	Maximum Area based on zoning category (square feet)	Number	Is included in total wall sign calculation?	Height (ft.)	Setback from the street (ft.)	Allowed in what zones	Duration
Incidental - E.g., no parking", "enter", "exit", "loading only", "telephone", and other similar directives	2 square feet per sign	One Directional sign per driveway or location	No	4	10	Only in non-residential)	Permanent
Building							
Building Marker- All zones (Historic)	2 square feet	1 per façade	No	NA	NA	All zones	Permanent
Canopy	2 square feet/per linear feet of building	1 per canopy	Yes	NA	NA	Only in non-residential zones	Permanent
Incidental on the building (directional, loading, no parking, etc.) - Only in non-residential zones	2 square feet	One sign per facade. Additional if required. To be determined by staff.	No	NA	NA	Only in non-residential zones	Permanent
Marquee	2 square feet/per linear feet of building.	NA	Yes	NA	NA	Only in non-residential zones	Permanent
Street Address	2 square feet sign.	1 per staff frontage	No	NA	NA	All zones	Permanent
Suspended	2 square feet	1 per building street	Yes	NA	NA	Only in non-residential)	Permanent

Type of Sign	Maximum Area based on zoning category (square feet)	Number	Is included in total wall sign calculation?	Height (ft.)	Setback from the street (ft.)	Allowed in what zones	Duration
		frontage					
Temporary Wall Sign	30 square feet/per building frontage	1 per building street frontage	No	NA	NA	All zones	Not to exceed 30 days
Wall	2 square feet/per linear feet of building.	NA	Yes	NA	NA	Only in non-residential zones	Permanent
Window	2 square feet/per linear feet of building	NA	Yes	NA	NA	Only in non-residential zones	Permanent
Others							
Banners (in public ROW)	Allowed only for city purposes, not allowed for any kind of private purposes						
Neighborhood Watch Signage-Allowed on private property	2	As required	No	6	NA	All zones	Permanent
Homebuilder Signs	16 square feet/each homebuilder; not to exceed 80 square feet.	One per 100' of street frontage	No	NA	10	Only in residential zones	Within 30 days after 90% of the homes are sold
Subdivision section directional signs	8 square feet in area, top height not to exceed 3½ feet and a						Upon the expiration of the valid use of land or lots as a model home sales office site in subject

Type of Sign	Maximum Area based on zoning category (square feet)	Number	Is included in total wall sign calculation?	Height (ft.)	Setback from the street (ft.)	Allowed in what zones	Duration
	bottom height not to exceed 1½ feet.						subdivision section.
Subdivision information sign regarding lot or home sales at the entrance to the subdivision	32 square feet						Within 30 days after 90% of the homes are sold
Exempt							
Any public notice or warning required by a valid and applicable federal, state, or local law, regulation, or ordinance	NA	NA	No	NA	NA	All zones	NA
Informational sign used by the City for the primary purpose of public notifications	NA	NA	No	NA	NA	All zones	NA
Temporary real estate signs such as coming soon, that advertise the property on which the sign is located for sale or lease	Residential-6; Nonresidential and multi-family - 64	1 per street frontage	No	Residential-3; Nonresidential and multi-family -12	10	All zones	7 days after the property is sold/leased
Works of art that do not include a commercial message	NA	NA	No	NA	10	All zones	Permanent
Holiday lights and decorations with no commercial message	NA	NA	No	NA	NA	All zones	Temporary
Traffic control signs on private property	2	As required	No	3	As required	All zones	Permanent

Type of Sign	Maximum Area based on zoning category (square feet)	Number	Is included in total wall sign calculation?	Height (ft.)	Setback from the street (ft.)	Allowed in what zones	Duration
Temporary signs advertising a “garage sale”	6	3	No	4’	1	All zones	May not be posted earlier than three days before the sale and must be removed within one day after the sale
Temporary signs placed on construction sites identifying the contractor, engineer, architect, or developer	64	1 per street frontage	No	8’	10	All zones	7 days after the completion of the project
Permanent subdivision identification signs approved by the City Council as part of the platting process or later	120	1 per subdivision entry	No	10	10, or in conformance with visibility triangle	All zones	Permanent
Temporary signs for special events such as charitable, church, or community activities	64	1 per street frontage	No	8’	10’	All zones	May not be posted earlier than three weeks before and must be removed within one day after the event
Model home signs	32	1 per model home lot	No	5	10’	Residential Zones	Within 30 days after 90% of the homes are sold
No Trespassing, No Hunting, and No Fishing Signs placed by the Landowner, within private property.	2 square feet	NA	No	8’	10’	All zones	Permanent

Type of Sign	Maximum Area based on zoning category (square feet)	Number	Is included in total wall sign calculation?	Height (ft.)	Setback from the street (ft.)	Allowed in what zones	Duration
Political and Campaign signs – As allowed by state statutes	36	2	No	8	10'	All zones	Within 2 days after the election
Water tower or a water storage device	NA	NA	No	NA	NA	All zones	NA
Yard signs such as announcement signs, happy birthday etc.	NA	NA	No	NA	NA	Residential Zones	30 days
Scholastic signs such as Longhorns, Aggies etc. that meet HOA guidelines	NA	NA	No	4'	NA	Residential Zones	NA
Not Permitted							
Beacons							
Vehicles used solely as signs							
Pole Signs							
Illuminated Signs							
Roof Signs							
Electronic Signs/Flashing Signs							
Obscene Signs							
Inflatable signs and tethered balloons,							
Sidewalk/sandwich signs							
Moving Signs, Trailer Signs, Vehicular Signs, Pennants, Small flags							
Off-Premises Signs (except City-owned Directional Signs)							
Neon Open							
Changeable Copy Sign							
Snipe Signs - utility poles etc.							
Auxiliary Signs							

Type of Sign	Maximum Area based on zoning category (square feet)	Number	Is included in total wall sign calculation?	Height (ft.)	Setback from the street (ft.)	Allowed in what zones	Duration
Electronic Reader Boards-Wall							
Home Occupation Signs-Building and Freestanding							
Animated Signs							
Human or hand-held signs not otherwise exempt							

Appendix C

Part II - CODE OF ORDINANCES Chapter 23 LAND DEVELOPMENT CODE

Chapter 23 LAND DEVELOPMENT CODE¹

ARTICLE I. IN GENERAL

Sec. 23-1. Title.

Chapter 23 of the Code of Ordinances of the City of Angleton, shall be known and may be cited as the Land Development Code, the LDC, or "this code".

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-2. Purpose.

The primary purposes of the LDC ~~are is~~ to:

- A. Implement the ~~comprehensive plan~~ 2007 Comprehensive Plan and other adopted plans, as set out in section 23-6, consistency with plans;
- B. Preserve and improve public health, safety, and general welfare of citizens and businesses; and

General notes:

Legal review of the final drat prior to adoption.

Update the revision date for each section prior to adoption.

Remove the Appendix and move that to the Administrative Procedures Manual. Add this reference in the LDC.

Adopt standards relevant to the City of Angleton, as indicated. E.g. require green street signs with white lettering, not blue like Sugarland.

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¹Editor's note(s)—Ord. No. 1-12-2018, § 1(Exh. A), adopted Dec. 11, 2018, repealed the former Ch. 23Editor's note(s)—, §§ 23-1Editor's note(s)—23-43, and enacted a new Ch. 23Editor's note(s)— as set out herein. The former Ch. 23Editor's note(s)— was entitled "Subdivisions," and derived from: Ord. No. 2325, § 1, adopted Apr. 19, 1994; Ord. No. 2457, §§ 1—3, adopted Dec. 21, 1999; Ord. No. 1-02-2018, § 2(Exh. A), adopted Feb. 13, 2018; and Ord. No. 1-06-2018, § 2(Exh. A), adopted June 12, 2018.

Cross reference(s)—Alcoholic beverages, Ch. 3Cross reference(s)—; location of alcoholic beverage establishments restricted, § 3-5Cross reference(s)—; limitation on the number of livestock per dwelling, § 4-5Cross reference(s)—; buildings and building regulations, Ch. 5Cross reference(s)—; fire limits established, § 5-46Cross reference(s)—; code for the elimination or repair of unsafe buildings adopted, § 5-511Cross reference(s)— et seq.; fire marshal authorized to order repair, etc., of dilapidated and unsafe buildings or other property, § 7-44Cross reference(s)—; housing, Ch. 11Cross reference(s)—; junked, abandoned, wrecked property, Ch. 12Cross reference(s)—; manufactured homes and manufactured home parks, Ch. 14Cross reference(s)—; parks and recreation, Ch. 17Cross reference(s)—; peddlers, itinerant merchants and solicitors, Ch. 18Cross reference(s)—; public amusements, Ch. 21Cross reference(s)—; streets, sidewalks and other public places, Ch. 22Cross reference(s)—; permit required for excavation in streets, § 22-2Cross reference(s)— et seq.; utilities, Ch. 26Cross reference(s)—; traffic and motor vehicles, Ch. 25Cross reference(s)—; zoning, Ch. 28Cross reference(s)—; zoning district regulations, § 28-61Cross reference(s)— et seq.

State law reference(s)—Regulation of subdivisions, V.T.C.A., Local Government Code § 212.001 et seq; authority to adopted subdivision regulations, V.T.C.A., Local Government Code § 212.002.

- C. Provide reasonable development restrictions without infringing rights guaranteed by the United States Constitution, the Texas Constitutions, or the laws of the United States or State of Texas.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-3. Authority.

Texas Statutes. The provisions of the LDC are adopted pursuant to the authority granted by the Constitution and laws of the State of Texas, including:

- TLGC Ch. 42, Extraterritorial Jurisdiction of Municipalities;
- TLGC Ch. 212, Municipal Regulation of Subdivision and Property Development;
- TLGC Ch. 245, Issuance of Local Permits; and
- TWC §§ 16.311—16.319, Flood Insurance.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-4. Jurisdiction.

- A. *City.* The LDC regulations are minimum standards applicable to all property in the corporate boundaries of the City of Angleton.
- B. *ETJ.* Development in the extraterritorial jurisdiction (ETJ) is subject to the LDC to the full extent allowed by V.T.C.A., Local Government Code Ch. 42 and all sections and subarticles of V.T.C.A., Local Government Code Ch. 212, and any other sections of the TLGC that may be, or become, relevant and pertinent to the ETJ.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-5. Applicability.

- A. *Generally.* No land shall be developed, redeveloped, or substantially improved, except in accordance with this Code. The following actions are considered to be "development" and subject to the LDC:
1. *Use of land.* The use of any building, structure, or land, including new uses, expansion, and ~~material substantial~~ changes to the ~~operational characteristics of~~ existing uses within the city;
 2. *Grading of land.* Any ~~nonagricultural~~ disturbance of land, soil, vegetation, or drainage ways, ~~excluding landscaping~~, shall conform to the LDC for all properties in the city and the **ETJ**; and
 3. *Subdivision.* Any division of land for development, sale, or lease, whether by metes and bounds, subdivision, or other technique, shall comply with the LDC. Deed divisions of land that result in parcels where all resulting tracts have a lot area of five acres are exempt from the subdivision requirements of the LDC, but may be required to file a development plat, as set out in section 23-87, Administrative plats.
 4. *Site development.* Site development, ~~excluding all land use requirements in the ETJ~~, is subject to all requirements of the Angleton Code of Ordinances to the full extent allowed by V.T.C.A., Local Government Code Ch. 212.
 5. *ETJ development.* The city reserves the right to require the approval of a development plat and site plan for property in the ETJ ~~to ensure that development complies with all applicable LDC requirements and any other ordinances where as allowed by~~ TLGC Ch. ~~212-42~~ **is cited as an "authority"**.

Commented [LK1]: Needs legal review on the jurisdiction and powers in the ETJ

(Supp. No. 19)

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- B. *Applicability to publicly owned property.* The LDC is applicable to all public agencies and organizations to the full extent allowed under the U.S. and Texas Constitutions, and the laws of each.
- C. *Pending applications.* Development applications shall be governed by the laws and regulations in effect when they were ~~submitted~~deemed as complete submittals.
- D. *Creation of a building site and issuance of a permit ~~permitting~~.*
1. Construction or building permits may not be issued unless the parcel, lot, or tract:
 - a. Is part of a plat of record, approved by the city council, or Brazoria County, and is filed in the plat records of Brazoria County, Texas;
 - b. Was created prior to the adoption of Ordinance No. 333 on February 11, 1964;
 - c. Was created by a deed division prior to being subject to requirements that required subdivision approval;
 - d. Was lawfully created prior to being annexed into the city or added to city's ETJ;
 - e. Was lawfully created by the action by a court of competent jurisdiction or by the dedication of easements or right-of-way; or
 - f. Was created through a lawful deed division that created parcels that were each five acres in area, or larger.
 2. If any of the conditions for the creation of a building site exists and changes are not proposed to the property configuration, the property is a legal building site and a building permit may be issued without additional platting being required, unless a development plat is required, as set out in section 23-87, Administrative plats.
- E. *Nonconforming lots.*
1. *Standards.* Existing nonconforming lots may be combined to increase conformity as follows:
 - a. Where a landowner owns several abutting lots that do not conform to the LDC, they may be consolidated or replatted as a conforming lot, or lots, or to a design that reduces the degree of the nonconformity.
 - b. A proposed combination or replat of nonconforming lots ~~may not~~meets all the requirements of the LDC.
 - i. ~~Materially disrupt the lotting pattern of the street, for example, by creating a through lot or a lot with an inconsistent orientation to a street;~~
 - ii. ~~Result in regularly shaped lots being combined into a single lot with an irregular shape; or~~
 - iii. ~~Result in a lot that does not have direct access to a public right-of-way or access to utility services, unless such a lot is intended to be used for a purpose where public access and utility service is not required.~~
 2. *Prohibited actions.*
 - a. Nonconforming lots, or interest therein, may not be transferred, conveyed, sold, or subdivided to create a new nonconforming lot, to avoid, circumvent or subvert any provision of this LDC, or to leave remaining lots in violation of the LDC;
 - b. ~~No lot, or portion of a lot, required as a building site by this LDC, may be used as a portion of a lot for another structure without adhering to all platting requirements of the LDC;~~

Commented [LK2]: This language is confusing, see recommended addition of "created" below.

- c. No building permit may be issued for any lot or parcel of land which has been illegally created, conveyed, sold, or subdivided in violation of the LDC; and
 - d. ~~Any transferee who acquires a lot in violation of this section, without knowledge of such violation, and any subsequent transferee, may have the right pursuant to Texas law to rescind and/or receive damages from any transferor who violates the provisions of the LDC, and the city may take appropriate actions as set out in this chapter.~~
3. *Construction on substandard lots.* A legal lot that does not meet zoning district requirements with respect to lot area or lot width may be built upon if:
- a. The use is permitted in the zoning district in which the lot is located;
 - b. The lot has sufficient frontage on a public street to provide access that is appropriate for the proposed use; and
 - c. The proposed development will comply with all applicable development standards of the LDC, including lot width.
- F. *Vested rights "issuance of local permits".* Property owners who have filed a completed application or have obtained approval of any project or permit prior to the effective date of this LDC that has not expired, shall be considered in compliance with TLGC Ch. 245.
- G. *Applicability of certain chapter of the Angleton Code of Ordinances in the ETJ.* Under the authority of TLGC Ch. 212, Municipal Authority of Subdivision and Property Development, the following chapters of the City of Angleton Code of Ordinances are expressly incorporated by reference into the LDC and are in full force and effect in the ETJ and shall be regulated by the city by the submittal of construction plans, a site plan, design drawings, development plat, or plat; as is determined to be appropriate, by the type of development that being requested:
1. Chapter 14: Manufactured Homes and Manufactured Home Parks (design standards only);
 2. Chapter 16: Oil, Gas, and Minerals;
 3. Chapter 21.5: Signs;
 4. Chapter 30: Special Districts; and
 5. All environmental management requirements set out in article V of this LDC.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-6. Consistency with plans.

The LDC implements the following existing plans and all additional plans that will be formally adopted by the city council after the adoption date of this Code:

- ~~2018 Angleton Strategic Plan;~~
- ~~2007 Angleton Comprehensive Plan;~~
- ~~2011 Downtown District Vision;~~
- ~~Brazoria County Stormwater Quality Coalition MS4 Construction Guidance Document, as amended;~~
- ~~2007 TXDOT State Highway 35 Major Corridor Feasibility Study Final Report;~~
- ~~2015 SH 288 Development and Land Use Assumption Study;~~
- ~~2016 CR 220 Development Capital Improvements and Land Use Assumptions Study;~~

Commented [LK3]: Not needed.

Commented [LK4]: Added a definition of legal lot.

Commented [LK5]: List all the relevant standards and plans in the appendix.

- ~~2008 Master Drainage Plan;~~
- ~~2008 Angleton Drainage District Flood Protection Plan;~~
- ~~2001 Parks and Recreation Comprehensive Master Plan and Open Space Plan, as amended;~~
- ~~The Angleton Capital Improvement Program, as amended; and~~
- ~~Applicable Houston-Galveston Area Council of Governments and TXDOT Regional Mobility Plans.~~

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-7. Enactment, repeal, and effective date.

- A. *Enactment and effective date.* The enactment of this ordinance shall repeal Ordinance No. 1-06-2018, adopted on June 12, 2018, and shall repeal chapter 8, "Flood Damage Prevention" of the Code of Ordinances of the City of Angleton, in its entirety, replaced by Ordinance No. 1-12-2018, hereafter titled the Land Development Code (LDC), adopted by the city council on the effective date of December 11, 2018; incorporated into the Code of Ordinances of the City of Angleton as chapter 23, "Land Development Code".
- B. *Existing ordinances and regulations.* Any other ordinance, resolution, or regulations not expressly cited in this section that are inconsistent with the LDC shall be considered to be superseded by the adoption of the LDC. Specific regulations of any such ordinance that were not affected by this LDC shall remain in full force and effect.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Commented [LK6]: Needs to be updated, prior to adoption of any amendments

Sec. 23-8. Abrogation and greater restrictions.

- A. The LDC establishes minimum standards necessary to accomplish the purposes set out in section 23-2, Purpose.
- B. It is not the intent of the LDC to interfere with, abrogate, or annul any easement, covenant, deed restriction, or other executed agreement between private parties, including development agreements.
- C. When the provisions of this LDC impose a greater restriction than those restrictions imposed by private agreements, the provisions of the LDC shall control.
- D. ~~When private agreements impose a greater restriction than the restrictions imposed by the LDC, the private agreements shall control.~~ The city has no duty to search for the existence of private restrictions, or to administer, or enforce, any private restriction.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-9. Severability.

All sections, paragraphs, sentences, clauses, and phrases of the LDC are severable, and if any such section, paragraph, sentence, clause or phrase is declared unconstitutional or otherwise invalid in any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not cause any remaining section, paragraph, sentence, clause, or phrase of the LDC to fail or become invalid.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

ARTICLE II. SUBDIVISION AND DEVELOPMENT DESIGN

(Supp. No. 19)

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Sec. 23-10. General design principals and requirements.

- A. *Generally.* The purpose of this article is to establish minimum design requirements to create a quality development design that relates to existing and future surrounding development.
- B. *Design principles.* The following design principles shall be implemented into plat design:
1. *Compatibility and connectivity.* Proposed developments shall be designed to:
 - a. Provide appropriate buffers and transitions between different land uses;
 - b. Improve mobility across the city and the ETJ; and
 - c. Provide vehicle and pedestrian connections to neighboring properties.
 2. *Neighborhoods.* Neighborhoods will be designed:
 - a. In a context sensitive manner to ensure long-term neighborhood viability;
 - b. In a manner that will conserve wetlands, bayous, and other natural features;
 - c. With well-managed stormwater runoff that is conveyed in storm sewers, streets, and other methods to phase out the use of steep slope deep bar ditches, [where practical](#);
 - d. With usable open space to provide recreation, use buffers, safe distances from natural hazards, and to maintain mature tree stands, water quality, and environmental integrity;
 - e. With drainage improvements that serve additional purposes, such as recreation, usable open space, wetland and habitat preservation, or as buffer or amenity; and
 - f. In a manner that is compatible with adjoining uses and neighborhoods.
 3. *Aesthetic and environmental considerations.* Development will be:
 - a. Shaped and guided by natural contours and drainage patterns to avoid natural hazards and blend into natural environmental elements;
 - b. Context sensitive, without compromising public health or safety;
 - c. Open to design options that may result in the need for variances from rigid design standards to preserve wetlands, floodplains, heritage trees, or mature habitat areas; and
 - d. Encouraged to use lot clustering to maintain environmental assets as common space amenities, linear parks, use buffers, and other purposes that create community character.
 4. *Transportation and mobility.*
 - a. ADA compliant sidewalks ~~will~~shall be provided on all streets and into all parks;
 - b. Sidewalks ~~will~~shall be required to provide access to all building sites and amenities;
 - c. Street type, location, and functional classification will be guided by the Angleton Future Thoroughfare Plan (FTP);
 - d. Neighborhoods shall have multiple means of access to public streets and surrounding development to minimize congestion and maximize public safety;
 - e. Streets are a primary element of the drainage conveyance system and shall be designed to maximize their full drainage conveyance capacity to enhance public safety; and

- f. Streets shall not be "forced" into locations where they are not cost-effective, practical, result in public capital expenditures that are not warranted, or where an acceptable design alternative is available.
5. *Floodplains, wetlands, and drainage.*
- a. Regulatory floodplains shall be protected from development by:
1. Maintaining floodplains as open space, passive recreation, and drainage;
 2. Implementing all best management practices set out by the Texas Commission on Environmental Quality (TCEQ) and incorporated by reference into the [Angleton Construction Manual \(ACM\)](#);
 3. Adhering to all drainage requirements of the [Angleton Construction Manual \(ACM\)](#) ~~to help ensure that the amount of property located in a floodplain is not increased; and~~
 4. Pursuing all opportunities for regional detention on projects of all sizes and where appropriate, and in coordination with the Angleton Drainage District.
- b. Drainage easements shall have a minimum width as determined to be necessary by the City of Angleton, ~~and the Angleton Drainage District, and other appropriate entities,~~ and shall be:
1. Retained as right-of-way where they cross existing or proposed public roads; and
 2. ~~Platted in common ownership~~M-maintained by a property owners' association or when appropriate under the authority of the city or ~~Angleton Drainage District~~other entities; and
 3. Shall be designed in a manner that allows routine maintenance and are "green" to the greatest extent practicable and feasible.
- c. Easement alignment shall follow the approximate line of the channel on maximum 50-foot chords and when possible shall be located on lot or property lines; and
- d. Existing steep sloped roadside ditches should be eliminated when adjoining properties are developed and redeveloped ~~and in conjunction with capital improvement projects because:~~
1. The lack of curbs and gutters does not maximize the ability of streets to be used for drainage conveyance;
 2. Such ditches are a traffic hazard, prevent sidewalks and street parking, impede trash pick-up and delivery services, often result in heavy sheet flow from the street to the opposite side of the street directly toward homes and other buildings, and results in road, utility, and ditch maintenance issues.
6. *Utilities.*
- a. Utilities will be extended in a conservation-minded and efficient manner to provide for the expansion utility service in a manner that ~~is~~ environmentally and economically sound; and
- b. Utility improvements will be coordinated with the recommendations of the ~~comprehensive plan most recent version of the~~ [Comprehensive Plan](#), and all other utility plans of the city and its utility franchises.
7. *Public safety.*
- a. The city and the ETJ include potential natural and man-made threats to public health and safety. Among these are railroads, regional pipelines, floodplains, and protected wetlands. It is essential that these areas are identified and projects designed in a manner to maximize public safety to the greatest extent practical;

Commented [LK7]: Needs a definition of what "green" entails.

- b. Infrastructure should be designed to maximize public safety and mitigate existing public safety issues, ~~such as, but not limited to, bar ditches.~~ Standards should be updated, within a reasonable time, to adopt as soon as new technologies ~~are~~ proven to improve public health and safety. ~~The use of fire hydrants with fittings that allow universal connectivity is an example;~~
 - c. Projects shall be developed to provide as much separation as practicable between potential threats and vulnerable uses; and
 - d. City codes should be proactively updated to address threats to public safety ~~as soon as~~ threats, and potential solutions, are identified.
- C. Consistency with Angleton Construction Manual (ACM). Public improvements shall be designed in accordance with the following specifications and criteria, which collectively are the ACM. The ACM shall automatically be amended without formal action required to amend the LDC or the ACM when any criteria set out below are updated by the jurisdiction cited for each:
1. City of ~~Sugar Land~~ Angleton construction specifications, as ~~amended~~;
 2. City of ~~Sugar Land~~ Angleton design standards and appendices, as amended;
 3. City of ~~Sugar Land~~ Angleton construction details, as amended;
 4. City of ~~Sugar Land~~ Angleton approved products list and product application, as amended; and
 5. City of ~~Sugar Land~~ Angleton traffic impact analysis guidelines and worksheet, as amended
 6. City of ~~McKinney~~ Angleton Sediment and Erosion Control Manual, as amended;
 7. Brazoria County Stormwater Quality Coalition MS4 Construction Guidance Document, as amended;
 8. 2008 Angleton Drainage District rules, regulations, and guidelines, as amended; and
 9. Brazoria County Drainage Manual, as amended.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 24-11. Lots and blocks.

- A. *Lots generally.*
1. New lots ~~will~~ shall comply with applicable requirements set out in Code of Ordinances Chapter 28 - Zoning;
 2. ~~Lot size, area, shape, and orientation shall be appropriate to the location and the use;~~
 3. No parcel or lot shall be created that does not meet the minimum requirements of the LDC and the zoning requirements; and
 4. Undevelopable remnant properties that do not conform to the LDC or the zoning requirements shall not be created through the subdivision process.
- B. *Lot shape.*
1. Side lot lines shall generally be at approximate right angles, or radial to, street lines right of way; and
 2. Alternative configurations may be approved the platting process by the Planning and Zoning Commission and City Council to accomplish the purposes of the LDC, such as preserving natural resources or dedicating right-of-way.
- C. *Lot frontage.*

Commented [LK8]: Update the manual to be tailored to Angleton and refer to the latest version.

Commented [LK9]: This sentence is not needed since the City has zoning requirements.

Commented [LK10]: Added language to clarify that any deviations or variances will need approval.

1. *Required frontage.* Each lot or building tract shall front on a public street, in accordance with applicable lot width requirements.
 2. *Residential lots.*
 - a. New residential lots shall only front on local and minor collector streets, and shall not front on major collector, ~~or~~ arterial streets, or highways;
 - b. The ~~development administrator~~ Planning and Zoning Commission ~~may administratively approve~~ minor deviations from the lot design requirements during the platting process when terrain or property constraints limit design alternatives or when such deviations result in the preservation of a heritage tree, as set out in section 23-60, Heritage Tree Protection; and
 - c. Platted lots shall touch a right-of-way and not block access to be platted in a manner that does not result in landlocked properties or without any not provide means providing public access to properties that currently do not have frontage.
 3. *Nonresidential lots.* Nonresidential lots shall be designed in manner that allows development designed in manner that complies with all applicable requirements.
- D. *Through lots.* Through lots, or double frontage lots, shall be avoided, except:
1. Where a development is sufficiently large, with a lot area that equals twice the minimum lot area required for the zone that the lot is located in, to require two frontages;
 2. When necessary to overcome topographic or environmental issues; or
 3. Where deemed to be appropriate by the city engineer in accordance with generally accepted engineering practices.
- E. *Corner lots.* Corner lots intended for residential use shall have additional width ~~to allow appropriate building setback and orientation to both streets, a driveway, and provide adequate corner visibility.~~
- F. ~~Lot orientation to T intersections. The building envelope of lots at the terminal end of a "T" intersection shall be offset from the centerline of the terminated street in order to mitigate the impacts of oncoming traffic on the use of the lots.~~
- G. *Width of irregular lots.* Cul-de-sac lots or irregular shaped lots shall have ~~sufficient~~ the required width at the front building line to meet minimum lot frontage requirements.
- H. *Drainage ways.*
1. Buildable lots shall not encroach into a regulatory floodplain or floodway.
 2. Floodplains may be platted as open space, common area, a drainage easement, and for essential services that are required to be located in close proximity to regulatory floodplains.
- I. *Adequate and safe access.*
1. All subdivisions containing 30 or more lots must have at least two points of 100-year storm compliant public access constructed to ACM standards, that connect to paved public streets.
 2. ~~The city council may approve subdivisions that have more than 30 lots, but fewer than 50 lots, with a single entrance to a paved public street provided that such a connection to an existing paved public street is designed as a boulevard with a width sufficient on each driving lane for fire truck access, with an unbroken median length of 100 feet, unless left turn lanes and median breaks, designed to ACM standards, are installed at any crossing streets.~~
 3. ~~The city council may approve subdivisions that have more than 50 lots, with a single entrance to a paved public street subject to the entrance to the development being designed as a boulevard with a width~~

Commented [LK11]: Approving authority

Add specifications
for double frontage
lots.

Commented [LK12]: Specify min. lot area = twice the required lot area for the zone.

Not required

Specify the width required

Commented [LK13]: Repeated under subdivision requirements. Sec. 23-12. I. Streets and driveways

sufficient on each driving lane for fire truck access, with an unbroken median length of 150 feet, unless left-turn lanes and median breaks, designed to ACM standards, are installed at any crossing streets, subject to a phasing plan that stipulates when the second access will be provided and the developer or subdivider posts surety for the second access point. The council may defer plat recordation until adequate access is provided.

4. Where more than one street connection to paved public streets are required, both connections, when located in close proximity to creeks, bayous, and flooding hazards shall be designed so that each street is accessible in a 100-year storm to prevent water from over-topping each road. Only one street may not be located over a potential hazard, such as a high-pressure pipeline, unless such a connection is required by the FIP and the utility provider consents to such a crossing.
5. When more than one connection is required, the city may consider an all-weather remote-emergency access where development phasing or land constraints will delay the provision of an additional access way.
6. When a required second access to a paved public street is required, the paved public street to be accessed shall be considered a boundary street. As such, the subdivider or developer shall be required to provide improvements to the boundary street to improve such road to current ACM standards in accordance with article III division 1, Transportation Responsibilities.

J. *Blocks generally.*

1. *Length.* Block length shall be provided based on the following guidelines:
 - a. Block shall generally have sufficient width and depth ~~for to~~ provide two tiers of lots with required lots depths. Exceptions may be made when property is adjacent to arterial streets, railways, waterways, wetlands, or other elements;
 - b. Blocks shall generally not exceed a length of 1,000 feet, ~~unless density is in length nor be less than 300 feet in length~~ unless an alternative length will not result in public health or safety issue, connect streets, is necessary for drainage or environmental considerations, or based on site constraints;
 - c. The provision of adequate building sites suitable to the special needs of the type of use;
 - d. The required lot widths and lot areas of the applicable zoning district; and
 - e. The need for convenient access, circulation, traffic control, and safety of street traffic.
2. *Shape.*
 - a. Blocks shall be generally rectangular but may have curves or bends that correspond with the natural terrain.
 - b. Irregularly shaped blocks which contain interior parks or playgrounds, parking areas, wetlands, or drainage improvements shall be permitted.
 - c. Blocks shall be shaped in a manner that will provide safe pedestrian and vehicular circulation; efficient utility delivery; and adequate access for emergency service providers.
3. *Relationship of blocks to streets.*
 - a. Intersecting streets shall be used to determine block length, width, and shape;
 - b. ~~Streets shall be provided at intervals that adequately serve cross traffic, conform to existing street patterns, and customary subdivision practices; and~~
 - c. Block and street design can vary to facilitate development and street connections and adjust to natural and man-made barriers, property lines, adjacent development, or other unique conditions provided that safe pedestrian and vehicular circulation is the end result.

Commented [LK14]: Safety issue. Not supported by Fire Marshal

Commented [LK15]: Issues with connectivity and ingress/access issues for residents if the one access is blocked.

Commented [LK16]: Repeated under subdivision requirements.

- K. *Relationship to major streets.* New residential lots shall not back up to highways, arterials, and major collector streets and shall take access from local or minor collector streets.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-12. Streets and driveways.

- A. *Conformity to the future thoroughfare plan.* The general location, alignment, and functional classification of all streets and roads shall conform to the most recently adopted Angleton Future Thoroughfares Plan (FTP).
- B. *Street classifications.* Streets shall be classified according to the following functional classifications, as set out on the Angleton FTP:
1. Highway
 2. M/major arterial;
 23. Minor arterial
 4. M/major collector
 5. M/and
 3. Minor collector;
 6. Local street and
 7. Ceul-de-sacs.
- C. *Coordination with Texas Department of Transportation (TXDOT) and Brazoria County required.*
1. For projects adjoining, or accessing TXDOT right-of-way, the engineer-applicant will shall contact the TXDOT to determine all TXDOT requirements and copy the city on all correspondence.
 2. For plats in the ETJ, the engineer-applicant shall contact the Brazoria County engineer to determine the requirements of Brazoria County and copy the city on all correspondence.
- D. *Acceptance of streets.* Required city street improvements shall be dedicated to the city, as set out in article III, division 4, Public Acceptance and Permitting.
- E. *General location standards.*
1. *Minimum design standards.* Required city street improvements shall be designed and constructed in accordance with the ACM and the design principles set out in article II, Subdivision and Development Design.
 2. *Layout and connectivity.* Streets and alleys shall:
 - a. Be extended and located in accordance with the FTP in terms of street classification, right-of-way, and pavement width, and alignment; and
 - b. Bear a logical relationship to existing topography and existing or proposed street locations, and the development of adjacent developed and undeveloped properties
 - c. Any deviation from the FTP shall be approved by the City Council with a recommendation from the Planning and Zoning Commission. and shall not be forced by the strict adherence to the FTP into locations that are not suitable for road construction, the extension of roads, are not practical for development, may result in the need for long-term improvements that are cost prohibitive, such as the building of a bridge, or result in undesirable environmental impacts.
 - c. Where not shown on the FTP, street layout will:

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- i. Provide continuity and connectivity between existing and proposed streets;
 - ii. Conform to generally accepted transportation planning principals for street hierarchy, spacing, and location, with due consideration to topography, environmental considerations, and natural hazard avoidance; and
 - iii. Provide connections to existing streets in a manner that will not change the functional classification of existing streets and will provide safe access to all lots.
 - 3. *Excess right-of-way.* Right-of-way in excess of the standards of the LDC may be required where topography results in the need for additional right-of-way to provide slopes that do not exceed a ratio of three to one or in order to provide street connectivity.
- F. *Design standards.* Streets shall be designed per the ACM and the following standards:
- 1. *Street grade and curves.*
 - a. Streets may have a maximum grade of seven percent; and
 - b. Centerline grade changes shall be designed in accordance with all AASHTO standards. Where there is a difference of more than two percent, the vertical curves shall be connected with a curve of sufficient length to provide a minimum 200 feet of sight distance.
 - 2. *Street intersections.* Streets shall be designed to intersect as close as possible to right angles. The city engineer may consider an angle not less than 80 degrees where necessary to connect streets or avoid natural or man-made impediments.
 - 3. *Intersections.*
 - a. All arterial and collector street intersections shall be at 90 degrees, or within five degrees of that standard.
 - b. The curb radius at street intersections shall conform to the specifications in the ACM.
 - c. Deviations from these requirements can be considered when streets are realigned to comply with the FTP or to avoid natural, or man-made features, such as, but not limited to, protected wetlands, bogs, floodplains, a stand of heritage trees, artifact areas, historic buildings or sites, pipelines, easements or existing development.
 - 4. *Street jogs (off-sets).* Street off-sets less than 150 feet, measured centerline to centerline, are prohibited. A jog of not less than 100 feet may be approved only when necessary to connect streets in adjoining developments where both streets are local streets.
 - 5. *Off-site improvements.* Off-site traffic improvements, as determined by the recommendations of a traffic impact analysis, as set out in section 23-25, ~~Traffic impact analysis~~, or by TXDOT, may be required to mitigate the impact of development on existing transportation networks.
 - 6. *Design.* City streets shall be designed as set out in Table 23-12.1, Street Design Standards.

Table 23-12.1 Street Dimension Standards					
Design Features	Road Classifications				
	Major Arterial	Minor Arterial	Major Collector	Minor Collector	Local Street
Right-of-Way Width	100'—120'	80'—100'	70'—80'	60'—70'	60'

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Pavement Width	48' to 60'	36' to 48'	36'	32'	28'
Number of Lanes	4—6	3 or 4	2 or 3	2	2
Lane Width (ft.)	12'—14'	12'	12'	12'	12'
Design Speed	45—55+ mph	35—45 mph	30—35 mph	30 mph	30 mph
<u>Width of Sidewalks</u>	<u>Min. 6'</u>	<u>Min. 6'</u>	<u>Min. 6'</u>	<u>Min. 6'</u>	<u>Min. 5'</u>

Add width of sidewalk.

G. *Partial streets, cul-de-sacs, and dead-end streets.*

1. *Cul-de-sacs.* Cul-de-sacs shall not exceed a length of:
 - a. Four hundred fifty feet in office and general commercial developments;
 - b. Six hundred feet in business park and industrial developments;
 - c. One thousand feet for suburban residential developments with densities greater than three dwelling units per acre; and
 - d. One thousand five hundred feet for rural and estate developments with densities less than three d.u. per acre.
 - e. All cul-de-sac streets shall have a turnaround, with a paved surface diameter of no less than 110 feet and a right-of-way diameter of no less than 130 feet. A greater diameter pavement and right-of-way may be required by the city to accommodate oversized vehicle traffic and to provide adequate fire protection.
2. *Partial streets.* The use of a partial, or half street, is generally prohibited unless:
 - a. A half street is proposed to increase the width of an inadequate existing right-of-way or where the construction of a half-street results in a fully functional two-way road. The construction of two lanes of a proposed four-lane arterial street; where a half street would be a fair share improvement is permitted;
 - b. A street stub is provided to facilitate the connection of a street to a future phase of development or a future adjoining development. In these circumstances, the city ~~engineer and fire department~~ may require a temporary cul-de-sac, or an alternative turnaround design, or a maintenance bond; or
 - c. An existing half street exists adjacent to an area to be subdivided, in which case the subdivider must dedicate the remaining right-of-way and construct the half street as a fair share improvement or may defer the construction of the half-street in accordance with the requirements of article V, division 1, Transportation Responsibilities.
3. *Dead end streets* are prohibited unless they are designed as a short stub, or as a temporary all-weather turnaround, with a length not to exceed 100 feet.

H. *New boundary streets.* For new boundary streets that will form part of a subdivision boundary, the following standards shall apply:

1. *Local streets.*

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- a. Where a local street forms part of a development or subdivision boundary, the developer or subdivider shall dedicate right-of-way sufficient to make such street conform to requirements of the city.
 - b. The developer or subdivider shall also improve such street in conformance with all standards and specifications of the City of Angleton, ~~including installation of curbs on both sides of the street and enter into a reimbursement agreement with the city or enter into a deferral agreement with the city, as set out in section 23-38, Deferral and Permitting.~~
2. *Collector and arterial streets.*
- a. Where a proposed collector or arterial street forms part of a development or subdivision boundary, the subdivider shall dedicate a minimum of one-half of the additional right-of-way necessary to comprise the full street width.
 - b. Dedication of more than half this additional increment may be required, ~~to maximize the use of existing streets, to provide access and connectivity, to meet the requirements of the traffic impact study, and or~~ to ensure consistent street alignment or curvature.
 - c. The developer or subdivider shall either:
 - i. ~~Pave one-half construct of the proposed required~~ street in accordance with the ACM; or
 - ii. ~~If approved by the city, c~~Contribute to the city an amount of money ~~equal to 125% of amount that~~ necessary to complete the design and construction of the street, curb, and sidewalk required by the LDC and the ACM.
- I. *Public access to subdivisions.*
1. Subdivisions ~~containing 30 or more lots, or multi-family developments with 50 or more units, shall have a minimum of two points of vehicular access to an existing public right-of-way separated as far apart as practical in accordance with the fire code; or~~
 2. The city council may consider a boulevard-style entrance with the following design elements:
 - a. A boulevard entrance with a median that has a minimum width of six feet;
 - b. Extension of the median into the subdivision an unbroken distance of at least 75 feet to the first intersecting interior street; and
 - c. Boulevard lanes with an adequate pavement for emergency access into the development.

~~In case of a deviation from the adopted fire codes, an approval of a deviation from the the Board of XXXXXXXXX may be required.~~
 3. ~~The city may approve a phasing plan, as set out in section 23-18, Development Phasing, specifying where and how many lots may be platted before a second access shall be provided and may require a performance bond equal to the cost of proving a second access point.~~
 4. ~~An emergency access easement may be considered as a temporary second access point until a permanent second access is provided, or may be considered as a permanent solution in any instance that additional options for a second access point are not available.~~
 5. A ~~one~~10-foot, non-access ~~landscaped~~ easement shall be provided along the rear property lines of residential lots that back up to arterial streets and TXDOT highways to prevent access.
- J. *Street drainage.*
1. The storm drainage for all local streets shall be designed to a 10-year storm capacity curb face to curb face and to a 25-year flood frequency within the rights-of-way of each local street.

Commented [LK17]: Not needed, as ALL requirements would need to be met.

Commented [LK18]: This is typically 110 to 150% . City policy is 125%.

Commented [LK19]: Conflicts with 24 11 I

Commented [LK20]: Is IFC adopted? An appeal process through IFC is different than City Council

Commented [LK21]: Safety, connectivity, and access issues.

2. All arterial and collector streets designated as such on the FTP shall be designed to a 20-year storm event curb face to curb face and to a 25-year flood frequency within right-of-way of each collector and arterial street.
3. Runoff rates shall be computed on the basis of ultimate development of the entire watershed contributing runoff water to the proposed subdivision or development based on the design of the channels and streets that convey stormwater in to, and out of, the contributing area.
4. The creation of a new bar ditch for street drainage shall be prohibited, except for all residential minor plats and residential development where the proposed density minimum lot size will be equal to one acre, or less than, 1.0 dwelling unit per acre. The City may require additional ten foot wide right of way for such streets to accommodate drainage ditches.
5. In locations where bar ditches exist, when adjoining properties are developed, or redeveloped, the existing bar ditches shall be replaced with stormwater management facilities; such as, but limited to a storm sewer or a stormwater detention facility, that will convey the stormwater to City of Angleton or Angleton Drainage District drainage infrastructure, in which case, subsection K below, Curb and gutter, shall ~~not be~~ applicable.

Commented [LK22]: Density calculations are confusing and one acre lot density may not equate to minimum lot size of one acre.

K. *Curb and gutter.*

1. Curb and gutter shall be installed by the developer or subdivider on both sides of all streets within or forming part of the boundary of the subdivision in accordance with the ACM.
2. The city engineer may vary the curb and gutter requirements, or approve an alternative design if ~~legitimate~~ professional engineering standards and practices, local conditions, environmental, or factors related to stormwater management warrant a deviation.
3. The use of laydown curbs shall be prohibited unless some practical, site-specific, or engineering consideration may necessitate the use of laydown curbing.
4. The only exceptions to these requirements are all residential minor plats and residential development minor plats and developments where the proposed density minimum lot size is equal, or less than one acre, 1.0 dwelling unit per acre.

Commented [LK23]: May want to reconsider as it limits pavement cuts and repairs. The driveways tie directly into the curb with no curb cuts.

L. *Existing bar ditches and roughly proportional responsibility.*

1. Except for residential minor plats and residential development that will shall have a density minimum lot size equal to, or lower of than of one acre, 1.0 dwelling unit per acre, and TXDOT system highways, the continued use of existing bar ditches is prohibited.
2. When new development, or redevelopment, is proposed along a street that has an existing bar ditch, the subdivider or developer may not continue to use the existing bar ditch unless the existing bar ditch:
 - a. Has a slope of 3:1 or less;
 - b. Will allow the installation of a sidewalk if one doesn't exist;
 - c. Allow adequate area for the installation of required utilities and drainage easements; or
 - d. Can be relocated or redesigned to satisfy all of the above design criteria.
3. If an existing bar ditch does not, or cannot, satisfy all of the above criteria, the existing bar ditch shall be replaced with underground drainage infrastructure covered within by a drainage easement to convey stormwater a detention facility maintained by a property owners' association and/or to stormwater management facilities that have adequate capacity that are maintained by either the City of Angleton, Brazoria County, or Angleton Drainage District.

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4. The roughly proportional share of the developer or subdivider to make drainage improvements upstream, or downstream, to convey stormwater through, across, or adjoining the subject development, is the total cost of all required improvements; designed in accordance with the ACM and subject to the approval of the city and the drainage authority that would be accepting stormwater conveyance from the development.
5. When a proposed subdivision or development backs up to, or sides on an existing street right-of-way with an existing bar ditch that cannot satisfy the above criteria, the fair share responsibility of the subdivider or developer shall also include a street design with curb and gutter, and sidewalk, each designed in accordance with the ACM.

M. *Street names, addresses, posts, signs, and markers.*

1. Street names shall not duplicate the names of existing streets in the city or the city ETJ;
2. Address numbers shall be assigned and displayed, in accordance with city, and in the ETJ, Brazoria County, standards in the size, color, contrast, to ensure right-of-way number visibility;
3. The developer shall be required to install all required signage and markers, consistent with city standards, and when applicable TXDOT and Brazoria County standards; and
4. Signs shall be installed per AASHTO standards, the Uniform Traffic Code, and the ACM.

5. Street signs shall have white lettering on green background in conformance with the requirements of the CM.

What is an acceptable proof? It should be clarified in the submittal checklist?

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Commented [LK24]: Require green street signs with white lettering, not blue like Sugarland.

N. *Driveways and access.*

1. *Cross-access.* Parcels proposed for development that front on arterial and collector streets shall provide cross-access to abutting parcels unless cross-access is unfeasible. Cross-access easements may be required for other parcels, based on the location, traffic conditions, and surroundings.
2. *Alternatives.* Where connections to abutting parcels are possible, but not currently provided:
 - a. The parcel being developed shall include a stub-out or cross-connection easement at locations that allow reasonable connections to the abutting parcel; and
 - b. Said connections shall be depicted on a recorded plat or by separate instrument.
3. *Driveway width.* Driveways, on non-TXDOT system roads, that provide property access shall be:
 - a. At least 25 feet wide, but not more than 45 feet wide at the property line and configured to direct traffic safely to lots and may include medians between ingress and egress lanes.
 - b. Designed with a wider width as necessary to provide adequate width for trucks, emergency vehicles, or an adequate number of drive lanes to enter and exit a development.
4. *Number of driveways.* Lots with frontage on more than one street may have a second driveway. with one driveway on each street. "Right-in" and "right-out" driveway pairs shall be considered to be one driveway.
 - a. Lots with frontage less than 250 feet, shall be limited to one driveway.
 - b. Lots with frontage on multiple streets may have an additional driveway on each street.
 - c. "Right-in" and "right-out" driveway pairs shall be considered to be one driveway.

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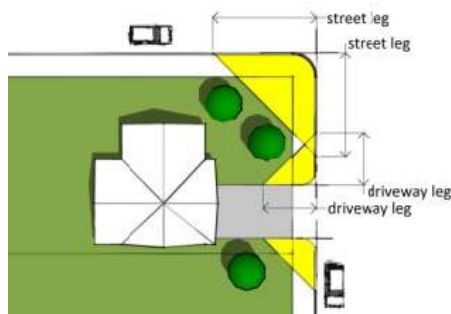
(Supp. No. 19)

- d. An additional driveway for lots wider than 250 feet that have multiple uses, are larger than five acres, may be approved if additional driveways would be considered if they comply with AASHTO standards or are necessary based on the recommendations of an approved TIA.
5. Driveway spacing and proximity to arterial streets and highways. Driveway spacing on the same side of the street and proximity to arterial streets and highways shall be as follows:
- Driveway spacing on the same side of arterial street or highway shall be a minimum of 250 feet between driveways, measured from the centerlines of driveways.
 - Driveways shall not be located closer than 150 feet from a street intersection, measured from the edge of pavement of the driveway to the right-of-way.
 - Deviations from the strict driveway spacing and location may be approved by the city engineer based on the location of existing or proposed driveways on the opposite side of streets and the location of existing or proposed street improvements, such as medians and turn lanes. Acceptable deviations must adhere to AASHTO standards, generally accepted traffic engineering practices, and the recommendations of an approved TIA.
 - For legally nonconforming lots, the driveway spacing and proximity requirements of this subsection may be administratively waived to allow the construction of a driveway to every lot after determining that shared access is not possible and that the driveway will be the greatest distance practical from the arterial street or highway, and any adjoining driveway.
6. *Driveway spacing and proximity to major collector streets.*
- Driveway spacing on the same side of a major collector street shall be a minimum of 150 feet between driveways, measured from the centerlines of driveways.
 - Driveways shall not be located closer than 75 feet from a street intersection, measured from the edge of pavement of the driveway to the right-of-way.
 - Deviations from the strict driveway spacing and location may be approved by the city engineer as set out in subsection 5.c, above.
 - For legally nonconforming lots, the driveway spacing and proximity requirements of this subsection may be administratively waived as set out in subsection 5.d above.
 - Driveway access to residential lots shall be limited to the greatest extent practical.
7. *Driveway spacing and proximity to minor collector streets.*
- Driveway spacing on the same side of a minor collector street for non-residential uses shall be a minimum of 100 feet between driveways, measured from the centerlines of driveways.
 - Driveways for non-residential and apartments shall be a minimum of 50 feet from a street intersection, measured from the edge of pavement of the driveway to the right-of-way.
 - For legally nonconforming lots, the driveway spacing and proximity requirements of this subsection may be administratively as set out in subsection 5.d above.
 - Driveway access to residential lots from minor collectors is permitted, but shall be limited to the greatest extent practical.
8. *Driveway proximity to local streets.*
- There is no minimum distance separation between driveways, but driveways on corner lots abutting a local street shall be as far from the intersection as practical.

Commented [LK25]: TXDOT complies with AASHTO standards

- b. For corner lots where a local street intersects an arterial or any type of collector street, access to the lot shall be provided from the local street.
- 9. *Driveway radius.*
 - a. Driveway approaches shall be constructed with either flared side slopes or with return curbs with a rolled face disappearing at the sidewalks and joining the street curb with a radius. Flared side slopes shall be used whenever a curb return may present an architectural barrier within a pedestrian path.
 - b. Driveway flares shall not extend across any property line except for a shared driveway.
 - c. The radius shall continue beyond the sidewalk to the end of the required dimension.
- 10. *Existing sidewalks, curb and gutter, and ramps.* When a driveway crosses an existing curb and gutter or sidewalk, the driveway will be designed in accordance with the ACM and shall be jointed per the ACM and TAS regulations.
- 11. *Visibility requirements.* A triangle formed by the intersection of curb lines and a line connecting street legs 25 feet from intersections, as shown in Figure 23-12.1, Sight Distance Triangle Requirements, shall have clear visibility between two feet and eight feet of the road surface. The same standard shall apply to driveway legs.

Figure 23-12.1
Sight Distance Triangle Requirements



(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-13. Street lights, conduit, and traffic control.

- A. *Responsibility.* The subdivider or developer is responsible for the purchase and installation of street lights.
- B. *Minimum standards.* The type of equipment, method of installation, and location of the wiring and light poles shall meet the minimum standards and requirements of the ACM and the electric utility.
- C. *Traffic signs.*
 - 1. The developer shall pay the cost of purchasing and installing street posts and markers at each street intersection, which posts and markers shall be the same type as used throughout the city.
 - 2. The cost of such street posts and markers shall be paid to the city upon final approval of construction plans for the subdivision.

Commented [LK26]: *Traffic signs-* Does the city provide the costs as they say it has to be paid to the city? Is the developer installing or the city?

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3. No subdivision construction, including but not limited to, street grading, street paving, storm sewer installation, curb and gutter work, or sanitary sewer and water main installation, can begin until the cost of purchasing and installing such street posts and markers is paid to the city.
- D. *Crosswalks.* Crosswalks and required signage and pavement markings, shall be installed in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) [and Texas Accessibility Standards \(TAS\)](#).
- E. *Fair share expenses.* The subdivider or developer is responsible for all "fair share" expenses, as set out in section 23-21, Developer Responsibilities, for the purchase and installation of traffic signs and any other required traffic control improvements that may be required by the LDC and the ACM.
- F. *Electric and traffic signal conduit.*
 1. Conduit systems shall be installed for future franchise utilities, irrigation, traffic signals, traffic signal communication, and roadway lighting.
 2. Traffic signal conduit and ground boxes for future traffic signals shall be installed at all arterial to arterial intersections and all arterial to major collector intersections in accordance with the ACM.
- G. *Street lights required.* Subdividers shall install street lights at the subdivider's expense as set out below:
 1. *Location.* Street lights shall be placed at the following locations:
 - a. One light at, or near, the end of every cul-de-sac or required public turn-around areas;
 - b. One light at every street intersection;
 - c. One light for approximately every 300 feet along all streets; and
 - d. Within a public right-of-way or easement.
 2. *Design.* Street lights shall be:
 - a. Designed and constructed in accordance with all ~~power company owner's Texas New Mexico Power Company~~ standards and specifications; and
 - b. Shall be erected on steel poles, or an equivalent material, light the bottom of the lighting fixture located approximately 30 feet above the surface grade of the light standard.
 3. *Dedication.* Street lights shall be dedicated to the city or the entity responsible for maintenance and ownership, at the same time that other public improvements are accepted by the city.
 4. *Placement relative to electric service.* Street lights and electrical service shall be installed as set out in section 23-133, Street Lights and Electric Service.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-14. Sidewalks and accessibility.

- A. *Sidewalks.*
 1. *Required.*
 - a. Sidewalks shall be required in all locations that adjoin public and private streets on both sides of streets ~~in all new plats, excluding minor plats, in the city and the ETJ as part of the development.~~
 - b. ~~Sidewalks shall be required to be constructed as a requirement of site plan approval for new developments along all public streets.~~
 - c. For an existing development that does not have sidewalks along adjoining public streets and is proposed to be expanded, sidewalks shall ~~only~~ be required for the entire length of the property

Commented [LK27]: Clarification that sidewalks are required for all developments.

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along the street portion of the property where the expansion is proposed. The city council may consider a variance when there are significant engineering constraints that result in practical difficulties from locating or extending a sidewalk or when a sidewalk should not be extended for other practical considerations.

2. *Construction standards.*

- a. The construction specification of sidewalks shall conform to ACM specifications for sidewalks and all accessibility standards.
- b. Residential sidewalks shall have a minimum width of five feet and shall be setback two feet from the back of the curb.
- c. Sidewalks for non-residential uses shall have a minimum width of six feet.
- d. If a required sidewalk will connect to a substandard sidewalk, the city engineer may allow the tapering of the required sidewalk to provide a seamless connection.

3. *Sidewalk obstructions.*

- a. When existing or required development improvements, such as a fire hydrant or a group mailbox, are in path of a sidewalk, the sidewalk shall be offset around the obstacle at its full required width.
- b. If the right-of-way is insufficient to off-set the sidewalk around an obstruction, the city engineer may approve an alternative solution, in the form of requiring additional right-of-way or dedication of a "pedestrian or sidewalk easement".
- c. In avoiding an obstruction, the sidewalk shall comply with all [ADA-TAS](#) requirements.

4. *Corner lots.* Where sidewalks are required on corner lots, they shall be installed along both frontages and extended to the curb with handicapped access ramps in accordance with the ACM and all TAS requirements.

5. *Timing of construction.* Sidewalks shall be constructed as set out below:

- a. Sidewalks shall be installed concurrent with the construction of the adjoining street or concurrent with site development along existing streets.
- b. Where a sidewalk will adjoin a common area or a designated open space, the sidewalk will be constructed concurrent with the adjoining street.
- c. All public sidewalks proposed to be dedicated to the city shall obtain TDLR certification of compliance with Texas Accessibility Standards prior to city acceptance.

6. *Waivers, deferrals, and variances from sidewalk installation.*

- a. During platting, the city engineer may recommend that the installation of certain sidewalk sections be deferred to a future date when a unique condition exists that may preclude the immediate construction of a sidewalk.
- b. If the city council accepts the city engineer's recommendation, council may stipulate conditions and the timing when sidewalks must be completed and may require that the subdivider enter into an agreement guaranteeing the installation of sidewalks as each residential lot is constructed and may preclude additional platting or public improvement acceptance until sidewalks required in earlier phases of a project are installed.
- c. During platting, the city engineer may recommend that the sidewalk requirement be waived, or reduced, where it is not practical due to specific circumstances, such as soil suitability, or the

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extension of a sidewalk into, or beyond, a floodplain, bayou, or ditch or that pose a significant safety risk that cannot be mitigated.

- d. Concurrent with the site plan process, the city council, after receiving a recommendation from the planning and zoning commission, may approve a variance from the sidewalk requirements when engineering constraints or local conditions result in practical difficulties in the construction or extension of a sidewalk.

B. Curb ramps.

1. Curb ramps are required at all street intersections at the time of construction or reconstruction per all ADA/TAS requirements and the ACM.
2. ADA/TAS compliant curb ramp providing access to sidewalks, parking spaces shall be provided, including access to common open space and any required public improvements, such as parks, greenways, and recreation areas, where public access is permitted.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-15. Drainage and utilities.

A. Drainage and stormwater.

1. *Drainage/stormwater management plans and reports.* The subdivider shall provide proposed drainage, grading, and stormwater management plans, supporting reports and studies, and construction drawings, as set out in ~~appendix~~ Appendix A.
2. *Generally.*
 - a. Habitable lots shall not encroach into a regulatory floodplain;
 - b. Lots adjoining a regulatory floodplain shall show the minimum finished floor elevation (FFE) of each lot adjoining the floodplain on the final plat, which shall be a minimum of one foot above the regulatory flood elevation, except where the building code, FEMA, or another agency with jurisdiction requires a greater finished floor elevation;
 - c. The city will only maintain drainage improvements constructed by the city or formally accepted by the city; and
 - d. The city is not responsible for the day-to-day maintenance of any grass lined drainage easement.
3. *Required review and approval.* Drainage plans are subject to review and approval by the city engineer. Should specific site conditions warrant a deviation from the above criteria or the ACM, those considerations may be reviewed and approved by the city engineer, as set out below:
 - a. Requests for deviations shall be made in writing with supporting documentation and rationale; and
 - b. Cost alone is not sufficient grounds for approval of a deviation.
4. *Improvement standards.* Drainage improvements are required to comply with the ACM and the ~~2008~~ Master Drainage Plan, as amended.
5. *Water quality.* In addition to the provision for drainage to convey stormwater safely through the city and to avoid flooding damage or safety risks, stormwater management is subject to compliance with the Brazoria County Stormwater Quality Coalition MS4 Construction Guidance Document, as amended, the ACM, and all BMP standards of the National Pollution Discharge Elimination System (NPDES) and

Commented [LS28]: Regulatory implies 1% and 0.5% floodplains. Should this be floodway?

Commented [LS29]: This needs to be defined for floodway, 1% or 0.5 %.

Commented [LK30]: Verify that Master Drainage Plan is the document that contains the requiremnts for drainage improvements.

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[Texas Pollution Discharge Elimination System \(TPDES\)](#). The National Menu of BMPs for Stormwater Management is incorporated by reference into the LDC and the ACM.

Commented [LK31]: Confirm the relevant documents and amend if required.

6. *Lot grading.*

- a. Lots shall be laid out ~~so as~~ to provide positive drainage away from all buildings. Individual lot drainage shall be coordinated with the general storm drainage for the area. Drainage shall be designed to avoid the concentration of storm drainage water from each lot to adjacent developable lots. A subdivision grading plan shall be provided with the construction documents.
- b. A general drainage pattern that meets all applicable rules and regulations shall be provided for each proposed block and lot. Subsequent permits for each lot shall comply with the approved grading plan.
- c. All single-family residential lots ~~must~~ shall be graded to meet the elevation of adjoining property with positive drainage. Multi-family and non-residential lots shall be graded to match elevations at adjoining properties to provide good access and to minimize the use of retaining walls.

B. *Water supply and fire protection.*

1. *General.*

- a. Water supply for new parcels proposed for development shall be provided by the city in accordance with the ACM, to provide adequate supply for potable water demand, irrigation, and fire protection.
- b. Water shall be supplied using fire-rated lines acceptable to the fire department and shall be installed to the specifications of the ACM, compliant with all applicable building, fire, and life safety codes, as amended.
- c. Applicants proposing new development, or redevelopment, shall consult with city to determine if adequate water supply and pressure is available.
- d. Hydrants and other water improvements shall be constructed in accordance with the ACM and all adopted fire and life safety codes to satisfy fire flow and pressure requirements.
- e. Water and fire protection improvements shall be designed and constructed at the expense of the ~~subdivider~~ developer, as set out in section 23-28, Responsibilities of the subdivider or developer, in a manner to facilitate the extension of utilities to adjoining properties.
- f. Fire hydrants and all other fire protection improvements shall be provided in accordance with Angleton Fire Department standards.
- g. All fire hydrants, public and private, shall be manufactured by Mueller or EJ, with Storz manufactured universal fittings and hydrant posts, as set out in appendix C.
- h. Fire hydrants shall generally be located in a public utility easement or public street right-of-way. Private hydrants, when approved, shall comply with the ACM and all adopted fire and life safety codes, satisfy fire flow and pressure requirements, and are subject to periodic tests and inspections by the Angleton Fire Department.
- i. Backflow ~~and double check~~ preventers shall be provided where required by the city and building and fire codes to ensure the safety of the city water supply.

2. *Request to connect to City of Angleton utilities required.*

- a. It shall be the policy of the city council to require that all developments located within the city and its ETJ to request city water and sanitary sewer service.

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- b. If a development is located in the CCN of any other utility purveyor, the applicant shall invoke applicable state statutes, as amended, and formally request city utility services.
 - c. The city shall determine, upon receiving a formal request in writing prior to plat submittal if the city can provide utility services to the development or would be willing to allow the formation of a special district to provide such services, as set out in chapter 30, Special Districts, of the Code of Ordinances.
3. *Compliance with fire and building codes required.*
- a. It shall be the policy of the city to require that all utility purveyors providing utility service within the city or its ETJ comply with all applicable fire and building codes, as amended, by the day in which a service connection is requested.
 - b. If a utility provider cannot supply utility services in accordance with applicable fire and building codes, as amended, on the date in which said utility service is requested, the city reserves the right to provide said utility service if the city has the ability to provide said service in accordance with all said codes, as amended.
4. *Alternative water sources.* The following alternative water supply options are available until the City of Angleton is able to completely serve the City of Angleton service area:
- a. *Alternative retail utility.* Subdividers who propose to supply drinking water by connecting to an alternative water system other than the City of Angleton, must provide a written agreement with the city that stipulates:
 - i. A retail public utility has, or will have, the ability to supply the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of 30 years; and
 - ii. The subdivider has paid the cost of water meters and other necessary connection equipment, membership fees, water rights acquisition costs, or other fees associated with the connection to the public water system so that service is immediately available to each lot.
 - b. *Wells and non-public utility providers.* Where individual wells or a non-public water system is proposed for the supply of drinking water to residential establishments:
 - i. A test well, or wells, shall be located so as to be representative of the quality of water generally available for the supplying aquifer shall be drilled by the subdivider and the produced waters sampled and submitted to a private laboratory for a complete chemical and bacteriological analysis of the parameters on which there are drinking water standards.
 - ii. The water quality of the water produced from the test well must meet TCEQ standards of water quality required for community water systems either with, or without, treatment to the water.
 - iii. The subdivider shall have prepared and provide a copy of groundwater availability study which shall include an analysis of the 30-year quantity of the available groundwater supplies relative to the ultimate needs of the subdivision.
 - c. *Establishment of a retail public utility.* Where there is no existing retail public utility to construct and maintain the proposed water facilities, the subdivider may establish a retail public utility and obtain a certificate of convenience and necessity from TCEQ if:
 - i. If surface water is the source of supply, the subdivider shall have provided evidence that sufficient water rights have been obtained and dedicated either through acquisition or

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wholesale supply agreement that will provide a sufficient supply to serve the needs of the subdivision for a term of not less than 30 years;

- ii. If groundwater is the source of the water, the subdivider shall have prepared and provided a copy of a groundwater availability study which shall include an analysis of the 30-year quantity and quality of the available groundwater supplies relative to the ultimate needs of the subdivision;
- iii. The public water system, the water quality and system design, construction and operation meet the minimum criteria set forth by TCEQ;
- iv. The retail public utility has, or will have, the ability to supply the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of 30 years; and
- v. The subdivider or developer has paid the cost of water meters and other necessary connection equipment, membership fees, water rights acquisition costs, or other fees associated with the connection to the public water system so that service is immediately available to each lot.

- 5. Alternative water source approval and compliance required. The creation of any alternative method to provide water service is subject to:

- a. Approval of the city council and TCEQ;
- b. Compliance with the ACM;
- c. Compliance with Code of Ordinances chapter 30, Special Districts, when applicable; and
- d. Compliance with all applicable construction codes, fire, and life safety codes of the city.

C. *Sanitary sewer.*

- 1. Sanitary sewer service for new parcels proposed for development shall be provided by the City of Angleton in accordance with the ACM to provide adequate service for the development's demand for such service.
- 2. Sanitary sewer lines shall be installed to facilitate connections to adjoining undeveloped properties.
- 3. Applicants proposing new development, or redevelopment, shall consult with the City of Angleton to determine if adequate sanitary sewer capacity is available.
- 4. Sanitary sewer facilities shall be provided to meet all requirements of the City of Angleton.

D. *On-site sewerage facilities (OSSF).*

- 1. *General.* Existing OSSF systems shall continue to be permitted, as set out below:
 - a. The use of OSSF for the treatment and disposal of wastewater shall be subject to by Brazoria County.
 - b. The minimum lot area for residential subdivisions shall be in accordance with the requirements of Brazoria County; and
 - c. The OSSF shall conform in all respects to the standards and specifications of Brazoria County and the State of Texas.
- 2. *New/replacement OSSF systems limited.* Sanitary sewer service shall be provided to all properties unless one of the following circumstances is applicable:

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- a. *New OSSF service.* The city will allow the issuance of a permit for a new OSSF only if the following criteria are met:
 - i. Public sanitary sewer service is not available to the property;
 - ii. The property is not included in a public or privately funded project where sanitary sewer service is proposed to be extended to the property;
 - iii. An existing, or proposed, sanitary sewer service main is located more than 200 feet from the front of any lot proposing a new OSSF; and
 - iv. The proposed OSSF is approved by Brazoria County.
- b. *Maintenance or replacement of an existing OSS within City limits or annexed Areas.*
 - i. Maintenance of an existing OSSF systems is permitted.
 - ii. Replacement of an existing failed, or failing, OSSF system is not permitted if any one of the following criteria is met:
 - (a) Public sanitary sewer service is available to the property;
 - (b) The property is included in a public or privately funded project where sanitary sewer service is proposed to be extended to the property; or
 - (c) An existing, or proposed, sanitary sewer service main is located less than 200 feet from the front of any lot proposing a new OSSF.
 - (d) The city council may consider a waiver from this requirement when practical engineering considerations or other site-specific consideration would result in a hardship.
 - iii. ~~For existing OSSF systems annexed into the city, those systems are entitled to continue to use those systems provided that they comply with all applicable county and state standards until such time as when the OSSF needs to be refurbished or replaced. If the OSSF is located within 200 feet an existing or proposed sanitary sewer main, the property owner shall be required to connect to the existing or proposed sanitary sewer main, at the property owners' expense, if the cost of replacing or refurbishing the OSSF exceeds the cost of tying on to the sanitary sewer main. The city council may consider a waiver from this requirement when practical engineering considerations or other site-specific consideration would result in a hardship.~~
- c. Pit privies, portable toilets, on-site sewerage facilities that do not meet the requirements set out by TCEQ and are strictly prohibited.
3. *Alternative organized sewerage facilities.* Subdividers who propose the development of an organized wastewater collection facilities must obtain a permit from TCEQ and approval from the city council.
4. *Alternative connection to organized sewerage treatment facilities.* Subdividers who propose to dispose of wastewater by connection to an organized wastewater treatment system must obtain approval from the city council and provide the city with a written agreement with the retail entity that stipulates that:
 - a. Engineering plans comply with all TCEQ permitting requirements;
 - b. The subdivider has paid all of cost of all fees associated with the connection to the wastewater collection and treatment system so that service is immediately available to each lot; and

Commented [LK32]: Since annexation is voluntary, why do the requirements not reflect what is required within the City? They should not be different for annexed properties.

- c. The public or private entity has the ability to treat the total flow anticipated from the ultimate development and occupancy of the subdivision for a minimum of 30 years.

E. *Extension of water and sewer mains.*

1. Except when expressly stipulated in an annexation service plan, the city is not obligated to extend water or sanitary sewer lines to provide utilities at the expense of the city.
2. The city is obligated to allow owners to tie into existing utilities when capacity is available and the owner bears the expense of extending utilities to a property.
3. Requests for such an extension must be provided to the city manager.
4. Appeals from the decision of the city manager for such an extension may be considered by the city council.
5. The city shall not extend water or sanitary sewer service outside the city unless the extension is:
 - a. Expressly authorized by the city council, at the full expense of the subdivider or developer;
 - b. Subject to the execution of a development agreement where the applicant voluntarily consents to annexation and agrees to any terms of service required by the city council; and
 - c. Subject to Code of Ordinances, chapter 30, Special Districts, when applicable.

F. *Greywater systems for reuse of treated water.*

1. *Organized or municipal sewerage systems.* Any proposal for sewage collection, treatment, and disposal which includes greywater reuse shall meet minimum TCEQ criteria.
2. *On-site sewerage facilities.* Any proposal for on-site sewage disposal which includes provisions for greywater use shall meet the minimum criteria of TCEQ and those promulgated by the Texas Department of Health.

G. *Sludge disposal.* Sludge disposal from any utility treatment facility shall meet all TCEQ criteria.

H. *Gas utility.* The subdivider is responsible for provision of gas for the subdivision from the nearest gas system available, at the subdivider's expense and installed to the specifications of the gas utility provider and the city engineer, and shall be extended to allow connections to adjoining properties.

I. *Electric utilities.* The subdivider is responsible for the provision of electrical connections to the subdivision from the nearest available ~~Texas New Mexico Power (TNMP)~~electric facility, at the subdivider's expense and installed to the specifications listed below and those of TNMP. The point of service for TNMP shall be near the property line of the premises to be served. Services and facilities shall be extended to facilitate connections to adjoining properties. The following standards shall apply to all new electricity services:

1. Electric facility design shall comply with the LDC, the ACM, and the requirements of TNMP.
2. Electricity shall be provided to all buildable lots in subdivisions and those common area lots, and properties dedicated as parkland where power will be required.
3. All electric utility service shall be installed underground. All lateral electric and service lines providing power, and lighting equipment, excluding light poles, shall be placed underground, except for rural residential subdivisions.
4. Rural residential subdivisions may have lateral and service lines placed overhead.
5. Overhead service lines are only permitted if:
 - a. The technological requirements of the service line necessitates an overhead placement; or
 - b. Local constraints prevent the underground placement of the utility.

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6. When overhead utility is necessary, it shall be installed as set out below:
 - a. Along the perimeter of a platted subdivision or development and not located within any residential lots;
 - b. Adjacent to or within only one side of a right-of-way of a road identified on the FTP; and
 - c. In alleys or easements designated for aerial utilities on an approved plat or site plan.
7. The subdivider or developer shall dedicate public utility easements for the installation of electric utilities. All liens and ownership interests shall be subordinate to the easement use.
8. Where electric service is placed underground, all auxiliary equipment, including but not limited to, transformers, junction enclosures and switching devices, shall be pad-mounted on grade or shall be placed underground in accordance with the requirements of the electric utility.
9. The installation of street lights is the responsibility of subdividers and developers when property is developed as a fair share street improvement.
10. The city and the electric utility are not be required to retrofit street lights in existing developments where they were not installed.
11. If decorative street lights are installed, it shall be the responsibility of the property owners' association to maintain the aesthetic appearance of the lights.
12. The electric utility shall be responsible to maintain street lights in working order.
13. Electric lights located on private property are the responsibility of the property owner, unless the property owner and electric utility negotiate a contract to maintain such lights, such as, but not limited to, along private streets or major driveways.
14. The subdivider or developer shall be responsible for the costs and installation of all conduit needed for an underground feeder, lateral, and service lines utilized to provide electric utility service to all new subdivisions and new lots, subject to:
 - a. The conduit specifications of the electric utility; and
 - b. Inspections by the utility and city prior to acceptance for conformity to specifications.
15. Temporary utility service may be provided by overhead line extension.
16. Street lights and electrical service shall be installed as set out in section 23-133, Street lights and electric service.
- J. *Communication utilities.* The subdivider or developer is responsible for provision of cable, fiber lines, and phone services to the subdivision, at the subdivider's expense and installed to the specifications of the utilities. Services and facilities shall be extended to facilitate connections to adjoining undeveloped properties.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-16. Easements.

- A. *General.* The subdivider shall dedicate utility easements as follows:
 1. Utility easements shall be provided in all developments, as stipulated in this section, the ACM, and where required by any utility provider.
 2. All utilities shall be located underground in a utility easement or within a right-of-way.

Commented [LK33]: Need consistency regarding the location of utility lines – within ROW or in UE located outside the ROW. Other sections allow utilities to be located within the ROW.

3. Any utility required to be placed above ground due to the nature or scale of the utility or the technology involved, such as primary electrical service, shall:

- a. Be placed on a steel pole or another material with comparable strength and durability, ~~wooden poles are prohibited~~; and
- b. Be approved by the city engineer and the affected utility provider.

Commented [LK34]: Exceptions of when the utility can be place above ground should be listed.

Commented [LS35]: With the word "shall" exceptions should be written.

B. Minimum design standards.

1. **Easements required.** When any water body, watercourse, or drainage channel is located in an area being subdivided:
 - a. The subdivider shall dedicate drainage easements sufficient to provide for maintenance of the drainage facility or to encompass the regulatory floodplain;
 - b. A drainage easement is not considered to be a part of a street right-of-way, except if required by TXDOT; and
 - c. ~~Habitable lots shall not encroach upon or into a regulatory floodplain.~~

Commented [LS36]: Why is this under the easement section?

2. ~~Finished floor elevations required.~~ Lots adjoining a regulatory floodplain shall show the minimum required finished floor elevation (FFE) of each lot on the final plat, a minimum of one foot above the regulatory flood elevation, except where the building code, FEMA, or another agency with jurisdiction requires a greater FFE.

3. ~~Water quality.~~ Stormwater management is subject to compliance with the ACM and the BMP standards of the National Pollution Discharge Elimination System (NPDES), TCEQ, and the Angleton Drainage District.

- 2.4. The scope of the drainage easement must be supported by an approved drainage plan designed in accordance with the ACM and Angleton Drainage District requirements.

Commented [LS37]: This is all drainage related. Why is it here, when there is a drainage section.

C. Minimum width and location.

1. ~~Should E~~ easements ~~be placed shall not be required~~ along all rear and side property lines. ~~However, where easements are required,~~ the following minimum standards are applicable:
 - a. Five feet along side and rear lot lines abutting other side and rear lot line with a five-foot easement; or
 - b. Ten feet along side and rear lot lines that adjoins undeveloped ~~or developed~~ **property without a utility easement.**
2. Utility easements may be required to have a greater width than the minimum standards set out above based on the location, size, number, extent, type and degree of utility improvements, the needs of the utility for service and maintenance, and health and safety considerations;
3. Where a side lot line abuts a property outside of a subdivision on which there is no rear or side lot line easement of at least five feet in width, the side lot line utility easement will be a minimum of ten feet in width; and
4. The city, and any utility, reserves the right to require easements with great widths, different locations, and for multiple purposes, as necessary to adequately serve a development and the city at large.
5. ~~Minimum required lot dimensions shall be met, exclusive of the utility easements.~~

Specify Confirm the minimum width of easements.

D. *Drainage easements.*

1. Natural waterways and channels should be used wherever practical to convey stormwater runoff. Such waterways or channels should be located within a designated drainage easement, within a public right-of-way, or within a ditch or natural waterway administered by ADD.
2. Any modifications to existing waterways and channels, owned and/or maintained by ADD, must be approved by the ADD, and where necessary by the city engineer.
3. Where a subdivision is traversed by a watercourse, drainageway, natural channel or stream, an easement shall be provided that substantially conforms with the 100-year floodway or channel limits of such watercourse, plus additional width to accommodate future needs and maintenance.
4. Drainage ditches along proposed or existing open channels shall provide sufficient width for the required channel and such additional width as may be required to provide:
 - a. Ingress and egress of maintenance equipment;
 - b. Clearance from fences;
 - c. A public sidewalk or trails when adjoining a right-of-way, drainage areas, and channels;
 - d. Adequate space for utilities;
 - e. Adequate space to allow maintenance of the channel bank; and
 - f. Adequate slopes along the bank.
5. For open channels, the minimum easement width shall be the width of the channel plus 15 feet on one side; 20 feet with utilities, and two feet on the opposite side unless approved by the city engineer and ADD. The channel top width is determined by the locations where the channel side slopes intersect with adjacent grade with cross slopes less than ten percent.
6. For enclosed systems, the easement width shall be centered on the system, with the width being a minimum of ten feet. Additional drainage easement width may be required based on the formula of:

Easement Width = $5' + 2H + D$ (H = Depth of Soil Over Pipe/Box; D = Diameter/Width of the pipe or box).

- E. *Potable water and sanitary sewer easements.* Public or private water and sanitary sewer lines that are not located in public rights-of-way shall be located in a public utility easement having a minimum width of 20 feet. It is recommended that the water and sanitary lines be located on the opposite sides of the ROW.
- F. *"T" intersections and cul-de-sacs.* A minimum easement width of 20 feet is required at the terminus of all "T" intersections and cul-de-sacs to allow for the continuation of utilities, if necessary. The city may administratively waive this requirement when there is no potential to extend utilities from their termination point.
- G. *Fire lanes and emergency access easements.*
 1. Fire lanes and emergency access easements shall be provided in accordance with the requirements of the Angleton Fire Department and applicable fire and life safety codes; and
 2. Additional fire lane or emergency access easement widths may be required, based on the nature of the development proposed.
- H. *Adjoining areas.* When drainage or utility easements are required in areas adjoining a proposed subdivision in order to provide adequate area for drainage or utilities, the subdivider is required to obtain such easements at the expense of the subdivider.

Commented [LK38]: Clarify who the drainage easement is dedicated to?

Commented [LK39]: Recommend water and sanitary on opposites of a ROW.

I. *Maintenance of easements.*

1. Easements, ~~except for utility easement~~, are considered a part of the lot area ~~and~~, for purposes of minimum lot size requirements, ~~and for purposes of property maintenance.~~
2. All weeds, grass, debris, and landscaping within the easement is the responsibility of the property owner, or a property owner association.

Commented [LK40]:

J. *Improvements in easements.* Buildings, signs, masonry walls, and other vertical structures that require a building permit are not permitted within utility easements. Landowners may place a fence in a utility easement if unlocked gates are provided to allow free movement of excavating machines, maintenance equipment, and personnel throughout the full length of the easement. Temporary portable buildings may be located in utility easements, but not drainage easements, and are subject to removal or relocation at the owner's expense by a utility provider.

K. *Petroleum and natural gas lines.*

1. *Identification.* High-pressure flammable gas or petroleum lines are defined as those which are operated or may be expected to operate at a pressure of over 60 pounds per square inch. High-pressure flammable gas or fuel lines, installed on public property, shall be buried with a minimum cover of 30 inches, and shall be marked by an all-weather typed sign, installed at each crossing and at intervals of not more than 300 feet. The signs shall be installed by the utility provider, state that the line is high pressure, identify the utility name, an emergency phone number, and state the type of product or products transported therein.
2. *Notification to utility company.* The subdivider or developer shall provide written notification to the utility company regarding any proposed construction over an existing facility or within a utility's easement and provide proof of such notification, and consent by the utility for said improvements, to the city engineer.

Commented [LK41]: Width of easements for pipelines need to be addressed.

L. *Required special easements.* The city reserves the right to require subdividers or developers to provide any of the following private easements on a case-by-case basis for the purposes stated for each type of special easement:

1. *Access and shared access easements.*
 - a. An access easement or a shared access easement may be required to provide access to property that does not have direct frontage to a public right-of-way. A shared access easement may also be required when necessary to meet driveway spacing requirements along a public street or public right-of-way to minimize congestion and to optimize the level of service of a public street. Access or shared access easements may be conveyed during platting or a separate instrument during site planning. When private access easements are provided, construction and maintenance responsibilities shall be assigned and noted on the plat or specified in the recorded instrument establishing the easement.
 - b. Shared access agreements shall be required for all non-residential development that have multiple uses that share a common point(s) of access and for out lots that are located in developments that have multiple uses, multiple buildings, share common access, and that share the common need to provide safe egress and to minimize congestion on public streets.
2. *Off-site easements.* Compliance with the requirements of article III, Public Improvement Responsibilities, may require the subdivider or developer, or the city, to obtain easements outside of the boundaries of a plat to install public infrastructure to serve the subdivision or development. The recording information of off-site easements shall be denoted on the plat of the development or on the site plan of the development.

Commented [LK42]: Confirm that the requirements of article III, Public Improvement Responsibilities, are applicable.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

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(Supp. No. 19)

Sec. 23-17. Planned and in-fill developments.

A. Purpose.

1. The requirements of this section shall apply to the following residential subdivisions:
 - a. Developments proposed to include two or more housing types, or other uses that are compatible with residential development; variable allowances for residential density, building heights, and lot dimensions, while maintaining a consistent design character that would function in a single cohesive manner throughout the development;
 - b. Developments that preserve meaningful open space and natural resources buffers streams, such as wetlands and floodplains, to maintain surface water quality and minimize flood risk or provide corridors for parks, buffer different use types, provide recreation opportunities to provide cluster development or reductions in the lot size standards;
 - c. Developments that are constrained by existing development patterns and/or natural physical features, such as a floodplain or a regional drainage ditch; and
 - d. Developments where the creation of a development framework is established to provide the developer or subdivider and the city with appropriate flexibility within predetermined and codified parameters, with appropriate commission and council oversight.
2. Developments that propose specific deviations from the typical design requirements for lot design when a developer or subdivider proposes a specific and detailed group of amenities that are of a nature that would ~~favorable~~ favorably enhance the quality of life and neighborhood character in a manner that could not generally be achieved through the conventional application of the development regulations of the city.
 - a. Such amenities may include, but are not limited to, the provision of parks that have park improvements, a unified and attractive subdivision perimeter design along external streets adjoining the development by the use of brick, masonry, or Fencecrete located in landscaped strips, resource preservation, enhanced buffering of adjoining developments, boulevard entrances, aerated retention ponds surrounded with trails or sidewalks, multi-purpose dry detention that can function as a recreation area, hike and bike trails that link to other like improvements.
 - b. The amenity program that is proposed by the developer or subdivider must be equal, or greater than variations and other considerations being proposed by the developer or subdivider and shall be specifically detailed to allow the city to fully determine the merits of the development and shall be tied to a phasing schedule that fully describes the timing and sequencing for the installation of each of the amenities.
3. Developments specifically designed to satisfy the goals and objectives of the ~~comprehensive plan~~ 2007 Comprehensive Plan and to develop, or redevelop, interior portions of the city and its ETJ, that were by-passed during previous development cycles of the city, to utilize existing city services.
4. It is not the purpose of these requirement to maximize lot yield or to deviate from any development standards without clear benefits to the city.
5. The city will only consider the approval of such a development when the warrants listed below will result from the approval of the development.

- B. *Implementation.* The purposes of this section would require the developer or subdivider to coordinate the application of a subdivision plat with:

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1. The approval of ~~planned-Planned development-Development~~ (PD) rezoning application for properties located in the city, as set out in chapter 28, Zoning, of the Angleton Code of Ordinances; and
2. The approval of a development agreement by the city council for ETJ planned development.
3. The overriding considerations in the review of ~~Planned Development (PD)~~ ~~planned~~ and in-fill developments are set out below in subsection D, Warrants, subsection E, Standards, subsection F, Burden of proof.

C. *Approval process.*

1. The approval process for a development where a subdivider or developer seeks special design consideration will vary based on the location of the property in the city Limits or the ETJ.
2. In addition to the approval process prescribed below, developments in the city will be required to comply with the rezoning and PD processes procedures set out in chapter 28, Zoning, of the Code of Ordinances and the general subdivision and site plan processes prescribed in the LDC.
3. The approval process shall be comprised of the following steps:
 - a. Approval of a contextual plan, concept plan, and drainage context assessment by city council after receiving a recommendation from the planning and zoning commission;
 - b. Approval of a preliminary development plan, concurrent with a preliminary plat, by city council after receiving a recommendation from the planning and zoning commission; and
 - c. Approval of a final development plan, concurrent with a final plat, by the ~~development administrator~~ ~~designated City staff~~, or upon appeal by the city council, after receiving a recommendation from the planning and zoning commission.

D. *Warrants.*

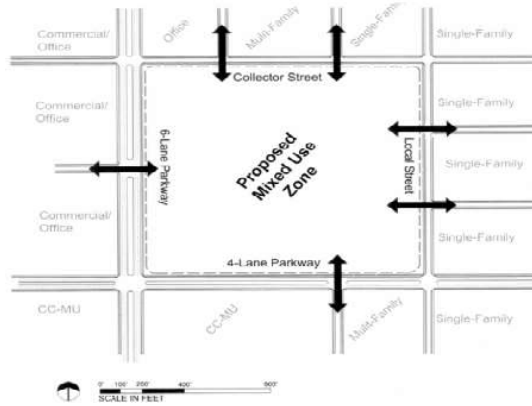
1. To obtain approval of a ~~Planned Development (PD)~~ ~~planned development~~, the subdivider or developer shall submit documentation demonstrating that the development will be of a higher quality than a standard development and yield a substantial community benefit.
2. Documentation that may be submitted includes, but is not limited to, a development plan, concept plan, plat, park and recreation schematic plan, ~~landscape and~~ amenity plans, building design elevations, a written narrative proposing development standards to govern the development.
3. Examples of warrants that demonstrate that the public will benefit from the approval of the development include, but are not limited to:
 - a. An efficient provision of infrastructure that sustains the natural environment;
 - b. Continuity of the roadway system that effectively distributes and calms traffic both within and through the development;
 - c. Pedestrian systems via on-street bicycle lanes or off-street bicycle trails and sidewalks that improve pedestrian and bicycle circulation;
 - d. Good transitioning of housing types within the development and adjoining development;
 - e. Protection and preservation of natural resources and valued or sensitive land features; and
 - f. Improved development quality that includes landscape ~~buffers, enhanced fencing,~~ and other decorative treatments along perimeter collector and arterial streets and the perimeter of the development.

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4. The greater the flexibility that is afforded the subdivider or developer to best utilize the physical features of the site shall require a commensurate exchange of greater public benefits than would otherwise be achieved through conventional development processes.
- E. *Standards.* Each development proposal has unique circumstances. The development standards that are appropriate for each shall be derived by analyzing the following factors:
1. *Context sensitivity.* Plans shall be submitted that identify the existing uses and streets that adjoin the development or that are proposed to adjoin the development. The future land use map and future thoroughfare plan shall also be consulted for context and factored into the design.
 2. *Site sensitivities and constraints.* Plans shall also identify development constraints on the property where the development is proposed, and on adjoining sites. Examples of constraints include uneven terrain, slopes, bayous, wetlands, floodplains, or dense tree cover. These features affect development decisions and provide an opportunity to provide meaningful open space, greenbelts, buffers, or a focal point.
 3. *Development linkage.* Plans shall show appropriate auto, pedestrian, bicycle and utility linkage to existing and future development. A site constraint that extends onto an adjoining property, such a greenbelt, can be combined into a larger park or open space.
 4. *Site visibility.* To create community character, it is imperative that the perimeter of the development, particularly along highways, arterials, and collector streets, be designed with greenbelts, landscaping, or decorative walls.
 5. *Drainage context assessment.* Plans shall be submitted that show the location of existing major drainage features, such as drainage easements and outfall areas from adjoining properties and existing drainage flow lines across the site. Preliminary drainage concepts to accept stormwater from adjoining development and to direct that stormwater to proposed drainage detention areas, and downstream, shall be depicted. Spot elevations at key drainage outfall areas on adjoining properties and conceptual fill plan showing a preliminary earth shaping plan shall be provided to show how existing sheet flow patterns are proposed to be changed to avoid adverse impacts on adjacent properties require the development to do is to confirm and verify in their engineering plans that the proposed rise in ground elevations will not negatively affect adjacent property owners. Drainage features such as detention ponds shall be designed as an amenities incorporating elements such as water features, fountains, trials, and enhanced landscaping.
- F. *Burden of proof.*
1. The burden of proof to demonstrate that a proposed subdivision or development will result in a public benefit that is warranted and superior to the development outcome using the standard development regulations of the city rests with the subdivider or developer.
 2. The subdivider or developer shall demonstrate that the burden of proof has been demonstrated by the submittal of the following information:
 - a. *Contextual plan.* A contextual plan shall be developed that depicts the adjoining traffic and land use patterns because most critical design decisions will be derived from this information. A sample conceptual plan is depicted in Figure 23-17.1, Contextual Plan Example.

Figure 23-17.1
Contextual Plan Example



- b. **Concept plan.** Proposed development shall be illustrated in a concept plan that shows where each use will be located, proposed acreage of each, and proposed density of each residential use (gross units per acre), and proposed intensity of any nonresidential use (ratio of floor area to site area). Densities and intensities shall be indicated by pod within the development and by overall development calculations. The concept plan shall show how open space is proposed to be used as buffers, preserved as common open space, or used for recreational purposes. The concept plan shall demonstrate how the project will "fit" with the contextual plan by addressing each of the following design and development elements:
- i. **Proposed uses, density, and design.** The subdivider or developer may propose one or more uses, expressly prohibit certain uses, or itemize the list of proposed uses or densities in the development. Uses and densities shall be proposed in logical locations based on the contextual plan to ensure development compatibility.
 - ii. **Conceptual design narrative.** Proposed development standards to direct the development shall be provided, including different densities or intensities of use for particular sections of the project. This may be accomplished in narrative or graphic form, but shall outline an architectural design palette, sign program, amenity program, and specify how open space, common areas, and amenities will be designed, landscaped, and maintained.
 - iii. **Conceptual utility and drainage context assessment.** A conceptual utility and drainage context assessment shall be provided to illustrate how these essential facilities will be located, sized, and designed to ensure critical linkage to existing facilities and will be designed to mitigate any existing drainage issues and not result in new drainage issues. Conceptual drainage designs may show how dry ponds may be designed as a usable recreation or amenity area.
 - iv. **Preferred design and amenity elements.** Following is a representative list of design elements that are encouraged by the city when subdivider or developer seeks special design considerations:
 - Aerated ponds surrounded by trails and other amenities;
 - Dry detention areas with appropriate slopes to allow active recreation;
 - Wider sidewalks to accommodate pedestrians and bicycles;

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- Linear parks or trails that can connect to other local and regional trails and adjoining developments;
- The use of unified design elements, such as materials, colors, and design, for building elevations, perimeter walls or fencing, primary road frontage, entry signs, and amenities in the development;
- Open space designated for trails, playgrounds, active or passive recreation, and as water quality buffer areas with enhanced landscaping;
- Preservation of trees and sensitive areas to enhance the appearance of the perimeter of the development, provide buffers between uses, and enhance livability; and
- Other design elements that create neighborhood character and livability.

G. *Administration.*

1. *Covenants.* Covenants, conditions, and restrictions (CCRs) ~~CCRs~~ shall be recorded to stipulate the ownership and maintenance responsibilities of common open space and to reasonably ensure its continuity and conservation after being reviewed by the city for form.
2. *Building permits.* Upon the recordation and filing of an approved final plat, acceptance of any required public improvements, the execution of a development agreement and any other agreements, building permits may be issued in accordance with the approved plat and development plans.
3. *Amendments.* Minor and major amendments ~~may be considered~~ may be considered in accordance with the processes set out in section 23-87, Administrative plats and section 23-96, Amended plats, major.
4. *Abandonment.*
 - a. Abandonment of a PD district or a development agreement is subject to city council approval, after receiving a recommendation by the planning and zoning commission.
 - b. If a PD is abandoned, the zoning of the subject property shall automatically revert to the zoning classification that existed prior to the establishment of the PD and shall be so noted on the official zoning map as a minor map amendment that may be completed administratively.

Commented [LK43]: Expand

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-18. Development phasing.

- A. *Phasing plan.* When a property is subdivided into multiple sections, or phases, over an extended period of time, the city ~~can~~ shall require that the subdivider or developer submit a phasing plan with the preliminary plat.
- B. *Boundaries.* To establish phasing boundaries, the preliminary plat would:
 1. Show the entirety of the development project, as required in section 23.94, Preliminary plats;
 2. Proposed d contemplated phasing lines;
 3. Indicate when required public improvements will be constructed; and
 4. Demonstrate how the proposed phasing boundaries relate to implementation of each of the subdivision design standards, as set out in this division.
- C. *Conditions of approval.* The city may impose conditions of approval such as, but not limited to:

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1. Sequencing the order of the proposed phases; and
 2. The timing of when final plats of phases must be filed, approved, and recorded in order to provide required essential public improvements, such as:
 - a. Development entrances;
 - b. Drainage improvements;
 - c. Utility improvements; or
 - d. Required parks or open space and other amenities.
- D. The intent of a phasing plan is to provide for orderly development, equitable phasing of amenities, and a logical timeframe to complete the development. It is subject to change as the project progresses, as set out below:
1. Minor changes to the phasing plan, such as a boundary line between phases or any change recommended by the city for the benefit of the public, may be approved administratively; and
 2. Major changes, such as the sequencing or timing of phases that would affect when public improvements are required to be completed, are subject to planning and zoning commission review and city council approval.
- E. When a required public improvement, such as a second entrance to a development, is deferred, the city may require a maintenance bond equal to the cost of providing the required public improvements, as set out in division 4, Public Acceptance and Permitting.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-19. Reservations.

A. General.

1. Unplatted or platted acreage may be designated as a "Reserve" on a plat to reserve acreage for:
 - a. A future use, such as a school, church, park, or commercial development, provided that such uses are permitted by the zoning ordinance if the plat is located in the city;
 - b. Open space for the preservation of wetlands, floodplains, tree stands, or other land conservation purposes;
 - c. Common space that is actively managed by a property owners' association for recreational purposes or an amenity area; or
 - d. A utility or drainage easement.
2. If the plat is located in the ETJ, land designated as a "Reserve" must follow the regulations of the LDC, adopted building and fire codes adopted by the city and any other regulations of the city adopted under the authority of TLGC Ch. 212.
3. Any property designated on a recorded plat as a reserve shall be subject to the filing of an amended plat if the reserve is proposed to be utilized for any purpose other than what was originally platted or sold in total, and shall be replatted if the reserve in total, or in part, is proposed to be conveyed to another owner or entity for a purpose that differs from the original reservation, in conformance with the requirements of the TLGC.

B. Plat designation.

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1. The specific use for which each piece of land is to be reserved must be shown by appropriate label or description on the subdivision plat.
2. Provision for future abandonment or platting of a reserve, as may be appropriate, be designated on said plat.

C. *Minimum size and maintenance.*

1. Reserve tracts shall have a minimum area as necessary to satisfy the purposes of the reserve;
2. In all instances where reserve tracts are designated, the plat shall include a general note stating that it shall be responsibility of the developer, or a property owner association, to maintain the reserve tract;
3. When new development occurs, a reasonable contribution is required to be made for parkland from those persons generating the demand for more parkland in accordance with the Parkland Dedication ordinance and other applicable approvals and requirements; and
4. In some instances, the need for parks and improvements may be addressed most effectively through the development of community parks serving several neighborhoods or by adding improvements to existing parks in close proximity to the new development, or by providing usable open space as development bonuses with new development.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-20. Park dedication and recreation improvements.

A. *Purposes.* The purposes of this section are to recognize that:

1. The provision of parks and open space will consider the ~~2001-most recent~~ Parks and Recreation Comprehensive Master Plan and Open Space Plan and the ~~comprehensive plan~~ Comprehensive Plan;
2. The need for parkland generated by new development should be proportionate to the scale of the development that created the demand;
3. A combination of coordinated public and private solutions can preserve usable space for parks and recreation opportunities by preserving wetlands, floodplains, mature tree stands, and wildlife habitat; ~~use of se-BMP practices to maintain~~ ing vegetation around water features to improve water quality; ~~design of stormwater areas to allow multiple uses; and using easement corridors;~~
4. All land is not suitable for public parkland but may be ideal for smaller scale private parks and recreation facilities maintained by a property owner association; and
5. The need for parkland can addressed by:
 - a. A community park~~s~~ that serve several neighborhoods;
 - b. Adding new improvements to existing parks located in close proximity to new development;
 - c. Providing usable open space in exchange for development density bonuses for new development to provide recreation areas for the residents of that development;
 - d. Allowing developers to propose usable open space that can be used for recreation with recreation improvements that result in a fully improved private park that is maintained by a private property owners' association to sufficiently addresses the need for parkland generated by that development; and
 - e. Allowing developers to enter into improvement agreements with the city and Angleton Drainage District to provide regional detention areas with parks and recreation improvements.

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6. The ~~decision options and designs~~ selected should be based on the considerations of each new development, the area of the city where development is proposed, and the constraints and opportunities of each site.

B. *Policy.* The parkland policies of the city are:

1. Parks and recreation opportunities shall be distributed equitably across the city;
2. Underserved areas will be given the highest priority for new parks and recreation facilities;
3. It is desirable to provide a variety of park sizes and improvements and essential that all parks and improvement comply with all ADA/TAS standards;
4. It is essential to update the fee in lieu of parkland dedication regularly so that it reflects the current cost of obtaining parkland;
5. The city shall map and annotate developments where fees in lieu of parkland are collected to ensure that parkland is obtained within the vicinity of each development, in accordance with TLGC requirements, and shall track the dates on which fees are collected to ensure that fees are utilized before they expire and are required to be refunded, in accordance with the TLGC;
6. It is desirable to consider a variety of public or private park alternatives as parks and usable open space in the areas where the residents who would use these spaces reside;
7. It is desirable that park improvement fees, if collected, are based on a rational study of the actual expenses associated with providing improvements within each of park type in the city and that this fee, if collected, be regularly updated to reflect current expenses;
8. All fees in lieu of parkland dedication, and park improvement fee, if collected, shall be applied equitably and proportionately to the immediate area where each fee is collected and equitably across the city to the greatest degree practical; and
9. Development incentives that encourage public park dedication with public park improvements, clustering to preserve open space, and private recreation spaces with active or passive recreation or park improvements are desirable and may be considered as alternatives.

C. *Considerations and residential development characteristics.*

1. The city is:
 - a. Traversed by ditches, bayous, streams, wetlands, and areas subject to periodic inundation that should remain in a natural condition;
 - b. Underdeveloped in many areas that are readily accessible by regional highways and that can be provided utility services by the city;
 - c. Highly developed in its central core, with many residential areas that are underserved with parks and recreation facilities and are suitable for in-fill and redevelopment; and
 - d. Located within an area that may experience rapid growth and development due to its proximity to Houston, Galveston, and Port Freeport.
2. Based on those considerations, residential development of all types will:
 - a. Be common on tracts of all sizes as in-fill development, with the redevelopment of older sections of the city, and as tract home development on large acreage tracts around the periphery of the city and the ETJ;
 - b. Need to be clustered in some areas, or have a higher density, to avoid natural hazards and maximize utility service to ensure that projects are economically viable;

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- c. Trend toward higher density development in some areas to compensate for development feasibility issues.

- 3. As a result of these considerations, the city, may find it desirable to accept fees in lieu of parkland ~~with a size or location that does suit the needs of the city,~~ or may accept usable open space, with or without park improvements, as a common recreation or conservation area maintained by a property owners' association. It ~~is~~ appropriate, and often desirable, to allow developers to provide and maintain such areas to provide park and recreation space and opportunities to the residents that are generating the demand to allow the city to focus on underserved areas and concentrate operations and maintenance funding on other parks. Each project shall be reviewed on a case-by-case basis, subject to recommendations by the parks and recreation director and the decision of the city council.

D. *Parkland dedication requirements.*

- 1. *Exemptions.* This section shall not apply to the following:
 - a. Any subdivision for which a preliminary plat or application was filed prior to the effective date of this LDC;
 - b. Alterations or expansion of an existing residential unit or a building of multiple units where no additional residential units are created and where the use is not changed;
 - c. The construction of accessory buildings or structures, including an accessory dwelling unit;
 - d. The replacement an existing manufactured home;
 - e. The replacement of a destroyed or partially destroyed residence; and
 - f. Replats or amending plats where the development density will not increase.
- 2. *Size.* Parks smaller than one acre may be approved if the city council finds that:
 - a. A public benefit would be derived;
 - b. The park is located in any underserved area; or
 - c. The park would address a public need or goal identified in the 2001 Parks and Recreation Comprehensive Master Plan and Open Space Plan or the 2007 Comprehensive Plan.
- 3. *Location.* Where practical, parklands shall be located adjacent to:
 - a. Schools to allow shared facilities;
 - b. Ponds and drainage improvements that have usable space for recreation; and
 - c. In proximity to an easement that can be used to install or bike path to link parks across the city into a linear park network.
- 4. *Park improvement standards.*
 - a. Park improvements shall be designed and installed to meet the minimum standards of the ACM, Americans With Disabilities Act (ADA), and U.S. Consumer Protection Report 325;
 - b. Where possible, parklands shall be designed and located to allow for an extension or connection to other park and recreational facility that abut the subdivision; and
 - c. Water and sewer stub outs shall be provided to all parkland conveyed to the city.
- 5. *Public improvements required.* Parkland conveyed to the city shall be improved as follows:
 - a. Park frontage shall be paved, and include curb and gutter, sidewalks, and utility stub outs the extension of all utilities extensions for all park frontage abutting a right-of-way;

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- b. Accessible parking spaces and routes shall be provided for all parkland, with an accessible route into the park interior, compliant with all ADA/TAS construction standards; and
 - c. Grading, erosion control, irrigation, landscape plans shall indicate where existing vegetation will be preserved in an undisturbed condition and where natural vegetation will be preserved to satisfy BMP standards for TCEQ MS4 water quality purposes.
6. *Dedication requirements.*
- a. The subdivider or developer shall dedicate a site, or sites, to the public for parkland at a ratio of one-half acre of parkland for every ~~400-30 residential dwelling units in a development, persons in the City of Angleton.~~
 - b. ~~Population shall be derived at a rate of 3.3 persons per single family residence or 2.8 persons per multi-family living unit. For the purpose of administering these requirements, duplex, multiplex, and townhome development shall use the 3.3 persons per residence.~~
 - c. The planning and zoning commission and city council shall approve the site(s) selected during the platting process. The following definitions and conditions shall apply if there is a site dedication for park purposes:
 - i. The area of the parkland to be dedicated shall be clearly defined. Where streets, ditches or easements infringe on or are part of the area to be dedicated and adversely affect the usability, the planning commission ~~must may not~~ agree to the acceptance of those areas.
 - ii. When a subdivision or residential development will be developed in phases or units, the platting, or dedication, of the parkland area by the subdivider or developer shall be completed and delivered to the city with the final plat of the first phase or unit of said subdivision, or in accordance with an approved phasing plan, as set out in section 23-18, Development phasing, terms of a development or public improvement agreement, as set out in section 23-35, Development and public improvement agreements, or as set out in section 23-37, Deferral and permitting.
 - iii. Subsections 6.c.i and ii above, shall not apply in the case of a replat of a plat, subdivision or addition that has previously met park requirements or the re-subdividing of existing single lots, unless the replatting results in an increase in park requirements.
 - iv. Each park shall have access to a public street, with exceptions permitted to preserve wetlands, riverine land, mature tree stands, and similar conservation areas in a natural condition, and in the case of linear parks, all of which shall be made accessible by pedestrian access easements or other appropriate alternatives.
 - vi. Public parking may be required in close proximity to parks, to provide convenient access.
 - v. Final acceptance and approval of parklands and any improvements to be dedicated to the public shall be made by the city council.
 - d. The city council, at its discretion, upon determining that an area proposed to be dedicated as parkland is not suitable or desirable, for any reason, may elect to accept fees in lieu of the dedication.
 - e. A subdivider or developer may make request with a plat or site plan application for paying a fee in lieu of dedication ~~with a written statement of intent to deposit money in the city's park and recreation development fund in a manner and amount, at the initial rate of \$575.00 per lot in a single-family residential subdivision and \$475.00 per dwelling unit in a duplex, townhouse, apartment or other multi-family development approved by the City.~~

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- f. The amount of money in lieu of park acres shall be set by the city council and shall be reviewed annually and adjusted as market values warrant.
- g. After approval of the application of the city council, the subdivider or developer shall make payment of the approved amount of money to the city prior to plat recordation.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-21. Property owners' associations.

A. Property owners' association required.

1. When a subdivision includes areas held in common for the welfare of a subdivision and its owners or occupants, which will not be maintained by the city or another public agency, the establishment of a mandatory property owners' association (association) shall be required.
2. Such common areas shall be designated on plats in an adequate form to dedicate to an association. This dedication form shall save the title to common area properties for the benefit of the association; express the purpose of the subdivider to convey common property to the association; and tie the covenants responsibilities to the association and the recorded plat.
3. Prior to plat recordation, the subdivider or developer shall create an incorporated nonprofit association, record covenants that automatically make every lot owner a mandatory member of the association, give owners the right to use the common property, establish their voting rights, and obligations to pay annual assessments, and be in a legal form that ensures that the association will function properly after the subdivider is not active in the subdivision.
4. All common use improvements shall be fully maintained in operational working order in perpetuity by the subdivider or developer until an association is legally constituted and empowered to provide perpetual maintenance.
5. Covenants establishing the association shall specify that if the association defaults, the city has the right to file a lien or assess property owners within the subdivision for all common areas.
6. Restrictive covenants shall ensure ~~for~~ continuous maintenance and control of the common areas by a responsible body, in perpetuity, for the benefit of the owners, without using public funds; and require that membership in the association shall run with the title to each lot, is mandatory, that its primary source of operating funds is an annual assessment levied against each lot, incorporated into each deed, binding on each owner, and enforceable as a lien.
7. The requirements of this section apply to all plats recorded prior to the adoption of this LDC where a final plat was recorded with a stipulation that common areas would be maintained by an association. Failure to maintain such improvements shall be considered a public nuisance and be subject to the public nuisance provisions in the Code of Ordinances.

B. Approval. The final covenants, conditions, and restrictions (CCRs) establishing the association, once approved by the city attorney, shall be recorded with the final plat, which identifies all facilities, structures, improvements, systems, and areas to be maintained or supervised by the association.

C. Responsibilities. The association shall be responsible for the continuous and perpetual operation, maintenance, and supervision of commonly held landscape systems, improvements, features, or elements located in parkways, medians, and common areas, adjacent to drainage ways or drainage structures, and at subdivision entryways.

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- D. *Dedications to association.* All facilities, structures, improvements, systems, areas, or grounds operated, maintained, or supervised by the association, other than those located in public easements or rights-of-way, shall be dedicated by easement or fee simple deed to the association.
- E. *Enforcement and indemnification.*
1. CCRs are private restrictions not enforceable by the city. The city will only review CCRs for "legal form" to ensure that restrictions comply with the requirements of this section and ordinance.
 2. CCRs shall not abrogate the subdivision or development from any minimum requirements of this LDC. The minimum LDC requirements shall abrogate the minimum standards of any CCR.
 3. In the event that the city is required to invoke enforcement options to remove or maintain any improvements in a public right-of-way or easement that is the responsibility of an association, the city is indemnified and shall be held harmless from any and all costs, expenses, suits, demands, liabilities, or damages, including attorney's fees and costs of suit, that may be incurred or result.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

ARTICLE III. PUBLIC IMPROVEMENT RESPONSIBILITIES

DIVISION 1. TRANSPORTATION RESPONSIBILITIES

Sec. 23-22. Responsibilities of the subdivider or developer.

- A. *Generally.* The subdivider or developer is responsible for all design, engineering, labor, and construction expenses for transportation-related improvements required by:
1. The Angleton Construction Manual (ACM) and the LDC;
 2. The Angleton Future Thoroughfare Plan (Angleton FTP); and
 3. The need for transportation improvements resulting from ~~the from~~ a site plan, plat, or any other development process regulated by the LDC.
- B. *Limitation.* The subdivider or developer is not responsible for improvements to the extent that this division specifically requires full or partial payment for transportation improvements by the city.
- C. *Transportation improvements required.* Except where limited in this division, the subdivider or developer, during the platting and site planning processes, is responsible for:
1. Providing public streets, sidewalks, curb and gutter, and roadway drainage that complies with all ACM and LDC design criteria and requirements, and Brazoria County Drainage Manual Criteria;
 2. Extending and connecting existing public streets, sidewalks, and, where applicable, trails, with existing or proposed streets, sidewalks, and trails;
 3. Providing all necessary property interests, including rights-of-way, and where necessary, easements, drainage ways, for proposed public streets, sidewalks, and trails;
 4. Removing existing roadside bar ditches in accordance with the requirements of section 23-12, Streets and driveways, subsection L, and replacing such ditches with underground stormwater conveyance improvements, a street section that includes a curb and gutter, sidewalk, and adequate area for utilities, all designed in accordance with the LDC and ACM;

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5. Drainage improvements, easements, or right-of-way, as appropriate, to properly drain all streets, street right-of-way, and all other drainage improvements associated with streets;
 6. Providing reports and inspection results showing that proposed public streets, sidewalks, and trails will be, and were, constructed in accordance with all ACM and LDC design criteria and requirements;
 7. Providing the expansion or extension of public streets, sidewalks, and trails, as shown on approved city plans, particularly the Angleton FTP, to serve future development;
 8. Providing for the initial operation, maintenance, and warranty of public streets, sidewalks, and trails;
 9. Providing fiscal security required to warranty the construction of the public streets, sidewalks, and trails; and
 10. Complying with all requirements of the utility providers with respect to utilities located adjacent to, or within, the public right-of-way.
- D. *No other dedication or construction required.* Nothing in this division shall be construed to require any dedication or construction that is not explicitly required by the standards of this division, the ACM, the Angleton FTP, or any regional transportation plans.
- E. *Off-site/perimeter road improvements.*
1. When a subdivision or development is proposed to be located adjacent to, or served by, a street that does not meet the minimum standards of the city for roadway construction, pavement design, pavement width, street drainage, or right-of-way width:
 - a. The subdivider or developer shall provide improvements to the substandard street or intersections, as necessary to mitigate traffic impacts generated by the subdivision or proposed development, as set out in section 23-24, Improvements required. Required street improvements shall be established through the completion of a traffic impact analysis (TIA) that meets the minimum standards specified in section 23-25, Traffic impact analysis.
 - b. The city may, at its discretion, participate in the costs to oversize improvements by executing a development or public improvement agreement with the subdivider or developer.
 2. Where a subdivision is adjacent to or served by a TXDOT highway, the city, in collaboration with TXDOT, shall determine whether developer participation in the "fair share" cost of any improvements, or if the dedication of right-of-way or any other improvements, such as, but not limited to, drainage or utility relocation, is required.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-23. Essential nexus.

- A. *Support for new development.*
1. New development must be supported by adequate levels of transportation services, as required and defined in division 1, Transportation Responsibilities, and as limited by section 23-27, Mitigation limitations and exemptions.
 2. It is necessary and desirable to provide for the dedication of rights-of-way and easements for capital improvements, as limited by section 23-27, Mitigation limitations and exemptions, to support new development at the earliest stage of the development process.
- B. *Essential nexus.* There is an essential nexus between the demand on public facility systems created by a new development and the requirement to dedicate rights-of-way and easements and to construct capital improvements to offset such impacts.

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- C. *Developer obligations; dedication and construction of improvements.* The developer shall dedicate all rights-of-way and easements necessary for public streets, sidewalks necessary to adequately serve a proposed development and link to adjoining future development, consistent with the Angleton FTP and ACM, as limited by section 23-27, Mitigation limitations and exemptions.
- D. *Timing of dedication and construction.*
1. *Initial provision for dedication or construction.*
 - a. The city shall require the submittal of a preliminary traffic impact analysis (TIA) to demonstrate if a proposed development would be adequately served by existing public facilities and services, as limited by section 23-22, Responsibilities of the subdivider or developer or if off-site improvements, such as, but not limited to, a traffic signal or turn lane, is required to serve the development at an acceptable level of service, as set out in section 23-25, Traffic impact analysis.
 - b. As a condition of approval, the city may require the dedication of rights-of-way or easements and the construction of on- of off-site capital improvements to serve the proposed development, consistent with the LDC, Angleton FTP, ACM and approved TIA recommendations.
 2. *Deferral of obligation.*
 - a. The obligation to dedicate rights-of-way or to construct improvements to serve a new development may be deferred until approval of a subsequent phase of development at the sole discretion of the city, upon written request of the developer or at the city's initiative.
 - b. As a condition of deferring the obligations, the city may require that the developer enter into a deferral agreement, as set out in section 23-38, Deferral and permitting, and section 23-18, Development phasing.
 - c. The city council reserves the right to specify the timing and sequencing or any other aspect of the deferred improvement, as a condition of the deferral of obligation.
- E. *Relief from obligations for substandard boundary streets.*
1. In order to achieve proportionality between the demands created by a proposed development on existing transportation facilities and the obligation of the developer to provide adequate transportation facilities, as limited by section 23-27, Mitigation limitations and exceptions, the city council may elect to participate in the cost of improving an existing substandard street.
 2. At the discretion of the council, the city may agree to relieve the developer of some portion of the obligations of improving the substandard boundary street in response to a petition for relief from a dedication or construction requirements by the subdivider or developer, as set out in section 23-24, Improvements required.
 3. Consideration for relief from the obligations of the subdivider or developer shall be assessed by the city in accordance with the criteria set out in section 23-27, Mitigation limitations and exemptions.
- F. *Reimbursement agreement.* If public street improvements are designed and constructed by the initial subdivider or developer in accordance with the ACM, Angleton FTP, LDC, or any applicable regional transportation plan, the subdivider or developer may:
1. Be eligible for reimbursement by adjoining owners connecting to the public street improvements based on the ratio of the connector's linear front footage to the total linear footage of the public street infrastructure if a connecting property:
 - a. Fronts on, or is contiguous on only one side of the public street, the connecting property may be responsible for up to a 50 percent reimbursement of the construction cost for that frontage, or

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- b. Fronts on or is contiguous on both sides of the public street, the connecting property may be responsible for up to a 100 percent reimbursement of the construction cost for that frontage.
2. In order to be eligible for reimbursement for transportation improvements, subdividers or developers must execute a reimbursement agreement, as set out in section 23-34, Reimbursement agreement.
- G. *Development and public improvement agreements.* The city council, at its discretion, may approve a public/private partnership, as set out in section 23-36, Development and public improvement agreements to share in the expense of essential public transportation improvements when the future needs of the public exceed the fair share requirements to provide public improvements to a specific development.
- (Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-24. Improvements required.

- A. *Improvements required.* When a proposed site plan or plat or other development application regulated by the LDC abuts one side of an existing substandard street, or a future street designated on the Angleton FTP, the subdivider or developer is required to:
1. Dedicate adequate rights-of-way;
 2. Improve the street, including appurtenant sidewalks, paths, bikeways, barrier-free ramps, storm drainage facilities, median openings, turn lanes, and water quality by providing temporary (during construction) and permanent erosion control improvements, and utilities to city and utility provider standards; and
 3. Construct or replace the street and appurtenant improvements to ACM standards at no expense to the city.
- B. *Calculation of cost.*
1. The subdivider share of the improvement to a substandard boundary street or a proposed street designated on the Angleton FTP is one-half of the pavement and right-of-way width of the street. The substandard street shall be designed in accordance with the ACM, Angleton FTP, LDC requirements for the length of frontage adjoining the subdivision or development.
 2. The subdivider share for physical improvements to a substandard street or a proposed street designated on the Angleton FTP, where a subdivision or development will be on each side of a substandard or a future street, is the full pavement and right-of-way width. The street shall be designed in accordance with the ACM where each side of the street adjoins both sides of the subdivision or development.
 3. The city may elect to participate in the cost of improving the substandard perimeter road or proposed road in excess of the developer's fair share obligations where such costs are not borne by another public entity, and in cases where the application of the standards of this division may result in a disproportional burden on the subdivision or developer, as determined by the city engineer and approved by the city council.
 4. The city council may defer the initiation of required improvements, as set out in section 23-38, Deferral and permitting and section 23-18, Development phasing.
- C. *Improvements to substandard streets.*
1. All substandard streets that border a subdivision or development shall be improved, or provisions shall be established for their eventual improvement to city standards.

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2. If a subdivider or developer elects to widen the pavement of an existing street, the existing pavement shall be cut back a distance required by the city engineer to assure adequate sub-base and pavement joint before additional paving material is installed.
 3. If a subdivider or developer elects to improve the pavement of an existing street to meet current standards, the subdivider or developer shall be required to submit construction plans for such improvements and provide evidence demonstrate that the street meets city standards before the city can accept the improvements.
 4. When a proposed subdivision abuts both sides of an existing substandard street, or a future street designated on the Angleton FTP, the subdivider or developer is required to complete all of the requirements listed above for each side of the street.
- D. *Existing boundary street minimum requirements.* For existing boundary streets, regardless of their existing condition, the following minimum standards shall apply:
1. The subdivider or developer shall dedicate additional rights-of-way as necessary to complete the desired street width from the desired street centerline to the final edge of right-of-way. Dedication of more than half this additional increment may be required, in some instances, to maximize use of the existing roadway or to ensure a consistent street alignment with a minimum of undesirable curvature.
 2. If a subdivision or development includes no more than four single-family residential lots, the subdivider or developer is only required to dedicate an amount of right-of-way necessary to improve the street to city standards but is not required to improve the street.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-25. Traffic impact analysis (TIA).

- A. *Purpose.* The purpose of a TIA is to:
1. Assess the effects of a proposed development on the existing and planned city road systems that are not the responsibility of TXDOT;
 2. Determine improvements necessary to mitigate negative traffic impacts from development;
 3. Determine roughly proportionate responsibilities for sharing of traffic mitigation expenses by the city and the subdivider; and
 4. Ensure that the major street network for the city and its ETJ is based on the operational values of level of service category D, or better, as a minimum criterion for design purpose. Level of service D is the industry standard for traffic operations that balances vehicle movement, impacts on neighborhoods, and expenses to developers and the public.
- B. *Applicability.* A TIA is required to be submitted at the time of platting or site plan review only for developments that exceed any thresholds described below. The city reserves the right to require a TIA for land developments that do not meet the threshold requirements but may impact a sensitive area with traffic issues or be a known public concern.
1. Development that generates more than 100 peak hour trips (PHT).
 2. Development that generates more than 5,000 vehicle trips per day (VTD).
 3. Development where more than 25.0 acres of property are involved. Minor subdivisions or low-intensity development on larger parcels do not require a TIA.
 4. Development that involve special traffic design considerations, such as oversized or slow-moving vehicles, that require special traffic geometry and traffic control needs.

Plat or site plan?

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5. Development that would result in an amendment to the Angleton FTP.
 6. In-fill developments on properties greater than ten acres in area or where proposed streets will connect to and extend existing or proposed stub streets to ensure that the in-fill development will not adversely affect existing adjoining development.
- C. *TIA criteria.* TIA's, when required, shall conform to all requirements of the ACM, the future thoroughfare plan (FTP), and generally accepted traffic engineering practices and standards, such as, but limited to those promulgated by the Institute of Transportation Engineers (ITE) and the American Association of State Highway Officials (AASHTO).
- D. *Required findings of a TIA.* For purposes of enforcing the requirements in this section, the TIA shall identify the following:
1. The existing, and known proposed, background traffic, not created or associated with traffic that would be generated by the proposed development;
 2. The projected traffic volumes calculated to be present after a project is completed in the TIA study area;
 3. Existing and anticipated traffic queues of vehicles stacking to make traffic movements in the TIA study area;
 4. Existing and anticipated trip distribution of the percentage estimates per turning movement from the proposed development; and
 5. A trip generation summary that summarizes existing and anticipated trip generation characteristics an entire day; including A.M. and P.M. peak periods, rates, and all assumptions used to calculate the number of anticipated trips.
- E. *TIA responsibility.* The primary responsibility for assessing the traffic impacts associated with a proposed development rests with the applicant. The city serves in a review capacity. Both the city and the subdivider or developer share responsibility to consider all reasonable solutions to mitigate problems identified through the study process. The TIA must be prepared and sealed by a professional traffic engineer licensed to practice in Texas, with experience sufficient to assess traffic impacts.
- F. *TIA scope assessment.*
1. Prior to the submittal of a TIA, the subdivider or developer, and the representing engineer, shall meet with the city engineer to formally determine the scope of the TIA. The TIA scope will be sufficiently scaled to reflect the traffic impacts of the proposed use causing the TIA and shall include pedestrian and bicycle analysis.
 2. Once the scope of the TIA is established, the city engineer will formally stipulate the scope in writing.
 3. The city engineer reserves the right to expand or contract the TIA scope as additional details about the proposed use are ascertained, based on generally accepted traffic engineering practices.
 4. If TXDOT system highways are affected by the proposed development, TXDOT shall be included in the scope assessment to coordinate the TXDOT and city TIA review processes and to avoid duplication and inconsistencies.
- G. *TIA review.* The TIA shall be reviewed by the city engineer and any other necessary review authorities, including TXDOT and Brazoria County, when applicable. Review comments shall be provided to the applicant and other reviewing agencies for response and coordination.
- H. ~~*City assistance in development.* During the course of making required traffic improvements, the city may elect to partner with the subdivider in the use of its governmental powers to assist in the timely and cost-~~

Commented [LS44]: What type of scope is meant? If the TIA meets the requirements, then what could be included?

Commented [LS45]: The TIA should meet TxDOT requirements and shall be approved by TxDOT for their facilities.

Commented [LK46]: The section on City assistance in development is not pertinent to the TIA requirements. Recommend that this be removed.

effective implementation of improvements. The city may agree to provide any of the following forms of assistance:

- ~~1. Acquisition of necessary rights of way and easements;~~
 - ~~2. Relocation of utilities;~~
 - ~~3. Obtaining approvals from Brazoria County, TXDOT, or other applicable entities; or~~
 - ~~4. Enter into a development or public improvement agreement or any other legal agreement permitted by the State of Texas.~~
- I. *TIA revisions.* Periodic updates or revisions to the TIA may be required to address issues and identify changes to the level of service at study intersections and streets. These updates shall address modifications to the magnitude and timing of improvements. Any amendments must be acceptable to the city and TXDOT, when applicable.
- J. *Off-site improvements.*
1. Based on the TIA recommendations and other instances where the city finds that public safety is at risk, the subdivider or developer may be required to make off-site improvements to streets and intersections to mitigate traffic impacts generated by development.
 2. When off-site improvements are required, they shall be roughly proportional to the impact of the proposed subdivision or development.
 3. The city may participate in the costs of oversizing public improvements with the subdivider or developer, subject to the city's cost participation policies and procedures.
- K. *Construction maintenance easements.* Temporary construction maintenance easements, in addition to right-of-way, may be required when adequate width for street and/or utility construction staging is not available. The subdivider or developer is responsible for obtaining any required temporary construction maintenance easements.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-26. Mitigation and rough proportionality.

- A. *Purposes.* A primary purpose of section 23-25, Traffic impact analysis (TIA), is to determine the roughly proportionate responsibilities for the sharing of traffic mitigation expenses to be borne by the city and the developer, to implement:
1. The Angleton FTP, applicable regional transportation plans;
 2. The ACM; and
 3. The funding of the required transportation improvements identified in section 23-25, Traffic impact analysis (TIA).
 - a. Right-of-way dedication for adjacent exterior streets;
 - b. Improvements to substandard transportation facilities;
 - c. Projecting and aligning streets to provide mobility and reduce traffic congestion;
 - d. Right-of-way dedication and the construction of streets identified in the Angleton FTP and any applicable regional transportation plans;
 - e. Upgrading existing traffic signals, installing new traffic signals, or other traffic control devices to accommodate the growth of the city and the impacts attributable to new development;

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- f. Adding acceleration, deceleration, or turn lanes where necessary, to achieve the required level of service for new and existing development;
- g. Any other improvements identified in the traffic impact analysis (TIA); and
- h. Identify the roughly proportionate costs of transportation improvements to be borne by the subdivider or developer and the city.

B. *Phased development.* For phased development projects:

- 1. Implementation of the mitigation improvements must be completed no later than the completion of the project phase for which the TIA shows it was required.
- 2. Plats for project phases subsequent to a phase for which a mitigation improvement is required may be approved only if the mitigation improvements are completed or bonded by the subdivider or developer.

~~C. *Upon completion.* At the conclusion of the TIA:~~

- ~~1. The applicant shall summarize all mitigation improvements identified in the TIA and the approximate cost of all mitigation improvements including design, engineering, and construction.~~
- ~~2. Mitigation improvements that only serve the proposed development, such as turn lanes into and out of a development, that provide minimal benefits to the study area roadway network, shall not be included in the cost of the mitigation improvements.~~

Commented [LK47]: TIA recommendations – remove duplication. This is a repetition of the next section.

D. *TIA recommendations.* At the conclusion of the TIA, the report shall:

- 1. Summarize all mitigation improvements identified in the TIA and the approximate cost of all mitigation improvements including design, engineering and construction; and
- 2. Detail those mitigation improvements that only serve the proposed development, such as, but not limited to, turn lanes or a traffic signal that facilitates egress into and out of a subdivision or development, but provide minimal or no benefit to the study area roadway network, in which case shall not be included in the cost of the mitigation improvements potentially eligible for mitigation, as set out in section 23-27, Mitigation limitations and exemptions.

E. *Methodology.* The methodology to be utilized to complete the TIA and to utilize its findings and recommendations, shall be as follows:

- 1. The maximum amount of improvements attributable to a development is roughly proportional to the demand created by a development. This value is determined by multiplying the following values:
 - a. Intensity of the development; using the independent variable identified in the ITE Trip Generation Manual, such as, but not limited to, the number of dwelling units in large residential developments, the peak average trips generated per 1,000 square feet of leasable floor area for larger scale developments that collectively have high traffic generating characteristics, such as a shopping center or large-scale retail business, or large-scale industrial or heavy commercial developments that typically utilize oversized vehicles and/or semi-tractor trailers on a daily basis;
 - b. Number of vehicles; using the peak hour trip generation rate for the applicable peak hour, from the most current version of the ITE Trip Generation Manual;
 - c. Length of the trip; the anticipated trip length to and from the development on the city's major street network, with a minimum value of one [\(1\)](#) mile and a maximum value of [one and one-half \(1.5\)](#) miles being applicable;
 - d. Special traffic characteristics; such an operation that require a significant number of slow-turning traffic movements by semi-trucks or other over-sized vehicles, and therefore require special road

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geometry and traffic signal consideration, such as, but not limited to, oil-field service vehicles or fleet semi-tractor trailer service; and

- e. Cost per vehicle-mile; using the average cost per vehicle-mile for the city to deliver a typical roadway capacity improvement project based on the current city engineer estimates.
2. The average unit price list and methodology shall be reviewed by the city engineer annually to ensure that the average unit price list and methodologies are consistent with current costs and engineering assumptions.

F. *Determining value of improvements.* The subdivider or developer shall:

1. Utilize a methodology preapproved by the city engineer to determine the maximum valuation of improvements that may be attributable to the proposed development; and
2. The engineer shall then compare the cost of the mitigation improvements to the maximum probable amount of improvements attributable to the development.

Commented [LK48]: Is this information to determine the maximum valuation of improvements available?

- G. *Less than or equal.* If the cost of the mitigation improvements is less than or equal to the maximum amount of improvements attributable to the development, then the mitigation improvements identified in the traffic impact analysis are said to be roughly proportionate to the impact of the development.
- H. *Greater than.* If the valuation of the mitigation improvements is greater than the maximum amount of improvements attributable to the development, then the mitigation improvements identified in the traffic impact analysis is limited to an amount roughly equal to the maximum valuation of improvements attributable to the development.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-27. Mitigation limitations and exemptions.

- A. *Limitations.* Limitations on traffic impact mitigation requirements include those improvements that have been identified by the TIA and that have been planned and funded through a capital improvement project that exceeds the proposed traffic mitigation measures recommended in the TIA. In this case, such mitigation improvements are not required. To qualify for this exemption:
 1. The capital improvement project must be planned to be awarded to a contractor for construction within one year following the completion of the development approval that required the improvement as a traffic mitigation improvement; and
 2. Credit may only be provided for improvements that directly correlate to a proportionate percentage of the capital improvement.
- B. *Determination of waivers.* Traffic mitigation improvements may be waived if the city council makes one of the following determinations:
 1. A development proposes an interconnected street system or a mixed-use development, and includes pedestrian facilities that will result in fewer trips than isolated, low-density subdivisions; or
 2. A development is proposed that will produce fewer and shorter trips than developments subject to conventional zoning.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

DIVISION 2. UTILITY RESPONSIBILITIES

(Supp. No. 19)

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Sec. 23-28. Responsibilities of the subdivider or developer.

- A. The roughly proportionate fair share utility obligations of the subdivider or developer are:
 - 1. The cost of design, engineering, labor, and construction roughly proportional to the utility improvements required by the ACM; and
 - 2. The provisions of utility services to all developments, subdivisions, and resubdivisions.
- B. Nothing in this section shall be construed to require any dedication or construction that is not explicitly required by the LDC, ACM, and applicable building, fire, and life safety codes and the requirements of each utility.
- C. The subdivider or developer is responsible for the rough proportional cost of:
 - 1. Phased development improvements to provide adequate utilities and levels of service;
 - 2. Extension of public facilities, including necessary on- or off-site facilities, to connect to existing and/or proposed utility facilities;
 - 3. Providing and/or procuring all necessary property interests, including rights-of-way and easements, for the utility facilities, whether on- or off-site;
 - 4. Providing proof to the city of adequate utility facilities;
 - 5. Providing fiscal security required for the construction of the utility facilities;
 - 6. Providing for the operation and maintenance of the utilities, or providing proof that a separate entity will be responsible for the operations and maintenance of the utilities;
 - 7. Obtaining approvals from applicable utility providers and the city; and
 - 8. Providing levels of utility services that meet all minimum utility and construction code standards roughly proportional to the demand generated by the development.
- D. All utility services shall be extended by the subdivider or developer as set out below:
 - 1. Extension of all utility lines shall be made along the entire frontage of the subdivision adjacent to a street or right-of-way, per the ACM, the LDC, or the criteria of the affected utility.
 - 2. If natural or man-made constraints preclude the extension of utilities along public rights-of-way, the subdivider or developer, in consultation with the city engineer, or an agent from the affected utility, and may consider an alternative location for utilities, provided that the alternative method will facilitate the future extension of the utilities and development of all adjoining properties.
 - 3. If natural or man-made constraints, or other engineering considerations, prevent the extension of utilities to adjoining properties, the ~~development administrator~~ designated City staff, in consultation with the city engineer or agent from the affected utility, may waive the requirement to extend utilities to such a property, and may dead-end a utility in accordance with generally accepted engineering and utility practices and all applicable building, fire, and life safety codes.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-29. City utility and connection responsibilities.

~~The roughly proportionate fair share utility responsibilities of the city are:~~

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- A. Except when expressly stipulated in conjunction with an annexation, the city or any utility provider is not obligated to extend water or sanitary sewer lines to provide services at the expense of the city or utility.
- B. The city and utility providers may allow subdividers, developers, or owners to tie onto existing water and sanitary sewer mains when they bear the expense of extending the service line to the property.
- C. Requests for a utility connection shall be made to the public works director, who will consult with the city engineer and any affected utility providers to assess the feasibility and practicality of the request. Requests that are denied may be appealed to the city council.
- D. The city shall not require any use, lot, or acreage, in existence prior to their annexation into the city to connect to a public or private water system unless the city determines that a connection is necessary to:
 - 1. Prevent destruction of property or injury to persons.
 - 2. Remove or mitigate a public nuisance.
 - 3. Satisfy applicable building, fire, or life safety codes related to the storage or use of hazardous substances or processes.
- E. If the city determines that a utility connection is necessary, the city shall:
 - 1. Provide due notice to the affected property owner; and
 - 2. Allow the owner up to one year from the date of the mailing of the due notice by the city to complete the requested utility service connection.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-30. Essential nexus.

There is an essential nexus between the demand on public utility systems created by a new development and the requirement to dedicate rights-of-way and easements and to construct capital improvements to offset such impacts.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-31. Timing of required improvements.

- A. *Initial provision for dedication or construction.*
 - 1. The city shall require an initial demonstration that a proposed development shall be adequately served by public facilities and services at the time for approval of the initial development application that portrays a specific plan of development.
 - 2. As a condition of approval, the city may require the provision for the dedication of easements or rights-of-way for, and construction of, capital improvements to serve the proposed development, as required by the ACM and all applicable building, fire, and life safety codes.
- B. *Deferral of obligation.*
 - 1. The obligation to construct one or more capital improvements to serve a new development may be deferred.

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2. As a condition of deferral of obligations, the city may require the subdivider or developer to enter into a deferral agreement, as set out in section 23-38, Deferral and permitting, and section 23-18, Development phasing.
3. The city council reserves the right to specify the timing and sequencing or any other aspect of the deferred improvement.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-32. Rough proportionality.

A. Roughly proportionate fair share responsibility when adjoining substandard or nonexistent utilities.

1. When a proposed development abuts property with existing substandard utilities, or no utilities, the subdivider is required to provide a roughly proportional share of the utility facilities to adequately serve the proposed development in accordance with the ACM and all applicable building, fire and life safety codes, at no expense to the city.
2. If an adjoining property with substandard or nonexistent utilities is identified as a utility capital improvements project, the roughly proportionate responsibilities of the subdivider or developer may be affected, as set out below in section 23-33, Mitigation and relief from obligations.

B. Calculation of cost. The subdivider's responsibility to improve any substandard utilities or to extend utilities may, to achieve a level of service to adequately serve the proposed development to the standards and requirements of the LDC and the ACM, is the complete cost of the required improvements.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Commented [LK49]: Need to clarify the policy on utility extension - Is there a distance for extension of utilities to the development? If the property is within 2,000 ft all utilities will be extended at the developers expense.

Sec. 23-33. Mitigation and relief from obligations.

A. Relief from obligations.

1. The city council, at its complete discretion, may grant relief from the roughly proportionate fair share utility obligations and responsibilities of a subdivider or developer upon finding that the required improvements:
 - a. Would result in the subdivider or developer paying more than a roughly proportional share of the cost of the improvements;
 - b. Are necessary to address a significant public health, safety, or economic development issue;
 - c. Are specified in a city five-year capital improvements program; or
 - d. Would complete, or facilitate the completion, of a capital improvement project that is:
 - i. Under construction; or
 - ii. Has been funded by the city or utility provider.
2. If the council determines that relief is warranted, the council and the subdivider or developer may enter into a development or public improvement agreement, as set out in section 23-36, Development and public improvement agreements.

B. Reimbursement agreement. If water and/or sanitary sewer infrastructure will be constructed by the initial developer in accordance with the ACM:

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1. The developer may be eligible for reimbursement by adjoining owners connecting to the public utilities based on the ratio of a connector's linear front footage to the total linear footage of the infrastructure. If a connecting property:
 - a. Fronts on, or is contiguous on only one side of the subject infrastructure, the connecting property may be responsible for up to 50 percent reimbursement of the construction cost for that frontage; or
 - b. Fronts on, or contiguous on both sides of the subject infrastructure, the connecting property may be responsible for up to 100 percent reimbursement of the construction cost for that frontage.
2. In the event that a connecting property desires to connect to utility infrastructure that is not contiguous or front on right-of-way or an easement where water and/or sanitary sewer infrastructure was constructed by the initial developer:
 - a. The city engineer must determine if the subdivision plat for the initial developer would require less capacity than projected in the initial developer's reimbursement agreement.
 - b. If the city engineer determines that less capacity is required, then the construction cost to be reimbursed to the initial subdivider shall be adjusted based on the projected capacity required by the connecting subdivision plats, excluding the property that did not connect to the utility. The reimbursement amount for the remaining properties not yet connected shall not be changed from the amounts shown in the reimbursement agreement.
3. In order to be eligible for reimbursement for connections to public water and/or sanitary sewer improvements, subdividers and developers must execute a reimbursement agreement, as set out in section 23-34, Reimbursement agreements.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

DIVISION 3. SPECIAL AGREEMENTS

Commented [LK50]: Consider making Division 3: Special Agreement a separate policy document and not part of the Subdivision Regulations.

Sec. 23-34. Reimbursement agreement.

- A. *General.* The responsibilities of the subdivider or developer and the city for required public improvements are set out in:
 1. [Division 1](#), Section 23-22, Responsibilities of the subdivider or developer; and
 2. [Division 2](#), Section 23-28, Responsibilities of the subdivider or developer.
- B. *Subdivider reimbursement for excess capacity.*
 1. The subdivider or developer may be entitled to relief upon determination of the city engineer [and approval by City Council](#) that improvements proposed by the subdivider or developer would provide excess capacity above and beyond the fair share of the cost of providing an adequate level of service to the proposed subdivision.
 2. Criteria for determining if the subdivider or developer is entitled to relief from their obligations are set out in:
 - a. [Section 23-30, Essential nexus](#);
 - b. [Section 23-28, Responsibilities of the subdivider or developer, subsection F, Relief from obligations](#); and
 - c. [Section 23-33, Mitigation and relief from obligations](#).

Commented [LS51]: Not in order and don't address both Divisions

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3. The process and procedures for city consideration of a reimbursement agreement set out in this section shall be executed by the city manager, upon approval of the city council.

C. *Calculation of excess capacity provided.*

1. Upon approval of construction drawings by the city engineer, the initial subdivider who constructed the street or utility infrastructure improvements accepted by the city may file an application for a reimbursement agreement that includes:
 - a. An itemized good faith engineering estimate of the total cost to complete the subject public improvement;
 - b. An engineering report and the methodology used to determine the fair share responsibility of the subdivider or developer to provide the subject improvement;
 - c. A determination of the excess capacity that would be derived by the public upon construction of the subject improvement; and
 - d. The basis in which the subdivider or developer would submit a reimbursement connection fee and the rationale used to derive the proposed fee, to be assessed on a per lot or per acre basis as properties are developed and connect to the subject public improvement.

2. Upon the city finding the reimbursement application is satisfactory, the subdivider shall draft a reimbursement agreement for city attorney review and city council approval.

3. Upon the approval of a reimbursement agreement, the city shall require connectors to pay the prescribed reimbursement amounts. The reimbursement agreement shall not be executed until after the time in which an appeal, and resulting public hearing, has expired, or that any public hearings, if an appeal was filed, are completed.

4. The initial subdivider or developer must apply for a reimbursement agreement within 120 days of initial acceptance of the infrastructure.

- D. *Appeals.* Any person may file an appeal where it is alleged there was an error in any order, decision, or requirement made in the enforcement of this section, pursuant to section 23-101, Subdivision variances, interpretations, and appeals.

E. *Reimbursement agreement administration.* The reimbursement fee shall be:

1. Assessed and collected by the city at such time as any connection to the improvement is requested, unless otherwise prescribed in the agreement; and
2. Refunded to the subdivider or developer in the method prescribed in the agreement.

F. *Connector obligations.*

1. Persons who connect to the subject public improvement are required to pay the entire reimbursement amount applicable to the entire property that is subject to a reimbursement agreement regardless of whether the property is subdivided.
2. Payment shall be made upon execution of a reimbursement agreement or at time of connection, whichever occurs first.
3. If prior to payment of the reimbursement amount, the subdivider or developer has subdivided the property and sold a portion to other owners, the connector shall be required to pay only their pro rata reimbursement amount for their entire remaining property.
4. Notwithstanding the foregoing, payment by individual residential lots is not allowed unless the individual lot existed and was occupied but not connected to the infrastructure at the time the reimbursement agreement was executed.

Commented [LS52]: City should develop a standardize agreement for the developer to fill-in. This will help limit attorney fees and stream line the process for City Council.

Commented [LS53]: It is not clear what this means? Why is a public hearing required for a reimbursement agreement?

Commented [LS54]: Is this to apply for reimbursement?

Commented [LS55]: This is confusing as to the timing and who is paying. If the agreement is for upsizing to serve the system the City should reimburse and the tap and or impact fees should pay for the upsizing.

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5. Refunds or credits of reimbursement amounts shall not be made as a result of reducing the number of lots in a subdivision plat.

G. **Reimbursement agreement limitations.** Time limitation, interest, and depreciation shall be applied as follows:

1. Interest and depreciation shall be applied the following rates:
 - a. A set annual interest rate of three percent appreciation for years one through ten; and
 - b. A set annual depreciation rate of three percent for years 11 through 15.
2. There shall be no reimbursement payments on or after the expiration of 15 years from the date of initial acceptance of the water, wastewater, drainage or street infrastructure eligible for reimbursement.
3. After the agreement expires, connectors have no obligation to make reimbursement payments.

H. **City obligations.**

1. The city specifically shall not guarantee payment of any portion of the reimbursable amount.
2. Nothing shall be deemed or construed to be a pledge of the city's faith and credit in facilitating the equitable apportionment of the construction cost of the infrastructure.
3. It shall be the initial subdivider's or developer's obligation to be aware of the city's development process and to make a timely application for a reimbursement agreement.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-35. Requirement for required excess capacity.

- A. Where the size of a utility line required to meet the ultimate requirements of the city is larger than the minimum size of line needed to comply with subdivider or developer obligations, the city may enter into a contract with the subdivider or developer for excess capacity.
- B. The city shall provide reimbursement to the subdivider or developer for required excess capacity based on the difference between the cost of the minimum line required to be installed and the cost of installing the line size requested by the city.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-36. Development and public improvement agreements.

A. **Development and public improvement agreements.**

1. **Generally.**
 - a. The city may enter into a development agreement with a developer or subdivider for development in the ETJ to provide the public improvements required by article III, division 1, Transportation Responsibilities and division 2, Utility Responsibilities.
 - b. The city may enter into a public improvement agreement with a developer or subdivider in association with development in the corporate limits of the city to provide for the public improvements required by article III division 1, Transportation Responsibilities and division 2, Utility Responsibilities.
2. **Negotiation and execution.**

Commented [LS56]: Who is the connector? Is this just the fair share connect?

Commented [LS57]: Is this like a Public Improvement District. The reimbursement language is confusing.

Commented [LS58]: This should have an agreement title as it is under Division 3, Special Agreements or combine with another section.

Commented [LS59]: Does the City want to do this without annexation being required?

- a. The general terms of any special agreement are established by the city council during the development approval process.
- b. The specific language of a development or public improvement agreement is subject to negotiation between the subdivider or developer and the city manager and is subject to city council approval.

B. *Public improvements determination.* The city engineer shall determine if:

1. The dedication, acquisition, relocation, installation, or construction of public improvements, in conjunction with a subdivision plat or site plan, is required, and the proportional share of the subdivider or developer and the city;
2. The public could benefit by participating with the subdivider or developer to make public improvements greater than the fair share responsibilities of the subdivider or developer to address the needs of the city; and
3. The engineer representing the subdivider or developer should prepare a "good faith engineers estimate" of the developer's fair share cost to complete improvements and the additional cost of the improvements that the city may consider funding by a special agreement.

C. *Public participation and establishment of public interest.*

1. The city may enter into a special agreement if the city council determines that such an agreement would be in the interest of the public to provide for the long-term growth and development of the city.
2. The following criteria should be used as the basis for determining if the public good would be served by public participation in a special agreement:
 - a. *Streets.*
 - i. If a portion of a collector or arterial street designated on the Angleton FTP, and any associated traffic improvements, such as, but not limited to, traffic signals or turn lanes, are determined to be in the interest of the community in general, the city may participate in cost-sharing.
 - ii. In no case will the city participate in an agreement if an improvement is determined to be necessary solely for the accommodation of the proposed development.
3. *Water and wastewater utilities.*
 - a. If oversizing of a portion of a water and/or sewer system is determined to be in the interest of, and used by, the community in general, the city may participate in cost-sharing.
 - b. In no case will the city participate if such oversizing is determined to be necessary solely for the proposed development.
4. *General terms.*
 - a. No agreement shall be approved or recorded until it is approved by the city council.
 - b. The agreement shall specify the amount of the participation to which the city has agreed.
 - c. The subdivider or developer will fully account for all costs incurred in the construction or installation of improvements. The records relating to these improvements shall be open to the city at all reasonable times for auditing or cost verification purposes.
5. City participation may include engineering, site preparation, right-of-way or easement acquisition; or any other element that directly relates to the proposed agreement.

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D. *Agreement content.* If a special agreement is warranted, the agreement shall be in the general form set out in subappendix 23-A.2, Standard City Forms and Certification Language, executed by the city manager, upon city council approval. Agreements shall contain the following details:

1. *Release of security.* As improvements are completed, the developer may apply to the city engineer for a release of part or all of the guarantee. Inspection and approval of those improvements shall be in accordance with section 23-98, Public improvements acceptance.
2. *Security.*
 - a. The agreement shall require the subdivider to provide financial security for the required public improvements in accordance with the provisions of the agreement in an amount and form sufficient to ensure timely completion of the improvements in accordance with the city standard of 125 percent of the cost of the improvements.
 - b. The proposed security shall be sufficient in the judgment of the city engineer and city administrator to provide for the construction and/or installation of all required improvements as listed in the agreement.
 - c. The city will add an administrative fee of five percent of the project cost, up to \$10,000.00, to oversee construction should the subdivider or developer fail to complete any improvements.
 - d. Financial security shall be provided to the city prior to and as a condition of the issuance of a permit to commence development, which shall be prior to final plat approval in the case of subdivision, prior to building permit issuance in the case of site plan approval, or prior to the installation of new utility service or repair of existing public improvements or utilities.
 - e. Any security furnished shall not expire for a period of 14 months, or some other term agreeable to the city and applicant, after the date of the agreement being executed.
3. *Phasing.*
 - a. Agreement may prescribe the timing, order, and deadlines for the installation, construction, or reconstruction of public improvements in phases.
 - b. Any phase of development approved through the agreement must be an integrated, self-contained project consisting of all public improvements necessary to serve the portion of property to be developed as part of such phase.
 - c. The city may impose reasonable conditions on the phasing of development to preserve the integrity of the development or the public health, and safety.
4. *Responsible parties.* The parties who are responsible for all aspects of the project, from design to construction, of each improvement shall be identified.
5. *Costs.* The construction data and good faith estimates must be acceptable to the city engineer prior to the submittal of financial security.
6. *Construction data.* Itemized construction data prepared by the developer's engineer, subject to approval by the city engineer, showing:
 - a. A "good faith" engineering estimate of the project costs if public improvements were constructed by the developer without any public participation; and
 - b. A "good faith" engineering estimate of the project costs designed with public participation.
7. *Terms.* The agreement shall identify the public improvements required to be constructed and provide assurances that the improvements will be constructed to the city's standards in a timely manner and subject to applicable warranty.

Add all the forms.

E. *Completion of public improvements.*

1. *Generally.* Following construction, installation, inspection, and approval by the city engineer of all, or a portion of, the required public improvements, the developer may submit a written request that the approved portion be accepted for maintenance by the city.
2. *Guarantee.* The developer's limits of responsibility for the improvements shall be in accordance with section 23-98, Public improvements acceptance.
3. *Release of development and public improvements agreement guarantee.*
 - a. The developer shall submit a written request for a release from the agreement for that portion of improvements which has been accepted for maintenance by the city as set out in section 23-98, Public improvements acceptance. This request shall be accompanied by proof that there are no outstanding judgments or liens against the improvements within the public rights-of-way, or against property on which easements contain public improvements, as required by the agreement.
 - b. The city engineer and city manager shall review the request and:
 - i. Determine if the requirements of the agreement concerning that portion requested for release have been complied with and if the city has accepted the improvements and a warranty bond, as set out in section 23-98, Public improvements acceptance.
 - ii. Upon making affirmative findings, the appropriate guarantee document may be released by the city manager.
 - iii. If the city engineer determines that any of the agreed-to improvements are not constructed or were not installed in accordance with approved requirements, plans, standards, or specifications, a written list of specific deficiencies shall be prepared by the city engineer and forwarded to the subdivider or developer and the city manager.
 - iv. The city manager shall be entitled to withhold a security amount sufficient, including the entire amount of the guarantee, to ensure compliance.
 - v. If the city manager determines that the subdivider or developer will not construct or install any or all of the improvements in accordance with the approved agreement, the city manager shall draw and expend from the deposit of collateral adequate funds necessary to complete the improvements.

F. *Stop work order authorized.*

1. *Authority.* Whenever any duly authorized agent of the city determines that any work regulated by this ordinance is being installed or completed in a manner contrary to the provisions of the LDC or the ACM, contrary to applicable codes or to approved construction plans, or in a dangerous or unsafe manner, the city is authorized to issue a stop work order immediately and to not allow work to progress until the issues that resulted in the stop work are remediated at the expense of the developer.
2. *Issuance.* The stop work order shall be in writing and shall be given to the owner of the property involved; or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.
3. *Order.* When any issue is discovered, the city is authorized to issue a stop work order.
4. *Emergencies.* When an emergency exists, the city shall not be required to give a written notice prior to stopping the work.

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5. *Failure to comply.* Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, is operating in violation of this Code.

G. *Certificate of completion and release of responsibility.*

1. Upon expiration of the limits of responsibility established in any agreement, the developer may request a letter of acceptance and release of responsibility.
2. Upon issuance of the letter of acceptance and the release of responsibility, all responsibility for the improvements shall be assumed by the city.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

DIVISION 4. PUBLIC ACCEPTANCE AND PERMITTING

Sec. 23-37. Public acceptance.

A. *Construction plan expiration.*

1. If construction has not commenced within a year of the approval of construction plans, the construction plans are null and void.
2. If good cause is shown and proof provided to demonstrate the approved construction plans will continue to comply with all standards and ordinances in effect when they were approved, the city manager can grant a six-month unconditional administrative extension, effective from the original plan approval date.
3. If an unconditional administrative extension expires, the city manager may approve a one-time 12-month conditional extension and shall require:
 - a. That the construction plans, and approved plat, if necessary, be revised to comply with any new plans, studies, requirements, or standards adopted by the city or any referral agency since the original plat was approved;
 - b. Review and approval by the planning and zoning commission and city council, respectively, if the original plat must be revised to comply current requirements;
 - c. Payment of construction plan review fees and plat review fees if the plat is revised; and
 - d. The issuance of staff comments for construction plans within 30 days of their resubmittal and adhere to the city plat schedule if the plat needs to be revised.
4. If required public improvements are not initiated, completed, or accepted by the city within 30 months of the date in which the corresponding final plat was approved and the final plat was recorded, the city shall:
 - a. Consider the said plat and the approved construction plans to be null and void and to be deemed to have been vacated, without further action by the city. The city may elect to approve a resolution that establishes formal findings and rationale for a plat vacation and record the said resolution in the official records of Brazoria County to officially vacate the plat from the plat records.
 - b. In lieu of nullifying the construction plans or to vacate the plat, the city council, at its discretion, may authorize the use of any performance bonds or other deferral collateral posted by the developer to complete all, or a portion, of the required public improvements and is authorized to

Commented [LK60]: If the new process recommended by staff, that would require construction of public improvements and acceptance prior to final plat acceptance, is adopted, then this will be redundant.

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use any and all lawful means available to recover any expenses incurred by the city in the completion of the required public improvements on behalf of the developer or subdivider.

B. *Final plat expiration and effect on construction plans.*

1. If an approved, but unrecorded final plat, for which construction plans were approved, exceeds the time frame in which the city can consider an extension, the approved construction plans shall ~~be~~ automatically be considered ~~to be~~ dormant and void.
2. The city shall withhold any improvements, permits, and services of any nature, for any development where a final plat or construction plans has expired and is not eligible for an extension.

Commented [LK61]: If the proposed process is adopted, then this section will need to be rewritten.

C. *Guarantee for construction of public improvements.* Approval of a final plat does not impose any duty upon the city concerning the maintenance of improvements of any such dedicated parts all required public improvements have been inspected and accepted.

D. *Construction plan acceptance process.* Construction plans are required to be formally accepted by the city in accordance with the procedures and processes set out in section 23-98, Public improvements acceptance.

E. *Staking and monumentation.* Staking and monumentation shall be required as set out below:

1. *Size and construction.*
 - a. A city survey monument shall be set in a poured-in-place, truncated concrete cone of eight inches minimum diameter at the top, 18 inches minimum diameter at the bottom and shall be a minimum of 36 inches in depth; and
 - b. The monument shall be covered with a steel or cast-iron box and cover, per the ACM.
2. *Monument location.*
 - a. Monuments shall be installed so that the front property corners of all lots are within line of sight of a monument, or within sight of a line between two adjacent monuments;
 - b. Each monument shall be located within the line of sight of another monument;
 - c. Monuments shall be located no farther than 2,000 feet apart;
 - d. At least one monument shall be placed on each horizontal curve. Two shall be required if the point of intersection of the tangents leading to the curve is out of the right-of-way; and
 - e. No fewer than two monuments shall be placed in single street subdivisions.
3. *Perimeter monuments.*
 - a. The perimeter boundaries of a subdivision shall be monumented in the field by monuments of two-inch galvanized pipe, not less than 24 inches in length. These monuments shall be placed at all corners, except that when any such corners or points fall within a street or proposed future street, the monuments shall be placed in the site line of the street.
 - b. Lot lines that extend to bayous or streams shall be monumented in the field by iron pipes at least 30 inches long and 7/8 inches in diameter, or by round or square iron bars, at least 30 inches long. Monuments shall be placed at the point of intersection of waterways with a meander line not less than 20 feet back from the bank of the waterway.
 - c. All corner monuments shall be properly set in the ground and approved by a registered land surveyor prior to filing of the final plat.
 - d. All street monuments shall be properly set within two years of filing of final plat.

F. *Inspections and testing.*

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1. *Start of construction notice.* The city shall be notified one week before any construction begins in order that proper supervision and inspection may be provided.
2. *Pre-construction meeting.* The developer, engineer, and contractor shall request and attend a pre-construction meeting with the city engineer and all utility providers. Schedule of construction and frequency and type of field inspections and source and number of field tests shall be determined at this meeting. If on-site or local unprocessed base material is proposed, and/or if "density control" is specified, a representative of the subdivider's and/or contractor's field control lab shall also attend the pre-construction meeting.
3. *Development permit required.* Prior to commencing construction, a development permit, as set out in section 23-93, Development permit, shall be obtained.
4. *Field inspections.* All construction work, such as street grading, street paving, storm sewers, curb and gutter work, sanitary sewers, or water mains performed by the developer or their contractor, shall be subject to inspection during construction by the proper authorities of the city and utility providers to ensure construction compliance with the ACM and utility standards.
5. *Field control tests.* The following field control tests shall include, but are not limited to:
 - a. Utility installation backfill and density tests, as required;
 - b. Bedding and backfill of culverts and storms drains, and density tests, as required;
 - c. Pre-construction inspection of any on-site or local sources of base material; and if directed by the city engineer, the testing laboratory shall make a site investigation to determine that quantity of material expected to be produced from the sources ~~or sources or sources~~ meets gradation and ~~Atterberg~~ specifications;
 - d. Density tests are required for subgrade preparation, including any fill, cuts and, ditch excavation and any other areas that the city engineer determines to be necessary. Approval of tests is required prior to base placement;
 - e. Placement and compaction of base material, when "density control" is required:
 - i. At a minimum of every five stations of the final lift and at least five additional locations per mile of road for each lift place;
 - ii. To be performed by an approved testing laboratory with copies furnished to the city engineer prior to paving; and
 - iii. After the contractor provides at least a five-day notice to the city engineer for approval of base to allow time for any city tests of density and/or thickness.
 - f. Approval can be obtained in 24 hours if:
 - i. The contractor has notified the city engineer at start of base placement;
 - ii. Provided the city engineer with a schedule for completion; and
 - iii. Corrected any deficiencies.
6. *Pavement of streets.* The contractor shall notify the city engineer at least 24 hours prior to start of paving after bases are approved and provide any required data on pavement mixes, tests to be performed, or other quality control assurances as necessary, at least five days prior to start of paving. Pavement placement and consolidation may be inspected by the city engineer.
7. *Final inspections.*
 - a. The contractor or subdivider shall request final inspection in writing.

Commented [LK62]: Confirm

- b. The city engineer and affected utility providers shall make the requested inspection no later than five days following the receipt of the written request.
 - c. A written "punch list" listing all deficiencies noted on the final inspection and uncorrected deficiencies from previous field inspections, shall be provided to the contractor within five days following the final inspection.
 - d. Utility providers may require additional testing methods, such as camera scoping of utilities to inspect improvements and if any repairs are necessary prior to final acceptance.
8. *Partial completion.* Unless prior arrangement has been made with the City Engineer, no partial completion will be inspected or approved. Partial completions shall be allowed only after consideration of access, drainage, and other matters related to the well-being and safety of future residents. The city engineer shall make the requested inspection no later than ten days following the written request.
9. *Correction of defects.* Defects noted during final inspection shall be corrected within 30 days. Written request for re-inspection for correction of defects will be required unless specifically waived by the city engineer.
10. *Full completion required for release.* Release from the full obligation of construction bond or other construction security shall not be granted until:
- a. The entire development has been inspected and found acceptable by the city engineer and all utility providers and has been approved for release by the city council.
 - b. The city shall have full rights to require maintenance under the terms of the maintenance bond obligation for any portion of streets, or drainage facilities accepted under partial completion, but the period of the maintenance bond obligation shall not start until the city council has authorized full release of construction obligation for work completed.
 - c. The city engineer shall make written notice to the city council of satisfactory construction and satisfactory maintenance. Provided that the city council finds all conditions of release to have been satisfactorily met, the city council shall authorize acceptance and shall cause to be issued a release statement, signed by the mayor releasing the owner and surety from further obligation under the construction bond.
- G. *As-built plans.* Prior to the acceptance of public improvements, the developer's engineer shall submit a complete set of drawings of the paving, drainage, water, and sewer improvements showing all changes made in the plans during construction with each stamped "as-built", with the signature and seal of the P.E. and the date. Electronic sets of approved construction plans with as "as-built" information, shall be submitted to the city in the electronic formats required by the city.
- H. *Maintenance/warranty bond.* Prior to the acceptance of a subdivision and its associated public improvements by the city, the developer shall furnish a good and sufficient maintenance bond in the amount of 125 percent of the contract price with a reputable and solvent corporate surety in favor of the city, and to indemnify the city against any repairs that may become necessary to any part of the construction work performed in connection with the development arising from defective workmanship or materials used, for a full period of two years from the date of the final acceptance.
- I. *State highway improvements.* No permits shall be issued on property in a subdivision abutting a state highway until TXDOT affirms that the developer has obtained approval of construction plans for any required public improvements and has completed the improvements.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Commented [LS63]: Typical payment and performance bonds transfer into maintenance bonds at the same amount. 100% -125% of project cost.

Sec. 23-38. Deferral and permitting.

- A. *Building permits.* The building official shall not issue any permits for development where public improvements are required prior to the approval and acceptance of the required improvements.
- B. *Deferral of public improvements.* The construction and completion of public improvements required by the LDC and ACM may only be deferred by the city council, upon favorable recommendation by the city engineer and city manager upon determining that:
 - 1. Such improvements are not possible or practical to begin or to be completed at the time where they are required to be constructed and completed;
 - 2. The improvements cost estimate prepared by the developer is acceptable to the city engineer;
 - 3. The developer shall enter into an agreement, subject to city council approval, for the deposit of funds equal to the cost of completing the required public improvements into escrow, with the agreement stipulating all terms, conditions, and timing under which construction shall be accomplished. In accordance with the agreement execution, the subdivider or developer would have no further liability for the immediate construction of the required public improvements; or
 - 4. In lieu of depositing such funds into escrow, the developer may file an irrevocable letter of credit or other security to the city in an amount equal to 125 percent of the estimated cost of the completion of the public improvements in a form acceptable to the city attorney, and approved council, stipulating the terms, conditions, and timing under which construction shall be accomplished. If the agreement and security are approved, upon executing the agreement, permits may be issued by the building official.
- C. *Conditional building permits for model homes.* The building official may allow the issuance of conditional permits for four model homes prior to the acceptance of improvements upon:
 - 1. Favorable recommendation by the city engineer of timely progress and an expedient completion date to complete required public improvements;
 - 2. Finding that all utility providers are able to provide services; and
 - 3. The applicant affirming, in writing, that the permits are:
 - a. Conditional, at risk, and contingent on city acceptance of required public improvements;
 - b. Limited to a period to six months from date of issuance; and
 - c. Do not constitute grounds to obligate the city to accept public improvements that do not meet the requirements of the LDC and ACM.
 - 4. Upon the acceptance of all required public improvements, the conditional permits shall automatically convert to regular permit.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

ARTICLE IV. DEVELOPMENT STANDARDS

Secs. 23-39—23-48. Reserved.

ARTICLE V. ENVIRONMENTAL MANAGEMENT

Part II - CODE OF ORDINANCES
Chapter 23 - LAND DEVELOPMENT CODE
ARTICLE V. - ENVIRONMENTAL MANAGEMENT
DIVISION 1. FLOOD DAMAGE PREVENTION

DIVISION 1. FLOOD DAMAGE PREVENTION

Commented [LS64]: Flood Damage Prevention section should be revised based on Atlas 14 precipitation data. So the elevation above BFE may increase to 2-3 feet or be 1-ft above 500 yr floodplain. The entire section should be reviewed and revised. It was not done at this time.

Sec. 23-49. Authority.

Texas Water Code § 16.315 (Flood Control Insurance Act) delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-50. Findings of fact.

- A. *Impacts of flood hazards.* The flood hazard areas of the City of Angleton are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
- B. *Losses caused by flooding.* These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities and by occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-51. Purpose.

The purposes of this division are to:

- Promote human life, public health, safety and general welfare;
- Minimize public and private losses due to flood conditions in specific areas;
- Minimize expenditure of public money for costly flood control projects;
- Minimize the need for rescue and relief efforts associated with flooding that are generally undertaken at the expense of the general public;
- Minimize prolonged business interruptions and damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges in floodplains;
- Maintain a stable tax base by providing for the sound use and development of flood-prone areas and to avoid flood blighted areas; and
- Ensure that potential buyers are aware when properties are in a flood area.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-52. Interpretation.

In the interpretation and application of this division all provisions shall be:

- Considered as minimum requirements;
- Liberally construed in favor of the governing body; and
- Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-53. Methods of reducing flood loss.

In order to accomplish the purposes of this division, the LDC uses the following methods:

- A. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- B. Require that uses vulnerable to floods, including critical facilities, are protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers that are involved in the management of floodwater;
- D. Control filling, grading dredging and other development, which may increase flood damage; and
- E. Prevent or regulate the construction of flood barriers that would unnaturally divert floodwaters or increase flood hazards to other lands.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-54. General provisions.

- A. *Applicability.* This division shall apply to all areas of special flood hazard with the jurisdiction of the City of Angleton and the Angleton ETJ.
- B. *Basis for establishing the areas of special flood hazard.* The areas of special flood hazard identified by the Federal Emergency Management Agency in the Flood Hazard Boundary Map (FHBM), Community Number 480064, dated June 5, 1989, and any revisions thereto approved by FEMA, are hereby adopted by reference and declared to be a part of this LDC.
- C. *Establishment of development.* A floodplain development permit shall be required to ensure conformance with the provisions of this division.
- D. *Compliance.* No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this division and other applicable regulations.
- E. *Abrogation and greater restrictions.* This division is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where the LDC or any other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restriction shall prevail.
- F. *Warning and disclaimer of liability.*
 1. The degree of flood protection required by this division is considered reasonable for regulatory purposes and is based on scientific and engineering considerations;
 2. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes;

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3. This division is not intended to imply that land outside the areas of special flood hazards, or uses permitted within such areas, will be free from flooding or flood damage; and
4. This division shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this division or any administrative decision lawfully made hereunder.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

DIVISION 2. FLOOD HAZARD REDUCTION

Sec. 23-55. Administration.

- A. *Floodplain development permit required.* Properties subject to requirements of article V, division 1, Flood Damage Prevention, and this division, must obtain a flood prevention permit prior to the commencement of any site alterations, including, but not limited to, fill or any development.
- B. *Floodplain administrator.* Applications for a floodplain development permit shall be submitted to the floodplain administrator. Applications must be filed and will be reviewed in accordance with the requirements set out in section 23-92, Floodplain development permit.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-56. General provisions.

- A. *Generally.* This division sets out general and specific standards for flood hazard reduction.
- B. *General standards for flood hazard reduction.*
 1. *Generally.* The requirements of this subsection apply to all new construction and substantial improvements in areas of special flood hazard.
 2. *Resistance to hydrodynamic and hydrostatic loads.* All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 3. *Construction to minimize flood damage.* All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
 4. *Flood damage resistant materials.* All new construction or substantial improvements shall be constructed with materials resistant to flood damage.
 5. *Protection of building service facilities.* All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 6. *Protection of water supply systems.* All new and replacement water supply systems shall be designed to minimize, or eliminate, infiltration of floodwaters into the system.
 7. *Protection of sanitary sewer systems.* New and replacement sanitary sewage systems, including septic systems, shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters.

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8. *Location of on-site waste disposal systems.* On-lot sanitary sewage disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
9. *Limitations on fill.*
 - a. No fill shall be placed within a special flood hazard area unless the effect of the fill on water storage and water quality is fully mitigated in one or more of the following ways:
 - i. Excavation of a volume of soil comparable to the volume that was filled to bring the surface of the land to the base flood elevation. However, excavation is prohibited at depths that would be likely to:
 - (a) Increase the velocity of stormwater flows;
 - (b) Cause significant new erosion; or
 - (c) Expose groundwater to contamination by pollutants which may be present in stormwater runoff.
 - ii. A stormwater management system is provided in a manner and location that compensates for the removal of the filled area from the floodplain; or
 - iii. If the compensatory storage is provided in the floodplain, the combination of filling, compensatory storage, and detention is intended to lower the flood elevation by increasing channel capacity.
 - b. If fill is placed, the applicant shall provide a hydraulics and hydrology study, which shall verify full mitigation, or, alternatively, support a letter of map revision (LOMR) from the Federal Emergency Management Agency (FEMA).

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-57. Specific standards for flood hazard reduction.

- A. *Generally.* The requirements of this subsection apply to all areas of special flood hazards where base flood elevation data has been provided as set forth in:
 1. Determination by the floodplain administrator;
 2. Section 23-58, Standards for subdivisions and site plans, subsection C, Generation of base flood elevation data; and
 3. Section 23-54, subsection B, Basis for establishing the areas of special flood hazard.
- B. *Residential construction.* New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), duct work, exposed plumbing, and electrical components elevated at least one foot above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection is satisfied, as set out in section 23-89, Floodplain development permit.
- C. *Nonresidential construction.*
 1. New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either:
 - a. Have the lowest floor (including basement) elevated at least one foot above the base flood elevation; or

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- b. Together with attendant utility and sanitary facilities, be designed so that below an elevation that is two feet above the base flood elevation, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. This option is only allowed if the floodplain administrator finds that the criteria for a floodplain variance that are set out in section 23-92, Floodplain development variance, are met.
 - 2. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection.
 - 3. A record of such certification which includes, if applicable, the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.
 - a. *Enclosures.* New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - i. A minimum of two openings on separate walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
 - ii. The bottom of all openings shall be no higher than one foot above grade; and
 - iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - b. *Manufactured homes.*
 - i. *Manufactured homes in Zone A.* All manufactured homes to be placed within special flood hazard area Zone A, shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
 - ii. *Manufactured homes in Zones A1-30, AH, and AE.* All manufactured homes that are placed or substantially improved within special flood hazard area Zones A1-30, AH, and AE, on sites:
 - (a) Outside of a manufactured home park or subdivision;
 - (b) In a new manufactured home park or subdivision; and
 - (c) In an expansion to an existing manufactured home park or subdivision; or
 - (d) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, shall be:
 - A. Elevated on a permanent foundation such that the lowest structural member of the manufactured home is elevated at least one foot above the base flood elevation; and

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- B. Securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- iii. *Manufactured homes in Zones A1-30, AH, and AE (existing manufactured home parks and subdivisions).* All manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE that are not subject to the provisions of subsection C.5.b., of this subsection be elevated so that either:
 - (a) The lowest structural member of the manufactured home is at least one foot above the base flood elevation; or
 - (b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are:
 - A. No less than 36 inches in height above grade; and
 - B. Securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
- c. *Recreational vehicles.*
 - i. Recreational vehicles that are placed on sites within Zones A1-30, AH, and AE shall:
 - (a) Be on the site for fewer than 180 consecutive days;
 - (b) Be fully licensed and ready for highway use; or
 - (c) Meet the permit requirements set out in section 23-92, Floodplain development permit, and the elevation and anchoring requirements for "manufactured homes", as set out above in this subsection.
 - ii. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices and has no permanently attached additions.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-58. Standards for subdivisions and site plans.

The following standards for subdivision site plan proposals shall be applicable:

- A. *Generally.* All subdivision and site plan proposals (including the placement of manufactured home parks and subdivisions) shall be designed in light of the findings of fact contained in section 23-51, Findings of fact, and in a manner consistent with section 23-52, Purpose, and section 23-53, Methods of reducing flood loss.
- B. *Permit requirements.* All proposals for the development of subdivisions (including the placement of manufactured home parks and subdivisions) shall meet floodplain development permit requirements set out in section 23-92, Floodplain development permit, and this section.
- C. *Generation of base flood elevation data.* Base flood elevation data shall be generated for subdivision and site plan proposals and other proposed development (including the placement of manufactured home parks and subdivisions) which is greater than 50 lots or five acres, whichever is lesser, if not otherwise provided pursuant to section 23-57, Specific standards for flood hazard reduction.
- D. *Adequate drainage required.* All subdivision and site plan proposals (including the placement of manufactured home parks and subdivisions) shall have adequate drainage to reduce exposure to flood hazards.

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- E. *Arrangement of development.* The development standards of the Code of Ordinances, as set out in chapter 23, Subdivision, and chapter 28, Zoning, allow for the use of varied lot sizes and/or housing types in order to achieve the permitted density and protect the required amount of open space. In the application of these standards, parcels proposed for development shall be located outside of special flood hazard areas.
- F. *Elevated primary access required.* The primary access drives to a development or subdivision (the access that connects to the highest order street or that provides the most direct route to the largest number of lots in the subdivision, as determined by the city engineer) shall be elevated to or above the base flood elevation to allow access by emergency vehicles.
- G. *Location of public utilities and facilities.* All subdivision proposals (including the placement of manufactured home parks and subdivisions) shall have public utilities and facilities such as sewer, gas, electrical and water distribution systems located and constructed to minimize or eliminate flood damage.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-59. Areas of shallow flooding and floodways.

A. Standards for areas of shallow flooding (AO/AH Zones).

- 1. *Generally.* Located within the areas of special flood hazard established in section 23-57, Specific standards for flood hazard reduction, are areas designated as areas of shallow flooding. These areas have special flood hazards associated with flood depths of one to three feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the provisions of this subsection shall apply.
- 2. *Elevation of new construction and substantial improvements (residential).* All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated to the highest of the following:
 - a. One foot above the depth number specified on the applicable FIRM;
 - b. One foot above the highest adjacent grade; or
 - c. One foot above the highest abutting curb elevation.
- 3. *Elevation of new construction and substantial improvements (nonresidential).*
 - a. All new construction and substantial improvements of nonresidential structures shall have the lowest floor (including basement) elevated to the highest of the following:
 - i. One foot above the depth number specified on the applicable FIRM;
 - ii. One foot above the highest adjacent grade; or
 - iii. One foot above the highest abutting curb elevation.
 - b. In the alternative to elevating the building, the building may be floodproofed such that, together with attendant utility and sanitary facilities, it is designed so that below an elevation that is one foot above the depth number specified for the AO Zone, or below an elevation that is one foot above the base flood elevation in an AH Zone, the structure is watertight, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy. This option is allowed only if

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the floodplain administrator finds that the criteria for a floodplain variance that are set out in section 23-100, Floodplain management variances are met.

4. *Certification required.* A registered professional engineer, architect (for floodproofing options only), or registered professional land surveyor (for building elevation options only) licensed in the State of Texas shall submit a sealed certification to the floodplain administrator attesting that the standards of this subsection are satisfied. Upon submittal of such documentation, a floodplain development permit, as set out in section 23-92, Floodplain development permit, may be issued.
5. *Drainage paths.* Within Zones AH and AO, adequate drainage paths around structures shall be provided on slopes, to guide floodwaters around and away from proposed structures.

B. *Floodways.*

1. *Generally.* Located within areas of special flood hazard, as set out in section 23.57, Specific standards for flood hazard reduction, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the provisions of this subsection shall apply.
2. *Encroachments prohibited.* Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
3. *Permitted exceptions.*
 - a. If all requirements of subsection B of this section, Floodways, are satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of section 23-54, General provisions, and this section; and
 - b. Under the provisions of 44 CFR Chapter 1, § 65.12, of the National Flood Insurance Program Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first completes all of the provisions required by 44 CFR Chapter 1 § 65.12.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

DIVISION 3. GENERAL ENVIRONMENTAL STANDARDS

Sec. 23-60. Heritage tree protection.

- A. *Authority.* Based on the authority of TLGC Ch. 212, the requirements of this section shall apply to all plats and site plans proposing new development in the corporate limits of the city and the ETJ.
- B. *Purpose and intent.* The purpose of this section is to require subdividers and developers identify and document the location of heritage trees on properties where development for the following purposes:
 - Promote responsible design decisions that will preserve as many heritage trees as possible;
 - Prohibit the indiscriminate clearing of property;
 - Preserve protected trees during construction;
 - Protect and increase the value of properties by preserving those trees that help to define the character of the city and region;

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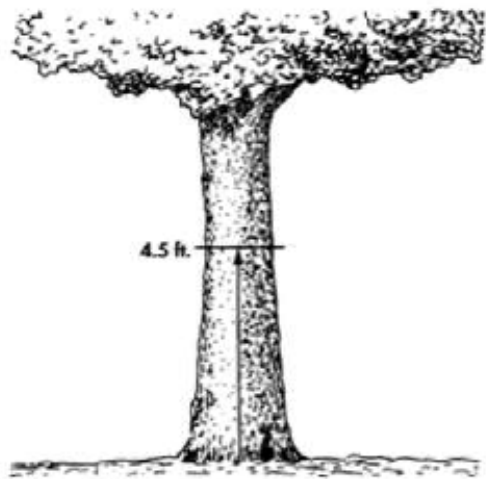
- Maintain a positive image of the city as a place to live and locate a business;
 - Protect the natural ecological environmental and aesthetic qualities of the city; and
 - Provide shade to provide relief from the heat by reducing the ambient temperature.
- C. *Heritage trees classified.* The following tree species shall be designated as heritage trees:
- Live oak - *Quercus virginiana*;
 - Pecan - *Carya illinoensis*.
- D. *Significant tree species classified.* In the event that all heritage trees cannot be preserved, the following tree species, if present on a property, may be preserved and credits awarded, as specified in this section, to mitigate the loss of any heritage trees:
- Shumard Red Oak - *Quercus shumardii*;
 - Burr Oak - *Quercus macrocarpa*;
 - Chinquapin Oak - *Quercus muehlenbergii*;
 - Post Oak - *Quercus stellata*;
 - Water Oak - *Quercus nigra*;
 - Willow Oak - *Quercus phellos*;
 - Bald Cypress - *Taxodium distichum*;
 - Tulip Tree (Yellow Poplar) - *Liriodendron tulipifera*;
 - American Elm - *Ulmus americana*;
 - Redbud - *Cercis canadensis*;
 - Dogwood - *Cornus florida*.
- E. *Exceptions.* The requirements of this section shall not be applicable when:
1. Plans or plats approved prior to the adoption of the LDC;
 2. Property is zoned or used for agricultural purposes, which includes the harvesting of timber;
 3. The owner of any residence used as a homestead;
 4. Damaged or diseased trees that are beyond the point of recovery, in danger of falling, or endangering public health, welfare, property, or safety;
 5. Trees damaged from an act of nature that interrupts utility service. Removal shall be limited, if possible, to the portion of the tree reasonably necessary to re-establish utility service; and
 6. ~~Golf courses to the extent necessary to accommodate the golf course improvements.~~
- F. *Deferral.* The ~~development administrator~~ designated City staff city manager of designee, or upon appeal the planning and zoning commission, may:
1. Consider a deferral request to maintain a heritage tree when the literal enforcement of this requirement would result in the creation of an unnecessary hardship on impractical application of the plan considering the physical characteristics of the lot or parcel of land in question; and
 2. Consider a waiver or a deviation from any other development requirements in order to preserve a heritage tree.

Commented [LK65]: Reconsider, unless it is statutory, especially for large lots. The owner get the land cleared when it is a homestead, prior to zone change or plat to circumvent the mitigation.

G. Tree trunk measurement. When documenting existing heritage trees, or existing protected trees that may be used to mitigate the loss of heritage trees, the following criteria shall be applied:

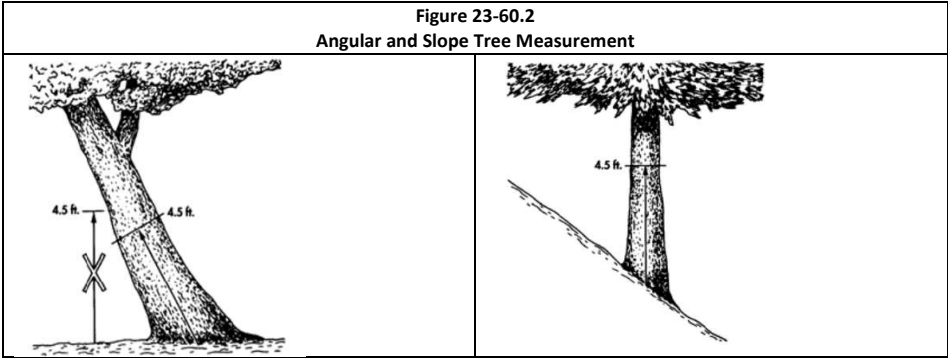
1. *Straight trunk:* Trees with fairly straight, upright trunks shall be measured 4.5 feet above the ground, as shown below:

Figure 23-60.1
Straight Tree Trunk Measurement



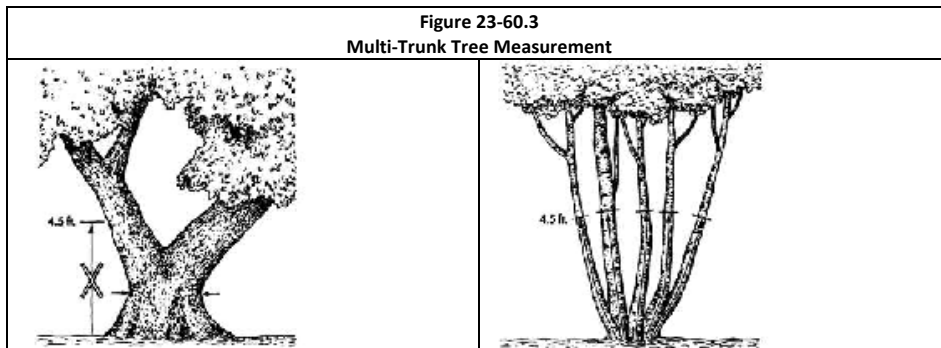
2. *Trunk on an angle or slope:* The trunk is measured at a right angle to the trunk 4.5 feet along the center of the trunk axis, so the height is the average of the shortest and the longest sides of the trunk, as shown below:

Figure 23-60.2
Angular and Slope Tree Measurement



3. *Multi-trunk trees.* To determine the diameter of a multi-trunk tree, measure each tree trunk larger than one inch. Determine the diameter of the largest tree trunk. The diameter of the multi-trunk tree is then computed as the diameter of the largest tree trunk plus one-half of the composite diameters of each smaller tree trunk greater than one inch. A multi-trunked tree is differentiated from individual

trees growing from a common root stock if there is a visible connection between the trunks above ground.



H. *Replacement and protection of heritage trees.*

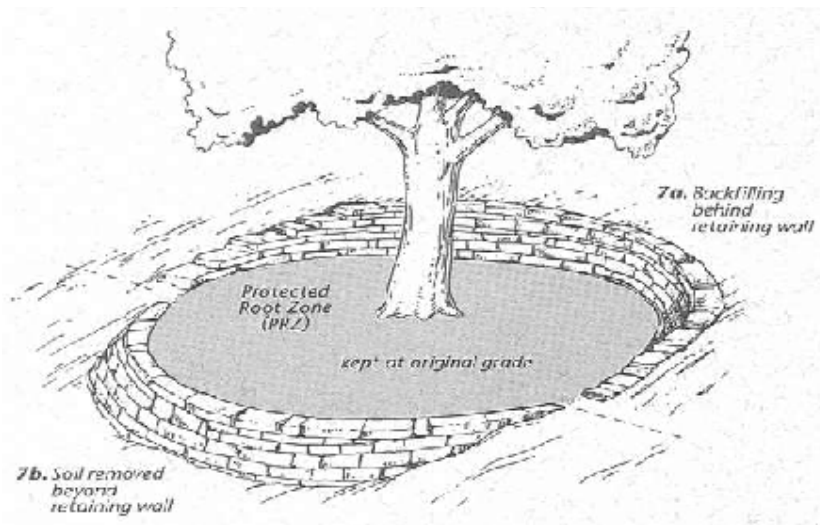
1. Developers and subdividers shall submit a tree preservation plan with plats and site plans that identifies the name, location, DBH at 4.5 feet above the natural grade of heritage trees, and any significant tree species that will be preserved for credits against lost heritage trees.
2. The developer or subdivider must identify the heritage trees to be preserved or removed, and which existing significant tree species will be retained for credit for removed heritage trees.
3. When a heritage tree is proposed to be removed, staff may relax any development requirement to preserve the tree. Staff reserves the right to refer a relaxed design solution to the planning and zoning commission for approval. Relaxed design solutions may only be approved by staff or the commission upon finding that the preservation of the tree is in the public interest and that the relaxed standard would not result in any health or safety issues.
4. If design solutions are not available to preserve heritage trees, the developer shall be required to determine the collective caliper of the heritage trees proposed to be removed and multiply that figure by three, to determine the aggregate amount of tree caliper that must be provided to replace removed heritage trees. Heritage trees may be replaced with another heritage tree or a tree on the significant tree species classified list. This requirement can be satisfied with the planting of many trees, a few trees, or one tree; provided that the aggregate replacement caliper is equal the existing aggregate proposed to be replaced times three.
5. In lieu of planting young trees to mitigate lost heritage trees, the applicant may also propose to preserve existing mature healthy trees not listed in significant tree species classified list, but that are listed in the large tree section of "Recommended Ornamental Plants for Southeast Texas Including Houston and Beaumont", by the Texas A&M Agri-Life Extension Service, with the exception of hackberry and Arizona ash trees.
6. For site plans, the aggregate caliper for replacement trees shall be in addition to the normal landscaping requirements of the zoning ordinance.
7. For residential subdivisions, the aggregate caliper of replacement protected trees shall be in addition to the normal requirement of this ordinance, which is two trees per residential lot. The locations of where replacement trees will be planted shall be identified in a tree replacement plan filed with the preliminary plat, final plat or site plan, with trees identified as an existing heritage/significant tree species.

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8. No person, directly or indirectly, shall cut down, destroy, remove or move, or effectively destroy through damaging, any heritage tree located on property regulated by this section unless such removal is expressly "excepted" by this section.
9. When using a retaining wall where the natural grade must be raised or lowered, the tree well shall be designed in accordance with the design concepts depicted in Figure 23-60.4, Retaining Wall and Tree RPZ Protection.
- I. *Tree preservation plan required.* When heritage trees are located on a property for which development is proposed, which shall include site clearing, grubbing, earth movement, or the removal of any vegetation, a tree preservation plan shall be submitted that demonstrates compliance with the all of the requirements set out in this section.
- J. Tree protection and planting.
 1. Tree protection will be installed before any site work is initiated and maintained for the duration of the construction work. Tree protection will consist of the following:
 - a. It will consist of fencing (orange mesh or chain link) placed around the RPZ.
 - b. No vehicles or construction materials/debris will be allowed in the RPZ.
 - c. No equipment shall be cleaned or other liquids deposited within the limits of the dripline of any protected tree. This includes, but is not limited to, paint, oil, solvents, asphalt, concrete, mortar, or other materials;
 - d. No signs, wires, or other attachments, other than those of a protective nature, which have been approved in the tree disposition plan, shall be attached to any protected tree;
 - e. Trespassing or throwing trash into a protective fence area is prohibited.

Figure 23-60.4
Retaining Walls and Tree RPZ Protection



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- f. Any damage done to tree crowns or roots will be repaired immediately and any wounds on live oaks will be painted with pruning paint within 60 minutes to prevent oak wilt.
 - g. Wells or retaining walls around the RPZ will be used if proposed finished grades will raise or lower the natural RPZ grade by more than six inches.
 - h. The finished RPZ will be pervious.
 - i. For commercial, multifamily and other developments; a minimum of 25 percent of the total DBH must be preserved.
 - j. For single-family residential development of single or contiguous lots; contiguous lots include three or more lots, a minimum of 50 percent of total DBH must be preserved.
 - k. For individual lots, 45 percent of total DBH must be preserved.
 - l. Utility and flatwork per the original builder's plan are exempt for up to 45 percent of the RPZ.
2. New single-family residential lots shall have two trees per lot. These trees may be:
- a. A preserved heritage tree;
 - b. A tree on the specific trees species list that is replacing a heritage tree that was removed; or
 - c. A tree listed in the "Recommended Ornamental Plants for Southeast Texas Including Houston and Beaumont", by the Texas A&M Agri-Life Extension Service, with the exception of hackberry and Arizona ash trees, provided that the tree, when mature, will have an average crown greater than 15 feet in diameter, have a three-inch DBH and height of ten feet at the time of planting;
 - d. If an existing heritage tree or a specific trees species that was preserved to comply with this section is located on a residential building lot, it shall be designated on the plat, or another suitable document, to ensure that it is properly protected during construction and is not removed by the property owner, unless an exception listed in the section becomes applicable.
 - e. Existing heritage trees preserved specific trees species may be located in the public right-of-way and may not be removed by the property owner.
3. ~~New single family residential lots shall have two trees per lot. These trees may be:~~
- ~~a. A preserved heritage tree;~~
 - ~~b. A tree on the specific trees species List that is replacing a heritage tree that was removed; or~~
 - ~~c. A tree listed in the "Recommended Ornamental Plants for Southeast Texas Including Houston and Beaumont", by the Texas A&M Agri-Life Extension Service, with the exception of hackberry and Arizona ash trees, provided that the tree, when mature, will have an average crown greater than 15 feet in diameter, have a three-inch DBH and height of ten feet at the time of planting;~~
 - ~~d. If an existing heritage tree or a specific trees species that was preserved to comply with this section is located on a residential building lot. It shall be designated as such to ensure that it is properly protected during construction and is not removed by the property owner, unless one of the exceptions listed in the section should become applicable.~~
 - ~~e. Existing heritage trees preserved specific trees species may be located in the public right of way and may not be removed by the property owner.~~

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(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

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Sec. 23-61. Land clearing, fill, geotech reports, and on-ground foundations.

A. Land clearing.

1. No clear-cutting or rough-cutting of land shall be permitted except for limited clearing and rough-cutting necessary for soil testing and surveying, until:
 - a. A construction sequencing and erosion control plan has been approved by the city engineer;
 - b. A tree preservation plan, as required by as required by section 23-60, Heritage tree protection, has been approved;
 - c. Grading and stormwater pollution prevention plans have been approved by the city engineer, in accordance with this LDC and the ACM;
 - d. Submittal of the issuance of an NOI for projects greater than one acre; and
 - e. A development permit shall be obtained from the city.
2. No other clearing or rough-cutting shall be permitted, except as necessary for the construction of temporary erosion and sedimentation controls.
3. A development permit may not be issued by the city until all required temporary erosion and sedimentation controls are in place and approved by the city engineer and until the SWPPP permit is clearly posted on the site in accordance with all TCEQ requirements.
4. Areas proposed to be cleared for the temporary storage of spoil or construction equipment, the permanent disposal of fill material or spoils, and tire and concrete wash areas, shall be shown on the construction plans submitted to the city.
5. If a subdivider does not comply fully with an approved erosion control and construction sequencing plan, or violates the restrictions on land clearance in the preceding subsection, the city shall notify the subdivider in writing that the city may correct the violation and revegetate the disturbed area at the subdivider's expense unless, within 30 days after the date of the notice, the subdivider complies, corrects the violation, provides the required erosion and sedimentation controls and provides continuing maintenance thereof acceptable to the city.

B. Fill, generally.

1. *Generally.* Fill, when deposited on property outside of a regulatory floodplain, is generally permitted in all instances as a top-dressing for lawns, landscaping, lot leveling, and construction.
2. *Burden of proof.*
 - a. Whenever fill is used, the burden of proof is always on the property owner to ensure that the fill will not raise the elevation of the property or alter the existing sheet flow patterns in any manner that negatively affects adjacent properties.
 - b. If fill adversely affects an adjoining property or any improvement maintained by the public, including roads, such action constitutes a public nuisance and is subject enforcement action by the city as set out in article IX, Enforcement and Remedies, of the LDC or any other applicable city Code.
 - c. Persons proposing to utilize fill should first consult with the building official and provide information about the site location and the amount of fill that is proposed. Small amounts of fill do not require a permit and can be quickly authorized. Larger amounts, depending the location of the site, will require the issuance of a development permit, as set out in section 23-93, Development permit.

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- d. When a development permit is required, a grading plan shall be submitted for approval to demonstrate that the fill will not result in a rise in the ground elevations or alter the existing sheet flow pattern in a manner that negatively affects adjacent properties and where appropriate is only deposited after stormwater pollution prevention silt fences are installed.
- C. *Construction fill requirements for fill type.* Fill is divided into engineered fill, forming fill, and uncontrolled fill. Each fill type is regulated as set out below:
1. *Engineered fill.* Engineered fill is designed by an engineer to act as a structural element of a constructed work and is installed under engineering supervision, inspection, and density testing. Engineered fill may be embankment fill, composed of the material randomly found on the site, or imported to no particular specification, other than that it be free of debris and trash or may be select fill. Embankment fill can be used many situations if it is properly placed and compacted. The term "select" simply means that the material meets specification as to gradation and P.I. (stabilization/performance) and other material specifications. If engineered fill is proposed, a fill report shall be submitted that addresses:
 - a. Fill composition report and fill design specifications;
 - b. Proposed density inspection and testing schedule;
 - c. Fill compaction detail showing lift depths and proposed densities;
 - d. Gradation requirements;
 - e. Underslab details, if applicable; and
 - f. List requirements for fill placement, geometry, material, compaction and quality control.
 2. *Forming fill.* Forming fill is that which is typically used under residential foundation slabs and is variously known as sandy loam, river loam or fill dirt. Forming fill is normally not expected to be heavily compacted, and a designer should not rely on this material for support. The only requirements are that this material be non-expansive, clean, and that it works easily and stands when cut. If forming fill happened to be properly compacted and inspected in accordance with an engineering specification it could be engineered fill.
 3. *Uncontrolled fill.* Uncontrolled fill is fill that has been determined to be unsuitable (or has not been proven suitable) to support a slab-on-ground foundation. Any fill that has not been approved by a qualified geotechnical engineer in writing shall be considered uncontrolled fill. Uncontrolled fill may contain undesirable materials and/or has not been placed under compaction control. Some problems resulting from uncontrolled fill include gradual settlement, sudden collapse, attraction of wood ants and termites, corrosion of metallic plumbing pipes, and in some rare cases, site contamination with toxic or hazardous wastes.
- D. *Building on non-engineered fill (forming or uncontrolled).*
1. Foundations shall not be supported by non-engineered fill.
 2. To establish soil supported foundations on non-engineered fill, the typical grid beam stiffened slab foundation must penetrate the non-engineered fill, with perimeter and interior beam bottoms forming footings to foundations below the unreliable fill.
 3. Penetration can be accomplished by deepened beams, spread footings or piers depending on the depth and the economics of the situation.
 4. Piers or piles may be used if the fill to be penetrated exceeds three feet, based on the recommendations of a foundation engineer and local conditions.

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5. Floor systems shall be designed to span between structurally supported foundation elements. Such construction is only permitted upon the submittal of technical analysis and a report and plans sealed by a structural foundation engineer licensed by the State of Texas.
 6. Pre-existing fill may be classified as engineered fill after investigation by the geotechnical engineer. The approval may depend on the fill thickness, existence of trash and debris, the age of the fill, and the results of testing and proof rolling. The geotechnical engineer must be able to expressly state after investigation that the fill is capable of supporting a residential slab-on-ground foundation.
- E. *Identification of existing/proposed fill during platting.* Fill is frequently a factor in the construction of public improvements and foundation construction. Fill may be placed on a site at various times. As a requirement of the platting process:
1. Construction plans shall be submitted that clearly indicate which lots will be filled and which lots have existing fill.
 2. The type(s) of existing fill and proposed fill shall be identified on all preliminary and final plats.
 3. Construction plans shall propose and develop a strategy for dealing with fills early on in the construction process.
- F. *Geotechnical report required for new residential and non-residential development.*
1. Since fill may exist between borings or be undetected during the geotechnical investigation, a soil investigation is more accurate if borings are more closely spaced. Consequently:
 - a. A geotechnical report prepared by a professional engineer licensed in Texas and qualified to practice geotechnical engineering is required as the basis for all on-ground foundations, including single-family residential in new developments.
 - b. This requirement does not pertain to existing lots, lots created by a minor plat, or foundations not located on the ground.
 - c. Concurrent with the public acceptance process, developers may submit a master geotechnical boring plan for borings at a minimum of a separation of one per every 200 feet to facilitate proper on-ground foundation design. All new residential lots shall be located within 200 feet test bore for which a geotechnical report was prepared. The implementation and life of the plan is subject extreme weather conditions, such as drought or excessive rainfall, and amount of time that lapses between to report and the actual pouring of slabs.
 - d. If a master geotechnical plan is submitted, it shall be subject to approval by the city engineer and the final plan and reports filed with the building official and ~~development administrator~~designated City staff in an electronic format.
 - e. Failure to submit an overall boring plan may result in the need for separate borings for each lot, or group of lots.
 2. For all development, all on-ground foundations shall be designed in accordance with "Recommended Practice for the Design of Residential Foundations," Version 2, as may be amended, by the Texas American Society of Civil Engineers, and in accordance with the Angleton Building Code, as amended.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-62. Dust and particulate matter.

- A. *Dust.* Dust and other types of particulates borne by the wind from sources such as storage areas, yards, roads, bulk materials, conveying equipment and the like within lot boundaries shall be kept to a minimum by

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appropriate landscaping, screening, sheltering, paving, fencing, wetting, collecting, or other acceptable means.

- B. *Fugitive particulate matter.* No person shall cause or allow the emission or movement of fugitive particulate matter or dust across a lot line onto an adjoining lot. This requirement shall not apply when the wind speed is greater than 25 mph. Fugitive particulate matter is defined as any solid particulate matter that becomes airborne, other than that emitted from an exhaust stack, directly or indirectly as a result of the activities of any person. The city may require a fugitive dust control plan to ensure compliance with these standards.
- C. *Smoke.* In all districts, unless otherwise covered by a specific visible emission limiting standard by the State of Texas or Federal EPA, every use shall be operated so as to prevent the emission of smoke from any source whatever, the density of which is equal to or greater than that designated as Number 1 on the Ringlemann Chart, or the opacity of which is equal to or greater than 20 percent. For the purpose of grading the density of smoke, the Ringlemann Chart, as published and used by the United States Bureau of Mines, or Method 9, as published in Chapter 17-2 F.A.C. is incorporated herein by reference. All measurements shall be at the point of emission.
- D. *Dust and particulates.* Every use shall be operated to prevent the emission into the air of dust or other solid particulate matter which may cause danger to land and the health of persons or animals at or beyond the lot line of the premises on which the use is located.
- E. *Exemptions.* The following uses shall be exempt from the fugitive particulate matter requirements: agricultural plowing and tilling, demolition activities, earth moving activities necessary to the initial preparation of a site for new construction, including new streets, new subdivisions, commercial developments and public works related projects.
- F. *Dust control plan required.* Any use that will be of a nature that will store stockpiled materials, dirt, sand, fill or like materials, or have unpaved storage, shall submit a dust control plan approved with a plat, site plan, building permit, or prior to the issuance of a certificate of occupancy.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-63. Stormwater management.

- A. *Authority.* Angleton Drainage District (ADD) and the City of Angleton share the responsibility of stormwater management in the review of plats and site development plans. Specifically:
 - 1. ADD is the regional stormwater authority designated by Brazoria County to maintain and regulate drainage ditches, bayous, streams, and other drainage infrastructure to convey stormwater across the city and the ETJ in accordance with the Brazoria County Drainage Manual;
 - 2. The city, in coordination with ADD, reviews proposed stormwater management improvements proposed in connection with land development on private property, and plans proposing public improvements, such as streets, that will retain, detain, and convey stormwater into ADD drainage facilities for compliance with the Brazoria County Drainage Manual;
 - 3. All plats, site plans, development plans, and construction plans are subject to approval by ADD and city;
 - 4. The city retains the authority to exceed the minimum standards of the Brazoria County Drainage Manual where necessary to ensure public health and safety.
- B. *Detention and drainage facilities required.* On-site stormwater detention shall be required for all new developments to offset increased runoff that results from new developments, except for:
 - 1. Development for where regional detention facilities are established and adequate capacity exists;

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2. Developments where an "alternate drainage solution", as set out in subsection E below, has been approved by the city engineer and ADD;
3. An area expressly designated by ADD as "detention free";
4. Replats where the density of the development is not materially affected; and
5. All minor plats.

C. *Stormwater quality.*

1. The Brazoria County Stormwater Quality Coalition MS4 Construction Guidance document and the ACM are both adopted by reference to ensure that stormwater entering the navigable waters of the United States from the city's municipal separate storm sewer system does not violate the terms of the city's stormwater [Texas National](#)-Pollution Discharge Elimination System (NPDES) permit.
2. All requirements set out in City of Angleton Code of Ordinances chapter 29 - Stormwater Management, are incorporated by reference into the LDC.
3. All best management practices (BMP's) referenced in each are incorporated by reference as a part of the LDC as if they were expressly codified by the LDC to help control and reduce pollutants that are transported by stormwaters and technical guidance related to erosion and sediment controls and other measures to reduce pollutants from new construction projects.

D. *Drainage study required.*

1. Required stormwater management improvements shall be based on a drainage study that demonstrates that the proposed development will not result in adverse up-stream or down-stream conditions from development site.
2. Adverse conditions shall be construed to include increases in peak flows, increases water surface elevations, increases in flow velocity, or any unauthorized modification of the routing of stormwater from its predevelopment condition.
3. The drainage study shall be subject to review and approved by the city engineer and ADD. The study shall address existing and proposed peak flows and any increases, existing/proposed water surface elevations, flow velocity, and mitigation measures to comply with the ACM and the requirements of Angleton Drainage District.
4. The drainage report shall show that mitigation of the impacts of development on the drainage system will be provided as part of the development.
5. Mitigation may include detention, retention, infiltration, channel improvements, and other means acceptable to the city engineer and to ADD, and when necessary, to the Federal Emergency Management Agency (FEMA).
6. The study shall demonstrate that all required drainage improvements to drainage facilities that are not regulated by ADD are designed to reduce post-development peak flow rates of discharge to pre-development rates for 10-, 25-, and 100-year storm events at all points of discharge.

E. *Title ownership and maintenance.*

1. Detention and drainage facilities that are integral to the regional stormwater management shall be subject to the public acceptance procedures set out in section 23-37, Public acceptance, and shall be dedicated to the public and maintained by the public by the recordation of a plat or another legal instrument.

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2. Detention and drainage facilities that are integral and usable as a part of the development shall be retained by the subdivider or developer and shall be maintained by the subdivider, developer, or assigned to a property owner association, as set out in section 23-21, Property owners' associations.
3. Detention and drainage facilities retained by the subdivider or developer, or their assigns, shall be maintained in a manner that will allow them to perpetually function as designed, and shall be so designated on the recorded plat, approved site plan, and in the CCRs submitted to the city, as set out in section 23-21, Property owners' associations.
4. Any detention or drainage facilities expressly purposed for regional detention shall be dedicated to ADD, or when appropriate to the city.
5. ADD and city may enter into an agreement with each other, or with an adjoining subdivider or developer, to utilize the area surrounding the regional detention facility as a park, green space, wildlife habitat, or other purpose, subject to the recordation of a maintenance agreement specifying the responsibilities are the parties involved and approval by ADD and the city.

F. *Alternative design standards.*

1. *Purpose.* The purpose of this subsection is to allow ADD and city the ability to consider alternative detention and drainage facility designs which differ from the conventional design standards but which are based on sound engineering principals and satisfy the Brazoria County Drainage Manual, the ACM, and the LDC.
2. *Criteria.* Alternative designs shall meet the purposes and intent of the standard being varied. In this context, detention and drainage facilities shall mean physical improvements such as detention ponds, retention ponds, drainage swales, underground storage, off-site regional detention, off-site drainage improvements, or any other element of a proposed development.
3. *Amenities and neighborhood character.* When considering the design of drainage and detention facilities and any alternative design, the city would encourage "green" drainage solutions that maintain usable open space, provide recreation opportunities, create neighborhood character, and serve as an amenity, as an alternative to concrete and rip rap design. Green designs can be considered by the city as a credit toward fulfilling the requirements set out in section 23-20, Park dedication and recreation improvements.
4. *Approval based on engineering.* Decisions regarding design of such alternative design methods shall be based on generally accepted engineering practices and the recommendations of a drainage study prepared by a professional engineer that specializes in hydrology and that is licensed to practice in the State of Texas.
5. *Drainage plan required.* Drainage plans for alternative designs shall be subject to the same criteria set out in subsection D, Drainage study required, set out above in this section.
6. *Maintenance.* An additional criterion for the approval of an alternative design is the ability of the subdivider, developer, property owner association, and their assigns to maintain the alternative design and the long-term durability and sustainability of the alternative design.
7. *Relationship to Brazoria County drainage criteria, ACM, and LDC.* If the proposed alternative design is approved by the ADD and the city engineer, then the drainage requirements of this LDC and ACM shall be deemed to have been met. If proposed alternative design standards are not approved by ADD and/or the city, the standards in this LDC and the ACM shall apply.

G. *Construction sequencing and erosion controls.*

1. The drainage study shall be accompanied by a comprehensive and detailed report and plan for the control of erosion and sedimentation and mud mitigation and removal from public streets.

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2. The report shall include a construction sequencing plan which details the proposed placement, maintenance and removal of temporary erosion controls, the slope stabilization techniques which are to be employed and the restoration measures, including vegetative types, which are to be employed as part of the process of subdivision development.
3. The report shall list and show the location of temporary erosion controls, show the physical details of the controls, and include a construction sequencing list which will govern the timing of the use of various controls in relation to distinct steps in subdivision construction.
4. Proposed erosion and sedimentation control shall comply with all ACM design requirements.
5. Developers are responsible for the removal of mud on city streets from construction sites.

H. *Foundation drainage.*

1. *Generally.*
 - a. Drainage shall be diverted from home foundations into a drainage collection system as quickly as possible for the long-term life and preservation of building foundations.
 - b. Stormwater ponding is a concern for single-family residences built with on-ground foundations located ten feet or less from other foundations because stormwater ponding between slabs is attributed to slab failures and the need to remediate damage.
 - c. To avoid the blight that can result from on-ground foundation failures, foundation drainage criteria are established.
 - d. The necessity for such criteria is critical in an area subject to periodic heavy downpours and sustained storm events.
2. *Foundation drainage criteria.*
 - a. Lots shall be graded to drain surface water away from the foundation at a minimum slope of six inches within the first ten feet.
 - b. Where lot lines or other physical barriers prohibit such a slope, French drains, swales, or other improvements shall be constructed to ensure drainage away from the structure.
 - c. Gutters are required on all roof lines to prevent the ponding of water between slabs. Gutters shall slope one inch for every 20 linear feet with downspouts installed at a minimum every 40 feet, or as determined to be structurally appropriate by the builder or the gutter contractor.
 - d. Downspouts shall discharge water at least five feet from the from foundations and should connect into a drain system to convey stormwater away from the foundation into a neighborhood drainage network and shall not discharge onto adjacent properties.
 - e. Plats shall include general notes stipulating to the requirements of this Section and include a "typical" lot drainage plan, with flow lines to drain foundations and gutters, into the proposed drainage network.
 - f. Fencing shall be installed in a manner that will not create a dam impeding the flow of water in accordance with the approved drainage plan or that ponds or pools on any adjoining property.
 - g. HVAC pads shall be installed in a location that will not create a dam that impedes the flow of water in accordance with the approved drainage plan or that ponds or pools water onto any adjoining property.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

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Sec. 23-64. Drilling, mining, excavation, and performance standards.

The following Code of Ordinances requirements are applicable in the ETJ, per TLGC Ch. 212.

1. Chapter 16, Oil, Gas and Minerals;
2. Chapter 22, Article III, Excavations;
3. Chapter 28, Zoning, section 47.3, Extraction of materials (development standards only); and
4. Chapter 28, Zoning, section 44, Performance standards.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-65. Reserved.**ARTICLE VI. ADMINISTRATIVE BODIES*****DIVISION 1. PUBLIC MEETING BODIES*****Sec. 23-66. Purpose and applicability.**

A. *Purpose.* The purposes of this chapter are to describe:

1. The administrative roles of city staff under the LDC;
2. The role and responsibilities of the planning and zoning commission; and
3. The scope of authority retained by the city council.

B. *Applicability.*

1. *City staff.* The administrative duties of city staff are described in:
 - a. Article VI, division 1, Administrative Review Staff; and
 - b. Article VII, division 3, Administrative Approvals.
 - c. When a requirement of the LDC specifies a particular department head or officer to perform an act or duty, the city manager is authorized to designate another official to perform the required act or duty.
2. *City council and the planning and zoning commission.* The duties and functions of the city council and the planning and zoning commission are described in:
 - a. Article VI, division 1, Public Meeting Bodies; and
 - b. Article VII, division 4, Public Meeting Approvals.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-67. City council.

- A. *Powers and duties.* The city council reserves to itself all of the powers and duties prescribed in the City of Angleton Code of Ordinances, and with respect to the administration of the LDC, those powers and duties that are not expressly delegated to:
1. City staff by article VI, division 2, Administrative Review Staff or article VII, division 3, Administrative Approvals; or
 2. Any advisory board or commission designated by the LDC or created by the city council.
- B. *Review of plats.* In accordance with TLGC Ch. 212, the city council, upon receiving a recommendation from the planning and zoning commission, shall act on the plats prescribed by article VII, division 4, Public Meeting Approvals.
- C. *Decisions.* The city council makes all final decisions on all special agreements set out in article III, division 3, Special Agreements, and other permits and procedures set out in article VII, division 4, Public Meeting Approvals.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-68. Planning and zoning commission.

- A. *General.* The eCity Charter designates an advisory body known as the planning and zoning commission (commission) to monitor and implement the land development regulations of the city.
- B. *Powers and duties.* All of the powers and duties of the commission shall be as prescribed in the city-City Charter, this LDC, and any other duties assigned by the city council.
- C. *Meetings, officers, and procedures.* The commission may:
1. Establish by-laws to govern its operations and consult with Robert's Rules of Order to resolve any procedural questions;
 2. Conduct meetings if a majority of its appointed members are present to constitute a quorum;
 3. By a majority vote of the commissioners present, pass any motion, except where the LDC or TLGC requires a greater majority;
 4. Cancel regular monthly meetings if no business requiring commission action is necessary; and
 5. Conduct special meetings or joint meetings with city council or another advisory board.
- D. *Open meetings.* All business shall be conducted in accordance with the State of Texas Open Meetings Act and other laws applicable to local public bodies.
- E. *Powers and duties.* The commission shall have the powers and duty to:
1. Formulate recommendations to the city council on ~~the~~ applications set out in the LDC in article VII, division 4, Public Meeting Approvals;
 2. Take final action on any request where the commission is designated by article VII, division 4, Public Meeting Approvals as the final approval authority;
 3. Make studies and recommendations to the council regarding planning, land use, growth, and city development that affect the LDC; and
 4. Perform other duties assigned by the city council or as prescribed in the Code of Ordinances.

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(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

DIVISION 2. ADMINISTRATIVE REVIEW STAFF

Sec. 23-69. Development review committee (DRC).

- A. *Generally.* A regulatory body to be known as the development review committee (DRC) is hereby established for the purpose of:
 - 1. Administering the requirements of this LDC;
 - 2. Ensuring compliance with city codes and ordinances;
 - 3. Formulating staff recommendations;
 - 4. Rectifying review comments between city departments and referral agencies; and
 - 5. Providing cohesive and timely review of development applications.
- B. *Membership.* The DRC shall be comprised of the staff and consultants designated by the city manager, representatives from referral agencies, and any other person who may be relevant.
- C. *Powers.* The DRC shall have the role to review and provide technical recommendations concerning any application specified in this LDC or on any other matter related to the development of the city.
- D. *Meetings.*
 - 1. DRC meetings shall be convened by the city, as necessary.
 - 2. A standing monthly meeting date may be established to facilitate the timely review of subdivision plats or other development applications and approvals.
 - 3. DRC meetings can be limited to the staff and agencies affected by the by the development or expanded to include additional agencies or staff with review responsibilities.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-70. Floodplain administrator.

- A. *Generally.* The ~~development administrator~~ designated City staff is designated as the floodplain administrator to administer and implement the provisions of this LDC and 44 CFR (Emergency Management and Assistance National Flood Insurance Program Regulations) pertaining to floodplain management.
- B. *Duties and responsibilities.* Duties and responsibilities of the floodplain administrator shall include, but not be limited to the following:
 - 1. *Permit review.* Review applications to:
 - a. Determine whether proposed building sites will be reasonably safe from flooding based on the current Flood Insurance Rate Map, 44 CFR, elevation surveys prepared and sealed by a registered professional land surveyor (RPLS), proposed finished floor elevations, generally accepted engineering practices, historic archives, and any additional information available.
 - b. Approve or deny all applications for floodplain development permits; and

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- c. Assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. § 1334) from which prior approval is required.
2. *Recordkeeping.* Maintain and hold open for public inspection at the City Hall, all records pertaining to the provisions of division 6.200, Floodplain Management and Flood Damage Prevention.
3. *Interpretations of SFHA boundaries.* Make interpretations, where needed, as to the exact location of the boundaries of special flood hazards areas (e.g., where there appears to be a conflict between a mapped boundary and actual field conditions).
4. *Responsibilities with regard to alterations of watercourses.*
 - a. Notify adjacent communities and the state coordinating agency, which is Texas Water Development Board and Texas Commission for Environmental Quality (TCEQ), in riverine situations, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
 - b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
5. *Floodplain information and determination.*
 - a. When base flood elevation data has not been provided in accordance with section 6.202B., Basis for Establishing the Areas of Special Flood Hazard, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from federal, state or other sources, in order to administer the provision of division 6.200, Floodplain Management and Flood Damage Prevention. If adequate data is not available, the floodplain administrator may require the applicant to provide additional data, information and/or studies for review.
 - b. When a regulatory floodway has not been designated, the floodplain administrator shall not permit new construction, substantial improvements, or other development (including fill) within zones A1-30 on the applicable FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
6. *Required map revisions.* Under provisions of 44 CFR, Part 65, Section 12 of the National Flood Insurance Program regulations, the city is authorized to approve certain development in the SFHA (A Zones) on the applicable FIRM maps which increases the water surface elevation of the base flood by more than one foot. However, the city must first apply for a conditional FIRM revision through FEMA (conditional letter of map revision).
7. *Enforcement.* The floodplain administrator shall enforce the floodplain management and flood hazard reduction standards of this LDC.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-71. ~~Development administrator~~ Designated City staff.

- A. *Generally.* The ~~development administrator~~ designated City staff shall be that person, or persons, designated by the city manager, to administer the processes and procedures of the LDC.
- B. *Authority and responsibilities.*

Obtain name and title from the City; Add to contacts/appendix in the [Administrative Procedures Manual](#)

1. *Standards of operation and procedures.* The ~~development administrator~~designated City staff is authorized to establish standards of operation and procedures consistent with the purpose and requirements of this LDC, which may include, but is not limited to, internal review and referral procedures, submittal content checklists, and submittal calendars.
2. *Maintenance of LDC.* The ~~development administrator~~designated City staff is authorized to maintain the LDC.
3. *Inspections.* The ~~development administrator~~designated City staff is empowered to enter any building, structure, or premises in the city upon which a development or land use is located, as follows:
 - a. Entry shall be for the purpose of inspection to ensure LDC compliance;
 - b. Inspection shall be performed during business hours, unless an emergency exists; and
 - c. Inspection shall be made only after:
 - i. Contact and permission granted by the owner or tenant; or
 - ii. An order from a court of competent jurisdiction.
4. *Recommendations and decisions.* The ~~development administrator~~designated City staff is responsible for providing recommendations and decisions with respect to all applications set out in article VII, division 4, Public Meeting Approvals.
- C. *Recommendations.* The ~~development administrator~~designated City staff shall make a report and recommendations with regard to all applications for development approval, except those which are decided by the city manager or other members of staff.
- D. *Decisions.* The ~~development administrator~~designated City staff shall decide the administrative processes set out in article VII, division 3, Administrative Approvals.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-72. City engineer.

- A. *Generally.* The city engineer is the lead technical advisor to ensure compliance with all of the technical requirements of the LDC and to make recommendations with respect to development applications, construction plan review, and the implementation and maintenance of the ACM.
- B. *Duties and responsibilities.* The city engineer is responsible for following type of applications:
 1. Review of plats, site plans, drainage plans, traffic plans, and construction plans, including all engineering plans and related construction tasks, including approval of contracts for public improvements, to ensure compliance with all of the requirements of this LDC, the ACM, and the capital improvements program;
 2. Requests seeking extensions for plats or construction plans that have lapsed;
 3. Public improvement plan review, construction review, field compliance, public acceptance of improvements, and the release of warranty bonds;
 4. Coordination with the city manager for any special development agreement, including, but not limited to, special districts, public or development improvement agreements;
 5. Coordination with the public works director with respect to the existing needs of the city with respect to streets, drainage, water, and sanitary sewer, MS4 compliances, and the short- and long-term impact of new development on existing and future conditions of the city;

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6. Any appeal related to an application for which city engineer is the responsible official;
 7. Site specific ACM waivers, deferrals, or modification of standards, based on generally accepted engineering practice, where this LDC specifies that such latitude may be exercised;
 8. Updates to the LDC or ACM as may be necessary to update city standards or address any regulatory or design deficiencies in the city standards and criteria;
 9. Vested rights petitions for an application for which the city engineering is required to make a determination; and
 10. Petitions for a proportionality appeal or determination.
- C. *Special review.* If a development project is of a sufficient size, complexity, or requires outside engineering consultants to address special regulatory issues, the city engineer has the right, in consultation with the city manager and ~~development administrator~~designated City staff, to retain additional support in order to make appropriate recommendations to the city.
 - D. *Recommendations.* The city engineer shall make a report and recommendations for all applications for development approval where city engineer review and recommendations are required.
 - E. *Decisions.* The city engineer shall make determinations and decisions, or recommendations to other staff or city council, for those matters where this LDC requires a city engineer recommendation.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-73. Referral agencies.

- A. *Generally.*
 1. Angleton Drainage District is a referral agency for all development in the city and the ETJ.
 2. Based on project location, additional referral agencies may include, but are not limited to, TXDOT, Brazoria County, and public and private utilities that providers.
- B. *Duties and responsibilities.* Each referral agency is responsible for the enforcement and implementation of the requirements and standards of each agency. The requirements and standards of each referral agency are incorporated by reference into the LDC.
- C. *Recommendations.* Referral agency will provide review and recommendations to the ~~development administrator~~designated City staff.
- D. *Decisions.* Decisions and determinations made by the city in the review and decision of projects in the city and the ETJ shall be made with full consideration provided to the recommendations and direction of all referral agency having jurisdiction.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

ARTICLE VII. PERMITS AND PROCEDURES

DIVISION 1. GENERALLY

Sec. 23-74. Purpose and application.

- A. *Purpose.* The purpose of this article is to consolidate and standardize all development application procedures and processes to be undertaken in sequence until an application is considered and decided by the decision-maker identified in this article.
- B. *Application.* Each division of this article shall apply as follows:
1. *Division 2, Standardized Development Approval Procedures*, establishes standardized procedures that apply to all development applications.
 2. *Division 3, Administrative Permits and Procedures*, sets out the standardized procedural requirements for development applications that require administrative approval.
 3. *Division 4, Public Meeting: Permits and Procedures*, sets out the standardized procedural requirements for development applications that require review and approval by the planning and zoning commission and the city council, respectively.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-75. Administrative permits and procedures.

- A. *Generally.* Administrative permits are those that are issued by city staff without the requirement for a public meeting or hearing.
- B. *Administrative permits and procedures established.* Applications requiring administrative approval are set out in Table 23.75, Administrative Permits and Procedures, below.
- C. *Administrative rules authorized.* The city may establish administrative rules that stipulate administrative policies and guidelines, create filing schedules and deadlines and similar information to administer the LDC. The administrative rules may be amended, as necessary.

Table 23.75 Administrative Permits and Procedures				
Process	Purpose	Timing	Exceptions	Issued By
Administrative Plats	Minor Plats	Prior to sale or construction	All other plats	<u>City Manager or Designated City staff</u> Development Administrator
Site Plans	Determine Code Compliance	Prior to permit issuance	None	<u>City Manager or Designated City staff</u> Development Administrator
Extensions	Extend the life of an approval	Prior to expiration	As specified in the LDC	<u>City Manager or Designated City staff</u> Development Administrator
Sketch Plans	Determine LDC Compliance	Prior to plan submittal	Optional	<u>City Manager or Designated City staff</u> Development Administrator

Commented [LK67]: As currently written. Recommending changes to permit administrative approval of certain plats.

Permits, Certificates and Licenses	Authorization to build or to operate	Prior to construction or development	None	Building Official
Appeals	Challenge an administrative decision	Within 30 days of an administrative decision	Denied appeals can be appealed to City Council	<u>City Manager or Designated City staff</u> Development Administrator
Interpretations	LDC interpretations	Within 14 days of receipt of a complete application	None	<u>City Manager or Designated City staff</u> Development Administrator
Floodplain Development Permit	Development in a regulatory floodplain	Prior to beginning improvements in a floodplain	None	Floodplain Administrator
<u>Construction of Public Improvements</u>	<u>Prior to site work</u>	<u>After approval of construction plans</u>	<u>None</u>	<u>City Manager or Designated City staff</u>
Development Permit	Prior to site work	One week prior to the beginning site work	None	Building Official

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-76. Approvals and permits requiring public meetings.

- A. *Generally.* Applications requiring a public hearing or meetings are summarized in Table 23.76, Public Meetings: Permits and Procedures, below.
- B. *Public meetings and public hearings decisions.*
1. A public hearing determination is issued by either the planning and zoning commission or city council during a public meeting.
 2. The planning and zoning commission, during a public meeting or public hearing, shall make a recommendation of approval, conditional approval, or denial to the city council, continue the application, or approve or deny those applications where it has final decision power.
 3. The city council, after concluding testimony, discussion, and deliberations, closing a public hearing, will approve, conditionally approve, continue, or deny the application.

Table 23.76 Public Meetings: Permits and Procedures				
Process	Purpose	Timing	Exceptions	Issued By
Public Improvement Acceptance	Public improvement acceptance	Prior to Final Plat recordation and <u>building</u> permit issuance	None	City Council
Appeals	Appeals from a staff determination	Within 30 days of the	Administrative Appeals	City Council

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		action being appealed		
Preliminary Plat	All major plats	Prior to Final Plat	Minor Plats	Council, upon Commission recommendation
Final Plat	All major plats and any related platting variances	Prior to recordation and starting development	Minor Plats and Stale Plats	Council, upon Commission recommendation
Vacation/Dedication of Easements	Easement dedicated or vacation	Prior to easement abandonment or conveyance	None	Council, upon Commission recommendation, if by plat, or by ordinance by Council
Floodplain Hazard Variance	Floodplain variances	Prior to permit issuance of a permit	Only pertains to Article V, Divisions 1 and 2	Council, upon City Engineer recommendation
LDC Variance	Variance from an LDC requirement	Prior to permit issuance	Flood Hazard Variances	Council, upon Commission recommendation
Text Amendment	Amendments to LDC text	Prior to amending the LDC	None	Council, upon Commission recommendation
Special Agreements	As set out in Article III, Division 3	Prior, or concurrent with, platting	None	City Council
Interpretations	Application of an LDC requirement	Prior to final action on a request	Development Administrator Designated City staff Interpretations	City Council
Site Plan Referral	Plans referred by the Development Administrator Designated City staff	Prior to site plan approval	Site plans approved by the Development Administrator Designated City staff	Planning and Zoning Commission
Concept Plan, Master Plan, or Land Study	"Conceptual" Project Direction and Approval	Prior to filing a plat or another development application	Voluntary for smaller projects, encouraged for large projects	Council, upon Commission recommendation
Vested Rights Petition	Expired Development Approval	Upon expiration of any Development Approval	None	City Council

Commented [LK68]: List all plats, ROW dedication or abandonment, BOA, zone changes.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

DIVISION 2. STANDARDIZED DEVELOPMENT PROCEDURES

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Sec. 23-77. Pre-application conference.

- A. A pre-application conference is required for all applications prior to submittal to identify issues and determine all applications and approvals that are required.
- B. Informal meetings may be scheduled prior to a pre-application conference, at the discretion of the applicant and city staff. Such meetings are recommended prior to preparing plats and site plans or requesting a zoning change or a special use permit.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-78. Filing of application.

- A. *Generally.* Every process established by the LDC shall be submitted on a form approved by the city with the appropriate application fee.
- B. *Forms.* The city shall promulgate and periodically revise application forms, checklists, and submittal requirements to implement the LDC.
- C. *Schedules.* The city is authorized to establish regular submittal deadlines for applications.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-79. Application completeness check.A. *Generally.*

1. Development applications may not be processed until a complete submittal is filed.
2. Application completeness shall be determined within ~~five ten (10)~~ business days of application submittal.
3. ~~Complete~~ plat application must be provided ~~30 days prior to~~ in accordance with the schedule set by the ~~City, a commission meeting~~ to allow adequate review time.
4. A plat that is substantively complete but does not comply with all applicable city requirements of the LDC or any other applicable ordinance may only be continued at the written request of the applicant by the filing of the "30-day plat review waiver" form in appendix 23-A.2, Standardized City Forms and Certification Language, of the LDC. The commission and city council are each required to take formal action on request to continue the ~~plat~~.
5. If a "30-day plat review waiver" is not filed and granted ~~as per the LDC~~, the commission and council must take action on all plats within 30 days of the filing date.
6. Plats that do not comply with the LDC and any other applicable ordinance requirement and that do not include a variance request, with a demonstrated hardship, and that do not include a request by the applicant for a waiver of the 30-day plat review shall be forwarded to the commission and council with a recommendation for plat denial.

B. *Incomplete applications.*

1. Incomplete applications shall be returned to the applicant.
2. An application that does not include the application fee is automatically incomplete.
3. Incomplete applications shall not be reviewed for LDC compliance prior to a complete filing.

Commented [LK69]: Allowed by statutes

Commented [LK70]: This is too long and the plats will be automatically approved per LGC. This does not meet LGC.

Commented [LK71]: This has changed. Amend language in accordance with the statutes.

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- C. *Complete applications.* Complete applications shall be processed in accordance with the procedures set out in division 3, Administrative Approvals or in division 4, Public Meeting Approvals, and the procedural deadlines of the city.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-80. Application review.

- A. *Generally.* Upon receipt of a complete application, the city shall begin the review processes.
- B. *Plan and plats review and referral.* Plans and plats shall be referred to city staff, the city engineer, each utility provider, and Angleton Volunteer Fire Department for review and comment. Plats will also be referred to TxDOT and Brazoria County, or other agencies, when applicable.
- C. *Recommended revisions.*
1. The ~~development administrator~~ designated City staff shall provide review comments to the applicant and may schedule a DRC meeting;
 2. Resubmitted plans shall be reviewed for compliance with staff and referral agency comments; and
 3. Plats that do not comply with the LDC shall be designated as incomplete and an "inactive application", upon the written request of the owner, or forwarded to the commission and council with a staff recommendation for denial for failure to comply with the LDC.
- D. *Administrative recommendation or decision.* Upon successfully addressing all staff and referral agency comments:
1. Applications allowing administrative approval shall be approved or approved subject to conditions; and
 2. Applications requiring a public meeting or hearing shall be scheduled for meetings and a staff report and recommendation prepared.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-81. Inactive applications.

- A. *Generally.* Applications must be diligently pursued by the applicant. This section extinguishes applications that become stale due to applicant inaction.
- B. *Expiration of inactive applications.*
1. An application becomes an "inactive application" for failure to comply with all LDC requirements, preventing it from being docketed for action or approved.
 2. Inactive applications become "stale" after 90 days of the filing of the application if the applicant fails to address staff or referral agency review comments to allow further processing of an application, unless the applicant is actively pursuing action to address comments with staff, in which case the application shall become stale after 180 days of the date when commission action was originally requested.
 3. Stale applications are automatically voided six months after the original date when commission action was requested if the applicant fails to take action or request an extension of time for cause.
 4. If a plat becomes stale and is voided, application fees will not be refunded and a new application and fees are required to file a plat.
- C. *Extension of time.*

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1. Prior to the expiration of a stale plat, the application may be extended for up to six months upon written request of the applicant for due cause shown; and
 2. If the city amends the LDC or adopts other regulations during the period of time when the application was inactive or stale, the application shall:
 - a. Not be subject to compliance to the new regulations until the original application is considered to be voided; and
 - b. The application shall be subject to the new regulations and ordinances if the period of time to request an extension should lapse.
 3. A stale application shall expire after a six-month extension lapses and if an extension was not requested.
- D. *Effect of expiration.* Applications that expire pursuant to this section are automatically null and void without further notice or action by the city.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-82. Public notice.

- A. *Generally.*
1. Public notice, if required, shall be provided in accordance with the requirements of the Texas Local Government Code (TLGC).
 2. Written notice, when required, shall be provided to each owner, as indicated by the most recently approved municipal tax roll of real property.
 3. Table 23.82, Required Notice, sets out the specific notice requirement for each type of application where notice is required.
- B. *Content of notice.* Notice shall include:
1. The date, time, and place of the hearing;
 2. Staff contact and phone number, a description, address, or location of the matter to be heard, and a statement that the public is invited to review and comment on the application.
- C. *Setting hearing.* For all matters properly brought before the city council or the planning and zoning commission, the city shall determine a reasonable time and place for such hearing in compliance with all applicable TLGC requirements.
- D. *Computation of time.* In computing the time periods for notice, the day of mailing, publication, or posting shall not be counted, but the day of the public hearing shall be counted.
- E. *Constructive notice.*
1. Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice in a bona fide attempt to comply with applicable notice requirements.
 2. Minor defects in notice shall be limited to errors in a location map, typographic or grammatical errors, or errors of actual acreage that do not impede communication of the notice to affected parties.
 3. Failure of a party to receive written notice shall not invalidate subsequent action.
 4. If questions arise at the public hearing regarding the adequacy of notice, the administrative body shall direct city staff to make a formal finding as to whether there was substantial compliance with the

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notice requirements of this LDC, and such findings shall be made available to the administrative body prior to final action on the request.

Table 23.82 Required Notice		
Type of Application	By Mail	Publication
Replats	Required (in accordance with TLGC § 212.015)	Required
Plats Associated with a Planned Development	Required, in accordance with TLGC § 211.006	Required
LDC Text Amendments	Not Required	Required

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-83. Public meetings and hearings.

- A. *Generally.* All meetings of the appointed commission and council shall be open to the public except as otherwise provided by the Texas Open Meetings Act.
- B. *Joint meetings.* Any public hearing required by this LDC, or the laws of the State of Texas, may be held jointly with any public hearing required to be held by any other advisory board and the city council, subject to public notice as required by law.
- C. *Public hearings.*
 1. *Procedures.* All matters pertaining to the conduct of hearings shall be governed by the following procedures:
 - a. Any person may appear at a public hearing, submit evidence, and be heard;
 - b. If a speaker represents an organization, the commission or council may request evidence of that person's authority to speak on behalf of the group;
 - c. Persons appearing at a public hearing shall identify their name and address and similar information about any organization they represent;
 - d. Citizens, applicants, and city staff have the right to present expert witnesses; and
 - e. The chairperson may impose a reasonable time limit on speakers and may limit testimony that is irrelevant or redundant.
 2. *Prehearing examination.* At any time following public notice, any person may examine the application and all other documents on file with the city regarding the proposed application.
 3. *Right to submit written statements.* Any person may provide a written statement in support or opposition to the application. Such statements shall be made a part of the public record of the hearing.
 4. *Representation.* Any person may appear and testify at a public hearing, either in person or by a duly authorized agent or attorney and may submit documentary evidence.
 5. *Ex parte communication.* The hearing body and each of its member shall not:
 - a. Use or rely on any communication, reports, memoranda, or other materials prepared in connection with the particular case unless they are made a part of the record; nor
 - b. Inspect the site by prearrangement with any party to the proceedings, or their representative, unless other parties known to have an interest in the matter are allowed an opportunity to be present;

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- c. The conduct of any inspections in which interested parties were involved in any such communication shall be noted in the official record.
6. *Decisions.*
 - a. Official action shall require the favorable vote of a majority of a quorum present; and
 - b. Voting shall be conducted in a manner where the public may know the vote of each person entitled to vote.
7. *Time limitation for decisions.* Decisions on applications shall be provided in accordance with each specific application set out in the applicable TLGC statute.
8. *Conditions of approval.*
 - a. The procedures set out in this LDC authorize the decision-making body to impose such conditions upon the premises benefited by the approval as may be necessary to reduce, minimize, or eliminate potential adverse impact upon other property in the area, or to carry out the general purpose and intent of the ~~comprehensive plan~~ 2007 Comprehensive Plan and the LDC.
 - b. In such cases, any conditions attached to approvals shall be directly related to the impacts of the proposed use or development and shall be roughly proportional in both extent and amount to the anticipated impacts of the proposed use or development or shall carry out the general purpose and intent of the ~~comprehensive plan~~ 2007 Comprehensive Plan and this LDC.
 - c. No conditions of approval, except for those attached to variance or minor modification approvals, shall be less restrictive than the requirements of this LDC.
9. *Adjournment of hearing.* The body conducting the hearing may at any time adjourn the hearing for a reasonable time, and to a fixed date, time and place, for the purpose of giving further notice, taking further evidence, gathering further information, or for such other reason as the body may find to be sufficient.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-84. Continuances and withdrawals.

- A. *Generally.* Consideration of applications may be continued, or applications withdrawn as provided in this section.
- B. *Continuances.*
 1. *Request or motion to continue.* Consideration of an application may be continued upon motion of the commission or council, or upon request of the applicant, before a decision is made on the application.
 2. *Period of continuation.* Should any item before the commission or council be tabled in anticipation of information or events to occur prior to rendering a decision, such tabling shall be made to a specific date.
 3. *Subdivisions.*
 - a. Due to statutory requirements that require city action within prescribed time periods, subdivision plats may only be continued at the request of the applicant, in writing, by the filing of the "30-day plat review waiver" form in appendix 23-A.2, Standardized City Forms and Certification Language, of the LDC.
 - b. If a plat fails to demonstrate compliance with the LDC, staff shall recommend denial of the plat, and the applicant may request a continuance for a specific date.

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C. *Decision required.*

1. If an item before the commission or council includes an established statutory number of days within which a decision must be made, the decision to approve or deny shall be made within the stated number of days, unless the applicant consents in writing to an extension of the statutory time limit; and
2. If at the conclusion of the continuation period the item under consideration remains in the same or unchanged state or condition as existed when the item was initially tabled, the item shall be removed from the table, and shall be approved or denied.

D. *Withdrawal.* Any application may be withdrawn in writing, or on the record, during the proceedings.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-85. Successive applications.

A. *Generally.* It is the policy of the city not to hear successive applications that are substantively identical after an initial application is denied.

B. *Time required between substantially similar applications.*

1. When any application set out in division 3 of this article is denied on its merits, a second application seeking essentially the same action shall not be brought unless new evidence is available showing that a mistake of law or facts significantly affected the prior denial.
2. When any application listed in division 4 of this article is denied on its merits:
 - a. A second application seeking essentially the same consideration in the same form, may not be accepted by the city for a period of 12 months after an original application was denied.
 - b. The 12-month rule may be waived by the body who rendered the final denial of the previous application only if a new application is substantially different from the original application, corrects any defects or addresses issues that were significant in denial of the original application, and if the applicant provides a detailed statement justifying consideration of the application.
 - c. A second application that is filed more than 12 months after the denial of a prior application shall be shall be heard on its merits, without prejudice, as though a prior application had not been filed and denied.
3. *Summary denial without hearing.* Successive applications filed inconsistent with the above requirements shall be denied summarily, without formal action, if the ~~development administrator~~designated City staff finds no grounds warrant a waiver of the 12-month rule, and the plat shall not be considered. Such a plat shall be docketed for commission and council action to formally deny the plat to ensure that a plat submittal is not deemed to have being approved under V.T.C.A., Local Government Code § 212.009.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-86. Fees.

A. *Generally.* The city council shall establish a fee schedule for the processing and review of the various applications described in the LDC, including fees for:

1. Application submittal/review;

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2. The expenses of statutory legal notice, including publication expenses;
 3. Reimbursement for extraordinary costs to the city necessitated by an application for expert technical review or legal advice, such as, but not limited to, civil engineer review, TIA review, or the preparation of a legal instruments; and
 4. Any outstanding application or review fees or expenses incurred by the city.
- B. *Relationship to application.* No application shall be determined to be complete until all application fees are paid in full.
- C. *No refunds.* Once an application has been submitted and determined to be complete, pursuant to section 23-79, Application completeness check, the application fee, and any additional review fees incurred by the city in the review of the application, as set out in subsection A., above, are non-refundable.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

DIVISION 3. ADMINISTRATIVE: PERMITS AND PROCEDURES

Sec. 23-87. Administrative plats.

- A. *General.* Administrative plats include the following:
1. Consolidation plat or replat, minor;
 2. Amending plat, minor;
 3. Minor plat; and
 4. Development plat.
- B. *Submittal requirements.* All administrative plats (minor consolidation plats, minor amending plats, minor subdivision plats, and development plats) shall require the submittal requirements as set out in section 23-A.1., Submittal requirements checklists.
- C. *Consolidation plat or replat, minor.*
1. *Purpose.* A consolidation plat, minor may be filed to combine six or fewer recorded lots or unplatted parcels into a lesser number of platted lots that conform to the LDC to create buildable lots.
 2. *Prohibited actions.* A consolidation plats, minor, may not:
 - a. Remove or modify a recorded covenant, restriction, general plat note, or easement;
 - b. Have a material adverse effect on the property rights of other owners in the subdivision;
 - c. Relocate one or more lot lines between one or more adjacent lots unless all owners affected by the change join in the application for the consolidation plat;
 - d. Result in an increase in the number of buildable lots;
 - e. Result in the extension of public utility service lines;
 - f. Result in the creation of a new street or the abandonment of an easement containing existing utility service without the consent of all utility providers;
 - g. Create a lot, or lots, that do not comply with applicable zoning requirements; or
 - h. Involve more than ten acres of property or six lots (parcels). Consolidated plats that exceed those parameters are subject to section 23-97, Replats and consolidated plats, major.

Is there an option to combine all types of replats?

Commented [LK72]: Minor plat

(Supp. No. 19)

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3. *Rights-of-way and easements.* A consolidation plat, minor allows the following actions:

- a. The dedication of additional right-of-way to an existing street right-of-way;
- b. The dedication of new easements and the relocation of existing easements; and
- c. The abandonment or relocation of utility easements subject to the consent of all affected utility providers.

D. *Amending plats, minor.*

1. *Purpose.* An amending plat, minor, may be filed for the following purposes:

- a. Correct an error in a course or distance shown on the preceding plat;
- b. Add a course or distance that was omitted on the preceding plat;
- c. Correct an error in a real property description shown on the preceding plat;
- d. Indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
- e. Identify the changed location, changed character, or incorrect location of a monument on the preceding plat;
- f. Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
- g. Correct an error in courses or distances of lot lines between two adjacent lots if:
 - i. Both lot owners join in the application for amending the plat;
 - ii. Neither lot is abolished; and
 - iii. Any affected utility providers consent to proposed amendment.
- h. Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement into a required setback or easement only if:
 - i. The owners of all affected lots join in the application for the amending plat, minor; and
 - ii. If an easement would be affected, all affected utility providers shall consent to the proposed amendment in writing.

2. *Limitations.*

- a. An amending plat, minor may be filed if:
 - i. A parcel of land is subdivided into no more than four parcels;
 - ii. No new streets, roads, extensions or access easements are proposed to be developed;
 - iii. No utilities, other than individual service lines, need to be extended to serve the parcels and the necessary utilities are in place immediately adjacent to the parcels;
 - iv. The resulting lots will be in compliance with all LDC provisions; and
 - v. There are no other problems of public concern.
- b. Amending plats that exceed the limitations in subsection a, are considered to be major and shall meet all final plat requirements, as set out in section 23.95, Final plats.

3. *Submittal requirements.* Amending plat, minor submittals are subject to the submittal requirements set out in subsection B above.

E. *Minor subdivision plats.* Minor subdivision plats or replats may be filed if:

1. Property is proposed to be subdivided into no more than four lots;
2. The resulting lots comply with all LDC and applicable zoning requirements;
3. No utilities, other than service lines, are required to be extended to serve the lots and utilities are available on or immediately adjacent to the parcel; and
4. The resulting lots would all front on a public street and not require the creation of a new street.

F. *Development plats.*

1. *Applicability.* As provided by V.T.C.A., Local Government Code Ch. 212, Subch. B, the city shall require the filing of a development plat to establish any non-residential and non-agricultural uses to ensure that the proposed use will be compliant with:
 - a. All adopted, and future, plans and studies of the city, and those plans of any other state or regional entity with jurisdiction, as set out in section 23-6, Consistency with plans;
 - b. The LDC for non-residential and non-agricultural development in the ETJ only when a site plan and development plat are required to ensure compliance with the LDC, public health and safety, and the dedication of right-of-way and easements for:
 - i. Non-residential construction on a property that was not lawfully subdivided prior to the effective date of the LDC;
 - ii. Property that is not subject to the preliminary and final plat requirements of the LDC;
 - iii. Development where the only access is a private easement or private street; and
 - iv. Developments where easements or right-of-way must be provided.
2. *Exceptions.* A development plat may not be filed when:
 - a. A tract has received final plat approval or was lawfully created prior to the effective date of the LDC; or
 - b. Public improvements are required to be constructed by the developer or subdivider.
3. *Issuance of permits and utility service.* No development may commence and no permits or utility connections issued until the development plat has been recorded and the associated site plan approved.

G. *Administrative plat review procedures.*

1. All administrative plats set out above, or that are provided for in TLGC Ch. 212, are subject to ~~development administrator~~designated City staff review and approval.
2. The ~~development administrator~~designated City staff shall:
 - a. Determine if the proposed plat complies with the criteria of this section;
 - b. Confirm that:
 - i. The administrative plat, if approved, will control over the preceding recorded final plat without the vacation of that plat; and
 - ii. That the administrative plat is signed by all affected property owners.

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Plat?

- H. *Approval by the city manager.* Upon the completion of ~~development administrator~~designated City staff review, the plat is referred to the city manager. The city manager shall:
1. Approve the administrative plat if all requirements of the LDC are satisfied; or
 2. Refer the plat to the commission and city council, as set out in section 23-95, Final plats, if all requirements for administrative plat approval are not satisfied.
- I. *Subdivisions outside the corporate limits of the city.* The City of Angleton has final authority on development plats in the ETJ.
- J. *Action following approval.*
1. *Certification of approval and surveyor certification.* City manager approval of the administrative plat shall be evidenced by the execution of a certificate of approval and a P.E. or R.P.L.S. seal on the plat, as set out in section 23-A-2, Standardized city forms and certification language.
 2. *Recordation of plat.* The plat shall be recorded in the plat records of Brazoria County, with all recording fees and any other applicable fees paid by the owner/applicant.
 3. *Expiration.* If for any reason the plat has not been recorded within six months of approval, the approving actions shall be deemed void.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-88. Site plan.

- A. *Generally.* Site plans are required to ensure that:
1. Adequate public services and facilities are available;
 2. Public health and safety precautions from natural and man-made hazards are provided; and
 3. The project will comply with the LDC and Code of Ordinances, chapter 28, Zoning.
- B. *Applicability.*
1. A site plan is required for:
 - a. All new development, redevelopment, and substantial improvement or expansion of:
 - i. Multi-family residential;
 - ii. Manufactured home parks;
 - iii. Non-residential; and
 - iv. Mixed-use developments.
 - b. Proposed variances;
 - c. The expansion of a building or the intensification of a use; and
 - d. Where necessary to demonstrate compliance with the requirements of the LDC.
 2. Non-residential and mixed-use development requires site plan review and approval prior to the issuance of permits that allow land clearing, site grading, and construction.
 3. The term "site plan" shall be synonymous with any and all plans required by the LDC and any other development requirements of the city, such as, but not limited to, landscape plans, grading plans, tree preservation plans, and drainage plans.

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- C. *Site plan preparation.* Site plans may only be prepared, signed, and sealed by a State of Texas licensed engineer, architect, or a registered professional land surveyor.
- D. *Review authority.* Site plans are subject to review and approval by the ~~development administrator~~designated City staff, and when required, by the DRC, as set out in section 23-69, Development review committee.
- E. *Submittal requirements.* Site plans shall be prepared as set out in section 23-A.1, Submittal requirement checklists.
- F. *Public improvements may be required.* Public improvements, as set out in article II, division 1, Transportation Responsibilities, and division 4, Utility Responsibilities, may be required as a condition of site plan approval.
- G. *Administrative approval process.*
1. Upon submitting a complete application, city staff and referral agencies shall have 20 working days to provide the ~~development administrator~~designated City staff -with review comments;
 2. The ~~development administrator~~designated City staff shall provide the applicant a copy of all review comments and may convene a DRC meeting; and
 3. The process shall be completed when all review comments have been addressed.
- H. ~~Referral of site plan to planning and zoning commission. The site plan may be referred to the planning and zoning commission by the development administrator~~designated City staff.
~~1. Review is required to determine if the application appropriately conforms to the LDC;~~
~~2. An applicant proposes an alternative method to comply with the LDC; or~~
~~3. The applicant appeals a decision to deny the site plan; in which case the matter shall be heard by the commission.~~
~~1. Planning and zoning commission action. Upon referral of a site plan application, the commission shall:~~
~~1. Seek input and recommendations from city staff and all referral agencies;~~
~~2. Base decisions in the interest of promoting the public health, safety, order, convenience, prosperity and general welfare; and~~
~~3. Approve, conditionally approve, or deny the application.~~
- I. *Prohibited actions.*
1. A site plan may not be approved if platting is required to create a legal building site. A final, or minor plat, may be submitted simultaneously with a site plan; at the applicant's risk, and approved conditionally upon the approval and recordation of the plat.
 2. A building permit or land development permit may not be issued for development without first obtaining site plan approval.
 3. No lot grading, drainage work, or other site improvements may commence without obtaining site plan approval.
 4. A certificate of occupancy may not be issued until all improvements depicted with the approved site plan are completed.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-89. Extensions.

- A. *General.*

23-A.2 is Site Plans
<https://library.municode.com/tx/angleton/cod>

Commented [LK73]: Consider removing the need for referral of a site plan to the Planning and Zoning Commission. This is not required.

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1. Various sections in article VII, division 3, Administrative Approvals, and division 4, Public Meeting Approvals, stipulate a specific time period in which the approval of a plan, plat, or other approval is valid before it expires, and allow the ~~development administrator~~designated City staff, or other specified staff members, to consider an extension of time within a specific period of time.
 2. The ~~development administrator~~designated City staff, and other specified staff members, are not obligated to grant a request for an extension.
- B. *Considerations.* When considering a request for an extension, the following factors should be considered:
1. Was the extension requested prior to the expiration, or within 45 days after the expiration;
 2. Did the applicant demonstrate cause for the expiration, or the eminent expiration, and demonstrate that factors beyond the control of applicant delayed the project;
 3. Has the city adopted new codes, standards, or any other requirement that would have a bearing on the of the project that will has expired, or where expiration is eminent, if the project was filed at the present time; and
 4. Would the project, if refiled, comply with all applicable city codes and ordinances.
 5. If an extension is requested after 45 days of its expiration, would an extension satisfy the other considerations in this subsection and has the expiration reached a point where city council action is required, or a time frame where the LDC does not expressly allow an extension.
- C. *Information required.* The applicant shall provide the ~~development administrator~~designated City staff with written documentation that addresses each of the considerations listed in subsection B, above. which any watercourse or natural drainage is proposed to be altered or relocated.
- D. *Approval criteria.* Action on an extension shall be based on an affirmative finding by the ~~development administrator~~designated City staff, or other specified staff, that an extension would satisfy the considerations set out in subsection B, above.
- E. *Records.* An extension, if granted, shall be maintained in the offices of the City of Angleton open for public review and inspection for all information required by this section and the LDC.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-90. Sketch plan.

- A. *General.* The sketch plan process is informal and highly encouraged to allow staff to convey how the LDC and other development codes and development processes would apply to a project to allow an applicant to determine project feasibility and an approval process time line.
- B. *Considerations.* When considering a sketch plan, the following assumptions should be considered:
1. The submittal of a sketch plan bestows no entitlement approval to any project that is reviewed and that the direction of staff is subject to change if new codes and ordinances are adopted prior to the submittal of a development application and subject to complete information about the project being submitted for review; and
 2. The sketch plan process is informal, does not constitute a complete and in-depth review of the project, and assumes that the applicant is only submitting a portion of the information necessary to obtain staff direction and input allow prior to the submittal of a development application.
- C. *Information required.* There is no minimum information requirement. However, the degree and detail of staff direction shall be limited to amount and quality of the information submitted.

Commented [LK74]: It is not clear when Sketch Plans are required.

- D. *Vesting.* The submittal, and staff review, of a sketch plan, shall not be deemed to have vested any development rights or a right to obtain a permit or any other form of approval under this LDC.
- E. *Records.* Sketch plans are not approved or denied, are not official, do not convey any development rights, and only constitute the voluntary exchange of information before the potential filing of an application. As such, sketch plan records shall only be maintained in the official records of the city if a formal application for a property that was the subject of the sketch plan review is filed.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-91. Building permits, certificates, and licenses.

- A. *Permits and licenses required.* The building official shall be responsible for the review of applications and plans seeking the permits, certificates, and licenses listed below:
1. *Building permits.*
 - a. No building shall be erected, constructed, altered, moved, converted, extended, or enlarged, without first obtaining a building permit.
 - b. Permits may not be issued until an applicant demonstrates compliance with applicable LDC requirements and all applicable construction codes adopted by the city.
 - c. When issued, permits shall be valid for a period of 12 months.
 2. *Placement permit.* No manufactured home or trailer for any purpose may be placed for occupancy at any location without the issuance of a placement permit.
 3. *Licenses.* Businesses requiring a license by the State of Texas or city shall said license prior to the establishment of any business in Angleton, including home occupations.
 4. *Trade permits.* Before plumbing, electric, HVAC, and mechanical improvements begin, the person/contractor proposing the improvement shall obtain permits from the building official.
- B. *Plans required.*
1. All applications for permits shall be accompanied by schematics or plans, drawn to scale, with dimensions, lot lines, the building or buildings, the location of buildings on the lot and such other information as may be necessary to provide for the enforcement of these regulations, including, if necessary and required in a specific case, a boundary survey and a staking of the lot by registered surveyor and complete construction plans.
 2. Prior to the issuance of a building and trade permits to authorize commencement of construction or continued construction, plans shall be submitted demonstrating compliance with all requirements of the LDC, zoning ordinance, all building, fire, and health code requirements and the requirements of any other applicable referral agency.
- C. *Certificate of occupancy (CO).*
1. No premises shall be used or occupied until a CO is issued.
 2. A CO shall be applied for coincidental with the application for a building permit and shall be issued by the building official upon the completion of the improvements in conformity with the provisions of the LDC and all other applicable regulations of the city or any referral agency.
 3. A CO may be issued for a part of a proposed building or development, or a section thereof, if completed in accord with the terms of all applicable ordinances and construction codes.

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4. The building official may issue a temporary CO contingent upon specific conditions and terms of compliance, for a period not to exceed six months.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-92. Floodplain development permit.

- A. *General.* Floodplain development permit applications will be submitted to the floodplain administrator and will include:
 1. A site development plan drawn to an appropriate scale showing the locations, dimensions, and elevations of all existing and proposed structures; and
 2. All proposed grading site alterations, including fill, and the location of the foregoing in relation to the special flood hazard areas.
- B. *Information required.* The following information must be provided to the floodplain administrator:
 1. Elevation, in relation to mean sea level:
 - a. Of the lowest floor, including basements, of all new and substantially improved structures;
 - b. To which any nonresidential structure will be floodproofed;
 2. A certificate from a registered Texas professional engineer or architect attesting that the nonresidential floodproofed structure will meet the floodproofing criteria of article V, division 2, Flood Hazard Reduction; and
 3. Description of the extent to which any watercourse or natural drainage is proposed to be altered or relocated.
- C. *Approval criteria.* The approval or denial of a floodplain development permit will be based on all of the provisions of this division and the additional relevant factors:
 1. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 2. The necessity of the facility to a waterfront location, if applicable;
 3. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site;
 4. The costs of providing government services during and after flood conditions, including the maintenance and repair of streets, bridges, and public utilities;
 5. Safe access to and from the property in times of flood for ordinary and emergency vehicles;
 6. Compatibility of the proposed use with existing and anticipated development;
 7. Danger that materials may be swept onto other lands to the injury of persons and property;
 8. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner; and
 9. Danger to life and property due to flooding or erosion damage.
- D. *Records.* The floodplain administrator shall maintain a record in the offices of the City of Angleton open for public review and inspection for all information required by this section and the LDC.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

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Sec. 23-93. Development permit.

- A. *Purpose.* The purpose of this section is to ensure that grading will:
1. Create the least possible disturbance of terrain and natural drainage conveyance networks;
 2. Not result in flooding or erosion; and
 3. Be conducted in accordance with all stormwater pollution prevention plan (SWPPP) best management practices and Texas Commission on Environmental Quality (TCEQ) requirements.
- B. *Permit required.*
1. The following activities require a development permit:
 - a. Any excavation, fill, or land disturbing activity involving an earthwork volume greater than ten cubic yards;
 - b. Construction, paving, or re-paving of any multi-family residential, nonresidential, or mixed-use driveway, private street, parking lot, sidewalk, or path;
 - c. Construction of any paved or improved surface larger than 1,000 square feet in area; and
 - d. Construction or installation of any storm sewer, pipe, swale, or ditch for drainage purposes, except footing tiles or roof drainage interior to a structure.
 2. A copy of the development permit, **SWPPP permit**, NOI (when applicable), and an approved set of construction plans shall be on the site during the grading process.
 3. Work for which a development permit has been issued shall not be partially completed and abandoned. Failure to complete all approved grading improvements without just cause, leaving required improvements uncompleted and in a condition that could potentially result in life safety or health risks, as determined by the city engineer, shall constitute abandonment and a violation of this section.
- C. *Exceptions from development permits.* The following activities do not require the issuance of a development permit, but each activity does not exempt the property owner or contractor from complying with all requirements of this section:
1. Work performed in connection with the construction on a legally platted residential lot, or an unplatted residential tract not exceeding one acre in area, if the work is covered by a valid building permit;
 2. Where the work to be performed is routine agricultural or land management operations necessary for cultivation of the soil of a farm or ranch; and
 3. Where the work is a public works, or other government agency.
- D. **Information required.** The following plans shall be provided to the city and sealed by a professional engineer licensed to practice in Texas with information demonstrating compliance with all LDC and TCEQ requirements.
1. An approved grading plan;
 2. An approved drainage plan;
 3. SWPPP approval and "notice of intent" (NOI);
 4. Evidence that the proposed improvements will adhere to all applicable best management practices for erosion control; and

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5. Description of the extent that improvements will be provided to ensure that discharge will not threaten to cause pollution, contamination, or degradation of any state waters or regulated wetlands.
- E. *Proposed subdivisions.* If a property is required to be subdivided by the LDC, a grading permit will not be issued until a preliminary subdivision plat has been approved by the city council and construction plans are approved by the city engineer.
- F. *Permit conditions.* A development permit may be issued when all of the following conditions are satisfied:
1. The applicant has notified the city engineer and building official at least five days before beginning any land disturbing activity and submitted a NOI from TCEQ;
 2. The applicant has installed and started to maintain all required erosion control measures;
 3. The applicant has started to maintain all road drainage systems, stormwater drainage systems and other facilities;
 4. The applicant has demonstrated how sediment resulting from land disturbing activities will be managed to avoid entry into adjacent surfaces and/or drainage courses;
 5. The applicant will allow the city engineer or their designees to enter the site to verify compliance or to require additional work to bring the site into compliance with approved permit; and
 6. The applicant agrees to submit revised plans and obtain a new permit if the nature of the project changes from that proposed under the approved permit.
- G. *Earthwork requirements.*
1. The requirements for earthwork are generally fulfilled through application of the requirements of good engineering practices.
 2. Earthwork shall be designed by a registered professional engineer licensed to practice in Texas and shall be subject to compliance with an approved grading plan signed and sealed by such a registered engineer, and approved by the city engineer, to govern all aspects of the earthwork.
 3. Significant earthwork includes, but is not limited to, the grading of large tracts of land, the installation of construction fill, excavations, and work on slopes.
 4. Earthwork is subject to compliance with a dust control plan and the implementation of methods to mitigate dust.
- H. *Liability insurance.*
1. General liability insurance shall be required as a condition for procurement of a grading permit. However, liability insurance shall not be required for projects less than one acre in size. Procurement and maintenance of such liability insurance policy shall be the sole responsibility of the applicant.
 2. The minimum limit of liability shall be \$300,000.00, combined, single limit. Such policy certificate shall provide that the insurance cannot be canceled or the limit of coverage reduced without 30 days prior written notice to the city engineer.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

DIVISION 4. PUBLIC MEETINGS: PERMITS AND PROCEDURES

Sec. 23-94. Preliminary plats.

- A. *Pre-application conference.* The applicant or their duly authorized agent, **is required** to schedule a pre-application conference, as set out in section 23-77, Pre-application conference.
- B. *Preliminary plat and plat submittal contents.* Preliminary plats shall include all relevant information set out in appendix **A, subappendix 2,** for preliminary plats and any other submittal checklists that are applicable.
- C. *Application review process.*
 1. *Complete application required.* The submittal will be considered filed when all requirements set out in section 23-79, Complete applications required are provided. The date in which the application is determined to be **"complete" is the official filing date.**
 2. *Thirty-day filing deadline.* Applications shall be acted on within 30 days after the plat filing date, as set out in section 23-80, Application review.
 3. *Incomplete applications.* If an applicant chooses to proceed to the commission and council with an incomplete application, as set out in subsection 23-79.B.
 4. *Written report.*
 - a. The recommendations from each referral agency, official, and department shall be provided to the applicant; and
 - b. A written report from the ~~development administrator~~**designated City staff,** distributed to the commission and council, will provide a staff recommendation.
- D. ***Planning and zoning commission action.***
 1. *Review criteria.* The commission shall utilize the following criteria:
 - a. Consistency with any approved concept plan, master plan, or land study, as set out in section 23-104, Concept plans, master plans, and land studies.
 - b. Physical arrangement of the subdivision;
 - c. Adequacy of street rights-of-way, alignment, and connectivity;
 - d. Compliance with the LDC;
 - e. Compliance with the Angleton Future Thoroughfare Plan;
 - f. Compliance with and the master drainage plan and all other city plans; and
 - g. Adequacy of proposed utility services.
 2. *Commission action.*
 - a. The commission will recommend approval, approval subject to conditions, or denial.
 - b. The commission shall adopt findings of fact for a recommendation to deny the plat.
- E. *City council action.*
 1. *Review criteria.* The city council shall follow all processes set out in subsection G, above.
 2. *Council action.*
 - a. The council will approve, approve subject to conditions, or deny the application.
 - b. The commission shall adopt findings of fact and rationale for any plat denial.

F. *Subdivisions outside the corporate limits of the city.* Final action on all preliminary plats, regardless of the location of a plat in the ETJ, is the city council, following review and a recommendation by the planning and zoning commission.

G. *Effect of preliminary plat approval.*

1. Approval of a preliminary plat shall not constitute approval of the final plat.
2. Approval of the preliminary plat should be deemed an expression of approval to the proposed layout submitted on the preliminary plat as a guide to the preparation of the final plat.
3. The final plat shall be subject to fulfilling all requirements of this LDC, the master drainage plan.

H. *Lapse of approval.*

1. Preliminary plat approval shall be valid for 12 months from the date of council approval, during which time all general terms and conditions under which the preliminary plat was approved shall not be changed;
2. The council approval of the preliminary plat shall be deemed void unless a final plat is submitted within the 12-month period, or unless the 12-month period is extended by the council for a term not to exceed 12 months at the request of the subdivider; and
3. As a condition of granting an extension of the preliminary plat, the council may require the plat to comply with any new development requirements adopted after the plat was approved.

I. *Combination plat.* A combined preliminary/final plat may be filed for a development where no public improvements are required and four or fewer lots are proposed.

1. Applicants are responsible for demonstrating compliance with all preliminary and final plat requirements and the application fee for a both the preliminary and final plat.
2. A site plan may be submitted concurrently to facilitate plat review.
3. A combined plat would be submitted in the form of a final plat, as set out in section 23-95, Final plat; and be labeled "Preliminary/Final Plat", subject to the payment of all application fees for a preliminary plat and a final plat.
4. The commission and council will each make a single motion for action on the combined plat.
5. The mylar for recordation will be labeled as "Final Plat".

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(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-95. Final plats.

- A. *General.* A final plat may not be recorded until a preliminary plat and final plat have been approved, as set out in section 23-94, Preliminary plat, and this section.
- B. *Final plat and plat submittal contents.* Final plats shall include all relevant information set out in appendix A, subappendix 2, for final plats and any other submittal checklists that are applicable.
- C. *Application review process.* A final plats shall be filed within 12 months of the approval of a preliminary plat, and shall be reviewed as set out in section 23-94, Preliminary plat, subsection C, Application review, and the additional requirements set out below:
 1. *Final plat conformance with the approved preliminary plat.* The final plat shall conform substantially to the approved preliminary plat and phasing plan and any conditions imposed.

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2. ~~Review-Approval of construction plans and construction of public improvements. The final plat shall be filed for review and approval upon acceptance of all public improvements or after provision of surety as required. city engineer shall review the plans to ensure compliance with the LDC and Angleton Construction Manual.~~

- D. *Plat action.* Action on the final plat will be taken by the planning and zoning commission and city council as set out in section 23-94, Preliminary plat, subsection G., Planning and zoning commission action, and subsection H., City council action.
- E. *Subdivisions outside corporate limits of the city.* Final action on all final plats, regardless of the location of a plat in the ETJ, is the city council, following review and a recommendation by the planning and zoning commission.
- F. *Actions following final plat approval.*
1. *Certification of approval.* City council approval shall authorize the planning and zoning commission chairman and mayor to execute the certificates of approval on the final plat.
 2. *Final plat modifications.* In no case shall additions, corrections, or modifications of any kind be made to the final plat administratively, other than signatures required after the final plat has been approved by the city council, except those set out in section 23-87, Administrative plats, subsection D, Amended plats, minor. Any other amendment to the final plat shall only be permitted as set out in section 23-96, Amended plats, major.
 3. *Recordation of plats.* The recordation of all subdivisions inside the corporate limits of the city and the ETJ shall then be filed and recorded in the plat records of Brazoria County after:
 - a. The city council has officially acted upon the final plat with respect to public improvements, dedications and utilities, as set out in article III, division 4, Public Acceptance and Permitting;
 - b. The final plat has been fully certified and executed by all property owners comprising the plat and agencies with plat certification jurisdiction; and
 - c. All fees, including recording, application, staff review fees, fees in lieu of parkland dedication, if applicable, have been paid in full.
- G. *Review in phases.*
1. An owner or subdivider may pursue final plat approval of a portion or a section of a development included in an approved preliminary plat, as set out in section 23-18, Development phasing;
 2. The final plat of each phase, shall carry the name of the entire subdivision and a unique phase number;
 3. Block numbers within the entire development shall run consecutively throughout the entire subdivision; and
 4. By completing a development in phases, the original preliminary plat shall not lapse or expire.
- H. *Lapse of approval.*
1. Final plat approval is valid for 12 months from the date of approval by the city council or Brazoria County, during which time all general terms and conditions under which the final plat was approved will not be changed;
 2. City council approval of the final plat shall be voided if a final plat is not submitted within the 12-month period, or unless the council approves an extension not to exceed six months at the request of the subdivider; and
 3. The council, as a condition of granting an extension, may require the plat to comply with any new development requirements adopted after the plat was approved.

Commented [LK76]: Confirm new procedures

Commented [LK77]: Construction plans?

- I. *Standardized surveyor, planning and zoning commission, and city council certificate language.* Final plats shall include required certifications, as **set out in section 23-A.2, Standardized** city forms and certification language.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-96. Amended plats, major.

- A. *General.* Any amended plat that does not qualify as amended plat, minor, under section 23-87, Administrative plats, subsection D, shall be classified as an amended plat, major.
- B. *Pre-application conference.* Prior to filing of an application, the applicant is required to schedule a pre-application conference, as set out in section 23-77, Pre-application conference, to determine if the proposed amendments are major or minor or result in any prohibited action set out in subsection C., below.
- C. *Prohibited actions.* Amending plats, major, may not:
1. Remove or modify a recorded covenant, restriction, general plat note, right-of-way, or easement;
 2. Have a material adverse effect on the property rights of the owners in the plat;
 3. Relocate one or more lot lines between one or more adjacent lots unless all of the owners affected by the change join in the application for the amending plat, major;
 4. Result in the increase in the number of lots;
 5. Result in a lots or improvements that would not conform to all requirements of this LDC or any other regulations of the city; or
 6. Create or modify street right-of-way or any other municipal or private facilities.
- D. *Submittal requirements.* The amended plats, major, shall;
1. Be labeled as an amended plat, major;
 2. Include a "purpose" statement for the amendment and describe exactly what has been changed on the plat since the original, or previous, plat was approved by the city and filed at the county;
 3. State the specific lots affected as a result of the amended plat and include the original subdivision plat boundary; and
 4. Meet all submittal requirements set out in appendix A, subappendix 2, for preliminary plats, and any other submittal checklists that are applicable.
- E. *Submittal at applicant's risk.* An applicant, at risk, may file a combined preliminary/final amended plat, major. The commission and council may only act on the final plat if the preliminary amending plat, major, is approved. The commission and council are not obligated to take favorable action on the final plat if there are issues with the preliminary amended plat, major.
- F. *Process and decision.* Amended plats, major, shall follow all procedural requirements set out in section 23-94, Preliminary plats and section 23-95, Final plats, respectively, depending on the plat type proposed to be amended.
- G. *Approval criteria.* Amended plats, major, shall be approved if the amendments:
1. Do not include a prohibited action, as listed in subsection C., above;
 2. Would not result in any nonconforming lot, block, structure, or other improvements;
 3. Are agreeable to all affected property owners, as attested to by their signatures on the plat;

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4. Are agreeable to the affected utility provider(s); and
 5. Would comply with the LDC and not reverse any conditions imposed by the city council.
- H. *Actions following plat approval.* Upon approval of the amended plat, major, the plat shall follow all procedural requirements set out in section 23-94, Preliminary plats and section 23-95, Final plats, respectively, depending on the plat type proposed to be amended.
- I. *Lapse of approval.* Amending plats, major shall have the same life span as the plat which was amended, which shall be 12 months from the date in which amending plat, major is approved. An extension may be granted as set out in section 23-94, Preliminary plats and section 23-95, Final plats, respectively.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-97. Replats and consolidation plats, major.

A. *Replats.*

1. A replat may be filed to initiate, a change to a previously recorded plat, without vacating an existing recorded plat, for any of the following purposes:
 - a. Correct an error in any course or distance shown on the prior recorded plat;
 - b. Add any course or distance that was omitted on the prior recorded plat;
 - c. Correct an error in the description of the real property shown on the prior recorded plat;
 - d. Indicate monuments set after death, disability, or retirement from practice of the engineer responsible for setting the monuments;
 - e. Indicate the proper location or character of any monument that has been changed in location or character or that originally was shown at the wrong location or incorrect character on the prior recorded plat;
 - f. Correct any other type of clerical error, scrivener's error, or omission in the previously approved recorded plat;
 - g. Correct an error in courses and distances of lot lines between two adjacent lots where both lot owners join in the plat application and neither recorded lot is abolished, provided that:
 - i. Such amendment does not have a material adverse effect on the property rights of the owners in the plat;
 - ii. Such an amendment is acceptable to any utility providers that may be affected by the amendment; and
 - iii. Each resulting lot complies with all requirements of the LDC.
 - h. Relocate a lot line in order to cure an inadvertent encroachment of a building or improvement on a lot line or on an easement; or to
 - i. Relocate or vacate one or more lot lines, easements, or rights-of-way between, or along, one or more adjacent platted lots where the owner or owners of all such property join in the application for the plat amendment; provided that easement or right-of-way vacation is agreeable to all utility providers and jurisdictions that may have services and easements/right-of-way on the affected properties.
2. A replat may be recorded and is controlling over the preceding plat without vacating the original plat if the replat is:

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Clarify who
will hold this
public
hearing.

- a. Signed and acknowledged by only the owners of the property being replatted;
 - b. Approved after a public hearing; and
 - c. Does not attempt to amend or remove any covenants or restrictions of the original plat.
3. *Public hearing required.* In the event that a replat requires a public hearing, notice of the public hearing shall be provided as set out in TLGC § 212.014 and § 212.015, with notice of the public hearing being mailed, published, and posted at the City Hall, as set out in section 23-82, Public notice.
- B. *Consolidation plats, major.*
1. Section 23-87, Administrative plats, subsection C, establishes criteria for consolidated plats, minor. Any consolidated plat that does not meet the criteria for a consolidated plat, minor, shall automatically be considered to be a consolidated plat, major.
 2. Consolidated plats, major may be filed to relocate or vacate one or more lot lines between one or more adjacent platted lots where the owner or owners of all such property join in the application for the plat amendment; provided that such vacations are agreeable to all utility providers that may have services and/or easements on the affected lots that track with existing lot lines.
 3. Consolidation plats, major that propose to allow a use of the effected property not allowed by the original plat, or a use other than those uses allowed by the zoning of property, shall be subject to a public hearing, as set out in subsection A.3. above.
- C. *Nonconforming lots.* If the lots proposed to be consolidated exist as legal nonconforming lots, the consolidation plat process should comply with the criteria set out in section 23-5, Applicability, subsection E, Nonconforming lots.
- D. *Processes and procedures.* Replats and consolidation plats, major, shall be subject to all LDC processes and procedures set out in subsection 23-95.C, Final plats. The applicant is also required to schedule a pre-application conference, as set out in section 23-77, Pre-application conference.
- E. *Action following approval.* Replats and consolidation plats, major shall be subject to the "action following approval" requirements set out in subsection 23-95.F, Final plats.
- F. *Lapse of approval.* Replats and consolidated plats, major shall be subject to the "lapse of approval" requirements set out in subsection 23-95.H, Final plats.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-98. Public improvements acceptance.

- A. *Timing of required improvements.* Required public improvements may be completed:
1. *Prior to final plat recordation:*
 - a. After approval of a preliminary plat and prior to the recordation of an approved final plat, the installation of all public infrastructure improvements required to serve the subdivision, whether to be located off-site or on-site, including but not limited to, water, wastewater, drainage, road and park improvements, shall be completed:
 - i. In accordance with the approved public infrastructure construction plans; and
 - ii. The installation of improvements required for proper drainage and prevention of soil erosion on individual residential lots, and improvements on any common areas shall be completed prior to recordation of the final plat in accordance with the approved construction plans.

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2. *After final plat approval:*

- a. The developer or applicant may request to defer the obligation to construct and install one or more public improvements to serve the subdivision until after final plat recordation, in accordance with section 23-38, Deferral and permitting, and upon the approval of construction plans by the city engineer;
- b. The deferral request shall be submitted with an application for preliminary plat approval to provide fair notice of the intent of the developer; and
- c. Deferral of the obligation to install public improvements shall be conditioned on execution of a subdivision improvement agreement and sufficient surety to secure the obligations defined in the agreement.

B. *Construction plan expiration.*

1. If construction has not been initiated within one year of the approval of construction plans, plan approval shall lapse.
2. The city engineer may:
 - a. Grant a one-time six-month extension of the plans upon determining that the plans continue to meet all current requirements; or
 - b. Require the submittal of revised construction plans if the plans don't comply with current requirement.
3. Revised construction plans shall be subject to review fees as if they were an original set of plans.

Commented [LS78]: Consider not extension and they have to turn it in again for review and permitting if no construction has taken place.

C. *Final plat expiration.*

1. If required public improvements for a subdivision have not been constructed and/or accepted by the city within 24-30 months from the date of the approval of the final plat, the final plat for a recorded subdivision shall be null and void and deemed to ~~have been~~ have been withdrawn without formal action by the city.
2. If required public improvements have not been constructed or accepted by the city:
 - a. The corresponding final plat for such subdivision shall be null and void and deemed to be withdrawn without formal action by the city.
 - b. An approved, unexpired final plat, may be extended once for a period not to exceed 24 months, pursuant to the following provisions:
 - i. A request for an extension of time to complete required public improvements shall be submitted prior to the date the in which final plat expires.
 - ii. The request shall be in writing, and the application shall state the reason and justification for the requested extension.
 - iii. The city council may:
 - (a) Extend the approval of the final plat, for good cause shown by the applicant, if there has been no significant change in development conditions affecting the subdivision plat; or
 - (b) Extend the plat subject to compliance with any new standards and regulations adopted since the plat was approved.

Commented [LS79]: If construction is not completed, a performance bond needs to be submitted. Another section stated 30 months. Not sure if this can be implemented. Confirm

-
- D. *Disclaimer.* Approval of a preliminary plat or a final plat shall not constitute the acceptance of any required public improvements or obligate the city to accept construction plans or public improvements that do not fully comply with all LDC or ACM requirements.
- E. *Inspection.*
1. The city and affected utility providers shall be notified three days prior to the commencement of any construction of public improvements to ensure that proper supervision and inspection is provided and to allow the city to determine if a predevelopment conference is required prior to the start of coordination.
 2. All construction shall be subject to inspection by the city and all utility providers.
- F. *Stop work order.* When any duly authorized agent of the city or utility provider determines work is being completed contrary to the requirements of the LDC, ACM, or approved construction plans, or in a dangerous or unsafe manner, the city may:
1. Issue a stop work order until all issues are remediated at the expense of the developer as set out below:
 - a. The stop work order shall be in writing and provided to the owner, the owner's agent, and the person doing the work;
 - b. Upon issuance of a stop work order, work shall immediately cease, except for work that will remediate the issue; and
 - c. The stop work order shall state the reason for the order and the conditions under which work can resume.
 2. Where a verifiable emergency exists, or is in danger of existing, written notice prior to stopping work shall not be required.
 3. Any person who continues work after having been served with a stop work order, except persons directed to remediate the violation or unsafe condition, may be liable to the penalties prescribed by article VIII, Enforcement and Remedies.
- G. *Building permit issuance prohibited.* Building permits for development to be served by public improvements may not be issued until:
1. *Acceptance required.* All required improvements have been completed and accepted by the city and any other affected utility or agency.
 2. *Deferral and posting of performance bonds.* Where the city engineer or another agency have determined that improvements are not possible or practical at the time or should be deferred, as set out in section 23-38, Deferral and permitting, permits may not be issued until deferral agreement instruments are executed and applicable, funds, escrow, or letters of credit posted.
 3. *Guarantee for construction or maintenance.* Approval of the final plat or construction plans shall not impose any duty upon the city, or any other utility or agency concerning the maintenance of dedicated improvements until improvements are accepted and the terms of warranties have been completed and the warranty period lapses.
- H. *As-built plan submittal requirements.*
1. Prior to accepting public improvements, the developer's engineer shall submit a complete set of drawings of the paving, drainage, water, and sewer improvements showing all changes made in the plans during construction and containing on each sheet an "as-built" stamp bearing the signature and seal of the engineer and the date.

2. As-built plan sets shall contain the following:
 - a. Full size sets of "approved construction plans" and "as' built" plans;
 - b. Electronic (digital) copies of all plans in GIS compatible format and .pdf format;
 - c. Design engineer's seal and certificate of review;
 - d. Public acceptance guaranties and costs of all infrastructure being dedicated to the city;
 - e. Two true and correct copies of field density tests, material source tests, and geotechnical report; each certified by a recognized testing laboratory and .pdf files of each; and
 - f. Acceptance letters from all utility providers.
- I. *Public acceptance process.*
 1. *Criteria.* The following criteria shall be used during the public acceptance process:
 - a. The city engineer shall determine if the improvements are consistent with the final plat and the approved set of construction plans; and
 - b. That the required public improvements conform to all LDC and ACM standards and specifications.
 2. *Maintenance bond filed.* Prior to the acceptance of improvements, the subdivider shall:
 - a. Furnish a good and sufficient maintenance (warranty) bond:
 - i. In the amount of ~~20-125~~ percent of the contract price;
 - ii. With a minimum bond amount of \$25,000.00; and
 - iii. With a reputable and solvent corporate surety in favor of the city.
 - b. Indemnify the city against any repairs that may become necessary to any part of the construction work performed in connection with the subdivision arising from defective workmanship or materials used therein; and
 - c. Post the maintenance bond for a period of one year from the date of final acceptance by the city council.
 3. *Off-site easements.* Any necessary off-site easements required for installation of off-site public improvements to serve the subdivision or development shall be acquired by the subdivider and conveyed solely to the city by an instrument approved by the city attorney.
 4. *Security for completion of improvements.*
 - a. Whenever the obligation to install public improvements to serve a subdivision or development is deferred until after recordation of the final plat, the property owner shall provide sufficient security to ensure completion of the public improvements in a form acceptable to the city attorney; and
 - b. The security shall be issued in the amount of 125 percent of the good faith cost estimate approved by the city engineer for all public improvements associated with the subdivision. The terms of the security agreement shall be subject to the approval of the city attorney.
- J. *Public acceptance standardized forms.* Section 23-A-2, Standardized city forms and certification language, includes standardized forms for public acceptance process set out in subsection K, below.
- K. *Public acceptance process.*
 1. *Preliminary acceptance (part I).*

Commented [LS80]: Consider requiring a maintenance bond of 125%.

- a. The applicant shall submit a preliminary acceptance and maintenance bond instruments, in formats acceptable to city attorney, with the as-built plan documentation, as set out in subsection H, As-built plan submittal requirements, above, to the city engineer;
- b. After recommendations by the city engineer:
 - i. The city engineer shall accept or reject the request for preliminary acceptance of public improvements;
 - ii. The city may provide conditional preliminary acceptance, provided that the applicant guarantees that all materials and workmanship are to be in accordance with the approved plans and specifications prescribed by the city, and to correct any and all deficiencies not in accordance with approved plans prior to a designated deadline;
 - iii. When the city engineer determines that public improvements are complete and in compliance with the approved construction plans, the developer may petition the city administrator for preliminary acceptance of public improvements by executing part I of the "developer petition for acceptance of public improvements"; and
 - iv. Preliminary acceptance of such improvements shall mean that the property owner has transferred all rights to all the public improvements to the city for use and maintenance and that the city may accept dedication of a portion of the required public improvements, provided adequate surety has been given for the completion of all of the other improvements.

2. *Final acceptance (parts II and III).*

- a. One year after the issuance of preliminary acceptance, the city engineer shall determine if the subdivider has:
 - i. Maintained all public improvements in good condition;
 - ii. Corrected any deficiencies specified in the preliminary acceptance procedure; and
 - iii. Corrected any other deficiencies that have arisen since the effective date of the preliminary acceptance process.
- b. The applicant shall request final acceptance by executing part II of the "developer petition for acceptance of public improvements", with:
 - i. A detailed list of all improvements being dedicated to the city itemized;
 - ii. The linear distance of each water and sanitary sewer listed;
 - iii. The acreage of all street and drainage improvements provided, and
 - iv. The valuation of each improvement itemized.
- c. Final acceptance of ~~the at all~~ public improvements is subject to city council approval, based on the favorable recommendations of the city administrator and city engineer and the assurance that the maintenance bond will extend for 365 days after final acceptance is granted.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

23-99

Sec. . Ldc-Land Development Code (LDC) text amendn

Clarify if an applicant can initiate

A. *Generally.* Requests for amendments to the text of the LDC may be initiated by the request of the planning and zoning commission, city council, or city manager to amend, supplement, change, modify, or repeal any portion of the LDC that is not expressly required by Texas or federal law.

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B. *Processing of application and decision.*

1. *Notice of public hearings.* The city shall comply with all notice requirements set out in section 23-82, Public notice.
2. *Planning and zoning commission recommendation.*
 - a. The planning and zoning commission shall hold a public hearing prior to acting on the proposed LDC amendment; and
 - b. The commission shall make a recommendation regarding the proposed amendment to the city council.
3. *Decision by city council.* The council shall:
 - a. Receive the written recommendation of the commission and staff regarding the proposed amendment;
 - b. Hold a public hearing prior to acting on the proposed amendment to the LDC; and
 - c. By majority vote, approve or deny the amendment, or continue the item to a future meeting.

C. *Criteria for approval.* The following criteria should be considered by the commission and council. The proposed amendment:

1. Promotes the health, safety, and general welfare of the city;
2. Promotes the safe, orderly, efficient and healthful development of the city;
3. Consistent with other policies of this LDC and the Angleton ~~Comprehensive Plan~~2007 Comprehensive Plan; and
4. Any other criteria which, at the discretion of the commission and council, are deemed relevant and important.

D. *Non-substantive amendments.*

1. Notwithstanding the other provisions of this section, the city council may, by resolution:
 - a. Correct spelling or punctuation errors;
 - b. Cross-reference errors or changes; and
 - c. Other matters herein determined by the city attorney to be non-substantive without complying with the foregoing notice and public hearing provisions of this section.
2. The resolution number and date of any such amendments shall be noted in the LDC.

E. *Nonconformities and retroactive cure of violations.*

1. The amendment of the text of this LDC may transform a legally non-conforming situation into a conforming one.
2. No petition for a text amendment shall be used expressly to cure, or to create, a violation of any part of this LDC.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-100. Interpretations.

- A. *General.* The ~~development administrator~~designated City staff is authorized to make LDC interpretations, or to refer such judgments to the city council.

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B. *Process.*

1. *Request for interpretation.*

- a. Interpretations of the LDC may be generated administratively by staff or by an applicant.
- b. When requested by an applicant, the application shall specify the section in question and the facts creating the need for an interpretation.

2. *Decision.*

- a. Before deciding, the ~~development administrator~~designated City staff may require additional facts and information to provide full and proper consideration request.
- b. Within ten business days of the receipt of a complete interpretation request, the ~~development administrator~~designated City staff will render a decision and cite the specific precedent, reasons, rationale, and analysis upon which such interpretation was based.

3. *Official record.* The ~~development administrator~~designated City staff will maintain an official record of all interpretations.

4. *Appeals of interpretations.* Appeals of a ~~development administrator~~designated City staff interpretation are to be considered by the city council.

5. *LDC amendment.* Based on the final determination, a text amendment to the LDC may be required to clarify the issue. If a recurrence of the issue arises prior to amending the LDC, a consistent interpretation shall be made if the circumstances are generally the same as any previous interpretation.

C. *Approval criteria.* Interpretations by the ~~development administrator~~designated City staff and the city council, upon appeal or staff request, shall be based on the following criteria:

1. The materials or scenario posed by an applicant, or staff;
2. The rules of construction within article IX, Rules of Construction, of the LDC;
3. The purpose statement for the applicable LDC section that is subject to interpretation; and
4. Pertinent administrative or legislative history.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-101. Appeals.

A. *Timing and process.* An appeal from the decision of the ~~development administrator~~designated City staff, or any other city official, in the administration of the LDC, may be filed with the ~~development administrator~~designated City staff as set out below:

1. Persons aggrieved by the decision of any officer or department in the application of the LDC may formally appeal such decision to the ~~development administrator~~designated City staff. The appeal shall specify the grounds or cause on which the appeal is made.
2. Upon receiving the formal appeal, the ~~development administrator~~designated City staff shall have ten business days to consider administrative action on the appeal. The ~~development administrator~~designated City staff may affirm, reverse, or modify the original decision(s) that relate to the appeal.
3. Upon completion of that review, the ~~development administrator~~designated City staff shall provide the appellant a letter, sent by certified mail, with a decision on the appeal.

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4. Within 30 calendar days of the date of the ~~development administrator~~designated City staff's decision, that decision may be appealed to the city council.
 5. The date that begins the 30-day clock for an appeal to the council is the is the postmark date of a certified letter mailed to the appellant.
 6. If such an appeal is filed, the ~~development administrator~~designated City staff shall provide to the council all pertinent information constituting the basis and official record upon which the action that is the subject of the appeal was taken.
- B. *Consideration.* The appeal will be considered by the city council within 45 days of its filing.
- C. *Action.* The city council may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination that was the subject of the appeal and may make such order, requirement, decision or determination as appropriate, provided that such actions do not vary from any requirements of the LDC.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-102. Land ~~development~~Development code ~~Code~~ variances.

- A. *Generally.*
1. Variances are authorizations to depart from the strict application of the LDC standards;
 2. LDC variances are only considered in conjunction with a plat application; and
 3. The requirements of this section do not apply to zoning variances, which are subject to the requirements of Code of Ordinances chapter 28, Zoning.
- B. *Variance approval standards.* Variances may be granted when:
1. There are circumstances specific to the property that create an undue hardship that generally do not apply to surrounding properties; such as, but not limited to, its shape, or topography;
 2. Special consideration is necessary to allow an applicant the same right of use enjoyed under the LDC by surrounding properties;
 3. Consideration is unique to the subject property and would not generally set an adverse precedent for other applications;
 4. The hardship was not created by the applicant; and
 5. A variance would not be detrimental to any adjacent properties or to public health and safety.
- C. Pre-application conference. Applicants shall schedule a pre-application conference, as set out in section 23-77, Pre-application conference, to determine if variance alternatives are available.
- D. *Submittal requirements.* In addition to an application and application fee, applicants shall provide:
1. A clear description of each variance requested and the applicable LDC requirement;
 2. A plat, site plan or survey depicting the nature of each proposed variances; and
 3. Findings of fact describing how a variance satisfies the standards set out in subsection B., above.
- E. *Planning and zoning commission and city council review and action.*
1. Upon due consideration and review, the planning and zoning commission will make a recommendation regarding the request to the city council;

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2. The city council will either approve, conditionally approve, deny, or continue the request;
3. The council may establish conditions of approval that are deemed to be in the public interest or to assure compliance with other aspects of this, or any other, applicable city ordinance; and
4. After acting on the matter, the council will adopt findings of fact for the council action.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-103. Flood hazard variances.

A. Variance procedures.

1. In the administration of article V, division 1, Flood Damage Prevention, and article V, division 2, Flood Hazard Reduction, the city council may hear and act on any:
 - a. Variance from said requirements set out in either division; and
 - b. Appeal when there is an alleged error in any requirement, decision, or determination made by the floodplain administrator.
2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in article V, division 1, Flood Damage Prevention, and article V, division 2, Flood Hazard Reduction.
3. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in article V, division 2, Flood Hazard Reduction, have been fully considered. As the lot size decreases below one-half acre, the technical justification required for issuing the variance increases.
4. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
5. Variances shall not be granted within any designated floodway if any increase in flood levels during the base flood discharge would result.
6. Based on the purposes and intent of article V, division 1, Flood Damage Prevention, and article V, division 2, Flood Hazard Reduction, the city council may attach conditions to the granting of variance to further the purposes those divisions.
7. The floodplain administrator will maintain a record of all actions and report granted variances to FEMA upon request.
8. Any person or persons aggrieved by the decision of the city council may appeal such decision in a court of competent jurisdiction.

B. Prerequisites for granting variances.

1. Variances may only be issued upon a determination that a variance is the minimum necessary, considering the flood hazard, to afford relief.
2. Variances may only be issued when the council determines that:
 - a. Good and sufficient cause has been demonstrated; and

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- b. A variance will not result in increased flood heights, additional threat to public safety, any public expense, the creation of a nuisance, cause fraud upon the public, or conflict with existing city ordinances.
- 3. Applicant receiving variance approval shall be provided written notice stating that the subject structure is permitted to be built with the lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduction of the lowest floor elevation.
- 4. Variances may be granted for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use if:
 - a. The criteria outlined in article V, division 2, Flood Hazard Reduction, are satisfied; and
 - b. The structure, or other developments, are protected by methods that minimize flood damages during the base flood.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-104. Concept plans, master plans, and land studies.

- A. *General.* Any person desiring to subdivide or develop land may prepare and submit a concept plan, master plan, land study, or general plan in accordance with the plat application submittal schedule.
- B. *Purpose.* The purposes for filing a concept plan, master plan, or land study are:
 - 1. To introduce a new project to the city to obtain project direction and feedback;
 - 2. To take the initial step for development or a project that exceeds the normal scope and limitations of the city's development ordinances, such as a planned development;
 - 3. Obtain limited vested rights to proceed with development applications in accordance with the specific conditions of approval of the plan that is approved by the city;
 - 4. To fulfill the requirements of a development process; and
 - 5. As a prerequisite for any project that is 20 acres in area, or greater.
- C. *Pre-application conference.* The applicant or their duly authorized agent, is required to schedule a pre-application conference, as set out in section 23-77, Pre-application conference prior to applying.
- D. *Plan submittal contents.* The submittal requirements are variable. Applicants are encouraged to:
 - 1. Submit as much relevant information as necessary from the list in appendix A, Subappendix 2 for Concept Plans, Master Plans, and Land Studies;
 - 2. Submit adequate information to review the project to enable the city to vest more development rights to a project. Projects submitted with minimal information, if approved, will obtain vesting rights that are proportional to information that is submitted; and
 - 3. Cite any design deviations that are contemplated. Without such declarations, it is assumed that the project will comply with all applicable development requirements.
- E. *Planned and in-fill developments.*
 - 1. Concept plan applications for planned and in-fill developments shall be supplemented with the additional information set out in section 23-17, Planned and in-fill developments.

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2. Planned development applications that require rezoning shall be supplemented with all information required by chapter 28 - Zoning, and shall be subject to all rezoning processes and procedures prescribed by chapter 28.

F. *Application review process.*

1. *Complete application required.* The submittal will be considered filed when all requirements set out in section 23-79, Complete applications required are provided.
2. *Written report.*
 - a. The recommendations from each referral agency, official, and department shall be provided to the applicant;
 - b. A written report from the ~~development administrator~~ *designated City staff*, distributed to the commission and council, will provide a staff recommendation and will provide a list of any proposed design deviations and any conditions of approval that will apply to the project as it is developed.

G. *Planning and zoning commission action.*

1. *Review criteria.* The commission shall utilize the following criteria:
 - a. Compliance with the LDC and applicable zoning ordinance requirements;
 - b. Adequacy of street right-of-way, alignment, connectivity, and relationship with the future thoroughfare plan;
 - c. Compliance with all applicable city plans and studies; and
 - d. Adequacy of proposed utility services.
2. *Commission action.*
 - a. The commission will recommend approval, approval with conditions, or denial.
 - b. The commission shall adopt findings of fact for any recommendation to deny the plan.

H. *City council action.*

1. *Review criteria.* The council shall follow the process set out in subsection G, above.
2. *Council action.*
 - a. The council will approve, approve subject to conditions, or deny the application.
 - b. The council shall adopt findings of fact and rationale for any plan that is denied.

I. *Effect of approval.*

1. Approval of any concept plan, master plan, or land study does constitute approval of the preliminary plat or obligate the city to approve a preliminary plat.
2. Approval of a concept plan, master plan, or land study shall be deemed to be an expression of approval to the proposed layout and any design considerations that were requested, subject to any conditions of approval, in the preparation of a preliminary plat and other applications.
3. The preliminary plat shall be subject to fulfilling all requirements of the LDC and the ACM, with the exception of any regulations where special consideration was explicitly granted by the city.

J. *Lapse of approval.* Approved concept plans are valid for 12 months from the date of council approval.

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1. If new regulations are adopted prior the submittal of a preliminary plat, the essential design of the plan and any approved variances or other design considerations shall remain in effect if the basic design of the concept plan remains intact.
2. The city may implement any new regulation adopted after the concept plan was approved only if the new regulations will not nullify essential elements of the approved concept plan.
3. An amended concept plan may be submitted to rectify any issues that result from the adoption of any new regulations.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-105. Vested rights petition.

- A. *Interpretation, conflict, separability, and vested rights.* For purposes of determining a vested rights petition, no vested rights accrue solely from the filing of an application that has expired pursuant to this section, or from the filing of a complete application that is subsequently denied.
 1. *Interpretation.* In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.
 2. *Conflict with other laws.* These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provision of law except as provided in these regulations. Where any provisions of these regulations impose restrictions different from those imposed by any other provision of these regulations, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.
 3. *Determination of vested rights.* Vested rights shall be determined through the filing and processing of a vested rights petition.
- B. *Vested rights petition.*
 1. *Filing.* A qualified party shall be required to file a vested rights petition to determine whether one or more standards of these subdivision and property development regulations should not be applied to a preliminary or final plat application by operation of state law, or whether certain plats are subject to expiration.
 2. *Applicability.* A vested rights petition may be filed with an application for a preliminary or final plat application. A vested rights petition also may be filed to prevent expiration of certain plats pursuant to this chapter.
 3. *Effect.* Upon granting of a vested rights petition in whole or in part, the plat application shall be decided in accordance with the standards specified in the relief order based on prior subdivision requirements or development standards, or the approved plat otherwise subject to expiration shall be extended.
- C. *Petition requirements.*
 1. A vested rights petition may be filed by a property owner or the owner's authorized agents, including the applicant, with a preliminary or final plat application, or by the holder of a plat subject to expiration pursuant to this section.
 2. *Form of petition.* The vested rights petition shall allege that the petitioner has a vested right for some or all of the land subject to the plat application under V.T.C.A., Local Government Code Ch. 245 or successor statute, or pursuant to V.T.C.A., Local Government Code § 43.002, or successor statute, that requires the city to review and decide the application under standards in effect prior to the effective

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date of the currently applicable standards. The petition shall include the following information and documents:

- a. A narrative description of the grounds for the petition;
- b. A copy of each approved or pending development application which is the basis for the contention that the city may not apply current standards to the plat application which is the subject of the petition;
- c. The date of submittal of the plat application, or of a development plan pursuant to which the plat was subsequently filed, if different from the official filing date established under this section;
- d. The plat application date;
- e. Identification of all applicable standards to the plat application from which relief is sought;
- f. Identification of the standards which a petitioner contends applies to the plat application;
- g. Identification of any current standards which petitioner agrees can be applied to the plat application at issue;
- h. A copy of any prior vested rights determination by the city involving the same land; and
- i. Where the petitioner alleges that a plat subject to expiration under this chapter should not be terminated, a description of the events, including any plat or other development applications on file that should prevent such termination.

3. *Filing period.* A vested rights petition shall be filed with a plat application for which a vested right is claimed, except that the petition may be filed before the date of expiration of a plat subject to expiration as provided herein.

D. *Processing of petition and decision.*

1. *Responsible official.* The responsible official shall process the vested rights petition. A copy of the petition shall be forwarded to the city attorney following acceptance.
2. *Decision by commission and council.* On petition, the planning and zoning commission and city council shall render a decision on the vested rights petition in conjunction with its decision on the plat application, based upon the report and recommendation of the responsible official.
3. *Appeal of decision on petition.* The petitioner or any interested person may appeal the commission's decision on the vested rights petition within ten working days of the date of such decision to the city council. An appeal under this subsection stays acceptance of filing of any related development applications.
4. *Decision by city council.* The city council on appeal shall decide the vested rights petition. The request must be accompanied by a waiver of the time for decision on the plat application imposed under these subdivision and property development regulations pending decision by the council, which shall stay further proceedings on the application. The council shall decide the petition, after considering the responsible official's report and the decision by the planning and zoning commission within 30 calendar days of receipt of the notice of appeal.

E. *Action on petition and order.*

1. *Action on the petition.* The decision-maker on the vested rights petition may take any of the following actions:
 - a. Deny the relief requested in the petition, and direct that the plat application shall be reviewed and decided under currently applicable standards;

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- b. Grant the relief requested in the petition, and direct that the plat application shall be reviewed and decided in accordance with the standards contained in identified prior subdivision and property development regulations; or
 - c. Grant the relief requested in part, and direct that certain identified current standards shall be applied to the plat application, while standards contained in identified prior subdivision and property development regulations also shall be applied;
 - d. For petitions filed pursuant to this section, determine whether the approved plat should be terminated, or specify the expiration date or the conditions of expiration for such plat.
2. *Order on petition.* The responsible official's report and each decision on the vested rights petition shall be memorialized in an order identifying the following:
- a. The nature of the relief granted, if any;
 - b. The approved or filed plat application(s) or other development application(s) upon which relief is premised under the petition;
 - c. Current standards which shall apply to the plat application for which relief is sought;
 - d. Prior standards which shall apply to the plat application for which relief is sought, including any procedural standards;
 - e. The statutory exception or other grounds upon which relief is denied in whole or in part on the petition; and
 - f. For petitions filed pursuant to this chapter, determine whether the approved plat should be terminated, and specify the expiration date or the conditions of expiration for the plat.
- F. *Criteria for approval.* The decision-maker shall decide the vested rights petition based upon the following factors:
- 1. The nature and extent of prior plat or other development applications filed or approved for the land subject to the petition;
 - 2. Whether any prior vested rights determinations have been made with respect to the property subject to the petition;
 - 3. Whether any prior approved applications for the property have expired or have been terminated in accordance with law;
 - 4. Whether any statutory exception applies to the standards in the current subdivision and property development regulations from which the applicant seeks relief;
 - 5. Whether any prior approved plat or other development applications relied upon by the petitioner has expired; and
 - 6. For petitions filed pursuant to this section, if any events preventing expiration has occurred.
- G. *Application following relief order.* Following the city's final decision on the vested rights petition, the property owner shall:
- 1. Conform the plat application for which relief is sought to such decision.
 - 2. If the plat application on file is consistent with the relief granted on the vested rights petition, no revisions are necessary.
 - 3. If proceedings have been stayed on the application pending referral of the vested rights petition, those proceedings shall resume after the city council decision on the vested rights petition.

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H. *Expiration.* Relief granted on a vested rights petition shall expire on occurrence of one of the following events:

1. The petitioner or property owner fails to submit a required revised plat application consistent with the relief granted within 30 days of the final decision on the petition;
2. The plat application for which relief was granted on the vested rights petition is denied under the criteria made applicable through the relief granted on the petition; or
3. The plat application for which relief was granted on the vested rights petition expires.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

ARTICLE VIII. ENFORCEMENT AND REMEDIES

Sec. 23-106. Purpose and applicability.

A. *Purpose.* The purpose of this article is to set out the procedures for enforcing the LDC and to outline legal remedies available to the city. Nothing in this article is intended to limit the remedies that are available to the city to abate violations.

B. *Applicability.*

1. The remedies and enforcement powers set out in this article shall not be considered exclusive remedies, but rather are cumulative with all remedies provided in the LDC and other applicable ordinances and laws.
2. All property in the jurisdiction of the City of Angleton, as set out in section 23-4, Jurisdiction, shall be developed, or have buildings or other structures erected, constructed, enlarged, altered, maintained, or moved or used in a manner that is not consistent with the LDC, the terms of any permit, development approval, or any development or public improvement agreement.
3. Each calendar day of a continuing violation shall be counted as a separate violation of the LDC.
4. This article provides general processes to enforce the LDC and is not intended to prescribe any particular remedy or enforcement procedure.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-107. Enforcement procedures.

- A. *Responsible official.* The building official and ~~development administrator~~ designated City staff will administer and enforce the provisions of this LDC and maintain enforcement records.
- B. *Right to enter.* The building official or ~~development administrator~~ designated City staff will investigate and determine if a violation of the LDC has occurred. The building official, or inspector, shall have the right to enter any premises at any reasonable time for the purpose of making inspections to enforce the LDC.
- C. *Filing a complaint.* Any person may allege a violation of this LDC by written and signed complaint filed with the building official or ~~development administrator~~ designated City staff.
- D. *Notice of violation.* Upon investigation, with or without a complaint, the city may issue a written notice of violation alleging the existence of a violation of the LDC. At a minimum, the notice of violation will:
 1. Specify the property where the violation is alleged;

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2. Reference specific section(s) of the LDC or other requirements alleged to have been violated;
3. State the citation that may be issued if the property is not brought into compliance;
4. State the action(s) required to bring the property or use into compliance and a time frame, not to exceed 30 days;
 - a. An extension may be granted if the owner is diligently working towards a resolution; and
 - b. The city reserves the right to deny extensions to repeat violators.
5. Notice shall be served to the owner, occupant, operator, lessee, agent or other responsible party in person and by certified mail. The postmark date of the certified letter constitutes the date on which notice of violation was served.

E. *Informal dispute resolution.*

1. *Generally.* Warnings and/or written directions ("written warnings") may be issued by building official to notify an owner or other relevant person of an alleged violation and the actions necessary to bring the property into compliance. Subject to the limitations of subsection E.2, below, warnings are the preferred method to attain compliance.
2. *Limitations.* A written warning shall not be necessary to resolve a code issue if, during the previous 24 months, the owner has been warned of, cited for, or summoned to court for the same violation, or when the violation may create an imminent hazard to life or property.

F. *Correction of violation.*

1. For a first violation, the person responsible for the violation shall have a minimum period of 30 days to correct the violation.
2. For a subsequent or continued violation, the responsible party shall correct the violation within 24 hours, unless the city prescribes additional time.
3. A violation that creates an immediate danger to the public safety or health shall be corrected immediately, regardless of whether it is a first, continuing, or subsequent violation.

G. *Further enforcement.* If the LDC violation is not corrected, the city may enforce the LDC as set out in section 23-109, Judicial remedies, or as otherwise authorized by law.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-108. Penalties and fines.

A. *Penalties.*

1. The penalties prescribed in this article may be imposed upon:
 - a. The owner of a building or premises in or upon which a violation of the LDC was committed;
 - b. The lessee or tenant of an entire building or entire premises, upon which a violation of the LDC was committed;
 - c. An agent, architect, building contractor, or any other person, firm or corporation who participated, facilitated, assisted, or taken any part any violation of the LDC; or
 - d. Any person, firm, or corporation who maintained any building or premises upon which a violation of the LDC was committed.

B. *Payment and collection of fines.*

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1. Fines that are imposed shall be payable to the city no later than 30 days after the date in which action affirming the violation of the LDC is concluded unless an alternative date is determined.
2. Assessed fines may be collected by the city by any means allowed by law.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-109. Non-judicial remedies.

A. *Administrative remedies.* The city may enforce the LDC prior to, and without, judicial process by:

1. *Withholding permits.* The city may deny or withhold permits, approvals, or other forms of authorization for failure to comply with the requirements of the LDC or those of a referral agency.
2. *Temporary revocation of permits.* The city may temporarily revoke permits for due cause to address an imminent danger to public health, public safety, or public or private property or to prevent irreparable harm.
3. *Suspension of permits.* The city may suspend permits, including special use permits, to allow for the correction of a violation or in response to a judgment of a court of competent jurisdiction.
4. *Revocation of permits and approvals.*
 - a. Any permit, certificate of occupancy, or other approval required by this LDC may be revoked when it is determined that:
 - i. There is a violation of any provision of the LDC;
 - ii. The permit or approval was issued in error or based on false representation;
 - iii. Upon the request of a referral agency with jurisdiction and due cause; or
 - iv. There is a departure from approved plans required under the permit and the LDC and the construction.
 - b. *Notice.* Written notice of revocation shall state a time frame to correct the violation.
 - c. *Effect of notice.* No work or construction may proceed after service of the revocation notice except work necessary to correct a violation.
 - d. *Failure to correct.* After the period to correct the violation lapses, and arrangements acceptable to the city have not been made, the city may:
 - i. File litigation in a court of competent jurisdiction; and/or
 - ii. Remove or correct such violation and cause to be placed a lien upon the property or improvements to the property in an amount to cover all costs related to correction or abatement of the violation.
5. *Stopping work.* The building official and ~~development administrator~~ **designated City staff** shall have the authority to stop any or all construction activity necessary to halt, correct, or prevent a violation of this LDC by issuing a written stop work order.
 - a. The permittee and/or operator shall immediately stop all activity until authorized, in writing, by the city to proceed.
 - b. With or without revoking permits, the city may stop work on any building or structure in which there is an uncorrected violation of the LDC, a permit, or other form of authorization issued by the city.

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- c. Stop work orders, when issued, will be executed in accordance with the procedures and authorities to stop work under the building, fire, and life safety codes, and under the authority of the LDC.
- 6. *Cease and desist orders.* The city may issue a cease and desist order to close unlawful uses or to halt a violation of this LDC.

B. *Special enforcement remedies.*

- 1. *Floodplain remedies.* Violations of the Federal Emergency Management Agency (FEMA) floodplain regulations set forth in article V, division 1, Flood Damage Prevention, and division 2, Flood Hazard Reduction, are subject to the following, in addition to the remedies provided by other subsections of this section:
 - a. New or renewal National Flood Insurance may be denied for any structure remaining in violation or situated on property in violation of this LDC; and
 - b. FEMA and the Texas Water Development Board (TWDB) will be notified immediately in writing of any property or structure in violation of the floodplain section of this LDC.
- 2. *Environmental health.* All environmental health related approvals, permits, and inspections shall be subject to TCEQ review, approvals, inspection, and enforcement. Failure to comply with any TCEQ requirement shall constitute just cause for the city to initiate the enforcement procedures and remedies set out in this chapter.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-110. Judicial remedies.

The city may seek the following judicial remedies to enforce the LDC:

- A. *Injunctive relief.* The city may seek an injunction to stop any violation granted under the LDC. Such relief may include revocation or termination of permits, including conditional use permits. In any court proceedings in which the city seeks a preliminary injunction, it shall be presumed that a violation of the LDC is, or may be, an injury to the public health, safety or general welfare or that public health, safety or general welfare may be irreparably injured.
- B. *Abatement.* The city may seek a court order in the nature of mandamus, abatement, or other action to abate or remove a violation, or to otherwise restore the premises in question to the condition in which they existed prior to a violation.
- C. *Civil liability.* The building official, ~~development administrator~~ designated City staff, or their designees:
 - 1. Have the authority to issue citations and deliver it to a person believed to be committing a civil violation; and
 - 2. Is declared to be the official with the duty of enforcing this LDC with respect to:
 - a. Appearing and testifying in any trial held with respect to the citation;
 - b. Notifying the court of competent jurisdiction of any notice of intention to stand trial or any request for adjudication when a fine is not paid after formal notice has occurred;
 - c. Mailing formal notices of the violation to persons who do not give notice of intention to stand trial or pay the established fine within the time set in the citation; and
 - d. Receiving and filing a copy of each original citation and any fines or notices of intention to stand trial.

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D. *Criminal liability.*

1. *Punishment.* Upon conviction, any person in violation of, or showing failure to comply with, any of the provisions of the LDC may be punished by fines and/or imprisonment, as prescribed by law, for each week or portion thereof, that the violation or noncompliance has continued.
2. *Responsible parties.* Every person concerned in the violation of, or showing failure to comply with the LDC, whether the person directly commits the act, or aids or abets.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

ARTICLE IX. RULES OF CONSTRUCTION, ACRONYMS, DEFINITIONS

Sec. 23-111. Rules of construction.

A. *General.*

1. All provisions, terms, phrases, and expressions contained in this LDC will be construed in order to accomplish the purposes stated in section 23-2, Purpose, of the LDC; and
2. In case of any difference of meaning or implication between the text of this LDC and any illustration or figure, the text will control.

B. *Computation of time.* The time within which an act is to be completed will be computed by excluding the first and including the last day.

1. In the computation of time for public hearing notice, both the first day, the date of the advertisement, and the last day, the date of the hearing, will be excluded; and
2. If the last day is a Saturday, Sunday or legal holiday declared by the city, that day will be excluded;
3. The following time-related words will have the meanings set out below:
 - a. "Day" means a calendar day unless working day is expressly specified;
 - b. "Week" means seven calendar days;
 - c. "Month" means a calendar month; and
 - d. "Year" means a calendar year unless a fiscal year is specifically indicated.

C. *Word usage.* The rules of this LDC will be observed and applied as set out below:

1. Unless the context clearly indicates otherwise, words used or defined in one tense or form shall include other tenses or forms;
2. Unless the context clearly indicates otherwise, words in the singular number shall include the plural number, and words in the plural number shall include the singular number;
3. The masculine gender shall include the feminine. The feminine gender shall include the masculine;
4. The words "shall" and "will" are mandatory;
5. The words "may" and "should" are permissive; and
6. The word "person" includes individuals, partnerships, firms, corporations, associations, trusts, and any other similar entities or combination of individuals.

D. *Conjunctions.* Unless the context clearly indicates to the contrary, conjunctions shall be interpreted as follows:

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1. "And" indicates that all connected items, conditions, provisions or events shall apply; and
 2. "Or" indicates that one or more of the connected items, conditions, provisions or events shall apply.
- E. *Nontechnical and technical words.* Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
- F. *Statutory and United States Code references.* References to the Texas Local Government Code (TLGC) or the United States Code (U.S.C.) shall be interpreted to mean the most current version of the referenced section at the time the reference is applied.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-112. Acronyms.

Table 23.131, Acronyms, sets out acronyms used in the LDC. This list may be updated as often as necessary without action by the city council to include new acronyms.

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Table 23.131 Acronyms	
Acronym	Meaning
AASHTO	American Association of State Highway and Transportation Officials
ac.	Acre
ACM	Angleton Construction Manual
ADA	American's with Disabilities Act (1990)
ADAAG	ADA Accessibility Guidelines
BFE	Base Floor Elevation
BMP	Best Management Practice (MS4)
CIP	Capital Improvements Plan
CO	Certificate of Occupancy
dBA	Decibels
DBH	Diameter-at-breast-height (caliper)
DE	Drainage Easement
d.u.	Dwelling Unit
DRC	Design Review Committee
e.g.	"exempli gratia," which is translated to "for example"
ETJ	Extraterritorial Jurisdiction
FEMA	Federal Emergency Management Agency
FIA	Federal Insurance Administration
FIRM	Flood Insurance Rate Map
FIS	Flood Insurance Study
FLUP	Future Land Use Plan
FTP	Future Thoroughfare Plan
HUD	United States Department of Housing and Urban Development
ICC	International Code Council
i.e.	"id est," which is translated "that is"
LDC	Land Development Code
MS4	Municipal Separate Storm Sewer System
MUTCD	Manual on Uniform Traffic Control Devices
NFIP	National Flood Insurance Program

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NFPA	National Fire Protection Association
NOI	Notice of Intent (SWPPP)
NPDES	National Pollutant Discharge Elimination System
OSSF	On-Site Sewage Facility (Septic System)
PE	Professional Engineer
PUE	Public Utility Easement
ROW	Right-of-Way
RPZ	Root Protection Zone
Sec.	Section
SFHA	Special Flood Hazard Area
SWMP	Stormwater Management Plan
SWPPP	Stormwater Pollution Prevention Plan
TAC	Texas Administrative Code
TAS	Texas Accessibility Code
TCEQ	Texas Commission on Environmental Quality
TDLR	Texas Department of Licensing and Regulation
TIA	Traffic Impact Analysis
TLGC	Texas Local Government Code
TWC	Texas Water Code
TWDB	Texas Water Development Board
TXDOT	Texas Department of Transportation

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-113. Definitions.

A

Access: An area designated as a way for vehicles to enter or leave a property or lot to a street or alley.

Access easement: An easement for access across one lot or parcel to another.

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

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

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

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

As-built plans: A civil drawing, or set thereof, depicting the completed infrastructure improvements as they were constructed.

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Base flood: A flood having a one percent chance of being equaled or exceeded in any given year.

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

Building: Any structure built for the support, shelter and enclosure of persons, animals, or movable property.

Building footprint: The area on a lot that encompasses all development, including but not limited to, excavation, fill, grading, structures, building height, decks, roof overhangs, porches, driveways, access ways and parking.

Building official: The official responsible for issuing permits and enforcing all construction codes.

Building permit: A permit issued by the building official that allows for the improvement of land.

C

City: The City of Angleton, Texas.

City council: The governing and legislative body of the City of Angleton.

City manager: The Chief Administrative Official of the City of Angleton, as designated by the city council.

Commissioners: The Angleton Planning and Zoning Commission.

Common open space: A parcel of land designated for the private use residents, occupants and owners of within a development.

~~Comprehensive plan~~ **2007 Comprehensive Plan**: The comprehensive plan of the City of Angleton, including all amendments.

Commented [LS83]: recommend leaving the year off, so you don't have to continually update.

Connector: A party seeking to connect to the city infrastructure who would benefit from infrastructure constructed by an initial developer eligible for fair share reimbursement.

Council: The Angleton City Council.

County: Brazoria County.

D

Density: The maximum number of dwelling units per gross acre of land permitted in a zone district.

Developer: Any public or private person, partnership, association or agency that prepares raw land for development.

Development: The physical extension or construction of urban land uses and infrastructure.

~~Development administrator~~ **Designated City staff**: The duly-authorized representative designated by the city manager to administer the LDC.

Diameter-at-breast-height (DBH/caliper): The tree trunk diameter measured in inches at a height of 4.5 feet above the ground. If a tree splits into multiple trunks below 4.5 feet, the tree shall be measured in two places, the narrowest point beneath the split and one-half the sum of the calipers of the trunks immediately above the split. Whichever measurement is greatest shall be the DBD. For multiple tree trunks, the DBH shall be the diameter of the main trunk and one-half the diameters of all other measured at the DBD height.

Drainage and development plans: Specialized construction plans required prior to the commencement of development to assess conformity with all drainage and stormwater management requirements.

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Drip line: A vertical line run through the outermost portion of the canopy of a tree and extending to the ground.

E

Easement: A portion of a lot subject to an agreement between owner and another party to grant the other party the right to make limited use of a specific portion of the property, for a specified purpose.

Elevated building: A non-basement building, which has its lowest elevated floor, raised above the base flood elevation by foundation walls, shear walls, posts, piers, pilings, or columns to comply with local, state, and/federal floodplain management regulations.

Encroachment: The authorized or unauthorized placement of a building or part of a building upon the land or easement of another or a public right-of-way, easement, or building setback.

Existing manufactured home park or subdivision: Is a term used in the administration of flood hazard regulations to designate a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads, that was created or is completed before the effective date of the floodplain management regulations adopted by the city.

Existing structure: Structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date.

Expansion to an existing manufactured home park or subdivision: Is a term used in the administration of flood hazard regulations to designate the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets or access ways, and either final site grading or the pouring of concrete pads.

Extraterritorial jurisdiction (ETJ): An unincorporated area contiguous to the corporate city boundary where the city has limited regulatory controls.

F

Fill: A deposit of materials of any kind placed by artificial means.

Finished grade: The elevation of the ground surface, following development, prior to placement of any fill material.

Floatable materials: Any material that is not secured in place or completely enclosed in a structure, so that it could float off-site during the occurrence of a flood and potentially cause harm to downstream property owners, or that could cause blockage of a culvert, bridge or other drainage facility. This includes, without limitation, lumber, vehicles, boats, equipment, trash dumpsters, tires, drums or other containers, pieces of metal, plastic or any other item or material likely to float.

Flood/flooding: A general and temporary condition of partial or complete inundation of normally dry lands areas from the overflow of waters; and/or the unusual and rapid accumulation or runoff of surface waters from any source.

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

Flood fringe: The portion of the floodplain outside of the floodway covered by floodwaters during the regulatory flood.

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

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Flood insurance study: See the definition for "Flood elevation study."

Flood, 100-year: A flood having a recurrence interval that has a one-percent chance of being equaled or exceeded during any given year (one-percent-annual-chance flood). The terms "one-hundred-year flood" and "one percent chance flood" are synonymous with the term "100-year flood" but does not imply that a flood occur once every 100 years.

Floodplain/flood-prone area: Any and area susceptible to being inundated by water from any source. See also the definition of "flood or flooding."

Floodplain administrator: The official designated by the city manager to administer and enforce the floodplain management regulations.

Floodplain development permit: A permit required before construction or development begins within any special flood hazard area (SFHA). The city will require permits for all proposed construction or other development in the city, including the placement of manufactured homes, to determine if such construction or development is proposed in a flood-prone area. Permits are required to ensure that proposed development projects meet the requirements of the National Flood Insurance Program (NFIP) and the floodplain management requirements of the LDC.

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

Floodplain management regulations: Refers to zoning and subdivision regulations, building codes, health regulations, and other applications of police power used in any combination for flood damage prevention and reduction.

Floodproofing/floodproofed: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Floodway: Also referred to as "regulatory floodway," the floodway is the channel of a river, or other watercourse, and the adjacent land areas, that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Floor area: The total square foot floor space inside the dimensions of a building, including each floor level, but excluding cellars, carports or garages.

Functionally dependent use: A use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

G

Currently "Reserved"

H

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

I

Initial developer: The party constructing or contracting for construction of infrastructure required by the city to provide service to a development.

Integrated: To combine things into a form so that they appear to become a whole. Where used architecturally, integrated requires building design or screening elements to create a unified building design. When

used in conjunction with site development, integrated includes parking, traffic circulation, landscaping, and other site elements to functions as a whole.

J, K

Currently "Reserved"

L

Land disturbing activity: Clearing, grading, excavating, filling, dumping, grubbing, stripping, or other alteration of the surface of land.

Lot: An undivided tract or parcel of land under one ownership with frontage on a public street.

Lot lines: Refers to the property lines that bound each lot or parcel to a defined legal space.

Lot of record: A lot that is part of a subdivision recorded in the office of the County Recorder of Brazoria County, or a parcel of land with a deed recorded in the office of the County Recorder of Brazoria County, and that complied with the subdivision requirements at the time they were created.

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

M

Manufactured home: Also known as a "HUD-Code Manufactured Home", is structure constructed on or after June 15, 1976, according to the rules of the U.S. Department of Housing and Urban Development; built on a permanent chassis; designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; transportable in one or more sections; and in the traveling mode, is at least eight body feet in width, or at least 40 body feet in length, or when erected on site at least 320 square feet in area; and includes the plumbing, heating, air conditioning, and electrical systems of the home; and does not include a recreational vehicle, as defined by 24 C.F.R. § 3282.8(g).

Manufactured home park or subdivision, new: A term used in the administration of the flood hazard regulations designating a new manufactured home park or subdivision for which the construction of facilities, including at a minimum, the installation of utilities, streets, driveways, site grading, and pad construction, is completed on or after the effective date of the floodplain management regulations.

Mayor: The chairperson of the city council.

Mean sea level: For purposes of the National Flood Insurance Program, the "North American Vertical Datum (NAVD) of 1988, as amended, or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

Mobile home: A structure constructed before June 15, 1976, built on a permanent chassis, designed for use as a dwelling, with, or without, a permanent foundation when the unit is connected to utilities, and is transportable in one or more sections. The unit is at least eight feet in wide, 40 body feet in length, and has at least 320 square feet in area.

Multi-trunk tree: A tree with more than one trunk arising at or near the ground.

N

Nonconforming lots. Lots that were lawfully created by plat or deed division before the effective date of this LDC, or amendments thereto, which do not comply with current requirements.

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O

Obstruction: Any physical barrier, structure, material or impediment in, along, across or projecting into a watercourse that may alter, impede, retard or change the direction or velocity of the flow of water, or that may, due to its location, have a propensity to snare or collect debris carried by the flow of water or to be carried downstream. Obstruction shall include, but not be limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, and vegetation in, along, across, or projecting into a watercourse.

Open space: Area included in any required building setback on a lot that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves, and plant material, or an area designated as open space for recreation, public use, or as an amenity.

Out-parcel (out lot): A building lot that is subdivided from a "parent" parcel that functions as an integrated development with shared access, driveways, signs, landscaping, and parking.

P

Parcel: Any quantity of land for which location and boundaries are established as a unit.

Park: Publicly owned land used for active or passive recreational purposes.

Permanent foundation: Permanent masonry, concrete, or a footing or foundation to which a manufactured home or industrialized housing, industrialized building, building, or structure is affixed.

Permit: One or more documents issued by the city to allowing a person to begin an activity allowed in this LDC or other codes, and ordinances.

Person: An individual, proprietorship, trust, partnership, corporation, association, or other legal entity.

Planned neighborhood: A subdivision with two or more housing types, or uses, that may be clustered around open space to preserve natural features, buffering, and recreation areas.

Planning and zoning commission: An advisory body that administers the LDC.

Plat, final: A final map of a plat showing an accurate survey by a registered surveyor, to be recorded.

Plat, preliminary: The plat of any lot, tract or parcel of land drawn and submitted in accordance with the requirements of the LDC.

Principal parcel: The principal parcel is the larger, original tract from which smaller tracts, or out-lots are subdivided from, where the primary use is located.

Projected traffic volumes: The number of vehicles that are calculated to be present after a project is completed within a study area.

Property: All real property subject to land use regulation by the city.

Public right-of-way: Any land unobstructed from the ground to the sky dedicated to the general public.

Public utility: The supply of power, transportation, water, sewer, or communication services.

Q

Currently "Reserved"

R

Retaining wall: A structure or structures designed to restrain soil to natural or unnatural slopes.

Riverine: A watercourse relating to, formed by, or resembling a river, stream, bayou and the like.

Root protection zone (RPZ): The area of undisturbed natural soil around a tree defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the drip line. As a practical matter, this is the acute portion of the tree's root system.

S

Sediment pollution: Infers the failure to use management (including stormwater management) or conservation practices to abate wind or water erosion of the soil or to abate the degradation of the waters of the state by soil sediment.

Septic tank (OSSF): A multiple compartment, watertight receptacle, referred to as an on-site sanitary facility, which is designed and constructed to permit settling of solids from the sewage, digestion of the organic matter, and discharge of the liquid portion into a disposal area.

Setback: Open space at grade between a structure and the property line of the lot on which the structure is located, or in some cases a line that specifies where a building must be located.

Site plan: A method showing proposed development improvements, required as part of an application to determine compliance with the requirements of the city.

Special flood hazard area (SFHA): See the definition of "area of special flood hazard".

Standard neighborhood: A subdivision with a conventional street and lot layout and a single housing type.

Start of construction: Denotes the first substantial improvements to commence construction, repair, reconstruction, rehabilitation, an addition, placement, or other improvement. The actual start is generally the first placement of permanent improvements on a structure or site, such as the pouring of slab or footings or any other work beyond the stage of excavation or clearing.

Street: A public way which affords the principal means of access to abutting property.

Street width: The dimension of the shortest distance between street rights-of-way.

Subdivider: Any owner or developer of land, or agent thereof, proposing to create a subdivision.

Subdivision: Any division, or combination, of land into lots, tracts, reserves for sale, or development.

T

Tree crown: Parts of the tree above the trunk including leaves, branches, limbs and scaffold: the uppermost part of a tree.

U

Currently "Reserved"

V

Variance: A grant of relief to a person from a requirement of the LDC based on hardship.

Violation: The failure of a structure or other development to fully comply with a specific regulation.

W

Water surface elevation: Refers to the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Waterbody: Any watercourse, lake, or pond that is defined by a bank or shore, in which water can be found on a year-round basis.

Watercourse: A stream channel (perennial, intermittent, mapped, or unmapped) with banks and a bed within which water regularly flows.

Wetlands: Areas which are saturated or inundated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils conditions. These areas can be man-made or natural and, in addition to the vegetation types, the soils must be hydric, organic or mineral, and be saturated for five percent or more of the growing season within 12 inches of the ground.

X—Z

Currently "Reserved"

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

APPENDIX A. PLAT LANGUAGE AND SUBMITTAL LISTS

Commented [LK84]: Recommend removing and adding it to the APM

SUBAPPENDIX A-1. PLAT CERTIFICATES

Sec. 23-114. Certification forms.

A. *Professional certificates of approval.* Below are the required professional certifications to be used on plats:

1. Surveyor Certification:

**STATE OF TEXAS §
COUNTY OF BRAZORIA §**

KNOW ALL MEN BY THESE PRESENTS:

That I, _____, do hereby certify that I prepared this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my supervision.

Signature/Professional Seal

2. Professional Engineer Certification:

**STATE OF TEXAS §
COUNTY OF BRAZORIA §**

KNOW ALL MEN BY THESE PRESENTS:

That I, _____, do hereby certify that proper engineering consideration has been provided in this plat. To the best of my knowledge, this plat conforms to all requirements of the Angleton LDC, except for any variances that were expressly granted by the City Council this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my supervision.

Signature/Professional Seal

B. *Administrative plats.*

APPROVED this ____ day of _____, 20____.

City Manager

City Secretary

**STATE OF TEXAS §
COUNTY OF BRAZORIA §**

This instrument was acknowledged before me on the ____ day of _____, 20____, by
_____, City Secretary, City of Angleton, on behalf of the City.

Notary Public
State of Texas (Seal)

C. *Plats requiring planning and zoning commission and city council action.*

APPROVED this ____ day of _____, 20____, by the Planning and Zoning Commission, City of Angleton, Texas.

Chairman, Planning and Zoning Commission

City Secretary

APPROVED this ____ day of _____, 20____, by the City Council, City of Angleton, Texas.

Mayor

City Secretary

**STATE OF TEXAS §
COUNTY OF BRAZORIA §**

This instrument was acknowledged before me on the ____ day of _____, 20____, by
_____, City Secretary, City of Angleton, on behalf of the City.

Notary Public
State of Texas (Seal)

D. *Legal descriptions.*

1. A "short legal" may be used for replats when all of the lots are included in the replat, and exterior boundaries do not change.
2. A "long legal" is used when property has never been platted, or when establishing exterior boundaries.

E. *Owner's acknowledgment.*

**STATE OF TEXAS §
COUNTY OF BRAZORIA §**

The owner of land shown on this plat, in person or through a duly authorized agent, dedicates to the use of the public forever all streets, alleys, parks, watercourses, drains, easements and public places thereon shown for the purpose and consideration therein expressed.

Owner

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Duly Authorized Agent

**STATE OF TEXAS §
COUNTY OF BRAZORIA §**

Before me, the undersigned, personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed and, in the capacity, therein stated. Given under my hand and seal of office this ____ day of _____, ____.

(SEAL)

Notary Public
State of Texas

- F. **Certificate of approval by city engineer.** On all documents submitted in conjunction with a plat that requires the approval of the city engineer, including, but not limited to construction plans, technical studies and analysis, or calculations, this certification shall be included on the cover page of such documents.

Approved on this the day of _____, 20____, by the City Engineer, City of Angleton, Texas.

City Engineer, City of Angleton (SEAL)

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-115. Standard language for special plat elements.

- A. *Plat vacation instruments.* Below is the standard language to show on plat vacation instrument:

**STATE OF TEXAS §
COUNTY OF BRAZORIA §**

KNOW ALL MEN BY THESE PRESENTS

I/We, _____, being the sole owner /owners of the following described property in the City of Angleton, Brazoria County, Texas, to wit:

(Provide legal description of the property including, but not limited to, the acreage, the name of the recorded subdivision, the name of the Survey and Abstract Number, and recording references, attach a certified metes and bounds description.)

Do hereby desire and declare that said plat, subdivision and dedication thereon be vacated and canceled so as to convert all of said platted property to an acreage tract as same existed before such property was platted, subdivided and recorded.

(At this point any right-of-way, easements or any other feature established in the subdivision being vacated which will not be canceled as a result of this vacation action should be described.)

WITNESS MY (or our) hand in the City of Angleton, Texas this _____ day of _____, 20____.

Owner Signature

Printed Name

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(Supp. No. 19)

State of Texas County of _____

Before me, _____, on this day personally appeared _____, known to me (or proved to me on the oath of _____ or through (description of identity card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____, 20____.

(Seal)

Notary Public

This is to certify that the City of Angleton, Texas has approved this instrument and vacation of the subdivision plat entitled _____ in conformance with the laws of the State of Texas and the ordinances of the City of Angleton as shown hereon and authorized the recording of this instrument this day of _____, 20____.

BY: _____

Mayor, City of Angleton

STATE OF TEXAS §
COUNTY OF BRAZORIA §

This instrument was acknowledged before me on the _____ day of _____, 20____, by

City Secretary, City of Angleton, on behalf of the City.

Notary Public
State of Texas

(Seal)

B. Dedication statement.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT _____ acting herein by and through its duly authorized officers, does hereby adopt this plat designating the hereinabove described property as _____, a subdivision in the jurisdiction of the City of Angleton, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets, alleys and public parkland shown thereon. The streets, alleys and parkland are dedicated for street purposes. The easements and public use areas, as shown, are dedicated for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed or placed upon, over, or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City of Angleton. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Angleton's use thereof. The City of Angleton and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Angleton and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time of procuring permission from anyone.

C. Fire lanes and fire easements.

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That the undersigned does hereby covenant and agree that they shall construct upon the fire lane easements, as dedicated and shown hereon, a hard, all-weather surface and that they shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements or obstruction, including but not limited to the parking of motor vehicles, trailers, boats, or other impediments to the access of fire apparatus. The maintenance of paving on the fire lane easements is the responsibility of the owner, and the owner shall post and maintain appropriate signs in conspicuous places along such fire lanes, stating: "Fire Lane, No Parking." The police or his duly authorized representative is hereby authorized to cause such fire lanes and utility easements to be maintained free and unobstructed at all times for fire department and emergency use.

D. Access easements.

The undersigned does covenant and agree that the access easement may be utilized by any person or the general public for ingress and egress to other real property, and for the purpose of general public vehicular and pedestrian use and access, and for fire department and emergency use, in, along, upon, and across said premises, with the right and privilege at all times of the City of Angleton, its agents, employees, workmen, and representatives having ingress, egress, and regress in, along, upon, and across said premises.

E. Visibility, access, and maintenance easements (VAM).

The area or areas shown on a plat as a "VAM" (visibility, access, and maintenance) easements are hereby given and granted to the property owners' association, its successors, and assigns, as an easement to provide visibility, right of access, and maintenance upon and across said VAM easement. The city shall have the right, but not the obligation, to prune any landscaping within the VAM easement in order to ensure visibility. Should the city exercise this maintenance right, it shall be permitted to remove and dispose of any and all landscaping improvements, including without limitation, any trees, shrubs, flowers, ground cover, and fixtures. The city may withdraw maintenance of the VAM easement at any time. The ultimate maintenance responsibility for the VAM easement shall rest with the owners. No building, fence, shrub, tree, or other improvements or growths, which in any way endanger or interfere with the visibility, shall be constructed in, on, over, or across the VAM easement. The city shall also have the right, but not the obligation, to add any landscape improvements to the VAM easement, to erect any traffic control devices or signs on the VAM easement, and to remove any obstruction thereon. The city, its successors, assigns, or agents, shall have the right and privilege at all times to enter upon the VAM easement or any part thereof for the purposes and with all rights and privileges set forth herein.

F. Drainage easements for non-single-family residential subdivisions.

**STATE OF TEXAS §
COUNTY OF BRAZORIA §**

This plat submitted by the owners ("Owners") and approved by the City of Angleton ("City"), is subject to the following conditions which shall be binding upon the Owners, their heirs, grantees, successors, and assigns:

All Drainage Easements shown on the plat are hereby reserved for drainage purposes forever, and the maintenance of the said drainage easements shall be the responsibility of the Owners, or their assigns, in perpetuity. The City, and Angleton Drainage District, are not responsible for the maintenance and operation of any drainage easement or responsible for any damage or injury to private property or person that results from the flow of water along said drainage easement, but reserve the right to use enforcement power to ensure that drainage easement is properly functioning in the manner in which it was designed and approved.

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The construction of a fence, building, or any other structure in the drainage easement is prohibited without the expressed written consent of the City, subject to such an improvement not having a detrimental impact on the functionality of the drainage easement as it was designed and approved.

The City and Angleton Drainage District reserves the right, but not the obligation, to enter upon any Drainage Easement at any point, or points, with all rights of ingress and egress, to investigate, survey, erect, construct, or maintain any drainage facility deemed necessary by for drainage and safety purposes.

The Owners shall keep all Drainage Easements clean and free of debris, silt, and any substance which would result in unsanitary conditions or obstruct the flow of water, and the City of Angleton or Angleton Drainage District shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance work by the Owners to alleviate any public health or safety issues.

The Owners hereby agree to indemnify and hold harmless the City from any such damages and injuries.

G. *Drainage easements maintained by a homeowners' association.*

**STATE OF TEXAS §
COUNTY OF BRAZORIA §**

This plat is hereby adopted by the owners (called "Owners") and approved by the City of Angleton, ("City") subject to the following conditions which shall be binding upon the Owners, their heirs, grantees, successor, and assigns:

"Drainage Easements" shown on the plat are reserved for drainage purposes forever, and the maintenance of the drainage easements shall be provided by all of the owners of lots in the subdivision by and through a lawfully created homeowners association to be created by the Owners. The Owners covenant and agree that such a homeowners' association (called "Association") shall be created prior to the final acceptance of the City. All Association documents shall be subject to the approval of the City and shall specifically contain covenants binding the Association to continuously maintain all Drainage Easements. Such covenants shall not relieve the individual lot owners of the responsibility to maintain the Drainage Easements should the Association default in the performance of its maintenance responsibility. The Association documents shall also contain provisions that they may not be amended with regard to the Drainage Easement maintenance responsibilities without the approval of the City. The fee simple title to all Drainage Easements shall always remain in the Association.

The City and Angleton Drainage District are not responsible for the maintenance and operation of said easements or for any damage or injury to private property or person that results from the flow of water along said easement or for the control of erosion, but reserves the right to use enforcement powers to ensure that drainage easements are properly functioning in the manner in which they were designed and approved.

The City and Angleton Drainage District reserves the right, but not the obligation, to enter upon any Drainage Easement at any point, or points, with all rights of ingress and egress, to investigate, survey, erect, construct, or maintain any drainage facility deemed necessary by the City for drainage and safety purposes.

The Owners shall keep all Drainage Easements clean and free of debris, silt, and any substance which would result in unsanitary conditions or obstruct the flow of water, and the City of Angleton or Angleton Drainage District shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance work by the Owners to alleviate any public health or safety issues.

The Association hereby agrees to indemnify and hold harmless the City from any such damages and injuries.

H. *Drainage and floodway easement for plats not governed by a homeowners association.*

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(Supp. No. 19)

**STATE OF TEXAS §
COUNTY OF BRAZORIA §**

This plat is hereby adopted by the owners (called "Owners") and approved by the City of Angleton, ("City") subject to the following conditions which shall be binding upon the Owners, their heirs, grantees, successors, and assigns:

"Drainage Easements" shown on the plat are reserved for drainage purposes forever, and the maintenance of the drainage easements shall be provided by all of the owners of lots in the subdivision. All Owner documents shall specify, confirm and bind the Owner(s) to continuously maintain all Drainage Easements and shall relieve the City of Angleton of the responsibility to maintain any Drainage Easement. The fee simple title to the Drainage and Floodway Easement shall always remain in the Owner(s).

The City and Angleton Drainage District will not be responsible for the maintenance and operation of easement or for any damage or injury to private property or person that results from the flow of water along said easement or for the control of erosion. but reserves the right to use enforcement powers to ensure that drainage easements are properly functioning in the manner in which they were designed and approved.

The Owners shall keep all Drainage Easements clean and free of debris, silt, and any substance which would result in unsanitary conditions or obstruct the flow of water, and the City of Angleton or Angleton Drainage District shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance work by the Owners to alleviate any public health or safety issues.

The Association hereby agrees to indemnify and hold harmless the City from any such damages and injuries.

I. *Drainage and detention easement.*

**STATE OF TEXAS §
COUNTY OF BRAZORIA §**

This plat is hereby adopted by the Owners and approved by the City of Angleton (called "City") subject to the following conditions which shall be binding upon the Owners, their heirs, grantees and successors: The portion of Block 1, as shown on the plat is called "Drainage and Detention Easement." The Drainage and Detention Easement within the limits of this addition, will remain open at all times and will be maintained in a safe and sanitary condition by the owners of the lot or lots that are traversed by or adjacent to the Drainage and Detention Easement. The City will not be responsible for the maintenance and operation of said Easement or for any damage to private property or person that results from conditions in the Easement, or for the control of erosion. No obstruction to the natural flow of stormwater run-off shall be permitted by construction of any type of building, fence, or any other structure within the Drainage and Detention Easement as hereinabove defined, unless approved by the City Engineer. Provided, however, it is understood that in the event it becomes necessary for the City to erect or consider erecting any type of drainage structure in order to improve the storm drainage that may be occasioned by the City shall have the right to enter upon the Drainage and Detention Easement at any point, or points, to investigate, survey or to erect, construct and maintain any drainage facility deemed necessary for drainage purposes. Each property owner shall keep the Drainage and Detention Easement clean and free of debris, silt, and any substance which would result in unsanitary conditions or obstruct the flow of water, and the City shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance work by the property owner to alleviate any undesirable conditions which may occur. The natural drainage through the Drainage and Detention Easement is subject to storm water overflow and natural bank erosion to an extent which cannot be definitely defined. The City shall not be held liable for any damages of any nature resulting

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from the occurrence of these natural phenomena, or resulting from the failure of any structure, or structures, within the Easement

J. *Easement note for patio homes and single-family attached residences.*

An easement for the benefit of each lot is hereby reserved over, across, and upon each lot adjoining to such lot for roof overhangs not exceeding two feet in width, and brick ledges which support exterior veneer walls and associated brick and veneers not exceeding six inches in width.

K. *Conveyance plat note.*

All Conveyance plats must be titled "Conveyance Plat" and carry the following wording:

A conveyance plat is a record of property approved by the city for the purpose of sale or conveyance in its entirety or interests thereon defined. No building permit shall be issued, nor permanent public utility service provided, until a final plat is approved, filed of record, and public improvements accepted in accordance with the provisions of the Land Development Code of the City of Angleton. Selling a portion of this property by metes and bounds, except as shown on an approved, filed, and accepted conveyance plat, final plat, or replat is a violation of the LDC and State law.

L. *Standard notes for all plats.*

Notice: Selling a portion of this addition by metes and bounds is a violation of the Unified Development Code of the City of Angleton and State platting statutes and is subject to fines and withholding of utilities and building permits.

Notice: Plat approval shall not be deemed to or presumed to give authority to violate, nullify, void, or cancel any provisions of local, state, or federal laws, ordinances, or codes.

Notice: The applicant is responsible for securing any Federal permits that may be necessary as the result of proposed development activity. The City of Angleton is not responsible for determining the need for, or ensuring compliance with any Federal permit."

Notice: Approval of this plat does not constitute a verification of all data, information and calculations supplied by the applicant. The Engineer of Record or Registered Public Land Surveyor is solely responsible for the completeness, accuracy and adequacy of his/her submittal whether or not the application is reviewed for code compliance by the City Engineer.

Notice: All responsibility for the adequacy of this plat remains with the engineer or surveyor who prepared them. In approving these plans, the City of Angleton must rely on the adequacy of the work of the Engineer and/or surveyor of record.

M. *Deed restrictions statement for replats.*

To be processed as a replat "without property owner notification", and be controlling over the previous plat without vacating the previous plat the submittal must meet the following condition, and the following statement must be shown and certified to/by the property owner.

This statement is only used when replatting nonresidential zoned property. It should follow the dedication statement because the property owner is certifying to the statement.

BEING all of lots _____, Block _____, Section/Unit _____, Subdivision Addition Name _____, a subdivision in the City of Angleton, Brazoria County, Texas, according to the plat recorded in Volume _____, Page _____, of the Official Plat Records of the County Clerk of Brazoria County, Texas.

I, hereby certify that deed restrictions do not exist upon the property included within this Replat that limit said property to residential use for not more than two residential units per lot.

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(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-116. Administrative plats.

- A. *Submittal requirements.* The consolidation plat, minor, shall be correctly labeled as the appropriate type of administrative plat and shall:
1. Be correctly labeled as the appropriate type of administrative plat;
 2. Include a "purpose" statement for the amendment and describe exactly what has been changed on the plat since the original plat was recorded;
 3. Depict the specific lots affected "as is" and "as proposed";
 4. Show all existing and proposed easements, existing and proposed utilities, and letters no objection, from affected utilities serving the subject lots; and
 5. Show the existing arrangement and dimensions of the existing lots, as platted and recorded, and the proposed consolidation, with new lots given new lot numbers to distinguish them the original lots.
- B. *Certificates of approval.* Plats shall show the certifications set out in subappendix A-1, Plat Certificates, for administrative plats and for the design professional who prepared the plat.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-117. Preliminary plats.

- A. *Submittal requirements.* The following information shall be filed:
1. A completed application form and filing fee;
 2. One full size, 24-inch × 36-inch, paper copy of the plat and a .pdf file of the same and one paper copy and electronic copy of all items submitted in support of the plat;
 3. A preliminary utility plan showing all existing and proposed utilities;
 4. A TIA, if the development meets the threshold requirements set out in section 23-24, Traffic impact analysis (TIA). If a TIA is required, the applicant shall meet with the city engineer and a TXDOT representative (if applicable) in advance of the submittal to define the TIA parameters. An incomplete or deficient TIA shall constitute grounds to find a plat to be incomplete, or to deny the plat;
 5. Utility and drainage reports with adequate information to determine conformity with the utility and drainage requirements of this LDC. Physical features, including the location and size of watercourses, 100-year floodplains per FIRM maps, proposed CLOMR boundaries, regulated wetlands and areas where water drains into and out of the subdivision;
 6. A drainage report, as set out in section 23-15, Drainage and utilities;
 7. A soil suitability report (geotechnical report), as set out in section 23-25, Drainage and utilities, subsection G., Soil suitability report;
 8. A current tax certificate, application form, and application fee;
 9. Construction plans may be submitted at the option of the applicant;
 10. A certification of approval of the plat by planning and zoning commission and city council, as shown in section 23-118, Final plats, subsection C;

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11. A statement if a parkland will be dedicated or fees-in-lieu of parkland paid;
 12. Heritage tree survey and a tree preservation plan;
 13. All other information necessary to demonstrate compliance with all requirements of the LDC and all other development codes of the city; and
 14. Construction plans for any required public improvements may be submitted with the plat or after the approval of the plat but shall be filed and approved prior to the filing of a final plat.
- B. *Preliminary plat form and content.* Preliminary plats shall use a 24-inch × 36-inch format, a scale of one-inch equals 20 feet, provide a graphic scale, north arrow, and vicinity map and include the following information:
1. *Boundary lines and bearings.* The plat shall show:
 - a. Boundary lines and bearings sufficient to locate the exact area of the plat, with at least one corner referencing a survey (abstract) corner;
 - b. Plat area, in acres, area devoted to open space, common areas, parks, the number of lots and blocks, and project density;
 - c. City limits and ETJ boundaries and any other regulatory boundaries, such as a floodplain.
 2. *Adjacent property.* The plat shall show:
 - a. The name and location of any adjoining subdivision, including property lines, easements, rights-of-way, and how the proposed plat relates to an existing plat;
 - b. When adjacent area is not platted, the name and recording information shall be shown; and
 - c. Zoning districts and zoning boundaries.
 3. *Proposed plat.* The names, location, and width of proposed streets, alleys and easements;
 4. *Proposed blocks, lots and parks.* Proposed blocks, lots, parks, and open space shall be identified with a logical numbering and sequencing order;
 5. *Building lines.* Minimum front yard setbacks shall be shown. A "typical interior lot" and "corner lot" detail showing all setbacks and the building envelope;
 6. *Reserve strips.* A one-foot reserve strip shall be included along the rear and street side lot lines that back up to, or side on, arterial and major collector streets, as designated by the future thoroughfare plan (FTP), that are accessible from a minor collector or local street;
 7. *Contours.* Topographic contours at one-foot intervals;
 8. *Title and design professional.* The plat shall show the plat title, the name, license number, and seal of the design professional, and name and the license number of the design firm that prepared the plat;
 9. *Other requirements.* The city may require the submittal of additional information to ensure that the proposed development will comply with all LDC requirements;
 10. *Phasing plan.* If the tract will be platted in phases, a phasing plan, as set out in section 23-17, Development phasing, shall be submitted; and
 11. *Texas State Coordinate Plane.* X, Y coordinates projected to NAD 83 State Plane Texas South Central FIPS 4204 Parameter (NAD83 Datum).
- C. *Post approval submittal requirements.* One final paper copy and electronic copy of the final plans and documents that were approved by the city.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

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Sec. 23-118. Final plats.

- A. *Submittal requirement.* The preliminary plat submittal requirements are the same as those listed in section 23-117, Preliminary plats, [shall] be filed with all final plats.
- B. *Final plat content requirements.* In addition to the format and content for preliminary plats, as set out in section 23-117, Preliminary plats, the following additional information shall be provided:
 1. *Final engineering reports and analysis.* Final geotechnical, drainage and utility reports, and a final TIA, if applicable.
 2. *Common area maintenance covenants.* If common areas are proposed for the exclusive interest of the property owners of the development, covenants shall be provided for review by the city attorney.
 3. *Legal description.* A legal description of the complete property comprising the plat and the surveyor's certificate and seal.
 4. *Dedication certificate.*
 - a. The property owner's certificate or deed of dedication shall be placed on the final plat.
 - b. The dedication deed or certificate of dedication shall be executed by all persons, firms or corporations owning an interest in the property subdivided and platted, and shall be acknowledged in the manner prescribed by the laws for the State of Texas for conveyances of real property, and shall include:
 - i. An accurate description of the tract of land subdivided;
 - ii. A statement and express representation that the parties joining in such dedication are the sole owners of such tract of land;
 - iii. An express dedication without reservation to the public for public use; the streets, alleys, rights-of-way, school site and any other public areas shown on the attached plat.
 5. Identification of the subdivision preparation date, the name, license number, and seal of the engineer or R.P.L.S., who prepared the plat and that of the design firm for each.
 6. *Tax certificates.* Tax certificates indicating that all taxes on the lands being subdivided have been paid to the current year.
 7. *Approved construction plans.*
 - a. Construction plans for required public improvements in a 24-inch x 36-inch format, along with all data and calculations related to utilities, drainage or other construction in the subdivision shall be submitted with the final plat. Electronic copies of all plans, data, calculations, and any other supporting information submitted with the construction plans shall be provided in a PDF format;
 - b. The construction plans shall conform to all requirements of the LDC and the ACM;
 - c. An applicant proposing a reimbursement agreement shall submit the agreement, as set out in section 23-33, Reimbursement agreement, with construction plans;
 - d. Once construction plans are approved, the applicant shall provide complete approved plans sets and electronic copies of the same in PDF format and in a GIS format. Shapefiles, geodatabase files, and CAD files are all acceptable GIS-based formats;
 - e. A filing fee shall be submitted to cover the cost of review and processing with the final plat in accordance with the fee schedule adopted by the city council, as amended; and
 - f. Final signed and sealed Mylar sheets.

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8. Phasing plans, if the final plat is a section or subset of a larger development.

- C. *Post approval submittal requirements.* One final paper copy and electronic copy of the final plans and documents that were approved by the city.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-119. Ownership and legal description.

- A. *Purpose.* The purpose of the ownership certificate is to identify the owner and provide the volume and page of deed records, verifying the ownership. When the property owner is a corporation, typically an agent is authorized to sign for the corporation, using the following format. When one property owner is an individual or several individuals, one of the following formats should be used.
- B. *Applicability.* The ownership certificates shown herein shall be applicable to all plats governed by this LDC.
- C. *Ownership certificates.* Plats shall show the certifications set out in subappendix A-1, Plat Certificates, for administrative plats and for the design professional who prepared the plat.
- D. *Legal description.* A "short legal" may be used for replats when all of the lots are included in the replat, and exterior boundaries do not change. A "long legal" is used when property has never been platted, or when establishing exterior boundaries.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

SUBAPPENDIX A-2. PLAN AND PLAT SUBMITTAL REQUIREMENTS

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Sec. 23-120. Concept plans, master plans, and land studies.

- A. *Generally.* This section describes the information that should be submitted with a concept plan, master plan, or land study. None of the information listed is mandatory, but the more information that is submitted allows the city to vest more development rights to approved applications. Every plan that is approved will obtain vested development rights that are proportional with the quantity and quality of the information submitted with the application.
- B. *Plan preparation.* A concept plan, master plan, or land study shall be prepared by a qualified professional engineer, a certified land planner, registered architect, or registered professional land surveyor at a scale no smaller than one inch equals 200 feet and on sheets no larger than 24 inches by 36 inches.
- C. *Recommended plan contents.*
1. Title block with the proposed name of the development, name and address of the owner, the person responsible for preparing the plan, and the date the plan was prepared;
 2. A written and graphic scale of the drawing and a north arrow;
 3. Location of the tract per the abstract and survey records of Brazoria County, Texas and the legal description;
 4. Vicinity map/location map showing the site in relation to the city limits, the ETJ, and roads;
 5. Boundaries of the subject tract in heavy lines, with the names of adjacent subdivisions and the owners for acreage tracts;
 6. Existing rights-of-way and easement locations and recording information;

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7. Existing uses and buildings on the subject property and any significant tree stands;
8. Depict the proposed land uses, densities and intensities of proposed uses. This information does not need to include a lot pattern or specify lot sizes or lot dimensions;
9. Generalized vehicular and pedestrian circulation plan for the subject property;
10. Existing zoning of the subject property and surrounding properties;
11. Land uses of adjacent properties and the proximity of the footprint of any significant structures on adjoining properties;
12. Existing/proposed driveways and median openings on the property and adjoining properties;
13. The location, R.O.W. width, paving material, and names of existing streets and proposed;
14. Existing easements located on, or within 100 feet of the subject property. This information shall include the type, dimension, ownership, and recording information, and may be provided on an ALTA survey, or comparable survey;
15. Existing railroad rights-of-way located in close proximity to the site;
16. Existing topography at two-foot intervals with existing drainage ditches, channels, and wetlands;
17. Existing 100-year floodplain areas and floodways as shown on the federal insurance rate maps (FIRMs), or proposed CLOMR boundaries for the subject tract with a note on the drawing indicating the appropriate panel number;
18. Size and location of existing water mains, wastewater mains, and lift stations adjoining the property;
19. Proposed phasing plan;
20. Depending upon the scope and nature of the development, the filing of a preliminary engineering report that provides a general and broad assessment of how the development will conform to the future land use map, future thoroughfare plan, master parks plan, and other applicable city plan or study and the provisions of this LDC and identify how the project will tie into existing and/or proposed drainage facilities and utilities and be compatible with surrounding development;
21. The plan shall identify which level of traffic impact analysis will be required and a proposed scope of the TIA to be submitted with the preliminary plat;
22. The plan shall indicate how the developer intends to comply with the parkland dedication requirements if residential development is proposed;
23. List of alternative design requirements or special design considerations that are requested;
24. Renderings of any proposed amenities, streetscape designs, building renderings, or other project details to demonstrate how the developer will mitigate any design compensation requested from the city to create a development with a superior design;
25. The city may require additional information to determine if the development can comply with the development requirements of the city and any referral agency.

D. *Submittal requirements.*

1. One full-size paper hard copy and one .pdf copy of the plan and one paper and electronic copy of all other information submitted in support of the plan;
2. A completed application form, filing fee, and letter of authorization from the property owner authorizing the applicant to file the application; and
3. Legal description of the subject property.

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- E. *Post approval submittal requirements.* One final paper copy and electronic copy of the final plans and documents that were approved by the city.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-121. Site plans.

- A. *Generally.* This section describes the information required to be shown in a site plan, or civil construction plan, submittal.
- B. *Plan contents.* Site and civil construction plan submittals shall:
1. Be drawn to a scale not less than 1" = 50', be titled "Site Plan", and include space for revision numbers and dates.
 2. Include scale drawings, or supporting plan sheets, that contain, but are not be limited to, the following minimum information, and any other information necessary to demonstrate LDC compliance:
 - a. The name and contact information of the applicant, owner, and design professional representing the site plan;
 - b. A legal description;
 - c. Drainage, utility, fire, grading, landscape, and stormwater management plans;
 - d. Existing/proposed grading details, site clearing, temporary, and permanent SWMP details;
 - e. A traffic impact analysis if warranted;
 - f. Four-sided building elevations;
 - g. Required off-street parking, handicap parking, and parking stall specifications;
 - h. A sealed geotechnical report, as set out in section 23-15, Drainage and utilities;
 - i. Sufficient details to demonstrate compliance with the LDC, ACM, zoning ordinance and any other applicable ordinances;
 - j. Excavation and dirt removal plans;
 - k. Any and all information necessary to demonstrate compliance with all requirements of the LDC; and:
 - i. Applicable building, fire, life safety, electrical, accessibility codes and other applicable ordinances;
 - ii. Angleton and Angleton Drainage District Drainage and Flood Protection Plans;
 - iii. The plat if the property is required to be platted; and
 - iv. The requirements of any other necessary referral agency and utility provider.
- C. *Required plans to submit.* Site or civil construction plan submittals shall include:
1. A completed application with all necessary application contents as listed in subsection B, above;
 2. The required filing fee; and
 3. One paper plan set and an electronic copy of all submitted information.
- D. *Approved site plan submittal.* After site and civil construction plans are approved, the following shall be submitted to the ~~development administrator~~designated City staff:

1. One set of full size all approved plans;
2. Electronic (digital) copies of all plans in GIS, CAD, .dxf or .dwg format and .pdf format;
3. Design engineer's seal on all plan sheets; and
4. Approval letters from all applicable utility providers.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-122. Drainage and development plans.

- A. *Generally.* Following is a list of general information required and is not intended to be comprehensive. The developer or subdivider is responsible for submitting drainage, grading, and stormwater management plans, sealed by a professional engineer licensed in Texas, that comply with the drainage criteria of the LDC, ACM, TCEQ, and Angleton Drainage District.
- B. *Minimum information required.* The following minimum information shall be provided:
 1. Existing and proposed drainage easements;
 2. Existing flood hazard boundaries and the locations of natural and manmade drainage channels;
 3. A stormwater management plan, grading plan, and sedimentation control plan;
 4. Any permanent or temporary erosion control structures;
 5. Existing/proposed grading details and site clearing plans;
 6. Excavation and dirt removal plans;
 7. The type, size, and location of existing and proposed drainage facilities and catch basins;
 8. Existing and proposed contours at two-foot intervals;
 9. Proposed drainage measures to perform in two-, five-, and 50-year storm events for a maximum period of intensity over the entire drainage basin where the subdivision is located, with assessments of up- and down-stream impacts;
 10. Locations where free-falling water exists or is proposed, with proposed improvements to prevent erosion, such as culverts, headwalls, or wing walls;
 11. Drainage structures and ditches sized and designed to carry the calculated stormwater conveyance based on accepted engineering principles; and
 12. Construction plans, reports, and calculations, as necessary to determine compliance with applicable LDC, Angleton Drainage District, TXDOT, and FEMA requirements.
- C. *Drainage study contents.* The subdivider or developers shall submit a drainage study with the final construction plans for developments wherever stormwater flow management facilities shall be regional, dedicated to the public, or flow to drainage facilities administered by Angleton Drainage District. The required drainage studies shall provide the following information, for both existing and fully developed conditions, for the entire watershed drainage area upstream of the lowest point(s) in the subdivision.
 1. The entire watershed drainage area(s) depicted on a 7.5-minute series U.S.G.S. map.
 2. The drainage area(s) within the subdivision, depicted on a topographic map with two-foot contour intervals.
 3. Composite runoff factors.

4. Times of concentration.
 5. Related rainfall intensity factors.
 6. Ten-, 25- and 100-year flood flow quantities with the 10-, 25- and 100-year floodplain limits for the existing and fully developed watershed shown on the preliminary plat.
 7. Preliminary street grades sufficient to determine high points, low points, and direction of runoff flows.
 8. Proposed locations of inlets, storm sewers and culverts.
 9. Proposed routing of drainage ways.
 10. All proposed drainage easements, including width of easement and configuration of channel.
 11. Calculations to determine the volume of proposed detention/retention/sedimentation ponds.
 12. Roads, measured curb to curb, shall be designed for 10-year storm event, and right-of-way to right-of-way for a 25-year storm event.
 13. Underground drainage facilities and all above ground channels shall be designed to a full-flow 25-year storm event. Regional stormwater pond and the 100-year floodplain shall be designed to 100-year storm events. Stormwater designs shall ensure proper conveyance of the one percent annual storm event.
 14. The above information shall be supplemented with narrative text describing the watershed and the subdivision, including their general soil conditions, downstream channel conditions, all-weather access, and the presence of special flood hazard areas within the subdivision. The study shall be prepared by a professional engineer registered in the State of Texas. The drainage study shall be submitted along with the preliminary plat. The city engineer shall review the submission and verify that all LDC, ACM, and ADD requirements have been met.
 15. Stormwater pollution prevention plans shall be submitted demonstrating compliance with all ACM requirements.
- D. *Required plans to submit.* Drainage and development permits plan submittals shall include:
1. A complete application with all necessary plans and reports are relevant to the application;
 2. The required filing fee; and
 3. One plan set and an electronic copy of submitted information.
- E. *Approved site plan submittal.* Site plan submittals shall include:
1. One set of full-size approved plans;
 2. Electronic (digital) copies of all plans in GIS, CAD, .dxf or .dwg format and .pdf format;
 3. Design engineer's seal; and
 4. Approval letters from any applicable utility provider.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-123. As-built plans.

- A. *Generally.* The city shall not accept dedication of required public improvements until the applicant's engineer has certified to city through submission of detailed "as-built" plans and any off-site easements, the location, dimensions, materials, and other information establishing that all public improvements have been built in accordance with the approved construction plans, the LDC, and ACM.

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- B. *Plan sheets.* Each "as-built" plan sheet shall show all changes made in the plans during construction. Each sheet shall include an "as-built" stamp bearing the signature of the engineer and date.
- C. *Information required to be submitted.* The developer or subdivider is responsible for submitting drainage, grading, and stormwater management plans, sealed by a professional engineer licensed in Texas, that comply with the drainage criteria of the LDC, ACM, TCEQ, and Angleton Drainage District. Information required to be submitted to demonstrate compliance will vary based on the scale and complexity of the project. Following is a list of general information that may be required, but the list is not intended to be comprehensive or necessary, for each development.
- D. *Approved "as-built plans" submitted.* The following information shall [be submitted:]
1. One set of full size all as-built approved plans;
 2. Electronic (digital) copies of all plans in GIS, CAD, .dxf or .dwg format and .pdf format;
 3. Design engineer's seal on all plan sheets; and
 4. Approval letters from all applicable utility providers.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-124. Construction plans (public improvements).

Where expressly required by the LDC to submit construction plans, plans shall be designed to provide the information set out in this section.

- A. *Submittal requirements.* A "complete" set of construction plans for improvements to be accepted by the public shall include all of the following items in the specified quantities:
1. *Completed application and review fee.* Construction plan review is subject to the submittal of an application the submittal and review fees set out on the City of Angleton Fee Schedule, as amended. stipulated in this LDC.
 2. *Engineer's summary letter* (one signed and sealed paper copy and one .pdf copy). Construction plans will not be accepted unless accompanied by a summary letter signed and sealed by the registered Texas professional engineer who sealed the construction plans. Summary letters for small projects do not require an engineer unless slopes or trenches exceed five feet in depth. The summary letter should describe the proposed development and might include, but not limited to, the following:
 - Acreage to be developed;
 - Watershed in which project is located;
 - Type of development;
 - Explanation of any proposed project phasing;
 - Methods to be used for handling stormwater runoff, i.e., drainage easements, channels, curb inlets, storm sewers, detention, sedimentation and filtration ponds, water quality control methods, etc.;
 - Effect the proposed development will have on existing and future drainage systems in the area and on the natural and traditional character of the land and waterways;
 - Itemize any requests to deviate from the strict interpretation of the LDC or ACM and any alternative engineering design solutions that are proposed and a description of the justification for each request.

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3. *Geotechnical report* (one signed and sealed paper copy and one .pdf copy). Pavement design shall be based on ACM specifications for street pavement thickness and design and provide information regarding pavement structural design and other pertinent engineering design information. A legible P.E. seal and signature shall be provided. The city engineer has authority to follow the recommendations of the geotechnical report with respect to the provided engineering design and recommendations when the recommendations of the geotechnical report demonstrate that to do so would be in the general interest of the City of Angleton and be in accordance with generally accepted engineering practices.
4. *Construction plans* (one signed and sealed paper copy and a .pdf copy). Plans shall be submittal on 24-inch x 36-inch sheets. An additional plan set is required if the project is on a state highway. The construction plan set shall consist of the following information, in the following order:
 - Cover sheet;
 - Preliminary plat;
 - Erosion and sedimentation controls;
 - Drainage and utility layout;
 - Street plan and profile;
 - Drainage plan and profile sheets;
 - Detention, filtration and/or sedimentation ponds;
 - Construction details;
 - Plan details shall incorporate all standard construction plan notes specified in the LDC, as amended, and the ACM, as amended.

Note: Once construction plans are approved, one full size "approved set" and one "approved half-sized set" and a .pdf file of the same shall be submitted before a development permit can be released.
5. *Traffic control plan* (one signed and sealed paper copy and one .pdf copy). A traffic control plan, or a final approved TIA, must be included if the construction is in an existing right-of-way. One additional plan is required if the project is on a state highway.
6. *Pavement striping plan* (if applicable, one signed and sealed paper copy and one .pdf copy). If pavement striping is proposed, one paper copy and a .pdf of the striping plan is required. One additional plan is required if the project is on a state highway.
7. *Drainage report* (one signed and sealed paper copy and one .pdf copy). The drainage report shall include the following information:
 - Source of floodplain information (calculations where applicable);
 - Table of contents with index and tabbed appendices;
 - Calculations supporting adequacy of existing/proposed on-site channels, storm sewers, and drainage structures;
 - Calculations supporting adequacy of detention pond size;
 - Calculations for floodplain modifications and cross-sections;
 - Summary assessment of impact on adjacent properties and drainage structures and an assessment of impact to habitable structures and properties downstream of the development, as determined by the city engineer;

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- Signature and seal of professional engineer on report;
 - Calculations of existing and fully developed flows;
 - Calculations of off-site flows; and
 - Calculations of capacity of drainage facilities on adjacent properties;
 - A final report reflecting all changes approved during design review must be submitted once all comments are addressed and approved.
8. *Acknowledgement form concerning plat notes and deed restrictions* (one paper copy and one .pdf copy). The applicant shall carefully check these records before signing the attached acknowledgment form.

**ACKNOWLEDGMENT FORM CONCERNING SUBDIVISION PLAT NOTES,
DEED RESTRICTIONS, OR RESTRICTIVE COVENANTS**

I, _____ have checked for subdivision plat notes, deed notes, deed restrictions, restrictive covenants and/or LDC conditions prohibiting certain uses and/or requiring certain development restrictions i.e., height, access, screening, etc., on this property, located at:

(Address or Legal Description or the Subdivision)

If a conflict should result with the request that I am submitting to the City of Angleton due to a subdivision plat note, deed restriction, or restrictive covenant, it will be my responsibility to resolve it. I also acknowledge that I understand the implications of use and/or development restrictions that are a result of a subdivision plat notes, deed restrictions, or restrictive covenants. I understand that if requested I must provide copies of any and all subdivision plat notes, deed restrictions, or restrictive covenant information which may apply to this property.

Applicant's Signature Date

B. *Construction plan requirements and general notes.*

1. *Cover sheet.* The cover sheet should include the below information:
 - Subdivision name on cover sheet in one-half-inch or larger letters (use same name as on the final plat);
 - Legal description of property (lots, block, subdivision name);
 - Name, address and telephone number of owner and engineering firm preparing plans;
 - Name of watershed;
 - Location map showing the precise location of the tract (four-inch × four-inch minimum) with north arrow;
 - TxDOT stationing, for streets intersecting or adjacent to state-maintained roadways;
 - Tabulation sheet index;
 - Legible professional engineer's seal, signature, license number and state firm number;
 - List granted or proposed variances/waivers from the LDC or the ACM; and
 - The following general notes:

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"Release of this application does not constitute a verification of all data, information and calculations supplied by the applicant. The engineer of record is solely responsible for the completeness, accuracy and adequacy of their submittal, whether or not the application is reviewed for Code compliance by the City Engineer."

"All responsibility for the adequacy of these plans remains with the Engineer who prepared them. In approving these plans, the City of Angleton must rely on the adequacy of the work of the Design Engineer."

- Applicable City of Angleton general construction notes;
 - Tabulation of applicable special notes;
 - Construction sequencing;
 - Approval block for the city engineer;
 - A revision block showing the number and date of each revision.
2. *Approved preliminary plat and proposed final plat.* Following the cover sheet in the construction plan set should be the approved preliminary plat and proposed final plat. A copy of the recorded final plat should be included in the final plan set of the approved construction plans.
 3. *General construction notes.*
 - All construction shall be in accordance with the Angleton Construction Manual (ACM) and Land Development Code, hereafter referred to the ACM and the LDC.
 - Approval of these construction plans does not constitute a verification of all data, information and calculations supplied by the applicant. The engineer of record is solely responsible for the completeness, accuracy, adequacy, and compliance of the submitted plans.
 - All responsibility for the rests on design engineer who prepared them. In approving these plans, the city must rely on the adequacy and accuracy of the design engineer.
 - Designs shall be in complete compliance with the LDC and the ACM. Any waiver, deviation, variance, or exception from any specific requirement(s) of the LDC or ACM that were not expressly requested when plans are submitted, shall not be construed to have been granted if plans are approved. It is the responsibility of the engineer to make such a waiver proactively when plans are submitted.
 - A minimum of two existing benchmarks should be shown on the plans. In addition, two permanent benchmarks per subdivision shall be installed in each new subdivision to include description, location, and elevation and tie to city standards.
 - Cast bronze survey markers shall be placed in concrete in permanent, accessible locations at the time of construction. The locations of the markers shall be indicated on the construction plans. A minimum of one marker shall be placed for each 20 acres of the project.
 - Prior to beginning construction, the owner or his authorized representative shall convene a pre-construction conference with the city, the developer's consulting engineer, contractor, and any other affected parties. The city shall be notified at least 48 hours prior to the time of the conference and 48 hours prior to the beginning of construction.
 - The contractor shall provide the city a minimum of 48 hours' notice before beginning each phase of construction.

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- Barricades, built to city specifications, shall be constructed on all dead-end streets and as necessary during construction to maintain job safety.
 - If blasting is planned, a blasting permit must be secured prior to commencement of any blasting.
 - Any existing pavement, curbs, and/or sidewalks damaged or removed will be repaired by the contractor at his expense before acceptance of the subdivision.
 - The location of any water or wastewater lines shown on the plans must be verified by the public works department.
 - Use one call utility system: Dial 1-800-344-8377, 48 hours BEFORE you dig.
 - All storm sewer pipes to be class III RCP unless noted otherwise.
4. *Special notes for plans, when applicable.*
- The subgrade material in (name of subdivision) was tested by (name of professional soil lab) on (date) and the street section designed according to the LDC and ACM.
 - Constructed street sections shall show the following:
 - ▷ Provide street names, width of R.O.W., or other methods to identify proposed design of different pavement thickness. In writing or graphically, describe the street section(s) to be constructed.
 - ▷ Manhole frames, covers, and water valve covers will be raised to finished pavement grade at the owner's expense by a qualified contractor with city inspection. All utility adjustments shall be completed prior to final paving construction.
 - ▷ Crowns of intersecting streets will culminate in a distance of 40 feet from the intersecting curb line unless otherwise noted. Inlets on the intersecting street shall not be constructed within 40 feet of the valley gutter, unless otherwise noted.
 - ▷ Prior to final acceptance of a street outside the city limits, street name signs conforming to county standards shall be installed by developer.
 - ▷ Sidewalk requirements (give street name and location of required sidewalk, i.e., north, south, east, or west side).
 - ▷ A curb lay down where required when all points of sidewalks intersects curbs.
 - ▷ Inside the city limits, sidewalks shall be completed prior to acceptance of any driveway approaches and/or issuance of a certificate of occupancy. When outside the city limits, a letter of credit may be posted or other suitable financial arrangements may be made to ensure construction of the sidewalks. In either case, sidewalks adjacent to "common areas", parkways, or other locations on which no building construction will take place, must be constructed prior to final acceptance of the subdivision.
 - ▷ A license agreement for landscaping maintenance and irrigation in street R.O.W. shall be executed by the developer in party with the city prior to final acceptance.
5. *Construction sequencing (list process on construction plan set).*

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- Call the city 48 hours prior to beginning any work and schedule a preconstruction meeting with the city and all affected utility providers, the general contractor, the developer and the developer's engineer.
 - Obtain a development permit from the city.
 - Provide the city with evidence all TCEQ licenses and requirements are up to date.
 - Install temporary erosion controls and tree protection fencing prior to any clearing and grubbing. Notify the city when installed.
 - Rough-cut all required or necessary ponds. Either the permanent outlet structure or a temporary outlet must be constructed prior to development of any embankment or excavation that leads to ponding conditions. The outlet system must consist of a low-level outlet and an emergency overflow meeting the requirements of the LDC. The outlet system shall be protected from erosion and shall be maintained throughout the course of construction until final restoration is achieved.
 - Deliver approved rough-cut sheets to the city engineer prior to clearing and grubbing.
 - Rough grade streets. No development of embankment will be permitted at this time.
 - Install all utilities to be located under the proposed pavement or within the road right-of-way.
 - Deliver storm sewer cut sheets to the city engineer.
 - Begin installation of storm sewer lines. Upon completion, restore as much disturbed area as possible, particularly channels and large open areas.
 - Deliver final grade cut sheets to the city engineer.
 - Re-grade streets to sub-grade.
 - Ensure that underground utility crossings are completed. Lay 1st-course base material on streets.
 - Install curb and gutter.
 - Lay final base course on all streets.
 - Lay asphalt.
 - Complete final grading and restoration of detention, sedimentation/filtration ponds.
 - Complete permanent erosion control and restoration of site vegetation.
 - Remove and dispose of temporary erosion controls.
 - Complete any necessary final dress up of areas disturbed.
6. *Drainage layout sheets (show the following on construction plans and/or drainage report).*
- Drainage layout of subdivision (scale: 1" = 100') with north arrow to top or right of sheet and show limits of construction as a distinguishable line.
 - Existing adjoining street layout or other property adjacent to project (and plat names).
 - Street names lot and block numbers, and R.O.W. lines.
 - Location of all existing drainage structures on or adjacent to project.

- Existing contours at two-foot minimal intervals Individual drainage areas and upstream drainage areas based on improvements and final grading (distinguish these areas by heavy dashed lines).
 - Size in acres, C, I, T, C and Q for 10-, 25- and 100-year storm events for each sub-drainage area.
 - Arrows indicating flow direction for all streets and lots.
 - Summation of Q's at pertinent points (street intersections, inlets, passing inlets, headwalls, channel outfalls, control outlet structures, etc.).
 - All low and high points.
 - All street and lot fill areas (usually done by shading).
 - Proposed drainage facilities (including but not limited to: the layout of storm sewer with line designation, size of lines, pond(s) and pond designation, outfalls and Q10, 25 and 100 shown for outfalls).
 - All existing and proposed drainage easements, as per final plat or by separate instrument, with all recording information provided.
 - Q10, 25 and 100 leaving proposed streets onto surrounding property and Q10, 25 and 100 entering proposed streets from surrounding property.
 - Existing and proposed 100-year floodplains for all waterways.
 - Minimum building slab elevations for lots on which the 100-year floodplain encroaches (only if elevations are not shown on approved final plat included with plans).
 - Provide the following for each drainage area:
 - a. Runoff calculations:
 - T.C. (time of concentration in minutes), A (drainage area); and
 - I10, C10, Q10, I25, C25, Q25, I100, C100, Q100.
 - b. For inlet design provide an inlet flow calculation table.
 - For storm sewer design:
 - a. T.C.'s, areas; and
 - b. Composite "C" value (if a uniform time of concentration for the system is not used).
 - Greenspace preservation and buffers and related drainage BMP water quality criteria described in the ACM shall be depicted.
 - Clearly show limits of construction and match lines with station equations for storm sewer and channel "tie-ins" to existing or proposed.
 - Legible professional engineer's seal, signature, and date of signing.
 - All proposed waivers to the LDC or ACM.
 - Include signature block on the right side of all plan sheets.
7. *Street plan and street profile sheets.*
- Street plans must show the following:*

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- The street name and sheet number in the right corners.
- North arrow to top and right of sheets.
- Stationing south to north or west to east with street layout directly over the profile stationing.
- Scale: 1" = 20', or 1" = 40' for very large projects.
- R.O.W. and paving dimensions (face to face of curb).
- Lot numbers, block numbers and frontage dimensions (dimensions required only if approved/released final plat is not included with the review plans).
- Street names within respective R.O.W.
- Existing or proposed easements (w/recording information) and intersecting R.O.W.).
- Sidewalks and assignments as per city final plat requirements.
- Centerline "TIC" marks, every 50 feet.
- Drainage facilities within or intersecting R.O.W. and indicate stationing on both sides of inlets (show inlet type and label storm sewer lines, i.e., line "A", M.H., etc.).
- Existing drainage facilities (w/pipe sizes and material indicated) as dashed lines.
- Drainage flow arrows, high and low points.
- Match lines on street plan sheets and storm sewer plans for continuation of streets on other sheets.
- As a minimum, a 50-foot extension of proposed streets and show proposed tie-in to existing streets.
- Sheet numbers for intersecting streets, show full intersection, provide dimensions and street names.
- Stations equation along the CL (centerline) intersections of streets.
- Barricades if required.
- Plan view must transpose directly above profile stationing when possible (otherwise, center the midpoint of the curve on the sheet) (limits shown on the plan view must be the same as the limits shown on the profile).
- Labeled asphalt valley gutter or concrete valley gutter (required if % grade <1.2%) at intersections where appropriate.
- Clearly show the beginning and ending of project.
- Limits of gutter depression by shading and showing stationing or dimensioning.
- Clearly show all PC, PT, CC, or PRC stations.
- Clearly show all fill areas and fill information to demonstrate compliance with the LDC.
- Horizontal curves conforming to city standards.
- Legible professional engineer's seal, signature, and date of signing.

Street profiles must show the following:

- Legend and scale (scale: H: 1" = 20' and V: 1" = 2').

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- Heavyweight lines at every 100-foot station.
- Heavyweight lines at every two-foot vertical elevation line.
- Even elevation in right and left margins.
- Street profile for minimum of 150 feet beyond end of project, including property lines and proposed future grade and/or existing street grade.
- Existing centerline, left and right R.O.W. profiles.
- Proposed centerline profiles a minimum of two-line widths to stand out from other profile lines.
- Proposed TC elevations (clearly identify right and left for curb splits).
- Identify and give elevations at all PC, PT, PRC, PCC, PVC, PVI, or PVT stations by circle or heavy dot.
- Vertical curves with the following information: curve length, PVI stations and elevation, tangent intercept, tangents and tangent grades (show elevations every 25 feet maximum along vertical curves).
- Curb returns PC, MID PT, PT, with tangent and grade past point of return.
- Elevations every 50 feet (i.e., +00 and +50) along the street profile.
- Maximum curb split of two percent (30' street = 0.60', 44' street = 0.88') if applicable.
- Vertical curves conforming to the ACM.
- Submit letter of understanding for street lighting in sag curves and confirmation of availability of fixed source lighting when applicable.
- Show clear sight triangle at all subdivision or driveway entrances as required by the LDC. At the intersection of arterial streets, the city engineer may increase the clear site distance up to 50 feet for point C where necessary to ensure public health and safety.

8. *Drainage plan.*

Drainage plan and reports must show the following:

- Show contours, drainage features and street layout and name, lot layout and lot and block numbers (where storm drainage occurs).
- Indicate limits of 100-year floodplain for fully developed upstream conditions and denote FEMA 100-year floodplain if different from the fully developed condition.
- Drainage easements. Indicate recording information. (Show recording number or if by plat, indicate "by plat".)
- Storm drainage facilities. Label and give sizes (i.e., line "A-18" RCP, channel "B"-r' FB (flat bottom), 2-10' x 6' MBC, etc.
- All horizontal PI PC, PT, BEGIN and END stations and pipe and/or channel intersection equations.
- All inlets, Q at inlets, Q passing inlets, and flow lines.
- PI deflection angle in degrees.
- Excavation and dirt removal plan, dirt removal plans.

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- North arrow to top or right of sheet and shows the drawing scale as: Scale: 1" = 50".
- Any storm sewer assignments off R.O.W. or centerline.
- Channel and/or pipe riprap and type of headwalls (show erosion control measures (dissipater blocks, rock riprap, etc.).
- Beginning, end stations, for erosion control material used for channels (label type of material to be used, i.e., dry stacked or mortared rock, etc.).
- Note 100-year overflow swales over pipe system (when used) and provide a typical detail.
- Open channels with a minimum flat bottom width of six feet.
- Greenspace preservation and buffers and related to BMP water quality criteria in the ACM.
- Legible professional engineer's seal and signature.
- Any waivers to the LDC or ACM, or any other city requirements or policy.
- Include room for a city engineer stamp or signature block on right-hand side of all inside sheets.

9. *Drainage profile.*

Drainage profiles on construction plans or drainage reports must show the following:

- Scales: horizontal (same as plan, vertical, 1/10th of horizontal scale).
- Stationing proceeding from low end to high end from left to right for channels or storm sewer lines.
- Existing ground profile at proposed channel locations.
- Top of bank left and right and fill areas for channels.
- All stations and elevations at points of intersecting drainage lines, grade breaks, riprap, drop sections, toe of splash pads, toe of slope, beginning of slope, and beginning of riprap.
- D10, Q10, V10, HGL10, D25, Q25, V25, HGL25, D100, Q100, V100, HGL100 and head losses (H), for each segment of channel.
- Channel bottom width, side slopes, concrete trickle or pilot channel, height of channel lining if used, maximum and minimum depth of channel, Manning's "n" value used, and typical channels cross-sections to scale.
- Clearly show the beginning and end of construction and show stations for channels.
- Flowline elevation every 50 feet maximum (i.e., 0+00, 0+50).
- T.C. elevations at inlets on storm sewer lines.
- Grade of flow line (in %), and pipe sizes (label all pipes as RCP/class for storm sewer lines).
- D10, Q10, V10, HGL10, D25, Q25, V25, HGL25, D100, Q100, V100, HGL100 and head losses (H), and df (when pipe is flowing full) for storm sewer lines.
- Stations and elevations at PI, PC, PT, grade breaks, intersecting lines, and beginning and end of construction for storm sewer lines.
- All riprap, headwalls, etc., at pipe ends.
- Full channel section at pipe ends when appropriate.

- Existing and finished ground line and fill areas at pipe centerline for storm sewer lines.

10. *Detention plan.*

Construction plans or a drainage report must show the following:

- Include drainage area map for detention ponds in plans.
- Typical cross-section(s) of ponds and section, through the inlet and outlet structures. Show the 10/25/100-year WSELs.
- Indicate pond bottom and side slopes and ramp slopes and top width of berms.
- Summary table of supportive calculations for hydrology, hydraulics, control outlet structures, etc.
- Stage/storage/discharge table (also indicate 10-, 25- and 100-year storm events).
- Indicate staging area, access drives, ramps, gates, fences, perimeter access strips, signs, setbacks, and setback easements.
- Construction details (including complete structural details) for the pond improvements.
- Excavation and dirt removal plan, dirt removal plan.
- Delineate easements with recording information.
- Show all trees and utilities and other improvements within the pond area.
- Add dam or pumping safety certification to cover improvements where applicable.
- Greenspace preservation and buffers to comply with BMP water quality criteria.

11. *Water quality plan.*

- Pond plans and appropriate cross sections with existing and proposed grading.
- Sizing of facility.
- Stage/storage for each chamber and total.
- Construction details including ACM details and criteria.
- Liner details (also show protective and planting layer when applicable).
- Provide complete QA/QC plans for pond liners when required.
- Irrigation field plans imposed on the tree plan for re-irrigation ponds.
- Vegetative bench planting sheet for wet ponds.
- Intake structure/wet wells and pump details and specs.
- Greenspace preservation and buffers and related the BMP water quality criteria.

12. *Pavement striping and signs plan.*

- Sheet to be reasonable scale, show curb and gutter, driveways, sidewalks and accessibility routes within 150 feet of the project.
- All pavement striping and sign plans shall be in accordance with the Texas Manual of Uniform Traffic Control Devices and City of Angleton standards.
- Sight distance analysis for stop signs.
- Stop signs, stop bars in relationship to sidewalk ramps.

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- Assumption of any all way stop or signal locations needs to be supported by warrant study as per the Texas Manual of Uniform Traffic Control Devices.
- Include warning signs as needed with advisory speed plates.
- Show speed limit signs in accordance with the assumed design speeds, with exception of the local streets which should be designed at 30 MPH and shall be posted.
- Show any proposed parking restricted areas.
- Non-standard pavement striping and signs details will need to be approved by the city engineer.
- Show street name signs in accordance with all city and Brazoria County 911 naming standards.

13. *Construction details.*

- Use the ACM for all work in the right-of-way and easements.
- Show the following:
 - ▷ Manhole or junction box details;
 - ▷ Pipe end riprap or headwall details;
 - ▷ Channel lining;
 - ▷ Construction plans and details for proposed reinforced concrete box culverts, bridges and related structures may be adaptations of TxDOT standards;
 - ▷ Traffic/pedestrian railing and fencing details;
 - ▷ Retaining wall construction drawings in accordance with city standards;
 - ▷ Other details as needed for construction.

14. *Fill mangement details and report.*

- Construction plans, reports and analysis demonstrating compliance with the fill requirements of this LDC.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

APPENDIX B. STANDARD FORMS

Commented [LK87]: Recommend removing and adding it to the APM

Sec. 23-125. Improvement acceptance forms.

A. *Part I. Preliminary acceptance form.*

DEVELOPER PETITION FOR PRELIMINARY ACCEPTANCE OF PUBLIC IMPROVEMENT(S)

FOR: _____ (Name/Section of Development).

STATE OF TEXAS §
COUNTY OF BRAZORIA §

WHEREAS, _____, hereinafter called Owner, is the owner of the land described as _____ Subdivision, desires to file this Petition, with the City of Angleton. This petition is being filed in accordance with the terms and provisions of the LDC.

NOW THEREFORE, KNOW ALL MEN BY THOSE PRESENT THAT _____ (Owner), respectfully files this, a Petition with the City Council of the City of Angleton for Preliminary Acceptance of the following described public improvements (list each improvement, the length of each improvement and the valuation of each improvement):

Water: _____

Sanitary Sewer: _____

Drainage: _____

Streets: _____

Other: _____

OWNER, in filing this petition, sets forth the following information as required in current regulations. Attached hereto as Exhibit "A" is a true and correct copy of the itemized construction costs of the above described project (s). Construction was accomplished by:

Contractor Name: _____,

at a total cost of \$ _____.

Attached as Exhibit "B" are two true and correct copies of "as built" drawings certified to by a registered Professional Engineer.

OWNER GUARANTEES:

All materials and workmanship to be in accordance with approved plans and specifications prescribed by the City, and to correct any and all deficiencies not in accordance with approved plans and specifications until Final Acceptance by the City Engineer and City Council.

IN TESTIMONY WHEREOF, WITNESS OUR HANDS and seal this, the _____ Day of _____, 20____.

Subdivider and Principal

Surety By: _____
Attorney in Fact

APPROVED AND ACCEPTED, THIS THE _____ day of _____, 20____.

CITY OF ANGLETON

BY: _____

TITLE: _____

B. Part II. Final acceptance (developer).

DEVELOPER PETITION FOR FINAL ACCEPTANCE OF PUBLIC IMPROVEMENTS

For: _____ (Name/Section of Development).

WHEREAS, the City Council of the City of Angleton, Texas approved the Preliminary Acceptance of the improvements listed in Part I Petition for:

_____ Subdivision; and

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WHEREAS, the owner has maintained such improvements in good condition for at least one year from date of acceptance by the City Council; and

WHEREAS, the owner has corrected all deficiencies reported by the City of Angleton;

It is therefore requested that final inspection be made of said improvements, that Final Acceptance be approved by the Angleton City Council, and that the Owners be relieved of any further obligation to maintain or cause to maintain such improvements.

By: _____
Owner

Date: _____

C. *Part III. Final acceptance (city).*

The above improvements listed in the petition have been inspected as required by current regulations, all required maintenance has been performed, and all noted deficiencies have been corrected. I recommend that the improvements described in the petition be accepted by the City of Angleton and all maintenance on said improvements be assumed by the City.

Date	_____ City Engineer, City of Angleton	(Engineer Seal)
APPROVED AND ACCEPTED BY THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS, ON THIS, THE _____ DAY OF _____, 20____.		
	_____ Mayor	
	_____ City Secretary	

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-126. Performance and maintenance bonds.

A. PERFORMANCE BOND

THE STATE OF TEXAS §

§ KNOW ALL MEN BY THESE PRESENTS:

THE COUNTY OF BRAZORIA §

THAT WE, _____, as Principal, hereinafter called the "Developer" and the other subscriber hereto, as Surety, do hereby acknowledge ourselves to be held and firmly bound to the City of Angleton, a municipal corporation, in the sum of _____ Dollars (\$) for the payment of which sum, well and truly to be made to the City of Angleton and its successors, the said Developer for and Surety do bind themselves, their heirs, executors, administrators, successors, and assigns, jointly and severally.

THE CONDITIONS OF THIS OBLIGATION ARE SUCH THAT:

WHEREAS, the Developer has on or about this day executed a Contract in writing with the City of Angleton for all of such work to be done as set out in full in said Contract Documents therein referred to and adopted

by the City Council, all of which are made a part of this instrument as fully and completely as if set out in full herein.

NOW THEREFORE, if the said Developer shall faithfully and strictly perform Contract in all its terms, provisions, and stipulations in accordance with its true meaning and effect, and in accordance with the Contract Documents referred to therein and shall comply strictly with each and every provision of Contract and with this bond, then this obligation shall become null and void and shall have no further force and effect; otherwise the same is to remain in full force and effect.

It is further understood and agreed that the Surety does hereby relieve the City of Angleton or its representatives, from the exercise of any diligence whatever in securing compliance on the part of the Developer with the terms of the Contract, and the Surety hereby waives any notice to it of any default, or delay by the Developer in the performance of his Contract and agrees that it, the Surety, shall be bound to take notice of and shall be held to have knowledge of all acts or omissions of the Developer in all matters pertaining to the Contract. The Surety understands and agrees that the provision in the Contract that the City of Angleton shall retain certain amounts due the Developer until the expiration of thirty days from the acceptance of the Work is intended for the City's benefit, and the City of Angleton shall have the right to pay or withhold such retained amounts or any other amount owing under the Contract without changing or affecting the liability of the Surety hereon in any degree.

It is further expressly agreed by Surety that the City is at liberty at any time, without notice to the Surety, to make any change in the Contract Documents and in the work to be done thereunder, as provided in the Contract, and in the terms and conditions thereof, or to make any change in, addition to, or deduction from the work to be done thereunder, and such changes shall not in any way vitiate the obligations in this bond or release the Surety therefrom.

It is further expressly agreed and understood that the Developer and Surety will fully indemnify and save harmless the City of Angleton from any liability, loss, cost, expense, or damage arising out of or in connection with the work done by the Developer under the Contract.

If the Contract Price is greater than \$1.20 million and in the event that the City may bring any suit or other proceeding at law on the Contract or this bond or both, the Developer and Surety agree to pay to the City the sum of 10 percent of whatever amount may be recovered by the City in suit or legal proceeding, which sum of 10 percent is agreed by all parties to be indemnity to the City for the expense consumed by its City Attorney, and office force, and other costs or damages occasioned to the City. This amount of 10 percent is fixed and liquidated by the parties, it being agreed by them that the exact damage to the City would be difficult to ascertain.

This bond and all obligations created hereunder shall be performable in Brazoria County, Texas. This bond is given in compliance with the provisions of Article 5160, Revised Civil Statutes of Texas, as amended, which is incorporated herein by this reference. However, all of the express provisions hereof shall be applicable whether or not within the scope of said statute.

Notices required or permitted hereunder shall be in writing and shall be deemed delivered when actually received or, if earlier, on the third day following deposit in a United States Postal Service post office or receptacle, with proper postage affixed (certified mail, return receipt requested), addressed to the respective other party at the address prescribed in the Contract Documents, or at such other address as the receiving party may hereafter prescribe by written notice to the sending party.

IN WITNESS THEREOF, the said Developer and Surety have signed and sealed this instrument on the respective dates written below their signatures and have attached current Power of Attorney.

ATTEST, SEAL: (if a corporation)	_____ (Name of Developer)
----------------------------------	------------------------------

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WITNESS: (if not a corporation)	
By:	
Name: _____	
Title: _____	
Date: _____	
ATTEST/WITNESS: (SEAL)	_____
	(Full Name of Surety)
By: _____	
Name: _____	
Title: _____	
Date: _____	
Original - City	
Duplicate - Owner	
Triplicate - City	

B. *Maintenance/Warranty Bond.*

STATE OF TEXAS §
COUNTY OF BRAZORIA §

KNOW ALL MEN BY THESE PRESENTS:

That we, _____ the undersigned subdivider, as Principal, and _____, as Surety, do hereby acknowledge ourselves to be held and firmly bound unto the City of Angleton, a municipal corporation of the County of Brazoria and State of Texas, in the full and just sum of \$_____ (being ten (10%) percent of the estimated cost of the hereinafter enumerated site improvements) for the payment of which well and truly to be made, we hereby bind ourselves and our respective heirs, administrators, executors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has petitioned the City Council for permission to develop a subdivision within the jurisdiction of the City of Angleton, named _____, approved by the City Council on _____ 20____; and

WHEREAS, under the provisions of the LDC, the City Council requires, as a condition precedent to the granting of such petition, that the Principal provide a guarantee that he will maintain and cause to be maintained, in good condition according to the requirements of such LDC, and to correct any and all deficiencies not in accordance with the approved plans and specifications as may be noted, the following site improvements for a period of one year after acceptance of the construction thereof by the City Council or until such time as such improvements receive final acceptance by the City, whichever is the latter;

NOW, THEREFORE, the condition of this obligation is such that if the Principal shall maintain or correct, and cause to be maintained or corrected, the above mentioned improvements in accordance with the requirements of the City of Angleton LDC and ACM, for the period of one (1) year after the acceptance of the construction thereof by the City Council, or until said improvements have received Final Acceptance by the City Council, then this obligation shall be void; otherwise, the obligations made under this bond will remain in full force and effect.

IN TESTIMONY WHEREOF, WITNESS OUR HANDS and seal, this the _____ Day of _____, 20____.

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(Supp. No. 19)

Subdivider and Principal

Surety By:

Attorney in Fact

APPROVED AND ACCEPTED, THIS THE ____ DAY OF _____, 20____.

CITY OF ANGLETON

BY: _____

TITLE: _____

Original - City

Duplicate - Owner

Triplicate - City

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-127. Waiver of statutory 30-day plat review form.

Owner letterhead

Date

~~Development Administrator~~ Designated City staff

City of Angleton
121 S. Velasco Street
Angleton, Texas 77515

Re: (Name of Plat/General Plan)

Please allow this correspondence to serve as my request to the City of Angleton waive the statutory 30-day period of time to review the above referenced project, thereby tabling the item until I provide additional information or clarification of issues before the Planning and Zoning Commission and City Council may act on the application. Without this waiver, this application would be denied.

Applicant hereby waives any rights that inure to this application by virtue of Texas Local Government Code Sec. 212.009, and hereby request that an extension of the review period be granted pursuant to the City of Angleton LDC. Further, I understand and acknowledge that my application is technically considered to be "incomplete" until I provide the City of Angleton LDC the additional information or clarifying details required to demonstrate compliance with the City of Angleton LDC and that until such time as that information is provided, this request shall remain "tabled and incomplete". This application shall remain "tabled and incomplete" for a period that shall not exceed 6-months from the date of this request, after which time this application shall expire; necessitating the refilling of the application as a new application.

Sincerely,

Name of Developer/Applicant/Agent

NOTARY:

Acknowledged, subscribed and sworn to before me this ____ day of _____, 20 ___, by

_____.

Created: 2021-03-10 16:12:32 [EST]

(Supp. No. 19)

Witness my hand and official seal.

My commission expires: _____, 20_____.

Notary Public

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-128. Improvement agreement form.

- A. *Purpose.* The purpose of this subappendix is to provide a legal form to use as a template for a development agreement or a public improvement agreement. The actual form to be utilized for either agreement will be determined by the circumstances of the development and the terms that are agreeable to the parties involved and the legal counsel for each.
- B. *Improvement agreement form.*

TITLE: _____

THIS AGREEMENT is voluntarily entered into on this ____ day of _____, 20____, between CITY OF ANGLETON ("City"), a governmental entity, and _____ ("Developer").

WHEREAS, prior to the recording of a Final Plat, the City Council ("City") and Developer have agreed to enter into a Development/Public Improvement Agreement for the construction of required public improvements wherein the Developer agrees to construct those public improvements required by the City and which agreement requires the pledging of collateral that is sufficient, in the judgment of the City Council, to make reasonable provision for the completion of the required improvements in accordance with design and time specifications set forth in the agreement; and

WHEREAS, the Texas Local Government (TLGC) statutes require that a condition of City Council approval of any preliminary or final plat is Developer compliance with City subdivision regulations, including making all payments, dedications and exactions provided therein; and

WHEREAS, the Developer is the subdivider of the real property development ("Development") known and described as _____, located in the City of Angleton, Texas, and has presented to the City a Final Plat for this Development; and

WHEREAS, the City of Angleton LDC and State Statutes require the execution of a Development/Public Improvement Agreement ("Agreement") between the Developer and the City whereby the Developer shall agree to construct certain improvements, the completion of which are guaranteed to the City, prior to filing the Final Plat; and

WHEREAS, the City seeks to protect the health, safety and general welfare of the community by requiring the completion of various improvements in the Development and thereby limit the harmful effects of substandard development and subdivision; and

WHEREAS, the purpose of this Subdivision Improvements Agreement ("Agreement") is to protect the City from incurring the cost of completing the improvements under this Subdivision Improvements Agreement and not to benefit those providing work, services or material or the lot or home buyers in the Development; and the purpose of this Agreement is further to guarantee performance of Developer's other obligation.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL PROMISES CONTAINED HEREIN, IT IS AGREED AS FOLLOWS:

- (1) *Construction of Improvements.* The Developer agrees to construct or to enter into a contract with such person, firm or corporation as is chosen by the Developer to construct the required improvements, including

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(Supp. No. 19)

water distribution system (for commercial, municipal and domestic uses, and for landscaping and fire protection), sanitary sewers, drainage facilities, street improvements (roads, bridges and associated improvements), traffic signs, fire protection system, street posts and markers, electrical system, street lighting, landscaping (hereinafter referred to as "Improvements"); more specifically described in Exhibit "A" that is attached hereto and incorporated herein by this reference. The required Improvements shall be constructed in accordance with the Plans and Specifications submitted by the Developer and in accordance with all applicable legal standards. The Developer's obligation to complete the Improvements will arise upon final plat approval by the City and will be independent of any obligations of the City contained herein and will not be conditioned upon the commencement of construction in the Development or sale of any lots or Improvements within the Development.

In addition, the Developer will ensure that utility services are available within immediately adjacent easements and/or rights-of-way of each platted lot in the Development prior to or at the issuance of permits by the City for each respective lot.

- (2) *Regulations and Specifications.* The required Improvements shall be designed and constructed in accordance with City regulations and specifications in effect as to the date of this Agreement, other applicable state or federal regulations, if any, the Final Plat of the Development, and the Plans and Specifications retained by the City, all of which are hereby incorporated herein by reference and made a part of this Agreement. All Plans and Specifications shall have been submitted to and reviewed for exceptions by the City Engineer prior to submission of the Final Plat for approval or execution.
- (3) *Completion Date.* The required Improvements shall be completed no later than _____, 20____, (Two years from date of approval), unless the City Council, in its sole discretion, grants in writing an extension of this completion date to the Developer. A written extension agreement shall be signed by the City Administrator, upon approval by the City Council. No less than 60 days prior to the above-scheduled completion date, or any extension thereof, the Developer shall notify the City Manager in writing of the upcoming completion deadline and include a progress report which shall include a statement of whether the Developer expects to complete the required Improvements by the completion date. The Developer's failure to provide this notice shall be grounds for the City to withdraw from the commitment guarantee in accordance with this Agreement.
- (4) *Estimated Cost.* The cost of constructing the Improvements is estimated to be \$_____. This cost estimate is based upon the assumption that the work will be performed by an independent contractor, was prepared by and bears the seal of an engineer licensed to practice in the State of Texas, which shall be attached hereto as Exhibit "B."

This estimated construction cost includes the estimated present construction cost, plus an estimate inflation factor determined by the City and calculated to the completion date. If change orders are required during the course of construction that increase the cost by more than five percent of the estimated cost of any subsequently agreed amount that may result from increased costs of material or labor, the amount of the commitment guarantee shall be adjusted accordingly. The Developer shall notify the City in writing of any such change and supply the City with the adjusted commitment guarantee.

- (5) *Commitment Guarantee.* Developer's performance under this Agreement is guaranteed by _____. The commitment guarantee will be retained by the City until released or used as provided in this Agreement. Should the Improvements not be completed at least 30 days prior to the expiration of any commitment guarantee, the Developer agrees to the extension of said guarantee and designates the City his agent to request said extension. The Developer shall pay all costs of guarantee extension; and it is mutually understood and agreed that the City will pay no interest to the Developer on the commitment guarantee. If the City determines guarantee is insufficient to warrant construction of Improvements, the City shall notify the Developer who shall produce any necessary additional security.

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- (6) *Transfer of Title.* If the City is to have any ownership interest or maintenance responsibility in the Improvements, before commencing the construction of any of the required Improvements, the Developer shall acquire, at its own expense, good and sufficient title to all lands and facilities traversed by any required Improvements. In addition, if the City is to have ownership in dedications of parks, rights-of-way, covenants, etc., for this Development, Developer shall acquire at its own expense good and sufficient title to all such property. All such property, lands and facilities so required shall be conveyed to the City and all necessary documents of conveyance shall be furnished to the City prior to and for recording with the Final Plat.
- (7) *Release of Liability—Insurance.* The Developer indemnifies and saves harmless the City from any suits, action, or claim of every nature occurring during the period of construction of the required Improvements and for one year thereafter, and caused by, arising from, or on account of the construction process or any other Developer obligations, and pay any judgment rendered against the City on account of any suit, action or claim, together with all reasonable expenses and attorney's fees incurred by the City in prosecuting or defending such suit, action or claim.
- (8) *Insurance.* The Developer shall ensure that all contractors and other employees engaged in the construction of the required Improvements will maintain workmen's compensation insurance. Before proceeding with any construction of the required Improvements, the Developer shall provide the City with written evidence of Public Liability Insurance with limits not less than \$500,000.00, for bodily injury, \$100,000.00, for property damage in coverage forms approved by the City Attorney and protecting the City against any and all claims for damages to persons or property resulting from or installation of any required Improvements on public property. If the insurance is going to be modified or canceled, the developer shall show the City adequate proof of a new policy, which is subject to approval by the City. Proof of reinsurance shall be provided to the City within 15 days of the notice. If the developer cannot do so then the City may ensure the project as to liability insurance and charge the cost back to the developer. The policy will provide that the City shall be notified at least 30 days in advance of any reduction in coverage, termination or cancelation of the policies. Such notice shall be sent certified mail. The Developer also warrants that any contractors engaged by or for the Developer to construct the required Improvements shall maintain Public Liability Insurance coverage in limits not less than those mentioned above.
- (9) *Warranty.* The Developer hereby warrants that all required Improvements will be installed in a good and workmanlike manner and in accordance with the provisions of paragraphs (1) and (2) hereof.
- (10) *Release of Commitment Guarantee.* From time to time, as required Improvements are completed, the Developer may apply in writing to the City Administrator for a partial release of the commitment guarantee. The application must show:
- Dollar amount of commitment guarantee;
 - Work completed, including dollar value;
 - Work not completed, including dollar value;
 - Amount of previous releases;
 - Amount of commitment guarantee requested released; and
 - Release or waivers of mechanics liens of all persons who have furnished work, services or materials.

Upon receipt of the application, the City or its agent shall inspect the Improvements both completed and those uncompleted. If the City determines from the inspection that the Improvements shown on the application as being completed have been completed as provided herein, a portion of the commitment guarantee shall be released. The release shall be made in writing by the City Manager.

The amount to be released shall be the total amount of the commitment guarantee less: (i) 20 percent of the original amount of the commitment guarantee; and (ii) 100 percent of the projected costs of the Improvements not completed. Notwithstanding the foregoing provisions, the Developer shall not apply for a partial release of the

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commitment guarantee in the amount less than 20 percent of the total original amount, except for the last such release.

- (11) *Failure to Comply with Specification—Agreement Cancellation.* If required Improvements are not constructed in accordance with approved Plans and Specifications pursuant to paragraph (2) above, the City shall notify the Developer of noncompliance setting forth in writing the reasons for noncompliance. Reasonable schedules for correction shall be established by mutual agreement of the parties. Should the City determine at any time that the guarantee on deposit is insufficient to complete construction of said Improvements, the City may require the Developer to deposit additional funds which the City deems necessary to complete the Improvements. If the City determines that the Developer will not construct any or all of the Improvements in accordance with the terms of this Agreement, the City may cancel and annul this Agreement with respect to such Improvements upon written notification to the Developer and the commitment guarantor, and without the necessity of public hearing, withdraw from the commitment guarantee such funds as may be necessary to construct or complete said Improvements in accordance with the approved Plans and Specifications.

The City may further, upon its determination and notification to Developer that Developer has failed to meet obligations hereunder, with or without cancellation of this Agreement, withdraw such funds as may be necessary and perform Developer's obligations hereunder.

- (12) *Completion Procedures and Inspections.* Upon completion of the Improvements, or any logical separable portion thereof, the Developer shall notify the City Manager in writing and request preliminary inspection of the completed Improvements or part thereof. The City or its agents shall inspect said Improvements and shall notify the Developer in writing of nonacceptance or preliminary approval of the completed Improvements. If the Improvements are not approved, the reasons for non-approval shall be stated in writing and corrective measures shall be developed by the City with the assistance of the Developer and at the Developer's sole expense. Should the developer fail to take corrective measures required by the City, the City Council, at its discretion, may revoke preliminary approval of the Improvements.

The period of preliminary approval shall be one year for all Improvements or until final inspection occurs. All periods of preliminary acceptance shall run from the date of written notification of preliminary acceptance. During the period of preliminary acceptance, the Developer shall, at its own expense, make all needed repairs or replacements due to defective materials or workmanship and be responsible for all maintenance of said Improvements. It is specifically understood that the Developer will be responsible for road maintenance or care, including street cleaning, until the road and maintenance responsibility is accepted by the City and that the Developer is responsible for maintenance of all Improvements, as provided in Paragraph (13). In the event of default of any of these obligations by the Developer, the City, without notice to the Developer, may do the same at the sole expense of the Developer and withdraw from the commitment guarantee to pay for such expenses.

Upon preliminary acceptance by the City of all Improvements, the security may be reduced pro rata in accordance with the provisions of paragraph (13) to 10 percent of the amount estimated for said Improvements. Said 10 percent retention shall be for the purpose of ensuring the correction of the Improvements due to deficiencies in workmanship and/or material during the ensuing one-year period by the Developer. As-built engineering drawings shall be submitted for all utility installments and roads upon completion of all required utility and road improvements and prior to request for or issuance of, Certificates of Occupancy. Nothing herein shall be construed to require the City to make inspections during periods when climatic conditions make thorough inspections unfeasible.

- (13) *Final Acceptance and Maintenance for Improvements.* Following the period of preliminary approval for the Improvements, the City or its agent shall inspect said Improvements for final approval. Landscaping shall be inspected at least three months after preliminary approval. The City shall notify the Developer in writing of non-approval or of final approval. If the Improvements are not approved, the reasons for non-approval shall be stated in writing and corrective measures shall be developed by the City, with the assistance of the Developer and at Developer's sole expense.

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If the Improvements are found to be in compliance with plans and specifications, the City, following a Resolution of Approval of Improvements by the City Council, shall release the remaining retained balance of the commitment guarantee for such approved Improvements.

All improvements intended or designated for common use within the development and not dedicated to and accepted by the City, shall be maintained in perpetuity by the Developer or an association of homeowners in the development. Until a property owner association is formed and is legally bound to provide perpetual maintenance of the Improvements, as determined by the City, the Developer is obligated to maintain the Improvements in the Development.

- (14) *Recording Agreement.* After receiving Final Plat approval, the Developer shall record this Agreement with the Clerk and Recorder of Brazoria County, Texas, and with the Final Plat of the above-referenced development. However, both this Agreement and the Final Plat shall be submitted to the City Administrator for final review immediately prior to recording.
- (15) *Events of Default.* The following conditions, occurrences or actions will constitute a default by the Developer during the completion period:
- a. Failure to commence construction of improvements within 45 days of final subdivision plat approval;
 - b. Failure to complete construction of the Improvements within 2 years of final plat approval;
 - c. Failure to cure construction defects of improvements within the applicable cure period;
 - d. Failure to perform work for a period of more than 30 consecutive days, unless a valid excuse, such as poor weather, construction issues, or another circumstance is documented for the City;
 - e. Developer's insolvency, the appointment of a receiver for the Developer, the filing of a voluntary or involuntary petition of bankruptcy by the Developer;
 - f. Foreclosure of any lien against the development, a portion of the development, or assignment or conveyance of the development in lieu of foreclosure; or
 - g. Failure to comply with any material provision of the LDC, ACM, this Agreement, or any federal, state or City law or regulation affecting the property.
- (16) *City's Rights Upon Default.* In the event of a default by the Developer occurs, the City may draw on the commitment guarantee. The City will have the right, but no obligation, to complete Improvements itself or contract with a third party for completion, and the Developer hereby grants to the City, its successors, assigns, agents, contractors, and employees, a non-exclusive right and easement to enter the Development for the purposes of constructing, maintaining, and repairing such Improvements. Alternatively, the City may assign the proceeds of the guarantee to a subsequent developer (or lender) who has acquired the Development, or a portion, by purchase, foreclosure or otherwise who will then have the same rights of completion as the City, if and only if, the subsequent developer (or lender) agrees in writing to complete the unfinished Improvements. In addition, the City may also suspend Final Plat approval during which time the Developer will have no right to sell, transfer, or otherwise convey lots or homes within the Development without the express written approval of the City or until the Improvements are completed and accepted by the City.
- (17) *Enforcement.* If the City determines that there is a violation of present State laws, City regulations, City Council requirements, and/or the terms and provisions of this Agreement, the City may issue a cease and desist order. Thereafter, the Developer acknowledges irreparable harm and injury to the City for purposes of an application by it to the Courts for a restraining order hereunder. Should the City deem the collateral on deposit insufficient to guarantee completion of the required Improvements, the City may require the Developer or successors to post additional collateral to guarantee completion of Improvements. The City has the right to pursue any remedy provided by this Agreement or by law and, if the City obtains any such

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remedy, attorney's fees and costs. As an alternative to the remedies provided by this paragraph and paragraph (11), the City has the right to withdraw its approval of the Development.

- (18) *Miscellaneous.* This Agreement runs with the land and is binding on and inures to the benefit of the heirs, representatives, transferee, successors and assignees of the parties. The paragraph headings are descriptive only and neither amplify nor limits the substantive material. The failure to enforce or the waiver of any specific requirements of this Agreement by either party shall not be construed as a general waiver of this Agreement of any provision herein, nor shall such action act to stop either party from subsequently enforcing this Agreement according to the terms hereof. This Agreement shall be subject to and deemed to incorporate all present and future ordinances and regulations of the City applicable thereto. Should any section, paragraph, clause or provision of this Agreement be declared by a court of competent jurisdiction to be invalid, said decisions shall not affect the validity of this Agreement as a whole or any part hereof other than the part declared to be invalid, and the parties hereby affirm that they would have entered into this Agreement and each of its provisions independently of each of its other provisions. The Developer is not an agent or employee of the City.
- (19) *Disclosure to and Consent of Mortgagee and Lender.* The Developer hereby represents that he has disclosed the terms of this Agreement to any mortgages of the Development involved and to all lenders who have provided financing to the Developer for the construction of this project and that said mortgagees and lenders consent to this Agreement as evidenced by their authorized signatures below:

NAME & ADDRESS _____

MORTGAGEE/LENDER _____

NAME OF AUTHORIZED OFFICER _____

Execution of this Agreement by a lender or holder(s) of Deed(s) of Trust signifies their consent to this Agreement but does not obligate them to perform any of the terms of this Agreement unless they or one of them takes title to all or a portion of the subject Development.

- (20) *Notice.* All notices, demands or writings in this Agreement provided to be given or made or sent that may be given or made or sent by either party hereto to the other, shall be deemed to have been fully given or made or sent when made in writing and deposited in the United States mail, certified and postage pre-paid, and addressed to the party at the following address:

City Manager
City of Angleton
121 S. Velasco Street
Angleton, TX 77515

The address to which any notice, demand or writing may be given or made or sent to any party as above provided may be changed by written notice given by such party as above provided.

- (21) *Subsequent Plats.* Approval of subsequent Final Plats by the City Council will be based, in part, upon the extent to which the terms and conditions of this Agreement have been met by the Developer. Approval may be withheld if substantial compliance is not had with the terms hereof and the submissions required herein.
- (22) *Cumulative Remedies.* The Developer acknowledges that the City Council reserves the right to sue for specific performance and to seek other remedies allowed by law or in equity if Developer does not strictly comply with all the provisions of this Agreement and any plans, specifications or other approvals granted as a result of this Agreement or in any subsequent agreement entered into by the parties.
- (23) *City—No Duty.* If the Improvements are not installed or are not properly installed pursuant to this Agreement, then the City shall have the right, but not the duty or obligation to either the Developer or any third party, to complete the construction of the Improvements. The parties acknowledge and agree that if the City, in its sole discretion, chooses to attempt to complete the Improvements.

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-
- (24) *Use of Collateral Proceeds.* The City Council shall use all liquid collateral and all net proceeds from the sale of any collateral pledged pursuant to this Agreement for the purpose of completing the Improvements and for no other purpose.
- (25) *No Obligation.* The City Council shall have no obligation to utilize any other funds or assets of the City to pay for the completion of any Improvements. The parties acknowledge that the City has no duty or obligation to the Developer or any third party to complete or repair any or all of the Improvements.
- (26) *Financial Disclosure.* Subject to the provisions of paragraph (24), upon the written request of the City Council, the Developer shall allow the City to review its then most recent audited financial statements.
- (27) *Confidentiality.* All financial information provided by the Developer to the City shall be done in absolute and strict confidence. Under no circumstance shall any of the financial information provided by Developer be disclosed in any manner to any person other than members of the City Council, City Attorney, City Manager and at least one CPA employed by the City to review of the financial statements.
- (28) *Return of Material.* After the completion of the review of the financial information, all statements, reports, copies, notes and paperwork of any kind prepared for, or in conjunction with, the financial review shall be returned to the Developer. Neither the City nor any officer, agent or employee of the City shall retain any personal notes, information, or paperwork in regard to the financial disclosure.
- (29) *Annual Limit.* The City may only request to review an audited financial statement once during each calendar year. The parties acknowledge that time delays are typical during the preparation of audited financial statements and; therefore, subject to the limitation set forth in this paragraph, if the audited financial statements have been completed, the Developer shall provide them to the City within five days of the City's request. Nothing to the contrary withstanding, the Developer shall have no obligation to have an audited financial statement completed before November 1st following the end of fiscal year.
- (30) *Executive Sessions.* The financial information disclosed to the City pursuant to this paragraph shall only be discussed in executive sessions in accordance with the TLGC.
- (31) *Solvency Representation.* The Developer represents solvency to the City at the time of execution of the Agreement.
- (32) *Third Party Rights.* No person or entity that is not a party to this Agreement will have any right of action under this Agreement. However, any purchaser of land subject to a plat restriction which is the security portion of this Agreement or the purchaser of land within the Development may bring a civil action to enforce this Agreement as provided in the LDC and State statutes.
- (33) *Benefits.* The benefits of this Agreement to the Developer are personal and may not be assigned without the express written approval of the City. Such approval may not be unreasonably withheld, but any unapproved assignment is void. Notwithstanding the foregoing, the burdens of this Agreement are personal obligations of the Developer and also will be binding on the heirs, successors, and assigns of the Developer. There is no prohibition of the right of the City to assign its rights under this Agreement.
- (34) The City will release the original Developer's guarantees if it accepts new security from any developer or lender who obtains the Development. However, no act of the City will constitute a release of the original Developer from his liability under this Agreement.
- (35) *Governmental Immunity.* Nothing in this Agreement constitutes a waiver of the City's immunity under applicable state law.
- (36) *Personal Jurisdiction and Venue.* Personal jurisdiction and venue for any civil action commenced by either party to this Agreement whether arising out of or relating to this Agreement or guarantees will be deemed to be proper only if such action is commenced in District Court of Brazoria County, Texas. The Developer expressly waives his right to bring such action in or to remove such action to any other court whether state or federal.

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(37) *Amendments.* If the City determines that certain provisions of this Agreement fail to achieve the goal of limiting the City's liabilities and/or obligations under this Agreement, the City may modify the Agreement without the consent of the Developer.

EFFECTIVE DATE: _____, 20____.

BY DEVELOPER: _____

NOTARY:

Acknowledged, subscribed and sworn to before me this ____ day of _____ 20__, by _____, representing _____ (Developer), for _____ (Subdivision/Development).

Witness my hand and official seal:

My commission expires: _____, 20____.

Notary Public

CITY OF ANGLETON CITY COUNCIL:

BY:

ATTEST:

BY:

NOTARY:

Acknowledged, subscribed and sworn to before me this ____ day of _____ 20__, by _____, City Secretary, City of Angleton.

Witness my hand and official seal.

My commission expires: _____, 20____.

Notary Public

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

APPENDIX C. ANGLETON CONSTRUCTION MANUAL (ACM)

Commented [LS88]: Considering developing standard details and specifications for the City.

Sec. 23-129. Design guidelines.

Consistency with Angleton Construction Manual (ACM) required. Public improvements shall be designed in accordance with the following specifications and criteria, which collectively are the ACM. The ACM shall automatically be amended in this LDC without formal action required to amend the LDC when any criteria set out below are updated by the jurisdiction cited:

1. City of Sugar Land Construction Specifications, as amended;
2. City of Sugar Land Design Standards and Appendices, as amended;
3. City of Sugar Land Construction Details, as amended;
4. City of Sugar Land Approved Products List and Product Application, as amended;
5. City of Sugar Land Traffic Impact Analysis Guidelines and Worksheet, as amended;

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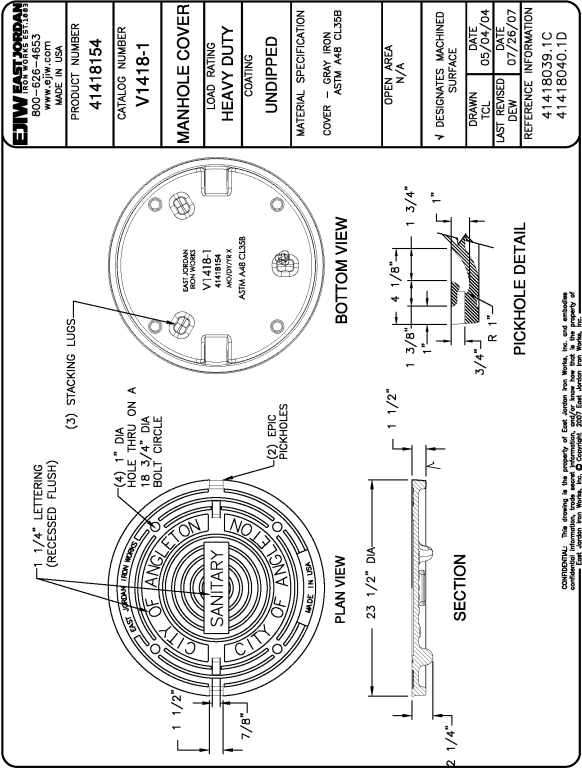
- 6. City of McKinney Sediment and Erosion Control Manual, as amended;
- 7. Brazoria County Stormwater Quality Coalition MS4 Construction Guidance Document, as amended;
- 8. City of Phoenix Knox Box, Key Switch, Automatic Gate, Manual Vehicle Gate/Pedestrian Gate Criteria, as amended;
- 9. 2008 Angleton Drainage District Rules, Regulations, and Guidelines, as amended; and
- 10. Brazoria County Drainage Manual, as amended.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-130. Standard manhole cover and fire hydrant specifications.

A. *Manhole cover specifications.* Manholes shall be installed in accordance with the detail shown on the following:

City of Angleton Manhole Cover Detail



Notes:

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1. MATERIAL SPECIFICATION SHALL BE ASTM A-48 CLASS 35B.
2. COVER TO BE SOLID WITHOUT HOLES AND WITH NON-PENETRATION RIM ACCESS RECESSES ONLY.
3. HORIZONTAL BEARING SURFACES TO BE MACHINED AND SEALED AT INSTALLATION WITH WATERPROOF GREASE COATING.
4. LOAD RATING TO BE HEAVY-DUTY.
5. MANHOLE FRAMES AND COVERS SET IN FARM TO MARKET ROADS OR HIGHWAYS SHALL FOLLOW TXDOT SPECIFICATIONS. (UNLESS OTHERWISE NOTED BY ANGLETON)

- B. *Fire hydrant specifications.* Fire hydrants shall be installed in accordance with the Mueller Super Centurion 250 specifications, as shown below, or an equivalent hydrant, including but not limited to, the EJ Water Master 5CD250 Hydrant. All hydrants shall include an Integral Storz Pumper Connection, as shown below.

City of Angleton Fire Hydrant Detail

UL / FM



FIRE PROTECTION PRODUCTS

**SUPER CENTURION®
& MODERN CENTURION®
FIRE HYDRANTS**

SECTION

A-1

Rev. 9-17

Shaded area indicates change

Super Centurion 250: 250 p.s.i. (1725 kPa/17 barg) Working Pressure - 500 p.s.i. (3450 kPa/35 barg) Test Pressure.
Super Centurion 350: 350 p.s.i. (2400 kPa/24 barg) Working Pressure - 700 p.s.i. (4800 kPa/48 barg) Test Pressure.
Super Centurion 200: 200 p.s.i. (1400 kPa/14 barg) Working Pressure - 400 p.s.i. (2800 kPa/28 barg) Test Pressure.
Modern Centurion: 175 p.s.i. (1200 kPa/12 barg) Working Pressure - 350 p.s.i. (2600 kPa/26 barg) Test Pressure.

Underwriter Laboratories (UL) Listed/Factory Mutual (FM) Approved/AWWA C502 Hydrants

Nominal Size of Main Valve Opening	2-way			3-way						4-way	
	Two 2-1/2" Hose Nozzles		Two Hose Gate Valves	Two 2-1/2" Nozzles and One Pumper Nozzle			Two Hose Gates and One Pumper Nozzle		Three Hose Gate Valves	Four Hose Gate Valves	Three Hose Gate Valves and One Pumper Nozzle
	Super Centurion 200	Modern Centurion	Super Centurion 200	Super Centurion 250	Super Centurion 350	Modern Centurion	Super Centurion 250	Modern Centurion	Super Centurion 250	Super Centurion 250	
4-1/2"	A-433	-	A-433 w/ option 370	A-421	A-421 w/ option 892	-	A-421 w/ option 370	-	-	-	-
5-1/4"	A-435	A-443	A-435 w/ option 370	A-423	A-423 w/ option 892	A-444	A-423 w/ option 370	A-446	A-454 w/ option 370	A-455 w/ option 370	A-458 w/ option 370

Integral Storz Connection

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(Supp. No. 19)

SECTION
A-1

Rev. 10-17

Shaded area indicates change

SPECIAL SERVICE
FIRE HYDRANTS AND
ACCESSORIES**UL / FM****FIRE PROTECTION PRODUCTS****Mueller® Centurion® Fire Hydrant with Intergral Storz Connection**

Now any Mueller Centurion Hydrant (traditional or Modern style), can be ordered with an integral Storz connection on the pumper nozzle. The nozzle can also be ordered separately to retrofit hydrants in the field.

The Storz connection allows the fire department to connect its pumper hose to the hydrant with a quick, quarter-turn action. The action is fast and smooth so firefighters can get to their tasks quickly without the thread alignment, cross threading, or leakage problems sometimes associated with threaded connections.

The Storz option is available for 4" or 5" pumper nozzles on any Centurion 200, 250, or Modern hydrants. Mueller hydrants retain their UL Approval, FM Listing, AWWA Compliance and published pressure rating when ordered with the Storz option. Hydrants are also compliant with NFPA 1963.

When ordering the integral Storz pumper nozzle, it is no longer necessary to provide an option number on the order. On the order, state the 'Storz' size, and locking or non-locking caps.

**Super Centurion 250 Model Numbers and Dimensions****Super Centurion 250™ catalog numbers**

A421 4-1/2" main valve opening 3-way (2 hose nozzle / 1 pumper nozzle)

A423 5-1/4" main valve opening 3-way (2 hose nozzle / 1 pumper nozzle)

A454 4-1/2" main valve opening 3-way (3 hose nozzle) *

A455 5-1/4" main valve opening 4-way (4 hose nozzle) *

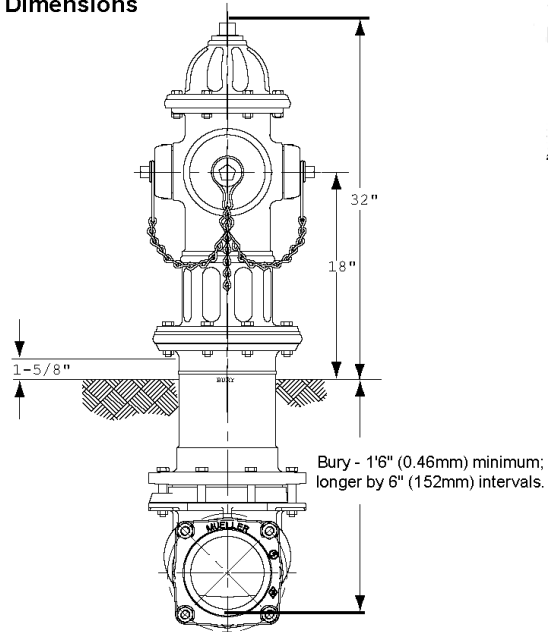
A458 4-1/2" main valve opening 4-way (3 hose nozzle / 1 pumper nozzle) *

A459 5-1/4" main valve opening 4-way (2 hose nozzle / 1 pumper nozzle)**

* Hose Gate Valves required on FM Approved Models

** A459 is UL Listed and ANSI/AWWA C502

Dimensions



Mueller® Super Centurion® Fire Hydrants

High flow and dependable long time performance.

❶ Hold-down nut

Features an integral weather seal.

❷ Anti-friction washer

Helps assure easy operation over the life of the hydrant.

❸ Oil filler plug

Permits visual check of oil level. Allows addition of oil without removing bonnet.

❹ Sealed oil reservoir

O-ring sealed to prevent leakage. Lubricant is forced over stem threads and bearing surfaces each time hydrant is operated.

❺ Dual O-ring seals

Seal in lubricant and seal out water.

❻ Field-replaceable hose & pumper nozzles

O-ring sealed, threaded in place, and retained by stainless steel locks. Optional Mueller Storz-style pumper nozzle available.

❼ Full-flow openings

Large, smooth radius hose & pumper openings reduce friction loss.

❽ Heavy-duty non-kinking chains

Special chain loop permits free turning of cap.

❾ Stainless steel stem coupling

Provides a tight, corrosion resistant connection during normal operation. If vehicle hits hydrant, coupling breaks cleanly, preventing stem or main valve damage. Designed so a tire cannot depress the stem and open main valve.

❿ Traffic flange

Breaks cleanly to help prevent barrel damage, but strong enough to withstand normal handling. Allows economical repair, adding of extension section, and rotation or changing of upper barrel without excavation.

⓫ Drain valve facings

Specially designed, long-life polymer facings provide effective seal.

⓬ Bronze upper valve plate

Conical design reduces turbulence.

⓭ Bronze seat ring

Threaded into bronze drain ring and O-ring sealed. Can be removed or installed from above ground. Double drain valves are flushed each time the main valve is open or closed. Bronze drain valves are integral parts of main valve assembly.

⓮ Reversible, compression-type encapsulated main valve

Closes with pressure for positive seal. Rubber material has long service life, yet is reversible, providing a convenient spare in place.

⓯ Cap nut

Retains main valve. Sealed by cap nut gasket to prevent corrosion of stem threads. Locked in place by a stainless steel lock washer. Epoxy coated to resist corrosion.

⓰ O-ring flange seals

Superior pressure handling, easier disassembly & maintenance.





(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-131. Screening wall/retaining wall specifications.

Commented [LK90]: Remove

Screen walls and retaining walls shall be designed in accordance with the City of Allen Screening Wall Retaining Wall Specifications, as amended, and applicable City of Angleton Building Code requirements, as amended. In the event of a conflict between the design specifications and the building code, the more stringent requirement shall prevail.

(Supp. No. 19)

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SCREENING WALL
RETAINING WALL

REVISED -- JULY 2017



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GENERAL NOTES

BRICK SCREENING WALL

1. CONCRETE MINIMUM STRENGTH, 3600 P.S.I. @ 28 DAYS.
2. REINFORCEMENT - ASTM A36.
3. MASONRY - COMPRESSIVE STRENGTH SHALL BE AS PRESCRIBED IN THE ITEM 2.3.3 OF CITY OF ALLEN, SPECIAL PROVISIONS TO STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION.
4. MINIMUM WIND LOAD - 25.6 p.s.f.
5. PIER BEARING STRESSES - SEE BRICK SCREENING WALL NOTES.
6. MORTAR - TYPE "S"
7. PROVIDE CONTROL JOINTS @ 50 FEET.
8. PROVIDE EXPANSION JOINTS @ 200 FEET ON CENTER MAXIMUM.
9. PROVIDE PIER DEPTHS AT A MINIMUM 9 FEET IN CLAY OR 6 FEET MINIMUM WITH 3 FEET MINIMUM INTO ROCK.
10. ALL EXPOSED CONCRETE SHALL HAVE RUBBED FINISH SURFACE.
11. SIDEWALKS ADJACENT TO WALLS MUST BE 5 FEET MINIMUM WIDTH FROM ALL PORTIONS OF THE WALL (INCLUDING PILASTERS, COLUMN, ETC.)
12. MAXIMUM PILASTER SPACING - 10 FEET.
13. WALLS ON LINE OF SIGHT EASEMENT AT CORNERS, WILL NOT HAVE A TOP ELEVATION GREATER THAN 30' ABOVE THE NEAREST GUTTER ELEVATION.
14. THE WALL SHALL BE EIGHT FEET IN HEIGHT AS MEASURED FROM THE HIGHEST ADJACENT GRADE. THE COLOR OF THE WALL SHALL BE LIMITED TO EARTH TONE COLORS, EXCLUDING GRAY, GREEN AND WHITE. THE FINISH OF THE WALL SHALL BE CONSISTENT ON ALL SURFACES.

PRECAST CONCRETE WALL

1. PRECAST CONCRETE WALLS SHALL NOT BE INSTALLED ADJACENT TO THOROUGHFARES, BUT BE LIMITED TO THE SIDES AND REAR OF NON-RESIDENTIAL DEVELOPMENT (AS LONG AS THOSE SIDES DO NOT FACE OR PARALLEL A PUBLIC STREET).
2. PRECAST WALLS SHALL CONFORM TO THE ELEMENTS DETAILED IN THE STANDARD CONSTRUCTION DETAILS AND EXHIBIT THE FOLLOWING AESTHETIC ELEMENTS:
 - WALL AND COLUMNS MUST BE TEXTURED AND COLORED TO HAVE THE APPEARANCE OF STONE OR CLAY-FIRED BRICK.
 - THE PANELS SHALL REST ON A CONCRETE MOW STRIP OR, IF THE DESIGN RESULTS IN A SPAN AND GAP AT THE BASE, THE GAP SHALL BE HIDDEN FROM VIEW BY VERTICAL COURSE OF BRICK OR OTHER SUCH SUITABLE CONSTRUCTION, ALLOWING FOR DRAINAGE AS APPROPRIATE, AT THE DISCRETION OF THE CITY.
 - COLUMN SPACING SHALL BE 10' O-C, MAXIMUM.

PIER & COLUMN

1. CONCRETE SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 3600 P.S.I. @ 28 DAYS.
2. REINFORCING STEEL SHALL BE NEW BILLET STEEL CONFORMING TO THE REQUIREMENTS OF ASTM A-615-GR.60.
3. CONCRETE FOR DRILLED PIERS SHALL BE PLACED WITHIN 8 HOURS OF DRILLING PIER HOLES.
4. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE "RECOMMENDED PRACTICE FOR ENGINEERED BRICK MASONRY" - BRICK INSTITUTE OF AMERICA.
5. USE # 9 GAUGE 1 3/4" WIDE GALVANIZED LADDER WIRE TO EXTEND HORIZONTAL IN WALL PANEL FOR EVERY COURSE.
6. SCREENING WALLS SHALL BE LOCATED AT THE PROPERTY LINE. A HOME OWNERS ASSOCIATION WILL BE ESTABLISHED AND SHALL PROVIDE MAINTENANCE FOR THE WALL.



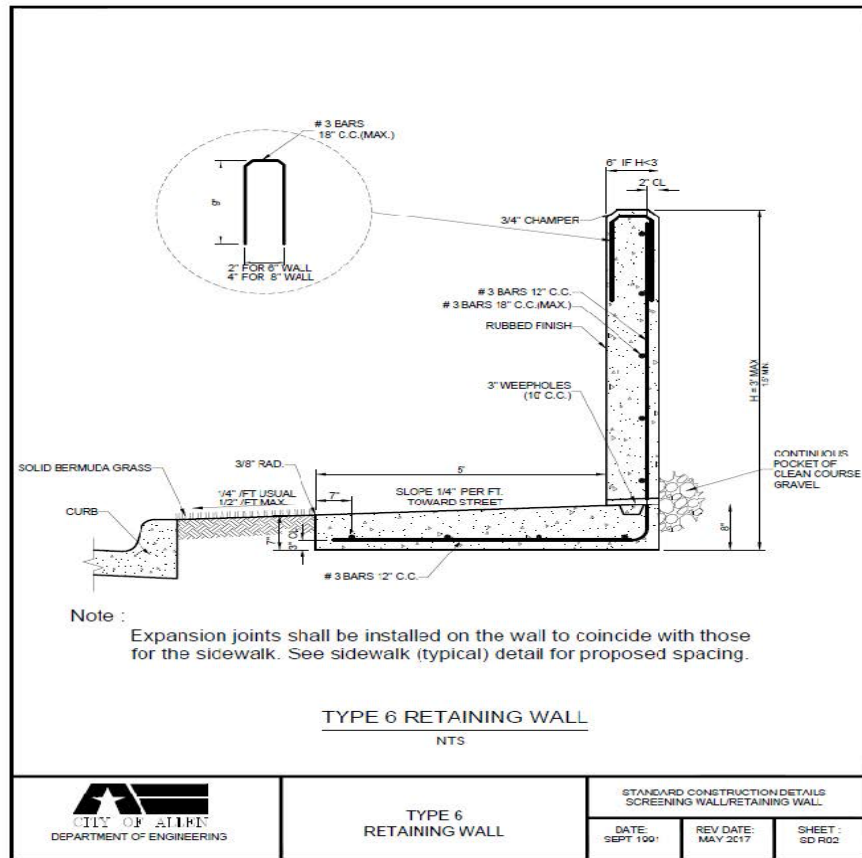
GENERAL NOTES
(BRICK SCREENING WALLS,
PRECAST CONCRETE WALL &
PIER AND COLUMN)

STANDARD CONSTRUCTION DETAILS
SCREENING WALL/RETAINING WALL

DATE:
SEPT 1991

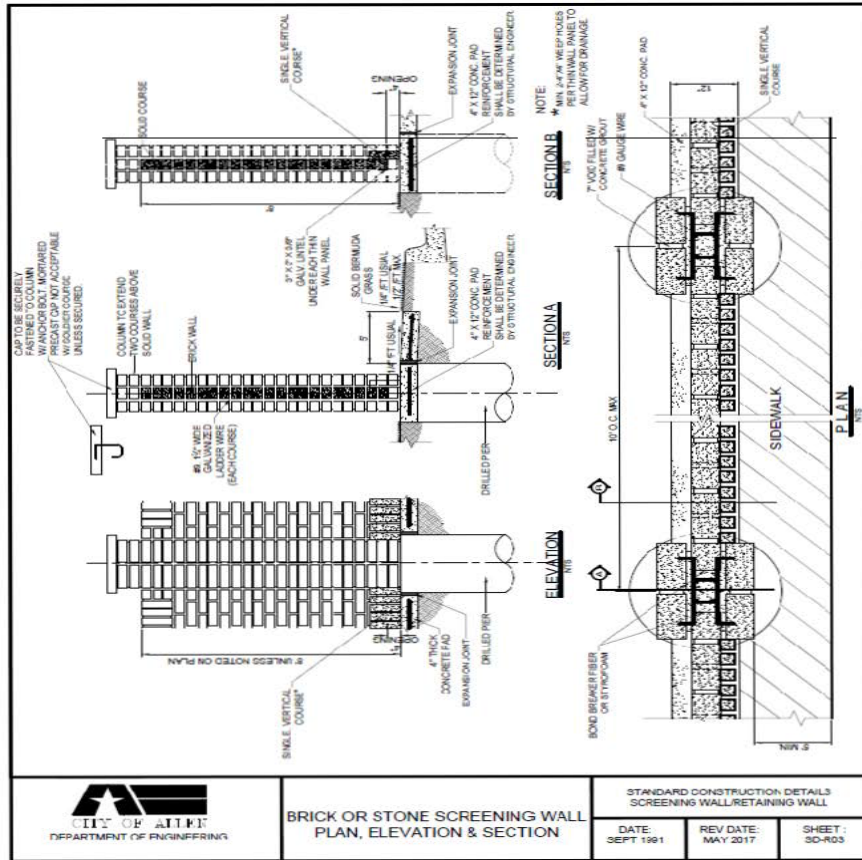
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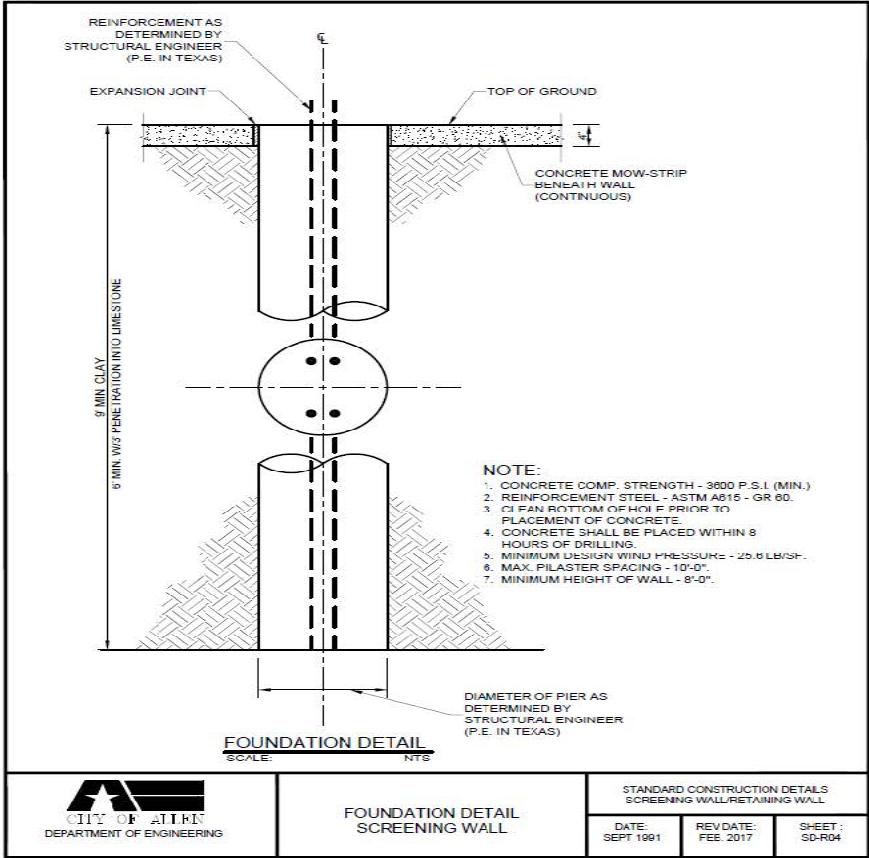
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SD-R01

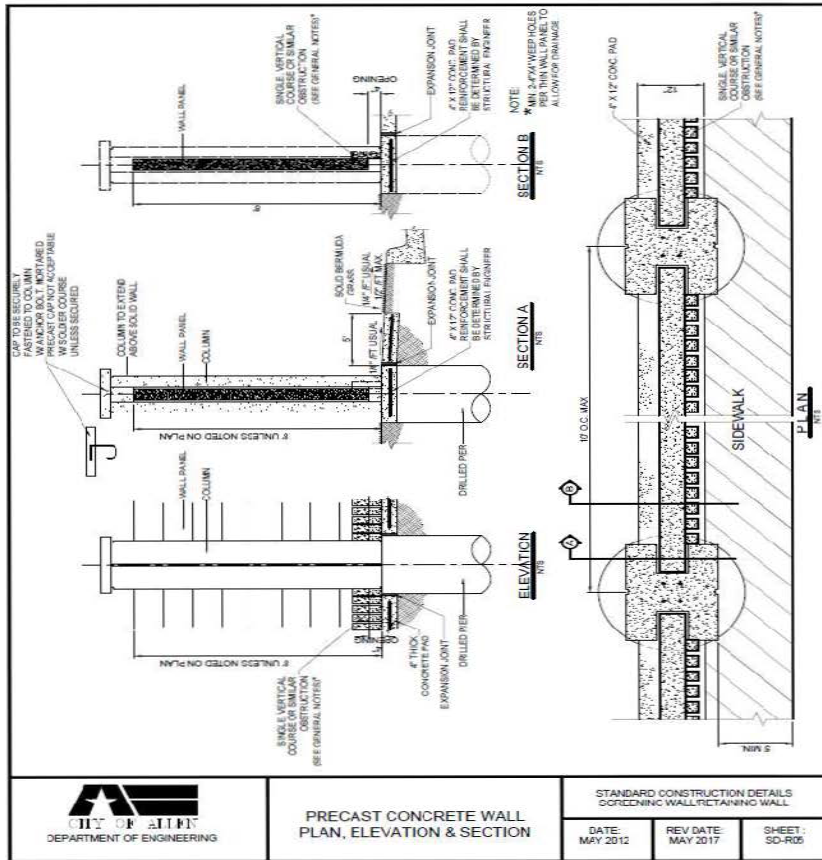


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(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-132. Emergency access specifications and standards.

A. Siren operated sensor or mobile/portable radio access required.

1. All new commercial or residential development with electronically operated access gates within the city and its ETJ, shall be required to install a siren operated sensor, or a mobile/portable radio access-controlled device on such gates, subject to building official and fire marshal approval, prior to the issuance of permits and a certificate of occupancy. An example of mobile/portable radio access device is the *Click2Enter-I.V4* model device, but alternative equipment that provides the same, or superior results may be proposed for fire department consideration. *Click2Enter* information is available at: <http://www.click2enter.net/products.asp>.

Commented [LK91]: Remove and add to design standards manual

(Supp. No. 19)

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2. All key switches, opener devices, and gate markings shall be subject to city review and approval prior to installation of the system.
3. The owner of the sensor and gate is responsible for the ordering and installation of the siren operated sensor.
4. The siren operated sensor and gate shall be maintained in working order for the life of the gate.
5. The siren operated system comes with a decal notifying emergency services of the system's existence. This decal shall be affixed to the gate in a viewable unobstructed area.
6. Upon the installation of the siren operated system, the owner shall notify the fire marshal at their earliest convenience to schedule a time to test the system and to submit manual keypad codes. Any changes to the manual keypad codes shall be reported to fire marshal immediately upon such a change.
7. The building official, fire marshal, or fire chief, or their designees, shall make an annual inspection of the system and may request a periodic inspection at any time to ensure that the system is operational.
8. Siren operated sensors shall include battery, or generator powered back up.
9. In the event that a gate becomes non-operational, it shall remain in the open position until such time as all minimum requirements have been returned to a fully operational status.
10. It shall be the responsibility of the property owner/property management to ensure gates and sensors are properly maintained and repaired as necessary.

B. Knox boxes, key switches, and automatic/manual/pedestrian/emergency access gates.

1. The use of Knox boxes, key switches, automatic gates, and manual vehicle gates shall be required as set out in the emergency access specifications and standards prescribed in the Angleton Construction Manual. Specific sign colors and equipment alternatives shall be subject to fire marshal or fire chief review and approval, based on the circumstances, location, and projected usage of each emergency access facility.
2. The building official, in consultation with the fire marshal or fire chief can consider an administrative amendment of any of the design standards provided that:
 - a. Any approved amendment was necessitated by public health and safety rationale; and
 - b. Any approved amendment will not diminish the public health and safety rationale that are the basis of the emergency access standards.

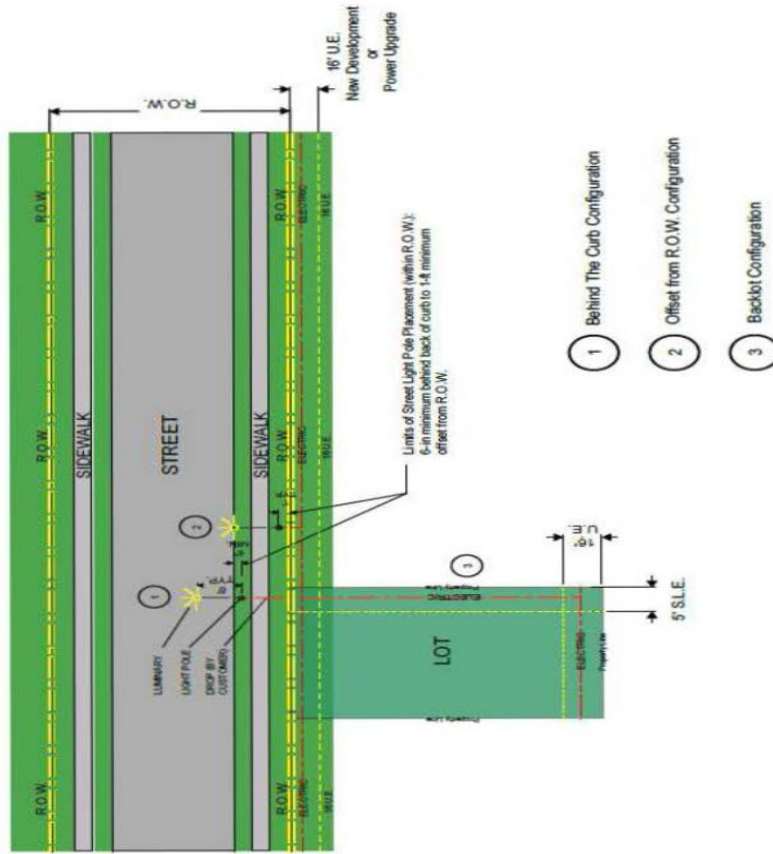
(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-133. Street lights and electric service.

Street lights and electrical service shall be installed as set out in below:

Commented [LK92]: Remove and add to design standards manual

STREET LIGHTING EXHIBIT (16' utility easement)



(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

(Supp. No. 19)

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Part II - CODE OF ORDINANCES
Chapter 28 ZONING

Appendix D

Chapter 28 ZONING¹

ARTICLE I. ENACTING PROVISIONS

An ordinance of the City of Angleton, Texas, repealing the zoning ordinance #854 (chapter 28) of the City of Angleton, adopted on the 17th day of March 1981, together with all amendments thereto; establishing and providing zoning regulations; creating use districts in accordance with the comprehensive plan approved by the city council; regulating within such districts the height of buildings and structures, the size of yards courts and open spaces, and the height, bulk, exterior elevations and use of buildings and land for nonresidential, residential and other purposes; providing for specific use permits; specifying minimum requirements for off-street parking of motor vehicles and off-street loading areas; providing minimum required floor areas for dwelling units and the type of exterior construction within certain zoning districts; regulating the density of dwellings and other structures and the percentage of each lot that may be occupied by structures; adopting performance standards for nonresidential uses; establishing the basis for creating a building site; providing for appropriate plan approvals; providing fence and wall regulations; providing special access standards; adopting a zoning district map and making it a part of this chapter, together with all symbols, markings and tables appearing on said map and within the ordinance; creating a zoning board of adjustment and defining its powers and duties; creating a planning and zoning commission and defining its powers and duties; providing for nonconforming uses and a method of discontinuance thereof; defining certain terms as used within this chapter; providing for a certificate of occupancy and compliance; authorizing publication of the descriptive caption and penalty clause; providing for a penalty not to exceed \$2,000.00 for each and every offense; providing a savings clause and a repealer clause; preserving rights

¹Editor's note(s)—Ord. No. 2009-O-4A, adopted April 14, 2009, repealed the former ch. 28Editor's note(s)—, in its entirety, and enacted a new ch. 28Editor's note(s)—, §§ 28-1Editor's note(s)—28-136, as set out herein. The former ch. 28Editor's note(s)—, §§ 28-1Editor's note(s)—28-410, pertained to similar subject matter. See also the Code Comparative Table.

Cross reference(s)—Administration, ch. 2Cross reference(s)—; Brazoria County-Angleton-Lake Jackson Joint Airport Zoning Board, § 2-76Cross reference(s)— et seq.; alcoholic beverages, ch. 3Cross reference(s)—; location of alcoholic beverage establishments restricted, § 3-5Cross reference(s)—; animals, ch. 4Cross reference(s)—; limitation on the number of livestock per dwelling, § 4-5Cross reference(s)—; animal nuisances, § 4-6Cross reference(s)—; limitation on number of dogs, § 4-26Cross reference(s)—; buildings and building regulations, ch. 5Cross reference(s)—; board of adjustment declared, building board of adjustment and appeals, § 5-32Cross reference(s)—; fire limits established, § 5-46Cross reference(s)—; code for the elimination or repair of unsafe buildings adopted, § 5-511Cross reference(s)—; the zoning board of adjustment to act as unsafe building code board of adjustment, § 5-512Cross reference(s)—(2); fire prevention, ch. 7Cross reference(s)—; fire marshal authorized to order repair, etc., of dilapidated and unsafe buildings or other property, § 7-44Cross reference(s)—; housing, ch. 11Cross reference(s)—; junked, abandoned, wrecked property, ch. 12Cross reference(s)—; manufactured homes and manufactured home parks, ch. 14Cross reference(s)—; oil and gas and minerals, ch. 16Cross reference(s)—; parks and recreation, ch. 17Cross reference(s)—; peddlers, itinerant merchants and solicitors, ch. 18Cross reference(s)—; public amusements, ch. 21Cross reference(s)—; signs, ch. 21.5Cross reference(s)—; streets, sidewalks and other public places, ch. 22Cross reference(s)—; subdivisions, ch. 23Cross reference(s)—, art. II; utilities, ch. 26Cross reference(s)—; vehicles for hire, ch. 27Cross reference(s)—.

Part II - CODE OF ORDINANCES
Chapter 28 - ZONING
ARTICLE I. ENACTING PROVISIONS

in pending litigation regarding violations under the existing ordinance; providing an open meetings clause and providing for an effective date.

Whereas the city council and planning and Zoning Commission of the City of Angleton, Texas have provided notice and conducted hearings as required by applicable law and the planning and zoning commission, at its meeting of April 7, 2009, made its report recommending that the city council adopt this chapter; and

Whereas, the city council finds that the zoning districts, development standards and other provisions of the ordinance are consistent with the comprehensive plan of the City of Angleton, Texas:

Now, therefore, be it ordained by the city council of the City of Angleton, Texas.

Sec. 28-1. Enacting Clause.

This chapter is hereby enacted and adopted as the comprehensive zoning ordinance of the city of Angleton, Texas. The previous zoning ordinance #854 of the city, chapter 28 of the code of ordinances of the City of Angleton, Texas (city code), adopted on the 17th day of March 1981, together with all amendments thereto, is hereby amended, repealed and replaced in its entirety by this chapter to read as follows.

(Ord. No. 2009-O-4A, §§ (I)(1), 4-14-09)

Commented [LK1]: Fix capitalization in the entire document.

Sec. 28-2. Title and Purpose.

This chapter shall be known and may be cited as the City of Angleton's "Comprehensive Zoning Ordinance" or "Zoning Ordinance."

As authorized by V.T.C.A., Local Government Code Ch. 211, the zoning regulations and districts as herein established have been made in accordance with an adopted comprehensive plan for the purpose of promoting the public health, safety, morals and general welfare, and protecting and preserving places and areas of historical, cultural and/or architectural importance and significance within the city. They have been designed to lessen the congestion in the streets; to secure safety from fire, panic and other dangers; to ensure adequate light and air; to prevent the overcrowding of land and thus avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, wastewater treatment, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, for the character of each zoning district and its peculiar suitability for the particular uses specified; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city.

(Ord. No. 2009-O-4A, §§ (I)(2), 4-14-09)

Sec. 28-3. Zoning district map.

- (a) The city is hereby divided into zones, or districts, and the boundaries of zoning districts set out herein are delineated upon the zoning district map of the city, which may also be cited as the "zoning map," said map being adopted as a part of this chapter as fully as if the same were set forth herein in detail.
- (b) One original of the zoning district map shall be filed in the office of the city secretary and labeled as "Official Zoning Map of the City of Angleton, Texas - Ordinance No. 2009-O-4A." This copy shall be the official zoning district map and shall bear the signature of the mayor, attested by the city secretary, and shall bear the seal of the city under the following words: "This is to certify that this is the Official Zoning Map referred to in section 28-3 of the Zoning Ordinance, Ordinance No. 2009-O-4A of the City of Angleton, Texas, adopted on

the 14th day of April, 2009." This copy shall not be changed in any manner. In case of any question, this copy, together with amending ordinances, shall be controlling.

Commented [LK2]: Update date if amendments are adopted

- (c) A copy of the official zoning district map shall be placed in the office of the city manager. The map copy shall be used for reference and shall be maintained up-to-date by posting thereon all subsequent amendments. Reproductions for informational purposes may only be made of the official zoning district map or this copy.

Any changes or amendments made to the zoning district boundaries shall be made on the map copy promptly after the amendment has been approved by the city council, together with a descriptive entry on the map as follows: "On the ____th day of _____, 20____, by official action of the City Council of Angleton, Texas, the following change(s) was made on the city's official zoning district map: _____ (*enter a brief description of the nature of the change*), Ordinance No. _____, effective date _____, 20____." Each descriptive entry for a zoning map amendment shall be signed by the mayor and attested by the city secretary.

- (d) In the event that the official zoning map becomes damaged, destroyed, lost or difficult to interpret due to age, exposure, or the nature or number of changes or additions, the city council may adopt, by ordinance following a public hearing, a new official zoning map which shall replace and supersede the prior zoning map, but which shall not, in effect, amend or otherwise change the original official zoning map or any subsequent amendment thereto. The new official zoning map shall bear the signature of the mayor, attested by the city secretary, and shall bear the seal of the city under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the original Official Zoning Map referred to in section 28-3 of the Zoning Ordinance, Ordinance No. 2009-O-4A of the City of Angleton, Texas, adopted on the 14th day of April, 2009." Unless the prior official zoning map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

(Ord. No. 2009-O-4A, §§ (l)(3)(3.1—3.4), 4-14-09)

Sec. 28-4. Zoning district boundaries.

- (a) The zoning district boundary lines shown on the zoning district map are usually along streets, alleys, property lines, or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the zoning district map, the following rules shall apply:
- (1) Boundaries shown as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.
 - (2) Boundaries shown as approximately following platted lot lines shall be construed as following such lot lines.
 - (3) Boundaries shown as approximately following city limits shall be construed as following such city limits.
 - (4) Boundaries shown as following railroad lines shall be construed to be located along the centerline of the railroad right-of-way lines.
 - (5) Boundaries shown as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline. Boundaries shown as approximately following the centerlines of streams, rivers, creeks, canals, bodies of water, or drainageways shall be construed to follow such centerlines, and in the event of change in any such centerlines shall be construed to move with such centerlines.
 - (6) Boundaries shown as parallel to, or extensions of, features described in subsections (1) through (5) above shall be so construed. Distances not specifically indicated on the zoning district map shall be determined by the scale of the map.

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(Supp. No. 19)

- (7) Whenever any street, alley or other public way is vacated by official action of the city council, or whenever such area is franchised for building purposes, the zoning district line adjoining each side of such street, alley or other public way shall be automatically extended to the centerline of such vacated street, alley or public way (or to the new property ownership boundary line, if it is not determined to be at the former centerline) and all areas so involved shall then and henceforth be subject to all regulations of the extended districts.
- (8) The zoning classification applied to a tract of land adjacent to a street shall extend to the centerline of the street unless, as a condition of zoning approval, it is stated that the zoning classification shall not apply to the street.
- (9) Where physical features on the ground are at variance with information shown on the zoning district map, or if there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of subsections (1) through (8) above, then the board of adjustment shall interpret the zoning district boundaries.
- (10) If the zoning of property is invalidated by a judgment of a court of competent jurisdiction, the property shall be considered classified as "AG" (~~agricultural~~Agricultural district) in the same manner as provided for newly annexed territory.
- (11) Zoning changes which are still valid and which were made between the effective date of the previous zoning ordinance, adopted on March 17, 1981, and the effective date of this chapter are indicated in approximate locations on the zoning district map. For exact legal descriptions, refer to the adopting ordinances for each particular zoning change.

(Ord. No. 2009-O-4A, §§ (l)(4)(4.1), 4-14-09)

Commented [LK3]: Update when amendments are adopted

Sec. 28-5. Compliance required and application of regulations.

- (a) Unless otherwise provided herein, all land, buildings, structures or appurtenances thereon located within the City of Angleton, Texas which are hereafter occupied, used, constructed, erected, removed, placed, demolished, and/or converted shall be occupied, used, erected, altered, removed, placed, demolished and/or converted in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located, as hereinafter provided, or such shall be subject to penalties as per section 28-133 of this chapter. All of the standards and regulations prescribed herein shall be considered as the minimum requirement unless explicitly stated otherwise, provided that all property meeting the requirements of subsection 28-21(b)(3) of this chapter shall be deemed in conformance with the provisions of this chapter and owners shall be able to use their property in accordance with zoning regulations in effect prior to the adoption of this chapter.
- (b) No uses shall be allowed which are prohibited by state or federal law or which operate in excess of state or federal environmental, pollution or performance standards as determined by the U.S. Environmental Protection Agency (EPA), Texas State Department of Health (TSDH), Texas Commission on Environmental Quality (TCEQ), Federal Aviation Administration (FAA), Federal Communications Commission (FCC), or any other applicable state or federal agency, as the case may be.
- (c) No lot upon which a building has been erected shall later be so reduced in area that the setbacks, yards and/or open spaces shall be smaller than those required by this chapter.
- (d) Unless otherwise provided herein, no building shall hereafter be erected or altered:
 - (1) To have more narrow or smaller front, side or rear yards than those required by this chapter;
 - (2) To exceed the maximum height allowed by this chapter;

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(Supp. No. 19)

- (3) To occupy a greater percentage of lot area than allowed by this chapter; or
- (4) To accommodate or house a greater number of families than is specified within this chapter for the zoning district in which such building is located.

(Ord. No. 2009-O-4A, §§ (I)(5)(5.1—5.4), 4-14-09; Ord. No. 2013-O7C, § 2, 7-9-13)

Sec. 28-6. Zoning upon annexation.

Commented [LK4]: Update based on recent legislative changes

- (a) As soon as practical following annexation, but in no event more than 180 calendar days thereafter, the city council shall, on its own motion or upon application by property owners of the annexed area, initiate proceedings to establish appropriate zoning on the newly annexed territory, thereupon the city manager shall commence public notification and other standard procedures for zoning amendments as set forth in section 28-24. Said proceedings to establish zoning may be undertaken concurrently with annexation procedures (i.e., notified at the same time, public hearings scheduled at the same time as annexation, etc.), however zoning approval and formal adoption of the ordinance establishing zoning must occur after annexation approval and adoption have occurred, and as a separate and distinct action by the city council. For the period of time following official annexation by the city until a zoning action has been officially adopted to zone the land, the interim zoning of the land shall be considered to be ~~agricultural~~Agricultural ("AG"), and all zoning and development regulations of the "AG" zoning district shall be adhered to with respect to development and use of the land that has been newly annexed. This interim "AG" zoning classification shall continue until the zoning of the property has been officially changed in accordance with section 28-24.
- (b) The initial zoning of a land parcel, whether it is interim in nature, by initiation of the landowner or by initiation of the city, must meet the requirements for notification and public hearings as set forth in section 28-24 and all other applicable state laws.
- (c) The owner of land to be annexed may submit an application for zoning the property simultaneously with submission of the petition for annexation, but no such annexation application may be made conditioned upon the approval of any particular zoning classification.
- (d) Within an area classified as "AG" (~~agricultural~~Agricultural):
 - (1) No permit for the construction of a building or use of land shall be issued by the city manager, or his/her designee, other than a permit which will allow the construction of a building or use permitted in the "AG" district, unless and until such territory has been classified in a zoning district other than the "AG" district by the city council in the manner prescribed by section 28-24, except as provided in subsection (2) below.
 - (2) If plans and preparations for developing a property for a use other than those specified in the "AG" district were already in progress prior to annexation of the property into the City of Angleton, then the city council may authorize construction of the project by a majority vote. Application of this subsection is contingent upon the following:
 - a. An application for a building permit for the proposed building or use must be made to the City Manager of the City of Angleton (or his/her designee) within six months after annexation of the property into the city; and
 - b. The applicant must be able to demonstrate that plans and other preparations for developing the property commenced prior to (i.e., were already in progress at the time of) annexation into the city.

In its deliberations concerning authorization to proceed with construction of a project which meets the above criteria, the city council shall take into consideration the appropriate land use for the area as shown on the

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city's future land use plan. Upon approval by the city council, the city manager (or his/her designee) shall notify the building official (or his/her designee) of such approval.

(Ord. No. 2009-O-4A, §§ (l)(6)(6.1—6.4), 4-14-09)

Secs. 28-7—28-20. Reserved.

ARTICLE II. ZONING PROCEDURES AND ADMINISTRATION

Sec. 28-21. Nonconforming uses and structures.

(a) *Intent of provisions:*

- (1) Within the districts established by this chapter or amendments thereto, there may exist lots, structures, uses of land and structures, and characteristics of use which were lawfully in existence and operating before this chapter was enacted, amended or otherwise made applicable to such lots, structures or uses, but which do not now conform to the regulations of the district in which they are located. It is the intent of this chapter to permit such nonconforming uses to continue, as long as the conditions within this section and other applicable sections of the chapter are met.
- (2) It is further the intent of this chapter that nonconforming uses shall not be enlarged upon, expanded or extended, and shall not be used as a basis for adding other structures or uses prohibited elsewhere in the same district.
- (3) Nonconforming uses are hereby declared to be incompatible with the permitted uses in the districts involved.

(b) *Nonconforming status:*

- (1) Any use, platted lot or structure which does not conform with the regulations of this zoning chapter on the effective date hereof or any amendment hereto, except as expressly provided in subsection (3) below, shall be deemed a nonconforming use, platted lot or structure provided that:
 - a. Such use, platted lot or structure was in existence under and in compliance with the provisions of the immediately prior zoning ordinance;
 - b. Such use, platted lot or structure was a lawful, nonconforming use, platted lot or structure under the immediately prior zoning ordinance; or
 - c. Such use, platted lot or structure was in existence at the time of annexation into the city, was a legal use of the land at such time, and has been in regular and continuous use since such time.
- (2) Any other use, platted lot or structure which does not conform with the regulations of the zoning district in which it is located on the effective date of this chapter or any amendment hereto, and except as provided in subsection (3) below, shall be deemed to be in violation of this chapter, and the city shall be entitled to enforce fully the terms of this chapter with respect to such use, platted lot or structure.
- (3) The following types of platted lots shall be deemed in conformance with the provisions of this chapter, notwithstanding the fact that such lot does not meet the standards of this chapter in the district in which it is located:
 - a. Any vacant lot that conformed to the city's zoning district regulations at the time that it was platted; or

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- b. Any lot occupied by a single-family dwelling authorized under the zoning district regulations in which the lot is located.
 - (c) *Continuing lawful use of land and structures:*
 - (1) A nonconforming use or structure may continue to be used, operated or occupied in accordance with the terms of the zoning regulations by which it was established, or in the case of annexed property, in accordance with the regulations under which it was created.
 - (2) A nonconforming structure occupied by a nonconforming use may be reoccupied by a conforming use, following abandonment of the nonconforming use.
 - (d) *Abandonment of nonconforming uses and structures, and cessation of use of structure or land:*
 - (1) If a nonconforming use or structure is abandoned, any future use of the premises shall be in conformity with the provisions of this chapter, as amended, and with any other applicable city codes or ordinances that are in effect at the time the use is resumed or the structure is reoccupied.
 - (2) A nonconforming use or structure shall be deemed "abandoned" in the following circumstances:
 - a. The use ceases to operate for a continuous period of 90 days;
 - b. The structure remains vacant for a continuous period of 90 days; or
 - c. In the case of a temporary use, the use is moved from the premises for any length of time.
 - (e) *Changing nonconforming uses:*
 - (1) A nonconforming use shall not be changed to another nonconforming use.
 - (2) A nonconforming use may be changed to a conforming use provided that, once such change is made, the use shall not be changed back to a nonconforming use.
 - (3) A conforming use located in a nonconforming structure may be changed to another conforming use, but shall not be changed to a nonconforming use.
 - (f) *Expansion of nonconforming uses and structures:*
 - (1) A nonconforming use may be extended throughout the structure in which it is located, provided that:
 - a. The structure or its premises shall not be enlarged or increased in height, in floor area or in land area to accommodate extension of the nonconforming use;
 - b. No alteration shall be made to the structure occupied by the nonconforming use, except those alterations that are required by law to preserve the integrity of the structure and alterations that would upgrade the quality, safety or aesthetic appeal of the structure; and
 - c. The number of dwelling units occupying the structure shall not exceed the number of dwelling units existing at the time the use became nonconforming.
 - (2) A nonconforming use occupying a structure shall not be extended to occupy land outside the structure.
 - (3) A nonconforming use or structure shall not be enlarged, increased or extended to occupy a greater area of land than was occupied at the time the use or structure became nonconforming, except to provide additional off-street parking or loading areas required by this chapter.
 - (g) *Reconstruction or repair of nonconforming structure:*
 - (1) If 50 percent or more of the total appraised value, as determined by the Brazoria County Appraisal District, of a nonconforming structure is destroyed by fire, the elements, or some other cause, then the structure may be rebuilt only in conformity with the standards of this chapter.

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- (2) If less than 50 percent of the total appraised value, as determined by the Brazoria County Appraisal District, of a nonconforming structure is destroyed by fire, the elements, or some other cause, then the structure may be repaired and as it was before the partial destruction but only to its original dimensions and floor area, and provided that such reconstruction is completed within one year (i.e., 365 calendar days) following the event that caused the partial destruction. If reconstruction is delayed by contested insurance claims, litigation, or some other similar cause, then the one-year reconstruction period may be extended by the city council, not to exceed six months at a time.
- (3) If a nonconforming structure that is totally or partially destroyed was occupied by a nonconforming use at the time of such destruction, then the nonconforming use may be re-established subject to the limitations on expansion set forth in subsection (f) above.
- (4) Any conforming structure that is totally or partially destroyed shall be reconstructed only in conformity with the standards of this chapter.
- (5) Nothing in this chapter shall be construed to prohibit the upgrading, strengthening, repair or maintenance of any part of any structure, conforming or nonconforming, that is declared unsafe or uninhabitable by the proper authority, unless such repairs or maintenance exceeds 50 percent of the structure's appraised value, as determined by the Brazoria County Appraisal District.
- (h) *Moving of nonconforming structure:*
- (1) No nonconforming structure or building shall be moved in whole or in part to any other location on the lot, or to any other location or lot, unless every portion of such structure is in compliance with all the regulations of the zoning district wherein the structure is to be relocated. Such building relocation shall also require a structure relocation permit from the city, and may also require platting of the intended building site pursuant to the city's subdivision ordinance as well as approval of a site plan in accordance with section 28-26.
- (i) *Nonconforming lots:*
- (1) Nothing in this chapter shall be construed to prohibit the use of a lot that does not meet the minimum lot standards of the zoning district in which it is located, provided that the lot is zoned for the land use(s) intended and the lot was platted as a lot of record prior to the effective date of this chapter.
- (j) *Right to proceed preserved:*
- (1) Nothing contained in this section is intended to alter any rights that may have accrued to proceed under prior regulations, pursuant to V.T.C.A., Local Government Code § 43.002, or §§ 245.001—245.006.

(Ord. No. 2009-O-4A, §§ (II)(7)(7.1—7.10), 4-14-09)

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Sec. 28-22. Planning and zoning commission.

- (a) *General:* The planning and zoning commission (also referred to as the "commission") shall function according to the following criteria which establish membership and operating procedures. The powers and duties of the planning and zoning commission are further defined in section 28-24 and in the Code of Ordinances of the City of Angleton.
- (b) *Created; membership; officers; rules and bylaws:*
- (1) There is created, in accordance with V.T.C.A., Local Government Code Ch. 211, the "planning and zoning commission," hereafter sometimes referred to as the "commission," which shall consist of seven members who are resident citizens, current taxpayers, real property owners, and qualified voters of the City of Angleton who are not employees of the city.

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- (2) Members shall be nominated for appointment by the mayor or by a council member of the City of Angleton, and each person so nominated shall be approved by a simple majority vote of the full city council before becoming a member of the commission.
 - (3) Commission members shall serve for a term of two years, and expiration of terms shall be staggered so that an overlapping of terms occurs in accordance with section 7.03 of the City Charter.
 - (4) Any vacancy(s) on the commission shall be filled via appointment by a simple majority vote of the full city council.
 - (5) Members of the planning and zoning commission may be removed from office at any time by a simple majority vote of the full city council either upon its own motion or upon recommendation of the planning and zoning commission. Failure to attend three consecutive regular meetings shall be deemed as neglect and cause for removal from office, unless such absences were due to unusual circumstances beyond the member's control such as sickness of the member or someone within the member's immediate family.
 - (6) The members of the commission shall regularly attend meetings and public hearings of the commission, shall serve without compensation. The commission shall meet at least once a month at such dates and times as determined by the commission and as appropriate to conduct the business of the commission.
 - (7) The planning and zoning commission shall appoint a chairperson and a vice-chairperson from among its membership, and each officer shall hold office for two years or until replaced by a simple majority vote of the full city council. The city manager's designee shall serve as secretary to the commission, and shall keep minutes of all meetings held by the planning and zoning commission as well as the full record of all recommendations made by the commission to the city council.
 - (8) The commission shall have the power to make rules, regulations and bylaws for its own governance, which shall conform with those set forth by the city council, and such rules, regulations and bylaws shall be subject to approval by the city council. Such rules and bylaws shall include, among other items, provisions for:
 - a. Regular and special meetings, open to the public;
 - b. A record of its proceedings, to be open for inspection by the public;
 - c. Reporting to the governing body and the public, from time to time and annually; and
 - d. Rules of order and the holding of public hearings on its recommendations.
 - (c) *Parliamentary procedure; quorum; voting:*
 - (1) The commission will follow the parliamentary procedure adopted by the city council, and procedures shall not be in conflict with the laws applicable to the commission on the following:
 - a. *Quorum.* A quorum shall consist of a majority of the membership of the commission, and any issue to be voted upon shall be resolved by a majority of those members present.
 - b. *Voting.* All commission members, including the presiding chairperson, shall be entitled to one vote each upon any question, a quorum being present.
 - c. *Conflict of interest.* If any member has a conflict of interest regarding any item on the commission's agenda, he/she shall remove himself/herself from the room and shall refrain from voting only on the item for which a conflict exists in accordance with state law.
 - (d) *Meetings; public record:*

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- (1) The planning and zoning commission shall meet in the city hall building or in some other specified location as may be designated by the presiding chairperson and at such intervals as may be necessary to orderly and properly transact the business of the commission.
 - (2) Meetings shall be open to the public, and minutes shall be kept and shall be treated as public record.
 - (e) *Establishing extraterritorial jurisdiction:*
 - (1) Statutes of the State of Texas authorizing and empowering cities to regulate the platting and recording of subdivisions or additions within the city's corporate limits and to establish extraterritorial jurisdiction are hereby adopted, and the commission, acting through its duly authorized officials, shall have all the rights, powers, privileges and authority authorized and granted by and through said statutes and the subdivision ordinance pertaining to regulation of subdivisions in the city's limits and extraterritorial jurisdiction.
 - (f) *Powers and duties:*
 - (1) The commission shall have all the rights, powers, privileges and authority authorized and granted by and through the Constitution of the State of Texas, the Statutes of the State of Texas authorizing and granting cities the power of zoning and subdivision regulation as found in V.T.C.A., Local Government Code Chs. 211 and 212, as amended, the Home Rule Charter of the City of Angleton and all other applicable law.
 - (2) The planning and zoning commission shall be an advisory body and adjunct to the city council, and shall make recommendations regarding amendments to the comprehensive plan, changes of zoning for real property, zoning and subdivision ordinance amendments, zoning to be given to newly annexed areas, approval of plats of subdivisions, and other planning-related matters. The planning and zoning commission shall review the city's comprehensive plan and shall be prepared to make recommendations to the city council, as deemed necessary, to keep the city's comprehensive plan current with changing conditions and trends and with the planning needs of the city. The planning and zoning commission shall also serve in an advisory capacity on any other planning-related matter(s) in the city.
 - (g) *Procedure on zoning hearings:*
 - (1) The procedure and process for zoning changes and zoning ordinance amendments shall be in accordance with section 28-24.
 - (h) *Joint meetings with the city council:*
 - (1) Whenever the city council and the planning and zoning commission are required by the laws of the State of Texas to conduct public hearings in matters pertaining to planning, zoning or subdividing property, and at other times when it is in the best interest of the city to do so, the city council and the planning and zoning commission are hereby authorized, after published notice as required by law, to hold joint meetings and to conduct joint public hearings.

(Ord. No. 2009-O-4A, §§ (II)(8)(8.1—8.8), 4-14-09)

Sec. 28-23. Board of adjustment (BOA).

- (a) *Creation:*
 - (1) There is hereby created a board of adjustment (BOA), hereafter referred to as the "board," for the purpose, in appropriate cases and subject to appropriate conditions and safeguards, to make special exceptions to the terms of this chapter that are consistent with the general purpose and intent of this

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chapter. The board shall be composed of members who are resident citizens, taxpayers, qualified voters.

(b) *Members; terms of office:*

- (1) The board of adjustments shall consist of five regular members, who shall be appointed by a simple majority vote of the full city council, and shall operate in accordance with V.T.C.A., Local Government Code §§ 211.008—211.011, as amended.
- (2) The city council shall provide for the appointment of up to four alternate members to serve in the absence of one or more of the regular board members on an alternating basis such that all alternate members have equal opportunities to serve on the board.
- (3) Regular board members and alternate members shall serve for a term of two years.
- (4) Any vacancy(s) on the board (both regular and alternate members) shall be filled for the unexpired term(s) via appointment by a simple majority vote of the full city council for the remainder of the term(s).
- (5) Members of the board may be removed from office for any reason, by a simple majority vote of the full city council. Failure to attend three consecutive scheduled meetings shall be deemed as neglect and cause for removal from office, unless such absences were due to unusual circumstances beyond the member's control such as sickness of the member or someone within the member's immediate family.
- (6) The members of the board (and alternate members, as needed) shall regularly attend meetings and public hearings of the board, shall serve without compensation.
- (7) The board of adjustment shall elect a chairperson and a vice-chairperson from among its membership, and each officer shall hold office for two years or until replaced by a simple majority vote of the full board. The city manager's designee shall serve as secretary to the board of adjustment, and shall keep minutes of all meetings held by the board. The secretary shall also set up and maintain a separate file for each application for hearing by the board, and shall record therein the names and addresses of all persons/entities to whom notices are mailed, including the date of mailing and the person by whom such notices were delivered to the post office. All records and files herein provided for shall be permanent and official records of the City of Angleton. The secretary shall also immediately notify in writing the city council, planning and zoning commission, and the city manager or designee of each decision rendered by the board in the conduct of its duties.
- (8) The board of adjustment shall have the power to make the rules, regulations and bylaws for its own government, which shall conform as nearly as possible with those governing the city council, and the board's rules, regulations and bylaws shall be subject to approval by city council.

(c) *Meetings:*

- (1) Meetings of the board of adjustment shall be held at the call of the chairperson and at such other times as the board may determine to properly transact business of the board. All meetings of the board shall be open to the public, and minutes shall be kept of all proceedings at board meetings. Four members of the board shall constitute a quorum for the conduct of business. All cases to be heard by the board of adjustments shall always be heard by at least 75 percent of the members, which constitutes four members.

(d) *Authority of board of adjustment:*

- (1) The board of adjustment shall have the authority, subject to the standards established in V.T.C.A., Local Government Code §§ 211.008—211.011 and those established herein, to exercise powers and to perform duties including the following:

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- a. Hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an administrative official in the enforcement of this chapter;
 - b. Authorize, in specific cases, a variance (see subsection (f)) from the terms of this chapter if the variance is not contrary to the public interest and if, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of this chapter is observed and substantial justice is done; and
 - c. Make interpretations on zoning district boundaries shown on the zoning map where uncertainty exists because physical features on the ground differ from those on the zoning map or where the rules in section 28-5 (zoning district boundaries) do not apply or are ambiguous.
- (2) In exercising its authority under subsection (1)a. above, the board of adjustment may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision or determination from which an appeal is taken and make the correct order, requirement, decision or determination, and for that purpose the board has the same authority as the administrative official.
 - (3) The concurring vote of at least 75 percent, which shall be defined as four members, of the full board of adjustment is necessary to:
 - a. Reverse an order, requirement, decision or determination of an administrative official;
 - b. Decide in favor of an applicant on a matter on which the board is required to review under this zoning chapter;
 - c. Authorize a variance from a provision of this zoning chapter; or
 - d. Hear and decide special exceptions to a provision of this zoning chapter (see subsection 28-23(f)(5)).
- (e) *Limitations on authority of board of adjustment:*
- (1) The board of adjustment may not grant a variance authorizing a use other than those permitted in the district for which the variance is sought, except as provided in subsection (f).
 - (2) The board of adjustment shall have no power to grant or modify specific use permits authorized under section 28-63.
 - (3) The board of adjustment shall have no power to grant a zoning amendment. In the event that a request for a zoning amendment is pending before the planning and zoning commission or the city council, the board shall neither hear nor grant any variances with respect to the subject property until final disposition of the zoning amendment by the commission and the city council.
 - (4) The board of adjustment shall not grant a variance for any parcel of property or portion thereof upon which a site plan, preliminary plat or final plat, where required, is pending on the agenda of the planning and zoning commission and, where applicable, by the city council. All administrative and procedural remedies available to the applicant shall have been exhausted prior to hearing by the board of adjustment.
- (f) *Variances and special exceptions:*
- (1) The board of adjustment may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. For example, if the subject property substantially differs from other similarly zoned land parcels by being of such restricted area, shape or slope that it cannot reasonably be developed in the same manner as other similarly zoned land parcels, then a variance of the building setback, lot width or depth, parking requirement, or other development standard may be warranted. In granting a variance, the board shall prescribe only conditions that it deems necessary for, or desirable to, the public interest. In making the findings herein-below required,

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the board shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work within the proposed use, and the probable effect such variance will have upon traffic conditions and upon the public health, safety, convenience and welfare of the community.

- (2) *Conditions required for variance.* No variance shall be granted without first having given public notice and having held a public hearing on the variance request in accordance with subsection (h) of this section and unless the board of adjustment finds:
- That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his/her land;
 - That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant;
 - That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;
 - That the granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this chapter; and
 - That a finding of undue hardship exists (see subsection (f)(3) below).

Such findings of the board of adjustment, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the board of adjustment meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this chapter so that the public health, safety and welfare may be secured and that substantial justice may be done.

- (3) *Findings of undue hardship.* In order to grant a variance, the board of adjustment must make written findings that an undue hardship exists, using the following criteria:
- That literal enforcement of the controls will create an unnecessary hardship in the development of the affected property;
 - That the situation causing the hardship or difficulty is neither financial in nature, self-imposed nor generally affecting all or most properties in the same zoning district;
 - That the relief sought will not injure the permitted use of adjacent conforming property; and
 - That the granting of a variance will be in harmony with the spirit and purpose of these regulations.
- (4) A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely upon economic gain or loss, nor shall it permit any person the privilege in developing a parcel of land not permitted by this chapter to other parcels of land in the particular zoning district. No variance may be granted which results in undue hardship upon another parcel of land.
- (5) *Special exceptions for nonconforming uses and structures.* Upon written request of the property owner, the board may grant special exceptions to the provisions of section 28-21, limited to the following, and in accordance with the following standards:
- Expansion of the land area of a nonconforming use, up to a maximum of ten percent.
 - Expansion of the gross floor area of a nonconforming structure, up to a maximum of ten percent, provided that such expansion does not decrease any existing setback and does not encroach onto adjacent property.

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- c. Change from one nonconforming use to another, re-construction of a nonconforming structure that has been totally destroyed, or resumption of a nonconforming use previously abandoned, only upon finding that the failure to grant the special exception deprives the property owner of substantially all use or economic value of the land.
- d. In granting special exceptions under this subsection, the board may impose such conditions as are necessary to protect adjacent property owners and to ensure the public health, safety and general welfare, including but not limited to conditions specifying the period during which the nonconforming use may continue to operate or exist before being brought into conformance with the standards of the zoning chapter.
- e. For existing single-family and duplex structures that were constructed prior to the effective date of this chapter, the board of adjustment may authorize a special exception for any structure that was constructed over a setback line established by this chapter to expand.
- f. The board of adjustment may authorize a special exception for the reconstruction and occupancy of a nonconforming structure, or a structure containing a nonconforming use and/or the restoration of a building site that is nonconforming as to development standards (including, but not limited to, parking arrangement, landscaping, etc.), when a structure has been damaged by fire or other cause to the extent of more than 50 percent, but less than the total, of the appraised value of the structure, as determined from the records of the Brazoria County Appraisal District, as of the date of the damage. Such action by the board of adjustment shall have due regard for the property rights of the person or persons affected, and shall be considered in regard to the public welfare, character of the area surrounding such structure, and the conservation, preservation and protection of property.
- g. The board of adjustment may authorize a special exception for the enlargement, expansion or repair of a nonconforming structure if such enlargement, expansion or repair will improve the condition of the structure, if it will bring the structure closer into compliance with this chapter, or if it will otherwise improve or enhance public health, safety or welfare.

(g) *Appeals to the board of adjustment:*

- (1) *Authority.* In addition to the authorization of variances and special exceptions from the terms of this chapter, the board of adjustment shall have the authority to hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an administrative official in the enforcement of this chapter. The board of adjustment may reverse or affirm, in whole or in part, or may modify the administrative official's order, requirement, decision or determination from which an appeal is taken and make the correct order, requirement, decision or determination, and for that purpose, the board of adjustment has the same authority as the administrative official. The board of adjustment may also hear and decide other matters authorized by the subdivision ordinance and other city ordinances regarding land use and development regulations, that are not granted by the Planning and Zoning Commission or the City Council.
- (2) *Who may appeal.* Any of the following persons may appeal to the board of adjustment a decision made by an administrative official:
 - a. A person directly aggrieved by the decision; or
 - b. Any officer, department, board or office of the city affected by the decision.
- (3) *Procedure for appeal.* The appellant must file with the board of adjustment and the official from whom the appeal is taken a written notice of appeal specifying the grounds for the appeal. The notice of appeal shall be filed within 15 calendar days after the decision has been rendered. Upon receiving the notice, the official from whom the appeal is taken shall immediately transmit to the board of adjustment all papers constituting the record of action that is appealed. An appeal stays all

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proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the board of adjustment facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the board of adjustment or a court of record on application, after notice to the official, if due cause is shown. The appellant party may appear at the appeal hearing in person or by agent or attorney. The board shall decide the appeal within 45 calendar days after the written request (i.e., notice of appeal) was received. The board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision or determination from which an appeal is taken, and may make the correct order, requirement, decision or **determination**.

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(h) *Procedures:*

- (1) *Application and fee.* An application for a variance or a special exception to be heard by the board of adjustment, or for an appeal to the board, shall be made in writing using forms prescribed by the city, and shall be accompanied by an application fee (as set forth by ordinance of the city council), a site plan, and any other additional information as may be requested in order to properly review the application. Such information may include, but is not limited to, plat plans, site plans, photographs, topographic contour maps, and other similar documents. All drawings must be to scale.
- (2) *Review and report by the city.* The city manager or designee shall visit the site where the proposed variance or special exception will apply and the surrounding area, and shall report his/her findings to the board of adjustment.
- (3) *Notice and public hearing.* The board of adjustment shall hold a public hearing for consideration of the variance or special exception request no later than 45 calendar days after the date the application for action, or an appeal, is filed. Written notice of the public hearing for a variance or special exception shall be provided to all property owners, according to the Brazoria County Appraisal District via U.S. mail, within 200 feet of the affected property before the tenth calendar day prior to the public hearing. Notice shall also be published in the official local newspaper before the 15th calendar day prior to the public hearing.
- (4) *Action by the board of adjustment.* The board of adjustment shall not grant a variance unless it finds, based upon compelling evidence provided by the applicant, that each of the conditions in subsection (f) has been satisfied. The board of adjustment may impose such conditions, limitations and safeguards as it deems appropriate upon the granting of any variance or special exception as are necessary to protect the public health, safety, convenience and welfare. Violation of any such condition, limitation or safeguard shall constitute a violation of this chapter.
- (5) *Burden of proof.* The applicant bears the burden of proof in establishing the facts that may justify a variance, a special exception, an appeal, or any other action in his/her favor by the board.
- (6) *Waiting period.* No appeal to the board for the same or a related variance or special exception on the same piece of property shall be allowed for a waiting period of six months (i.e., 180 calendar days) following an unfavorable ruling by the board unless other property in the immediate vicinity has, within the six-month waiting period, been changed or acted upon by the board or the city council so as to alter the facts and conditions upon which the previous unfavorable board action was based. Such changes of circumstances shall permit the re-hearing of a variance or special exception request by the board, but such circumstances shall in no way have any force in law to compel the board, after a hearing on the matter, to grant a subsequent variance or special exception request. Any subsequent variance or special exception request shall be considered entirely on its own merits and on the specific circumstances related to the subject property.
- (7) *Timeliness of application for building permit or certificate of occupancy.* Upon a favorable board action on a variance or special exception request, the applicant shall apply for a building permit or a certificate of occupancy, as applicable to his/her particular situation, within six months (i.e., 180

Commented [LK8]: Check for conformance

calendar days) following the date of board action, unless the board specifies a longer time period in the minutes of its action. If the applicant fails to apply for a building permit or certificate of occupancy, as applicable, within the six-month time frame, then the variance or special exception shall be deemed to have been waived, and all rights there under shall be terminated. Such termination and waiver shall be without prejudice to a subsequent appeal, and such subsequent appeal shall be subject to the same regulations and requirements for hearing as herein specified for the original variance or special exception request.

(i) *Finality of decisions; judicial review:*

- (1) All decisions of the board of adjustment are final and binding. However, any person aggrieved by a decision of the board of adjustment may present a verified petition to a court of record which states that the decision of the board is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition must be presented within ten calendar days after the date the board's decision is filed in the city secretary's office. Subject to the provisions of V.T.C.A., Local Government Code Ch. 211.011, only a court of record may reverse, affirm or modify a decision of the board of adjustment.

(Ord. No. 2009-O-4A, §§ (II)(9)(9.1—9.9), 4-14-09)

Sec. 28-24. Amendments to zoning ordinance and districts, administrative procedures, and enforcement.

(a) *Declaration of policy and review criteria:*

- (1) The city declares the enactment of these regulations governing the use and development of land, buildings, and structures as a measure necessary to the orderly development of the community. Therefore, no change shall be made in these regulations or in the boundaries of the zoning districts except:
 - a. To correct any error in the regulations or map;
 - b. To recognize changed or changing conditions or circumstances in a particular locality;
 - c. To recognize changes in technology, the style of living, or manner of conducting business; or
 - d. To change the property to uses in accordance with the city's adopted comprehensive plan.
- (2) In making a determination regarding a requested zoning change, the planning and zoning commission and the city council shall consider the following factors:
 - a. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and to the city as a whole;
 - b. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area;
 - c. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the city, and any special circumstances which may make a substantial part of such vacant land unavailable for development;
 - d. ~~Whether the proposed change is in conformance with the city's adopted Comprehensive Plan;~~
~~The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change;~~
 - e. ~~How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved;~~ and

- f. Any other factors that will substantially affect the public health, safety, morals, or general welfare.

(b) *Authority to amend ordinance:*

- (1) The city council may from time to time, after receiving a recommendation thereon by the planning and zoning commission and after public hearings required by law, amend, supplement, or change the regulations herein provided or the boundaries of the zoning districts specified on the zoning map. Any amendment to the zoning ordinance text or to zoning district boundaries may be ~~ordered initiated~~ for consideration by the city council, ~~may be initiated by the~~ planning and zoning commission, recommended by staff, or may be requested by the owner of real property (or his/her authorized representative).
- (2) Consideration for a change in any zoning district boundary line or special zoning regulation may be initiated only by the property owner or his/her authorized agent (proof of such authorization must be submitted with the zoning application, per subsection 28-24(c)), or by the planning and zoning commission or the city council on its own motion when it finds that public benefit will be derived from consideration of such matter. In the event the ownership stated on an application and that shown in city records are different, the applicant shall submit proof of ownership and verification that he/she is acting as an authorized agent for the property owner.
- (3) No person who owes delinquent taxes, delinquent paving assessments, impact fees, or any other delinquent debts or obligations to the City of Angleton, and which are directly attributable to a piece of property requested for zoning shall be allowed to submit a zoning request until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof to the City of Angleton shall have been first fully discharged by payment, or until an arrangement satisfactory to the city has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence or proof that all taxes, fees, etc. have been paid or that other arrangements satisfactory to the city have been made for payment of said taxes, fees, etc.

(c) *Application:*

- (1) Each application for zoning, rezoning, specific use permit (SUP), or for a text amendment to a provision(s) of this zoning chapter, shall be made in writing on an application form available in the city manager's office. The application shall be delivered to the city manager at least 30 calendar days prior to the date of the public hearing before the planning and zoning commission, and shall be accompanied by payment of the appropriate fee as established by ordinance. An accurate metes and bounds description of the subject property (or other suitable legal description), a survey (i.e., drawing) exhibit, and other appropriate exhibits (i.e., site plans, maps, architectural elevations, information about proposed uses, etc.) that are determined necessary by the city manager, shall also be submitted with the zoning application in order to ensure that the request is understood. A concept plan, as prescribed in section 28-26, shall also be submitted along with any zoning request involving the formation of a planned development (PD) district. A site plan, as prescribed in section 28-26, shall also be submitted along with any zoning request involving a specific use permit (SUP).
- (2) All zoning change requests involving real property (including PD and SUP requests) shall be accompanied by a notarized statement verifying land ownership and, if applicable, authorization of land owner's agent to file the zoning change request.
- (3) *Official submission date and completeness of application:*
 - a. For the purpose of these regulations, the "official submission date" shall be the date upon which a complete application for a zoning change request (that contains all elements and information required by this chapter) is submitted to the city manager. No application shall be deemed

Submittal items listed
in the Administrative
Procedures Manual

officially submitted until the city manager determines that the application is complete and a fee receipt is issued by the city. Failure by the city manager to make a determination of incompleteness within ten calendar days following the date on which the application was first received by the city, shall result in the application being deemed complete, and the "official submission date" shall become the 11th calendar day following initial receipt of the application by the city.

- b. Zoning applications which do not include all required information and materials (as outlined above and per other city development review policies) will be considered incomplete, shall not be accepted for official submission by the city, and shall not be scheduled on a planning and zoning commission agenda until the proper information is provided to city staff.

(d) *Notice of public hearing:*

- (1) *Public hearing for zoning changes involving real property:* For zoning and rezoning requests involving real property (including PD and SUP requests), the planning and zoning commission and the city council shall hold at least one public hearing on each zoning application, as per applicable state law (V.T.C.A., Local Government Code Ch. 211, as amended).
 - a. Notice of the public hearing to occur before the planning and zoning commission, and before the city council, shall be accomplished by publishing the purpose, time and place of the public hearing in the official newspaper of the city before the 15th calendar day prior to the date of the public hearing.
 - b. Written notice of the public hearing before the planning and zoning commission, and before the city council, shall also be sent to all owners of property within the city limits, as indicated by the most recently approved city tax roll, that is located within the area of application and within 200 feet of any portion of the subject property, said written notice to be sent before the tenth calendar day prior to the date such hearing is held. Such notice shall be served by using the last known address as listed on the most recently approved tax roll, and by depositing the notice, postage paid, in the United States mail.
- (2) *Public hearing for zoning changes involving ordinance text:* For requests involving proposed changes to the text of the zoning ordinance, notice of the planning and zoning commission hearing, and of the city council hearing, shall be accomplished by publishing the purpose, time and place of the public hearing in the official newspaper of the city before the 15th calendar day prior to the date of the public hearing. Changes in the ordinance text that do not change zoning district boundaries (i.e., which do not involve specific real property) do not require written notification to individual property owners.
- (3) *Dual notification of planning and zoning commission public hearing(s) and city council public hearing(s):* The city may, at its option, publish the required zoning change notifications in conformance with V.T.C.A., Local Government Code Ch. 211, for public hearings for the planning and zoning commission and the city council at the same time; said notifications shall be published before the 15th calendar day prior to the planning and zoning commission or city council public hearing, as applicable.
- (4) *Joint public hearings:* The city council may hold a joint public hearing on a zoning, rezoning or zoning ordinance text amendment request along with the planning and zoning commission, but the city council shall not take action on the request until it has received a final recommendation from the commission. Notification for a joint public hearing shall be accomplished by publishing the purpose, time and place of the joint public hearing in the official newspaper of the city before the 15th calendar day prior to the date of the public hearing. For zoning and rezoning requests involving real property (including PD and SUP requests), written notice of the joint public hearing shall also be sent to property owners within 200 feet in accordance with subsection (d)(1)b. above. In accordance with V.T.C.A., Local Government Code Ch. 211.077, the city council shall prescribe any other necessary methods of notification for joint public hearings.

JPH permitted

Posting of a sign on the property is optional. Is it desired in Angleton?

- (5) *Additional rules and procedures established:* The city may, at its option, establish additional rules and procedures for public notification of proposed zoning changes and developments proposals (e.g., required plans, plats, etc.) which may include, but not be limited to, the posting of a sign(s) on any property that is proposed for a zoning change or development by the applicant or its agent(s). Knowledge of and adherence to such rules and procedures, if so established by the city, shall be the responsibility of the applicant and shall be required as part of a zoning change or development application.

(e) *Failure to appear:*

- (1) Failure of the applicant or his/her authorized representative to appear before the planning and zoning commission or the city council for more than one hearing shall constitute sufficient grounds for the planning and zoning commission or the city council, at that body's option, to table or deny the application. Such tabling or denial shall not entitle the applicant to any refund of fees paid for consideration of his/her application, unless such refund is requested in writing and is expressly granted by the commission or city council at the time of tabling or denial of the application.

(f) *Planning and zoning commission consideration and recommendation:*

- (1) *Accordance with section 28-22:* The planning and zoning commission shall function in accordance with section 28-22 and with applicable provisions in the city's code of ordinances. Except as noted in subsection (g)(4), all planning and zoning commission votes shall be decided by a simple majority of the filled commission positions.
- (2) *Tabling of the decision/recommendation:* The planning and zoning commission may, on its own motion or at the applicant's request, table its decision/recommendation for not more than 90 calendar days from the time the public hearing was first opened. Such tabling shall specifically state the time period of the tabling by citing the meeting date whereon the request will reappear on the commission's agenda, and further notice in the newspaper and to surrounding property owners shall not be required.
- (3) *Recommending approval:* When the commission is ready to act upon the zoning request, it may recommend approval of the request as it was submitted by the applicant, approval of the request subject to certain conditions (conditions may be imposed for PD and SUP requests only), or disapproval of the request. The request will then be forwarded to the city council for public hearing.
- (4) *Recommending denial:* If the planning and zoning commission recommends denial of the zoning change request, it shall provide reasons to the applicant for the denial, if requested by the applicant. The planning and zoning chairperson shall inform the applicant of the right to receive reasons for the denial.

Commented [LK9]: Conditional zoning is not permitted

(g) *City council authority and consideration:*

- (1) *City council authority:* The city council, after receiving a recommendation by the planning and zoning commission and after public hearings required by law, may amend, supplement, or change the regulations of this chapter or the boundaries of the zoning districts on the zoning map.
- (2) *Applications forwarded to the city council:* After consideration by the planning and zoning commission, all zoning applications shall be automatically forwarded to the city council for a public hearing following appropriate public hearing notification as prescribed in subsection (c) above.
- (3) *City council action on zoning, rezoning or text amendment requests:* After a public hearing is held before the city council regarding the zoning application, the city council may:
- Approve the request in whole or in part (if the city council approves the request, then subsection (g)(5) will apply),

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- b. Deny the request in whole or in part,
- c. Table the application to a future meeting (and specifically citing the city council meeting to which it is tabled), or
- d. Refer the application to the planning and zoning commission for further study.

(4) *Protests:* For zoning and rezoning requests involving real property (including PD and SUP requests), a favorable vote of three-fourths of all members of the city council shall be required to approve any change in zoning when written objections are received from 20 percent or more of the land area covered by the proposed change, or of the land area within 200 feet of the subject property, in accordance with the provisions of V.T.C.A., Local Government Code § 211.006 of the (commonly referred to as the "20 percent rule"). If a protest against such proposed zoning change has been filed with the city secretary, duly signed and acknowledged by the owners of 20 percent or more, either of the area of the land included in such a proposed change or those owners of property immediately adjacent to the subject property and extending 200 feet therefrom, such zoning change shall not become effective except by a three-fourths vote of the full city council.

(5) *Final approval and ordinance adoption:* Upon approval of the zoning request by the city council, the applicant shall submit all related material with revisions, if necessary, to the city manager, or his/her designee, for the preparation of the amending ordinance. The zoning request shall be deemed approved at the time the city council makes a decision to approve the request. The amending ordinance will be prepared for adoption when a correct description and all required exhibits have been submitted to the city manager or his/her designee. The amending ordinance shall be effective at such time that it is adopted by the city council, signed by the mayor, and attested by the city secretary. For those zoning ordinances that contain a penalty clause the ordinance will not become effective until the time indicated in section 3.10 of the City Charter of Angleton, Texas.

(6) *Required waiting period.*

- a. After a final decision is reached by the city council denying the zoning and rezoning requests involving real property (including PD and SUP requests), no further application may be filed for zoning and rezoning requests (including PD and SUP requests) involving any part of the subject real property for 12 months from the date of the final decision.
- b. City-initiated applications from the planning and zoning commission, city council or city manager are not limited by this waiting period.
- c. ~~Upon filing a waiver request and a payment of a \$100.00 fee, the applicant may request the city council to waive the waiting period upon a finding of changed conditions or significant new information. The city manager, or his/her designee, may submit the request for waiver to the planning and zoning commission for a recommendation to the city council.~~
- d. ~~If the requested waiver is granted, and the applicant files an application for rezoning before the expiration date of the waiting period specified in subsection (g)(6)a above, the application fee shall be 150 percent of the zoning application fee.~~

Commented [LK10]: Not required. This would be considered a new application.

(h) *Administration and enforcement:*

- (1) The city manager shall be authorized by the city council to administer and enforce the provisions of this chapter. If the city manager finds upon his/her own personal observation, or upon receipt of a complaint, that the provisions of this chapter are being violated, he/she shall immediately investigate and, when necessary, give written notice to the person(s) responsible to cease or correct such violation(s) immediately. Notice may be delivered in person or by certified mail to the violator(s) or to any person owning or leasing a property where the violation is occurring. The city manager or designee shall have the right to enter upon any premises at any reasonable time for the purpose of making

inspections of buildings or premises that may be necessary to carry out the duties in the enforcement of this chapter.

- (2) Stop work orders. Whenever any building or construction work is being done contrary to the provisions of this chapter, the city manager shall have the authority to order the work stopped by notice in writing served on the property owner or the contractor doing the work or causing such work to be done, and any such person shall forthwith stop such work until authorized in writing by the city to proceed with such work. Failure to immediately stop work as provided herein shall constitute a violation of this chapter, in accordance with section 28-133 (penalty for violations), and may incur penalties for such violation.
- (i) *Schedule of fees, charges and expenses:*
 - (1) Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any zoning or development application or on any appeal.
 - (2) The city council, upon the recommendation of the planning and zoning commission, shall determine and adopt a fee schedule for the purpose of recovering a portion of the administrative costs associated with processing zoning and development requests, including public hearings that are called for in this chapter. Such fees shall be paid by the applicant and shall not be designed to in any way restrict the applicant's ability to seek and receive a hearing or to generate revenue for other than recovery of actual administrative costs incurred by the city in the review and processing of applications. Immediately upon receipt of a complete submission for a zoning change or other development plan approval (in accordance with subsection (c)(3) above), the city secretary (or his/her designee) shall issue a fee receipt and shall create a case file as a permanent city record thereof.
- (j) *Vested rights petition:*
 - (1) *Purpose, applicability and effect.*
 - a. *Purpose:* The purpose of a vested rights petition is to determine whether one or more standards of this zoning ordinance should not be applied to a development application by operation of state law, or whether certain permits are subject to expiration.
 - b. *Applicability:* A vested rights petition may be filed for an application for a site plan in a zoning change request, a planned development zoning district, a specific use permit, or in any other type of development application authorized in this chapter or by V.T.C.A., Local Government Code Ch. 245. A vested rights petition may not be filed with a petition for a text amendment to any zoning ordinance, a zoning map amendment, any other request for a legislative decision by the city council or in relation to any other action of the city which is exempt from the provisions of V.T.C.A., Local Government Code, § 245.004.
 - c. *Effect:* Upon granting of a vested rights petition in whole or in part, the city manager (or his/her designee) shall process the development application and the city council shall decide the application in accordance with the standards specified in the relief order based on prior ordinance requirements or development standards.
 - (2) *Petition requirements.*
 - a. *Who may petition:* A vested rights petition may be filed by a property owner or the owner's authorized agent with any application authorized in this chapter.
 - b. *Form of petition:* The vested rights petition shall allege that the petitioner has a vested right for some or all of the land subject to the development application under V.T.C.A., Local Government Code Ch. 245 or successor statute, or pursuant to V.T.C.A., Local Government Code § 43.002 or successor statute, that requires the city to review and decide the application under standards in

Addressed in 23-105. List of submittal are not the same. Repetition. Submittal checklists should be included in the Administrative Procedures Manual.

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effect prior to the effective date of the currently applicable standards. The petition shall include the following information and documents:

1. A narrative description of the grounds for the petition;
 2. A copy of each approved or pending development application which is the basis for the contention that the city may not apply current standards to the development application which is the subject of the petition;
 3. Identification of all standards otherwise applicable to the development application from which relief is sought;
 4. Identification of any current standards which petitioner agrees can be applied to the development application at issue;
 5. A narrative description of how the application of current standards affect proposed lot size, lot dimensions, lot coverage or building size shown on the petition for which the petition is filed; and
 6. A copy of any prior vested rights determination involving the same land.
- c. *Time for filing petition:* A vested rights petition shall be filed with a development application for which a vested right is claimed. Where more than one application is authorized to be filed by this chapter, the petition may be filed simultaneously for each application.

(3) *Processing of petitions and decision.*

- a. *Responsible official:* The city manager (or his/her designee) is responsible for processing the development application with which the petition is associated. The city manager (or his/her designee) shall promptly forward a copy of the vested rights petition to the city attorney following acceptance.
- b. *Decision by city council:* The city council is the final decision-maker on all vested rights petitions. The petitioner may submit a written request that the vested rights petition be immediately forwarded to the council for a determination. The request must be accompanied by a waiver of the time for decision on the application imposed under this chapter pending decision by the council on the petition, which shall stay further proceedings on the application. Upon receipt of the request, the city manager (or his/her designee) shall prepare a recommendation and forward the matter to the council for decision, which shall decide the petition within 60 calendar days of the petitioner's request. If no written request for council referral is filed, the council shall decide the vested rights petition with its decision on the development application.
- c. In considering the vested rights petition and the development application, the city council will not make a decision which vests rights earlier than the time of making an application for a preliminary plat for the development which complies with all of this chapter, the Angleton City Code and all other applicable law, unless the applicant provides clear and convincing evidence that rights should vest at an earlier time. Provided, that nothing contained herein will affect a lawful, pre-existing nonconforming use or structure in compliance with and in accordance with section 28-21 of this chapter.

(4) *Action on petition and order.*

- a. *Action on the petition:* The city council may take any of the following actions on a vested rights petition:
 1. Deny the relief requested in the petition; and direct that the development application shall be reviewed and decided under currently applicable standards;

Concurrent
filing allowed

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- 2. Grant the relief requested in the petition, and direct that the petition shall be reviewed and decided in accordance with the standards contained in identified prior regulations; or
 - 3. Grant the relief requested in part, and direct that certain identified current standards shall be applied to the development application, while standards contained in identified prior regulations also shall be applied.
 - b. *Order on petition:* The city manager's (or his/her designee's) report and each decision on the vested rights petition shall be memorialized in an order identifying the following:
 - 1. The nature of the relief granted, if any;
 - 2. The approved or filed development application(s) upon which relief is premised under the petition;
 - 3. Current standards which shall apply to the development application for which relief is sought;
 - 4. Prior standards which shall apply to the development application for which relief is sought, including any procedural standards;
 - 5. The statutory exception or other grounds upon which relief is denied in whole or in part on the petition; and
 - 6. To the extent feasible, subordinate development applications that are subject to the same relief granted on the petition.
- (5) *Criteria for approval.*
- a. *Factors:* The city council shall decide the vested rights petition based upon the following factors:
 - 1. The nature and extent of prior development applications filed for the land subject to the petition;
 - 2. Whether any prior vested rights determinations have been made with respect to the property subject to the petition;
 - 3. Whether any prior approved applications for the property have expired or have been terminated in accordance with law;
 - 4. Whether current standards otherwise applicable affect lot size, lot dimensions, lot coverage or building size based upon the proposed development application;
 - 5. Whether any statutory exception applies to the standards in the current zoning ordinance from which the applicant seeks relief; and
 - 6. Whether any prior approved applications relied upon by the petitioner have expired.
 - b. *Conditions:* If the claim of vested rights under a petition is based upon a pending application subject to standards that have been superseded by current standards under this chapter, the city council may condition any relief granted on the petition on the approval of the application under such prior standards.
- (6) *Application following final decision on petition.*
- a. Following the city's final decision on the vested rights petition, the property owner shall conform the development application for which relief is sought to such decision. The city council shall consider any application revised under this subsection in accordance with the procedures for deciding the initial application under this chapter and in conformity with the relief granted on the petition. If the relief granted on the vested rights petition is consistent with the development

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application on file, no revisions are necessary. If proceedings have been stayed on the development application pending referral of the vested rights petition to the city council, proceedings on the application shall resume after the council's decision on the vested rights petition.

(7) *Expiration and extension.*

- a. *Expiration:* Relief granted on a vested rights petition shall expire on occurrence of one of the following events:
 1. The petitioner or property owner fails to submit a required revised development application consistent with the relief granted within 30 days of the final decision on the petition;
 2. The development application for which relief was granted on the vested rights petition is denied under the criteria made applicable through the relief granted on the petition; or
 3. The development application for which relief was granted on the vested rights petition expires (See section 28-26).
- b. *Extension:* Extension of the date of expiration for the development application for which relief was granted on a vested rights petition shall result in extension of the relief granted on petition for a like period.

(8) *Dormant projects.*

- a. *Definitions:* For purposes of this section only:
 1. Initial permit means any of the following types of approvals granted under this zoning chapter, as amended, or any predecessor zoning, subdivision or development ordinance: site plan, landscape plan, concept plan, zoning change request, specific use permit, variances or any other application that was approved subject to a schematic drawing illustrating the location, arrangement, orientation or design of land uses, lots or improvements on a site intended for development.
 2. Final permit means a building permit, certificate of occupancy, or final plat approved under the subdivision ordinance, as amended, or any predecessor zoning, subdivision or development ordinance.
- b. *Expiration of permits:* Any application for an initial permit that was approved or filed before, but that was not subject to an expiration date, one year prior to the adoption date of this chapter, and that was under the zoning or subdivision ordinances, as amended, or any predecessor zoning, subdivision or development ordinance, shall expire on the effective date of this chapter.
- c. *Reinstatement:* The owner of the land subject to an initial permit that expires under subsection (8)b above, may petition the city council to reinstate such zoning permit by filing a written petition within 60 calendar days of the effective date of this chapter. The petition shall clearly state the grounds for reinstatement, and shall be accompanied by documentation of one of the following:
 1. As of one year prior to the adoption date of this chapter, one of the following events had occurred:
 - (1) A final permit for all or part of the land subject to the approved initial permit was approved, or was filed and was subsequently approved;

- (2) An application for a final permit was submitted for all or part of the land subject to the expired initial permit, but such application was rejected on grounds of incompleteness;
 - (3) Costs for development of the land subject to the initial permit, including but not limited to costs associated with roadway, utility and other infrastructure facilities designed to serve the land in whole or in part, but exclusive of land acquisition costs, were incurred in the aggregate amount of five percent of the most recent appraised market value of the land;
 - (4) Fiscal security was posted to ensure performance of an obligation required for all or a part of the land subject to the approved initial permit; or
 - (5) Utility connection fees or impact fees for all or part of the land subject to the approved initial permit were paid.
2. After two years prior to the adoption date of this chapter but before the expiration date specified in subsection (8)b. above, one of the following events had occurred:
- (1) A final permit was approved for all or part of the land subject to the approved zoning change, and remained in effect for such land on such expiration date; or
 - (2) A complete application for approval of a final permit for all or part of the land subject to the approved initial permit was pending for decision on such expiration date.
- d. *Council action on reinstatement:* The city council may take one of the following actions:
1. Reinstates the expired initial permit without an expiration date, if it finds that the petitioner has met any one of the criteria listed in subsection (8)c.1. above;
 2. Reinstates the initial permit for all or part of the land subject thereto, if it finds that the petitioner has met any one of the criteria listed in subsection (8)c.2. above, subject to such expiration dates or other conditions that assure that the remaining land that is not subject to an approved or pending final permit application will be developed in a timely fashion. In granting relief under this provision, the council may require that development of such remaining land is subject to standards enacted after approval of the initial permit;
 3. Deny the petition, if it finds that the petitioner has failed to meet any of the criteria in subsection (8)c.; or
 4. Reinstates the permit for only that part of the land subject to a pending final permit application, if it finds that the petitioner has met the criteria in subsection (8)c.2.ii. above and the pending application subsequently was approved, and deny the petition for the remaining land subject to the expired initial permit.

(Ord. No. 2009-O-4A, §§ (II)(10)(10.1—10.10), 4-14-09; Ord. No. 2016-O-6B, § 2, 6-14-16; Ord. No. 2016-O-8A, § 2, 8-23-16)

Sec. 28-25. Building permits; certificates of occupancy and compliance.

(a) *Building permits required:*

- (1) No building or other structure shall be erected, moved, added to, or structurally altered without a building permit issued by the City of Angleton's Building Official. A building permit shall not be issued except in conformity with the provisions of this chapter, unless otherwise authorized by the board of adjustment in the form of a variance or special exception as provided in subsection 28-23(f) of this

chapter. A building permit shall not be issued until the property is properly zoned for the intended use ~~or is a non-conforming use~~, until the property is platted in accordance with the subdivision ordinance, nor until all appropriate plans have been approved by the city (including, but not limited to, a final plat, a detailed plot plan, a final site plan, landscaping and facade plans, building structural plans, etc.). ~~All site plans shall clearly show in detail how the site will be constructed (such as paving, buildings, general physical improvements, improvements that currently exist, distances to property lines, construction planning, etc.).~~

Commented [LK11]: Needs to meet all requirements.

(b) *Cancellation of building permit:*

- (1) Failure of an applicant or any of his/her agents, representatives or contractors to erect, construct, reconstruct, alter, use or maintain any building, structure or premises in conformance with the approved plans upon which a building permit was issued, when such failure constitutes a violation of any provision of this chapter, shall render such building permit void, and the building official is hereby authorized and directed to revoke any such permit by giving written notice to the applicant or his/her agent or representative, and all work upon such building, structure or premises shall be immediately discontinued until such building, structure or premises shall be brought into conformance with the approved plans and with all applicable provisions of this chapter.

(c) *Certificate of occupancy:*

- (1) A certificate of occupancy shall be required for any of the following:
 - a. Occupancy and use of a building hereafter erected or structurally altered;
 - b. Change in use of an existing building to a use of a different classification; and
 - c. Change in the use of land (regardless of whether or not a building is present or erected on the property) to a use of a different classification. No certificate of occupancy is required for a change in zoning, in accordance with section 28-24 of this chapter.
- (2) ~~No such use, or change of use, shall take place until a certificate of occupancy therefore shall have been issued by the building official.~~ The application fee(s) for a certificate of occupancy shall be as set forth by ordinance of the city council.
- (3) A record of all certificates of occupancy shall be kept on file in the building official's office, and copies shall be furnished upon request to any person in accordance with state laws governing public records.
- (4) *Procedure for new or altered buildings.* Written application for a certificate of occupancy for a new building or for an existing building which is to be altered shall be made at the same time as the application for the building permit for such building. Said certificate shall be issued after the building official orders the building or structure inspected and finds no violations of the provisions of this chapter or other regulations which are enforced by the building official. Said certificate shall be issued by the building official after the erection or alteration of such building or part thereof has been completed in conformity with all applicable provisions of this chapter.
- (5) *Procedure for vacant land or a change in building use.* Written application for a certificate of occupancy for the use of vacant land, a change in the use of land or a change in the use of a building, or for a change from a nonconforming use to a conforming use, shall be made to the building official. If the proposed use is a conforming use, as herein provided, written application shall be made to said building official. If the proposed use is found to be in conformity with the provisions of this chapter, the certificate of occupancy shall be issued after the application for same has been made and all required inspections are completed and approved by the building official.
- (6) *Contents of certificate of occupancy.* Every certificate of occupancy shall contain the following: 1) building permit number; 2) the address of the building; 3) the name and address of the owner; 4) a description of that portion of the building for which the certificate is issued; 5) a statement that the

Commented [LK12]: Repeated, see above?

CO applications needs to be filed along with the BP application for new/altered buildings

described portion of the building has been inspected for compliance with the requirements of the city's building codes for the particular group and division of occupancy; 6) the name of the building official or city manager; 7) use(s) allowed; 8) maximum number of persons/occupants; and 9) issue date of certificate of occupancy.

- (7) *Posting of certificate of occupancy.* The certificate of occupancy shall be posted in a conspicuous place on the premises.
- (8) *Revocation of certificate of occupancy.* The building official may, in writing, suspend or revoke a certificate of occupancy issued under the provisions of this chapter whenever the certificate is issued in error, or on the basis of incorrect information supplied, or when it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this chapter or the building code and other codes adopted by the city, and any amendments thereto.

(d) *Completion of buildings in progress:*

- (1) Nothing contained herein shall require any change in the plans, construction or designated use of a building, the foundation for which has been completely constructed as of the effective date of this chapter, and the remaining construction of which shall have been completed within one year (i.e., 365 calendar days) following the effective date of this chapter. In addition, any nonresidential building or structure for which a building permit has been approved by the city not more than one year (i.e., 365 calendar days) prior to the effective date of this chapter may be constructed according to the terms of that building permit.

(Ord. No. 2009-O-4A, §§ (II)(11)(11.1—11.4), 4-14-09)

Sec. 28-26. Concept plan and site plan review processes.

(a) *Approval process:*

- (1) *Steps for approval:* The review process may include the following steps:
 - a. Pre-application conference (refer to subsection 28-26(b)),
 - b. Concept plan for planned developments (refer to section 28-62),
 - c. Site plan for specific use permits (refer to section 28-63),
 - d. Construction of project following city approval of all required plans and plats.

(2) *Type of plan required:*

- a. *Concept plan.*
 - 1. A concept plan shall be required for all planned development applications.
 - 2. All procedural and application requirements are included in section 28-62, planned developments.
 - 3. The review and approval process for a concept plan shall generally be review by the planning and zoning commission and approval by the city council.
- b. *Site plan.*
 - 1. A site plan shall be required for all specific use permits.
 - 2. A site plan may be required for planned developments, if a site plan is determined to be required at the time of planned development approval (see section 28-62).

Not clear when this is needed. Se
like separate approval process.

Is the process applicable to
Concepts Plan too?

Commented [LK13]: This is confusing,

3. A site plan shall be required for all nonresidential, multifamily and single-family attached developments within any zoning district.
4. All procedural and application requirements are included in section 28-63, specific use permits.
5. The review and approval process for a site plan shall be reviewed by the planning and zoning commission, in conformance with section 28-63)
- c. *General.* For the purposes of this zoning chapter, the term "required plan(s)" is intended to refer to any of the above-listed plans, as applicable.
- (3) *Payment of all indebtedness attributable to the subject property:* No person who owes delinquent taxes, delinquent paving assessments, impact fees, or any other delinquent debts or obligations to the City of Angleton, and which are directly attributable to a piece of property shall be allowed to submit any application for any type of plan review until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof to the City of Angleton shall have been first fully discharged by payment, or until an arrangement satisfactory to the city has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence or proof that all taxes, fees, etc. have been paid, or that other arrangements satisfactory to the city have been made for payment of said taxes, fees, etc.
- (4) *Official filing date, completeness of application, expiration of application:* The following shall apply to any concept plan or site plan application submitted in accordance with this zoning chapter.
 - a. *Official filing date.* The time period established by state law or this zoning chapter for processing or deciding an application shall commence on the official filing date. The official filing date for a required plan application is the date the applicant delivers the application to the city or deposits the application with the United States Postal Service by certified mail addressed to the city.
 - b. *Determination of completeness.* Every required plan application shall be subject to a determination of completeness by the city manager for processing the application.
 1. No required plan application shall be accepted by the city manager for processing unless it is accompanied by all documents required by and prepared in accordance with the requirements of this zoning chapter and submittal requirements of the City.
 2. The incompleteness of the required plan application shall be grounds for denial of the application.
 3. A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this zoning chapter.
 4. A determination of completeness shall be made by the city manager or designee in writing to the applicant no later than the tenth business day after the official filing date that the required plan application is submitted to the city manager.
 - (i) The applicant shall be notified within that ten-business-day period of the determination of completeness.
 - (ii) If the required plan application is determined to be complete, the application shall be acted upon in the proper manner as prescribed by section 28-24.
 - (iii) If the required plan application is determined to be incomplete, the notification shall specify the documents or other information needed to complete the

Commented [LK14]: Need to clarify the approval authority for each type of application listed here.

application and shall state the date the application will expire (see subsection (4)c. below) if the documents or other information is not provided.

- (iv) A required plan application shall be deemed complete on the 11th business day after the application has been received if the applicant has not otherwise been notified that the application is incomplete.

- c. **Expiration of application.** If the required plan application is not completed by the 45th day after the application is submitted to the responsible official, the plan application will be deemed to have expired and it will be returned to the applicant together with any accompanying applications. The required plan application shall also expire on the 45th day after the date the application is filed if each of the following occurs:

1. The applicant fails to provide documents or other information necessary to comply with the city's requirements relating to the required plan application;
2. The city provides to the applicant, not later than the 10th business day after the date the application is filed, written notice that specifies the necessary documents or other information, and the date the application will expire if the documents or other information is not provided; and
3. The applicant fails to provide the specified documents or other information within the time provided in the notification.

- d. If the required plan application is re-submitted after a notification of incompleteness, the timeframe for a determination of completeness described above (see subsection (4)b. above) shall begin on the date of the re-submittal of the plan application.

- (5) **Supplemental requirements:** The city's staff may require other information and data for specific required plans. Approval of a required plan may establish conditions for construction based upon such information.

(b) **Pre-application conference.**

- (1) Prior to formal application for approval of any required plan, the applicant(s) may request a pre-application conference with the city manager, which conference may include the city manager, the building official, the city's planner, the city's engineer, and/or any other pertinent city official(s), in order to become familiar with the city's development regulations and the development process. The pre-application conference shall not constitute vesting on any project.

(c) **Site plan:**

- (1) **Purpose:** The purpose of a site plan is to ensure that development projects are in compliance with all applicable city ordinances and zoning requirements prior to commencement of construction.
- (2) **Applicability:** This section establishes a review process for all developments that require site plan approval. Submission and approval of a site plan shall be required for all nonresidential, multifamily and single-family attached developments within all zoning districts.
- (3) **Building permit and certificate of occupancy:** A site plan shall be submitted and approved ~~prior in conjunction with a~~ submission of a building permit application. No building permit shall be issued until a site plan and all other required engineering/construction plans are first approved by the city. No certificate of occupancy shall be issued until all construction and development conforms to the site plan and engineering/construction plans, as approved by the city.
- (4) **Extent of area that should be included in a site plan:** When the overall development project is to be developed in phases, the area included within the site plan shall include only the portion of the overall property that is to be developed/constructed.

Commented [LK15]: This may not be a statutory requirement? Confirm and remove as applicable.

Commented [LK16]: Consider submittal of site plan as part of building permit approval.

- (5) *Procedures and submission requirements for site plan approval:* All site plans shall clearly show in detail how the site will be constructed (such as paving, buildings, general physical improvements, existing and proposed infrastructure improvements that currently exist, distances to property lines, existing and proposed landscaping, etc.) as stated in subsection 28-63(d) of this chapter. To ensure the submission of adequate information, the city is hereby empowered to maintain and distribute a separate list of specific requirements for the review of applications.
- (6) *Review and approval of a site plan:*
- a. *City staff review and approval of site plans.*
 1. Following submittal of a complete application of a site plan in accordance with subsection 28-26(4), the city staff shall review the application. ~~Specifically, the city manager, city engineer, and the building official (or their designee) shall review the site plan.~~
 2. Each site plan shall be evaluated to ensure that all developments are constructed according to the city's codes and ordinances.
 3. Following city staff review, the city manager, or his/her designee shall recommend approval, approval subject to certain conditions, or denial of the site plan to the planning and zoning commission.
 4. If the site plan is denied by the planning and zoning commission, the applicant may appeal such decision to the city council provided that such appeal is submitted to the city in writing within ten calendar days following the commission's decision. The city council shall decide the appeal within 90 calendar days, and the council's decision on the appeal shall be final.
- (7) *Revisions to the approved site plan:*
- a. *Minor revisions/amendments.*
 1. It is recognized that final architectural and engineering design may necessitate minor changes in the approved site plan. In such cases, the city manager, or his/her designee, shall have the authority to approve minor modifications to an approved site plan. Such minor modifications shall be submitted as an "amended site plan," which shall substantially conform to the previously approved site plan.
 2. Submission materials and requirements for approval of an amended site plan shall be as determined by the city manager, or his/her designee.
 - b. *Major revisions.* In the event of revisions that are more extensive in nature (i.e., do not conform to the description for minor amendments above), a new site plan must be resubmitted, reviewed, and approved by the city manager (or his/her designee). Any new site plan shall be deemed a "new permit," and shall be submitted with a new application form, with a new filing fee, and with new plans and materials in accordance with the procedures set forth in this section. The new request shall also be reviewed for compliance with the ordinances and regulations in effect at the time the new application is made. Following city staff review, the city manager, or his/her designee shall recommend approval, approval subject to certain conditions, or denial of the site plan to the planning and zoning commission. The approval process shall follow Sec. 28-26.(c) (6)a.4 above.
- (8) *Effect of review/approval:* Approval of the site plan shall be considered authorization to proceed with submission and review of the building permit application provided all other required city approvals are obtained (such as final plat, engineering plans, etc.).

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Is P&Z the decision making authority? P & Z approval is not required for site plans. Recommend that site plan review be part of the building permit review process.

Commented [LK17]: Recommend that site plan review be part of the building permit review process. Administrative approval.

(9) *Validity and lapse of site plan approval:* A site plan shall be considered a "permit" as described by state law in V.T.C.A., Local Government Code Ch. 245.005.

- a. *Valid for two years:* Any approved site plan shall be deemed expired two years from the date on which the site plan was originally approved if no progress has been made toward completion of the project.
- b. *Progress benchmarks:* The term "progress" shall be as defined based on V.T.C.A., Local Government Code, Ch. 245.005 as follows:
 1. Plans for construction and an application for a building permit for at least one of the buildings on the approved site plan are submitted within two years following approval of the site plan.
 2. A good-faith attempt is made to file with the city an application for a permit necessary to begin or continue towards completion of the project;
 3. Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent of the most recent appraised market value of the real property on which the project is located;
 4. Fiscal security is posted with the city to ensure performance of an obligation required by the city; or
 5. Utility connection fees or impact fees for the project have been paid to the city.
- c. *Expiration:* At least one of the items in subsections b.1. through b.5. must be accomplished within the two-year period of approval. If at least one of the items listed in subsections b.1. through b.5. above, is not accomplished within the two-year period, then the approved site plan shall expire and shall become null and void.
- d. *Extension and reinstatement procedure:*
 1. Prior to the lapse of approval for a site plan, the applicant may petition the city in writing to extend the site plan approval.
 2. Such petition shall be granted approval or denial by the city manager (or his/her designee).
 3. If no petition is submitted, then the site plan shall be deemed to have expired and shall become null and void. Any new request for site plan approval shall be deemed a "new permit," and shall be submitted with a new application form, with a new filing fee, and with new plans and materials in accordance with the procedures set forth in this section. The new request shall also be reviewed for compliance with the ordinances and regulations in effect at the time the new application is made.
 4. In determining whether to grant a request for extension, the city manager (or his/her designee) shall take into account:
 - (i) The reasons for the lapse,
 - (ii) The ability of the property owner to comply with any conditions attached to the original approval, and
 - (iii) The extent to which development regulations would apply to the site plan at that point in time.

Commented [LK18]: 2 yrs specified in the state statutes

(Ord. No. 2009-O-4A, §§ (III)(12)(12.1—12.3), 4-14-09)

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(Supp. No. 19)

Secs. 28-27—28-40. Reserved.

ARTICLE III. ZONING DISTRICTS

Sec. 28-41. Zoning districts established.

- (a) The City of Angleton, Texas is hereby divided into the following zoning districts. The ~~use, height, area development~~ regulations, and ~~other~~ standards, as set out herein apply to each district. The districts established herein shall be known as:

Abbreviated Designation	Zoning District Name
<i>Base Districts</i>	
AG	Agricultural
SFE-20	Single-Family Estate Residential-20 (minimum 20,000 square-foot lots)
SF-10	Single-Family Residential-10 (minimum 10,000 square-foot lots)
SF-7.2	Single-Family Residential-7.2 (minimum 7,200 square-foot lots)
SF-6.3	Single-Family Residential-6.3 (minimum 6,300 square-foot lots)
SF-5	Single-Family Residential-5 (minimum 5,000 square-foot lots)
SF-PH	Single-Family Residential-Patio Home (zero-lot-line homes)
2F TF ?	Two-Family Residential (duplex homes)
SFA	Single-Family Attached Residential (townhomes)
MFR-14	Multifamily Residential-14 (apartments - maximum 14 units/acre)
MFR-29	Multifamily Residential-29 (apartments - maximum 29 units/acre)
MFR-36	Multifamily Residential-36 (apartments - maximum 36 units/acre)
MH	Modular Homes
C-N	Commercial - Neighborhood
C-MU	Commercial - Mixed-Use
C-G	Commercial - General
C-OR	Commercial - Office/Retail

Commented [LK19]: Reclassify as TF.

CBD	Central Business District
LI	Light Industrial
<i>Overlay Districts</i>	
PD	Planned Development
SUP	Specific Use Permit

Commented [LK20]: This is not an overlay district.

- (b) A summary of the area regulations for the following zoning districts is included within ~~appendix~~ Appendix B.
- (c) Certain terms and definitions used within this chapter can be found in ~~section~~ Section 28-112.
- (Ord. No. 2009-O-4A, §§ (III)(13)(13.1—13.3), 4-14-09; Ord. No. 2016-O-6B, § 2, 6-14-16)

Sec. 28-42. AG—Agricultural ~~district~~ District.

- (a) *General purpose and description:* The AG—Agricultural ~~D-~~ district is designed to permit the use of land for the ranching, propagation and cultivation of crops and similar uses of vacant land. Single-family uses on large lots are also appropriate for this district. Territory that has been newly annexed into the city is initially zoned ~~agricultural-Agricultural~~ until it is assigned another zoning district. It is anticipated that ~~agricultural~~ Agricultural zoned land will eventually be rezoned to another zoning classification in the future. The ~~agricultural~~ Agricultural district is also appropriate for areas where development is premature due to lack of utilities or city services; to preserve areas that are unsuitable for development due to problems that may present hazards such as flooding, in which case the AG zoning designation should be retained until such hazards are mitigated and the land is rezoned; and to provide permanent greenbelts or to preserve open space areas as buffers around uses that might otherwise be objectionable or pose environmental or health hazards.
- (b) *Permitted uses:*
- (1) Those uses listed for the AG—~~Agricultural~~ Agricultural district in section 28-81 as "P" or "S" are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in section 28-63.
- (c) *Height regulations:*
- (1) *Maximum height:*
- Three stories, and not to exceed 40 feet, for the main building/house.
 - Forty-five feet for agricultural structures (e.g., barns, silos, water towers, etc.), provided they are no closer than 100 feet from any front, side or rear property line.
 - Twenty-five feet for other accessory buildings, including detached garage, garden shed, accessory dwelling units, etc.
- (d) *Area regulations:*
- (1) *Size of lots:*
- Minimum lot area:* Five acres (217,800 square feet).
 - Minimum lot width:* 100 feet.
 - Minimum lot depth:* 150 feet.

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(Supp. No. 19)

(2) *Size of yards:*

- a. *Minimum front yard:* 80 feet ~~for all buildings.~~
- b. *Minimum side yard:* 40 feet for interior side yard; 80 feet for a corner lot on a street ~~for all buildings.~~
- c. *Minimum rear yard:* 80 feet for ~~the main building and any accessory~~ building(s). (See section 28-103 for accessory building standards.)

(3) *Parking regulations:*

- a. *Single-family dwelling unit:* A minimum of two parking spaces on the same lot as the main structure and on a paved driveway having a minimum length of 25 feet as measured from the street right-of-way line.
- b. *Other:* See section 28-101, off-street parking and loading regulations.

(4) *Minimum floor area per dwelling unit:* None.(5) *Minimum exterior construction standards:* See section 28-105.(6) *Maximum impervious surface coverage:* 40 percent.(e) *Special requirements:*

- (1) Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- (2) Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of five or more acres.
- (3) Open/outside storage is permitted provided it ~~is not located in the required yard setback and~~ does not create a nuisance and is in conformance with the adopted International Property Maintenance Code.
- (4) Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of ~~25-40~~ feet from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be ~~25-40~~ feet.
- (5) Swimming pools: See section 28-110.
- (6) A site plan shall be required for any development that will include: 1) a private amenity or facility comprised of one or more buildings (such as a private recreation/swimming facility, clubhouse, etc.); 2) a golf course; and/or 3) a gated (restricted access) entrance into the development. In these instances, site plan submission and approval will be required for these elements (a site plan showing the entirety of the proposed subdivision is not required). Site plan submission and approval shall be in accordance with subsection 28-63(d), but shall not require a public hearing as required by subsection 28-63(d)(5).
- (7) Any nonresidential land use or structure which may be permitted in this district shall conform to the "C-N"—Commercial-Neighborhood district standards.
- (8) *Other regulations:* See sections 28-101 through 28-112 regarding development standards for:
 - Off-street parking and loading requirements (section 28-101).
 - Landscape requirements (section 28-102).
 - Accessory structure and use regulations (section 28-103).
 - Fencing, walls and screening requirements (section 28-104).
 - Exterior construction and design requirements (section 28-105).

Commented [LK21]: Conflicts with yard requirements above.

- Supplemental regulations (section 28-106).
- Performance standards (section 28-107).
- Lighting and glare standards (section 28-108).
- Home occupation regulations (section 28-109).
- Special regulations for certain types of uses (section 28-110).
- Reserved for future use (section 28-111).
- Definitions (section 28-112).

(Ord. No. 2009-O-4A, §§ (III)(14)(14.1—14.5), 4-14-09; Ord. No. 2013-O7C, § 3, 7-9-13)

Sec. 28-43. SFE-20—Single-family estate residential-20 district.

- (a) *General purpose and description:* The SFE-20—Single-Family Estate Residential-20, district is intended to provide for development of primarily low-density detached, single-family residences on lots of not less than 20,000 square feet in size, churches, schools and public parks in logical neighborhood units. Areas zoned for the SFE-20 district shall have, or shall make provision for, City of Angleton water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved streets with logical and efficient vehicular circulation patterns that discourage non-local traffic; they shall be properly buffered from nonresidential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.
- (b) *Permitted uses:*
- (1) Those uses listed for the SFE-20 district in section 28-81 as "P" or "S" are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in section 28-63.
- (c) *Height regulations:*
- (1) *Maximum height:*
 - a. Two and one-half stories, and not to exceed 35 feet, for the main building/house.
 - b. One story for other accessory buildings, including detached garage, garden shed, gazebo, etc.
- (d) *Area regulations:*
- (1) *Size of lots:*
 - a. *Minimum lot area:* 20,000 square feet.
 - b. *Minimum lot width:* 100 feet.
 - c. *Minimum lot depth:* 125 feet.
 - (2) *Size of yards:*
 - a. *Minimum front yard:* 30 feet.
 - b. *Minimum side yard:* Ten feet for interior side yard; 20 feet for a corner lot; 30 feet for a key corner lot.
 - c. *Minimum rear yard:* 25 feet for the main building and any accessory building(s). (See section 28-103 for accessory building standards.)
 - (3) *Parking regulations:*

-
- a. *Single-family dwelling unit:* A minimum of two parking spaces on the same lot as the main structure and on a paved driveway having a minimum length of 25 feet as measured from the street right-of-way line.
 - b. *Other:* See section 28-101, off-street parking and loading regulations.
- (4) *Minimum floor area per dwelling unit:* None.
 - (5) *Minimum exterior construction standards:* See section 28-14.
 - (6) *Maximum impervious surface coverage:* 50 percent.
- (e) *Special requirements:*
- (1) Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
 - (2) Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of five or more acres.
 - (3) Open/outside storage is permitted provided it does not create a nuisance and is in conformance with the adopted International Property Maintenance Code.
 - (4) Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of 25 feet from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be 25 feet.
 - (5) Swimming pools: See section 28-110.
 - (6) A site plan shall be required for any development that will include: 1) a private amenity or facility comprised of one or more buildings (such as a private recreation/swimming facility, clubhouse, etc.); 2) a golf course; and/or 3) a gated (restricted access) entrance into the development. In these instances, site plan submission and approval will be required for these elements (a site plan showing the entirety of the proposed subdivision is not required). Site plan submission and approval shall be in accordance with subsection 28-63(d), but shall not require a public hearing as required by subsection 28-63(d)(5).
 - (7) Any nonresidential land use which may be permitted in this district shall conform to the "C-N" — Commercial-Neighborhood district standards.
 - (8) *Other regulations:* See sections 28-101 through 28-112 regarding development standards for:
 - Off-street parking and loading requirements (section 28-101).
 - Landscape requirements (section 28-102).
 - Accessory structure and use regulations (section 28-103).
 - Fencing, walls and screening requirements (section 28-104).
 - Exterior construction and design requirements (section 28-105).
 - Supplemental regulations (section 28-106).
 - Performance standards (section 28-107).
 - Lighting and glare standards (section 28-108).
 - Home occupation regulations (section 28-109).
 - Special regulations for certain types of uses (section 28-110).
 - Reserved for future use (section 28-111).

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(Supp. No. 19)

- Definitions (section 28-112).

(Ord. No. 2009-O-4A, §§ (III)(15)(15.1—15.5), 4-14-09; Ord. No. 2013-O7C, § 3, 7-9-13)

Sec. 28-44. SF-10—Single-family residential-10 district.

- (a) *General purpose and description:* The SF-10—Single-Family Residential-10, district is intended to provide for development of primarily low-density detached, single-family residences on lots of not less than 10,000 square feet in size, churches, schools and public parks in logical neighborhood units. Areas zoned for the SF-10 district shall have, or shall make provision for, City of Angleton water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved streets with logical and efficient vehicular circulation patterns that discourage non-local traffic; they shall be properly buffered from nonresidential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.
- (b) *Permitted uses:*
 - (1) Those uses listed for the SF-10 district in section 28-81 as "P" or "S" are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in section 28-63.
- (c) *Height regulations:*
 - (1) *Maximum height:*
 - a. Two and one-half stories, and not to exceed 35 feet, for the main building/house.
 - b. One story for other accessory buildings, including detached garage, garden shed, gazebo, etc.
- (d) *Area regulations:*
 - (1) *Size of lots:*
 - a. *Minimum lot area:* 10,000 square feet.
 - b. *Minimum lot width:* 80 feet.
 - c. *Minimum lot depth:* 110 feet.
 - (2) *Size of yards:*
 - a. *Minimum front yard:* 30 feet.
 - b. *Minimum side yard:* Seven and one-half feet for interior side yard; fifteen feet for a corner lot on a street; 30 feet for a key corner lot.
 - c. *Minimum rear yard:* 25 feet for the main building and any accessory building(s). (See section 28-103 for accessory building standards.)
 - (3) *Parking regulations:*
 - a. *Single-family dwelling unit:* A minimum of two parking spaces on the same lot as the main structure and on a paved driveway having a minimum length of 25 feet as measured from the street right-of-way line.
 - b. *Other:* See section 28-101, off-street parking and loading regulations.
 - (4) *Minimum floor area per dwelling unit:* None.
 - (5) *Minimum exterior construction standards:* See section 28-105.
 - (6) *Maximum impervious surface coverage:* 60 percent.

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(e) *Special requirements:*

- (1) Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- (2) Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of five or more acres.
- (3) Open/outside storage is permitted provided it does not create a nuisance and is in conformance with the adopted International Property Maintenance Code.
- (4) Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of 25 feet from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be 25 feet.
- (5) Swimming pools: See section 28-110.
- (6) A site plan shall be required for any development that will include: 1) a private amenity or facility comprised of one or more buildings (such as a private recreation/swimming facility, clubhouse, etc.); 2) a golf course; and/or 3) a gated (restricted access) entrance into the development. In these instances, site plan submission and approval will be required for these elements (a site plan showing the entirety of the proposed subdivision is not required). Site plan submission and approval shall be in accordance with subsection 28-63(d), but shall not require a public hearing as required by subsection 28-63(d)(5).
- (7) Any nonresidential land use which may be permitted in this district shall conform to the "C-N"—Commercial-Neighborhood district standards.
- (8) *Other regulations:* See sections 28-101 through 28-112 regarding development standards for:
 - Off-street parking and loading requirements (section 28-101).
 - Landscape requirements (section 28-102).
 - Accessory structure and use regulations (section 28-103).
 - Fencing, walls and screening requirements (section 28-104).
 - Exterior construction and design requirements (section 28-105).
 - Supplemental regulations (section 28-106).
 - Performance standards (section 28-107).
 - Lighting and glare standards (section 28-108).
 - Home occupation regulations (section 28-109).
 - Special regulations for certain types of uses (section 28-110).
 - Reserved for future use (section 28-111).
 - Definitions (section 28-112).

(Ord. No. 2009-O-4A, §§ (III)(16)(16.1—16.5), 4-14-09; Ord. No. 2013-O7C, § 3, 7-9-13)

Sec. 28-45. SF-7.2—Single-family residential-7.2 district.

- (a) *General purpose and description:* The SF-7.2—Single-Family Residential-7.2, district is intended to provide for development of primarily detached, single-family residences on smaller and more compact lots of not less than 7,200 square feet in size, churches, schools and public parks in logical neighborhood units. Areas zoned for the SF-7.2 district shall have, or shall make provision for, City of Angleton water and sewer services. They

shall be designed to adequately accommodate storm drainage; they shall have paved streets with logical and efficient vehicular circulation patterns that discourage non-local traffic; they shall be properly buffered from nonresidential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

- (b) *Permitted uses:*
 - (1) Those uses listed for the SF-7.2 district in section 28-81 as "P" or "S" are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in section 28-63.
- (c) *Height regulations:*
 - (1) *Maximum height:*
 - a. Two and one-half stories, and not to exceed 35 feet, for the main building/house.
 - b. One story for other accessory buildings, including detached garage, garden shed, gazebo, etc.
- (d) *Area regulations:*
 - (1) *Size of lots:*
 - a. *Minimum lot area:* 7,200 square feet.
 - b. *Minimum lot width:* 60 feet.
 - c. *Minimum lot depth:* 100 feet.
 - (2) *Size of yards:*
 - a. *Minimum front yard:* 25 feet.
 - b. *Minimum side yard:* Five feet for interior side yard; 15 feet for a corner lot on a street; 25 feet for a key corner lot.
 - c. *Minimum rear yard:* 20 feet for the main building and any accessory building(s); 25 feet for rear entry garage. (See section 28-103 for accessory building standards.)
 - (3) *Parking regulations:*
 - a. *Single-family dwelling unit:* A minimum of two parking spaces on the same lot as the main structure and on a paved driveway having a minimum length of 25 feet as measured from the street right-of-way line.
 - b. *Other:* See section 28-101, off-street parking and loading regulations.
 - (4) *Minimum floor area per dwelling unit:* None.
 - (5) *Minimum exterior construction standards:* See section 28-105.
 - (6) *Maximum impervious surface coverage:* 60 percent.
- (e) *Special requirements:*
 - (1) Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
 - (2) Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of five or more acres.
 - (3) Open/outside storage is permitted provided it does not create a nuisance and is in conformance with the adopted International Property Maintenance Code.
 - (4) Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of 25 feet from the door face of the garage or carport to the side property line

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for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be 25 feet.

- (5) Swimming pools: See section 28-110.
- (6) A site plan shall be required for any development that will include: 1) a private amenity or facility comprised of one or more buildings (such as a private recreation/swimming facility, clubhouse, etc.); 2) a golf course; and/or 3) a gated (restricted access) entrance into the development. In these instances, site plan submission and approval will be required for these elements (a site plan showing the entirety of the proposed subdivision is not required). Site plan submission and approval shall be in accordance with subsection 28-63(d), but shall not require a public hearing as required by subsection 28-63(d)5.
- (7) Any nonresidential land use which may be permitted in this district shall conform to the "C-N"—Commercial-Neighborhood district standards.
- (8) *Other regulations:* See sections 28-101 through 28-112 regarding development standards for:
 - Off-street parking and loading requirements (section 28-101).
 - Landscape requirements (section 28-102).
 - Accessory structure and use regulations (section 28-103).
 - Fencing, walls and screening requirements (section 28-104).
 - Exterior construction and design requirements (section 28-105).
 - Supplemental regulations (section 28-106).
 - Performance standards (section 28-107).
 - Lighting and glare standards (section 28-108).
 - Home occupation regulations (section 28-109).
 - Special regulations for certain types of uses (section 28-110).
 - Reserved for future use (section 28-111).
 - Definitions (section 28-112).

(Ord. No. 2009-O-4A, §§ (III)(17)(17.1—17.5), 4-14-09; Ord. No. 2013-O7C, § 3, 7-9-13)

Sec. 28-46. SF-6.3—Single-family residential-6.3 district.

- (a) *General purpose and description:* The SF-6.3, Single-Family Residential-6.3, district is intended to provide for development of primarily detached, single-family residences on small, compact lots of not less than 6,300 square feet in size in logical neighborhood units.
- (b) *Permitted uses:*
 - (1) Those uses listed for the SF-6.3 district in section 28-81 as "P" or "S" are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in section 28-63.
- (c) *Height regulations:*
 - (1) *Maximum height:*
 - a. Two and one-half stories, and not to exceed 35 feet, for the main building/house.
 - b. One story for other accessory buildings, including detached garage, garden shed, gazebo, etc.

(d) *Area regulations:*(1) *Size of lots:*

- a. *Minimum lot area:* 6,300 square feet.
- b. *Minimum lot width:* 60 feet.
- c. *Minimum lot depth:* 100 feet.

(2) *Size of yards:*

- a. *Minimum front yard:* ~~20-25~~ feet.
- b. *Minimum side yard:* Five feet for interior side yard; 15 feet for a corner lot on a street; 25 feet for a key corner lot.
- c. *Minimum rear yard:* Twenty feet for the main building and any accessory building(s); 25 feet for rear entry garage. (See section 28-103 for accessory building standards.)

Commented [LK22]: To ensure that a car parked in the driveway does not encroach on the sidewalk or street ROW.

(3) *Parking regulations:*

- a. *Single-family dwelling unit:* A minimum of two parking spaces on the same lot as the main structure and on a paved driveway having a minimum length of 25 feet as measured from the street right-of-way line.
- b. *Other:* See section 28-101, off-street parking and loading regulations.

(4) *Minimum floor area per dwelling unit:* None.(5) *Minimum exterior construction standards:* See section 28-105.(6) *Maximum impervious surface coverage:* 60 percent.(e) *Special requirements:*

- (1) Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- (2) Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of five or more acres.
- (3) Open/outside storage is permitted provided it does not create a nuisance and is in conformance with the adopted International Property Maintenance Code.
- (4) Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of 25 feet from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be 25 feet.
- (5) Swimming pools: See section 28-110.
- (6) A site plan shall be required for any development that will include: 1) a private amenity or facility comprised of one or more buildings (such as a private recreation/swimming facility, clubhouse, etc.); 2) a golf course; and/or 3) a gated (restricted access) entrance into the development. In these instances, site plan submission and approval will be required for these elements (a site plan showing the entirety of the proposed subdivision is not required). Site plan submission and approval shall be in accordance with subsection 28-63(d), but shall not require a public hearing as required by subsection 28-63(d)5.
- (7) Any nonresidential land use which may be permitted in this district shall conform to the "C-N"—Commercial-Neighborhood district standards.
- (8) *Other regulations:* See sections 28-101 through 28-112 regarding development standards for:

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- Off-street parking and loading requirements (section 28-101).
- Landscape requirements (section 28-102).
- Accessory structure and use regulations (section 28-103).
- Fencing, walls and screening requirements (section 28-104).
- Exterior construction and design requirements (section 28-105).
- Supplemental regulations (section 28-106).
- Performance standards (section 28-107).
- Lighting and glare standards (section 28-108).
- Home occupation regulations (section 28-109).
- Special regulations for certain types of uses (section 28-110).
- Reserved for future use (section 28-111).
- Definitions (section 28-112).

(Ord. No. 2009-O-4A, §§ (III)(18)(18.1—18.5), 4-14-09; Ord. No. 2013-O7C, § 3, 7-9-13; Ord. No. 2016-O-6B, § 2, 6-14-16)

Sec. 28-47. SF-5—Single-family residential-5 district.

- (a) *General purpose and description:* The SF-5—Single-Family Residential-5, district is intended to provide for development of primarily detached, single-family residences on small, compact lots of not less than 5,000 square feet in size in logical neighborhood units.
- (b) *Permitted uses:*
- (1) Those uses listed for the SF-5 district in section 28-81 as "P" or "S" are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in section 28-63.
- (c) *Height regulations:*
- (1) *Maximum height:*
- a. Two and one-half stories, and not to exceed 35 feet, for the main building/house.
 - b. One story for other accessory buildings, including detached garage, garden shed, gazebo, etc.
- (d) *Area regulations:*
- (1) *Size of lots:*
- a. *Minimum lot area:* 5,000 square feet.
 - b. *Minimum lot width:* 50 feet.
 - c. *Minimum lot depth:* 100 feet.
- (2) *Size of yards:*
- a. *Minimum front yard:* ~~20-25~~ feet.
 - b. *Minimum side yard:* Five feet for interior side yard; 15 feet for a corner lot on a street; 25 feet for a key corner lot.

Commented [LK23]: To ensure that a car parked in the driveway does not encroach on the sidewalk or street ROW.

- c. *Minimum rear yard:* 20 feet for the main building and any accessory building(s); 25 feet for rear entry garage. (See section 28-103 for accessory building standards.)

(3) *Parking regulations:*

- a. *Single-family dwelling unit:* A minimum of two parking spaces on the same lot as the main structure and on a paved driveway having a minimum length of 25 feet as measured from the street right-of-way line.
- b. *Other:* See section 28-101, off-street parking and loading regulations.

(4) *Minimum floor area per dwelling unit:* None.

(5) *Minimum exterior construction standards:* See section 28-105.

(6) *Maximum impervious surface coverage:* 60 percent.

(e) *Special requirements:*

- (1) Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- (2) Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of five or more acres.
- (3) Open/outside storage is permitted provided it does not create a nuisance and is in conformance with the adopted International Property Maintenance Code.
- (4) Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of 25 feet from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be 25 feet.
- (5) Swimming pools: See section 28-110.
- (6) A site plan shall be required for any development that will include: 1) a private amenity or facility comprised of one or more buildings (such as a private recreation/swimming facility, clubhouse, etc.); 2) a golf course; and/or 3) a gated (restricted access) entrance into the development. In these instances, site plan submission and approval will be required for these elements (a site plan showing the entirety of the proposed subdivision is not required). Site plan submission and approval shall be in accordance with subsection 28-63(d), but shall not require a public hearing as required by subsection 28-63(d)5.
- (7) Any nonresidential land use which may be permitted in this district shall conform to the "C-N"—Commercial-Neighborhood district standards.
- (8) *Other regulations:* See sections 28-101 through 28-112 regarding development standards for:
 - Off-street parking and loading requirements (section 28-101).
 - Landscape requirements (section 28-102).
 - Accessory structure and use regulations (section 28-103).
 - Fencing, walls and screening requirements (section 28-104).
 - Exterior construction and design requirements (section 28-105).
 - Supplemental regulations (section 28-106).
 - Performance standards (section 28-107).
 - Lighting and glare standards (section 28-108).
 - Home occupation regulations (section 28-109).

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- Special regulations for certain types of uses (section 28-110).
- Reserved for future use (section 28-111).
- Definitions (section 28-112).

(Ord. No. 2009-O-4A, §§ (III)(19)(19.1—19.5), 4-14-09; Ord. No. 2013-O7C, § 3, 7-9-13; Ord. No. 2016-O-6B, § 2, 6-14-16)

Sec. 28-48. SF-PH—Single-family residential—Patio home district (Zero-lot-line homes).

- (a) *General purpose and description:* The SF-PH—Single-Family Residential-Patio Home, district is designed to provide for development of primarily detached single-family residences on compact lots having one side yard reduced to zero feet (i.e., "zero-lot-line"), and having not less than 5,000 square feet. Patio home developments shall be arranged in a clustered lot pattern with a common usable open space system that is an integral part of the development. Areas zoned for the SF-PH district shall have, or shall make provision for, City of Angleton water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved streets with logical and efficient vehicular circulation patterns that discourage non-local traffic; they shall be properly buffered from nonresidential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.
- (b) *Permitted uses:*
- (1) Those uses listed for the SF-PH district in section 28-81 as "P" or "S" are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in section 28-63.
- (c) *Height regulations:*
- (1) *Maximum height:*
- Two and one-half stories, and not to exceed 35 feet, for the main building/house.
 - One story for other accessory buildings, including detached garage, garden shed, gazebo, etc.
- (d) *Area regulations:*
- (1) *Size of lots:*
- Minimum lot area:* 5,000 square feet.
 - Maximum project size:* The maximum size of a patio home development shall be 40 acres.
 - Minimum lot width:* 50 feet.
 - Minimum lot depth:* 100 feet.
- (2) *Size of yards:*
- Minimum front yard:* 20 feet; 25 feet to the garage door face for front-entry homes.
 - Minimum side yard:* One side yard reduced to zero feet; other side yard a minimum of ten feet required with 15 feet required on corner lots adjacent to a residential or collector street, and 20 feet required on corner lots adjacent to an arterial street; 20 feet for a key corner lot on any street.
 - Minimum rear yard:* Ten feet for the main building and any accessory building(s); 25 feet for rear entry garage.
- (3) *Parking regulations:*

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- a. *Single-family dwelling unit:* A minimum of two parking spaces on the same lot as the main structure and on a paved driveway having a minimum length of 25 feet as measured from the street right-of-way line.
 - b. *Other:* See section 28-101, off-street parking and loading requirements.
- (4) *Minimum floor area per dwelling unit:* None.
 - (5) *Minimum exterior construction standards:* See section 28-105.
 - (6) *Maximum impervious surface coverage:* 70 percent.
- (e) *Special requirements:*
- (1) Patio home developments shall be developed as zero-lot-line homes. One side yard shall be reduced to zero feet, while the other side yard shall be a minimum of ten feet; 15 feet for a corner lot on the residential or collector street side, or 20 feet for a corner lot on an arterial street. A minimum five-foot wide maintenance and utility easement shall be placed on the adjacent lot (i.e., the other side of the zero-lot-line) to enable the property owner to maintain that portion of his/her house that is on the zero-lot-line. Side yards and maintenance and utility easements shall be shown on the subdivision plat. A minimum separation between patio homes of ten feet shall be provided. Roof overhangs will be allowed to project into the maintenance and utility easement a maximum of 24 inches, but the maintenance and utility easement shall remain reasonably accessible to the adjacent homeowner to perform maintenance and repairs to all portions of the exterior of his/her home. No accessory building, pool, or stored materials (e.g., firewood, garden or construction materials, etc.) shall be located or stored within the maintenance easement; wooden decking may be located within the maintenance easement.
 - (2) Maintenance requirements for common areas. A property owners association is required for continued maintenance of common land and facilities.
 - (3) Single-family lots and detached dwellings constructed in this district shall conform to the standards as set forth in the SF-5 zoning district.
 - (4) Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
 - (5) Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of five or more acres.
 - (6) Open/outside storage is permitted provided it does not create a nuisance and is in conformance with the adopted International Property Maintenance Code.
 - (7) Homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of 25 feet from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be 25 feet.
 - (8) Swimming pools: See section 28-110.
 - (9) A site plan shall be required for any development that will include: 1) a private amenity or facility comprised of one or more buildings (such as a private recreation/swimming facility, clubhouse, etc.); 2) a golf course; and/or 3) a gated (restricted access) entrance into the development. In these instances, site plan submission and approval will be required for these elements (a site plan showing the entirety of the proposed subdivision is not required). Site plan submission and approval shall be in accordance with subsection 28-63(d), but shall not require a public hearing as required by subsection 28-63(d)5.
 - (10) Any nonresidential land use which may be permitted in this district shall conform to the "C-N"—Commercial-Neighborhood district standards.

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(11) *Other regulations:* See sections 28-101 through 28-112 regarding development standards for:

- Off-street parking and loading requirements (section 28-101).
- Landscape requirements (section 28-102).
- Accessory structure and use regulations (section 28-103).
- Fencing, walls and screening requirements (section 28-104).
- Exterior construction and design requirements (section 28-105).
- Supplemental regulations (section 28-106).
- Performance standards (section 28-107).
- Lighting and glare standards (section 28-108).
- Home occupation regulations (section 28-109).
- Special regulations for certain types of uses (section 28-110).
- Reserved for future use (section 28-111).
- Definitions (section 28-112).

(Ord. No. 2009-O-4A, §§ (III)(20)(20.1—20.5), 4-14-09; Ord. No. 2013-O7C, § 3, 7-9-13)

Sec. 28-49. 2F—Two-family residential district (Duplex homes).

- (a) *General purpose and description:* The 2F—Two-Family Residential, district is intended to promote stable, quality multiple-occupancy residential development at slightly increased densities. Individual ownership of each of the two-family or duplex units is encouraged. This district is typically used as a "buffer" or transition district between lower density residential areas and higher density or nonresidential areas or major thoroughfares. Areas zoned for the 2F district shall have, or shall make provision for, City of Angleton water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved streets with logical and efficient vehicular circulation patterns which discourage non-local traffic; they shall be properly buffered from nonresidential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.
- (b) *Permitted uses:*
- (1) Those uses listed for the 2F district in section 28-81 as "P" or "S" are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in section 28-63.
- (c) *Height regulations:*
- (1) *Maximum height:*
- a. Two and one-half stories, and not to exceed 35 feet, for the main building/house.
 - b. One story for other accessory buildings, including detached garage, garden shed, gazebo, etc.
- (d) *Area regulations:*
- (1) *Size of lots for two-family/duplex homes:*
- a. *Minimum lot area:* 10,000 square feet per pair of dwelling units; 5,000 square feet per dwelling unit.
 - b. *Minimum lot width:* 80 feet.

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- c. *Minimum lot depth:* 100 feet.
 - (2) *Size of yards for two-family/duplex homes:*
 - a. *Minimum front yard:* 25 feet; 25 feet to the garage door face for front-entry homes.
 - b. *Minimum side yard:* Five feet required with 15 feet required on corner lots adjacent to a residential or collector street, and 20 feet required on corner lots adjacent to an arterial street; 25 feet for key corner lot on any street.
 - c. *Minimum rear yard:* 25 feet for the main building and any accessory building(s); 25 feet for rear entry garage. (See section 28-103 for exceptions.)
 - (3) *Parking regulations:*
 - a. A minimum of two parking spaces for each dwelling unit on the same lot as the main structure and on a paved driveway having a minimum length of 25 feet as measured from the street right-of-way line.
 - b. Also see section 28-101, off-street parking and loading regulations.
 - (4) *Minimum floor area per dwelling unit for two-family/duplex homes:* None.
 - (5) *Minimum exterior construction standards:* See section 28-105.
 - (6) *Maximum impervious surface coverage:* 60 percent.
 - (e) *Special requirements:*
 - (1) Single-family lots and detached dwellings constructed in this district shall conform to the standards as set forth in the SF-6.3 zoning district.
 - (2) The elimination of a garage space by enclosing the garage with a stationary building wall shall be prohibited.
 - (3) Recreational vehicles, travel trailers, or motor homes may not be used for on-site dwelling purposes.
 - (4) Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of five or more acres.
 - (5) Open/outside storage is permitted provided it does not create a nuisance and is in conformance with the adopted International Property Maintenance Code.
 - (6) Single-family and two-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of 25 feet from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be 25 feet.
 - (7) Swimming pools: See section 28-110.
 - (8) A site plan shall be required for any development that will include: 1) a private amenity or facility comprised of one or more buildings (such as a private recreation/swimming facility, clubhouse, etc.); 2) a golf course; and/or 3) a gated (restricted access) entrance into the development. In these instances, site plan submission and approval will be required for these elements (a site plan showing the entirety of the proposed subdivision is not required). Site plan submission and approval shall be in accordance with subsection 28-63(d), but shall not require a public hearing as required by subsection 28-63(d)(5).
 - (9) Any nonresidential land use which may be permitted in this district shall conform to the "C-N"—Commercial-Neighborhood district standards.
 - (10) *Other regulations:* See sections 28-101 through 28-112 regarding development standards for:

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- Off-street parking and loading requirements (section 28-101).
- Landscape requirements (section 28-102).
- Accessory structure and use regulations (section 28-103).
- Fencing, walls and screening requirements (section 28-104).
- Exterior construction and design requirements (section 28-105).
- Supplemental regulations (section 28-106).
- Performance standards (section 28-107).
- Lighting and glare standards (section 28-108).
- Home occupation regulations (section 28-109).
- Special regulations for certain types of uses (section 28-110).
- Reserved for future use (section 28-111).
- Definitions (section 28-112).

(Ord. No. 2009-O-4A, §§ (III)(21)(21.1—21.5), 4-14-09; Ord. No. 2013-O7C, § 3, 7-9-13)

Sec. 28-50. SFA—Single-family attached residential district (Townhomes).

- (a) *General purpose and description:* The SFA—Single-Family Attached Residential, district is intended to promote stable, quality, attached-occupancy residential development on individual lots at higher residential densities. Individual ownership of each lot and dwelling unit is encouraged. This district may be included within certain areas of neighborhoods or, when in accordance with the intent of the comprehensive plan, may provide a "buffer" or transition district between lower density residential areas and multifamily or nonresidential areas or major thoroughfares. Areas zoned for the SFA district shall have, or shall make provision for, City of Angleton water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved streets with logical and efficient vehicular circulation patterns which discourage non-local traffic; they shall be properly buffered from nonresidential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.
- (b) *Permitted uses:*
- (1) Those uses listed for the SFA district in section 28-81 as "P" or "S" are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in section 28-63.
- (c) *Height regulations:*
- (1) *Maximum height:*
- a. Two and one-half stories, and not to exceed 35 feet, for the main building or house.
 - b. One story for other accessory buildings, including detached garage, carports, garden shed, gazebo, clubhouse, mail kiosks, etc.
 - c. Other requirements (see section 28-106).
- (d) *Area regulations:*
- (1) *Size of lots:*
- a. *Minimum lot area:* 2,500 square feet.
 - b. *Maximum density:* Ten units per gross acre of land area within the development.

- c. *Maximum project size:* The maximum size of a single-family attached residential development shall be 25 acres.
- d. *Minimum lot width:* 20 feet.
- e. *Minimum lot depth:* 100 feet.

(2) *Size of yards:*

- a. *Minimum front yard:* 15 feet; front yard setbacks shall be staggered in at least four-foot increments such that no more than two units have the same front setback in a row; no front-entry garages permitted unless the garage door or carport access opening is set back at least 20 feet from the property line (i.e., the right-of-way or street easement line). 25 feet to the garage door face for front-entry homes.
- b. *Minimum side yard:*
 - 1. Single-family attached dwellings shall not have an interior side yard; however, a minimum ten-foot side yard is required for a corner lot adjacent to a residential street or alley that only serves lots within the SFA subdivision, a minimum 15-foot side yard is required for a corner lot adjacent to a residential or collector street serving lots outside the SFA subdivision, a minimum 20-foot side yard is required for a corner lot adjacent to an arterial street. The ends of any two adjacent building complexes or rows of buildings shall be at least 15 feet apart.
 - 2. A complex or continuous row of attached single-family dwellings shall have a minimum length of four dwelling units (~~quadruple~~quadruplex), a maximum length of eight dwelling units.
- c. *Minimum rear yard:* 15 feet for the main building and any accessory building(s); 20 feet for rear entry garage.

(3) *Maximum lot coverage:* 70 percent by main and accessory buildings on each individual lot.

(4) *Parking regulations:*

- a. A minimum of two parking spaces for each dwelling unit, located in front, behind, beside or incorporated into the dwelling unit and located on the same lot as each dwelling unit (see section 28-101, off-street parking and loading requirements).
- b. Designated visitor parking spaces shall be provided in off-street, common areas at a ratio of one guest/visitor space per four units. SFA developments that include a two-car garage or carport and driveway area equivalent to two additional parking spaces on each lot are not required to provide visitor parking spaces.
- c. Additional parking shall be required for any recreational uses, clubhouse, office, sales offices and other similar accessory structures and uses.

(5) *Minimum floor area per dwelling unit:* 800 square feet of air-conditioned floor area.

(6) *Minimum exterior construction standards:* See section 28-105.

(e) *Special requirements:*

- (1) *Maintenance requirements for common areas.* A property owners association is required for continued maintenance of common land and facilities.
- (2) *Streets.* Two-way streets that serve 25 or fewer lots within a SFA development shall provide a 50-foot right-of-way and a 28-foot wide roadway. One-way streets that serve 25 or fewer lots within a SFA development shall provide a 20-foot right-of-way and a 14-foot wide roadway. All street corners and

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curves shall be designed to accommodate access by a fire truck. Streets may be privately owned or, if constructed to city standards, publicly dedicated streets. Streets serving more than 25 lots shall comply with the normal standards for residential, collector or arterial streets.

- (3) *Refuse facilities.* Solid waste disposal services may be provided individually to each unit in the development in the same manner as other single-family developments or through the use of a common refuse facility. A common refuse facility shall be a dumpster or other similar container designed for receiving garbage in bulk from more than one dwelling. All common refuse containers shall be maintained in accordance with local public health and sanitary regulations. Common refuse facilities shall be located no closer than 30 feet to any adjacent single-family property, shall be located so as to provide safe and convenient pickup by refuse collection agencies and shall be screened in accordance with subsection 28-104(b)(7) of this chapter (see illustrations 16 and 17 for refuse container enclosure diagrams).
- (4) All utilities shall be provided separately to each lot within an SFA district so that each unit is individually metered.
- (5) Any residential development of a lower density than provided for in SFA districts is allowed here provided such development is in accordance with the applicable district regulations of such lower density uses.
- (6) Each SFA lot shall contain a private yard with not less than 300 square feet of area (i.e., a back yard or large side yard). Private yards may include a patio cover, gazebo or other similar non-enclosed structure which does not cover more than 25 percent of the area of the private yard, and they may also include a swimming pool, swing set, play fort, or other private leisure amenity.
- (7) The elimination of a garage space by enclosing the garage with a stationary building wall shall be prohibited.
- (8) Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- (9) Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of five or more acres.
- (10) Open/outside storage is permitted provided it does not create a nuisance and is in conformance with the adopted International Property Maintenance Code.
- (11) Homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of 25 feet from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be 25 feet.
- (12) A site plan shall be required for any SFA development, or for any other type of development in the SFA district that will include: 1) a private amenity or facility comprised of one or more buildings (such as a private recreation/swimming facility, clubhouse, etc.); 2) a golf course; and/or 3) a gated (restricted access) entrance into the development. In these instances, site plan submission and approval will be required for these elements (a site plan showing the entirety of the proposed subdivision is not required). Site plan submission and approval shall be in accordance with subsection 28-63(d), but shall not require a public hearing as required by subsection 28-63(d)(5).
- (13) Any nonresidential land use which may be permitted in this district shall conform to the "C-N"—Commercial-Neighborhood district standards. All buildings within a nonresidential development shall be architecturally compatible with each other, in that they shall use similar exterior finish colors and materials to achieve an overall, visually compatible appearance when viewed from the road.
- (14) Gated/secured entrances shall be in accordance with the city's design standards for gated/secured entrances on private streets.

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(15) *Other regulations:* See sections 28-101 through 28-112 regarding development standards for:

- Off-street parking and loading requirements (section 28-101).
- Landscape requirements (section 28-102).
- Accessory structure and use regulations (section 28-103).
- Fencing, walls and screening requirements (section 28-104).
- Exterior construction and design requirements (section 28-105).
- Supplemental regulations (section 28-106).
- Performance standards (section 28-107).
- Lighting and glare standards (section 28-108).
- Home occupation regulations (section 28-109).
- Special regulations for certain types of uses (section 28-110).
- Reserved for future use (section 28-111).
- Definitions (section 28-112).

(16) *Screening requirements.* A screening fence along shared property lines between SFA districts and other single-family zoning districts shall be required. Said screening fence shall comply with the requirements of section 28-104.

(Ord. No. 2009-O-4A, §§ (III)(22)(22.1—22-5), 4-14-09; Ord. No. 2013-O7C, § 3, 7-9-13; Ord. No. 2015-O-11A, § 2, 11-10-15; Ord. No. 20190910-009, § 2, 9-10-19)

Sec. 28-51. MFR-14—Multifamily residential-14 district (Apartments).

(a) *General purpose and description:* The MFR-14—Multifamily Residential-14, district is an attached residential district intended to provide moderate residential density of up to 14 dwelling units per acre. The principal permitted land uses will include low-rise multiple-family dwellings and garden apartments. Recreational, religious, health and educational uses normally located to service residential areas are also permitted in this district. This district should be located adjacent to a major thoroughfare and serve as a buffer between nonresidential development or heavy automobile traffic and medium- or low-density residential development. Areas zoned for the MFR-14 district shall have, or shall make provision for, City of Angleton water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved drive aisles with logical and efficient vehicular circulation patterns; they shall be properly buffered from nonresidential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

(b) *Permitted uses:*

(1) Those uses listed for the MFR-14 district in section 28-81 as "P" or "S" are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in section 28-63.

(c) *Height regulations:*

(1) *Maximum height:*

- a. Two stories, and not to exceed 35 feet, for the main building(s).
- b. One story for other accessory buildings, including detached garages, carports, clubhouse, gazebo, mail kiosks, laundry rooms, etc.

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c. Other requirements (see section 28-106).

(d) *Area regulations:*

(1) *Size of lots:*

- a. *Minimum lot area:* 3,000 square feet per dwelling unit, not to exceed 14 dwelling units per acre (calculated on gross acreage). The minimum lot (i.e., project) size shall be 6,300 square feet.
- b. *Minimum lot width:* 60 feet.
- c. *Minimum lot depth:* 100 feet.

(2) *Size of yards:*

- a. *Minimum front yard:* 25 feet. All areas adjacent to a street shall be deemed front yards. See section 28-106 for additional setback requirements.
- b. *Minimum side and rear yard:* 15 feet, unless adjacent to a single-family, duplex, patio home or single-family attached district then side and rear setbacks shall be according to the height of the multifamily building, as follows:
 1. *One-story building:* 25 feet.
 2. *Two-story building:* 50 feet.
- c. *Building separation:*
 1. *One-story buildings:* 15 feet for buildings without openings; 20 feet for buildings with openings.
 2. *Two-story buildings (or a two-story building adjacent to a one-story building):* 20 feet for buildings without openings; 25 feet for buildings with openings.
 3. *Between a main building and an accessory building:* Ten feet.

(3) *Minimum floor area per dwelling unit:* 600 square feet of air-conditioned floor area.

(4) *Maximum impervious surface coverage:* 50 percent.

(5) *Parking regulations:*

- a. One space for each efficiency or one-bedroom unit.
- b. Two spaces for each two-bedroom unit.
- c. Two and a half spaces for each three-bedroom unit.
- d. Three spaces for each four- or more bedroom unit.
- e. The average number of parking spaces for the total development shall be no less than one space per dwelling unit.
- f. No parking space may be located closer than six feet from any building, nor closer than two feet from any side or rear lot line.
- g. At least one resident parking space per dwelling unit shall be covered.
- h. See section 28-101, off-street parking and loading requirements, for additional requirements.

(6) *Minimum exterior construction standards:* See section 28-105.

(e) *Special requirements:*

(1) *Landscape area requirements:* See section 28-102 for landscaping requirements.

- (2) *Refuse facilities:* Every multifamily dwelling unit shall be located within 200 feet of a refuse facility, measured along the designated pedestrian travel way. A refuse facility shall be a dumpster or other similar container designed for receiving garbage in bulk for more than one dwelling, and all refuse containers shall be maintained in accordance with local public health and sanitary regulations. Refuse containers shall be located no closer than 30 feet to any adjacent single-family property, shall be located so as to provide safe and convenient pickup by refuse collection agencies, and shall be screened in accordance with subsection 28-104(b)(7). (See illustrations 16 and 17 for refuse container enclosure diagrams).
- (3) *Screening requirements:* See section 28-104 for screening requirements.
- (4) Single-family, duplex, patio home, or townhouse residential units constructed in this district shall conform to SF-6.3, 2F, SF-PH or SFA district standards, respectively.
- (5) Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- (6) Open/outside storage is permitted provided it does not create a nuisance and is in conformance with the adopted International Property Maintenance Code.
- (7) All points on the exterior facades of all buildings shall be within 150 feet of a dedicated fire lane easement (as measured by an unobstructed pathway, or route, for fire hoses).
- (8) A four-foot wide ADA paved walkway shall connect the front door of each ground floor unit to a parking area. The minimum width of any sidewalk adjacent to head-in parking spaces shall be six feet to accommodate a two-foot bumper overhang for vehicles.
- (9) Buildings shall not exceed 200 feet in length.
- (10) Boats, campers, trailers and other recreational vehicles shall be prohibited unless oversize vehicle parking areas are provided. This parking area shall not be used to meet the minimum parking requirements, and shall not be visible from a public street.
- (11) All buildings containing residential units shall provide signage that clearly identifies the numbers (i.e., addresses) of the units within each building. Signage shall be visible from entrances into the complex and/or from vehicular drive aisles within the complex such that each individual unit is easy to locate by visitors, delivery persons, and/or emergency personnel.
- (12) All parking areas shall have appropriate lighting and shall be positioned such that no light adversely impacts adjacent residential areas.
- (13) Any nonresidential land use which may be permitted in this district shall conform to the "C-N" — Commercial-Neighborhood district standards. All buildings within a nonresidential development shall be architecturally compatible with each other, in that they shall use similar exterior finish colors and materials to achieve an overall, visually compatible appearance when viewed from the road.
- (14) Gated/secured entrances shall be in accordance with the city's design standards for gated/secured entrances on private streets.
- (15) A site plan shall be required for any MFR development, or for any other type of development in the MFR-14 district that will include: 1) a private amenity or facility comprised of one or more buildings (such as a private recreation/swimming facility, clubhouse, etc.); 2) a golf course; and/or 3) a gated (restricted access) entrance into the development. In these instances, site plan submission and approval will be required for these elements (a site plan showing the entirety of the proposed subdivision is not required). Site plan submission and approval shall be in accordance with subsection 28-63(d), but shall not require a public hearing as required by subsection 28-63(d)(5).
- (16) *Other regulations:* See sections 28-101 through 28-112 regarding development standards for:

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- Off-street parking and loading requirements (section 28-101).
- Landscape requirements (section 28-102).
- Accessory structure and use regulations (section 28-103).
- Fencing, walls and screening requirements (section 28-104).
- Exterior construction and design requirements (section 28-105).
- Supplemental regulations (section 28-106).
- Performance standards (section 28-107).
- Lighting and glare standards (section 28-108).
- Home occupation regulations (section 28-109).
- Special regulations for certain types of uses (section 28-110).
- Reserved for future use (section 28-111).
- Definitions (section 28-112).

(Ord. No. 2009-O-4A, §§ (III)(23)(23.1—23.6), 4-14-09; Ord. No. 2013-O7C, § 3, 7-9-13; Ord. No. 20190910-010, §§ 2, 3, 9-10-19; Ord. No. 20191112-008, § 2, 11-12-19)

Sec. 28-52. MFR-29—Multifamily residential-29 district (Apartments).

- (a) *General purpose and description:* The MFR-29—Multifamily Residential-29 district is an attached residential district intended to provide high residential density of up to 29 dwelling units per acre. The principal permitted land uses will include low-rise multiple-family dwellings and garden apartments. Recreational, religious, health and educational uses normally located to service residential areas are also permitted in this district. This district should be located adjacent to a major thoroughfare and serve as a buffer between nonresidential development or heavy automobile traffic and medium- or low-density residential development. Areas zoned for the MFR-29 district shall have, or shall make provision for City of Angleton water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved drive aisles with logical and efficient vehicular circulation patterns; they shall be properly buffered from nonresidential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.
- (b) *Permitted uses:*
- (1) Those uses listed for the MFR-29 district in section 28-81 as "P" or "S" are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in section 28-63.
- (c) *Height regulations:*
- (1) *Maximum height:*
- a. Three stories, and not to exceed 40 feet, for the main building(s).
 - b. One story for other accessory buildings, including detached garages, carports, clubhouse, gazebo, mail kiosks, laundry rooms, etc.
 - c. Other requirements (see section 28-106).
- (d) *Area regulations:*
- (1) *Size of lots:*

- a. *Minimum lot area:* 1,500 square feet per dwelling unit, not to exceed 29 dwelling units per acre (calculated on gross acreage). The minimum lot (i.e., project) size shall be 6,300 square feet.
- b. *Minimum lot width:* 60 feet.
- c. *Minimum lot depth:* 100 feet.

(2) *Size of yards:*

- a. *Minimum front yard:* 25 feet. All areas adjacent to a street shall be deemed front yards. See section 28-106 for additional setback requirements.
- b. *Minimum side and rear yard:* 15 feet, unless adjacent to a single-family, duplex, patio home or single-family attached district then side and rear setbacks shall be according to the height of the multifamily building, as follows:
 - 1. *One-story building:* 25 feet.
 - 2. *Two-story building:* 50 feet.
- c. *Building separation:*
 - 1. *One-story buildings:* 15 feet for buildings without openings; 20 feet for buildings with openings.
 - 2. *Two-story buildings (or a two-story building adjacent to a one-story building):* 20 feet for buildings without openings; 25 feet for buildings with openings.
 - 3. *Between a main building and an accessory building:* Ten feet.

(3) *Minimum floor area per dwelling unit:* 600 square feet of air conditioned floor area.

(4) *Maximum impervious surface coverage:* 50 percent.

(5) *Parking regulations:*

- a. One and a half spaces for each efficiency or one-bedroom unit.
- b. Two spaces for each two-bedroom unit.
- c. Two and a half spaces for each three-bedroom unit.
- d. Three spaces for each four- or more bedroom unit.
- e. The average number of parking spaces for the total development shall be no less than one space per dwelling unit.
- f. No parking space may be located closer than six feet from any building, nor closer than two feet from any side or rear lot line.
- g. At least one resident parking space per dwelling unit shall be covered.
- h. See section 28-101, off-street parking and loading requirements, for additional requirements.

(6) *Minimum exterior construction standards:* See section 28-105.

(e) *Special requirements:*

- (1) *Landscape area requirements:* See section 28-102 for landscaping requirements.
- (2) *Refuse facilities:* Every multifamily dwelling unit shall be located within 200 feet of a refuse facility, measured along the designated pedestrian travel way. A refuse facility shall be a dumpster or other similar container designed for receiving garbage in bulk for more than one dwelling, and all refuse containers shall be maintained in accordance with local public health and sanitary regulations. Refuse

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containers shall be located no closer than 30 feet to any adjacent single-family property, shall be located so as to provide safe and convenient pickup by refuse collection agencies, and shall be screened in accordance with subsection 28-104(b)(7). (See illustrations 16 and 17 for refuse container enclosure diagrams).

- (3) *Screening requirements:* See section 28-104 for screening requirements.
- (4) Single-family, duplex, patio home, or townhouse residential units constructed in this district shall conform to SF-6.3, 2F, SF-PH or SFA district standards, respectively.
- (5) Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- (6) Open/outside storage is permitted provided it does not create a nuisance and is in conformance with the adopted International Property Maintenance Code.
- (7) All points on the exterior facades of all buildings shall be within 150 feet of a dedicated fire lane easement (as measured by an unobstructed pathway, or route, for fire hoses).
- (8) A four-foot wide ADA paved walkway shall connect the front door of each ground floor unit to a parking area. The minimum width of any sidewalk adjacent to head-in parking spaces shall be six feet to accommodate a two-foot bumper overhang for vehicles.
- (9) Buildings shall not exceed 200 feet in length.
- (10) Boats, campers, trailers and other recreational vehicles shall be prohibited unless oversize vehicle parking areas are provided. This parking area shall not be used to meet the minimum parking requirements, and shall not be visible from a public street.
- (11) All buildings containing residential units shall provide signage that clearly identifies the numbers (i.e., addresses) of the units within each building. Signage shall be visible from entrances into the complex and/or from vehicular drive aisles within the complex such that each individual unit is easy to locate by visitors, delivery persons, and/or emergency personnel.
- (12) All parking areas shall have appropriate lighting and shall be positioned such that no light adversely impacts adjacent residential areas.
- (13) Any nonresidential land use which may be permitted in this district shall conform to the "C-N"—Commercial-Neighborhood district standards. All buildings within a nonresidential development shall be architecturally compatible with each other, in that they shall use similar exterior finish colors and materials to achieve an overall, visually compatible appearance when viewed from the road.
- (14) Gated/secured entrances shall be in accordance with the city's design standards for gated/secured entrances on private streets.
- (15) A site plan shall be required for any MFR development, or for any other type of development in the MFR-29 district that will include: 1) a private amenity or facility comprised of one or more buildings (such as a private recreation/swimming facility, clubhouse, etc.); 2) a golf course; and/or 3) a gated (restricted access) entrance into the development. In these instances, site plan submission and approval will be required for these elements (a site plan showing the entirety of the proposed subdivision is not required). Site plan submission and approval shall be in accordance with subsection 28-63(d), but shall not require a public hearing as required by subsection 28-63(d)(5).
- (16) *Other regulations:* See sections 28-101 through 28-112 regarding development standards for:
 - Off-street parking and loading requirements (section 28-101).
 - Landscape requirements (section 28-102).
 - Accessory structure and use regulations (section 28-103).

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- Fencing, walls and screening requirements (section 28-104).
- Exterior construction and design requirements (section 28-105).
- Supplemental regulations (section 28-106).
- Performance standards (section 28-107).
- Lighting and glare standards (section 28-108).
- Home occupation regulations (section 28-109).
- Special regulations for certain types of uses (section 28-110).
- Reserved for future use (section 28-111).
- Definitions (section 28-112).

(Ord. No. 2009-O-4A, §§ (III)(24)(24.1—24-5), 4-14-09; Ord. No. 2013-O7C, § 3, 7-9-13; Ord. No. 2016-O-6B, § 2, 6-14-16; Ord. No. 20190910-010, § 4, 9-10-19; Ord. No. 20191112-008, § 3, 11-12-19)

Sec. 28-53. MFR-36—Multifamily residential-36 district (Apartments).

- (a) *General purpose and description:* The MFR-36—Multifamily Residential-36 district is an attached residential district intended to provide the highest residential density of up to 36 dwelling units per acre. The principal permitted land uses will include low-rise multiple-family dwellings and garden apartments. Recreational, religious, health and educational uses normally located to service residential areas are also permitted in this district. This district should be located adjacent to a major thoroughfare and serve as a buffer between nonresidential development or heavy automobile traffic and medium- or low-density residential development. Areas zoned for the MFR-36 district shall have, or shall make provision for City of Angleton water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved drive aisles with logical and efficient vehicular circulation patterns; they shall be properly buffered from nonresidential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.
- (b) *Permitted uses:*
- (1) Those uses listed for the MFR-36 district in section 28-81 as "P" or "S" are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in section 28-63.
- (c) *Height regulations:*
- (1) *Maximum height:*
- a. Three stories, and not to exceed 40 feet, for the main building(s).
 - b. One story for other accessory buildings, including detached garages, carports, clubhouse, gazebo, mail kiosks, laundry rooms, etc.
 - c. Other requirements (see section 28-106).
- (d) *Area regulations:*
- (1) *Size of lots:*
- a. *Minimum lot area:* 1,200 square feet per dwelling unit, not to exceed 36 dwelling units per acre (calculated on gross acreage). The minimum lot (i.e., project) size shall be 6,300 square feet.
 - b. *Minimum lot width:* 60 feet.
 - c. *Minimum lot depth:* 100 feet.

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(2) *Size of yards:*

- a. *Minimum front yard:* 25 feet. All areas adjacent to a street shall be deemed front yards. See section 28-106 for additional setback requirements.
- b. *Minimum side and rear yard:* 15 feet, unless adjacent to a single-family, duplex, patio home or single-family attached district then side and rear setbacks shall be according to the height of the multifamily building, as follows:
 - 1. *One-story building:* 25 feet.
 - 2. *Two-story building:* 50 feet.
 - 3. *Over two-story building:* 75 feet.
- c. *Building separation:*
 - 1. *One-story buildings:* 15 feet for buildings without openings; 20 feet for buildings with openings.
 - 2. *Two-story buildings (or a two-story building adjacent to a one-story building):* 20 feet for buildings without openings; 25 feet for buildings with openings.
 - 3. *Over two-story buildings (or an over two-story building adjacent to a one- or two-story building):* 25 feet for buildings with or without openings.
 - 4. *Between a main building and an accessory building:* Ten feet.

(3) *Minimum floor area per dwelling unit:* 600 square feet of air conditioned floor area.(4) *Maximum impervious surface coverage:* 50 percent.(5) *Parking regulations:*

- a. One and a half spaces for each efficiency or one-bedroom unit.
- b. Two spaces for each two-bedroom unit.
- c. Two and a half spaces for each three-bedroom unit.
- d. Three spaces for each four- or more bedroom unit.
- e. The average number of parking spaces for the total development shall be no less than one space per dwelling unit.
- f. No parking space may be located closer than six feet from any building, nor closer than two feet from any side or rear lot line.
- g. At least one resident parking space per dwelling unit shall be covered.
- h. See section 28-101, off-street parking and loading requirements, for additional requirements.

(6) *Minimum exterior construction standards:* See section 28-105.(e) *Special requirements:*

- (1) *Landscape area requirements:* See section 28-102 for landscaping requirements.
- (2) *Refuse facilities:* Every multifamily dwelling unit shall be located within 200 feet of a refuse facility, measured along the designated pedestrian travel way. A refuse facility shall be a dumpster or other similar container designed for receiving garbage in bulk for more than one dwelling, and all refuse containers shall be maintained in accordance with local public health and sanitary regulations. Refuse containers shall be located no closer than 30 feet to any adjacent single-family property, shall be

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located so as to provide safe and convenient pickup by refuse collection agencies, and shall be screened in accordance with subsection 28-104(b)(7). (See illustrations 16 and 17 for refuse container enclosure diagrams).

- (3) *Screening requirements:* See section 28-104 for screening requirements.
- (4) Single-family, duplex, patio home, or townhouse residential units constructed in this district shall conform to SF-6.3, 2F, SF-PH or SFA district standards, respectively.
- (5) Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.
- (6) Open/outside storage is permitted provided it does not create a nuisance and is in conformance with the adopted International Property Maintenance Code.
- (7) All points on the exterior facades of all buildings shall be within 150 feet of a dedicated fire lane easement (as measured by an unobstructed pathway, or route, for fire hoses).
- (8) A four-foot wide ADA paved walkway shall connect the front door of each ground floor unit to a parking area. The minimum width of any sidewalk adjacent to head-in parking spaces shall be six feet to accommodate a two-foot bumper overhang for vehicles.
- (9) Buildings shall not exceed 200 feet in length.
- (10) Boats, campers, trailers and other recreational vehicles shall be prohibited unless oversize vehicle parking areas are provided. This parking area shall not be used to meet the minimum parking requirements, and shall not be visible from a public street.
- (11) All buildings containing residential units shall provide signage that clearly identifies the numbers (i.e., addresses) of the units within each building. Signage shall be visible from entrances into the complex and/or from vehicular drive aisles within the complex such that each individual unit is easy to locate by visitors, delivery persons, and/or emergency personnel.
- (12) All parking areas shall have appropriate lighting and shall be positioned such that no light adversely impacts adjacent residential areas.
- (13) Any nonresidential land use which may be permitted in this district shall conform to the "C-N"—Commercial-Neighborhood district standards. All buildings within a nonresidential development shall be architecturally compatible with each other, in that they shall use similar exterior finish colors and materials to achieve an overall, visually compatible appearance when viewed from the road.
- (14) Gated/secured entrances shall be in accordance with the city's design standards for gated/secured entrances on private streets.
- (15) A site plan shall be required for any MFR development, or for any other type of development in the MFR-36 district that will include: 1) a private amenity or facility comprised of one or more buildings (such as a private recreation/swimming facility, clubhouse, etc.); 2) a golf course; and/or 3) a gated (restricted access) entrance into the development. In these instances, site plan submission and approval will be required for these elements (a site plan showing the entirety of the proposed subdivision is not required). Site plan submission and approval shall be in accordance with subsection 28-63(d), but shall not require a public hearing as required by subsection 28-63(d)(5).
- (16) *Other regulations:* See sections 28-101 through 28-112 regarding development standards for:
 - Off-street parking and loading requirements (section 28-101).
 - Landscape requirements (section 28-102).
 - Accessory structure and use regulations (section 28-103).
 - Fencing, walls and screening requirements (section 28-104).

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- Exterior construction and design requirements (section 28-105).
- Supplemental regulations (section 28-106).
- Performance standards (section 28-107).
- Lighting and glare standards (section 28-108).
- Home occupation regulations (section 28-109).
- Special regulations for certain types of uses (section 28-110).
- Reserved for future use (section 28-111).
- Definitions (section 28-112).

(Ord. No. 2009-O-4A, §§ (III)(25)(25.1—25.5), 4-14-09; Ord. No. 2013-O7C, § 3, 7-9-13; Ord. No. 2016-O-6B, § 2, 6-14-16; Ord. No. 20190910-010, § 5, 9-10-19; Ord. No. 20191112-008, § 4, 11-12-19)

Sec. 28-54. MH—Manufactured home district.

- (a) *General purpose and description:* The MH, Manufactured Home, district is a detached residential district establishing standards for the development of HUD-Code manufactured home parks and subdivisions. HUD-Code manufactured home subdivisions include individually platted lots for sale within the subdivision, for the placement of manufactured home units. A manufactured home park offers spaces for the placement of manufactured home units on a lease or rental basis. The manufactured home district establishes area and design requirements for parks and subdivisions, as well as yard requirements for individual lots. Both parks and subdivisions provide open space and recreational areas appropriate for the acreage and number of units contained. Areas zoned for the MH district shall have, or shall make provision for, City of Angleton water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved streets with logical and efficient vehicular circulation patterns that discourage non-local traffic; they shall be properly buffered from nonresidential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.
- (b) *Permitted uses:*
- (1) Those uses listed for the MH district in section 28-81 as "P" or "S" are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in section 28-63.
- (c) *Area regulations:*
- (1) *Size of yards* (for each space within manufactured home park or subdivision):
- a. *Minimum front yard:* 25 feet from a dedicated street; 15 feet from any private street or drive. See section 28-106 for additional setback requirements.
 - b. *Minimum side yard:* Ten feet; 20 feet between units; 20 feet from zoning district boundary line; 15 feet for a corner lot on a residential or collector street, and 20 feet for a corner lot on an arterial street.
 - c. *Minimum rear yard:* Ten feet; 20 feet from any zoning district boundary line.
 - d. If a garage is provided, the entry (i.e., door) side of the garage shall have a 25-foot setback as measured from any property or street right-of-way line.
- (2) *Size of space* (for each space within a manufactured home park):
- a. *Minimum lot area:* 4,000 square feet per unit.
 - b. *Minimum lot width:* 40 feet.

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- c. *Minimum lot depth:* 100 feet.
 - (3) *Minimum floor area per dwelling unit:* 800 square feet.
 - (4) *Maximum lot coverage:* 50 percent for main building/unit plus any accessory buildings.
 - (5) *Parking regulations:* Two spaces per unit located on the same lot as the unit served (see section 28-101, off-street parking and loading) line.
 - (6) *Area for manufactured home park:* Minimum project area five acres; maximum project area 25 acres.
 - (7) *Maximum height limit:*
 - a. Two and one-half stories, and not to exceed 36 feet, for the main building/house.
 - b. One story for other accessory buildings, including detached garages, carports, management office, clubhouse, gazebo, mail kiosks, etc.
 - c. Other requirements (see section 28-106).
 - (8) *Minimum exterior construction standards:* None (manufactured homes only - all other structures shall conform with section 28-105).
 - (9) *Maximum impervious surface coverage:* 60 percent.
 - (d) *Supplemental requirements for manufactured home parks:*
 - (1) *Tenant parking:* Each parking space shall be an approved all-weather surface, in accordance with city standards, and shall be located to eliminate interference with access to parking areas provided for other manufactured homes and for public parking in the park (see section 28-101, off-street parking and loading requirements).
 - (2) *Visitor and supplemental parking:* Manufactured home parks that provide a paved parking area on each lot that accommodates fewer than four parking spaces (with spaces stacked no more than two parking spaces deep) shall provide visitor and supplemental parking in accordance with the following requirements:
 - a. Two visitor parking spaces for every three manufactured home spaces. No manufactured home lot shall be situated further than 150 feet from a visitor space.
 - b. One supplemental parking or vehicle storage space for the parking or storage of boats, campers and similar vehicles or equipment for every four manufactured home spaces. Supplemental parking spaces may be located anywhere within the manufactured home park.
 - c. Each visitor and/or supplemental parking space will be not less than nine feet by 20, which is not to be included in the lot size for any manufactured home lot.
 - (3) *Access:* Each manufactured home community shall have direct access from an improved public street in accordance with the subdivision ordinance. Where an internal private street provides access to individual lots or dwelling units, the same shall be paved in accordance with city standards, and it shall be dedicated to the public as an emergency access or fire lane easement to allow for the rapid and safe movement of vehicles used in providing emergency health or public safety services. Each emergency access/fire lane easement shall have a clear unobstructed width of 24 feet, shall connect to a dedicated public street, and shall have a turning area and radii of a minimum of 50 feet to permit free movement of emergency vehicles. Dead end streets are not allowed. Fire lane easements shall be maintained by the manufactured home park.

Gated/secured entrances shall be in accordance with the city's design standards for gated/secured entrances on private streets.

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- (4) *Walkways:* Designated ADA concrete walkways four feet in width will be provided on both sides of roadways or streets.
- (5) *Street names and signs:* Within each manufactured home park, all streets shall be named, and manufactured homes numbered in a logical and orderly fashion. Street signs shall be of a color and size contrasting with those on public streets and roadways so that there is no confusion regarding which are private and which are public streets. These signs and numbers shall be of standard size and placement to facilitate location by emergency vehicles. Street names shall be submitted to the city manager, along with the construction plat application, reviewed by the appropriate city staff with respect to street naming procedures set forth within the subdivision ordinance and/or the city's code of ordinances, and approved by the planning and zoning commission and the city council on the construction plat for the subdivision. The street names shall be set with construction plat approval, and shall not be changed on the final plat without city approval. All dwelling unit numbering (i.e., addressing) shall be assigned by the city manager.
- (6) *Other signs:* Along all sections of emergency access easements, the owner or agent shall erect metal signs prohibiting parking. The sign type, size, height and location shall be in accordance with the manual of uniform traffic control devices and approved by the city.
- (7) *Intersections:* Internal streets shall intersect adjoining public streets at approximately 90 degrees and at locations which will eliminate or minimize interference with traffic on those public streets.
- (8) *Street lighting:* Street lighting within the manufactured home park shall be provided in accordance with the subdivision regulations, and shall be maintained by the owners of the manufactured home park.
- (9) *Electric and telephone service:* All electrical distribution lines and all telephone lines shall be underground except the primary service lines to the park.
- (10) *Drainage and soil protection:* The ground surface in all parts of the park shall be graded and equipped to drain all surface water in a safe, efficient manner. Each manufactured home space shall provide adequate drainage for the placement of a manufactured home. Exposed ground surfaces in all parts of every manufactured home park shall be paved and/or covered with stone, brick paving, or other similar solid material, or protected with a vegetative growth (such as grass) capable of preventing soil erosion and eliminating dust.
- (11) *Firefighting:*
- a. Approaches to all manufactured homes shall be kept clear for firefighting.
 - b. The owner or agent of a manufactured home park shall be responsible for the instruction of any staff in the use of the park fire protection equipment and in their specific duties in the event of a fire. Owner shall supply standard city fire hydrants located within 300 feet of all manufactured home spaces, measured along the drive or street.
 - c. The owner or agent of a manufactured home park shall be responsible for maintaining the entire area of the park free of dry brush, leaves and weeds in excess of six inches in height.
- (12) *Refuse facilities:* Solid waste disposal services may be provided individually to each lot in the manufactured home park in the same manner as other single-family developments or through the use of a common refuse facility. A common refuse facility shall be a dumpster or other similar container designed for receiving garbage in bulk from more than one dwelling. All common refuse containers shall be maintained in accordance with local public health and sanitary regulations. Every manufactured home lot shall be located within 150 feet of a refuse facility, measured along the designated pedestrian travel way. Common refuse facilities shall be located no closer than 30 feet to any adjacent single-family property, shall be located so as to provide safe and convenient pickup by

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refuse collection agencies and shall be screened in accordance with subsection 28-104(b)(7) of this chapter. (See illustrations 16 and 17 for refuse container enclosure diagrams).

- (13) *Anchorage of manufactured homes:* To insure against natural hazards such as tornados, high winds and electrical storms, anchorage for each manufactured home shall be provided according to the building code and state law.

(14) *Skirting:*

- a. All manufactured home units not attached to a permanent foundation shall provide skirting from the top of the unit's frame to grade. Skirting shall totally enclose and secure from view the unit's axles and all required anchors, footings, and piers.
- b. All required skirting shall be masonry, and shall be of a color similar to the materials used in the construction of the manufactured home unit such that it blends with the overall appearance of the unit.

(e) *Special requirements:*

- (1) Single-family, duplex, patio home, or townhouse residential units constructed in this district shall conform to SF-6.3, 2F, SF-PH or SFA district standards, respectively.
- (2) Open/outside storage is permitted provided it does not create a nuisance and is in conformance with the adopted International Property Maintenance Code.
- (3) *Usable open space requirements:* Except as provided below, any manufactured home development shall provide useable open space that equals or exceeds 15 percent of the total land area within the development. Usable open space areas shall be in conformance with subsections 28-48(e)(4) and 28-48(e)(5).
- (4) One playground area containing at least five pieces of play equipment shall be provided for every 100 dwelling units, or fraction thereof. The playground equipment shall be of heavy duty construction, such as is normally used in public parks or on public school playgrounds.
- (5) A site plan shall be required for any MH development, or for any other type of development in the MH district that will include: 1) a private amenity or facility comprised of one or more buildings (such as a private recreation/swimming facility, clubhouse, etc.); 2) a golf course; and/or 3) a gated (restricted access) entrance into the development. In these instances, site plan submission and approval will be required for these elements (a site plan showing the entirety of the proposed subdivision is not required). Site plan submission and approval shall be in accordance with subsection 28-63(d), but shall not require a public hearing as required by subsection 28-63(d)(5).
- (6) Any nonresidential land use which may be permitted in this district shall conform to the "C-N" — Commercial-Neighborhood district standards.
- (7) *Other regulations:* See sections 28-101 through 28-112 regarding development standards for:
 - Off-street parking and loading requirements (section 28-101).
 - Landscape requirements (section 28-102).
 - Accessory structure and use regulations (section 28-103).
 - Fencing, walls and screening requirements (section 28-104).
 - Exterior construction and design requirements (section 28-105).
 - Supplemental regulations (section 28-106).
 - Performance standards (section 28-107).

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- Lighting and glare standards (section 28-108).
- Home occupation regulations (section 28-109).
- Special regulations for certain types of uses (section 28-110).
- Reserved for future use (section 28-111).
- Definitions (section 28-112).

(Ord. No. 2009-O-4A, §§ (III)(26)(26.1—26.5), 4-14-09; Ord. No. 2013-O7C, § 3, 7-9-13; Ord. No. 2016-O-3A, § 2, 3-8-16)

Sec. 28-55. C-N—Commercial-Neighborhood district.

- (a) *General purpose and description:* The C-N—Commercial-Neighborhood district is established to provide for areas of smaller-scaled and pedestrian-oriented neighborhood-serving commercial and mixed use development (typically with floor plans of less than 10,000 square feet) that includes retail, services, office, eating and drinking, housing, smaller-scaled public uses, etc. Single-family housing is not permitted in this district.
- (b) *Permitted uses:*
 - (1) Those uses listed for the C-N district in section 28-51 as "P" or "S" are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in section 28-63.
- (c) *Height regulations:*
 - (1) *Maximum height:*
 - a. Two stories, and not to exceed 30 feet, for the main building(s).
 - b. One story for accessory buildings.
 - c. Other (see section 28-106).
- (d) *Area regulations:*
 - (1) *Size of lot:*
 - a. *Minimum lot area:* 5,000 square feet.
 - b. *Minimum lot width:* 25 feet.
 - c. *Minimum lot depth:* 100 feet.
 - (2) *Size of yards:*
 - a. *Minimum front yard:* 20 feet. All yards adjacent to a street shall be considered a front yard (see section 28-106 for additional setback requirements).
 - b. *Minimum side and rear yard:* 15 feet unless adjacent to a residentially zoned property (see below).
 - c. *Interior side yards:* When retail uses are platted adjacent to other retail uses and integrated into an overall shopping center site (i.e., lots/lease spaces abutting one another), no side yard is required provided it complies with the city's building code.
 - d. *Minimum side or rear yard adjacent to a residential district:* 20 feet for one-story building, and an additional ten feet for every story (or fraction thereof) above one-story in height.

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- (3) *Maximum lot coverage:* Maximum 90 percent impervious coverage (including all buildings, parking areas, sidewalks, etc.).
 - (4) *Maximum building size:* The maximum building foot print (first floor) area of a structure shall not exceed 10,000 square feet.
 - (5) *Parking requirements:* As established by section 28-101, off-street parking and loading requirements.
 - (6) *Minimum exterior construction standards:* See section 28-105.
 - (e) *Special requirements:*
 - (1) *Driveway spacing* (i.e., distance between driveways, measured edge-to-edge):
Shall conform to the latest TXDOT spacing standards.
 - (2) *Landscaping requirements:* See section 28-102.
 - (3) *Screening requirements:* See section 28-104.
 - (4) Outdoor retail sales which involve the outside display of merchandise and seasonal items, shall be limited to the following if not otherwise allowed by a specific use permit:
 - a. Shall not occupy any of the parking spaces that are required by this chapter for the primary use(s) of the property.
 - b. Shall not pose a safety or visibility hazard, impede public vehicular circulation, nor reduce pedestrian walkways below that required by applicable ADA accessibility standards, either on-site or off-site.
 - c. Shall not extend into public right-of-way or onto adjacent property without property owner permission.
 - d. All outside display items that are used or second hand goods shall be moved indoors or stored in accordance with open/outside storage regulations at the end of business each day (outside display of used autos and decorative landscaping materials, after the end of the business each day, shall be allowed in those districts where such land uses are permitted).
 - e. All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.
 - f. Outside retail sales and storage of compressed industrial gases (including propane) and associated containers used in the operation of a business or for general retail sales is permitted provided they are maintained in a secure area not larger than 100 square feet and do not violate fire or safety regulations.
 - (5) Open/outside storage is prohibited without a specific use permit.
 - (6) Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling or nonresidential purposes.
 - (7) *Other regulations:* See sections 28-101 through 28-112 regarding development standards for:
 - Off-street parking and loading requirements (section 28-101).
 - Landscape requirements (section 28-102).
 - Accessory structure and use regulations (section 28-103).
 - Fencing, walls and screening requirements (section 28-104).
 - Exterior construction and design requirements (section 28-105).

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- Supplemental regulations (section 28-106).
- Performance standards (section 28-107).
- Lighting and glare standards (section 28-108).
- Home occupation regulations (section 28-109).
- Special regulations for certain types of uses (section 28-110).
- Reserved for future use (section 28-111).
- Definitions (section 28-112).

(Ord. No. 2009-O-4A, §§ (III)(27)(27.1—27.5), 4-14-09; Ord. No. 2013-O7C, § 4, 7-9-13)

Sec. 28-56. C-MU—Commercial-mixed-use district.

- (a) *General purpose and description:* The C-MU—Commercial-Mixed-Use, district is established to provide for areas of large-scale, pedestrian- and auto-oriented, region-serving, mixed-use development that includes a mix of retail formats (large and small), office and business services, commercial lodging, office-oriented research and development, recreation and entertainment, etc. Multifamily residential uses are permitted in this district. Development in this district will occur under a unified master plan.
- (b) *Permitted uses:*
- (1) Those uses listed for the C-MU district in section 28-81 as "P" or "S" are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in section 28-63.
- (c) *Height regulations:*
- (1) *Maximum height:*
- a. Eight stories, and not to exceed 80 feet, for the main building(s).
 - b. One story for accessory buildings.
 - c. Other (see section 28-106).
- (d) *Area regulations:*
- (1) *Size of lots:*
- a. *Minimum lot area:* 10,000 square feet.
 - b. *Minimum lot width:* 75 feet.
 - c. *Minimum lot depth:* 100 feet.
- (2) *Size of yards:*
- a. *Minimum front yard:* 20 feet. All yards adjacent to a street shall be considered a front yard (see section 28-106 for additional setback requirements).
 - b. *Minimum side and rear yard:* 15 feet unless adjacent to a residentially zoned property (see below).
 - c. *Minimum side or rear yard adjacent to a residential district:* 20 feet for one-story building, and an additional ten feet for every story (or fraction thereof) above one-story in height.
- (3) *Maximum lot coverage:* Maximum 80 percent impervious coverage (including all buildings, parking areas, sidewalks, etc.).

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- (4) *Parking requirements:* As established by section 28-101, off-street parking and loading requirements.
- (5) *Minimum exterior construction standards:* See section 28-105.
- (e) *Special requirements:*
- (1) *Driveway spacing* (i.e., distance between driveways, measured edge-to-edge):
Shall conform to the latest TXDOT spacing standards.
 - (2) *Landscaping requirements:* See section 28-102.
 - (3) *Screening requirements:* See section 28-104.
 - (4) Outdoor retail sales which involve the outside display of merchandise and seasonal items, shall be limited to the following if not otherwise allowed by a specific use permit:
 - a. Shall not occupy any of the parking spaces that are required by this chapter for the primary use(s) of the property.
 - b. Shall not pose a safety or visibility hazard, impede public vehicular circulation, nor reduce pedestrian walkways below that required by applicable ADA accessibility standards, either on-site or off-site.
 - c. Shall not extend into public right-of-way or onto adjacent property without property owner permission.
 - d. All outside display items that are used or second hand goods shall be moved indoors or stored in accordance with open/outside storage regulations at the end of business each day (outside display of used autos and decorative landscaping materials, after the end of the business day, shall be allowed in those districts where such land uses are permitted).
 - e. All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.
 - f. Outside retail sales and storage of compressed industrial gases (including propane) and associated containers used in the operation of a business or for general retail sales is permitted provided they are maintained in a secure area not larger than 100 square feet and do not violate fire or safety regulations.
 - (5) Open/outdoor storage is prohibited without a specific use permit.
 - (6) Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling or nonresidential purposes.
 - (7) Other regulations: See sections 28-101 through 28-112 regarding development standards for:
 - Off-street parking and loading requirements (section 28-101).
 - Landscape requirements (section 28-102).
 - Accessory structure and use regulations (section 28-103).
 - Fencing, walls, and screening requirements (28-104).
 - Exterior construction and design requirements (28-105).
 - Supplemental regulations (28-106).
 - Performance standards (section 28-107).
 - Lighting and glare standards (section 28-108).

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- Home occupation regulations (section 28-109).
- Special regulations for certain types of uses (section 28-110).
- Reserved for future use (section 28-111).
- Definitions (section 28-112).

(Ord. No. 2009-O-4A, §§ (III)(28)(28.1—28.5), 4-14-09; Ord. No. 2013-O7C, § 4, 7-9-13)

Sec. 28-57. C-G—Commercial-general district.

- (a) *General purpose and description:* The C-G—Commercial-General, district is intended to reflect existing and future areas of larger scaled pedestrian and auto-oriented commercial development (typically with floor plans of more than 10,000 square feet) located on the city's major arterial roads, and to include a wide variety of community-serving uses that include retail, services, office, auto-related businesses, eating and drinking, recreation and entertainment, public and semi-public uses, etc. Residential uses are not permitted in this district.
- (b) *Permitted uses:*
- (1) Those uses listed for the C-G district in section 28-81 as "P" or "S" are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in section 28-63.
- (c) *Height regulations:*
- (1) *Maximum height:*
- a. Eight stories, and not to exceed 80 feet, for the main building(s).
 - b. One story for accessory buildings.
 - c. Other (section 28-106).
- (d) *Area regulations:*
- (1) *Size of lot:*
- a. *Minimum lot area:* 10,000 square feet.
 - b. *Minimum lot width:* 75 feet.
 - c. *Minimum lot depth:* 100 feet.
- (2) *Size of yards:*
- a. *Minimum front yard:* 20 feet. All yards adjacent to a street shall be considered a front yard (see section 28-106 for additional setback requirements).
 - b. *Minimum side and rear yard:* 15 feet unless adjacent to a residentially zoned property (see below).
 - c. *Interior side yards:* When retail uses are platted adjacent to other retail uses and integrated into an overall shopping center site (i.e., lots/lease spaces abutting one another), no side yard is required provided it complies with the city's building code.
 - d. *Minimum side or rear yard adjacent to a residential district:* 20 feet for one-story building, and an additional 20 feet for every story (or fraction thereof) above one-story in height.
- (3) *Maximum lot coverage:* Maximum 80 percent impervious coverage (including all buildings, parking areas, sidewalks, etc.).

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- (4) *Parking requirements:* As established by section 28-101, off-street parking and loading requirements.
- (5) *Minimum exterior construction standards:* See section 28-105.
- (e) *Special requirements:*
- (1) *Driveway spacing* (i.e., distance between driveways, measured edge-to-edge):
Shall conform to the latest TXDOT spacing standards.
 - (2) *Landscaping requirements:* See section 28-102.
 - (3) *Screening requirements:* See section 28-104.
 - (4) Outdoor retail sales which involve the outside display of merchandise and seasonal items, shall be limited to the following if not otherwise permitted by a specific use permit:
 - a. Shall not occupy any of the parking spaces that are required by this chapter for the primary use(s) of the property.
 - b. Shall not pose a safety or visibility hazard, impede public vehicular circulation, nor reduce pedestrian walkways below that required by applicable ADA accessibility standards, either on-site or off-site.
 - c. Shall not extend into public right-of-way or onto adjacent property without property owner permission.
 - d. All outside display items that are used or second hand goods shall be moved indoors or stored in accordance with open/outside storage regulations at the end of business each day (outside display of used autos and decorative landscaping materials, after the end of the business day, shall be allowed in those districts where such land uses are permitted).
 - e. All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.
 - f. Outside retail sales and storage of compressed industrial gases (including propane) and associated containers used in the operation of a business or for general retail sales is permitted provided they are maintained in a secure area not larger than 100 square feet and do not violate fire or safety regulations.
 - (5) *Open/outside storage:* Open storage, without a specific use permit, is limited to a maximum of 20 percent of the total lot area, shall not be located in front of (i.e., on the street side of) or on top of the building.
 - (6) *Recreational vehicles:* Recreational vehicles, travel trailers, motor homes or temporary buildings may not be used for on-site dwelling or permanent nonresidential purposes.
 - (7) *Other regulations:* See sections 28-101 through 28-112 regarding development standards for:
 - Off-street parking and loading requirements (section 28-101).
 - Landscape requirements (section 28-102).
 - Accessory structure and use regulations (section 28-103).
 - Fencing, walls and screening requirements (section 28-104).
 - Exterior construction and design requirements (section 28-105).
 - Supplemental regulations (section 28-106).
 - Performance standards (section 28-107).
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- Lighting and glare standards (section 28-108).
- Home occupation regulations (section 28-109).
- Special regulations for certain types of uses (section 28-110).
- Reserved for future use (section 28-111).
- Definitions (section 28-112).

(Ord. No. 2009-O-4A, §§ (III)(29)(29.1—29.6), 4-14-09; Ord. No. 2013-O-7C, § 4, 7-9-13)

Sec. 28-58. C-O/R—Commercial-office/retail district.

- (a) *General purpose and description:* The C-O/R—Commercial-Office/Retail, district is intended to provide for areas of integrated professional office and retail development of quality design in a landscaped setting serving high technology, research and development, and retail development. This district provides for future areas of large-scaled pedestrian- and auto-related commercial development on the city's major arterial roads. Residential uses are not permitted in this district.
- (b) *Permitted uses:*
- (1) Those uses listed for the C-O/R district in section 28-81 as "P" or "S" are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in section 28-63.
- (c) *Height regulations:*
- (1) *Maximum height:*
- a. Eight stories, and not to exceed 80 feet, for the main building(s).
 - b. One story for accessory buildings.
 - c. Other (section 28-106).
- (d) *Area regulations:*
- (1) *Size of lot:*
- a. *Minimum lot area:* 10,000 square feet.
 - b. *Minimum lot width:* 75 feet.
 - c. *Minimum lot depth:* 100 feet.
- (2) *Size of yards:*
- a. *Minimum front yard:* 20 feet. All yards adjacent to a street shall be considered a front yard (see section 28-106 for additional setback requirements).
 - b. *Minimum side and rear yard:* 15 feet unless adjacent to a residentially zoned property (see below).
 - c. *Interior side yards:* When retail uses are platted adjacent to other retail uses and integrated into an overall shopping center site (i.e., lots/lease spaces abutting one another), no side yard is required provided it complies with the city's building code.
 - d. *Minimum side or rear yard adjacent to a residential district:* 20 feet for one-story building, and an additional ten feet for every story (or fraction thereof) above one-story in height.
- (3) *Parking requirements:* As established by section 28-101, off-street parking and loading requirements.

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(4) *Minimum exterior construction standards:* See section 28-105.

(e) *Special requirements:*

(1) *Driveway spacing* (i.e., distance between driveways, measured edge-to-edge):

- a. *Arterial street:* One driveway per 200 linear feet of frontage.
- b. *Collector street:* One driveway per 100 linear feet of frontage.
- c. *Local street:* One driveway per 50 linear feet of frontage.

(2) *Landscaping requirements:* See section 28-102.

(3) *Screening requirements:* See section 28-104.

(4) Outdoor retail sales which involve the outside display of merchandise and seasonal items, shall be limited to the following if not otherwise allowed by a specific use permit:

- a. Shall not occupy any of the parking spaces that are required by this chapter for the primary use(s) of the property.
- b. Shall not pose a safety or visibility hazard, impede public vehicular circulation, nor reduce pedestrian walkways below that required by applicable ADA accessibility standards, either on-site or off-site.
- c. Shall not extend into public right-of-way or onto adjacent property without property owner permission.
- d. All outside display items that are used or second hand goods shall be moved indoors or stored in accordance with open/outside storage regulations at the end of business each day (outside display of used autos and decorative landscaping materials, after the end of the business day, shall be allowed in those districts where such land uses are permitted).
- e. All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.
- f. Outside retail sales and storage of compressed industrial gases (including propane) and associated containers used in the operation of a business or for general retail sales is permitted provided they are maintained in a secure area not larger than 100 square feet and do not violate fire or safety regulations.

(5) Open/outside storage, without a specific use permit, is limited to a maximum of five percent of the total lot area, shall not be located in front of (i.e., on the street side of) or on top of the building.

(6) Recreational vehicles, travel trailers, motor homes or temporary buildings may not be used for on-site dwelling or permanent nonresidential purposes.

(7) *Other regulations:* See sections 28-101 through 28-112 regarding development standards for:

- Off-street parking and loading requirements (section 28-101).
- Landscape requirements (section 28-102).
- Accessory structure and use regulations (section 28-103).
- Fencing, walls and screening requirements (section 28-104).
- Exterior construction and design requirements (section 28-105).
- Supplemental regulations (section 28-106).
- Performance standards (section 28-107).

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- Lighting and glare standards (section 28-108).
- Home occupation regulations (section 28-109).
- Special regulations for certain types of uses (section 28-110).
- Reserved for future use (section 28-111).
- Definitions (section 28-112).

(Ord. No. 2009-O-4A, §§ (III)(30)(30.1—30.5), 4-14-09; Ord. No. 2013-O-7C, § 4, 7-9-13)

Sec. 28-59. CBD—Central business district.

Commented [LK24]: Incorporate the recommendations of the Livable Centers Study

- (a) *General purpose and description:* The development standards in the CBD—Central Business district, are designed to maintain and encourage development and redevelopment within the central business section (old downtown) of the city in a "pedestrian friendly" environment that is conducive to special events such as sidewalk sales, street dances, festivals, and other similar events. Standards for the district are generally intended to regulate development such that new structures look similar to existing ones within this section of the city. They are also intended to preserve and enhance the community's "small town" heritage and the unique character of the city's original business district.
- (b) *Permitted uses:*
- (1) Those uses listed for the CBD district in section 28-81 as "P" or "S" are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in section 28-63.
- (c) *Height regulations:*
- (1) *Maximum height:*
- a. Four stories for the main building(s).
 - b. One story for accessory buildings.
 - c. Other (section 28-106).
- (d) *Area regulations:*
- (1) *Size of lot:*
- a. *Minimum lot area:* None specified.
 - b. *Minimum lot width:* None specified.
 - c. *Minimum lot depth:* None specified.
- (2) *Size of yards:*
- a. *Minimum front yard:* None specified.
 - b. *Minimum side yard:* None specified.
 - c. *Minimum rear yard:* None specified.
- (3) *Maximum lot coverage:* 100 percent including main and accessory buildings.
- (4) *Maximum floor-area-ratio (FAR):* four to one.
- (5) *Parking requirements:* No on-site parking shall be required within this district. However, if on-site parking is provided, all parking areas shall conform to the requirements of subsection 28-101(c).
- (e) *Special requirements:*

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(1) Design standards for the CBD district.

- a. *False fronts or parapets:* False fronts or parapets may be added to existing buildings in order to add character and detail to simple facades.
- b. *Coloring:* Predominant exterior finish colors shall be of fired brick, similar to that which is present on adjacent existing buildings (other masonry materials may also be considered during site plan review). Trim (i.e., lintels, sills, door jambs, cornices and other similar items) shall be brick, cast stone, stone, cast or wrought iron, or concrete, and colors shall be complementary to the predominant facade colors. Accent colors for friezes, doors and door frames, window frames and mullions, signage, awnings, moldings and other similar features shall be colors that are complementary to, and compatible with, the spirit and intent of the downtown streetscape.
- c. *Facade openings:* Facade openings shall comprise at least 40 percent of the building's facade area.
- d. *Awnings/canopies:*
 - 1. *Ratios:* Awnings shall be at an appropriate scale to the building size and configuration. They shall not extend above the roofline of any single-story structure, or above the top of the second floor of any multi-story structure at the awnings' highest points. Awnings shall not completely obstruct any windows on the building.
 - 2. *Projection:* Since awnings must extend beyond the building face, a reasonable amount of projection shall be allowed. No awning shall extend more than five feet outward from the building face/surface.
 - 3. *Colors and materials:* A mixture of colors is recommended, but no more than three different colors shall be used for awnings on a single building facade (excluding business logo, which may have more colors). Materials shall be of cloth or canvas, or another material which is complementary to the period or building style (metal or plastic shall be prohibited).
 - 4. *Movement:* Except for slight movements that are normal for fabric canopies (i.e., along fringe, etc.), no movement shall be allowed for awnings and canopy structures.
- e. *Overhead power lines:* New utility lines to business establishments shall be placed underground or toward the rear of existing buildings.
- f. *Pedestrian streetscape:* Pedestrian spaces shall be treated with amenities that are selected based upon their ability to unify the streetscape with the area's historic past. It is important that elements such as construction materials, colors, textures and fixture design complement the area's historic qualities. These features shall be repeated throughout the streetscape so as to unify the district as a whole.
- g. *Furnishings:* Planters, window boxes, street furniture and other streetscape furnishings shall be complementary to the historical time frame of the CBD area, and shall be located not more than five feet from the building front/facade.

(2) *Open storage:* Open storage is prohibited in the CBD district without a specific use permit.

(3) Outdoor retail sales which involve the outside display of merchandise and/or seasonal items, shall be limited to the following if not otherwise allowed by a specific use permit:

- a. Shall not occupy any of the parking spaces that are required by this chapter for the primary use(s) of the property.

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- b. Shall not pose a safety or visibility hazard, impede public vehicular circulation, nor reduce pedestrian walkways below that required by applicable ADA accessibility standards, either on-site or off-site.
 - c. Shall only be located in front of the property/business which is selling the items and shall not extend into public right-of-way or onto adjacent property (without property owner permission).
 - d. All outside display items that are used or second hand goods shall be moved indoors or stored in accordance with open/outside storage regulations at the end of business each day (outside display of used autos and decorative landscaping materials, after the end of the business day, shall be allowed in those districts where such land uses are permitted).
 - e. All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.
 - f. Outside retail sales and storage of compressed industrial gases (including propane) and associated containers used in the operation of a business or for general retail sales is permitted provided they are maintained in a secure area not larger than 100 square feet and do not violate fire or safety regulations.
- (4) *Architectural design:* The architectural design of buildings and sites shall strive to achieve the following objectives:
- a. Architectural compatibility;
 - b. Human scale design;
 - c. Integration of uses;
 - d. Encouragement of pedestrian activity;
 - e. Buildings that relate to, and are oriented toward, the pedestrian areas and surrounding buildings; and
 - f. Buildings that contain special architectural features to signify entrances.
- All building materials shall be established on architectural elevations and supporting information.
- (5) *Building facade plan:* The architectural style and scale of new/renovated buildings within the CBD district shall be compatible with the styles and scale of other adjacent buildings. Therefore:
- a. In addition to the site plan which is required by section 28-26, a building facade plan shall also be required. The building facade plan shall be submitted in conjunction with the site plan application.
 - b. The building facade plan shall clearly show how any new structure and/or any structure that is undergoing exterior renovations will look, and shall portray a reasonably accurate depiction of the materials to be used. Especially significant is the way in which such structure(s) will be viewed from the thoroughfare upon which the property faces and/or sides.
 - c. Review, approval and appeal procedures shall be the same as the procedures for a site plan, as outlined in section 28-26.
 - d. The city manager (or his/her designee) may, as he/she deems appropriate, require submission of information and materials (possibly actual samples of materials to be used) additional to those initially submitted by the applicant during the building facade plan review process.
- (6) *Other regulations:* See sections 28-101 through 28-112 regarding development standards for:
- Off-street parking and loading requirements (section 28-101).

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- Landscape requirements (section 28-102).
- Accessory structure and use regulations (section 28-103).
- Fencing, walls and screening requirements (section 28-104).
- Exterior construction and design requirements (section 28-105).
- Supplemental regulations (section 28-106).
- Performance standards (section 28-107).
- Lighting and glare standards (section 28-108).
- Home occupation regulations (section 28-109).
- Special regulations for certain types of uses (section 28-110).
- Reserved for future use (section 28-111).
- Definitions (section 28-112).

(Ord. No. 2009-O-4A, §§ (III)(31)(31.1—31.5), 4-14-09; Ord. No. 2013-O-7C, § 4, 7-9-13)

Sec. 28-60. LI—Light industrial district.

- (a) *General purpose and description:* The LI—Light Industrial, district is intended primarily for the conduct of light manufacturing, assembling and fabrication activities, and for warehousing, research and development, wholesaling and service operations that do not typically depend upon frequent customer or client visits.
- (b) *Permitted uses:*
 - (1) Those uses listed for the LI district in section 28-81 as "P" or "S" are authorized uses permitted by right, or by specific use which must be approved utilizing procedures set forth in section 28-63.
- (c) *Height regulations:*
 - (1) *Maximum height:*
 - a. One hundred and twenty feet for the main building(s).
 - b. Other (section 28-106).
- (d) *Area regulations:*
 - (1) *Size of lot:*
 - a. *Minimum lot area:* 10,000 square feet.
 - b. *Minimum lot width:* 100 feet.
 - c. *Minimum lot depth:* 100 feet.
 - (2) *Size of yards:*
 - a. *Minimum front yard:* 25 feet. All yards adjacent to a street shall be considered a front yard (see section 28-106 for additional setback requirements).
 - b. *Minimum side and rear yard:* Ten feet unless adjacent to a residentially zoned property (see below).
 - c. *Minimum side or rear yard adjacent to a residential district:* 30 feet for one-story building, and an additional 15 feet for every story (or fraction thereof) above one-story in height.

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- (3) *Maximum lot coverage:* Maximum 90 percent impervious coverage (including all buildings, parking areas, sidewalks, etc.).
 - (4) *Parking requirements:* As established by section 28-101, off-street parking and loading requirements.
 - (5) *Minimum exterior construction standards:* See section 28-105.
 - (e) *Special requirements:*
 - (1) *Driveway spacing* (i.e., distance between driveways, measured edge-to-edge):
Shall conform to the latest TXDOT spacing standards.
 - (2) *Landscaping requirements:* See section 28-102.
 - (3) *Screening requirements:* See section 28-104.
 - (4) Outdoor retail sales which involve the outside display of merchandise and/or seasonal items, shall be limited to the following if not otherwise allowed by a specific use permit:
 - a. Shall not occupy any of the parking spaces that are required by this chapter for the primary use(s) of the property.
 - b. Shall not pose a safety or visibility hazard, impede public vehicular circulation, nor reduce pedestrian walkways below that required by applicable ADA accessibility standards, either on-site or off-site.
 - c. Shall not extend into public right-of-way or onto adjacent property (without property owner permission).
 - d. All outside display items that are used or second hand goods shall be moved indoors or stored in accordance with open/outside storage regulations at the end of business each day (outside display of used autos and decorative landscaping materials, after the end of the business day, shall be allowed in those districts where such land uses are permitted).
 - e. All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.
 - f. Outside retail sales and storage of compressed industrial gases (including propane) and associated containers used in the operation of a business or for general retail sales is permitted provided they are maintained in a secure area not larger than 100 square feet and do not violate fire or safety regulations.
 - (5) Open storage, without a specific use permit, is limited to a maximum of 20 percent of the total lot area, shall not be located in front of (i.e., on the street side of) or on top of the building.
 - (6) Recreational vehicles, travel trailers, motor homes or temporary buildings may not be used for on-site dwelling or permanent nonresidential purposes.
 - (7) Other regulations: See sections 28-101 through 28-112 regarding development standards for:
 - Off-street parking and loading requirements (section 28-101).
 - Landscape requirements (section 28-102).
 - Accessory structure and use regulations (section 28-103).
 - Fencing, walls, and screening requirements (28-104).
 - Exterior construction and design requirements (28-105).
 - Supplemental regulations (28-106).

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- Performance standards (section 28-107).
- Lighting and glare standards (section 28-108).
- Home occupation regulations (section 28-109).
- Special regulations for certain types of uses (section 28-110).
- Reserved for future use (section 28-111).
- Definitions (section 28-112).

(Ord. No. 2009-O-4A, §§ (III)(32)(32.1—32.5), 4-14-09; Ord. No. 2013-O-7C, § 5, 7-9-13)

Sec. 28-61. Overlay and special districts.

Overlay districts shall be used in conjunction with base zoning districts where it is appropriate to do so. In the use of the following overlay zoning classifications, the base district shall remain in effect as it is already in existence unless changed by zoning amendment and in accordance with the provisions of section 28-24. New base districts or changes in existing base districts may be requested at the same time overlay or special prefix districts are requested.

(Ord. No. 2009-O-4A, §§ (III)(33)(33.1), 4-14-09)

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Sec. 28-62. PD—Planned development overlay district.

(a) General purpose and description:

- (1) The City Council of the City of Angleton, Texas, after public hearing and proper notice to all parties affected and after recommendation from the planning and zoning commission, may authorize the creation of a planned development (PD) overlay district.
- (2) The planned development (PD) district is a district which accommodates planned associations of uses developed as integral land use units such as office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options (e.g., single-family, multifamily, duplex, etc.), or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A planned development district may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this chapter, to ensure the compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community by meeting one or more of the following purposes:
 - a. To provide for a superior design on lots or buildings;
 - b. To provide for increased recreation and open space opportunities for public use and enjoyment;
 - c. To provide amenities or features that would be of special benefit to the property users or to the overall community;
 - d. To protect or preserve natural amenities and environmental assets such as trees, creeks, ponds, floodplains, slopes, viewscapes, or wildlife habitats;
 - e. To protect or preserve existing historical buildings, structures, features or places;
 - f. To provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services; and

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g. To meet or exceed the standards of this chapter.

- (3) While greater flexibility is given to allow special conditions or restrictions that would not otherwise allow the development to occur, procedures are established herein to ensure against misuse of increased flexibility.

(b) *Permitted uses:*

- (1) An application for a PD district shall specify the base zoning district(s) upon which the PD is based, and the use or the combination of uses proposed (particularly if any of the proposed uses are not allowed by right in the base zoning district).
- (2) PD designations shall not be attached to SUP requirements. Specific use permits allowed in a base zoning district(s) are allowed in a PD only if specifically identified as allowable by SUP at the time of PD approval, and if specifically cited as an "additional use" (i.e., to those allowed by right in the PD) in the ordinance establishing the PD.
- (3) Any use that is not specifically cited as permitted (by right or by SUP) in the applicable base zoning district(s) or the PD ordinance shall be prohibited unless the PD ordinance is amended using the procedures set forth in this section and in section 28-24 of this chapter.

(c) *Planned development requirements:*

- (1) Any development requirements for a particular PD district that deviate from those of the base zoning district(s) shall be set forth in the amending ordinance granting the PD district. These shall include:
 - a. Allowed or additional (i.e., SUP) uses,
 - b. Density,
 - c. Lot area, width, and/or depth,
 - d. Yard depths and widths,
 - e. Building height, size, and/or exterior construction,
 - f. Lot coverage,
 - g. Floor area ratio,
 - h. Parking,
 - i. Access,
 - j. Screening,
 - k. Landscaping,
 - l. Accessory buildings,
 - m. Signs,
 - n. Lighting,
 - o. Project phasing or scheduling,
 - p. Property management associations, and
 - q. Other requirements as the city council and planning and zoning commission may deem appropriate.

- (2) In the PD district, uses and development standards shall conform to the standards and regulations of the base zoning district(s) unless specifically stated otherwise in the PD ordinance. The base zoning district(s) shall be stated in the PD granting ordinance.
- All applications to the city shall list all requested deviations from the standard requirements set forth throughout this chapter as applicable to each base zoning district (applications without this list will be considered incomplete).
 - The PD district shall conform to all other regulations of the applicable base zoning district(s), as well as all other sections of the zoning ordinance, unless specifically changed or excluded in the ordinance establishing the PD.
 - A PD that is based upon more than one base zoning district shall also include a legal (i.e., metes and bounds) description and graphic exhibit describing/showing the proposed boundaries of each respective area and its base zoning district (e.g., shown as "Proposed PD-SF-7.2," "Proposed PD-C-N," etc.).
- (3) The ordinance granting a PD district shall include a statement as to the purpose and intent of the PD district granted therein, as well as a general statement citing the reason for the PD request.
- (d) *Approvals required:* In establishing a planned development district in accordance with this section, the city council shall approve and file as part of the amending ordinance appropriate plans and standards for each PD district. To facilitate understanding of the request during the review and public hearing process, the concurrent submission of a concept plan shall be required along with the PD zoning application. A construction plat may be submitted in lieu of the concept plan for a single- or two-family PD (see the subdivision ordinance for submission and other requirements) if the applicant prefers to do so. Subsequent site plans may also be required if specified as part of the planned development approval.
- (e) *Concept plan:*
- Purpose:* This section establishes a review process for concept plan, which are required for all planned developments. The purpose is to ensure that a development project is in compliance with all applicable city ordinances and guidelines prior to commencement of construction.
 - Applicability:* Submission and approval of a concept plan shall be required for all planned developments. Approval of a concept plan shall be deemed approval for the related planned development.
 - Building permit and certificate of occupancy:* No building permit shall be issued until a concept plan and all other required engineering/construction plans are first approved by the city. No certificate of occupancy shall be issued until all construction and development conforms to the concept plan and engineering/construction plans, as approved by the city.
 - Extent of area that should be included in a concept plan:* When the overall development project is to be developed in phases, the area included within the concept plan shall include only the portion of the overall property that is to be developed/constructed.
 - Procedures and submission requirements for concept plan approval:* All concept plans shall be prepared by a qualified civil engineer, land planner, architect or surveyor, and it shall clearly show in detail how the site will be constructed (such as paving, buildings, landscaped areas, utilities, etc.). To ensure the submission of adequate information, the city is hereby empowered to maintain and distribute a separate list of specific requirements for the review of concept plan applications.
 - Review and approval of a concept plan:* The approval process for a concept plan shall generally be review by city staff, recommendation by the planning and zoning commission, and approval by the city council.

Concept plan is also
addressed in LDC 28-26

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a. *City staff review of concept plans:*

1. Upon official submission of a complete application of a concept plan for approval, the city shall review the application. specifically, the city manager, city engineer, and the building official (or their designee) shall review the concept plan prior to the concept plan being forwarded to the planning and zoning commission.
2. Concept plans shall be evaluated to ensure that all developments are, to the best extent possible, constructed according to the city's codes and ordinances.
3. Following city staff review, and following discussions regarding necessary revisions, the applicant shall resubmit additional copies of the corrected concept plan to the city manager (or his/her designee) at least 12 calendar days prior to the planning and zoning commission meeting.
4. The city manager shall then submit the corrected plan to the planning and zoning commission.
5. It should be noted that the city manager (or his/her designee) shall forward the original plan application to the commission if the corrected version is not resubmitted within the prescribed time period.
6. It should also be noted that a corrected plan that is incomplete or is otherwise not ready for consideration shall be subject to denial.

b. *Planning and zoning commission review of concept plans:*

1. All concept plan applications shall be reviewed by the planning and zoning commission.
2. The city manager, or his/her designee, shall schedule consideration of the concept plan application on the regular agenda of the planning and zoning commission within 45 calendar days after the application is received.
3. The planning and zoning commission shall review the concept plan and shall recommend to the city council approval, approval subject to certain conditions, or denial of the concept plan.

c. *City council review of and action on concept plans:*

1. All concept plan applications shall be reviewed by the city council after being reviewed by the planning and zoning commission.
2. The city manager, or his/her designee, shall schedule consideration of the concept plan application on the regular agenda of the city council.
3. The city council shall review the concept plan and shall approve, approve subject to certain conditions, or deny approval of the concept plan.

(7) *Revisions to the approved concept plan:*

a. *Minor revisions/amendments:*

1. It is recognized that final architectural and engineering design may necessitate minor changes in the approved concept plan. In such cases, the city manager, or his/her designee, shall have the authority to approve minor modifications to an approved concept plan. Such minor modifications submitted on an "amended concept plan," which shall substantially conform to the previously approved concept plan.
2. Submission materials and requirements for approval of an amended concept plan shall be as determined by the city manager, or his/her designee.

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- b. *Major revisions:* In the event of revisions that are more extensive in nature (i.e., do not conform to the description for minor amendments above), a new concept plan must be resubmitted, reviewed, and approved in accordance with subsection (5) above. The city manager shall have the authority to determine whether a new concept plan warrants a new review and approval procedure.
- (8) *Effect of review/approval:* The concept plan shall be considered authorization to proceed with construction of the site provided all other required city approvals are obtained (such as final plat, engineering plans, etc.). Approval of a concept plan shall be considered approval of the planned development.
- (f) *Site plan requirement:*
- (1) Subsequent site plan approvals may be required if specified as part of the planned development approval.
 - (2) Such site plan shall follow the review and approval procedures, and will expire, as outlined in section 28-63 for specific use permits.
- (g) *General approval process and procedures:*
- (1) The procedure for establishing a planned development zoning district shall follow the procedures for zoning amendments as set forth in section 28-26 of this chapter. This procedure shall be expanded to include concurrent consideration and approval (or denial) of the concept plan that is submitted along with the PD zoning request application. The public hearings conducted for, and the subsequent actions taken upon, the PD zoning request shall also include the accompanying concept plan and site plan (if applicable), and if the PD is approved then the concept plan and site plan (if applicable) shall become a part of the ordinance establishing the PD district.
 - (2) The ordinance establishing the planned development zoning district shall not be approved (or adopted) until the accompanying concept plan and site plan (if applicable) are approved by the city council.
- (h) When a zoning request for a planned development district is being considered, a written report from the city manager discussing the project's impact upon planning, engineering, water utilities, electric, sanitation, building inspection, tax, police, fire and traffic, as well as written comments from applicable public agencies (such as the school district and/or utility companies), may be submitted to the planning and zoning commission prior to the commission making any recommendations to the city council. In the event written comments and advisement are not received prior to the planning and zoning commission's meeting at which the PD zoning request is to be considered, the commission may, at its discretion, make a recommendation to the city council without said comments or advisement.
- (i) *Expiration of concept plan and/or site plan:*
- (1) Submittal within two years required. An application for approval of a site plan (if required), plat, or other required permit shall be submitted for approval within two years of the date of establishment of the PD district and approval of the concept plan, unless otherwise provided in the adopting ordinance. If a site plan, plat, or other required permit is not submitted within such period, the concept plan shall expire.
 - (2) Expiration of an approved concept plan shall result in suspension of the authority to submit a site plan, plat, or other required permit related to the original concept plan. A new concept plan must be submitted before the development process can continue.
 - (3) An approved site plan, if required, shall expire in accordance with subsection 28-63(d).

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- (4) Expiration of any approved plat or required permit that is subsequently approved after a concept plan shall also result in expiration of the associated concept plan. If the approved plat or other required plan is reinstated, the concept plan shall be deemed to be reinstated as well.
- (j) *Ability to submit a site plan, plat, or other required plan:* Following expiration of the right to submit a site plan, plat, or other required permit, the applicant shall retain the ability to submit a new site plan, plat, or other required permit for a period of five years following the original approval of the related concept plan. Such new site plan, plat, or other required permit may only be for the same approved PD project. However, any such new site plan, plat, or other required permit shall adhere to any and all new standards and regulations that the city has adopted in the interim (i.e., between the two-year expiration date and the five-year period specified) in relation to a site plan, plat, or other required permit.
- (k) *Ability to retain the rights to the PD project.*
- (1) Any PD project for which no site plan, plat, or other required permit has been submitted for a period of five years following the approval of the related concept plan shall expire on the last day of that five-year period.
 - (2) After such five-year period has ended and the project expires, the planning and zoning commission shall consider whether the undeveloped land within PD district should be changed to another zoning classification in accordance with the procedures for action upon a zoning map amendment pursuant to section 28-24 of this chapter. The commission thereafter shall recommend to the city council whether the right to submit a site plan, plat, or other required permit for the same PD project should be reinstated, or whether the property should be zoned to another classification.
 - (3) *Council consideration and factors.* The commission's recommendation shall be considered by the city council in accordance with procedures for action upon a zoning map amendment pursuant to section 28-24 of this chapter. The council shall determine whether the right to submit the site plan, plat, or other required permit for the same PD project should be reinstated, or whether the property should be rezoned to another classification. In making such determination, the council shall consider the following factors:
 - a. Whether the PD district remains consistent with the comprehensive plan;
 - b. Whether the uses authorized in the PD district are compatible with existing and planned land uses adjacent to the site;
 - c. Whether there are extenuating circumstances justifying the failure to submit a site plan, plat, or other required permit during the applicable time period; and
 - d. Whether rezoning the property to another classification constitutes confiscation of a vested property right or deprives the owner of the economically viable use of the land.
 - (4) *Council action.* Upon (1), (2) and (3) above occurring, the city council may take the following actions:
 - a. Reinstatement of the right to submit the site plan, plat, or other required permit for the original PD project within a certain time, subject to any conditions that may be appropriate to ensure that significant progress will be made toward development of land within the PD district;
 - b. Modify the PD district regulations applicable to the property; or
 - c. Repeal the PD district for the affected portions of the property and zone such property to another zoning district classification.
- (l) *Prior planned development ordinances remaining in effect:* Prior to adoption of this chapter, the city council previously established certain planned development districts, some of which are to be continued in full force and effect. The ordinances or parts of ordinances approved prior to this chapter, specified in appendix A-1, shall be carried forth in full force and effect and are the conditions, restrictions, regulations and

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requirements which apply to the respective planned development districts shown on the zoning district map as of the effective date of this chapter. Each prior PD ordinance is hereby assigned a unique identification number (e.g., PD-1, PD-2, PD-3, and so on) as shown in appendix A-1, and subsequent PD ordinances adopted after the effective date of this chapter shall be similarly numbered for identification purposes.

- (m) *Documentation of planned development ordinances:* All planned development zoning districts approved in accordance with the provisions of this chapter, as may be amended, shall be prefixed by a "PD" designation and assigned a unique identification number (e.g., PD-1, PD-2, PD-3, and so on), and shall also be referenced on the zoning district map. A list of such planned development districts, showing the uses permitted and any other special stipulations of each PD district, shall be maintained as part of this chapter.

(Ord. No. 2009-O-4A, §§ (III)(34)(34.1—34.13), 4-14-09; Ord. No. 20191112-009, § 2, 11-12-19)

Sec. 28-63. SUP—Specific use permits.

(a) *Purpose and intent:*

- (1) *Nature of specific use permits:* A specific use permit (SUP) may be granted to a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions. This section sets forth the standards used to evaluate proposed specific uses and the procedures for approving specific use permit applications.
- (2) *Permit required:* No specific use permit shall be established and no building permit shall be issued for any use requiring a specific use permit within any zoning district until a specific use permit (SUP) is issued in accordance with the provisions of this section. An application for a specific use permit shall be accompanied by a detailed site plan prepared in the manner described in section 28-26. The site plan shall illustrate the proposed use to be established, its relationship to adjoining properties, and how it meets the approval standards set forth in subsection 28-63(d).

(b) *Status of uses permitted by specific use permit:*

The following general rules apply to all specific uses:

- (1) The designation of a use in a zoning district as may be permitted by SUP in section 28-81 (use charts) of this chapter does not constitute an authorization or assurance that such use will be approved.
- (2) Approval of a specific use permit shall authorize only the particular use for which the SUP is issued.
- (3) No use authorized by a specific use permit shall be enlarged, extended or relocated, nor may the number of dwelling units be increased, unless an application is made for approval of a new specific use permit in accordance with the procedures set forth in this section and section 28-24 of this chapter.
- (4) Development of the use shall not be carried out until the applicant has secured all the permits and approvals required by these zoning regulations, the city's Code of Ordinances, and any permits that may be required by regional, state or federal agencies.

(c) *Application for specific use permit:*

- (1) *Application requirements:* An application for a specific use permit may be submitted by the property owner or by the property owner's designated representative to the city. The application shall be accompanied by a site plan prepared and approved in accordance with the requirements of section 28-63(d) below. If a base zoning district amendment is required or requested, such rezoning application shall accompany the application for a specific use permit. All site plan applications shall be subject to the review and expiration procedures in subsection 28-63(d).

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- (2) *Subdivision approval:* If the proposed use requires a division of land, an application for subdivision approval shall be submitted in conjunction with the application for a specific use permit (see subdivision ordinance). Approval of the specific use permit shall not become effective until final approval of the subdivision application provided that, if the land is to be divided and developed in phases, the approval of the specific use permit shall take effect upon final plat approval of the phase of the subdivision containing the property on which the specific use is to be located.

(d) *Site plan:*

- (1) *Purpose:* This section establishes a review process for site plan applications. The purpose is to ensure that a development project is in compliance with all applicable city ordinances and guidelines prior to commencement of construction.
- (2) *Applicability:* A site plan shall be required in conjunction with any application for an SUP. Refer to section 28-26 for applicability regarding other developments for which a site plan shall be required.
- (3) *Building permit and certificate of occupancy:* A site plan may be submitted in conjunction with a building permit application. No building permit shall be issued until a site plan, as required, and all other required engineering/construction plans are first approved by the city. No certificate of occupancy shall be issued until all construction and development conforms to the site plan and engineering/construction plans, as approved by the city.
- (4) *Submission requirements for site plan approval:* All site plans shall be prepared by a qualified civil engineer, land planner, architect or surveyor, and shall clearly show in detail how the site will be constructed (such as paving, buildings, landscaped areas, utilities, etc.). The specific requirements for site plan applications shall include the following:

Commented [LK27]: Consolidation will assist in addressing conflicts with 28-63.

Site Plan addressed in 28-63 too.

- a. When the overall development project is to be developed in phases, the site plan shall include only the portion of the overall property that is to be developed/constructed;
- b. A title block within the lower right hand corner of the site plan with the proposed name of the project/subdivision, the name and address of the owner/developer and the land planner, engineer architect or surveyor responsible for the plan, the scale of the drawing (both written and graphic scale), the date the drawing was prepared, total site acreage, and the location of the property according to the abstract and survey records of Brazoria County, Texas;
- c. A vicinity or location map that shows the location of the proposed development within the city (or its ETJ) and in relationship to existing roadways;
- d. The boundary survey limits of the tract (and each proposed lot) and scale distances with north clearly indicated;
- e. The names of adjacent additions or subdivisions (or the name of the owners of record and recording information for adjacent parcels of unplatted land), including parcels on the other sides of roads, creeks, etc.;
- f. The existing zoning and existing/proposed uses on adjacent land; the location, width and names of all existing or platted streets or other public ways within or adjacent to the tract; any existing easements (with recording information); existing buildings; railroad rights-of-way; topography (contours at two-foot intervals) with existing drainage channels or creeks (including the 100-year flood plain, if applicable); any other important natural features (such as rock outcroppings, caves, wildlife habitats, etc.); and all substantial natural vegetation;
- g. Proposed strategies for tree preservation (showing individual trees or tree masses that will be preserved, and the techniques that will be used to protect them during construction);

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- h. The layout and width (right-of-way lines and curb lines) of existing and proposed thoroughfares, collector streets and/or intersections, and specific configuration of proposed streets, lots and blocks, proposed driveways (show driveway widths and distances between driveways), and proposed median openings and left turn lanes on future divided roadways (existing and planned driveways on the opposite side of divided roadways must also be shown for coordination and sharing of future median openings);
- i. Specific locations and footprints of buildings, including but not limited to proposed nonresidential and residential densities; building heights, square footages (for multi-tenant or multi-purpose buildings, show square footage for each intended use), massing, orientation, loading/service areas (including proposed screening), recycling containers, compactors and dumpster enclosures (including proposed screening), pedestrian walkways, and parking areas (including parking ratio calculations); any proposed sites for parks, schools, public facilities, public or private open space; flood plains/drainage ways; all proposed and existing utilities and easements; drainage structures; retention/detention ponds with proposed aesthetic treatments; screening walls; fences; signage; fire lanes and fire hydrants; lighting; visibility easements; and other pertinent development related features;
- j. A landscape plan showing turf areas, tree types and sizes, screening walls, ornamental plantings, planting schedule (including species, planted height, spacing, container/caliper size, numbers of each plant material, etc.) any existing wooded areas, trees to be planted, and irrigation plans (if required); and
- k. Building facade (elevation) plans showing elevations with any attached (wall-mounted) signage to be used, as determined appropriate by the city manager.

Provision of the above items shall conform to the principles and standards of this chapter and the comprehensive plan. To ensure the submission of adequate information, the city is hereby empowered to maintain and distribute a separate list of specific requirements for site plan review applications. Upon periodic review, the city manager shall have the authority to update such requirements for site plan and development review applications. It is the applicant's responsibility to be familiar with, and to comply with, these requirements.

(5) *Review and approval of a site plan:*

- a. *City staff review of site plans.*
 - 1. Following submittal of a complete application of a site plan in accordance with section 28-26, city staff shall review the site plan application. Specifically, the city manager, city engineer, and the building official (or their respective designees) shall review the site plan prior to the site plan being forwarded to the planning and zoning commission
 - 2. Site plans shall be evaluated to ensure that all developments are, to the best extent possible, constructed according to the city's codes and ordinances.
 - 3. Following city staff review, and following discussions regarding necessary revisions, the applicant shall resubmit additional copies of the corrected site plan to the city manager (or his/her designee) within seven calendar days prior to the planning and zoning commission meeting.
 - 4. The city manager shall then submit the corrected plan to the planning and zoning commission.
 - 5. It should be noted that the city manager (or his/her designee) shall forward the original plan application to the commission if the corrected version is not resubmitted within the prescribed time period.

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6. It should also be noted that a corrected plan that is incomplete or is otherwise not ready for consideration shall be subject to denial.
- b. *Planning and zoning commission review of and action on site plans.*
 1. All site plan applications shall be reviewed by the planning and zoning commission.
 2. The city manager, or his/her designee, shall schedule consideration of any site plan application on the regular agenda of the planning and zoning commission within 20 working days after the complete application is received.
 3. The planning and zoning commission shall conduct a public hearing on the SUP application and related site plan in order to formulate its recommendations to the city council. The commission shall then recommend to the city council that the SUP application and related site plan be approved, approved subject to certain conditions, or denied.
 4. If the planning and zoning commission recommends denial of the site plan, it shall provide reasons to the applicant for the denial, if requested by the applicant. The planning and zoning chairperson shall inform the applicant of the right to receive reasons for the denial.
 - c. *City council review of and action on site plans.*
 1. All site plan applications shall be reviewed and finally acted upon by the city council.
 2. The city manager, or his/her designee, shall schedule consideration of any site plan application on the regular agenda of the city council within 40 working days after planning and zoning commission action.
 3. The city council shall conduct a public hearing on the SUP application and related site plan. The council shall then approve, approve subject to certain conditions, or deny the site plan.
 4. City council approval of the SUP application and related site plan shall require a simple majority vote.
 5. The city council may also, where appropriate, remand the SUP application and related site plan back to the commission for reconsideration if it believes that there is a compelling reason to do so (such as the introduction of significant new facts or testimony, etc.).
 6. City council decision on all SUP applications and related site plans shall be final, unless consideration is remanded back to the commission.
- (6) *Revisions to the approved site plan:*
- a. *Minor revisions/amendments.*
 1. It is recognized that final architectural and engineering design may necessitate minor changes in the approved site plan. In such cases, the city manager, or his/her designee, shall have the authority to approve minor modifications to an approved site plan. Such minor modifications shall be submitted as an "amended site plan." The amended site plan shall be clearly titled as such, and shall substantially conform to the previously approved site plan.
 2. Submission materials and requirements for approval of an amended site plan shall be as determined by the city manager, or his/her designee.
 - b. *Major revisions.* In the event of revisions that are more extensive in nature (i.e., do not conform to the description for minor amendments above), a new site plan must be resubmitted for review and approval. The city manager shall have the authority to determine whether changes to a site plan warrant another review and approval procedure (in accordance with this section).

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- (7) *Effect of review/approval:* The site plan shall be considered authorization for a specific use permit, as well as authorization to proceed with construction of the site (if applicable) and other required city approvals (such as final plat, engineering plans, building permit, etc.).
- (8) *Validity and lapse of site plan approval:* A site plan shall be considered a "permit" as described by state law in V.T.C.A., Local Government Code, Ch. 245.005.
- a. *Valid for two years:* Any approved site plan shall be deemed expired two years from the date on which the site plan was originally approved by the city council if no progress has been made toward completion of the project.
 - b. *Progress benchmarks:* The term "progress" shall be as defined based on V.T.C.A., Ch. 245.005 as follows:
 1. Plans for construction and an application for a building permit for at least one of the buildings on the approved site plan are submitted within two years following approval of the site plan.
 2. A good-faith attempt is made to file with the city an application for a permit necessary to begin or continue towards completion of the project;
 3. Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent of the most recent appraised market value of the real property on which the project is located;
 4. Fiscal security is posted with the city to ensure performance of an obligation required by the city; or
 5. Utility connection fees or impact fees for the project have been paid to the city.
 - c. *Expiration:* If one of the items listed in subsections b.1. through b.5. above is not accomplished within the two-year period, then the approved site plan shall expire and shall become null and void.
 - d. *Extension and reinstatement procedure:*
 1. Prior to the lapse of approval for a site plan, the applicant may petition the city (in writing) to extend the site plan approval.
 2. Such petition shall be recommended for approval or denial by the planning and zoning commission, and shall be granted approval or denial by the city council.
 3. If no petition is submitted, then the site plan shall be deemed to have expired and shall become null and void. Any new request for site plan approval shall be deemed a "new permit," and shall be submitted with a new application form, with a new filing fee, and with new plans and materials in accordance with the procedures set forth in this section. The new request shall also be reviewed for compliance with the ordinances and regulations in effect at the time the new application is made.
 4. In determining whether to grant a request for extension, the planning and zoning commission and city council shall take into account:
 - (i) The reasons for the lapse,
 - (ii) The ability of the property owner to comply with any conditions attached to the original approval, and

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- (iii) The extent to which development regulations would apply to the site plan at that point in time.

(e) *Standards:*

- (1) *Factors for consideration:* When considering applications for a specific use permit, the planning and zoning commission in making its recommendation and the city council in rendering its decision on the application shall, on the basis of the site plan and other information submitted, evaluate the impact of the specific use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. The planning and zoning commission and the city council shall specifically consider the extent to which:
- a. The proposed use at the specified location is consistent with the goals, objectives and policies contained in the adopted comprehensive plan;
 - b. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
 - c. The proposed use meets all supplemental standards specifically applicable to the use as set forth in this chapter;
 - d. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances, includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts, including but not limited to:
 1. Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire;
 2. Off-street parking and loading areas;
 3. Refuse and service areas;
 4. Utilities with reference to location, availability, and compatibility;
 5. Screening and buffering, features to minimize visual impacts, and/or set-backs from adjacent uses;
 6. Control of signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
 7. Required yards and open space;
 8. Height and bulk of structures;
 9. Hours of operation;
 10. Exterior construction material and building design; and
 11. Roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets.
 - e. The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.
- (2) *Conditions:* In approving the application, the planning and zoning commission may recommend, and the city council may impose, such additional conditions (e.g., hours of operation, etc.) as are reasonably necessary to assure compliance with these standards and the purpose and intent of this section, in accordance with the procedures in section 28-24. Such additional conditions shall exceed

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the minimum standards contained herein or in any other applicable city Code or Ordinance, and they cannot, in effect, relax or grant relief from any of the city's minimum standards (see subsection (3) below). Any conditions imposed shall be set forth in the ordinance approving the specific use permit, and shall be incorporated into or noted on the site plan for final approval. The city manager shall verify that the plan incorporates all conditions set forth in the ordinance authorizing the specific use permit, and shall sign the site plan to indicate final approval. The city shall maintain a record of such approved specific use permits and the site plans and conditions attached thereto.

- (3) *Prohibition on waivers and variances:* The foregoing additional conditions (i.e., standards of development for the SUP) shall not be subject to variances that otherwise could be granted by the board of adjustments, nor may conditions imposed by the city council subsequently be waived or varied by the BOA. In conformity with the authority of the city council to authorize specific use permits, the city council may waive or modify specific standards otherwise made applicable to the use by this chapter, to secure the general objectives of this section; provided, however, that the city council shall not waive or modify any approval factor set forth in subsection (a) of this subsection 28-63(e).

(f) *Expiration and extension:*

- (1) A specific use permit may be rescinded by the city council, on its own motion and at its discretion, for failure to commence development, for failure to secure an extension or reinstatement of the related site plan that was approved along with the SUP ordinance.

(g) *Amendment:*

- (1) No proposed or existing building, premise or land use authorized as a specific use permit may be established, enlarged, modified, structurally altered, or otherwise changed from that approved in the specific use permit, unless such amendment is authorized in accordance with the standards and procedures set forth in this section, and the specific use permit and approved site plan are amended accordingly.

(h) *Other regulations:*

- (1) The board of adjustments shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the specific land use designated by any specific use permit.

(i) *Use regulations:*

- (1) Uses allowed by SUP are specified in section 28-81 (use charts).

(Ord. No. 2009-O-4A, §§ (III)(35)(35.1—35.9), 4-14-09)

Secs. 28-64—28-80. Reserved.

ARTICLE IV. USE REGULATIONS

Sec. 28-81. Use regulations (Charts).

- (a) (1) The use of land and/or buildings shall be in accordance with those listed in the following use charts. No land or building shall hereafter be used and no building or structure shall be erected, altered, or converted other than for those uses specified in the zoning district in which it is located. The legend for interpreting the permitted uses in the use charts (subsection 28-81(b)) is:



Designates use permitted in the zoning district indicated.



Designates use prohibited (i.e., not allowed) in the zoning district indicated.



Designates use may be permitted in the zoning district indicated by Specific Use Permit (also see Section 35).

See definitions in section 28-112 of the zoning ordinance for further description of uses.

- (2) If a use is not listed (or blank) in the use charts, it is not allowed in any zoning district (see subsection (4) below).
- (3) *Use chart organization:* The following use categories are listed in the use charts (subsection 28-81(b)):
 - a. Agricultural uses.
 - b. Residential uses.
 - c. Office uses.
 - d. Personal and business service uses.
 - e. Retail uses.
 - f. Transportation and auto service uses.
 - g. Amusement and recreational service uses.
 - h. Institutional/governmental uses.
 - i. Commercial and wholesale trade uses.
 - j. Light manufacturing/industrial and construction uses.
- (4) *Classification of new/unlisted uses:* It is recognized that new types of land use will arise in the future, and forms of land use not presently anticipated may seek to locate in the City of Angleton. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use in the use charts (subsection 28-81(b)) shall be made as follows:
 - a. Initiation:
 1. A person, city department, the planning and zoning commission, or the city council may propose zoning amendments to regulate new and previously unlisted uses.
 2. A person requesting the addition of a new or unlisted use shall submit to the city manager all information necessary for the classification of the use, including but not limited to:
 - (i) The nature of the use and whether the use involves dwelling activity, sales, services, or processing;
 - (ii) The type of product sold or produced under the use;
 - (iii) Whether the use has enclosed or open storage and the amount and nature of the storage;
 - (iv) Anticipated employment typically anticipated with the use;
 - (v) Transportation requirements;
 - (vi) The nature and time of occupancy and operation of the premises;
 - (vii) The off-street parking and loading requirements;

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- (viii) The amount of noise, odor, fumes, dust, toxic materials and vibration likely to be generated;
- (ix) The requirements for public utilities such as sanitary sewer and water and any special public services that may be required; and
- (x) Impervious surface coverage.

- b. The city manager shall refer the question concerning any new or unlisted use to the planning and zoning commission requesting a recommendation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by the statement of facts in subsection 2. above. An amendment to this chapter shall be required as prescribed by section 28-24.
- c. The planning and zoning commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use is most similar and should be permitted (by right or by SUP).
- d. The planning and zoning commission shall transmit its findings and recommendations to the city council as to the classification proposed for any new or unlisted use. The city council shall approve or disapprove the recommendation of the planning and zoning commission or make such determination concerning the classification of such use as is determined appropriate based upon its findings. If approved, the new or unlisted use shall be amended in the use charts of the zoning ordinance according to section 28-24 (i.e., following notification and public hearing, etc.).
- e. Standards for new and unlisted uses may be interpreted by the city manager as those of a similar use. When a determination of the appropriate zoning district cannot be readily ascertained, the same criteria outlined in subsection 2. above shall be followed for determination of the appropriate district. The decision of the city manager may be appealed according to the process outlined in subsections 2.b. through 2.d. above.

(b) Use charts.

{Beginning on the following page.}

Commented [LK28]: Add parking requirement

Legend:																			
P - The land use is "Permitted" by right in the zoning district indicated.																			
□ - The land use is "Prohibited" in the zoning district indicated.																			
S - The land use "May be approved" as a specific use permit (SUP) in the zoning district indicated.																			
Types of Land Uses	Residential Zoning Districts												Nonresidential Zoning Districts						
	CC	CS	CS	CS	CS	CS	CS	2F	CS	N	N	N	N	U	U	U	U	CB	U
<i>Agricultural Uses</i>																			
Bulk Grain and/or Feed Storage	P																		P
Farms, General (Crops)	P	P																	P
Farms, General (Livestock/Ranch)	P	P																	P
Greenhouse (Non-Retail/Hobby)	P	P	P	P	P	P	P	P	P				P						P

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Hay, Grain, and/or Feed Sales	P																			P
Livestock Sales	P																			P
Orchard/Crop Propagation	P																			P
Plant Nursery (growing for commercial purposes but no retail sales on site)	P																			P
Stables (As A Business)	P																			S
Stables (Private, Accessory Use)	P																			S
Stables (Private, Principal Use)	P																			S
<i>Residential Uses</i>																				
Accessory Building/Structure (Residential)	P	P	P	P	P	P	P	P	P	P	P	P	P							
Accessory Building/Structure (Nonresidential)														P	P	P	P	S		P
Accessory Dwelling	P	P	S	S	S	S														
Caretaker's/Guard's Residence	P	S	S	S	S	S	S	S	P	P	P	P	P							P
Community Home	P	P	P	P	P	P	P	P	P	P	P	P	P							
Duplex/Two-Family								P		P	P	P	P							
Family Home Adult Care	P	P	P	P	P	P	P	P	P	P	P	P	P		P					
Family Home Child Care	P	P	P	P	P	P	P	P	P	P	P	P	P		P					
Four-Family (Quadraplex)										P	P	P	P		S					
Home Occupation	P	P	P	P	P	P	P	P	P	P	P	P	P							
HUD-Code-Manufactured Home													P							
In-Home Dog Grooming	S	S	S	S																
Loft Residence (2nd floor only)															S			P		
Mobile Home (built prior to June 15, 1976)													S							
Multifamily (Apartments)										P	P	P	P		S					
Residential dwelling, Existing	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Rooming/Boarding House										S	S	S			S					
Single-family Detached	P	P	P	P	P	P	P	P	P	P	P	P	P							
Single-family Industrialized Home	P	P	P	P	P	P	P	P	S	S	S	S	P							
Single-family Townhouse (Attached)									P	P	P	P								
Single-family Zero Lot Line/Patio Homes							P		P	P	P	P								
Swimming Pool (Private use only by resident)	P	P	P	P	P	P	P	P	P	P	P	P	P							
Three-Family (Triplex)										P	P	P								

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Office Uses															P	P	P	P	P	P	P
Armed Services Recruiting Center															P	P	P	P	P	P	P
Check Cashing Service															P	P	P	P	P	P	P
Credit Agency															P	P	P	P	P	P	P
Insurance Agency Offices															P	P	P	P	P	P	P
Medical Laboratory																S	S	S	S	S	P
Offices (Brokerage Services)															P	P	P	P	P	P	P
Offices (Health Services)															P	P	P	P	P	P	P
Offices (Legal Services)															P	P	P	P	P	P	P
Offices (Medical Clinic or Office)															P	P	P	P	P	P	P
Offices (Professional)															P	P	P	P	P	P	P
Offices (Parole-Probation)																					
Real Estate Offices															P	P	P	P	P	P	P
Telemarketing Agency															S	S	S	S	S	S	P
Bank/Credit Union															P	P	P	P	P	P	P
Savings and Loan															P	P	P	P	P	P	P
Security Monitoring Company (No Outside Storage)															P	P	P	P	P	P	P
<i>Personal and Business Service Uses</i>																					
Appliance Repair																	P	P			P
Artist Studio															P	P	P	P	P		P
Ambulance Service (Private)																	S	S			P
Automobile Driving School (including Defensive Driving)															S	P	P	P	P		P
Automatic Teller Machines (ATM's)															P	P	P	P	P		P
Barber/Beauty Shop/College (barber or cosmetology school or college)															S	S	P	P			P
Barber/Beauty Shop (non-college)															P	P	P	P	P		P
Bed and Breakfast Inn	S	S	S	S	S	S	S	S	S	S	S	S			S	P	P	P	P		
Communication Equipment Sales/Service (Installation and/or Repair - No outdoor sales or storage or towers/antennae)																	P				P
Computer Sales															P	P	P	P	P		P
Credit Unions															P	P	P	P	P		P
Dance/Drama/Music Schools (Performing Arts)															P	P	P	P	P		P

Extended Stay Hotels/Motels(Residence hotels)															S	S	S	S			P
Exterminator Service (No outdoor sales or storage)																	P				P
Financial Services (Advice/Invest)															P	P	P	P	P		P
Funeral Home																	S	P			P
Hotel/Motel																P	P	P	S		P
Martial Arts School/Dance Studio															P	P	P	P	S		P
Laundromat (or Self-Service Washateria)															S	S	P	P	S		P
Laundry/Dry Cleaning (Drop Off/Pick Up)															P	P	P	P	P		P
Locksmith															P	P	P	P	P		P
Massage Establishment (as defined within this chapter)															S	S	S	S			P
Mini-Warehouse/Self-Storage															S	S	P	S			P
Paint Shop																S	P	P			P
Photo Studio															P	P	P	P	P		P
Photocopying/Duplicating															P	P	P	P	P		P
Sexually Oriented Business	(See Chapter 21.4 (Ordinance #2488) of the City's Code of Ordinances)																				
Shoe Repair															P	P	P	P	P		P
Studio for Radio or Television (without tower)															P	P	P	P	P		P
Tailor Shop															P	P	P	P	P		P
Tool Rental (Indoor Storage only)																	P	P			P
Tool Rental (with Outdoor Storage)																	S	S			P
Travel Agency															P	P	P	P	P		P
<i>Retail Uses</i>																					
All-Terrain Vehicle (go-carts) Dealer/Sales																	P	P			P
Antique Shop (no outside storage)															S	S	P	P	P		P
Antique Shop (with outside storage)																S	S	S	S		S
Art Dealer/Gallery															P	P	P	P	P		P
Auto Dealer (New - Auto Servicing and Used Auto Sales as accessory uses only)																	P	P			P

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Auto Dealer, Used Auto Sales																		P	P			P
Auto Supply Store for New and Rebuilt Parts															S	S	S	S	S			P
Bakery (Retail)															P	P	P	P	P			P
Bakery (Wholesale)																	P	P				P
Bike Sales and/or Repair (Non-Motorized)															P	P	P	P	P			P
Book Store															P	P	P	P	P			P
Building Material Sales																	P	P	S			P
Cabinet Shop (Manufacturing)																S	S	P				P
Cafeteria															S	P	P	P	P			P
Confectionery Store (Retail)															P	P	P	P	P			P
Consignment Shop															S	S	P	P	P			P
Convenience Store (without gas sales)															S	P	P	P	S			P
Department Store																P	P	P	P			P
Drapery Shop/Blind Shop																P	P	P	P			P
Florist															P	P	P	P	P			P
Food or Grocery Store															S	P	P	P	P			P
Furniture Sales (Indoor)															S	P	P	P	P			P
Garden Shop (Inside Only; no outside storage)															P	P	P	P	P			P
Gravestone/Tombstone Sales																	P					P
Handicraft Shop															P	P	P	P	P			P
Hardware Store															S	P	P	P	P			P
Home Improvement Center																P	P	P				P
Itinerant Vendor/Vending	S																					S
Lawnmower Sales and/or Repair																P	P	P				P
Major Appliance Sales/Rental (Indoor)																P	P	P				P
Market (Community, Farmers)	S														S	S	S	S	S			S
Market (Public, Flea)																	S					S
Motorcycle Dealer (New/Repair)																P	P	P				P
Personal Watercraft Sales (New/Repair)																P	P	P				P
Needlework Shop															P	P	P	P	P			P
Pet Shop/Supplies/Grooming															S	P	P	P	P			P
Pharmacy															S	P	P	P	P			P
Plant Nursery (Retail Sales/Outdoor Storage)																S	P	P				P
Produce Stand															S	S	P	P	S			P

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Recycling Kiosk																		S	S	P				P
Restaurant																		P	P	P	P	P		P
Restaurant (Drive-In)																			P	P	P			P
Retail Store (General)																		S	P	P	P	P		P
Security Systems Installation Company																				P	P	P		P
Studio Tattoo or Body Piercing																				S				S
Temporary Outside Retail Sales/Commercial Promotion																			P	P	P	P		P
Upholstery Shop (Non-Auto)																				P				P
Used Merchandise/Furniture Store																			S	S	S	S		P
Vacuum Cleaner Sales and Repair																			P	P	P	P		P
Veterinarian (Indoor Kennels)																			P	P	S	S		P
Woodworking Shop (Ornamental)																			S	S	S	S		P
<i>Transportation and Automotive Uses</i>																								
Auto Accessories																			S	P	P			P
Auto Body Repair																				P	P			P
Auto Leasing and Rental																				P	P			P
Auto Glass Repair/Tinting																				P	P			P
Auto Interior Shop/Upholstery																				P	P			P
Auto Muffler Shop																				P	P			P
Auto Paint Shop																				P	P			P
Auto Parts Sales (indoors only; no repair bays)																		S	S	P	P	S		P
Auto Repair (Major)																				P	P			P
Auto Repair (Minor)																			S	P	P	S		P
Auto Storage or Auto Auction																								P
Auto Tire Repair/Sales (Indoor)																				P	P			P
Auto Wrecker Service																				S	S			P
Car Wash (Self-Service; Automated)																			S	P	P			P
Full-Service Car Wash (Detail Shop)																			S	P	P			P
Gasoline Service Station																			S	P	P	S		P
Limousine/Taxi Service																				P	P			P
Public Garage/Parking Structure																				P	P			P
Quick Lube/Oil Change/Minor Inspection																			S	P	P	P		P

Tire Sales (Outdoors)																S	P	P			P
Truck Rental																	S				P
<i>Amusement and Recreational Uses</i>																					
Amusement Devices/Arcade (Four or More Devices, Indoors only)																S					S
Amusement, Commercial (Indoors)																	P	P	P		P
Amusement, Commercial (Outdoors)																	S	S			P
Billiard/Pool Facility (Three or More Tables)																	S	P	S		S
Bingo Facility																	S				S
Bowling Center																	P	P			P
Broadcast Station (with Tower)																					S
Country Club (Private)	S	S	S	S	S	S	S	S	S	S	S	S	S	S							P
Dance Hall/Dancing Facility																S	S	S	S		P
Day Camp	P																S	S			P
Dinner Theatre															S	S	P	P	P		P
Driving Range	S															S	S	S			P
Earth Satellite Dish (Private, less than 3' in diameter)	(See subsection 28-106(e))																				
Exhibition Hall																	S				P
Fair Ground																					S
Golf Course (Miniature)																S	P	P			P
Golf Course (Private)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S			S
Golf Course (Public)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P
Health Club (Physical Fitness; Indoors Only)															S	P	P	P	P		P
Motion Picture Theater (Indoors)																P	P	P	P		P
Motion Picture Studio, Commercial Film																	P				P
Museum (Indoors Only)	S														P	P	P	P	P		P
Park and/or Playground (Private)	S	S	S	S	S	S	S	S	S	S	S	S	S								
Park and/or Playground (Public; municipal)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P
Rodeo grounds	S																				S
Skating Rink																S	P	P			P
Swimming Pool (Private; Membership)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S						

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Swimming Pool (Public; municipal)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Tennis Court (Private/Lighted)	P	P	S	S	S	S	S	S	S	P	P	P	P	S	S	S			S
Tennis Court (Private/Not Lighted)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P
Theater, Drive-In (Outdoor)																			S
Theater (Non-Motion Picture; Live Drama)																P	P	P	P
Travel Trailers/RVs (Long-Term Stays)	S											S	S						S
Travel Trailers/RVs (Short-Term Stays)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Video Rental/Sales																P	P	P	P
<i>Institutional/Governmental Uses</i>																			
Airport or Landing Field																			S
Antenna (Noncommercial)	(See subsection 28-106(e))																		
Antenna (Commercial)	(See subsection 28-106(e))																		
Assisted Living Facility										S	P	P	P	S	S	S	S		
Broadcast Towers (Commercial)	(See subsection 28-106(e))																		
Cellular Communications Tower/PCS	(See subsection 28-106(e))																		
Cemetery and/or Mausoleum	S															S	S		S
Child Day Care (Business)														S	S	S	S	S	S
Church/Place of Worship	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Civic Club														P	P	P	P	P	P
Clinic (Medical)														P	P	P	P	P	P
Community Center (Municipal)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Electrical Generating Plant	S															S			P
Electrical Substation	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		P
Electrical Transmission Line	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		P
Emergency Care Clinic														S	P	P	P	P	P
Fire Station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Franchised Private Utility (not listed)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Fraternal Organization														S	S	P	P	P	P
Gas Transmission Line (Regulating Station)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		S
Governmental Building or Use (County, State or Federal)	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P
Group Day Care Home							S	S	S	P	P	P	P	S	S	P	P	S	S
Heliport																			S
Helistop															S	S	S		P

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Hospice										P	P	P		S	S	S		P		S
Hospital (Acute care/Chronic Care)														S	S	P		P		P
Household Care Facility	P	P	P	P	P	P	P	P	P	P	P	P	P							
Institution for Alcoholic, Narcotic, or Psychiatric Patients															S	S	S			S
Library (Public)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Mailing Service (Private)														P	P	P	P	P	P	P
Maternity Homes										P	P	P		S	S	S	S	S	S	S
Municipal Facility or Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Nonprofit Activities by Church (in furtherance of church/religious purposes)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Nursing/Convalescent Home									S	P	P	P	S	S	S	S	S	P		S
Orphanage	S									S	S	S				S	S			
Philanthropic organization														S	S	S	S	S		S
Phone Exchange/Switching Station	S													S	S	S	S	S		S
Police Station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Post Office (Governmental)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Public Health Center														S	S	P	P	P		P
Radio/Television Tower (Commercial)	(See subsection 28-106(e))																			
Rectory/Parsonage	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Rehabilitation Care Facility (Halfway House)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		S
Rehabilitation Care Institution																S	S			S
Retirement Home/Home for the Aged									S	P	P	P	S	S	S	S	S	P		S
Sanitarium														S	S	S	S	S		S
School, K through 12 (Private)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		S
School, K through 12 (Public)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P
School, Vocational (Business/Commercial Trade)														S	S	P	P	S		P
Sewage Pumping Station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P
Surgical Out-Patient Facility																S	P			P
Utility Distribution Line	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P
Water Supply Facility (Private)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P
Water Supply Facility (Public; includes Elevated Water Storage)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P
Water/Wastewater Treatment Plant (Public)	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P			P

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Commercial and Wholesale Trade Uses																						
Book Binding																	P				P	
Cleaning Plant (Commercial/Wholesale)																	S				P	
Feed and Grain Store/Farm Supply Store	S																SS				P	
Furniture Manufacture																	P				P	
Heating and Air Conditioning Sales/Services																S	P	S			P	
Heavy Machinery Repair																	S				P	
Heavy Machinery Sales and Storage																	S				P	
Kennel (Indoor Pens)	P																S				P	
Kennel (Outdoor Pens)	P																				P	
Livestock - Wholesale	P																				S	
Manufactured Home Sales (New)																	S				S	
Manufactured Home Sales (Used)																					S	
Motor Freight Company																		P			P	
Pawn Shop																S	P					
Petroleum Distribution/Storage/Wholesale Facility																	S				P	
Portable Building Sales																	S				S	
Propane Sales (Retail)																	P	P			P	
Taxidermist	S																P				P	
Transfer Station (Refuse/Pick- up)	S																P				P	
Veterinarian (Outdoor Kennels or Pens)	S																P				P	
Warehouse/Office																S	P	S			P	
Welding Shop																S	P	S			P	
Light Industrial/Manufacturing Uses																						
Batch Plant - Asphalt/Concrete (Permanent)																					S	
Batch Plant - Asphalt/Concrete (Temporary)																	S				S	
Contractor's Office/Sales, No Outside Storage including Vehicles																	P		S		P	

Contractor's Office/Sales, With Outside Storage including Vehicles																	P				P
Contractor's Temporary On-Site Construction Office (only with permit)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P
Electronic Assembly																	P				P
Engine Repair/Motor Manufacturing Re-Manufacturing and/or Repair															S		P				P
Food Processing																	S				P
Laboratory Equipment Manufacturing																	P				P
Machine Shop																	P				P
Maintenance and Repair service for Buildings																P	P	P			P
Manufacturing, General (meeting performance standards in section 28-107)																					P
Micro Brewery (on-site MFRg. and sales)																		S			
Micro Winery																	S	S			S
Outside Storage																S	S	S			P
Paper Manufacturing and Converting/Finishing																					P
Plumbing Shop (no outside storage)																	P				P
Research Lab (Nonhazardous)																S	P				P
Sand/Gravel/Stone Extraction	S																				S
Sand/Gravel/Stone Sales (Storage)																					S
Sign Manufacturing																	P				P
Sign Shop (small scale, such as a storefront; includes sign and banner making for retail sale only)																P	P	P			P
Stone/Clay/Glass Manufacturing																					P

(Ord. No. 2009-O-4A, §§ (IV)(37)(37.1—37.2), 4-14-09; Ord. No. 2010-O-11A, § 2, 11-9-10; Ord. No. 2012-O-1A, § 2, 1-24-12; Ord. No. 2014-O-2E, § 2, 2-11-14; Ord. No. 2014-O-4A, § 2, 4-8-14; Ord. No. 2014-O-5B, § 2, 5-27-14; Ord. No. 2016-O-6A, § 2, 6-14-16; Ord. No. 2016-O-6B, § 2, 6-14-16; Ord. No. 2017-O-2A, § 2, 2-14-17)

Secs. 28-82—28-100. Reserved.

Part II - CODE OF ORDINANCES
 Chapter 28 - ZONING
 ARTICLE V. DEVELOPMENT STANDARDS

ARTICLE V. DEVELOPMENT STANDARDS

Sec. 28-101. Off-street parking and loading requirements.

- (a) *Purpose:* To secure safety from fire, panic, and other dangers; to lessen congestion on public streets; to facilitate the adequate provision of transportation; to conserve the value of buildings; and to encourage the most appropriate and efficient use of land. Minimum off-street parking and loading shall be provided as set forth in the following schedules and provisions.
- (b) *Residential districts—Special off-street parking provisions:*
- (1) Required off-street parking shall be provided on the same lot/site as the use it is to serve.
 - (2) All required vehicle parking shall be on a paved parking surface. All driveways and approaches to parking spaces shall be similarly paved, except in the OS-1 and AG districts.
- (c) *Nonresidential and MF districts—Special off-street parking provisions:*
- (1) To prevent nuisance situations, all parking area lighting shall be designed and operated so as not to reflect or shine on adjacent properties and in accordance with the standards established in section 28-107.
 - (2) For safety and firefighting purposes, free access through to adjacent nonresidential parking areas shall be provided in accordance with subsection 28-101(j) (fire lanes).
 - (3) All off-street parking, maneuvering, loading and storage areas shall be paved with paving in accordance with the city's parking lot paving requirements (no parking shall be permitted on grass, within landscaped areas, or on other unimproved surfaces). All driveway approaches shall be of reinforced concrete as described above, and shall be curbed to city standards. No paved parking space or area shall be designed such that a vehicle has to back up into a public street or across a public sidewalk, except for single- and two-family dwellings, which shall not be allowed to egress onto roadways that are larger than a residential collector (60 feet right-of-way) street unless specifically permitted on the approved site plan.

 Parking spaces shall be permanently and clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods. Nonpermanent type marking, such as paint, shall be regularly maintained to ensure continuous clear identification of the space.
 - (4) Each standard off-street surface parking space size shall be in accordance with the design standards as shown on illustrations 11 through 15 for space size and design. Specific parking space sizes, exclusive of aisles, driveways and maneuvering areas shall be in accordance with the following minimum sizes:
 - a. *Standard:* Nine feet by 20 feet - 18-foot length is allowed, provided that the parking space has a two-foot clear bumper overhang area that does not encroach upon a public right-of-way, a sidewalk of less than six feet in width, or adjacent property.
 - b. *Parallel:* Eight feet by 22 feet.
 - (5) All parking and loading spaces, and vehicle sales areas on private property shall have a vehicle stopping device (e.g., curb, wheel stop, etc.) installed so as to prevent parking of motor vehicles in any required landscaped areas, to prevent vehicles from hitting buildings, to protect public and/or private utility structures/facilities, and to prevent parked vehicles from overhanging a public right-of-way line, public

sidewalk, or adjacent private property. An extra-wide walkway on private property may be permitted so as to allow encroachment of vehicle overhang while maintaining an unobstructed four-foot minimum walkway width. Parking shall not be permitted to encroach upon the public right-of-way in any case. All vehicle maneuvering shall take place on-site. No public right-of-way shall be used for backing or maneuvering into or from a parking space (except business locations in the downtown area that are already in existence as of the effective date of this chapter), or for circulation within the parking lot. All entrances into parking lots shall be at least 24 feet in width, and shall conform to the city's adopted subdivision regulations.

- (6) In all nonresidential and multifamily zoning districts, the perimeter of all parking lots and driveways shall be provided with concrete curbs.
- (7) Refuse storage facilities placed in a parking lot shall not be located in a designated parking or loading space. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies and ease of egress from the site without having to back up further than 20 feet and without having to go the wrong way in a traffic aisle.
- (8) Parking space(s) for persons with disabilities and other associated provisions (e.g., clear and unobstructed pathways into building, crosswalks across parking lots, etc.) shall be provided according to building codes, State laws, and requirements of the Americans with Disabilities Act (ADA). Parking spaces for persons with disabilities shall be as close as possible to the main entrance of the building, and shall be appropriately and clearly marked.
- (9) In all nonresidential and multifamily zoning categories, designated parking and loading areas shall not be used for the repair, storage, dismantling or servicing (except for normal maintenance of a private vehicle) of vehicles or equipment, or for the storage of materials or supplies, or for any other use in conflict with the designated parking and loading areas (i.e., advertising or open storage of raw materials).
- (10) To ensure that all requirements set forth in this section are carried forward, it will be the responsibility of the owner of the parking area to adequately maintain the facility. All off-street parking areas shall be kept free of trash, debris, vehicle repair operation or display and advertising uses.
- (11) Off-street stacking requirements for drive-through facilities:
 - a. A stacking space shall be an area on a site measuring at least eight feet wide by 20 feet long with direct forward access to a service window or station of a drive-through facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area. An escape lane, of at least eight feet in width and with negotiable geometric design, must be provided to allow vehicles to get out of stacking lane in the event of a stalled vehicle, emergency, accidental entry, etc.
 - b. For financial institutions with drive-through facilities, each teller window or station, human or mechanical, shall be provided with a minimum of five stacking spaces. One escape lane shall be provided.
 - c. For each service window of a drive-through restaurant, a minimum of five spaces shall be provided for the first vehicle stop (usually the menu/order board), and two spaces shall be provided for each additional vehicle stop (order/pick-up windows, etc.). One escape lane shall be provided from the beginning of the stacking lane to the first stop (e.g., menu/order board).
 - d. For retail operations (other than restaurants, banks, etc.) and kiosks that provide drive-up service (e.g., pharmacy, dry cleaners, etc.), a minimum of three stacking spaces for each service window shall be provided.

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- e. For a full-service car wash, each vacuum or gas pump lane shall be provided with a minimum of four stacking spaces. For the finish/drying area, adequate vehicle stacking and storage space must be provided to keep finished vehicles out of circulation aisles, access easements, fire lanes, streets, etc.
 - f. For each automated self-service (drive-through/rollover) car wash bay, a minimum of three stacking spaces, in addition to the wash bay itself, shall be provided. One additional stacking space shall be provided at the exit end of each wash bay for window-drying and other detailing.
 - g. For each wand-type self-service (open) car wash bay, a minimum of two stacking spaces, in addition to the wash bay itself, shall be provided. One additional stacking space shall be provided at the exit end of each wash bay for window-drying and other detailing, unless a separate area/shade structure is provided (outside of circulation aisles) for these activities.
 - h. For automobile quick-lube type facilities, a minimum of three stacking spaces shall be provided for each service bay in addition to the service bay itself.
- (12) Dead-end parking areas shall be avoided if possible. If dead-end parking is necessary, then it shall be designed such that it is no more than three parking spaces deep unless adequate turnaround space is provided. A minimum five-foot deep hammerhead back-up space shall be provided at the end of any dead-end parking area.
- (13) All parking structures must conform to the development and design standards of the zoning district in which they are located.

(d) *Off-street loading space—All districts:*

- (1) All retail and similar nonresidential structures shall provide and maintain off-street facilities for receiving and loading merchandise, supplies and materials within a building or on the lot or tract. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks off-street. Each site shall provide a designated on-site maneuvering area for trucks (see illustrations 2 and 20). Such off-street loading space may be adjacent to (but not any portion of) a public alley or private service drive, or it may consist of a truck berth within the structure. The minimum dimensions of a "regular" loading space shall be ten feet by 30 feet, and a "large" loading space shall be at least ten feet by 65 feet. Loading spaces or berths shall be provided in accordance with the following schedule:

(a) Office uses, or portion(s) of building devoted to office uses:

0 to 19,999 square feet:	0 spaces
20,000 to 49,999 square feet:	1 regular space
50,000 to 149,999 square feet:	1 regular space and 1 large space
150,000+ square feet:	2 regular spaces and 1 large space

(b) Retail/commercial and restaurant uses, or portion(s) of building devoted to retail/commercial and restaurant uses:

0 to 3,999 square feet:	0 spaces
4,000 to 9,999 square feet:	1 regular space
10,000 to 29,999 square feet:	1 regular space and 1 large space
30,000 to 99,999 square feet:	2 regular spaces and 1 large space
100,000 to 200,000 square feet:	2 regular spaces and 2 large spaces
Each additional 100,000 square feet, or portion thereof, over 200,000:	1 additional large space

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- (2) In all nonresidential zoning districts, loading docks or service/delivery entrances shall not be constructed facing any public street (except for large industrial uses; see subsection (2)a. below), and shall not be visible from any public street. Such loading areas shall be screened from view of any public street by the building itself, or by a masonry screening wing wall at least 12 feet in height with large evergreen trees and shrubs planted in front of it such that limited portions of the wing wall will be visible when the trees and shrubs are mature. Such masonry wing wall shall match the exterior construction materials and colors of the main building, and shall be located no closer than 100 feet to any public street right-of-way line (see illustration 20).
- a. For large industrial or warehouse uses in the LI zoning district only, the loading docks may face a public street, and shall not be required to provide a masonry screening wing wall, provided that a minimum 30-foot wide landscape buffer area is provided adjacent to the street right-of-way line. One large shade trees shall be provided within the landscape buffer area for every 20 feet of street frontage, or one small ornamental tree shall be provided for every 12 feet of street frontage (or some combination thereof). In addition, a solid massing of large evergreen shrubs and three- to four-foot tall berms shall be provided to further screen loading area from view of the street (see illustration 21).
- (3) Loading docks for any establishment which customarily receives goods between the hours of 9:00 p.m. and 8:00 a.m. and is adjacent to a residential district shall be designed and constructed so as to enclose the loading operation on at least three sides in order to reduce the effects of the noise of the operation on adjacent residences. Other screening/buffering alternatives may be approved on the required plan (i.e., concept plan, site plan) provided that the approving authority (i.e., city staff, city council) makes a finding that the alternative method of screening/buffering will be adequate to protect nearby residences.
- (4) Kindergartens, elementary schools, day schools, and similar child training and care establishments, and middle schools shall provide one paved off-street pedestrian loading and unloading space (i.e., stacking spaces) for an automobile on a through, "circular" drive for each ten students cared for (excluding child care in a residence), not to exceed 30 spaces. An additional lane shall also be required to allow pass-by or through traffic to move while automobiles waiting or parked to pick up children occupy loading/unloading areas. This standard shall be in addition to other off-street parking requirements.
- (5) Loading spaces that are adjacent and easily accessible to several buildings or uses, including buildings and uses on separate lots, shall be allowed to satisfy the loading requirements for the individual buildings or uses, provided that: 1) the number of spaces satisfies the requirements for the combined square footages for the buildings or uses in question, and 2) for loading spaces to be shared among separate lots, they must be in reasonably close proximity to all potential users and an agreement granting mutual use by the owners of each building shall be executed and provided to the city (for file).
- (e) *Parking access from a public street—All districts:*
- (1) In the approval of the applicable required plan (i.e., concept plan, site plan), design consideration shall be given to providing entrance/exit drives that extend into the site to provide adequate queuing of vehicles on the site.
- (2) In all districts (except single-family and duplex zoning districts), the applicable required plan shall provide for entrance/exit drive(s) appropriately designed and located to minimize traffic congestion or conflict within the site and with adjoining public streets. Based upon analysis by the city, if projected volumes of traffic entering or leaving a development are likely to interfere with the projected peak traffic flow volumes on adjoining streets, additional right-of-way and paving in the form of a deceleration lane, a turn lane, or other roadway improvements may be required of a developer in order to reduce such interference and to help ensure traffic safety and efficiency. The dedication of

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additional right-of-way or street paving may also be required, and shall be determined at the time of site plan and final plat approval.

- (3) Vehicular access to nonresidential uses shall not be permitted from alleys serving residential areas, and shall not be configured as "head-in" parking spaces which are accessed directly from the street.
- (4) Parking space configuration, location, arrangement, size and circulation in all districts shall be constructed according to illustrations 11 through 15.
- (5) Individual residential driveways having direct access (i.e., be placed directly) onto any existing or future major or minor arterial shall be prohibited.

(f) *Parking requirements based upon use:*

- (1) In all districts, there shall be provided at the time any building or structure is erected or structurally altered, or change of use, off-street parking spaces in accordance with the following requirements:
 - a. *Automobile parts sales (indoors)*: One space per 500 square feet of indoor floor area, plus one space for each 2,000 square feet of outside sales area.
 - b. *Automobile sales or service*: See motor-vehicle sales.
 - c. *Bank, savings and loan, or similar institution*: One space per 250 square feet of gross floor area in addition to required stacking spaces (see subsection 28-101(c)(11)).
 - d. *Bed and breakfast facility*: One space per guest room in addition to the requirements for a normal residential use.
 - e. *Bowling alley or center*: Six parking spaces for each alley or lane.
 - f. *Business or professional office (general)*: One space per 300 square feet of gross floor area, except as otherwise specified herein.
 - g. *Car wash (self-serve)*: One space per washing bay or stall in addition to the washing areas/stalls themselves and required stacking spaces; car wash (full service): One space per 150 square feet of floor area in addition to the required stacking spaces (also see subsection 28-101(c)(11)).
 - h. *Church, rectory, or other place of worship*: One parking space for each three seats in the main auditorium/sanctuary (see subsection 28-101(g)(2)).
 - i. *Commercial amusement (indoor)*: One space per 100 square feet of gross floor area, or as follows:
 - 1. Racquetball or handball courts: Three spaces for each court.
 - 2. Indoor tennis courts: Six spaces for each court.
 - 3. Gymnasium, skating rinks, and martial arts schools: One space for each three seats at a maximum seating capacity (based upon maximum occupancy), plus one space for each 200 square feet.
 - 4. Swimming pool: One space for each 100 square feet of gross water surface and deck area.
 - 5. Weight lifting or exercise areas: One space for each 100 square feet.
 - 6. Indoor jogging or running tracks: One space for each 100 linear feet.
 - 7. Motion picture theaters (which do not include live performances): a) one space per three and one-half seats for single-screen theaters; b) one space per five seats for motion picture theaters with two or more screens (see subsection 28-101(g)(2)).

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- 8. Amusement center: One space for each game table and one space for each amusement device.
 - 9. All areas for subsidiary uses not listed above or in other parts of this section (such as restaurants, office, etc.), shall be calculated in with the minimum specified for those individual uses.
 - j. *Commercial amusement (outdoor)*: Ten spaces plus one space for each 500 square feet over 5,000 square feet of building and recreational area.
 - k. *Commercial use*: One space per 250 square feet of floor area.
 - l. *Community center, library, museum or art gallery*: Ten parking spaces plus one additional space for each 300 square feet of floor area in excess of 2,000 square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of one space for each four seats that it contains (see subsection 28-101(g)(2)).
 - m. *Convenience store (with gasoline pumps)*: One space per 200 square feet of floor area, plus one parking space for each side of a gasoline pump unit (a unit may have up to six nozzles for gasoline disbursement). Spaces within pump areas qualify as spaces for the parking requirement. If no gasoline sales are provided, then the parking requirements shall be the same as for a retail store. Adequate space shall be provided for waiting, stacking, and maneuvering automobiles for refueling.
 - n. *Dance/aerobics studio or assembly/exhibition hall without fixed seats*: One parking space for each 100 square feet of floor area thereof.
 - o. *Day nursery, day care center, pre-school or pre-kindergarten*: One space per ten pupils (based upon maximum occupancy and/or licensing capacity), plus one space per classroom and/or office, plus one space for each bus or van stored on the property (and sized to accommodate the vehicle); also see stacking requirements in subsection 28-101(d)(4).
 - p. *Defensive driving school/class*: One space for each classroom seat (see subsection 28-101(g)(2)).
 - q. *Fast-food or drive-in restaurant*: One parking space per 100 square feet of gross floor area (including indoor/outdoor play areas and patio dining areas), or one space for every three seats under maximum seating arrangement (i.e., occupancy), whichever is greater; required parking spaces are in addition to any stacking spaces that may be needed/provided for drive-through or drive-in facilities (see subsection 28-101(c)(11)).
 - r. *Furniture or appliance store, hardware store, wholesale establishments, clothing or shoe repair or service*: Two parking spaces plus one additional parking space for each 300 square feet of floor area over 1,000 square feet.
 - s. *Gasoline station*: One space per 200 square feet of floor area, plus one space for each side of a gasoline pump unit (a unit may have up to six nozzles for gasoline disbursement). Spaces within pump areas qualify as spaces for the parking requirement. Adequate space shall be provided for waiting, stacking, and maneuvering automobiles for refueling.
 - t. *Golf course*: Four parking spaces per hole or green plus requirements for retail, office, and club house areas.
 - u. *Golf driving range*: One and one-half spaces for each driving tee.
 - v. *Health club, health spa or exercise club*: One space per 150 square feet of floor area.
 - w. *Hospital*: One space for each bed based on full occupancy.

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- x. *Hotel or motel*: One space per guest room for the first 250 rooms and .75 space per room for each room over 250, plus one space per five restaurant/lounge area seats (based upon maximum occupancy), plus one space per 125 square feet of meeting/conference areas, plus the following:
 - 1. One and one-tenth spaces for any guest room containing kitchenette facilities; and
 - 2. Two spaces for any guest room provided with full kitchen facilities.
 - y. *Institutions of a philanthropic nature*: One space per 200 square feet.
 - z. *Library or museum*: Ten spaces plus one space for every 300 square feet.
 - aa. *Lodge or fraternal organization*: One space per 200 square feet.
 - bb. *Lumber yard/home improvement center*: One space per 400 square feet display area, plus one space per 1,000 square feet of warehouse.
 - cc. *Manufactured home or manufactured home park*: Two spaces for each manufactured home unit, plus visitor/supplemental parking in accordance with section 28-54, plus additional spaces as required herein for accessory uses.
 - dd. *Medical or dental office*: One space per 150 square feet of floor area. Facilities over 20,000 square feet shall use the parking standards set forth for hospitals.
 - ee. *Mini-warehouse*: Four spaces per establishment, plus two spaces for an on-site manager's residence (if applicable), plus one appropriately sized space for any type of vehicle to be stored on-site (e.g., rental trucks, boats, RVs, etc.).
 - ff. *Mortuary or funeral home*: One parking space for each 200 square feet of floor space in slumber rooms, parlors or individual funeral service rooms, or one space for each three seats in the auditorium/sanctuary (see subsection 28-101(g)(2)), whichever is greater. Adequate on-site stacking spaces shall also be provided for the organization and forming of processions such that these activities do not cause excessive or extended traffic congestion/delays on a public roadway.
 - gg. *Motor-vehicle sales and new or used car lots*: One parking space for each 500 square feet of sales floor/office and other indoor uses, plus one parking space for each 1,000 square feet of exterior lot area used for storage, sales and parking areas, plus one parking space per repair bay in service areas (indoors or outdoors), plus one parking space per service/towing vehicle to be stored on-site (required parking spaces are in addition to those to be used for the storage/display of vehicles for sale/lease).
 - hh. *Nursing home, convalescent home, or home for the aged*: One space per six beds; plus one parking space for each 300 square feet of floor area devoted to offices, cafeterias, exercise/therapeutic rooms, and other similar ancillary uses.
 - ii. *Office (administrative or professional)*: One space for each 300 square feet of floor area.
 - jj. *Outdoor display*: One space for each 600 square feet of open sales/display area.
 - kk. *Pawn shop*: One space for each 200 square feet of floor area.
 - ll. *Places of public assembly not listed*: One space for each three seats provided (see subsection 28-101(g)(2)).
 - mm. *Real estate office*: One space for each 200 square feet.
 - nn. *Restaurant, cafe or similar food service establishment*: One parking space for each 100 square feet of gross floor area (including indoor/outdoor play areas and patio dining areas), or one space for every three seats under maximum seating arrangement (i.e., occupancy), whichever is

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greater; required parking spaces are in addition to any stacking spaces that may be needed/provided for drive-through or drive-in facilities (see subsection 28-101(c)(11)).

- oo. *Retail or personal service establishment, except as otherwise specified herein:* One space per 200 square feet of gross floor area in addition to any required stacking spaces for drive-through facilities (see subsection 28-101(c)(11)).
- pp. *Retirement housing for the elderly (independent living):* One and one-half spaces for each dwelling unit, plus any additional spaces for accessory retail, office, service or recreational uses.
- qq. *Rooming or boarding house, or group quarters:* One parking space for each sleeping room at full occupancy, plus one parking space for each host resident or employee during maximum (i.e., peak) shift.
- rr. *School, elementary (grades K—6):* One parking space for each 15 students (design capacity), plus one large parking space for each bus to be parked on-site for any length of time other than student pick-up/drop-off. Also see subsection 28-101(d)(4).
- ss. *School, secondary or middle (grades 7—8):* One parking space for each 12 students (design capacity). Also see subsection 28-101(d)(4).
- tt. *School, high school (grades 9—12):* One space for each three students, faculty and staff (design capacity). Also see subsection 28-101(d)(4).
- uu. *Storage or warehousing, and light manufacturing:* One space for each 1,000 square feet of total floor area, whichever is greater.
- vv. *Technical school, college, junior college or university:* One space per three students, based upon maximum enrollment or design capacity, whichever is greater.
- ww. *Telemarketing:* One space for each 250 square feet of floor space.
- xx. *Terminal facilities, truck terminals, bus depots, and other similar transportation uses:* One space for each 1,000 square feet of floor area, whichever is greater; for bus depot or other human transportation use, one space per 100 square feet of passenger waiting area.
- yy. *Theater, indoor or outdoor (live performances), sports arena, stadium, gymnasium or auditorium (except school auditorium):* One parking space for each three seats or bench seating spaces (see subsection 28-101(g)(2)).
- zz. *Veterinarian clinic:* One space per 300 square feet of gross floor space.
- aaa. *Wholesale distribution uses:* One space for each 1,000 square feet of total floor area, whichever is greater

(g) *Rules for computing number of parking spaces and miscellaneous off-street parking requirements:*

In computing the number of parking spaces required for each of the above uses, the following rules shall govern:

- (1) "Floor area" shall mean the gross floor area of the specific use.
- (2) "Seat" shall be interpreted as follows:
 - a. For fixed (e.g., church pews, grandstands, benches, etc.) seating, one seat equals 1.75 feet of length; and
 - b. For flexible (e.g., folding chairs, etc.) seating areas, one seat equals eight square feet of floor area occupied by such seating area (includes aisles).

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- (3) Where fractional spaces result, the parking spaces required shall be construed to be the next higher whole number.
 - (4) The parking space requirements for a new or unlisted use not specifically mentioned herein shall be the same as required for a use of similar nature. If the proposed use is not similar to any of the uses listed herein, a determination shall be recommended by the planning and zoning commission, and shall be made/approved by the city council, in conjunction with the request for classification of the new or unlisted use, as provided in subsection 28-81(a)(4).
 - (5) Whenever a building or use is changed or enlarged in floor area, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. If a building or use that was in existence prior to the effective date of this chapter is enlarged by more than 50 percent in floor area, number of dwelling units, seating capacity or otherwise, then said building or use shall be required to conform with the parking requirements herein for the entire building or use.
 - (6) For buildings which have a combination of uses within the same structure or on the same premises (such as retail or office), the off-street parking requirement shall be calculated as the summation of the parking requirements for each use, and no parking space for one particular use shall be allowed to count toward the parking requirement for some other use on the premises except in the case of a shared parking arrangement (see subsection (7) below).
 - (7) Shared parking may be allowed in the case of mixed uses (different buildings) under the following conditions: Up to 50 percent of the parking spaces required for a theater or other place of evening entertainment (after 6:00 p.m.), or for a church, may be provided and used jointly by banks, offices, and similar uses not normally open, used, or operated during evening hours. Shared parking must be on the same parking lot. Reduction due to shared parking shall only be allowed if approved on the applicable required plan (i.e., concept plan, site plan). To assure retention of the shared parking spaces, each property owner shall properly draw and execute an irrevocable mutual parking agreement document expressing the same, shall file this agreement with the county, and shall provide a copy of the filed agreement to the City of Angleton prior to issuance of a certificate of occupancy for any use that relies upon the parking agreement.
 - (h) *Location of parking spaces:* All parking spaces required herein shall be located on the same lot of the building or use served, except as follows:
 - (1) Where an increase in the number of spaces is required by a change or enlargement of an existing use, or where such spaces are provided collectively or used jointly by two or more existing buildings or establishments, the required additional spaces may be located not to exceed 300 feet from any nonresidential lot served.
 - (2) In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, approval on the applicable required plan (i.e., concept plan, site plan) is required according to the following criteria:
 - a. Off-site parking may be permitted on an immediately contiguous lot or tract, or on a lot or tract within 100 feet of such building or structure providing:
 - 1. That a permanent, irrevocable easement of the parking facilities in favor of the premises to be benefited shall be dedicated and recorded as a condition of such use; or
 - 2. That a long-term remote parking lease agreement be provided upon approval by the city as a condition of such use.
 - (i) *Use of required parking spaces, nonresidential districts:*

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- (1) Off-street parking and loading spaces shall be used only for these respective purposes and shall not be used for refuse containers, cart corrals, recycling kiosks, signs or sign support structures, telecommunications towers or support structures, storage or permanent display of boats, trailers, campers, motor vehicles or other goods, materials, or products for sale/lease/rent.

(j) *Fire lanes:*

- (1) Fire lanes shall be provided in all multifamily (and in some single-family attached), manufactured home, and nonresidential developments, as required by the adopted fire code of the city (also see the subdivision ordinance for certain fire lane regulations). Fire lanes shall be constructed in accordance with the City of Angleton Technical Construction Standards and Specifications at a minimum width of 24 feet of paving, and shall have a minimum inside turning radius at curves of 20 feet, or as required by the fire code and/or the Fire Chief of the City of Angleton. The minimum overhead vertical clearance over fire lanes shall be 14 feet for a linear distance of 50 feet on each side (i.e., in front of and behind, as a fire apparatus would traverse underneath) of any overhead structure (e.g., canopy, roof overhang, vertical height control device, etc.).

(k) *Special regulations for special motor vehicles (including RVs):*

- (1) See subsection 28-110(f).

(Ord. No. 2009-O-4A, §§ (V)(38)(38.1—38.11), 4-14-09)

Sec. 28-101.1. Parking lot paving requirements.

- (a) *Applicability.* The City of Angleton parking lot paving requirements shall apply to all off-street parking, maneuvering, access driveways, loading and storage areas located within the city limits of the City of Angleton, or its extraterritorial jurisdiction.
- (b) *Paving materials.* Facilities subject to these requirements shall submit paving designs to the City of Angleton that have been prepared by an engineer registered to practice engineering in the State of Texas. The design shall utilize either a reinforced concrete or asphalt wearing surface, supported by the appropriate base material and/or compacted sub-grade. The thickness of the pavement components shall be designed based upon the intended use, anticipated loading, intended life of the pavement, and the engineering properties of the soil that are developed from geotechnical sampling and testing.
- (1) Pavement in front of refuse container shall be of concrete, designed to accommodate the load of a full vehicle while accepting refuse from a container. The concrete pavement shall extend a minimum of ten feet in front of the dumpster enclosure and shall be as wide as the enclosure.
- (2) All concrete paving, including curbs and gutters, shall be designed with steel reinforcing.
- (c) *Exemptions from paving material regulations.* Storage areas that are blocked from public view by an approved solid fence, the fenced in area is no larger than 1½ acres in size, and where access to the storage area is restricted, are not required to utilize reinforced concrete or asphalt pavement. However, storage lots that utilize surface materials other than those required in this document are responsible for controlling the sediment that will be transported off of the lot, either in the runoff from rain events or that which is tracked onto roadways by vehicles leaving the facility, and the alternative material shall be compacted sufficiently to prevent dust from becoming airborne and a nuisance to the public. City of Angleton Code Enforcement Officers shall be allowed to periodically inspect the storage yard to ensure that conditions do not exist that may lead to harming the health and welfare of the public.

(Ord. No. 2011-O-9B, § 2, 9-27-11)

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Sec. 28-102. Landscape requirements.

- (a) *Purpose:* Landscaping is accepted as adding value to property and is in the interest of the general welfare of the city. The provision of landscaped areas also serves to increase the amount of 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, except single-family, two-family and agricultural uses, adjacent to public streets. Single-family and two-family uses are generally not required to provide extensive landscaping at the time of development because they rarely fail to comply with the requirements set forth herein.
- (b) *Minimum requirements:* On-site landscaping requirements for nonresidential and multifamily developments (including schools, churches, day care facilities and other similar uses in a residential district):
- (1) *Street buffer.* A minimum ten-foot wide landscaped buffer shall be provided adjacent to any right-of-way. ~~A maximum of five feet of adjacent unpaved right of way may be included in the ten foot wide buffer. The street buffer may be landscaped with grass or other living plant material, provided the other living plant material is not located within the right of way.~~ Necessary driveways from the public right-of-way shall be permitted through the street buffer in accordance with city regulations.
 - (2) *Parking lot landscaping.*
 - a. Parking lots shall be landscaped with one large tree or two small trees for every 20 parking spaces. The number of required trees shall be rounded to the nearest whole number, but in no case be rounded to less than one tree (i.e., parking lots with 30 or fewer spaces require one tree and parking lots with 31 to 40 spaces require two large trees). All new and existing trees shall be provided with a permeable area that is protected by a monolithic concrete curb or wheel stops, and shall remain free of trash and litter. The permeable area, for one large tree or two small trees, shall be at least 50 square feet in size and not less than five feet wide.
 - b. Half of the required trees may be located along the outside edge of the parking lot and half of the required trees shall be located within the parking lot. Required trees planted along the edge of a parking lot may be located within the private property portion of the street buffer, provided they are located at least ten feet from any overhead utility lines. Existing large trees, located within the parking lot or along the edge of the parking lot, may count toward the number of trees required.
 - c. ~~The city encourages landscaping in parking lots, or portions of parking lots, that are more visible from streets with higher traffic counts or customers of the business. Therefore required trees for new parking lots may be located within an existing parking lot that is not landscaped or concentrated in areas of a new parking lot adjacent to streets with higher traffic counts or parking lots used mainly for customers (i.e., trees may be concentrated in customer parking areas and omitted from employee parking areas). Required trees planted within the parking lot shall be distributed across the middle of the parking lot or evenly distributed throughout the parking lot. Each parking space shall be located within one hundred (100) feet of a large tree.~~
 - (3) *Screening of Parking Areas.* All off-street parking areas shall be screened by shrubs. Shrubs (minimum 5 gallon container) shall be maintained at a height of no more than thirty-six inches (36") nor less than twenty-four inches (24") as measured from the surrounding soil line and at a minimum thirty-six inch (36") spacing. Shrubs to screen the parking areas shall be planted in an area of minimum width of 10 feet.

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- (4) Establishment of Minimum Percentages. A minimum percentage of the total gross lot area of property (excluding any required detention facilities) on which development, construction or reconstruction occurs after the effective date of the ordinance from which this division derives shall be devoted to landscape.

Table 4-4 Required Landscaping By Land Use Type Land Use Percent Landscaped Area Required

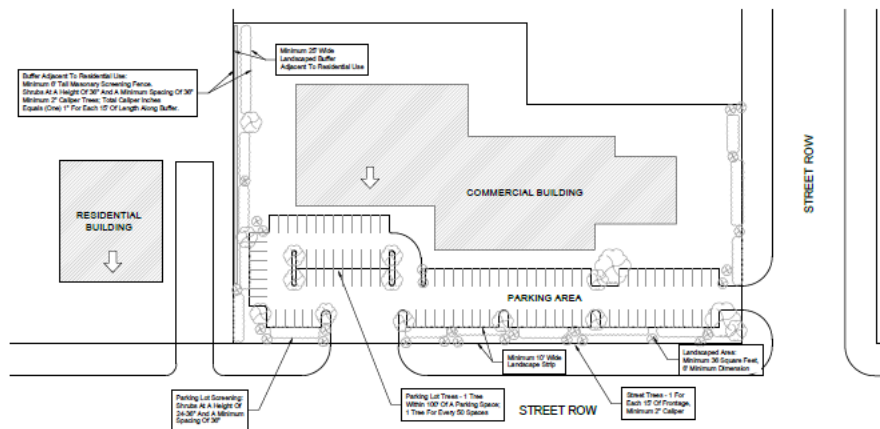
Multiple-Family	15
Office and Professional Uses	15
Mixed Use 15 Retail and Commercial	15
Industrial or Manufacturing and all Other Nonresidential Uses	10

Note: Percentages are based on the total gross lot area.

- (5) Detention Facilities: It is recommended that all detention facilities be designed as an amenity. Stormwater-facilities should be considered an opportunity to enhance aesthetics provide a natural setting.

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- a. All side slopes and berms shall be grassed or covered with a suitable vegetative cover.
- b. Shrubs and plants shall be planted strategically near inlets to soften the visual impact.
- c. All detention facilities located in the front or the side yard shall provide the following landscaping:
 1. Small trees shall be planted along the edge of detention facility to screen it from any streets or public rights-of-way. Trees listed in this chapter, shall be provided with the total caliper inches equal to one inch (1") for each fifteen feet (15') of length along the detention facility to be screened.
 2. Shrubs (minimum 5 gallon container) shall be planted at a height of not less than thirty-six inches (36") as measured from the surrounding soil line and at a minimum thirty-six inch (36") spacing.



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LANDSCAPING REQUIREMENTS - EXAMPLE

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- (3) *Approved trees.* A list of approved trees is provided below. Different varieties of an approved tree that are not included on the list may be authorized by the city manager or building official based on their suitability for the local habitat and mature size (i.e., the "green ash" is an approved tree and building official may approve other varieties of "ash" trees). Trees not included on the list or varieties not approved by the building official may be authorized by city council.

Commented [LK30]: Review the list to include native vegetation.

Large Trees: (over 50-foot mature height)	
Ash, Green (<i>Fraxinus pennsylvanica</i>)	Ash, White (<i>Fraxinus americana</i>)
Basswood (<i>tilia americana v. caroliniana</i>)	Cherry, Black (<i>Prunus serotina</i>)
Cottonwood, Eastern (<i>Populus deltoids</i>)	Cypress, Bald (<i>Taxodium distichum</i>)
Elm, American (<i>Ulmus americana</i>)	Elm, Cedar (<i>Ulmus crassifolia</i>)
Hickory, Black (<i>Carya texana</i>)	Locust, Honey (<i>Gleditsia triacanthos "inermis"</i>)
Magnolia, Southern (<i>Magnolia grandiflora</i>)	Magnolia, Sweet Bay (<i>Magnolia virginiana</i>)
Maple, Red (<i>Acer rubrum</i>)	Maple, Silver (<i>Acer saccharinum</i>)
Oak, Bur (<i>Quercus macrocarpa</i>)	Oak, White (<i>Quercus alba</i>)
Palm, California Fan (<i>Washingtoniam filifera</i>)	Pecan (<i>Carya illinoensis</i>)
Pine, Loblolly (<i>Pinus taeda</i>)	Pine, Longleaf (<i>Pinus palustris</i>)
Sweetgum (<i>Liquidambar stryaciiflua</i>)	Sycamore (<i>Platanus occidentalis</i>)
Tulip Tree (<i>Liriodendron tulipifera</i>)	Willow, Black (<i>Saqlix nigra</i>)
Small Trees: (up to 50-foot mature height)	
Acacia, Wright (<i>Acacia wrightii</i>)	Anacua (<i>Ehretia anacua</i>)
Ash, Texas (<i>Fraxinus texensis</i>)	Ash, Mexican (<i>Fraxinus berlandieriana</i>)
Birch, River (<i>Betula nigra</i>)	Blackhaw, Rusty (<i>Viburnum rufidulum</i>)
Buckeye, Mexican (<i>Ungnadia speciosa</i>)	Cedar, Eastern Red (<i>Juniperus virginia</i>)
Chaste Tree (<i>Vitex agnus-castus</i>)	Cherry Laurel (<i>Prumus caroliniana</i>)
Elm, Lacebark (<i>Ulmus Parvifolia</i>)	Eve's necklace (<i>Sophora affinis</i>)
Fringe Tree (<i>Chionanthus virginicus</i>)	Golden Raintree (<i>Koelreuteria paniculata</i>)
Gum, Black (<i>Nyssa sylvantia</i>)	Hawthorn (<i>Crataegus crusgalli</i>)
Hawthorn, Texas (<i>Cratagus texana</i>)	Holly Possum-haw (<i>Llex decidua</i>)
Holly, Yaupon (<i>Ilex vomitoria</i>)	Hornbeam, American (<i>Carpinus caroliniana</i>)
Ligustrum, Glossy (<i>Ligustrum lucidum</i>)	Maple, Bigtooth (<i>Acer grandidentatum</i>)
Mulberry, Red (<i>Morus rubra</i>)	Myrtle, Crepe (<i>Lagerstroemia indica</i>)
Myrtle, Wax (<i>Myrica cerifera</i>)	Oak, Lacey (<i>Quercus glaudoides</i>)
Oak, Texas Red (<i>Quercus buckleyi</i>)	Palm, Pygmy Date (<i>Pheonix roebelenii</i>)
Palm, Texas (<i>Sabal Mexicana</i>)	Pear, Bradford (<i>Pyrus calleryana</i>)
Persimmon, Texas (<i>Diospyros texana</i>)	Pistache, Chinese (<i>Pistacia chinensis</i>)
Mexican plum (<i>Prunus mexicana</i>)	Redbud, Texas (<i>Cercis Canadensis var texana</i>)
Soapberry, Western (<i>Sapindus drummondii</i>)	Sumac, Shining (<i>Rhus copalliuma</i>)

- (c) *General standards:* The following criteria and standards shall apply to landscape materials and installation:

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- (1) All required street buffers, parking lot landscaped areas and open or unpaved areas 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.
 - (2) Grass seed, sod and other material shall be clean and reasonably free of weeds and noxious pests and insects.
 - (3) 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.
 - (4) 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.
 - (5) Landscaped areas equipped with an automatic, underground irrigation system shall include moisture sensors to prevent watering at inappropriate times. Landscaped areas without an underground irrigation system shall be located within 100 feet of a water faucet.
 - (6) Large trees shall be a minimum of three inches in caliper and seven feet in height at time of planting. Small trees shall be a minimum of 1½ inch in caliper and five feet in height at time of planting. The caliper size shall be measured six inches above the ground.
- (d) *Landscape plan:* Landscaping plans shall contain the information listed below. The building official 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 stating the changes necessary for compliance.
- (1) Minimum scale of one inch equals 50 feet; show scale in both written and graphic form.
 - (2) Location, size and species of all trees to be preserved (do not use "tree stamps" unless they indicate true size and location of trees).
 - (3) 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.
 - (4) Species and common names of all plant materials to be used.
 - (5) Spacing of plant material where appropriate.
 - (6) Layout and description of irrigation, sprinkler, or water systems (including location of water sources).
 - (7) North arrow/symbol, and a small map showing where the property is located.
 - (8) Date of the landscape plan.
- (e) *Sight distance and visibility:* Rigid compliance with these landscaping requirements shall not be such as to cause visibility obstructions and/or blind corners at intersections. Whenever an intersection of two or more public rights-of-way or private driveways occurs, a triangular visibility area, as described below, shall be created. Landscaping within the triangular visibility area shall be designed to provide unobstructed cross-visibility at a level of 30 inches and higher.
- (1) The areas of property located at a corner formed by the intersection of two or more public rights-of-way (or a private driveway onto a public road) shall have a triangular visibility area with two sides of each triangle being a minimum of 35 feet in length along the right-of-way lines (or along the driveway curb line and the road right-of-way line) from the point of intersection and the third side being a line connecting the ends of the other two sides. (See Illustration 18 also.)

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- (2) The areas of property on both sides of the intersection of a public right-of-way and an alley shall have a triangular visibility area with two sides of each triangle being a minimum of 20 feet in length from the point of intersection and the third side being a line connecting the ends of the other two sides.

Landscaping, except required grass and low ground cover, shall not be located closer than three feet from the edge of any pavement within the triangular visibility area.

In the event other visibility obstructions are apparent in the proposed landscape plan, as determined by the building official, said obstructions may be removed or reduced to eliminate the obstruction.

- (f) *Scope and enforcement:* The standards and criteria contained within this section are deemed to be minimum standards and shall apply to all new, or altered (i.e., exceeding 50 percent of the original building's footprint) construction occurring within the city, except that single-family or duplex dwellings shall be exempt. Additionally, any use requiring a specific use permit (SUP) 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 building official. The landscape standards in this section apply only to nonresidential and multifamily developments (including uses such as schools and churches within a residential zoning district).

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 building official 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 90 calendar 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 chapter.

- (g) *Permits:* No permits shall be issued for building, paving or construction until a detailed landscape plan is submitted and approved by the building official. A landscape plan shall be required as part of the applicable required plan, as outlined in section 28-26. The landscape plan may be shown on the applicable required plan (provided the 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 building official 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.

(Ord. No. 2009-O-4A, §§ (V)(39.1—39.7), 4-14-09; Ord. No. 2015-O-12A, § 2, 12-8-15)

Sec. 28-103. Accessory structure and use regulations.

- (a) In a single-family or multifamily district, an accessory structure is a subordinate or incidental building, attached to or detached from the main building, not used for commercial purposes and not rented. Accessory structures shall be located ~~toward the rear portion of the property~~ in the rear yard of the property, and shall conform with applicable provisions of the building code. (Also see section 28-105 for exterior construction standards.)
- (b) In nonresidential districts, an accessory structure is a subordinate building, the use of which is secondary to and supportive of the main building. Accessory structures shall not be permitted without a main building or primary use being in existence. Accessory structures should, wherever possible, be located in the rear yard ~~toward the rear portion of the property~~. Accessory buildings shall conform with applicable provisions of the building code. (Also see section 28-105 for exterior construction standards.)

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- (c) Accessory dwelling units in the AG and SF-20 zoning districts shall be allowed as an incidental residential use of a building on the same lot as the main dwelling unit and used by the same person or persons of the immediate family, and shall meet the following standards:
- (1) The accessory dwelling unit must be constructed to the rear (~~in the side or rear yards~~) of the main dwelling, separate from the main dwelling.
 - (2) The accessory dwelling unit may be constructed only with the issuance of a building permit, and shall be constructed of ~~masonry~~ materials that are similar in appearance to the main structure ~~if over 400 square feet in size~~.
 - (3) The accessory dwelling unit may not be sold separately from sale of the entire property, including the main dwelling unit, and shall not be sublet.
 - (4) Setback requirements shall be the same as for the main structure.
 - (5) Accessory dwellings are not permitted without the main or primary structure.
- (d) *Accessory dwellings shall conform to the height limitations of the zoning district in which it is located.* No such accessory dwelling or quarters shall be used or occupied as a place of abode or residence by anyone other than a bona fide caretaker, servant or farm worker actually and regularly employed by the land owner or occupant of the main building, or is a guest or family member of the owner/occupant. Only one accessory dwelling unit (i.e., garage/accessory dwelling, servants/caretakers quarters, etc.) shall be allowed on any lot within a residential zoning district, and they shall be clearly incidental to the primary use. These accessory living structures shall not, in any case, be leased or sold.
- (e) *Area regulations for accessory buildings in residential and multifamily districts:*
- (1) *Size of yards:*
 - a. *Front yard:* Detached accessory buildings shall be prohibited in front of the main building.
 - b. *Side yard:* There shall be a side yard not less than five feet from any side lot line or alley line for any ~~detached~~ accessory building provided that such building is separated from the main building by a minimum distance of ten feet. In the case of an ~~attached or detached~~ accessory building being closer than ten feet to the main building, the minimum side yard requirements for the main building shall be observed. Accessory buildings adjacent to a side street shall have a side yard not less than 15 feet. Garages or carports located and arranged so as to be entered from an interior side yard shall have a minimum setback of 25 feet from the side lot line. Carports or garages arranged to be entered from the side yard, facing a public street, shall have a minimum distance equal to the required yard for the main building or 25 feet, whichever is greater.
 - c. *Rear yard:* There shall be a rear yard not less than five feet from any lot line or alley line, except that; ~~a) where apartments are permitted, the main building and all accessory buildings shall not cover more than 60 percent of that portion of the lot lying to the rear of a line erected joining the midpoint of one side lot line with the midpoint of the opposite side lot line; ab) carports, garages, or other detached accessory buildings, located within the rear portion of a lot as heretofore described, constructed closer than ten feet to the main building, shall have a rear yard equivalent to the rear yard requirement for the main building; or ed) detached or attached~~ accessory buildings constructed ten feet or more from the main building shall have a rear yard of five feet. ~~If an alley exists, accessory buildings may be located within five feet of a rear lot line if the maximum (e.g., ridge) height of the building is no greater than eight feet and if a solid fence or wall of the same height is built on the rear lot line to screen the building from property located to the rear.~~ Garages or carports that are arranged so as to be entered by a motor vehicle from an alley or rear alley easement shall be set back from the rear property line or alley easement line a minimum distance of 25 feet.

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- (2) Carports shall be measured from the part of the carport (usually the roof) that is closest to the street or alley (see Illustration 5), and shall be constructed of materials like the main building(s) on the premises. In single-family and two-family zoning districts, carports shall be a maximum size of 40 feet wide and 12 feet deep. ~~In multifamily and nonresidential zoning districts, carports shall be a maximum size of three bays in width and one bay in depth.~~
- (3) Accessory buildings are not permitted without a main structure.
- (4) Accessory buildings shall not exceed the height allowed for such buildings in the specific zoning district wherein it is located. Garage/accessory dwelling units up to two stories are allowed in certain districts (see subsection 28-81(b)) by SUP if there is no adverse impact upon adjacent properties.
- (5) Exterior construction standards for accessory buildings: See section 28-105 of this chapter.
- (6) Accessory buildings of any type shall require a permit from the city.

(Ord. No. 2009-O-4A, §§ (V)(40)(40.1—40.5), 4-14-09)

Sec. 28-104. Fencing, walls and screening requirements.

- (a) *Purpose:* To encourage the most appropriate use of land and conserve and protect the privacy and value of adjacent permitted uses. Regulations are prescribed for the location and type of various screening devices to be used when required in the various zoning districts or in this section in accordance with the following standards.
- (b) *Screening of nonresidential, multifamily areas and manufactured home parks:*
 - (1) A screening fence shall be required for any new development along shared property lines between single-family or two-family districts and multifamily, manufactured home park, or nonresidential districts. Screening fences shall also be required for any new development along shared property lines between multifamily and nonresidential developments. All screening walls, fences and refuse container enclosures must comply with subsection 28-105(d). The purpose of the screening wall or fence is to provide a visual and protective barrier between the properties.
 - a. Installation of the screening fence along a shared property line ~~between a multifamily or manufactured home district and single family or two family residential district~~ shall be the responsibility of the last property owner to develop property. Residential property that has been platted and recorded in the county plat records, but has vacant lots along a shared property line, shall be considered as developed property.
 - b. ~~Installation of the screening fence along a shared property line between nonresidential and residential districts shall be the responsibility of the last property owner to develop property. Residential property that has been platted and recorded in the county plat records, but has vacant lots along a shared property line, shall be considered as developed property.~~
 - c. Any screening wall or fence required under the provisions of this section or under a specific use permit, planned development district, or other requirement shall not be less than six feet nor more than eight feet in height and constructed of ~~opaque~~ masonry, reinforced concrete, ~~wood~~, or other similar suitable permanent materials which do not contain openings. All wall or fence openings shall be equipped with gates equal in height and screening characteristics to the wall or fence.
 - (2) In nonresidential, multifamily and manufactured home districts, no fence or wall shall be erected in any front yard or side yard which is adjacent to a public street ~~unless the fence/wall is required to screen the development from an adjacent residential area (particularly if the residence has, or could have, a~~

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~~back yard fence that would be exposed to view from the street if the required screening wall were not extended out to the street right of way line). In this case, the screening fence/wall shall be extended out to the street right of way line. Decorative fences, constructed of wrought iron or powder coated aluminum, not exceeding a height of four (4) feet shall be permitted in the front yard. Decorative fences include wrought iron.~~ Screening fences/walls shall be placed such that they do not impede visibility for vehicles entering or exiting the nonresidential, multifamily or manufactured home development (see subsection 28-106(h) for sight visibility requirements).

- (3) All fences require permits.
- (4) See subsection 28-106(h) for sight visibility requirements for fences and screening walls.
- (5) Refuse storage areas (including all dumpsters) which are not within a screened rear service area and which are visible from a public right-of-way for all nonresidential, single-family attached, multifamily and manufactured home park uses shall be visually screened by a minimum six-foot masonry fence on at least three sides that complies with subsection 28-104(b)(1)c. (See Illustrations 16 and 17 for refuse container enclosure diagrams). The fourth side, which is to be used for garbage pickup service, ~~may~~ shall provide a ~~an optional~~ gate to secure the refuse storage area. Alternate equivalent screening methods may be approved through the required applicable plan approval process, section 28-26. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies. Adequate reinforced paved areas shall be provided for refuse facilities and their approaches for loading and unloading, as per Illustration 16.

(c) *Fences in residential areas:*

- (1) Any fence or wall located to the rear of the minimum required front yard line shall not exceed eight feet in height.
- (2) Except as provided by a. below, no fence or wall shall be permitted within the required front yard of any single-family or duplex residential lot that is adjacent to a public street. No residential fence shall be closer than 15 feet to a public street except in cases where the side building line of the yards on continuous corner lots adjoin, the fence may be constructed out to the property line of said side yard such that the street side yard may be included as part of the lot's back yard area. (See Illustration 23).
 - a. Decorative fences with openings not less than 50 percent of the fence area and not exceeding four feet in height are permitted in front yards. Chain link, woven wire mesh or similar materials are not considered decorative fencing.

Decorative ornamental iron fencing may be constructed up to six feet in height within the front yard only in the AG zoning district, and only on lots exceeding one acre in size in other districts. Such fences shall have openings not less than 50 percent of the fence area, and shall not interfere with traffic visibility (see subsection 28-106(h)).
- (3) All fences require permits.
- (4) Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of five or more acres.
- (5) Gates designed for vehicular access and all garage doors shall be set back from the property line a minimum of 25 feet.
- (6) Fences around swimming pools shall comply with the Standard Swimming Pool Code and the City of Angleton's codes/ordinances pertaining to same.
- (7) See subsection 28-106(h) for sight visibility requirements for fences and screening walls.
- (8) Special purpose fencing, such as fencing around tennis courts, is allowed only upon issuance of a permit from the city. The maximum height of such fencing shall be 12 feet. Such fences shall not be

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located in the required yards and screened by a continuous landscaped hedge, minimum three (3) feet upon planting, as approved by the City.

(Ord. No. 2009-O-4A, §§ (V)(41)(41.1—41.3), 4-14-09; Ord. No. 2010-O-6A, § 2, 6-8-10; Ord. No. 2013-O-7C, § 6, 7-9-13)

Sec. 28-105. Exterior construction and design requirements.

- (a) *Purpose:* The City Council of the City of Angleton finds that it is necessary to regulate the exterior finish and appearance of buildings that are erected within the city in order to insure the consistency in quality, compatibility, and character of buildings within comparable zoning districts. The ~~regulation-use of high quality~~ of exterior materials and building construction assures consistent provision of both a high level of structural durability relative to impacts from natural and manmade forces over time and a safe environment for those occupants, equipment, and goods within the structure and create a visually desirable environment. The provision of a quality exterior finish compliments the building construction by reducing maintenance needs, providing a surface more resistant to damage, assisting in maintaining structure and property value over a longer period, contributing substantially to the compatibility and character of its neighborhood or surroundings. This section is intended to improve overall visual environment of multifamily dwellings and nonresidential structures and promote economic growth and preserve property values to the betterment of all property owners. It is the intent of the city to encourage the use of quality materials, well-conceived designs, low reflectance, subtle, neutral and earth tone colors on all exterior walls, accent exterior colors and roofing.
- (b) *Definitions:*
 - (1) For the purpose of this section, the following definitions shall apply:
 - a. *Masonry construction:* This term shall be construed to mean that form of construction composed of brick, stone, decorative concrete block or tile, or other similar building units or materials (or combination of these materials) laid up unit by unit and set in mortar, and shall exclude wall area devoted to doors and windows. As applicable to meeting the minimum ~~requirements~~ recommendations for the exterior construction of buildings within each zoning district, this term shall include the following materials:
 - 1. *Hard-fired brick:* Shall be kiln fired clay or slate material and can include concrete brick if it is to the same American Society for Testing and Materials (ASTM) standard for construction as typical hard-fired clay brick. The material shall be severe weather grade, and coloration shall be integral to the masonry material and shall not be painted on. Unfired or under-fired clay, sand or shale brick are not allowed.
 - 2. *Stone:* Includes naturally occurring granite, marble, limestone, slate, river rock, and other similar hard and durable all-weather stone that is customarily used in exterior construction material. Cast or manufactured stone product, provided that such product yields a highly textured, stone-like appearance. Coloration shall be integral to the masonry material and shall not be painted on.
 - 3. *Decorative concrete block:* Shall be highly textured finish such as split-faced, indented, hammered, fluted, ribbed, or similar architectural finish. Coloration shall be integral to the masonry material and shall not be painted on.
 - 4. *Concrete pre-cast or tilt wall panel:* Shall be of an architectural finish that is equal to or exceeds the appearance and texture of face brick or stone. Coloration shall be integral to the masonry material and shall not be painted on.

5. *Stucco*: An exterior plaster made from a mixture of cement, sand, lime and water spread over metal screening or chicken wire or lath. Coloration shall be integral to the masonry material and shall not be painted on.
6. *Exterior insulated finish system*: A synthetic stucco cladding system that typically consists of these main components (coloration shall be integral to the masonry material and shall not be painted on):
 - (i) Panels of expanded polystyrene foam insulation installed with adhesive or mechanically fastened to the substrate, usually plywood or oriented strand board;
 - (ii) A base coat over the foam insulation panels;
 - (iii) A glass fiber reinforcing mesh laid over the polystyrene insulation panels and fully imbedded in the base coat; and
 - (iv) A finishing coat over the base coat and the reinforcing mesh.
7. *Cementitious fiber board siding*: A cement and fiberglass exterior-rated board.
- b. *Exterior wall surface*: All areas of a structure's wall sections located above the finish floor elevation of the foundation, exclusive of doors and windows.

(c) *Minimum exterior construction standards*:

- (1) The standards and criteria contained within this subsection are deemed to be minimum standards and ~~shall apply~~ recommended for ~~to~~ all new building construction occurring within any zoning district in the City of Angleton as follows:

(2) *Single-family and two-family residential*: None.

- (23) *Multiple-family dwellings*: All exterior wall surfaces of all new multiple-family dwellings ~~shall be~~ recommended to be of 90 percent masonry construction. Covered breezeways and areas of exterior walls located directly beneath covered porches, patios and balconies that have a minimum dimension of four feet in depth and eight feet in width shall not be counted as exterior wall surface when calculating the masonry requirement.

- (34) *Nonresidential structures*: All exterior wall surfaces of all new nonresidential structures that have frontage on, or are visible from Highway 288 or Business 288 north of Loop 274, ~~shall be~~ recommended to be of 90 percent masonry construction. When located along the front or back elevation of a structure, areas of exterior walls located directly beneath covered porches or patios that have a minimum dimension of four feet in depth and eight feet in width shall not be counted as exterior wall surface when calculating the masonry requirement.

- (45) *Applicability*: The minimum exterior construction standards established in this section ~~shall not apply~~ are not applicable to the following class or kind of:

- a. Facilities located within industrial parks that are created and developed by the municipality or a municipal economic development entity;
- b. Detached accessory buildings having not more than 200 square feet of floor area when located on the same lot as a single-family or two-family dwelling. Accessory dwelling units as defined by the zoning ordinance are not considered detached accessory buildings in the application of this subsection;
- c. Temporary construction and material storage buildings utilized during construction of permanent improvements on a parcel of land, within subdivision or other similar circumstance such as a public works project. The temporary structure shall be completely removed

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upon the expiration of its building permit or upon completion of the permanent improvement, whichever occurs first;

- d. Farm accessory buildings if such buildings are used solely for agricultural purposes;
- e. Historic landmarks designated by the historical committee; and
- f. Remodeling, renovating or expansion of existing single-family or two-family dwellings when matching materials (or materials that simulate the appearance of the existing exterior) are utilized.

(d) *Minimum exterior color and design standards:*

- (1) Colors of roofing, exterior walls, accent exterior colors, screening devices such as solid brick/masonry screening walls, refuse container enclosures and accessory buildings and structures ~~shall be~~ recommended to be low reflectance, subtle, neutral or earth-tone colors and shall be selected from the approved color palette attached hereto as Exhibit "A" (Exhibit A is kept on file with the city) and made a part hereof for all purposes. Colors approved on approved color palettes are representative samples of the colors ~~allowed~~ recommended. Any paint brand is allowed as long as the color itself matches a color on an approved palette. The use of metallic colors, black, or fluorescent colors is prohibited.
- (2) All solid exterior doors, overhead doors, down spouts, exterior utility receptacles, service boxes on buildings, exterior lighting, frames and mullions of all doors and windows containing storefront glass panels, permitted trim, accent, and traditional decorative elements on buildings, such as canopies, wrought iron, doors and trim ~~shall be~~ recommended to be complementary to the development's overall color scheme. Alternatively, all solid exterior doors, overhead doors, down spouts, exterior lighting fixtures and similar fixtures may be painted to blend with the surrounding predominant color of the building. ~~Additionally, frames and mullions of all doors and windows containing storefront glass panels shall be anodized.~~
- (3) The standards and criteria contained within this section are deemed to be minimum standards and ~~shall apply~~ are recommended for ~~to~~ all buildings within any zoning district in the City of Angleton as follows:
 - a. *Single-family and two-family residential:* None.
 - b. *Multiple-family dwellings:* All exterior wall surfaces, accent exterior colors and roofing of all multiple-family dwellings ~~shall~~ be low reflectance, subtle, neutral or earth-tone colors and shall be selected from an approved color palette attached hereto as Exhibit "A" (Exhibit A is kept on file with the city) and made a part hereof for all purposes. Colors approved on approved color palettes are representative samples of the colors ~~allowed~~ recommended. ~~Any paint brand is allowed as long as the color itself matches a color on an approved palette.~~ The use of metallic colors, black, or fluorescent colors is ~~prohibited~~ not encouraged.
 - c. *Nonresidential structures:* All exterior wall surfaces, accent exterior colors and roofing of all nonresidential structures ~~shall~~ be low reflectance, subtle, neutral or earth-tone colors and ~~shall~~ be selected from an approved color palette attached hereto as Exhibit "A" (Exhibit A is kept on file with the city) and made a part hereof for all purposes. Colors approved on approved color palettes are representative samples of the colors allowed. ~~Any paint brand is allowed as long as the color itself matches a color on an approved palette.~~ The use of metallic colors, black, or fluorescent colors is ~~not encouraged~~ prohibited.
- (4) *Applicability.* The minimum exterior color and design standards established in this section shall not apply to the following class or kind of:

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- a. Facilities located within industrial parks that are created and developed by the municipality or a municipal economic development entity;
- b. Detached accessory buildings having not more than 200 square feet of floor area when located on the same lot as a single-family or two-family dwelling. Accessory dwelling units as defined by the zoning ordinance are not considered detached accessory buildings in the application of this section;
- c. Temporary construction and material storage buildings utilized during construction of permanent improvements on a parcel of land, within subdivision or other similar circumstance such as a public works project. The temporary structure shall be completely removed upon the expiration of its building permit or upon completion of the permanent improvement, whichever occurs first;
- d. Farm accessory buildings if such buildings are used solely for agricultural purposes;
- e. Historic landmarks designated by the historical committee; and
- f. Remodeling, renovating or expansion of existing single-family or two-family dwellings when matching materials (or materials that simulate the appearance of the existing exterior) are utilized.

(e) *Alternative exterior materials:*

- (1) The planning and zoning commission may approve an alternative exterior construction material(s) only upon a determination that the proposed materials are:
 - a. Sufficiently durable, and fire- and weather-resistant to achieve the stated purpose of these requirements; and
 - b. The proposed building materials and arrangement of the materials provide consistency of appearance with existing structures on the property or within the neighborhood in which it is located; or
 - c. The proposed building material(s) create an appearance that associates a time, a place, an event, or an activity with the development in a thematic manner.
- (2) A request to utilize an alternative exterior construction material(s) shall be submitted to the building official. All requests to utilize an alternative exterior construction material(s) shall be in writing and shall address the durability of the proposed material(s) as described in subsection (e)(1)a. above, along with an explanation of its use as it relates to subsections (e)(1)b. or (e)(1)c. above.
- (3) Such requests shall be accompanied by a site plan and a facade plan in the case of an individual structure or group of structures developed as a single nonresidential project. In the case of a residential development involving the utilization of an alternative exterior construction material(s) on a neighborhood-wide basis, a concept plan or approved plat and typical facade treatments shall accompany the request. The city may require the submission of an actual sample(s) of the proposed alternative exterior construction material(s).
- (4) The planning and zoning commission shall consider the request within 30 days of submittal. The approval of an alternative exterior construction material(s) shall be on a case by case basis and is solely at the discretion of the planning and zoning commission.

(f) *Alternative exterior colors:*

- (1) The planning and zoning commission may approve alternative exterior colors only upon a determination that:
 - a. The proposed building color(s) provide consistency of appearance with existing structures on the property or within the neighborhood in which it is located; or

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- b. The proposed building colors(s) create an appearance that associates a time, a place, an event, or an activity with the development in a thematic manner.
- (2) A request to utilize an alternative exterior color(s) that is not included in the approved color palette, shall be submitted to the building official. All requests to utilize an alternative exterior colors shall be in writing and shall provide an explanation of its use as it relates to subsections (f)(1)a. or (f)(1)b. above.
- (3) Such requests shall be accompanied by two color boards showing actual samples of the proposed alternative exterior colors of exterior walls, accent exterior colors, roofing and exterior fencing/screening walls.
- (4) The planning and zoning commission shall consider the request within 30 days of submittal. The approval of an alternative exterior color(s) shall be on a case by case basis and is solely at the discretion of the planning and zoning commission.
- (g) *Relation of exterior color and design standards to zoning classifications:* The establishment of exterior color and design standards does not repeal the underlying zoning classification of property to which the designation applies, but is in addition to the authorizations and requirements of the underlying zoning district. In the event of a conflict between the requirement of the exterior color and design standards and the underlying zoning classification, the more stringent shall apply, except that the terms of a PD planned development ordinance may expressly override one or more requirements set forth in this section.

(Ord. No. 2009-O-4A, §§ (V)(42)(42.1—42.4), 4-14-09; Ord. No. 2010-O-6A, §§ 3—7, 6-8-10; Ord. No. 2016-O-6B, § 2, 6-14-16)

Sec. 28-106. Supplemental regulations.

- (a) ~~(1)~~ *Measuring setbacks:* All setback measurements shall be made in accordance with illustration 4.
- ~~(12)~~ *Configuration of lots:* ~~Wherever possible, Flag lots in all zoning districts (i.e., lots with minimal, or panhandle type, frontage) shall be avoided. Similarly, through (i.e., double frontage) lots (particularly within residential zoning districts) shall also be avoided wherever possible not be permitted. (Also see subdivision ordinance for regulations pertaining to the configuration of lots.)~~
- (3) ~~*Building setbacks:* All setbacks established on a recorded plat shall be enforced, even if they exceed the required setbacks in this chapter. Setbacks established on a recorded plat shall only be changed through replat proceedings (see subdivision ordinance).~~
- (b) *Front yard:*
- (1) On all corner lots, the front yard setback shall be observed along the frontage of both intersecting streets, ~~unless approved specifically otherwise on a final plat.~~ Where single-family and duplex lots have double frontage, extending from one street to another, or are on a corner, a required front yard shall be provided on both streets ~~unless a side or rear yard building line has been established along one frontage on the plat, in which event only one required front yard need be observed.~~ The side and/or rear yards in the case of single-family and duplex uses shall be identified and the front of the structure shall not face the side or rear yard.
- (2) Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage (see illustration 3).
- (3) The front yard shall be measured from the property line to the front face of the building, to the nearest supporting member of a covered porch or terrace, or to any attached accessory building. Every part of a required side and rear yard shall be open and unobstructed except for the ordinary projections of

Commented [LK31]: The term “wherever possible” needs discussion.

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~~window sills, belt courses, cornices, and other architectural features not to exceed 12 inches into the required side or rear yard, and roof eaves projecting not to exceed 36 inches into the required side or rear yard. Eaves and roof extensions or a porch without posts or columns may project into the required front yard for a distance not to exceed four feet, and subsurface structures, platforms or slabs may not project into the front yard to a height greater than 30 inches above the average grade of the yard (see illustration 4).~~ Open porches extending into the front yard shall not be enclosed.

- (4) Minimum lot widths for lots with predominate frontage on the curved radius of a street (e.g., cul-de-sac or "eyebrow" portion of a street) shall be measured as the linear distance of the curved front building line, and shall be shown on the subdivision plat. Lot widths for all lots shall be as set forth in the respective zoning district for each lot. The front building line required in a zoning district may be increased by up to five feet on cul-de-sac and street eyebrow lots in order to comply with the minimum lot width required in that zoning district, provided that an adequate building pad area (i.e., has adequate depth) is retained on the lot after moving the front building line back.
- (5) See subsection 28-110(a) for special front yard regulations and setbacks for gasoline service station pump islands and canopies.
- (6) Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front, side, or rear yard shall be measured from the future right-of-way line.

(c) *Side and rear yards:*

- (1) On a corner lot used for one- or two-family dwellings, both street exposures shall be treated as front yards on all lots, ~~except that where one street exposure is designated as a side yard for both adjacent lots or where the two lots are separated by an alley, street right-of-way, creek/floodplain area, or other similar phenomenon. In such case, a building line may be designated by the city manager, with a minimum side yard of 15 feet or more (as determined by the applicable zoning district standards).~~ On lots which were official lots of record prior to the effective date of this chapter, the minimum side yard adjacent to a side street shall comply with the minimum required side yard for the respective district.
- (2) Every part of a required side and rear yard shall be open and unobstructed except for the ordinary projections of window sills, belt courses, cornices, and other architectural features not to exceed 12 inches into the required side or rear yard, and roof eaves projecting not to exceed 36 inches into the required side or rear yard. Air conditioning compressors and similar equipment are permitted in the side or rear yard. Open porches extending into a side or rear yard shall not be enclosed. A canopy or awning may project into a required side or rear yard provided that it is not enclosed, and provided that it is at least five feet from the property line. The minimum separation between buildings shall be maintained, per the city's building code.

(d) *Special height regulations:*

- (1) In any zoning district, water stand pipes and tanks, church steeples, domes and spires, ornamental cupolas, uninhabited (or one-man overseer's penthouse not exceeding 50 square feet in size) utility or industrial structures, and city government buildings may be erected to exceed the height limit, as specified in the particular zoning district, provided that two additional feet shall be added to the width and depth of front, side, and rear yards for each foot that such structures exceed the district height limit.

(e) *Communications antennas and support structures/towers:*

- (1) *Purpose:* The purpose of this section is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of this section are to:
 - a. Protect residential areas and land uses from potential adverse impacts of towers and antennas;

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- b. Encourage the location of towers in nonresidential areas;
- c. Minimize the total number of towers throughout the community;
- d. Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
- e. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;
- f. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;
- g. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively and efficiently;
- h. Consider the public health and safety of communication towers; and
- i. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, the city shall give due consideration to the city's master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

(2) *Definitions:* As used in this section, the following terms shall have the meanings set forth below:

- a. *Alternative tower structure* means manmade trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.
- b. *Antenna* means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communications signals.
- c. *Backhaul network* means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.
- d. *FAA* means the Federal Aviation Administration.
- e. *FCC* means the Federal Communications Commission.
- f. *Height* means, when referring to tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.
- g. *Preexisting towers and preexisting antennas* ~~means~~mean any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this section, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.
- h. *Tower* means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

(3) *Applicability:*

- a. *New towers and antennas.* All new towers or antennas in the city shall be subject to these regulations, except as provided below.
- b1. *Amateur radio station operators/receive only antennas.* This section shall not govern any tower, or the installation of any antenna, that is under 70 feet in height and is owned and operated by federally-licensed amateur radio station operator or is used exclusively for receive only antennas.
- e2. *Preexisting towers or antennas.* Preexisting towers and preexisting antennas shall not be required to meet the requirements of this section other than the requirements of subsections (4)d., (4)e., (4)f., (4)g., (4)h., (7)b.6. and (7)b.7. Preexisting towers and antennas shall have 90 days from the effective date to comply with these sections, unless the owners petition the city and show good cause why more time should be granted.
- d3. *AM array.* For purposes of implementing this article, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

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(4) *General requirements:*

- a. *Principal or accessory use.* Antennas and towers may be considered either principle or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.
- b. *Lot size.* For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.
- c. *Inventory of existing sites.* Each application for an antenna and/or tower shall provide to the code enforcement officer an inventory of its existing towers. The code enforcement officer may share such information with other applicants applying for administrative approvals or special use permits and this article or other organizations seeking to locate antennas within the jurisdiction of the city provided, however that the code enforcement officer is not, by sharing such information, in a way representing or warranting that such sites are available or suitable.
- d. *Aesthetics.* Towers and antennas shall meet the following requirements:
 - 1. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.
 - 2. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening and landscaping that will blend them into the natural setting and surrounding buildings.
 - 3. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.
- e. *Lighting.* Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

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- f. *State or federal requirements.* All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this article shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.
 - g. *Building codes; safety standards.* To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained in applicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the city concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.
 - h. *Measurement.* For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the city irrespective of municipal and county jurisdictional boundaries.
 - i. *Not essential services.* Towers and antennas shall be regulated and permitted pursuant to this article and shall not be regulated or permitted as essential services, public utilities or private utilities.
 - j. *Franchises.* Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the city have been obtained and shall file a copy of all required franchises with the code enforcement officer.
 - k. *Public notice.* For purposes of this article, a special use request, variance request, or appeal of an administratively approved use or special use shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in subsection (7)b.5.(ii), Table 2, in addition to any notice otherwise required by the zoning ordinance.
 - l. *Signs.* No signs shall be allowed on an antenna or tower.
 - m. *Buildings and support equipment.* Buildings and support equipment associated with antennas or towers shall comply with the requirements of subsection (8).
 - n. *Multiple antenna/tower plan.* The city encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.
- (5) *Permitted uses:*
- a. *General.* The uses listed in this section are deemed to be permitted uses and shall not require administrative approval or a special use permit.
 - b. *Permitted uses.* The following uses are specifically permitted:

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1. Antennas or towers located on property owned, leased, or otherwise controlled by the city provided a license or lease authorizing such antenna or tower has been approved by the city.

(6) *Administratively approved uses:*

- a. *General.* The following provisions shall govern the issuance of administrative approvals for towers and antennas:

1. The ~~code enforcement officer~~ City Manager or his/her designee may administratively approve the uses listed in this section.
2. Each applicant for administrative approval shall ~~apply to the code enforcement officer~~ make an application providing the information set forth in subsections (7)b.1. and (7)b.3. of this section and nonrefundable fee as established by resolution of the city council to reimburse the city of the costs of reviewing the application.
3. The ~~City Manager or his/her designee~~ code enforcement officer shall review the application for administrative approval and determine if the proposed use complies with subsections (4), (7)b.4. and (7)b.5. of this section.
4. The ~~City Manager or his/her designee~~ code enforcement officer shall respond to each such application within 60 days after receiving it by either approving or denying the application. If the code enforcement officer fails to respond to the applicant within said 60 days, then the application shall be deemed to be approved.
5. In connection with any such administrative approval, ~~City Manager or his/her designee~~ the code enforcement officer may, in order to encourage shared use, administratively waive any zoning district setback requirements in subsection (7)b.4. or separation distances between towers in subsection (7)b.5. by up to 50 percent.
6. In connection with any such administrative approval, the ~~City Manager or his/her designee~~ code enforcement officer may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.
7. If an administrative approval is denied, the applicant shall file an application for a special use permit pursuant to subsection (7) prior to filing any appeal that may be available under the zoning ordinance.

- b. *List of administratively approved uses.* The following uses may be approved by the City Manager or his/her designee ~~code enforcement officer~~ after conducting an administrative review:

1. Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in any industrial or heavy commercial zoning district.
2. Locating antennas on existing structures or towers consistent with the terms of subsections (i) and (ii) below.
 - (i) *Antennas on existing structures.* An antenna which is not attached to tower may be approved by the City Manager or his/her designee ~~code enforcement officer~~ as an accessory use to any commercial, industrial, professional, institutional, or multifamily structure of eight or more dwelling units, provided:
 - i. The antenna does not extend more than 30 feet above the highest point of the structure;
 - ii. The antenna complies with all applicable FCC and FAA regulations; and

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- iii. The antenna complies with all applicable building codes.
- (ii) *Antennas on existing towers.* An antenna which is attached to an existing tower may be approved by the City Manager or his/her designee ~~code enforcement officer~~ and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:
- i. A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the City Manager or his/her designee ~~code enforcement officer~~ allows reconstruction as a monopole.
 - ii. Height.
 - (A) An existing tower may be modified or rebuilt to a taller height, not to exceed 30 feet over the tower's existing height, to accommodate the collocation of an additional antenna.
 - (B) The height change referred to in subsection 2.(i) may only occur one time per communication tower.
 - (C) The additional height referred to in subsection 2.(i) shall not require an additional distance separation as set forth in subsection (7). The tower's pre-modification height shall be used to calculate such distance separations.
 - (iii) Onsite location.
 - (A) A tower which is being rebuilt to accommodate the collocation of an additional antenna may be moved onsite within 50 feet of its existing location.
 - (B) After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.
 - (C) A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to subsection (7)b.5. The relocation of a tower hereunder shall in no way be deemed to cause a violation of subsection (7)b.5.
 - (D) The onsite relocation of a tower which comes within the separation distances to residential units or residentially zoned lands as established in subsection (7)b.5. shall ~~only not~~ be permitted ~~when approved by the code enforcement officer.~~
3. New towers in nonresidential zoning districts. Locating any new tower in a nonresidential zoning district other than industrial or heavy commercial, provided a licensed professional engineer certifies the tower can structurally accommodate the number of shared users proposed by the applicant; the City Manager or his/her designee ~~code enforcement officer~~ concludes the tower is in conformity with the goals set forth in subsection (1) and the requirements of subsection (4); the tower meets the setback requirements in subsection (7)b.4. and separation distances in subsection (7)b.5.; and the tower meets the following height and usage criteria:

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- (i) For a single user, up to 90 feet in height;
 - (ii) For two users, up to 120 feet in height; and
 - (iii) For three or more users, up to 150 feet in height.
4. Locating any alternative tower structure in a zoning district other than industrial or heavy commercial that in the judgment of the ~~City Manager or his/her designee~~ ~~code enforcement officer~~ is in conformity with the goals set forth in subsection (1) of this section and approval of an application for a special use permit pursuant to subsection (7).
 5. Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

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(7) *Special use permits.*

- a. *General.* The following provisions shall govern the issuance of special use permits for towers or antennas by the city council after recommendation from the planning and zoning commission:
 1. If the tower or antenna is not a permitted use under subsection (5) of this section or permitted to be approved administratively pursuant to subsection (6) ~~of this section~~, then a special use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.
 2. Applications for special use permits under this section shall be subject to the procedures and requirements of section 28-63 (special use permits) of the zoning ordinance, except as modified in this section.
 3. In granting a special use permit, the city council and/or the planning and zoning commission may impose conditions to the extent the planning and zoning commission and/or the city council concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.
 4. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.
 5. An applicant for a special use permit shall submit the information described in this section and a non-refundable fee as established by resolution of the city council to reimburse the city for the costs of reviewing the application.
- b. *Towers.*
 1. Information required. In addition to any information required for applications for special use permits pursuant to section 28-63 (special use permits) of the zoning ordinance, applicants for a special use permit for a tower shall submit the following information:
 - (i) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), master plan classification of the site and all properties within the applicable separation distances set forth in subsection (7)b.5., adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the code enforcement officer to be necessary to assess compliance with this section.
 - (ii) Legal description of the parent tract and leased parcel (if applicable).

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- (iii) The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.
 - (iv) The separation distance from other towers described in the inventory of existing sites submitted pursuant subsection (4)c. shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.
 - (v) A landscape plan showing specific landscape materials.
 - (vi) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.
 - (vii) A description of compliance with subsections (4)c., (4)d., (4)e., (4)f., (4)g., (4)j., (4)l., (4)m., (4)n., (7)b.4., (7)b.5. and all applicable federal, state or local laws.
 - (viii) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.
 - (ix) Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.
 - (x) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.
 - (xi) A description of the feasible location(s) of future towers or antennas within the city based upon existing physical, engineering, technological or geographical limitation in the event the proposed tower is erected.
2. Factors considered in granting special use permits for towers. In addition to any standards for consideration of special use permit applications pursuant to section 28-63 (special use permits) of the zoning ordinance, the city council after recommendation from the planning and zoning commission shall consider the following factors in determining whether to issue a special use permit, although the city council may waive or reduce the burden on the applicant of one or more of these criteria if the planning and zoning commission and/or the city council concludes that the goals of this section are better served thereby:
- (i) Height of the proposed tower;
 - (ii) Proximity of the tower to residential structures and residential district boundaries;
 - (iii) Nature of uses on adjacent and nearby properties;
 - (iv) Surrounding topography;
 - (v) Surrounding tree coverage and foliage;
 - (vi) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;
 - (vii) Proposed ingress and egress; and

- (viii) Availability of suitable existing towers, others structures, or alternative technologies not requiring the use of towers or structures, as discussed in subsection (7)b.3. of this article.
3. Availability of suitable existing towers, other structures, or alternative technology. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the planning and zoning commission and city council that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the city council or the planning and zoning commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:
- (i) No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.
 - (ii) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.
 - (iii) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.
 - (iv) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - (v) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - (vi) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.
 - (vii) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.
4. Setbacks. The following setback requirements shall apply to all towers for which a special use permit is required; provided, however, that the city council after recommendation from the planning and zoning commission may reduce the standard setback requirements if the goals of this article would be better served thereby:
- (i) Towers must be set back a distance equal to at least 100 percent of the height of the tower from any adjoining lot line.
 - (ii) Guys and accessory buildings must satisfy the minimum zoning district setback requirements.
5. Separation. The following separation requirements shall apply to all towers and antennas for which a special use permit is required; provided, however, that the city council after recommendation of the planning and zoning commission may reduce the standard separation requirements if the goals of this article would be better served thereby:

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(i) Separation from off-site uses/designated areas.

- i. Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in table 1, except as otherwise provided in table 1.
- ii. Separation requirements for towers shall comply with the minimum standards established in table 1.

Table 1	
Off-site Use/Designated Area	Separation Distance
Single-Family or duplex residential units (1)	200 feet or 300% height of tower whichever is greater
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	200 feet or 300% height of tower (2) whichever is greater
Vacant unplatted residentially zoned lands (3)	100 feet or 100% height of tower whichever is greater
Existing multifamily residential units greater than duplex units	100 feet or 100% height of tower whichever is greater
Nonresidential zoned lands or nonresidential uses	None; only setback apply
Note - (1) Includes modular homes and mobile homes used for living purposes. (2) Separation measured from base of tower to closest building setback line. (3) Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multifamily residentially zoned land greater than duplex.	

(ii) Separation distances between towers.

- i. Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 2.

ii. Table 2:

Table 2: <u>Separation Distances</u> - Existing Towers - Types				
	Lattice	Guyed	Monopole 75 Ft. in Height or Greater	Monopole Less Than 75 Ft. in Height
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75 Ft. in Height or Greater	1,500	1,500	1,500	750
Monopole Less than 75 Ft. in Height	750	750	750	750

6. Security fencing. Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the city council after recommendation from the planning and zoning commission may waive such requirements, as it deems appropriate.
7. Landscaping. The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided, however, that the city council after

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recommendation from the planning and zoning commission may waive such requirements if the goals of this article would be better served thereby.

- (i) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound ~~and ground equipment from adjoining property properties and uses used for residences~~. The standard buffer shall consist of a landscaped strip at least ~~four-six~~ feet wide outside the perimeter of the compound.
- (ii) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.
- (iii) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

(8) *Buildings or other equipment storage.*

- a. *Antennas.* All antennas mounted on structures, rooftops, utility poles, light poles or towers, shall be structurally sound and all plans for said antennas and their connections to the structure shall be prepared by and certified as to design by an engineer licensed by the state.
- b. *Compliance with building codes.* Equipment storage buildings or cabinets shall comply with all applicable building codes.
- c. *Required screening.* In ~~residential~~ all districts, all equipment cabinet/structure ~~and ground equipment~~ shall be screened by evergreen hedge with an ultimate height of at least 60 inches and a planted height of at least 36 inches. In commercial or industrial districts the equipment cabinet or structure shall be screened by and evergreen hedge with an ultimate height of 48 inches and a planted height of at least 36 inches. In place of a hedge, the structures or cabinets may be screened from view by a solid ~~masonry~~ fence equal in height to the ultimate height of the hedge set out herein.
- d. *Setback and minimum yard requirements.* The related unmanned equipment structure shall comply with the minimum yard requirements and front, side and rear yard setback requirements of the zoning district in which it is located.
- e. *Modification of building size requirements.* The requirements of subsections (8)a. through (8)d. may be modified by the ~~code enforcement officer~~ Zoning Board of Adjustment in the case of administratively approved uses or by the city council after recommendation from the planning and zoning commission in the case of uses permitted by special use to encourage collocation.

(9) *Removal of abandoned antennas and towers.* Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days of receipt of notice from the city notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said 90 days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

(10) *Nonconforming uses.*

- a. *Not expansion of nonconforming use.* Towers that are constructed and antennas that are installed, in accordance with the provisions of this article shall not be deemed to constitute the expansion of a nonconforming use or structure.

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- b. *Preexisting towers.* Preexisting towers shall be allowed to continue their usage as they presently exist subject to the requirements set out in subsection (3)c. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this article.
- c. *Rebuilding damaged or destroyed nonconforming towers or antennas.* Notwithstanding subsection (9), bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain a special use permit but shall meet all current Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in subsection (9).
- (f) *Minimum dwelling unit area:* Minimum dwelling unit areas specified in this chapter shall be computed exclusive of breezeways, garages, open porches, carports and accessory buildings.
- (g) *Open storage areas:* Open ~~long-term~~ storage of materials, commodities or equipment (where allowed in the specific zoning district) shall be located behind the front building line and observe all setback requirements for the main structure or building. This standard does not apply to short-term outside display (see definition of outside display in section 28-112; see screening requirements in section 28-104).
- (h) *Sight visibility:* Visual clearance shall be provided in all zoning districts in accordance with chapter 22 (Streets, Sidewalks and Other Public Places), article II, division 2 (Obstructions - sections 22-31 through 22-34).
- (i) *Nonresidential structures in residential districts:*
 - (1) Nonresidential structures (e.g., churches, schools, day care centers, etc.) which are permitted in any residential zoning district (including AG) shall be designed and constructed such that they conform to the development standards set forth in the commercial-neighborhood (C-N) zoning district (i.e., with respect to maximum height, minimum lot size, minimum front/side/rear setbacks, screening, exterior building construction, etc.) unless otherwise stated in this chapter or in an ordinance establishing a PD.
- (j) *Access standards for nonresidential and multifamily lots:*
 - (1) All nonresidential lots (including pad sites) shall share driveway curb openings via mutual access easements from one lot to adjacent lots (for fire and emergency access, as well as for public convenience).
 - (2) All nonresidential and multifamily lots (including pad sites) shall have either direct or indirect (via mutual access/fire lane easements on adjacent property) access to a median opening if located on a median-divided roadway (existing or planned in the future). Driveways for all nonresidential and multifamily lots (including pad sites) shall align, to the greatest extent possible, with any existing or proposed driveways on the other side of any type of roadway.

(Ord. No. 2009-O-4A, §§ (V)(43)(43.1—43.10), 4-14-09; Ord. No. 2016-O-6A, § 4, 6-14-16; Ord. No. 2016-O-6B, § 2, 6-14-16)

Sec. 28-107. Performance standards.

- (a) *Performance standards—general:*
 - (1) *Compliance required:* No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazards; noise or vibration; smoke, dust, odor, or other form of air pollution; heat, cold, dampness,

Commented [LK37]: Why not conform to the requirements of Sec. 28-21. Nonconforming uses and structures.

electrical, or other substance, condition, or element in such a manner or in such an amount as to adversely affect the surrounding area or adjoining the premise. Any use permitted or not expressly prohibited by this chapter may be undertaken and maintained if it conforms to the regulations of this section limiting dangerous and objectionable elements at the point of determination of their existence.

(2) *Standards:*

- a. *Smoke:* The requirements of the TCEQ.
- b. *Particulate matter:* The requirements of the TCEQ.
- c. *Odor:* The requirements of the TCEQ.
- d. *Toxic material:* The emission of toxic and noxious materials shall not produce concentrations exceeding ten percent of threshold limit values for toxic materials in industry as set forth in "threshold limit values" for the current year as adopted as the annual meeting of the American Conference of Governmental Industrial Hygienists, at a property boundary line.
- e. *Glare:* No direct or sky-reflected glare, whether from artificial light or from high-temperature processes such as combustion or welding or otherwise shall be allowed to cross a zoning district boundary line, and should be prevented by shielding or other methods or means.
- f. *Vibration:* No continuous earth borne vibration shall be permitted which is discernible without instruments at the points of measurement along the nearest adjacent property line.
- g. *Noise:* Any unreasonably loud, disturbing, unnecessary noise in excess of 85 decibels at a distance of 50 feet from the property line which causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof is prohibited.

Any noise of such character, intensity and continued duration in excess of 85 decibels at a distance of 50 feet from the property line which substantially interferes with the comfortable enjoyment of a dwelling, hotel or other type of residence by persons of ordinary sensibilities is prohibited.
- h. *Fire hazards:* The storage, utilization, or manufacture of solid materials or products ranging from incombustible or moderate burning is permitted in accordance with applicable city codes and ordinances. The storage, utilization, or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted in accordance with applicable city codes and ordinances provided the following conditions are met:

Said materials or products shall be stored, utilized or manufactured within complete enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.

The storage, utilization or manufacture of flammable liquids or gases which produce flammable or explosive vapors, shall be permitted in accordance with Table A.1 (exclusive of storage or finished products in original sealed containers) and the city's fire prevention code as interpreted by the City of Angleton Fire Marshal.
- i. *Water pollution:* No operation or activity shall discharge or cause to be discharged, liquid or solid waste into public water unless in conformance with the rules and regulations of federal, state, and other agencies having jurisdiction of such discharge.
- j. *Liquid or solid waste:* No discharge at any point shall be allowed into any public sewer, private sewer disposal system or stream or into the ground, except in accordance with standards approved by the TCEQ, or standards equivalent to those approved in such department, for similar uses, of any materials of such nature or temperature as can contaminate any water supply,

interfere with bacterial process in sewage treatment or otherwise cause the emission of dangerous or offensive elements. All discharges shall comply with all applicable city ordinances.

TABLE A.1		
Industries engaged in storage and distribution of such materials	Prohibited Above Ground	100,000 Gallons Under Ground
Materials having a flash point gallons above 190 degrees Fahrenheit	Prohibited	100,000
From and including 105 degrees gallons Fahrenheit and including 190 degrees Fahrenheit	Prohibited	40,000
Materials having a flash point gallons below 105 degrees Fahrenheit	Prohibited	20,000
<i>INDUSTRIES ENGAGED IN UTILIZATION AND MANUFACTURE OF SUCH MATERIALS</i>		
Materials having a flash point gallons above 190 degrees Fahrenheit	10,000 gallons	50,000
From and including 105 degrees gallons Fahrenheit to and including 190 degrees Fahrenheit	1,000 gallons	20,000
Materials having a flash point below 105 degrees Fahrenheit	500 gallons	10,000

Commented [LK38]: Is this required here? Typically not included in zoning codes.

(Ord. No. 2009-O-4A, §§ (V)44(44.1), 4-14-09)

Sec. 28-108. Lighting and glare standards.

- (a) *Purpose:* Standards for controlling lighting and glare are set forth to reduce the annoyance and inconvenience to property owners and traffic hazards to motorists. These standards are intended to allow reasonable enjoyment of adjacent and nearby property by their owners and occupants while requiring adequate levels of lighting of parking areas.
- (b) *Nonresidential site lighting and glare standards:*
- (1) Any use shall be operated so as not to produce obnoxious and intense glare or direct illumination across the bounding property line from a visible source of illumination of such intensity as to create a nuisance or detract from the use or enjoyment of adjacent property. All outside lights shall be made up of a light source and reflector so selected that acting together, the light beam is controlled and not directed across any bounding property line above a height of three feet. The allowable maximum intensity measured at the property line of a residential use in a residential district shall be ~~0-250~~ foot candles. Light poles shall be placed on the site a setback equal to its height from all adjacent residential property.
 - (2) Lighting within the parking areas shall meet the following minimum requirements:
 - a. *Intensity:*
Illumination shall not exceed an average of one foot candle at ground level and shall distribute not more than ~~0-250~~ foot candles of light upon any adjacent residentially zoned area.
 - b. *Height:*

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1. The maximum height for poles with lights is ~~35-25~~ feet.
2. ~~Special lighting or lighting higher than 35 feet may be approved as specifically noted on the applicable required plan (i.e., land development plan, concept plan, site plan).~~

Commented [LK39]: Anything higher would be processed as a variance or be included in a PUD etc.

(c) *Residential lighting and glare standards:*

- (1) Residential lighting for security and night recreation use is permitted in all residential districts provided the following requirements are met:
 - a. Direct lighting over ten feet in height is shielded from adjacent property.
 - b. No light source shall exceed ~~35-20~~ feet in height. Street lights and other traffic safety lighting are exempt from this standard.
 - c. Lighting shall not directly shine on adjacent dwellings.

(d) *Luminaires:*

- (1) Light sources shall be of a down-light type, indirect, diffused, or shielded type luminaires installed and maintained so as to reduce glare effect and consequent interference with use of adjacent properties and boundary streets. Bare bulbs above 75 watts and strings of lamps are prohibited, except for temporary lighting as provided in subsection 28-106(c) above.

(e) *Special or temporary lighting—low wattage:*

- (1) Bare bulbs or strings of lamps are prohibited, except during holidays special lighting shall be permitted for a maximum time period of 45 calendar days for each holiday used.

(f) *Exemptions and exceptions:*

- (1) Government, street lights and other public safety lighting shall be exempt from this section.

(Ord. No. 2009-O-4A, §§ (V)(45)(45.1—45.6), 4-14-09)

Sec. 28-109. Home occupation regulations.

- (a) *Purpose:* Standards for controlling home occupations are set forth to minimize ~~annoyance-nuisance~~ and inconvenience to neighboring property owners within residential areas. These standards are intended to allow reasonable and comfortable enjoyment of adjacent and nearby property by their owners and by occupants of neighboring residential dwellings, while providing opportunities for the pursuit of home-based businesses.
- (b) *Special provisions for home occupations:*
 - (1) Home occupations shall be permitted as accessory use in single- and two-family residential zoning districts provided that they comply with all restrictions herein.
 - (2) The occupation shall produce no alteration or change in the character or exterior appearance of the principal building from that of a residential dwelling, and performance of the occupation activity shall not be visible from the street.
 - (3) Such use shall be incidental and secondary to the use of the premises for residential purposes, and shall not utilize floor area exceeding 25 percent of the combined gross floor area of dwelling unit and any accessory building(s) that are used for the home occupation (in no case shall the combined floor area utilized solely for a home occupation exceed 500 square feet).
 - (4) The occupation shall not employ any person who is not a member of the household in which the home occupation occurs.

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- (5) The operation of such an occupation shall be between the hours of 8:00 a.m. and 8:00 p.m. for outdoor activities.
- (6) The occupation activity shall not increase vehicular traffic flow beyond what normally occurs within a residential district, and shall not require regular and frequent deliveries by large delivery trucks or vehicles with a rated capacity in excess of one and one-half tons, according to the manufacturer's classification.
- (7) There shall be no outside storage, including trailers, or outside display related to the home occupation use.
- (8) No mechanical or electrical equipment shall be employed on the premises other than that which is customarily found in a home environment, and that which is customarily associated with a hobby or a vocation which is conducted solely for pleasure and not for profit or financial gain.
- (9) The home occupation shall not generate noise, vibration, glare, fumes/odors, heat or electrical interference beyond what normally occurs within a residential district.
- (10) The occupation shall not require the use of chemicals on the property that are obnoxious or hazardous to the welfare of the neighborhood.
- (11) The home occupation shall not involve the use of advertising signs or window displays, or any other device that calls attention to the business use of the premises through audio and/or visual means.
- (12) The occupation shall not offer a ready inventory of any commodity for sale on the premises.
- (13) The occupation shall not be harmful or detrimental to the health, welfare and safety of the neighborhood, nor shall it interfere with the comfortable enjoyment of life, property and recreation by residents of the area.
- (c) *Applicability of other regulations:* Home occupations shall also be subject to any and all other provisions of local, state and/or federal regulations and laws that govern such uses.
- (d) *Uses allowed as home occupations:* Subject to the provisions of subsection 28-109(b) above, home occupations may include the following uses:
- (1) Office facility of an accountant, architect, landscape architect, attorney, engineer, consultant, insurance agent, realtor, broker, ~~salesman, sales or manufacturer's representative, or etc.~~ Or similar profession; provided that no retail or wholesale transactions or provision of services are personally and physically made on the premises;
 - (2) Author, artist or sculptor;
 - (3) Dressmaker, seamstress or tailor;
 - (4) ~~Music/dance teacher, or similar types of instruction, provided that instruction shall be limited to no more than six pupils at a time;~~
 - (5) Individual tutoring and home schooling;
 - (6) Millinery;
 - (7) ~~Office facility of a minister, rabbi, priest or other clergyman;~~
 - (8) Home crafts, such as rug weaving, model making, etc.;
 - (9) ~~Office facility of a salesman, sales or manufacturer's representative, etc., provided that no retail or wholesale transactions or provision of services are personally and physically made on the premises;~~

Commented [LK40]: This can be an issue if multiple classes of 6 pupils each are held during the day. Additional traffic/parking.

Commented [LK41]: Included in (1)

Commented [LK42]: Moved to (1)

- (10) Repair shop for small electrical appliances, cameras, watches/clocks, small engines rated at ten horsepower or less, and other small items, provided that the items can be carried by one person without using special equipment;
- (11) Food preparation establishments such as cake making/decorating or catering, provided that there is no on-premises consumption by customers, and provided that all aspects of the business comply with all state and local health regulations;
- (12) Registered family homes (see definition in section 28-112), in compliance with applicable state laws, which are incorporated herein by reference, with no more than six children;
- (13) ~~Barber shop/beauty salon or manicure studio;~~
- (14) ~~Swimming lessons and water safety instruction, provided that such instruction involves no more than six pupils at any one time during daylight hours; and~~
- (15) In-home dog grooming with a specific use permit (SUP) with necessary restrictions as needed for the requested location.
- (e) ~~Uses prohibited as home occupations: Home occupations shall not, in any event, be deemed to include the following uses:~~
- (1) ~~Animal hospitals or clinics, commercial stables, or kennels;~~
- (2) ~~Schooling or instruction, except swimming/water safety classes and home schooling, with more than six pupils at a time;~~
- (3) ~~Restaurants or on-premises food or beverage (including private clubs) consumption of any kind, except for limited food/meal consumption associated with the operation of a licensed registered family home;~~
- (4) ~~Automobile, boat or trailer paint or repair shop; small engine or motorcycle repair shop for engines rated above ten horsepower; welding shop; large household appliance repair shop; or other similar type of business;~~
- (5) ~~Office facility for a doctor, dentist, veterinarian or other medical related profession;~~
- (6) ~~On-premises retail or wholesale sales of any kind;~~
- (7) ~~Commercial clothing laundering or cleaning;~~
- (8) ~~Mortuaries or funeral homes;~~
- (9) ~~Trailer, vehicle, tool or equipment rentals;~~
- (10) ~~Repair shops or services, except as specifically provided in subsection 28-109(d) above;~~
- (11) ~~Drapery or furniture upholstery shops;~~
- (12) ~~Antique, gift or specialty shops;~~
- (13) ~~Repair shops for any items having internal combustion engines rated above ten horsepower;~~
- (14) ~~Any use that would be defined by the building code as an assembly, factory/industrial, hazardous, institutional or mercantile occupancy.~~
- (f) *Home occupation uses not classified:* Any use that is not either expressly allowed, ~~nor expressly prohibited~~ by subsections 28-109(d) ~~and (e), respectively~~, is considered prohibited, unless and until such use is classified by amendment to this chapter by the Angleton City Council, subsequent to a recommendation by the planning and zoning commission.
- (g) *Effect of section 28-109 upon existing home occupations:* Any home occupation that was legally in existence as of the effective date of this chapter and that is not in full conformity with the provisions herein shall be

Commented [LK43]: Traffic, nuisance

Commented [LK44]: Not all uses are included here. Any use that is not permitted would be considered prohibited.

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deemed a legal nonconforming use, and is subject to the provisions of section 28-21, provided that the home occupation use was not in violation of any other local, state or federal law or regulation on the effective date of this chapter. Any home occupation that was legally in existence as of the effective date of this chapter and that conforms with (i.e., is not in violation of) the provisions herein shall be hereby authorized to continue.

(Ord. No. 2009-O-4A, §§ (V)(46)(46.1—46.7), 4-14-09; Ord. No. 2010-O-11A, § 3, 11-9-10; Ord. No. 2015-O-5A, §§ 1, 2, 5-12-15)

Sec. 28-110. Special regulations for certain types of uses.

(a) *Gasoline sales facilities:*

- (1) ~~Gasoline service station pump islands that parallel a public street may be located a minimum of 16 feet to the property line adjacent to a public street. For pump islands that are perpendicular or diagonal to a public street, the setback shall be 30 feet in order to prevent vehicles stacking out into the street while waiting for a pump position. Pump islands may extend beyond the front building line as described above (provided that all other requirements of this chapter are met), but shall not be closer than 16 feet to any property line that is not adjacent to a public street.~~
- (2) Canopies for gasoline service station pump islands shall be ~~located no closer than 15 feet required to meet the minimum building setback or yard requirements. from any street right-of-way line or side or rear property line.~~
- (3) Any oil draining pit, hydraulic hoists, lubrication and greasing devices, repair equipment and similar appurtenances shall not be located in the required yards or at least 20 feet away from any front property line, and at least 30 feet away from any residential zoning district, whichever distance is greater, except where such appurtenances are located wholly within a building.
- (4) Any service station providing self-service dispensing facilities for customers shall provide an emergency shut-off switch which will completely eliminate the flow of fuels from all of the self-service pumps in any emergency situation, and shall be located in the vicinity where the station attendant will be located most of the time.
- (5) Lighting shall be shielded such that it shines downward and does not spill over onto adjacent property (see lighting and glare standards, section 28-108).
- (6) Gasoline service stations which have other uses associated with it (e.g., convenience store, fast food sales, drive-through window service, car wash, dry cleaners, minor or major auto repair, etc.) must be properly zoned for each use to be located on the site (including a SUP, if that zoning district requires such for any of the uses), and the amount of parking and stacking spaces shall be determined cumulatively for all uses (see parking requirements, section 28-101).
- (7) The amount of paved area for gasoline service station sites shall be adequate to accommodate vehicle movements into and out of the site (including large tanker fuel trucks in the vicinity of the fuel storage tanks), but shall be minimized to the greatest extent practical and possible (to reduce storm water runoff, heat and glare, etc.).

Commented [LK45]: Not required. Would need to meet building setback requirements and buffering requirements.

(b) *Swimming pools:*

- (1) All swimming pools shall be constructed in accordance with the standard swimming pool code as amended by ordinance #2005-O-5A, sections 5-496 and 5-497 of the city Code.

(c) *Extraction of minerals:*

- (1) *General requirements:* Any owner, leasee, or other person, firm, or corporation, having an interest in mineral lands in the AG zoning district only may file an application for a specific use permit (SUP) with

the city for authorization to mine minerals therefrom, provided, however, that it shall comply with all requirements of the AG zoning district in which said property is located, and with the following additional requirements:

- a. *Distance from property lines:* No quarrying operation shall be carried on or any stock pile placed closer than ~~50-100~~ feet to any property line, unless a greater distance is specified by the city council where such is deemed necessary for the protection of adjacent property.
- b. *Distance from public right-of-way:* In the event that the site of the mining or quarrying operation is adjacent to the right-of-way or any public street or road, no part of such operation shall take place closer than ~~50-100~~ feet to the nearest line of such right-of-way.
- c. *Fencing:* Fencing shall be erected and maintained around the entire site or portions thereof where, in the opinion of the city council, such fencing is necessary for the protection of the public safety, and such fencing shall be of the type and height specified by the city council.
- d. *Equipment:* All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise, and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment as may be specified by the city engineer or the city council.
- e. *Processing:* The actions of crushing, washing, refining or other similar processing may be authorized by the city council as an accessory use within the SUP ordinance, but such actions or processing shall not be in conflict with the use regulations of the district in which the operation is located. No part of such operation shall take place closer than 100 feet to the nearest property line or right-of-way.
- f. *Financial ability:* In accepting such SUP request for review, the city council must be satisfied that the proponents are financially able to carry out the proposed mining operation in accordance with plans and specification submitted, and in accordance with city health, safety and welfare standards and ordinances.
- g. *Application:* An application for a SUP for such operation shall set forth the following information (additional information may be required by the city manager, or by the city council):
 1. Name of land owner from which removal is to be made;
 2. Name of applicant making request;
 3. Name of person or corporation conducting actual removal operation;
 4. Location, description, and size of area from which removal is to be made;
 5. Location of processing plant;
 6. Type of resources or materials to be removed;
 7. Proposed method of removal and if blasting or other use of explosives will be required;
 8. Description of equipment to be used; and
 9. Method of rehabilitation and reclamation of mined area.
- h. *Planning and zoning commission recommendation:* In accordance with section 28-63, specific use permits, the planning and zoning commission of the City of Angleton shall give its recommendation regarding a SUP to the city council prior to the city council's final determination of application.

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- i. **Rehabilitation:** To guarantee restoration, rehabilitation, and reclamation of mined-out areas, every applicant granted a mining permit as herein provided, shall furnish a surety bond to the City of Angleton, in the amount of not less than \$5,000.00, the upper limit to be determined by the city council, as a guarantee that such applicant, in restoring, reclaiming, and rehabilitating such land, shall within a reasonable time, but not more than one year, and shall, to the satisfaction of the city council, meet the following requirements.
 - 1. **Surface rehabilitation:** All excavation shall be made either to a water producing depth, such depth to be not less than five feet below the low water mark, or shall be graded or backfilled with non-noxious, non-flammable and non-combustible solids, to secure that the excavated area shall not collect or permit to remain therein stagnant water or that the surface or such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions, so as to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land areas.
 - 2. **Vegetation:** Vegetation shall be restored by appropriate seeds, grasses, or planting of shrubs or trees in all parts of said mining area where such area is not to be submerged under water as hereinabove provided.
 - 3. **Banks of excavations:** The banks of all excavations not backfilled shall be sloped to the water line at a slope which shall not be less than three feet horizontal to one foot vertical, and said banks shall be seeded.
 - j. **Additional requirements:** In addition to the foregoing, the city council may impose such other conditions, requirements, or limitations concerning the nature and extent of the use and operation of such mines, quarries, or gravel pits as the city council may deem necessary for the protection of adjacent properties and the public interest. The said conditions and the amount of the surety bond shall be determined by the city council prior to issuance of the SUP and issuance of the mining permit. No mining at all will be allowed without a permit as required by this section or by any local, county, state or federal agency.
- (d) **Sexually oriented businesses:** See chapter 21.4 (ordinance #2488) of the city's Code of Ordinances.
 - (e) **Alcoholic beverage sales:** See chapter 3 of the city's Code of Ordinances.
 - (f) **Special motor vehicles:**
 - (1) For the purpose of these regulations, the term "special motor vehicles" is defined as including boats, boat trailers, travel trailers, pickup campers and coaches (designed to be mounted upon automotive vehicles), motorized dwellings (RVs), tent trailers and the like, as well as cases or boxes used for transporting such vehicles, whether occupied by such vehicles or not. No such vehicles shall be used for living, sleeping or housekeeping or similar purposes when parked or stored on a residential lot, or in any location not approved for such use, except as specified in this chapter.
 - (2) No special motor vehicle, heavy load vehicle or recreational vehicle shall be left unattended or parked for more than 24 hours within any parking lot, parking space(s), drive aisle, vacant or unused property, or pervious/unpaved surface area (except an appropriately zoned and approved/paved parking lot for such vehicles).
 - (g) **Amusement devices, arcade, gameroom (four or more devices, indoors only):**
 - (1) **General requirements.** Approval of a specific use permit (SUP) is required to establish this use in each of the zoning district where this use is permitted, as set out in section 28-81, Use regulations (Charts), of this chapter. In order to process applications requesting to establish this use, the following information shall be submitted:

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- a. *Completed SUP application and filing fee.* In addition to the application and filing fee, the applicant, if not the owner of the property, shall submit a notarized "appointment of agent" form to affirm that the applicant has the expressed consent of the owner to file an application for the use.
- b. *Plan of operation required.* The applicant shall submit a detailed plan of operation describing how the proposed "method business" would comply with subsection 21-153(f) Restrictions, regulations, controls, and limitations, and the how the proposed use would function, in terms of days and hours of operation, and the type of devices that are proposed. A conceptual floor plan and site plan shall be required to allow staff to determine the number of off-street parking spaces that are required and if the proposed use would comply with applicable fire and building code requirements.
- c. *Itemized list of games.* The applicant shall provide an itemized list of the number and types of games that are proposed in the facility. The itemized list shall be subject to review by the Angleton Police Department to confirm that no excluded devices or prizes are proposed.
- d. *Background review.* The applicant shall describe their experience in operating a game room and cite any other game rooms that they have operated, including the name of the business if conducted in Brazoria County.
- e. *Location.* The proposed use shall comply with all locational requirements set out in subsection 21-153(f).

(2) ~~Criteria for docketing.~~

- a. ~~If the applicant cannot provide all of the information described in this Section, the application shall be considered to be incomplete and may not be docketed until a complete application is provided to the city.~~
- b. ~~Upon receipt of a complete application, staff will review the application for compliance with all of the general requirements of this section and with subsection 21-153(f). Applications that:~~
 - 1. ~~Comply with all requirements shall be docketed;~~
 - 2. ~~Do not comply with all requirements shall not be docketed until the application is amended or improvements are proposed to bring the use into compliance with this section and subsection 21-153(f); and~~
 - 3. ~~Do not comply with all applicable requirements and are not amended or do not propose improvements to bring the use into compliance shall not be docketed.~~
 - 4. ~~If an applicant disputes that the application has failed to comply with all applicable requirements, the applicant may appeal the decision of the city and request planning and zoning commission review and city council action; with an adverse staff recommendation that states the reason(s) why the application does not comply with applicable requirements.~~
- (3) ~~Processing.~~ SUP applications that are docketed for review and approval shall be processed and dispensed with in accordance with all SUP processes and procedure set out in section 28-63, Specific use permits.

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(Ord. No. 2009-O-4A, §§ (V)(47)(47.1—47.6), 4-14-09; Ord. No. 1-08-2018, § 2, 8-7-18)

Sec. 28-111. (Reserved).

(Ord. No. 2009-O-4A, §§ (V)(48), 4-14-09)

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(Supp. No. 19)

Sec. 28-112. Definitions.

For the purpose of these regulations, certain terms and words are to be used and interpreted as defined hereinafter. ~~Words used in the present tense shall also include the future tense; words used in the masculine gender shall also include the feminine gender; words used in the singular number shall also include the plural number; and words in the plural number shall also include the singular number, except where the natural construction of the writing indicates otherwise.~~ The word "shall" is mandatory and not directory. For any term or use not defined herein, Webster's Dictionary (latest edition) shall be used.

Accessory building (residential): In a residential district, a subordinate building that is attached or detached and is used for a purpose that is customarily incidental to the main structure but not involving the conduct of a business (i.e., the building area must be significantly less than that of the main structure). Examples may include, but are not limited to, the following: a private garage for automobile storage, tool shed, greenhouse as a hobby (no business), home workshop, children's playhouse, storage building, garden shelter, etc.

Accessory building (business or industry): In the nonresidential districts, a subordinate building to the main building that does not exceed the height of the main building and does not exceed 50 percent of the floor area of the main building, and that is used for purposes accessory and incidental to the main use (see "accessory use").

Accessory use: A use that is customarily incidental, appropriate and subordinate to the principal use of land or building(s) and that is located upon the same lot therewith (i.e., the land/building area that is used for the accessory use must be significantly less than that used for the primary use, and/or the gross receipts/income that is derived from the accessory use must be significantly less than that derived from the primary use).

Airport or landing field: A place where aircraft can land and take off that is usually equipped with hangars, facilities for aircraft refueling and repair, and various accommodations for passengers.

Alley: A minor right-of-way that is dedicated to public use and which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

Ambulance service: Provision of private (not operated by the City of Angleton) emergency transportation which may include mobile medical care, and which may include storage and maintenance of vehicles.

Amusement arcade (also video arcade): Any building, room, place or establishment of any nature or kind, and by whatever name called, including but not limited to, amusement redemption machine game rooms, as defined in Code of Ordinance, City of Angleton, section 21-151, where more than ten percent of the public floor area is devoted to four or more amusement devices that are operated for profit, whether the same is operated for a profit, whether the same is operated in conjunction with any other business or not, including but not limited to, such amusement devices as coin-operated pinball machines, video games, electronic games, shuffle boards, pool tables or other similar amusement devices. However, the term "amusement device," as used herein, shall not include musical devices, billiard tables which are not coin-operated, machines that are designed exclusively for small children, and devices designed to train persons in athletic skills or golf, tennis, baseball, archery or other similar sports.

Amusement, commercial (indoor): An amusement enterprise that is wholly enclosed within a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line, and that provides activities, services and/or instruction for the entertainment of customers or members, but not including amusement arcades. Uses may include, but are not limited to, the following: bowling alley, ice skating rink, martial arts club, racquetball/handball club, indoor tennis courts/club, indoor swimming pool or scuba diving facility, and other similar types of uses.

Amusement, commercial (outdoor): An amusement enterprise offering entertainment and/or games of skill to the general public for a fee wherein any portion of the activity takes place outdoors and including, but not

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limited to, a golf driving range, archery range, miniature golf course, batting cages, go-cart tracks, amusement parks, and other similar types of uses.

Animal grooming/pet shop/pet suites: A retail establishment offering small animals, fish and/or birds for sale as pets, where such creatures are housed within the building for short or long terms, and which may include the grooming of dogs, cats and similar animals.

Antique shop, sales indoors: A retail or wholesale establishment engaged in the selling of works of art, architectural antiques, furniture and/or other artifacts of an earlier period (i.e., over 50 years old) and that are in clean, operable and saleable condition (i.e., not junk), with all sales and storage occurring inside a building. An antique shop is differentiated from a "used merchandise store," a "resale shop" or a "consignment shop" in that it does not market common, contemporary used household goods, clothing or furnishings. Rather, it deals primarily in vintage and nostalgia items (generally over 50 years old) and in antiques (generally over 100 years old) from past eras.

Art gallery or museum: An institution for the collection and/or display of bona fide objects of art or science, and which is typically sponsored by a public or quasi-public agency and generally open to the public. An art gallery/museum can include a small gift shop that sells items to visitors provided that such sales are clearly accessory to the primary use as a gallery/museum. An establishment that sells new art or science objects on the retail market shall be defined as a "retail store," and an establishment that sells used objects (or parts of objects) shall be defined as a "used merchandise store."

Assisted living facility: A congregate residence facility for elderly (over 55 years of age) persons, regardless of legal relationship, who need limited assistance with daily living activities. A limited number of support services such as meals, laundry, housekeeping, transportation, social/recreational activities, hairdressing, etc., may be provided or associated with the assisted living facility. Units may be attached or detached, single- or double-occupancy, and may include limited or full kitchen facilities. Full-time medical or nursing care is not typically provided by the facility, but may be privately arranged for by individual residents on a part-time or temporary basis (e.g., visiting nurses, etc.).

Auto laundry or car wash: A facility that includes wWashing, waxing or cleaning of automobiles or light duty trucks.

- (1) Attended auto laundry or car wash: A facility where the employees of the car wash facility vacuum, wash, dry, wax and/or detail the vehicle for a fee. The customer (The owner of the vehicle) does not actually wash the vehicle. Instead, he either leaves the vehicle and comes back to retrieve it later, or he waits in a designated area while employees of the car wash facility vacuum, wash, dry, wax and/or detail the vehicle for a fee.
- (2) Unattended auto laundry or car wash: A facility which is not manned by employees. The owner of the vehicle causes the vehicle to become washed. May include:

One type of a Uunattended car wash facility that utilizes automated self-service (drive-through/rollover) wash bays and apparatus in which the vehicle owner inserts money or tokens into a machine, drives the vehicle into the wash bay, and waits in the vehicle while it is being washed.

b. The other type of Uunattended facility is comprised of wand-type self-service (open) wash bays in which the vehicle owner drives the vehicle into the wash bay, gets out of the vehicle, and hand washes the vehicle with a wand-type apparatus by depositing coins or tokens into a machine.

Auto finance and leasing: Leasing of automobiles, motorcycles, and light load vehicles but ~~no and includes~~ outside storage/parking of vehicles to be leased/sold.

Auto parts and accessory sales (indoors): The use of any building or other premise for the primary inside display and sale of new or used parts for automobiles, panel trucks or vans, trailers, or recreation vehicles.

Auto rental: Storage or renting of automobiles and light trucks.

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Auto sales (new): Retail sales of new automobiles or light load vehicles, ~~including, as a minor part of the business, the sales of used automobiles or light load vehicles~~ and the service of new ~~or used~~ vehicles.

Auto sales (used): Retail sales, or offering for sale, and the service of used automobiles or light load vehicles.

Auto storage or auto auction: The storage or impoundment, on a lot or tract which is paved in accordance with parking lot paving requirements set forth in this chapter, of operable automobiles for the purpose of holding such vehicles for sale, distribution and/or storage. This definition shall not include the storage of wrecked or inoperable vehicles (see "wrecking yard").

Automobile: A self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people including but not limited to the following: passenger cars, light duty trucks and sport utility vehicles, vans and mini-vans, motor scooters and motorcycles.

Automobile accessory installation (minor): Minor installation of minor automobile accessories such as car alarms, radio and stereo equipment, window tinting, pin striping, cellular telephones and similar accessories.

Automobile repair garage: An establishment providing major or minor automobile repair services to all motor vehicles except heavy load vehicles.

Automobile repair, major: General repair or reconditioning of engines, air-conditioning systems and transmissions for motor vehicles; wrecker service; collision repair services including body, frame or fender straightening or repair; customizing; painting; vehicle steam cleaning; undercoating and rust proofing; those uses listed under "automobile repair, minor;" and other similar uses.

Automobile repair, minor: Minor repair or replacement of parts, tires, tubes and batteries; diagnostic services; minor maintenance services such as grease, oil, spark plug and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses and brake parts; automobile washing and polishing; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air-conditioning systems; and other similar minor services for motor vehicles except heavy load vehicles, but not including any operation named under "automobile repair, major" or any other similar use.

Automotive gasoline or motor fuel service station: Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of automotive fuels, lubricants and automobile accessories, including those operations listed under "automobile repair, minor." Vehicles which are inoperative or are being repaired may not remain parked outside these facilities for a period greater than 48 hours.

Bakery or confectionery (retail): A facility which is typically less than 5,000 square feet in size for the production and/or sale of baked goods for human consumption such as (but not limited to) pies, cakes, cookies, doughnuts, desserts, etc.

Bakery or confectionery (wholesale or commercial): A manufacturing facility which is typically over 5,000 square feet in size for the production and distribution of baked goods and confectioneries to retail outlets.

Ballroom dancing: An establishment open to the general public for dancing (any sales of alcoholic beverages for on-premise consumption shall be subject to requirements and use restrictions for private clubs) — see definition for "private club."

Bank, savings and loan, or credit union: An establishment for the custody, loan, exchange and/or issue of money, the extension of credit, and/or facilitating the transmission of funds.

Barn: A structure intended for the purpose of storing farming and ranching related equipment and/or housing livestock.

Basement (or cellar): A portion of a building that is partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average

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level of the adjoining ground or when subdivided and used for commercial or dwelling purposes by other than a janitor employed on the premises.

Bed and breakfast inn or facility: A dwelling occupied as a permanent residence by an owner or renter which serves breakfast and provides or offers sleeping accommodations in not more than five rooms for transient guests for compensation.

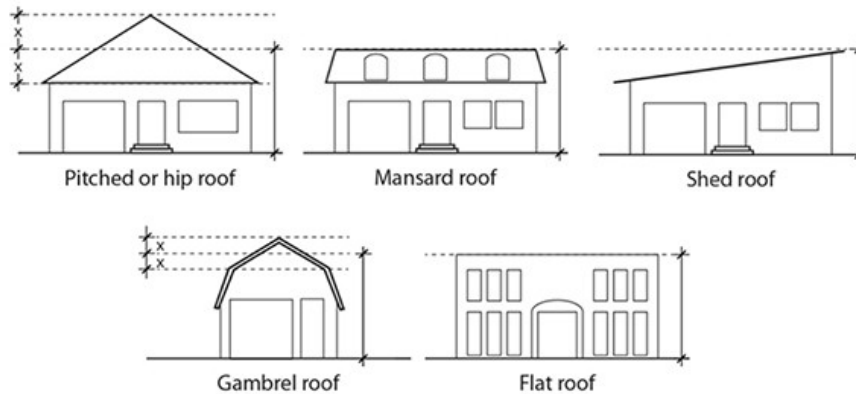
Block: A piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the city manager shall determine the outline of the block.

Boarding or rooming house: A dwelling other than a hotel, where for compensation and by prearrangement for definite periods, lodging and/or meals are provided.

Building: Any structure intended for shelter, occupancy, housing or enclosure for persons, animals or chattel. ~~When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building.~~

Building, front: The front of the building shall be considered as that side of the building which faces the street that the property is addressed to.

Building height: The vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched or hipped roof.

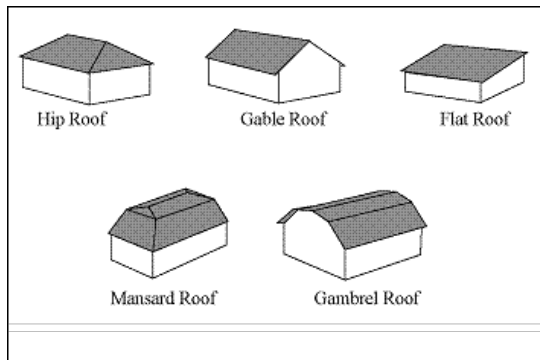


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Building line: A line parallel, or approximately parallel, to any lot line at a specific distance therefrom, marking the minimum distance from the lot line that a building may be erected (see illustration 7).

Building, main or primary: A building in which the principal use of the lot on which it is situated is conducted. In a residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.

Building materials and hardware sales (indoor or outdoor): Materials, tools, and/or hardware customarily used in the construction of buildings and other structures, including facilities for storage of materials for retail sales. Sometimes referenced as a "home improvement center." "Outdoor" means the storage of materials and products outside of the main building.

Building official: The inspector or administrative official charged with responsibility for issuing permits and enforcing the zoning ordinances and building codes of the City of Angleton.

Building site: See "lot" definition.

Bus station or terminal: Any premises for the transient housing and/or parking of motor-driven buses and the loading and unloading of passengers.

Caretakers' or guards' residence: A residence located on a premises with a main residential or nonresidential use and occupied only by a caretaker or guard employed on the premises (e.g., residence for guard in a private street development, residence for a guard/manager/caretaker for a self-storage facility or a restricted access business park, etc.).

Carnival, circus or tent service (temporary): Outdoor or indoor commercial amusement provided on a temporary basis.

Carport: A structure that is open on a minimum of two sides and designed or used to shelter vehicles. Also called "covered parking area."

Cemetery or mausoleum: Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

Cemetery, animal: Same as cemetery except only for the burial of dead animals.

Certificate of occupancy: An official certificate issued by the city through the city manager or his/her designee which indicates conformance with the zoning regulations and building codes and which authorizes legal use and occupancy of the premises for which it is issued.

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Child care center (or day care center or child nursery): A commercial institution or place designed for the care or training of seven or more unrelated children under 14 years of age for less than 24 hours a day.

Church, rectory or temple: A building for regular assembly for religious worship which is used primarily and designed for such purpose and those accessory activities which are customarily associated therewith, and the place of residence for ministers, priests, nuns or rabbis on the premises (tax exempt as defined by state law). For the purposes of this chapter, religious study and other similar activities which occur in a person's primary residence shall not apply to this definition.

City council: The governing body of the City of Angleton, Texas.

City of Angleton: The City of Angleton, Texas; sometimes referred to as the "city."

Civic center: A building or complex of buildings that may house municipal offices and services, and which may include cultural, recreational, athletic, food service, convention and/or entertainment facilities owned and/or operated by a municipality.

Cleaning plant (commercial/wholesale): An industrial facility where fabrics are cleaned with substantially nonaqueous organic solvents on a commercial or wholesale basis.

Cleaning shop or laundry (small shop, pick-up and self-service): A custom cleaning shop not exceeding 5,000 square feet of floor area and may include customer self-service laundry and cleaning.

College or university: An academic institution of higher learning, accredited or recognized by the state and covering a program or series of programs of academic study.

Commercial amusement (indoor): See amusement, commercial (indoor).

Commercial amusement (outdoor): See amusement, commercial (outdoor).

Communication equipment sales and service: A retail store that provides sales and service for personal communication devices such as cellular phones and pagers.

Community center (public): A building or complex of buildings that house cultural, recreational, athletic, food service and/or entertainment facilities owned and/or operated by a governmental agency or private nonprofit agency.

Community home: A place where not more than six physically or mentally impaired or handicapped persons are provided room and board, as well as supervised care and rehabilitation by not more than two persons as licensed by the Texas Department of Mental Health and Mental Retardation (also see V.T.C.A., Local Government Code ch. 123).

Community market: A designated location used for the distribution and sale directly to consumers of food products by farmers or other producers. See Chapter 229, Subchapter FF, § 229.702 Definitions of the Texas Administrative Code, as amended, for the definition of food. In addition, community markets allow arts and crafts items; plants; bakery goods; beverages; delicatessen; and grocery items. All food items must comply with the current Texas Food Establishment rules, the Texas Cottage Food Law, and the City of Angleton Food Service Ordinances.

Comprehensive plan: Document adopted by the city that consists of graphic and textual policies which govern the future development of the city and which consists of various components governing specific geographic areas and functions and services of the city.

Concrete or asphalt batching plant (permanent): A permanent manufacturing facility for the production of concrete or asphalt.

Concrete or asphalt batching plant (temporary): A temporary manufacturing facility for the production of concrete or asphalt during construction of a project, and to be removed when the project is completed.

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Consignment shop/re-sale shop (also thrift store): See "used merchandise store."

Continuing care retirement community: A housing development designed to provide a full range of accommodations for older adults (55 years of age or older), including independent living, assisted living and skilled full-time nursing or medical care. Residents may move from one level to another as their needs change.

Contractor's shop with outside storage yard: A building, part of a building, or land area for the construction or storage of materials, equipment, tools, products, and vehicles.

Convenience store with (or without) gasoline sales: Retail establishment selling food for off-premises consumption and a limited selection of groceries and sundries (and possibly gasoline, if pumps are provided). Does not include or offer any automobile repair services.

Copy shop or printing: An establishment which reproduces, in printed form, individual orders from a business, profession, service, industry or government organization and occupies less than 5,000 square feet.

Country club (private): A land area and buildings which may include a golf course, clubhouse, dining room, swimming pool, tennis courts and similar recreational or service uses available only to members and their guests.

Court: An open, unobstructed space, bounded on more than two sides by the walls of a building. An inner court is entirely surrounded by the exterior walls of a building. An outer court has one side open to a street, alley, yard, or other permanent open space.

Coverage: The lot area covered by all buildings located thereon, including the area covered by all overhanging roofs.

Custom personal service shop: Tailor, dressmaker, shoe shop, barber shop, beauty shop or similar shop offering custom service.

Day camp for children: A facility arranged and conducted for the organized recreation and instruction of children including outdoor activities on a daytime basis.

Density, gross: The total number of residential units allowed upon a given tract of land usually expressed in total number of units per gross acre (i.e., total area of the parcel or tract)

Density, net: The total number of residential ~~buildings~~ units allowed upon a given tract of land usually expressed in total number of units per net acre (i.e., not including street rights-of-way, HOA common/landscaping areas, parks, floodplains, utility easements, pipelines etc.).

Detached: Having no physical connection above the top of the floor line of the first floor with any other building or structure.

Distribution center: Building or facility used for the storage and distribution of wholesale items/products.

Drainage: Adequate provision for drainage shall be made to drain the pool into the city's sanitary sewer system, in accordance to the city's regulations pertaining to same.

Drapery or furniture upholstery shop: An establishment for the production, display and sale of draperies and soft coverings for furniture.

Dwelling: Any building or portion thereof, which is designed or used as living quarters for one or more families.

Dwelling, garage/accessory. A residential dwelling unit attached to or over a garage but not attached to the main residential structure.

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Dwelling, single-family attached (townhouse): See "single-family dwelling (attached)." A dwelling which is joined to another dwelling at one or more sides by a shared wall, which is designed for occupancy by one family, and which is located on a separate lot delineated by front, side and rear lot lines.

Dwelling, single-family detached. A dwelling designed and constructed as a freestanding structure for occupancy by one family, and located on a lot or separate building tract having no physical connection to a building located on any other lot or tract.

Dwelling, two-family (duplex): Two attached dwellings in one structure, each designed to be occupied by one family.

Dwelling, multi-family: Three or more dwelling units on a single lot designed to be occupied by three or more families living independently of one another, exclusive of hotels or motels. Includes three-family units (triplex) and four-family units (quadruplex), as well as traditional apartments.

Dwelling, patio home (zero-lot-line dwelling): A single-family dwelling on a separately platted lot which is designed such that one side yard is reduced to zero feet in order to maximize the width and usability of the other side yard, and which permits the construction of a detached single-family dwelling with one side (i.e., wall) of such dwelling placed on the side property line (see section 28-48).

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Dwelling size/area: The total square footage of a dwelling unit, including only the livable (i.e., air-conditioned) space within the home (i.e., not the garage, accessory buildings, etc.).

Easement: A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

Educational facilities: Public and private primary, secondary and post-secondary educational facilities offering instruction in the branches of learning and study required to be taught by the Texas Education Agency; and such federally funded educational programs for preschool children as the Head Start Program.

Electrical substation (high voltage bulk power): A subsidiary station in which electric current is transformed.

Enclosed building: A structure which is floored, roofed and surrounded by outside walls, ~~which contains no opening larger than 120 square feet in area normally open to the air and which contains no series of openings forming a divided opening larger than 120 square feet in area normally open to the air.~~ Includes an enclosed garage.

Fairgrounds or exhibition area: An area or space either outside or within a building for the display of topic-specific goods or information ~~and for conducting activities and events.~~

Family: One or more persons related by blood, marriage, or adoption; or a group ~~not to exceed of maximum~~ four persons not all related by blood, ~~or~~ marriage, adoption or guardianship, occupying a dwelling unit.

Family home (child care in place of residence): A facility that regularly provides care in the caretaker's own residence for not more than six children under 14 years of age, excluding the caretaker's own children, and that provides care after school hours for not more than six additional elementary school siblings of the other children given care. However, the number of children, including the caretaker's own, provided care at such facility shall not exceed 12 at any given time. No outside employment is allowed at the facility. This facility shall conform to V.T.C.A., Human Resources Code ch. 42, as amended, and in accordance with such standards as may be promulgated by the Texas Department of Human Resources.

Farm, ranch, garden, crops or orchard: An area used for growing farm products, vegetables, fruits, trees, and grain and for the raising thereon of farm animals such as horses, cattle, and sheep. May also include the necessary accessory uses for raising, treating, and storing products raised on the premises, but does not include the commercial feeding of offal or garbage to swine or other animals. Also does not include any type of agriculture or husbandry specifically prohibited by ordinance or law.

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Farmers market: A designated location used for the distribution and sale directly to consumers of food products by farmers or other producers. See Chapter 229, Subchapter FF, § 229.702 Definitions of the Texas Administrative Code, as amended, for the definition of food. All food items must comply with the current Texas Food Establishment rules, the Texas Cottage Food Law, and the City of Angleton Food Service Ordinances.

Feed and grain store: An establishment for the selling of corn, grain and other food stuffs for animals and livestock, and including implements and goods related to agricultural processes, but not including farm machinery.

Fire, police or municipal building: Any public service building of the municipal government including a library or city hall, but excluding storage yards, utility shops and equipment centers.

Floodplain: An area of land subject to inundation by a 100-year frequency flood as determined using standard engineering practices and generally as shown on the FIRM Flood Insurance Rate Map of the City of Angleton.

Floor area: The total gross square feet of floor space within the outside dimensions of a building including each floor level, but excluding carports, residential garages, and breezeways.

Floor area ratio (~~for~~FAR): The gross floor area of a main building or buildings on a lot, divided by the lot area (see illustration 1).

Florist shop: An establishment for the display and retail sale of flowers, small plants and accessories.

Food processing: A manufacturing or light industrial use that primarily deals with the processing and packaging of food (such as dairy or grain) products that are intended for human consumption, but which are not typically sold in volume to end users on the premises. Incidental retail sales of food products (e.g., bread and baked goods, dairy products such as cheese, etc.) created and packaged on the premises may be allowed as an accessory use. The area of retail sales shall not exceed 10% of the total gross area of the facility or 1,000 square feet, whichever is lesser.

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Food store: A retail business establishment that displays and sells consumable goods that are not to be eaten on the premises. Prepared food may be sold only as a secondary or accessory use.

Franchised private utility (not listed): A utility such as one distributing heat, chilled water, closed circuit television or similar service and requiring a franchise to operate in the City of Angleton.

Fraternal organization, lodge, civic club, or union: An organized group having a restricted membership and specific purpose related to the welfare of the members such as Elks, Masons, Knights of Columbus, or a labor union.

Front yard: See "yard, front."

Funeral home or mortuary: A place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for burial, ~~and~~ the display of the deceased, ~~and~~ for associated ceremonies connected ~~therewith~~ before burial or cremation.

Furniture, home furnishings or appliance stores (new): This group includes retail stores selling new goods for furnishing the home including, but not limited to, furniture, floor coverings, draperies, glass and chinaware, domestic stoves, refrigerators, and other household ~~electrical and gas~~ appliances.

Furniture, home furnishings or appliance stores ~~Furniture store~~ (new and used): Same as above except sales may include used items.

Garage, private: An enclosed detached or attached accessory building, ~~or a part of a main building~~, used for storage of automobiles ~~and used~~ solely by the occupants and their guests, and not used for habitation. Also called "enclosed parking space."

~~Garage, accessory dwelling:~~ See Dwelling, garage/accessory. A residential dwelling unit attached to or over a garage but not attached to the main residential structure.

Garden shop: A facility which is engaged in the selling of flowers, ornamental plants, shrubs, trees, seeds, garden and lawn supplies, and other materials used in planting and landscaping, but not including cultivation and propagation activities outside a building.

Gasoline service or filling station: See "automotive gasoline or motor fuel service station."

General commercial plant: Establishments ~~other than personal service shops~~ for the treatment and/or processing of products, ~~other than personal service shops, as a service on a for-profit basis~~ including, but not limited to, newspaper printing, laundry plant, or cleaning and dyeing plants.

General manufacturing: See "industrial, manufacturing."

General retail stores: This major group includes retail stores which sell ~~a number of lines of~~ primarily new merchandise including but not limited to dry goods, apparel and accessories, furniture and home furnishings, small wares, small appliances, hardware, and food. The stores included in this group are known as department stores, variety stores, general merchandise stores, general stores, etc. (also see "retail shop").

Golf course: An area of 20 acres or more improved with trees, greens, fairways, hazards, and which may include clubhouses.

Government building or use (county, state or federal): Any building, land, area and/or facility (including maintenance/storage yards and shops) which is owned, leased, primarily used and/or occupied by any subdivision or agency of the following: The State of Texas, the United States, County, or other public utility or agency. Any facility which is owned, leased, used and/or occupied by the City of Angleton is defined as "municipal facility or use."

Group day care home: A facility that provides care for seven to 12 children under 14 years of age less than 24 hours a day.

Gymnastic or dance studio: A building or portion of a building used as a place of work for a gymnast, martial artist, or dancer or for instructional classes in gymnastics, martial arts, or dance.

Hauling or storage company: See "motor freight company."

Heavy load vehicle: A self-propelled vehicle having a manufacturer's recommended Gross Vehicle Weight (GVW) of greater than 16,000 pounds (including trailers), such as large recreational vehicles more than 35 feet in length (originally manufactured as RVs, not converted), tractor-trailers, buses, vans, and other similar vehicles. The term "truck" shall be construed to mean "heavy load vehicle" unless specifically stated otherwise.

Heavy machinery repair: Refers to the repair of heavy-duty vehicles, generally-designed for executing construction tasks, ~~most frequently ones involving earthwork operations~~. They are also known as heavy equipment, heavy trucks, construction equipment, engineering equipment, heavy vehicles, or heavy hydraulics. ~~They usually comprise five equipment systems: implement, traction, structure, power train, control and information.~~

Heavy machinery sales and storage: A building or open area used for the display, sale, rental or storage of heavy machinery, tractors or similar machines, or a group of machines which function together as a unit.

Heliport: An area of land or water or a structural surface which is used, or intended for use, for the landing and taking off of helicopters, and any appurtenant areas including refueling, maintenance, repairs or storage which are used, or intended for use for heliport buildings and other heliport facilities.

Helistop: The same as a heliport, except that no refueling, maintenance, repairs or storage of helicopters is permitted.

Home for aged, residence: A home where elderly people are provided with lodging and meals without nursing care being a primary function.

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Home improvement center: An establishment that offers for sale materials, tools and/or hardware customarily used in the construction of buildings and other structures, and that can include facilities for storage of such materials (if allowed in the zoning district).

Home occupation: An occupation carried on in a dwelling unit, or in an accessory building to a dwelling unit, by a resident of the premises, which occupation is clearly incidental and secondary to the use of the premises for residential purposes (see section 28-109).

Hospital ~~(acute care)~~: See Medical Facilities below.

~~An institution where sick or injured patients are given medical and/or surgical treatment intended to restore them to health and an active life, and which is licensed by the State of Texas.~~

~~*Hospital (chronic care):* An institution where those persons suffering from illness, injury, deformity and/or deficiencies pertaining to age are given care and treatment on a prolonged or permanent basis and which is licensed by the State of Texas.~~

Commented [LK54]: Combine with chronic care above

Household ~~a~~Appliance service and repair, minor: The maintenance and repair of appliances that are customarily used in the home including, but not limited to, washing and drying machines, refrigerators, dishwashers, trash compactors, ovens and ranges, countertop kitchen appliances, vacuum cleaners, etc., but not including appliances/equipment which have internal combustion engines.

Household care facility: A dwelling unit which provides residence and care to not more than nine persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; or rendered temporarily homeless due to fire, natural disaster or financial setbacks, living together with not more than two supervisory personnel as a single housekeeping unit. This definition is subject to Art. 4442c-4 (Personal Care Facility Licensing Act) V.A.C.S. (Tex.) and Art. 1011n (Community Homes for Disabled Persons Location Act) V.A.C.S. (Tex.) as they presently exist or may be amended in the future.

Household care institution: A facility which provides residence and care to ten or more persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; convalescing from illness; or temporarily homeless due to fire, natural disaster, or financial setback together with supervisory personnel.

In-home dog ~~/cat~~ grooming: The hygienic care and cleaning of not more than four dogs and or cats, including any dogs and or cats owned, possessed, or kept by the resident of the premises.

Incidental or accessory retail and service uses: Any use different from the primary use but which compliments and/or supplements the primary use and is permitted in that zoning district. (for example, a sundries shop that serves tenants of an office building or hospital). Incidental shall mean an area which constitutes not more than 20 percent of the building or space occupied by the primary use.

Industrial, manufacturing: Establishments engaged in the heavy manufacturing or transformation of materials into new products. These establishments are usually described as plants and factories, and characteristically use power driven machines and materials handling equipment. Manufacturing production is usually carried on for the wholesale market, rather than for direct sale to the domestic consumer.

Industrialized home or modular home: See "manufactured housing."

Institution for alcoholic, narcotic or psychiatric patients: An institution offering out-patient treatment to alcoholic, narcotic or psychiatric patients.

Itinerant vendors/vending: Also see chapter 18 of the City's Code of Ordinances.

Kennels (indoor pens): An establishment with indoor pens in which more than four dogs or domesticated animals are housed, groomed, bred, boarded, trained and/or sold for commercial purposes.

Kennels (outdoor pens): An establishment with outdoor pens in which more than four dogs or domesticated animals are housed, groomed, bred, boarded, trained and/or sold for commercial purposes.

Kindergarten school (private): An establishment where more than three children over the age of five are housed for care and/or educational training during the day or portion thereof.

Kiosk: A small, freestanding, one-story accessory structure having a maximum floor area of 100 square feet and used for retail purposes, such as automatic teller machines or the posting of temporary information and/or posters, notices and announcements. If a kiosk is to be occupied, it shall have a minimum floor area of 50 square feet.

Kitchen, residential: Generally, that portion of a residential dwelling that is devoted to the preparation and/or cooking of food for the purpose of consumption by residents of the dwelling. A kitchen, as referred to within this chapter, generally indicates the presence of complete cooking facilities (i.e., stove, oven, refrigerator, and/or microwave oven) as differentiated from a "kitchenette" which provides very limited cooking facilities (i.e., single-burner hot plate, under-counter refrigerator, microwave oven only, etc.).

Laboratory equipment manufacturing: A facility that makes or produces equipment or products used for research or testing.

Laboratory, scientific or research: An establishment that engages in research, testing or evaluation of materials or products, but not medical-related (see "medical facilities — medical laboratory").

Landscaping: Material, generally pervious, such as, but not limited to, grass, ground covers, shrubs, vines, hedges, trees or palms, and nonliving durable materials that are commonly used in landscaping such as, but not limited to, rocks, pebbles, sand, walls or fences, but excluding paving.

Laundromat (or self-serve washateria): A facility where patrons wash, dry and/or dry clean clothing and other fabrics in machines that are operated by the patron.

Light load vehicle: A self-propelled vehicle having a manufacturer's recommended gross vehicle weight (GVW) not greater than 16,000 pounds and having no more than two axles, such as pick-up trucks, sport utility vehicles, vans and mini-vans, recreational vehicles (less than 35 feet in length), campers and other similar vehicles but not including automobiles and motorcycles.

~~Light Industrial, manufacturing, light~~manufacturing or industrial use: Manufacturing of finished products or parts, predominantly from previously prepared materials, including fabrication, assembly, and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing. Included in this use is paper manufacturing and/or converting-finishing, which involves the creation of pulp, paper, and/or converted products through a series of vertically connect processes with primary activities that include: manufacturing of pulp by separating the cellulose fibers from other impurities in wood or used paper; manufacturing of paper by matting the pulp fibers into a sheet; and converting paper products produced from paper and other materials by various cutting and shaping techniques which may also include coating and laminating activities.

Loading space: An off-street space or berth used for the delivery and loading/unloading of vehicles.

Local utility line: The facilities provided by a municipality or a franchised utility company for distribution or collection of gas, water, surface drainage water, sewage, electric power or telephone service, including pad- and pole-mounted transformers.

Lot: A platted (as specified in V.T.C.A., Local Government Code Ch. 212) parcel of land that is occupied or intended to be occupied by one main building (or a group of main buildings) and any accessory building(s), which includes such parking, landscaping and open space as are required by this chapter or other laws and/or ordinances, and also which has its principal frontage upon a public street or private street built to city standards. -(see Illustrations 7, 8 and 9).

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Lot area: The total area, measured on a horizontal plane, included within lot lines.

Lot, corner: A lot which has at least two adjacent sides abutting for their full lengths upon a street, provided that the interior angle at the intersection of such two sides is less than 135 degrees (see Illustration 10).

Lot depth: The mean horizontal distance between the front and rear lot lines (see Illustration 8).

Lot, double frontage: A lot having frontage upon two non-intersecting streets, as distinguished from a corner lot (see Illustration 6).

Lot, flag: A lot having access to a street by means of a parcel of land generally having a depth greater than its frontage, but not less than 30 feet. Flag, or panhandle, lots are typically discouraged.

Lot, interior: A lot other than a corner lot.

Lot frontage: That dimension of a lot or portion of a lot abutting onto a street, ~~excluding the side dimension of a corner lot.~~

Lot line, front: The line connecting the foremost points of the side lot lines (see Illustration 7). For a lot which has a boundary line which does not abut the front street line, is not a rear lot line, and lies along the same general directional orientation as the front and rear lot lines, said line shall be considered a front lot line in establishing minimum setback lines (see Illustration 22).

Lot, key: A corner lot whose exterior side is adjacent to the front yard of another lot.

Lot line, rear: The lot line farthest from and most parallel to the front lot line. For triangular lots, the point opposite the front lot line shall be considered the rear lot line and have a value of zero (see Illustration 9).

Lot line, side: Any lot line not the front or rear lot line.

Lot lines or property lines: The lines bounding a lot as defined herein.

Lot of record: A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Brazoria County.

Lot width: The horizontal distance measured between side lot lines parallel to the front lot line, and measured from the point on the building line which is closest to the front lot line (see Illustration 7).

Main building: The building or buildings on a lot which are occupied by the primary use.

Manufactured home display or sales (new): The offering for sale, storage, or display of new manufactured housing units (e.g., HUD-Code homes, industrialized homes) on a parcel of land, but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

Manufactured home display or sales (used): The offering for sale, storage, or display of previously owned (i.e., used), movable manufactured housing units (e.g., mobile homes/trailers, HUD-Code homes, industrialized homes) on a parcel of land, but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

Manufactured home park (also trailer park or RV park): A parcel of land designed, improved, or intended to be used for short- or long-term occupancy by manufactured homes/trailers and/or recreational vehicles (including travel trailers) in designated spaces. Facility may include a residence for the owner/manager of the premises, utility hook-ups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities.

Manufactured home space: A plot of ground within a manufactured home park, trailer park, RV park, or manufactured home subdivision which is designed for the accommodation of one manufactured home, trailer or RV unit.

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Manufactured home subdivision: A parcel of land which is designed, platted, improved and intended for the long-term placement of individually owned manufactured home units, including HUD-Code manufactured homes, on platted lots which can be purchased outright by the owners of the manufactured home units. Facility may include a residence for the owner/manager of the premises, utility hook-ups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities.

Manufactured housing: Any one of three types of prefabricated housing products which are typically manufactured/assembled at a location other than the end user's permanent site, and which are regulated by the Texas Manufactured Housing Standards Act (V.T.C.A., Occupations Code ch. 1201). For the purpose of this chapter, there are three types of manufactured homes:

- (1) *Mobile home:* A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems.
- (2) *HUD-Code Manufactured Home:* A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems. The term does not include a recreational vehicle, as that term is defined herein.
- (3) *Industrialized home (also called modular prefabricated structure or modular home):* A residential structure that is designed for the use and occupancy of one or more families, that is constructed in one or more modules or constructed using one or more modular components built at a location other than the permanent residential site, and that is designed to be used as a permanent residential structure when the modules or modular components are transported to the permanent residential site and are erected or installed on a permanent foundation system. The term includes the plumbing, heating, air-conditioning, and electrical systems. The term does not include any residential structure that is in excess of three stories or 49 feet in height, as measured from the finished grade elevation at the building entrance to the peak of the roof. The term shall not mean nor apply to: (a) housing constructed of sectional or panelized systems not utilizing modular components; or (b) any ready-built home which is constructed so that the entire living area is contained in a single unit or section at a temporary location for the purpose of selling it and moving it to another location. The term does not include mobile homes or HUD-Code manufactured homes as defined in the Texas Manufactured Housing Standards Act (V.T.C.A., Occupations Code ch. 1201). Industrialized homes must meet all applicable local codes and zoning regulations that pertain to construction of traditional site constructed ("stick built") homes.
- (4) *Occupations code controls conflict:* Any conflicts in the language of these definitions and the same or similar definitions in V.T.C.A., Occupations Code § 1201.003 will be resolved in favor of the Occupations Code so that these definitions shall be identical to those in V.T.C.A., Occupations Code § 1201.003.

Masonry construction: (See section 28-105).

Mausoleum: Property used for the interring of the dead and where bodies are interred above ground in staked vaults.

Medical facilities:

- (1) *Medical clinic or office*: A facility or group of offices for one or more physicians for the examination and treatment of ill and afflicted human outpatients provided that patients are not kept overnight except under emergency conditions.
- (2) *Dental office or ~~doctors~~doctor's office*: Same as medical clinic.
- (3) *Hospital (acute care/chronic care)*: An institution providing health services primarily for human inpatient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central services facilities, and staff offices which are an integral part of the facilities.
- (4) *Massage establishment*: Any place of business in which massage therapy is practiced by a massage therapist, as defined and licensed by state law. "Massage therapy," as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body massage. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower or cabinet baths. Equivalent terms for "massage therapy" are massage, therapeutic massage. Massage and "therapeutic" do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.
- (5) *Public health center*: A facility primarily utilized by a health unit for providing public health services including related facilities such as laboratories, clinics and administrative offices operated in connection therewith.
- (6) *Sanitarium*: An institution providing health facilities for inpatient medical treatment or treatment and recuperation making use of natural therapeutic agents.
- (7) *Surgical out-patient facility*: An establishment offering any type of surgical procedures and related care which, in the opinion of the attending physician, can be performed safely without requiring inpatient overnight hospital care and exclusive of such surgical and related care as licensed physicians ordinarily may elect to perform in their private offices.
- (8) *Medical laboratory*: An indoor establishment that includes laboratories and/or experimental equipment for medical testing, prototype design and development, and product testing.

Micro winery: A facility in which up to 5,000 gallons of wine is annually produced for distribution and sale, and which possesses the appropriate license from the State of Texas. Tasting rooms for the consumption of on-site produced wine is permitted.

Mini-warehouse: Small individual storage units for rent or lease, restricted solely to the storage of items. The conduct of sales, business or any other activity within the individual storage units, other than storage, shall be prohibited.

Minor medical emergency clinic: See "medical clinic or office."

Model home: A dwelling in a developing subdivision, located on a legal lot of record, that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built within the same subdivision.

Motel or hotel: A facility offering temporary lodging accommodations or guest rooms on a daily rate to the general public (for stays of generally 14 days or less) and providing additional services, such as restaurants, meeting rooms, housekeeping service and recreational facilities. A guest room shall be defined as a room designed for the overnight lodging of hotel guests for an established rate or fee.

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Motel or hotel, extended stay: A facility offering temporary lodging accommodations or guest rooms on a daily rate to the general public (for stays of generally longer than 14 days) and providing additional services, such as restaurants, meeting rooms, housekeeping service and recreational facilities. A guest room shall be defined as a room designed for the overnight lodging of hotel guests for an established rate or fee.

Motorcycle: A usually two-wheeled, self-propelled vehicle having one or two saddles or seats, and which may have a sidecar attached. For purposes of this chapter, motorbikes, all-terrain vehicles (ATVs), ~~motor scooters~~ motor scooters, mopeds, personal watercraft and similar vehicles are classified as motorcycles.

Motorcycle sales and repair: The display, sale and/or servicing, including repair work, of motorcycles.

Motor freight company: A company using trucks or other heavy load vehicles to transport goods, equipment and similar products. Includes companies that move residential or commercial belongings.

Motor vehicle: Any vehicle designed to carry one or more persons which is propelled or drawn by mechanical power, such as automobiles, vans, trucks, motorcycles and buses.

Multiple-family dwelling: ~~See Dwelling, multi-family. Three or more dwelling units on a single lot designed to be occupied by three or more families living independently of one another, exclusive of hotels or motels. Includes three family units (triplex) and four family units (quadriplex), as well as traditional apartments.~~

Municipal facility or use: Any area, land, building, structure and/or facility (including a park, plaza, swimming pool, tennis court, maintenance building, etc.) which is owned, used, leased or operated by the City of Angleton, Texas.

Nonconforming use: A building, structure, or use of land lawfully occupied as of the effective date of this chapter or amendments thereto, but which does not conform to the use regulations of the district in which it is situated.

Nonprofit activity by church: An activity such as, but not limited to, a rummage sale, bake sale, fundraising event, charitable function, etc. that is clearly in furtherance of the religious institution's tax-exempt (i.e., nonprofit) purpose. An activity that is intended to generate money for profit for the institution does not qualify as a nonprofit activity by a church.

Nursery: An establishment, including a building, part of a building or open space, for the growth, display and/or sale of plants, shrubs, trees and other materials used in indoor or outdoor planting.

Nursing, convalescent or rest home: See "skilled nursing facility."

Occupancy: The use or intended use of the land or buildings by proprietors or tenants.

Offices, professional and general business: A room or group of rooms used for the provision of executive, management and/or administrative services. Typical uses include administrative offices and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices of public utilities, organizations and associations, but excluding medical offices.

Office center: A building or complex of buildings used primarily for conducting the affairs of a business, profession, service, industry, government or similar entity, that may include ancillary services for office workers such as a coffee shop, newspaper stand, sundries shop, hair/nail salon, etc.

Office showroom: An establishment with no more than 25 percent of its total floor area devoted to storage and warehousing, but not accessible to the general public. The remaining area may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.

Office warehouse: An establishment with more than 25 percent of the total floor area devoted to storage and warehousing, but not generally accessible to the public.

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Officially approved place of access: Access to a property, other than from a dedicated street, which is approved by the City of Angleton.

Off-street parking incidental to main use: Off-street parking spaces provided in accordance with the requirements of this chapter, located on the lot or tract occupied by the main use or within 200 feet of such lot or tract, ~~and located within the same zoning district as the main use~~ or in an adjacent parking district provided that the tract or lot used for parking is located within the same zoning district as the main use.

Outside display: See "outside retail sales".

Outside retail sales/commercial promotion (also "outside display"): Outside display of finished goods that are specifically intended for retail sale by the owner or lessee of the premises (i.e., does not include itinerant vendors).

Outside storage (also "open storage"): The permanent and/or continuous keeping or storing, outside of a building or enclosed storage container, of any goods, materials, merchandise or equipment on a lot or tract for more than 24 hours (i.e., overnight). This definition shall not include items applicable under the definition of "outside retail sales" or licensed and registered vehicles, trucks, equipment and machinery that are operable and used in the normal operations of the business.

Paint shop: A commercial establishment where painting services are performed (but not automotive-related painting services, which would be included under "automobile repair, major").

Parcel: Any unplatted tract of land, or any portion of an unplatted tract of land (also see "tract").

Park or playground (private): See "private recreation facility."

Park or playground (public): See "public recreation."

Parking lot: An off-street (i.e., not on a public street or alley), ground level area, paved in accordance with City of Angleton parking lot standards, for the short- or long-term storage of ~~motor~~motorized or non-motorized vehicles.

Parking lot or structure, commercial (auto): An area or structure devoted to the parking or storage of motorized or non-motorized vehicles~~automobiles~~ for a fee which may include, in the case of a parking structure only, a facility for servicing automobiles provided that such facility is an internal function for use only by ~~automobiles-vehicles~~ occupying the structure and that such facility creates no special problems of ingress or egress.

Parking space: An off-street (i.e., not on a public street or alley) area, paved in accordance with City of Angleton parking lot standards, that is used for parking a vehicle, and that is accessed from a paved driveway which connects the parking space with a public street.

Patio home (zero-lot-line dwelling): See Dwelling, patio home. A single-family dwelling on a separately platted lot which is designed such that one side yard is reduced to zero feet in order to maximize the width and usability of the other side yard, and which permits the construction of a detached single-family dwelling with one side (i.e., wall) of such dwelling placed on the side property line (see section 28-48).

Pawn shop: An establishment where money is loaned on the security of personal property pledged in the keeping of the owners (pawnbroker). Retail sales of primarily used (i.e., pre-owned) items is also allowed, provided that the sale of such items complies with local, state and federal regulations.

Personal service shop or custom personal services: Establishments primarily engaged in providing services generally involving the care of the person or his apparel and including (but not limited to) barber/beauty shops, dressmaking, shoe shining and repair, dry-cleaning and laundry pick-up stations, tailor or seamstress services, and other similar types of uses (no outside storage) that are not otherwise defined specifically herein.

Pet and animal grooming shop: (See "animal grooming/pet shop").

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Petroleum distribution/storage/wholesale facility: A facility for the long-term storage and distribution of petroleum that may also involve wholesale sales, but not retail sales, of petroleum and petroleum-based products. No manufacturing or refining of petroleum or petroleum-based products occurs on the premises, only storage and/or distribution functions.

Planned development district: A zoning district that permits developments planned as a unified development. ~~Planned associations of uses developed as integral land use units,~~ such as industrial parks or industrial districts, offices, commercial or service centers, shopping centers, mixed use developments, residential developments of multiple or mixed housing, including attached single-family dwellings or any appropriate combination of uses, ~~which may be planned, developed or operated as integral land use units~~ either by a single owner or by a combination of owners.

Planning and zoning commission: A board which is appointed by the city council ~~as an advisory body,~~ and which is authorized to recommend changes in the zoning of property and other planning functions as delegated by the city council. Also referred to as the "commission."

Plat: A plan showing the subdivision of land, creating building lots or tracts, showing all essential dimensions and other information in compliance with the subdivision standards of the City of Angleton, and which is approved by the City of Angleton and recorded in the plat records of Brazoria County.

Platted lot: See "lot" and "lot of record."

Playfield or stadium (public): An athletic field or stadium owned and operated by a public agency (e.g., City of Angleton, the school district, etc.) for the general public including a baseball field, soccer field, golf course, football field or stadium which may be lighted for nighttime play.

Playfield or stadium (private): An athletic field or stadium owned and operated by an agency other than the City of Angleton or the school district.

Portable building sales: An establishment which displays and sells structures capable of being carried and transported to another location, but not including manufactured homes. Such display is wholly or partially out of doors.

Premises: Land together with any buildings or structures situated thereon.

Primary use: The principal or predominant use of any lot or building.

Principal building: See "main building."

Private club: An establishment providing social and/or dining facilities which may provide alcoholic beverage service, to an association of persons, and otherwise falling within the definition of, and permitted under the provisions of, that portion of V.T.C.A., Alcoholic Beverage Code tit. 3, ch. 32, as the same may be hereafter amended, and as it pertains to the operation of private clubs.

Private recreation facility or private park: A recreation facility, park or playground which is not owned by a public agency such as the city or school district, and which is operated for the exclusive use of private residents or neighborhood groups and their guests and not for use by the general public.

Produce stand: A seasonal use for which the primary purpose and design is to sell fruit, nuts, vegetables and similar foods, typically from a non-permanent structure. No cooking or on-premises consumption of produce occurs on the site.

Professional service: Work performed which is commonly identified as a profession, and which may be licensed by the State of Texas.

Propane sales: Retail sales of gaseous substances commonly used for household purposes such as propane and/or butane; does not include the storage, sale or distribution of other types of combustible substances or alternative fuels such as containerized natural gas, liquid propane, etc.

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Public recreation: Publicly owned and operated parks, recreation areas, playgrounds, swimming pools and open spaces that are available for use by the general public ~~without membership or affiliation~~. This land use shall include special event type uses such as rodeos, concerts, festivals and other special events requiring special event permits, as set forth in the City of Angleton's Code of Ordinances.

Public view: Public view means areas that can be seen from any public street.

Rear yard: See "yard, rear."

Recreation center: A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.

Recreational vehicle (RV): A self-propelled (i.e., motorized), mobile living unit which is typically used for temporary human occupancy away from the users' permanent place of residence. An RV may also be utilized as a permanent place of residence within districts that allow them to be used as such (see also "heavy load vehicle"). Short-term stays are a period of time not to exceed six months. Long-term stays are a period of time that exceeds six months.

Recreational vehicle/camper sales and leasing: An establishment that sells, leases and/or rents new and/or used recreational vehicles, travel trailers, campers, boats/watercraft, and similar types of vehicles.

Recreational vehicle (RV) park: An area or commercial campground for users of recreational vehicles, travel trailers, and similar vehicles to reside, park, rent or lease on a temporary basis. (See also "manufactured home park.")

Recycling kiosk: A small uninhabited structure (120 square feet maximum) or temporary container (e.g., "igloo" or dumpster-type container) which provides a self-service location for the depositing of non-liquid recyclable materials such as aluminum cans (e.g., "can banks"), glass bottles, magazines/newspapers, metal or plastic containers, etc. Recyclables are picked up periodically from the site. This definition does not include large trailers or manned collection centers.

Rehabilitation care facility (halfway house): A dwelling unit which provides residence and care to not more than nine persons regardless of legal relationship who have demonstrated a tendency towards alcoholism, drug abuse, mental illness, or antisocial or criminal conduct living together with not more than two supervisory personnel as a single housekeeping unit.

Rehabilitation care institution: A facility which provides residence and care to ten or more persons, regardless of legal relationship, who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct together with supervisory personnel.

Residence: Same as a dwelling; also, when used with district, an area of residential regulations.

Residence hotels: A multi-unit, extended stay lodging facility consisting of efficiency units and/or suites with complete kitchen facilities and which is suitable for long-term occupancy. Customary hotel services such as linens and housekeeping, telephones, and upkeep of furniture shall be provided. Meeting rooms, club house, and recreational facilities intended for the use of residents and their guests are permitted. This definition shall not include other dwelling units as defined by this chapter.

Residential district: District where the primary purpose is residential use.

Residential dwelling, existing: Any single-family dwelling (attached or detached), patio home, or two-family dwelling (duplex) constructed before 2014 and located in a non-residential zoning district, or any single-family dwelling (attached or detached), patio home, or two-family dwelling (duplex) constructed after 2014 and located on property receiving a subsequent re-zoning designation, after the residential construction, to a non-residential zoning district. Existing residential dwellings that are changed to a non-residential use shall cease to be defined as an existing residential dwelling. Any existing residential dwelling that is damaged or destroyed to the extent of more than 50 percent by fire, force of nature or other unintentional cause, shall be allowed to be reconstructed;

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provided the reconstruction meets all development standards and requirements set forth by the city and shall thereafter continue to be defined as a residential dwelling, existing. [See dwelling.](#)

Restaurant or cafeteria (with drive-through service): An eating establishment where customers are primarily served at tables or are self-served, where food is consumed on the premises, and which may include a drive-through window(s).

Restaurant or cafeteria (with no drive-through service): An eating establishment where customers are primarily served at tables or are self-served, where food is consumed on the premises, and which do not have a drive-through window.

Restaurant or eating place (drive-in service): An eating establishment where food and/or drinks are primarily served to customers in motor vehicles, or where facilities are provided on the premises which encourage the serving and consumption of food in automobiles on or near the restaurant premises.

Retail or service, incidental: ~~The rendering of incidental retailing or service that area s-~~ incidental to the primary use. Incidental uses shall mean uses which occupy less than 20 percent of the building or space that is occupied by the principal use.

In the office district, for example, such uses may include a barber/beauty shop, smoke shop, news stand, candy counter, restaurant, pharmacy or other incidental activity secondary to the primary office occupancy. ~~Incidental uses shall mean uses which occupy less than 20 percent of the building or space that is occupied by the principal use.~~

Retail shop (for apparel, gifts, accessories and similar items): An establishment engaged in the selling of goods and merchandise to the general public for personal or household consumption ~~and rendering services incidental to the sale of such goods.~~ (Also see "general retail stores.")

Retirement housing for the elderly (also independent living center or congregate housing): A development providing self-contained dwelling units specifically designed for the needs of the elderly. Units may be rented or owner-occupied. To qualify as retirement housing, a minimum of ~~80-100~~ percent of the total units shall have a household head 55 years of age or greater. No long-term or permanent skilled nursing care or related services are provided.

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

Rooming house: See "boarding house."

Salvage or reclamation of products (also see wrecking yard): The reclamation and storage of used products or materials.

Sand, gravel or stone extraction and/or storage: The process of extracting and/or storing sand, gravel, stone, topsoil, compost or other products from the earth.

School, business: A for-profit business that offers instruction and training in a profession, service or art such as a secretarial or court reporting school, barber/beauty college or commercial art school, but not including commercial trade schools.

School, commercial trade: A for-profit business that offers vocational instruction and training in trades such as welding, brick laying, machinery operation/repair, and similar trades.

School, private (primary or secondary) or parochial: A school under the sponsorship of a private [or religious](#) agency or corporation, other than a public ~~or religious~~ agency, which offers a curriculum that is generally equivalent to public elementary and/or secondary schools.

School, public ~~or parochial~~: A school under the sponsorship of a public ~~or religious~~ agency which provides elementary and/or secondary curricula, but not including private business or commercial trade schools.

Commented [LK58]: Discuss

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Scientific and industrial research laboratories: Facilities for research including laboratories, experimental equipment, and operations involving compounding or testing of materials or equipment.

Screened: Shielded, concealed, and effectively hidden from the view of a person standing at ground level on an abutting site, or outside the area or feature so screened, by a fence, wall, hedge, berm or similar architectural or landscape feature.

Seasonal uses/items: Seasonal uses include the sales of items such as Christmas trees, holiday decorations, pumpkins, snow cones, fresh produce, spring planting materials, and other items which are typically only available or marketed at certain times of the year in a non-permanent setting (i.e., includes itinerant vendors).

Servant's quarters or guest house: An accessory dwelling in a residential district for the sole use and occupancy of a member of the immediate family or of a person or persons employed on the premises by the occupant on a full-time basis as domestic help such as a maid, nanny/governess, groundskeeper, chauffeur, cook or gardener, but not involving the rental of such facilities or the use of separate utility connections for such facilities.

Sexually oriented business: See chapter 21.4 (Ordinance #2488) of the City's Code of Ordinances.

Shopping center: A group of primarily retail and service commercial establishments that is planned, constructed and managed as a total entity, and which provides customer and employee parking on-site, unloading/delivery areas which are separated from customer access, and aesthetically appropriate design and protection from the elements.

Side yard: See "yard, side."

Single-family dwelling, attached (townhouse): ~~See Dwelling, single-family, attached. A dwelling which is joined to another dwelling at one or more sides by a party (i.e., shared) wall, which is designed for occupancy by one family, and which is located on a separate lot delineated by front, side and rear lot lines.~~

Single-family dwelling, detached: ~~See Dwelling, single-family, detached. A dwelling designed and constructed as a freestanding structure for occupancy by one family, and located on a lot or separate building tract having no physical connection to a building located on any other lot or tract.~~

Skilled nursing facility (also termed nursing home, convalescent home or long-term care facility): A residence providing primarily in-patient health care, personal care, or rehabilitative services over a long period of time to persons who are chronically ill, aged or disabled and who need ongoing health supervision but not hospitalization.

Small engine repair shop: Shop for the repair of lawn mowers, chain saws, lawn equipment, and other small machines ~~with one cylinder engines.~~

Stable, commercial: A stable used for the rental of stall space or for the sale or rental of horses, ~~or~~ mules, or ponies.

Stable, private: An area used solely for the owner's private purposes for the keeping of horses, mules or ponies which are not kept for remuneration, hire or sale.

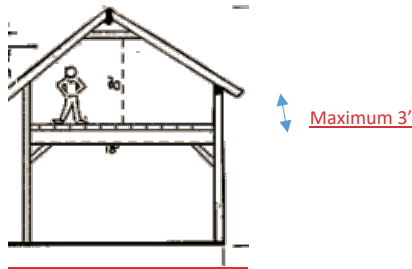
Storage or wholesale warehouse: A building used primarily for the storage of goods and materials, with no sales on site.

Story: That portion of a building (above grade), other than a basement, that is included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, then the space between the floor and the ceiling above it. The average height for a story shall be defined as 12 feet, unless specified otherwise. The definition of a story does not include parapets, gables and other normal roof structures. In cases where the site has a significant slope, the number of stories (i.e., height) of a building shall be measured from a point representing the average slope from front to back (or side to side) of the building.

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Story, half: A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet above the top floor level, and in which space not more than two-thirds of the floor area is finished off for use. A half-story containing an independent apartment or self-contained living quarters shall be counted as a full story.



Commented [LK59]: Add illustration similar to this.

Street: Any dedicated public thoroughfare which affords the principal means of access to abutting property. A street is termed a major thoroughfare or arterial when ~~the right-of-way is greater than 60 feet~~ classified as such as the Thoroughfare Plan or other documents.

Street intersection: Any street which joins another street at an angle, ~~whether or not it crosses the other.~~

Street yard: The area between the building line and the property line/right-of-way ~~line of the street~~. On most lots, this will be the front yard, but in some instances can also be the side yard and/or rear yard, depending on the configuration of the lot to adjacent rights-of-way.

Structure: Anything constructed or erected, the use of which requires location on the ground or which is attached to something having a location on the ground (also see definition of "building").

Structural alterations: Any change in the supporting members of a building, such as load-bearing walls or partitions, columns, beams or girders, or any substantial change in the floor, roof or in the exterior walls.

Commented [LK60]: Could be interior also.

Studio, health/reducing/fitness: Includes, but is not limited to, an establishment which provides facilities and equipment (e.g., gymnasiums, weight rooms, swimming pools/spas, exercise apparatus, instruction/classes, etc.) which are intended to promote health, fitness, weight reduction and/or similar health-related activities. Such facilities may include such accessory uses as food service, sales of sundries and apparel, and child care services, provided that such accessory uses are clearly incidental to the primary use and are for the use of studio patrons only (i.e., not the general public). No outside signage may be used to advertise accessory uses.

Studio, tattoo or body piercing: A building or portion of a building used for selling and/or applying tattoos (by injecting dyes/inks into the skin), and/or for piercing the skin with needles, jewelry or other paraphernalia, primarily for the purpose of ornamentation of the human body.

Studio for radio and television: A building or portion of a building used as a place for radio or television broadcasting.

Swimming instruction as a home occupation: The teaching of swimming in a private swimming pool. (Also see home occupation regulations, section 28-109.)

Swimming pool, commercial: A swimming pool with accessory facilities which is not part of the municipal or public recreational system and which is not a private swim club, but where the facilities are available for use by the general public for a fee.

Swimming pool, private: A swimming pool constructed for the exclusive use of the residents of a one-family, two-family or multiple-family dwelling and located, fenced and built in accordance with the City of Angleton's Code

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(Supp. No. 19)

of Ordinances. A private swimming pool shall not be operated as a business nor maintained in a manner to be hazardous or obnoxious to adjacent property owners.

Telemarketing center: An establishment which solicits business or the purchase of goods and/or services by telephone only. No sales of goods or services to the public occurs at or on the premises. No products are stored at or on the premises.

Telephone and exchange, switching/relay or transmitting station: A line for the transmission of telephone signals and a central office in which telephone lines are connected to permit communication but not including a business office, storage (inside or outside) or repair yards.

Temporary: Used or lasting for only a limited period of time; not permanent.

Temporary building: Any nonresidential prefabricated structure which is not originally manufactured or constructed at its use site, ~~required~~ requiring no on-site installation of utilities and/or foundation.

Temporary field office or construction yard or office: A structure or shelter used in connection with a development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment. Temporary permits for one year for a specific time and location as determined may be issued by the city manager and shall be subject to review and renewal for reasonable cause.

~~Temporary outside~~ *Outside retail sales/commercial promotion (also "outside display").* *Temporary:* Outside temporary display of finished goods that are specifically intended for retail sale by the owner or lessee of the premises (i.e., does not include itinerant vendors) but not displayed outside overnight.

Tennis court, private: A surface designed and constructed for playing the game of tennis along with all fencing, nets and related appurtenances ~~but excluding lighting for nighttime play in residential areas except as may be otherwise provided or restricted by the specific use permit.~~

Theater, drive-in (outdoor): An open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles.

Theater or playhouse (indoor): A building or part of a building devoted to the showing of motion pictures, or for dramatic, musical or live performances.

Tire dealer, no open storage: A retail establishment engaged in the sale and/or installation of tires for vehicles, but without open storage.

Tire dealer, with open storage: A retail establishment engaged in the sale and/or installation of tires for vehicles, with open storage.

Tool and machinery rental shop: A building or a portion of a building used for the display and rental of tools, machinery and instruments.

Tract: A single individual parcel or lot.

Tractor sales: See "heavy machinery sales and storage."

Trade and commercial schools: See "school, commercial trade."

Trailer park or court: See "manufactured home park."

Trailer, hauling: A vehicle or device which is pulled behind an automobile or truck and which is designed for hauling animals, produce, goods or commodities, including boats.

Trailer home: See "manufactured housing, manufactured home."

Trailer or manufactured home space: See "manufactured home space."

Trailer rental: The display and offering for rent of trailers designed to be towed by automobiles and light load vehicles.

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Trailer, travel or camping: A portable or mobile living unit which is used for temporary human occupancy away from the users' permanent place of residence, which does not constitute the users' principal place of residence, and which is designed to be towed behind another vehicle. Short-term stays are a period of time not to exceed six months. Long-term stays are a period of time that exceeds six months.

Transportation and utility structures/facilities: Permanent facilities and structures operated by companies engaged in providing transportation and utility services including, but not limited to, railroad track rights-of-way, sewage pumping stations, telephone exchanges, transit station turnarounds, water reservoirs and water pumping stations.

Truck: A light or heavy load vehicle (see definitions for "light load vehicle" and "heavy load vehicle").

Truck and bus repair: An establishment providing major and minor automotive repair services to heavy load vehicles.

Truck and bus leasing: The rental of new or used panel trucks, vans, trailers, recreational vehicles or motor-driven buses in operable condition and where no repair work or intensive cleaning operations are performed.

Truck stop: A facility for the parking, refueling and/or minor repair of heavy load tractor-trailer trucks. These facilities may also include retail sales of food and/or other items, restaurant(s), restroom/showers facilities, and/or temporary sleeping quarters.

Truck terminal: An area and building where cargo is stored and where trucks, including tractor and trailer units, load and unload cargo on a regular basis. May include facilities for the temporary storage of loads prior to shipment.

Truck sales (heavy trucks): The display, sale or rental of new or used heavy load vehicles in operable condition.

~~*Two-family dwelling (duplex):* Two attached dwellings in one structure, each designed to be occupied by one family.~~

Usable open space: An open area or recreational facility which is designed and intended to be used for outdoor living and/or recreation purposes. An area of usable open space shall have a slope not exceeding ten percent, shall have no dimension of less than ten feet, and may include landscaping, walks, recreational facilities, water features and decorative objects such as art work or fountains (see also section 28-50).

Use: The purpose for which land or buildings are or may be occupied ~~in a zoning district.~~

Used merchandise store (also "resale shop" or "thrift store" or "consignment shop"): An establishment that generally markets common, contemporary used household goods, clothing or furnishings on a straight "for sale" basis or on a consignment basis. This term includes a used merchandise store that is operated by a nonprofit, charitable or religious organization.

Utility distribution/transmission lines: Facilities which serve to distribute and transmit electrical power, gas and water, including but not limited to, electrical transmission lines, gas transmission lines, telephone lines and metering stations, whether operated by the city or private utility company.

Variance: An adjustment in the application of the specific regulations of the zoning ordinance to a particular parcel of property which, because of special conditions or circumstances of hardship peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district. ~~Only the Board of Adjustment of the City of Angleton can grant a variance. Refer to Sec. 28-23.~~

Veterinarian clinic: An establishment where animals and pets are admitted for examination and medical treatment (also see "kennels").

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Wrecking yard (junkyard or auto salvage): Any lot upon which two or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of license, have been placed for the purpose of obtaining parts for recycling or resale.

Yard: An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, ~~except where otherwise specifically provided in this chapter that the building or structure may be located in a portion of a yard required for a main building.~~ In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used (see Illustration 7).

Yard, front: A yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main building (see Illustration 7).

Yard, rear: The area extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard (see Illustration 9).

Yard, required: The area extending across the lot and being the minimum horizontal distance, required by the zoning district that the lot is located in, between the lot line and the outside wall of the main building

Yard, side: The area between the building and side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building (see Illustration 9).

Zero-lot-line dwelling: See "patio home."

Zoning board of adjustment: A board which is appointed by the city council, and which is authorized to make special exceptions to the zoning ordinance (i.e., variances), and to hear and decide any appeals that allege error in an order, requirement, decision or determination made by an administrative official in the enforcement of the zoning ordinance. Also referred to as the "BOA."

Zoning district: A classification applied to any certain land area within the city stipulating the limitations and requirements of land usage and development.

Zoning district map: The official map upon which the boundaries of the various zoning districts are drawn and which is an integral part of the zoning ordinance (see section 28-3, "zoning district map" and section 28-4, "zoning district boundaries").

(Ord. No. 2009-O-4A, §§ (V)(49)(49.1), 4-14-09; Ord. No. 2010-O-11A, § 4, 11-9-10; Ord. No. 2012-O-4A, § 2, 4-24-12; Ord. No. 2013-O-7C, § 7, 7-9-13; Ord. No. 2014-O-2E, § 3, 2-11-14; Ord. No. 2014-O-4A, § 3, 4-8-14; Ord. No. 2014-O-5B, § 3, 5-27-14; Ord. No. 2016-O-6A, § 3, 6-14-16; Ord. No. 2016-O-6B, § 2, 6-14-16; Ord. No. 2016-O-7A, § 1, 7-26-16; Ord. No. 2017-O-2A, § 3, 2-14-17)

Sec. 28-113. Approved plant list.

(Reserved.) Add

(Ord. No. 2009-O-4A, §§ (V)(50), 4-14-09)

Sec. 28-114. Illustrations.

Commented [LK61]: Add 4' MAX for eaves overhang in Ill. 4.

Illustration 1: Floor Area Ratio

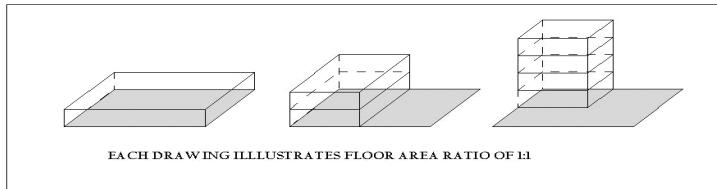


Illustration 2: Off-Street Maneuvering for Loading Area

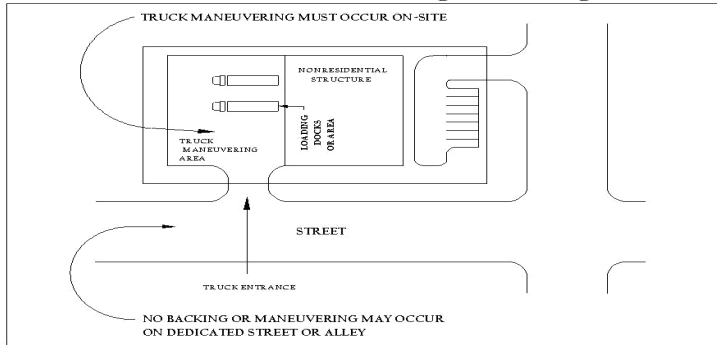


Illustration 3: Front Yard where Zoning Changes in a Block

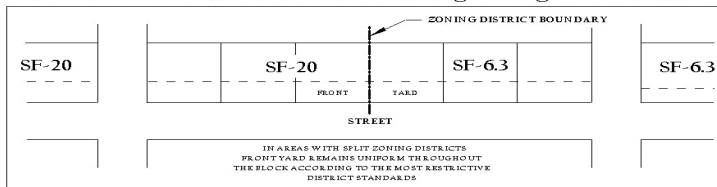


Illustration 4: Method of Measuring Setback Yard

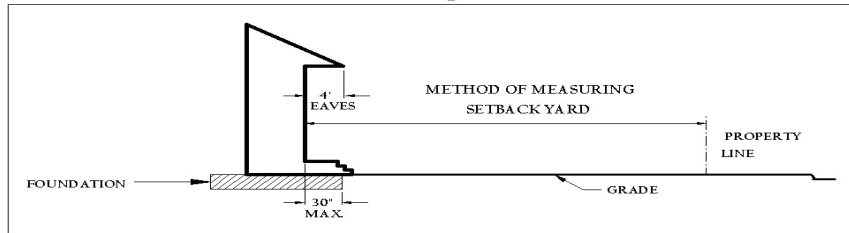


Illustration 5: Method of Measuring Carport Setback

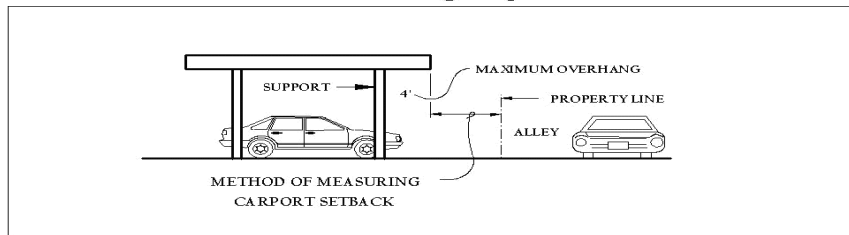


Illustration 6: Double Frontage Lots

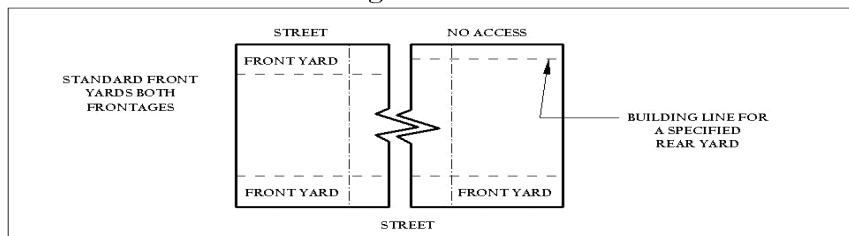


Illustration 7: Lot Width

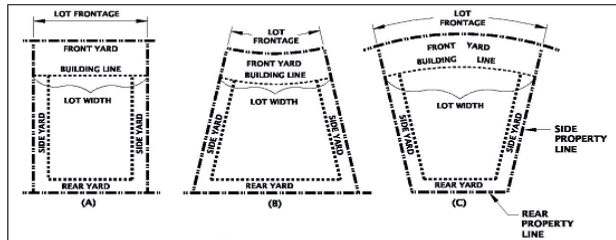


Illustration 8: Lot Area & Depth

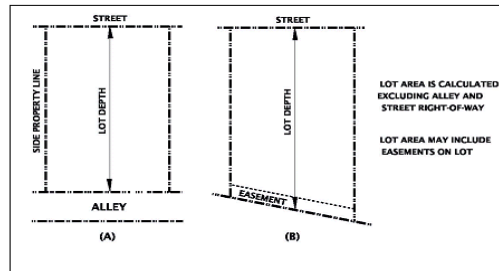
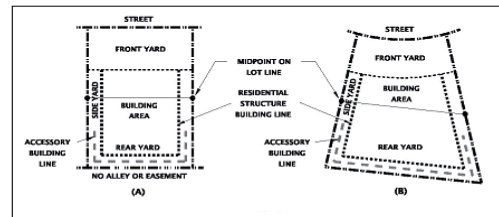


Illustration 9: Lot Width



Commented [LK62]: Illustration 8 is confusing. "Rear Yard" needs to be moved below the rear yard line.

Illustration 10: Corner Lot/Interior Lot

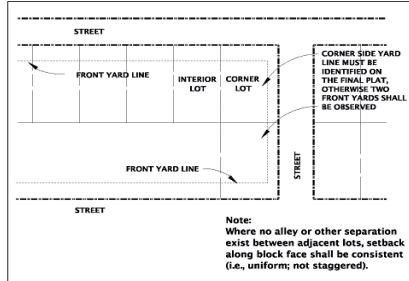


Illustration 11: 60 Degree Layout with Two-Way Traffic

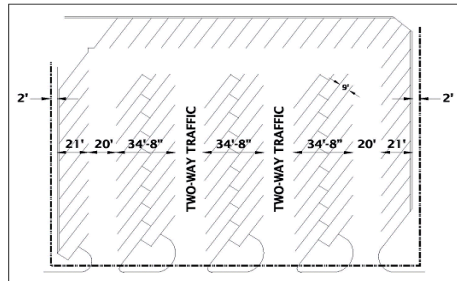
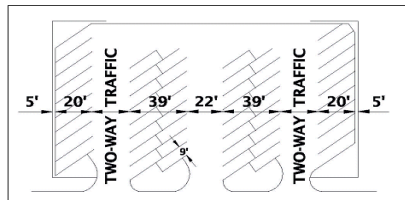


Illustration 12: 45 Degree Layout With Two-Way Traffic



Commented [LK63]: Label the width of all driveways in illustrations

Illustration 13: 60 Degree Lay out With One-Way Traffic

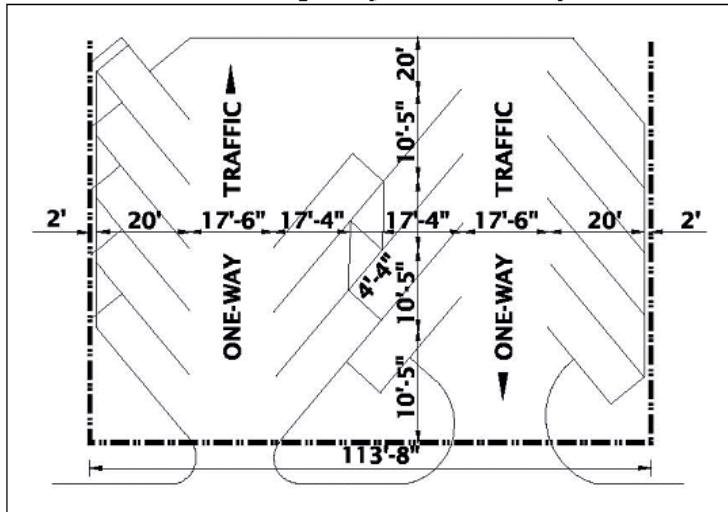


Illustration 14: 45 Degree Lay out With One-Way Traffic

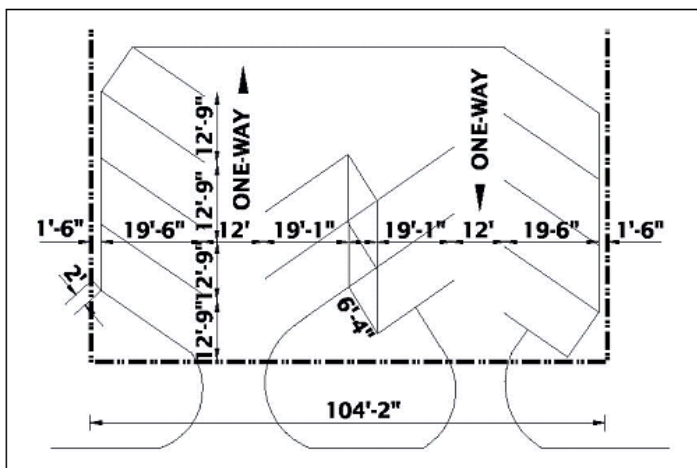


Illustration 15: 90 Degree Layout With One-Way Traffic

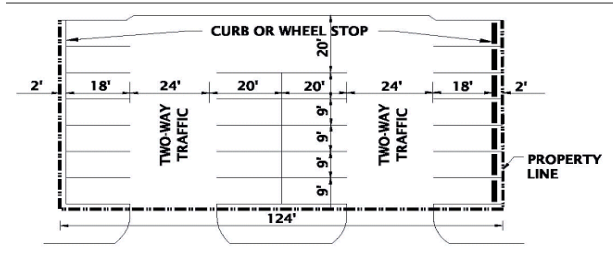


Illustration 16: Refuse Containers – Access & Enclosure

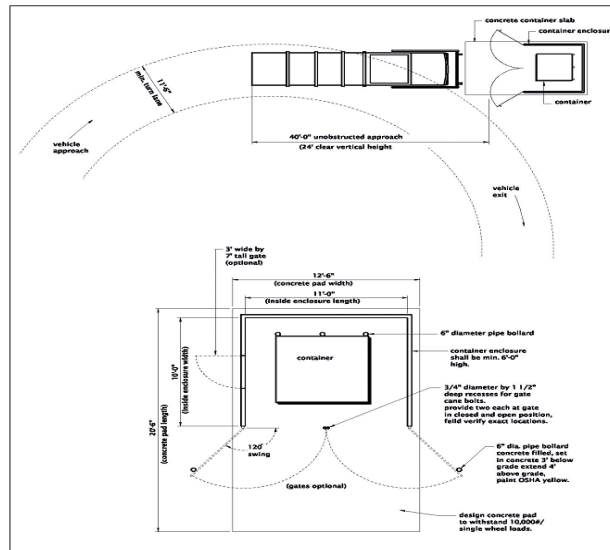


Illustration 17: Typical Refuse Container Screening Gate

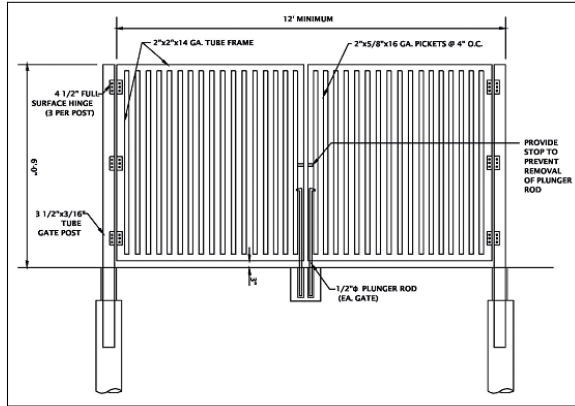


Illustration 21: Loading Area Placement & Screening in LI Zoning District

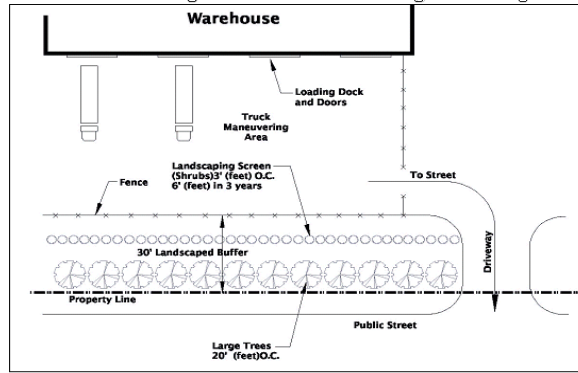
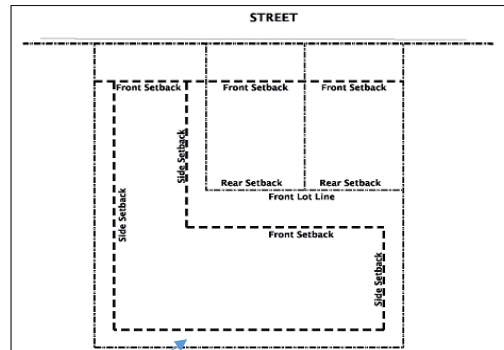


Illustration 22: Front Lot Line Not Adjacent to the Front Street Line

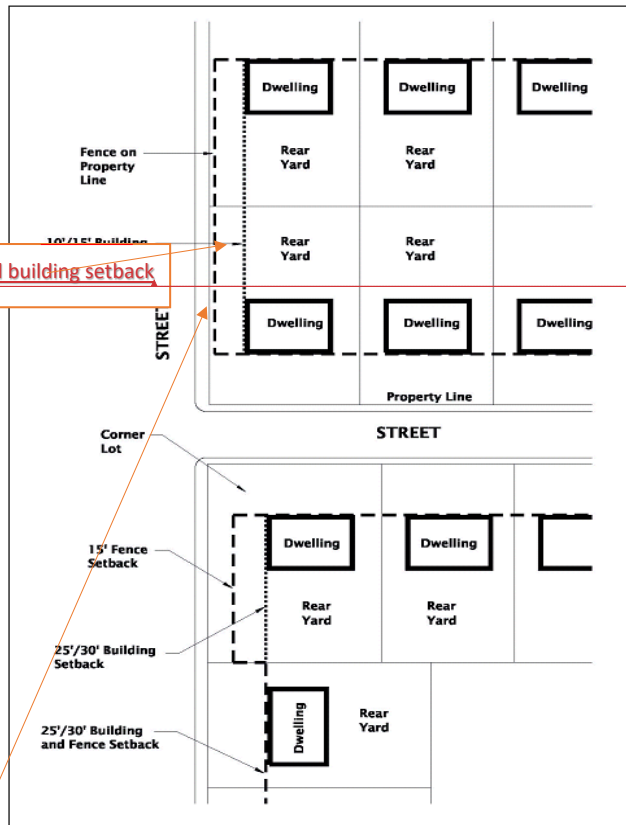


Label - Rear Setback

Commented [LK64]: Add – 6' "tall" for Landscaping Screen, Min. 3' at planting.
Fence to be wooden or masonry.

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Illustration 23: Residential Fence Setback Lines



Your text here Required building setback

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(Ord. No. 2009-O-4A, §§ (V)(51), 4-14-09; Ord. No. 2015-O-12A, § 2, 12-8-15; Ord. No. 2016-O-6A, § 5, 6-14-16)

Require 15' setback or masonry fence

Editor's note(s)—Ord. No. 2015-O-12A, deleted Illustrations 19 and 20; Ord. No. 2016-O-6A deleted ~~Illustration~~ Illustration 18.

Secs. 28-115—28-130. Reserved.

ARTICLE VI. INTERPRETATION; PRESERVING RIGHTS; PENALTY FOR VIOLATIONS; VALIDITY; EFFECTIVE DATE

Sec. 28-131. Effect of interpretation; repealer.

- (a) In interpreting and applying the provisions of this chapter, they shall be held to the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. It is not intended by this chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties, **provided, however, that where this chapter imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces than are imposed or required by agreements, the provisions of this chapter shall govern.** This chapter is also not intended to abrogate or annul any lawfully obtained permit issued prior to the effective date of this chapter.
- (b) All provisions of any other ordinances of the City of Angleton, that are in conflict with the provisions of this chapter shall be, and the same are hereby, repealed. All other provisions of City of Angleton ordinances that are not in conflict herewith shall remain in full force and effect.

(Ord. No. 2009-O-4A, §§ (VI)(52)(52.1, 52.2), 4-14-09)

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Sec. 28-132. Preserving rights in pending litigation and violations under existing ordinances.

- (a) By the passage of this chapter, no presently illegal use shall be deemed to have been legalized unless such use specifically falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain nonconforming uses where recognized, or an illegal use, as the case may be. It is further the intent and declared purpose of this chapter that no offense committed, and no liability, penalty or forfeiture, either civil or criminal, incurred prior to the time the previous zoning ordinance was repealed and this zoning ordinance adopted, shall be discharged or affected by such repeal and adoption of this chapter; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures may be instituted or causes presently pending proceeded with in all respects as if such prior ordinance had not been repealed.

(Ord. No. 2009-O-4A, §§ (VI)(53)(53.1), 4-14-09)

Sec. 28-133. Penalty for violations.

- (a) Any person or corporation violating any of the provisions of this chapter shall, upon conviction, be fined any sum not exceeding **\$2,000.00** and each and every day that the provisions of this chapter are violated shall constitute a separate and distinct offense. In addition to the said penalty provided for, the right is hereby conferred and extended upon any property owner owning property in any district, where such property owner may be affected or invaded, by a violation of the terms of the chapter, to bring suit in such court or courts having jurisdiction thereof and obtain such remedies as may be available at law and equity in the protection of the rights of such property owners.
- (b) Nothing contained herein shall prevent the City of Angleton from taking such other lawful action as is necessary to prevent or remedy any violation.

(Ord. No. 2009-O-4A, §§ (VI)(54)(54.1, 54.2), 4-14-09)

Commented [LK66]: Check for consistency with other chapters of the code of ordinances.

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Sec. 28-134. Validity.

- (a) If any section, paragraph, subdivision, clause, phrase, or provision of this chapter shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this chapter as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

(Ord. No. 2009-O-4A, §§ (VI)(55)(55.1), 4-14-09)

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(Supp. No. 19)

Sec. 28-135. Effective date.

- (a) This chapter shall become effective not less than ten days from the date of its passage, and the city secretary is hereby directed to cause the caption of this chapter to be published in the official newspaper of the city, a daily newspaper of general circulation within the city, at least once within ten days after the passage of this chapter.

(Ord. No. 2009-O-4A, §§ (VI)(56)(56.1), 4-14-09)

~~Sec. 28-136. Open meetings.~~

- ~~(a) The city council has found and determined that the meeting at which this chapter was considered and passed was open to the public as required and that public notice of the time, place, and purpose of this meeting was given in accordance with the provisions of the Texas Open Meetings Act, V.T.C.A., Government Code Ch. 551, as amended, and that a quorum of the city council was present.~~

~~(Ord. No. 2009 O-4A, §§ (VI)(57)(57.1), 4-14-09)~~

APPENDIX A**A.1: Prior Planned Development Ordinances Remaining in Effect:**

PD #	Base Zoning District(s)	Ordinance #(s)	Adoption Date(s)
PD-_____	_____	_____	_____
PD-_____	_____	_____	_____
PD-_____	_____	_____	_____
PD-_____	_____	_____	_____

A.2: Prior Specific Use Permit Ordinances Remaining in Effect:

SUP #	Base Zoning District(s)	Ordinance #(s)	Adoption Date(s)
SUP-_____	_____	_____	_____
SUP-_____	_____	_____	_____
SUP-_____	_____	_____	_____
SUP-_____	_____	_____	_____

Appendix E

Item 13.

CITY OF ANGLETON 2022 PLAT SUBMITTAL DEADLINES ¹

Submittal Deadline (for Initial Review)	Completeness Check and Review Comments Sent to Applicant ²	Application Filing Date (Complete Applications Only) ³	Administrative Review Comments Sent to Applicant ⁴	Request for Extension of Time Deadline ³	Planning & Zoning (P&Z) Meeting	City Council Meeting
(Wednesdays at 5:00 pm)	(Fridays by 5:00 pm)	(Wednesday by 10:00 am)	(Wednesdays by 5:00 pm)	(Fridays by 10:00 am)	(1 st Thursdays at 12:00 pm) ¹	(4 th Tuesdays at 6:00 pm)
December 1, 2021	December 10, 2021	December 15, 2021	December 22, 2021	December 31, 2021	January 6, 2022	January 25, 2022
December 29, 2021	January 7, 2022	January 12, 2022	January 19, 2022	January 28, 2022	February 3, 2022	February 22, 2022
January 26, 2022	February 4, 2022	February 9, 2022	February 16, 2022	February 25, 2022	March 3, 2022	March 22, 2022
March 2, 2022	March 11, 2022	March 16, 2022	March 23, 2022	April 1, 2022	April 7, 2022	April 26, 2022
March 30, 2022	April 8, 2022	April 13, 2022	April 20, 2022	April 29, 2022	May 5, 2022	May 24, 2022
April 27, 2022	May 6, 2022	May 11, 2022	May 18, 2022	May 27, 2022	June 2, 2022	June 28, 2022
June 1, 2022	June 10, 2022	June 15, 2022	June 22, 2022	July 1, 2022	July 7, 2022	July 26, 2022
June 29, 2022	July 8, 2022	July 13, 2022	July 20, 2022	July 25, 2022	August 4, 2022	August 23, 2022
July 27, 2022	August 5, 2022	August 10, 2022	August 17, 2022	August 22, 2022	September 1, 2022	September 27, 2022
August 31, 2022	September 9, 2022	September 14, 2022	September 21, 2022	September 26, 2022	October 6, 2022	October 25, 2022
September 28, 2022	October 7, 2022	October 12, 2022	October 19, 2022	October 24, 2022	November 3, 2022	November 22, 2022
October 26, 2022	November 4, 2022	November 9, 2022	November 16, 2022	November 21, 2022	December 1, 2022	December 27, 2022

DRAFT

¹ SUBJECT TO CHANGE AND MAY BE ADJUSTED DUE TO HOLIDAYS AND OTHER EVENTS

² IF DEEMED INCOMPLETE WILL BE RETURNED TO THE APPLICANT AND WILL NEED TO BE SUBMITTED AT THE FOLLOWING SUBMITTAL DEADLINE FOR INITIAL REVIEW

³ 30-DAY PERIOD TO ACT

⁴ IF FINAL REPLATS, A JOINT PUBLIC HEARING WILL BE SCHEDULED AT THE SAME DATE AND TIME AS THE PLANNING & ZONING COMMISSION

MEETING. IF THE APPLICATION IS DEEMED INCOMPLETE AND NOT READY FOR APPROVAL, THE APPLICANT HAS THE OPTION OF WITHDRAWING IT OR REQUESTING AN EXTENSION OF TIME.

⁵ APPLICATIONS WILL BE ACCEPTED AFTER THE APPLICATION FILING DATE FOR THIS CYCLE.

⁶ APPLICATIONS THAT ARE APPROVED ADMINISTRATIVELY WILL FOLLOW THE SAME SCHEDULE FOR SUBMITTAL AND APPLICATION FILING

⁷ IF A COMPLETE APPLICATION (INCLUDING REVISIONS AND RESUBMITTALS) IS SUBMITTED BEFORE OR AFTER THE DEADLINE, THE APPLICATION WILL FOLLOW THE NEXT SUBMITTAL CYCLE FOR PROCESSING.

ADMINISTRATIVE DEVELOPMENT PROCEDURES MANUAL CITY OF ANGLETON 2022

DEVELOPMENT
SERVICES
DEPARTMENT

The Administrative Development Procedures Manual (ADPM) has been prepared to provide vital information regarding the City's development processes and serve as an easy-to-follow guide. This Manual incorporates the recommendations of the Comprehensive Plan and the requirements of the Angleton Code of Ordinances including the Chapter 23 Land Development Code (LDC) and the Chapter 28 Zoning Ordinance.

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I. INTRODUCTION

Located in Brazoria County Texas, Angleton is the county seat of Brazoria County. With a 2020 population of **19,293**, it is the **145th** largest city in Texas. Its population has increased by 2.29% since 2010. Angleton's tax base is expanding with new investment and reinvestment in retail, commercial, residential and industrial sectors.

We welcome your interest in developing in the City of Angleton. We look forward to working with you and your team for the successful completion of your project.

The development process can seem overwhelming because many activities can occur simultaneously. We value your time and want to ensure that the entire process will be as smooth as possible. The Administrative Development Process Manual (Manual or ADPM) has been prepared to provide vital information regarding the City's permit processes and will be an easy-to-follow guide. It contains policies and procedures related to the development of land and construction permitting.

The ADPM incorporates the recommendations of the Comprehensive Plan (adopted in 2003 and updated in 2007) and the requirements of the Zoning Code adopted in 2009, and the Land Development Code (LDC), approved on January 12, 2018. Every effort has been made to ensure accuracy and completeness throughout the document.

Depending on the type of development, one or more sections of the ADPM may be applicable. For each type of application, an introduction to the process, a flowchart of the process, a checklist, and other pertinent information has been included. We anticipate that this Manual will help you better communicate with the City staff, avoid unnecessary delays, and give staff an opportunity to work with you in an effective and efficient manner.

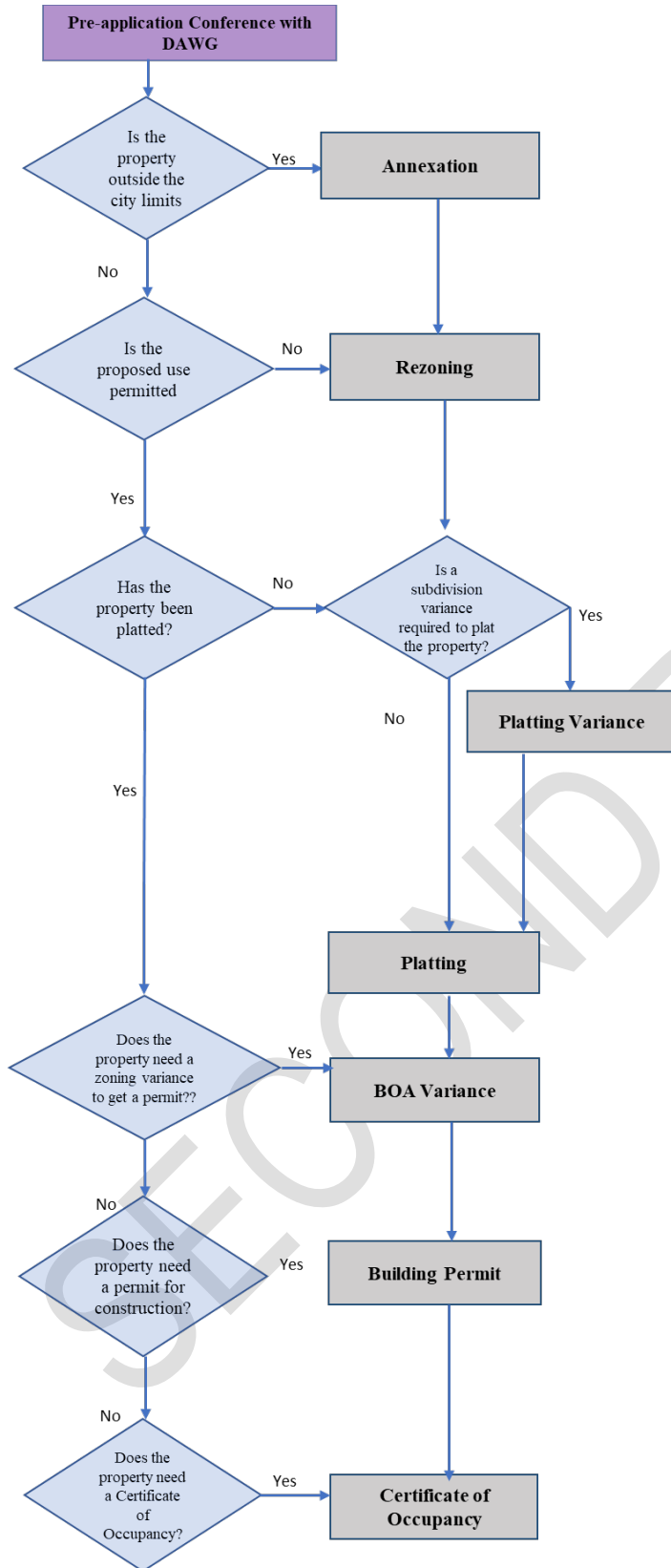
Links to Reference Documents

1. Chapter 28 [Land Development Code \(LDC\)](#)
2. [Comprehensive Plan](#)
3. [Chapter 28 Zoning Code](#)

Disclaimer

This Manual should not be used as a supplement or to circumvent any state laws or local ordinances. The Manual is not intended to take the place of any ordinance. If there are any further questions about the City of Angleton's development process, please feel free to contact the Development Services Department. Refer to the City's website for the most current information.

Please feel free to contact the Development Services Department at (979) 849-4364 for guidance throughout the process.



Development Process Overview

The development process can be described as the process of obtaining the necessary City approvals and permits to undertake human caused change to improved or unimproved real-estate within the City of Angleton or the Angleton ETJ. It can be a simple one-step process or a multi-step one, depending on the nature of the development. Development projects vary in scale and complexity, ranging from home renovation to the construction of a new building. The process is usually categorized into nine (8) steps from a fact-finding meeting to a certificate of occupancy.

We welcome your input and feedback so that we may continue to improve upon our current processes.

II. PRE-APPLICATION CONFERENCES

a. Purpose

Pre-application Conferences are meetings between a potential applicant(s) and the Developing Angleton Working Group (DAWG). DAWG is a group of City staff representing City departments having an interest or statutory role in the development process or the development of property within the City of Angleton and Angleton's Extraterritorial Jurisdiction. These meetings will provide an opportunity to identify issues associated with the proposed development; determine required applications, permits and approvals; and discuss potential timelines and processing sequence. The staff will help applicants understand the City's applicable regulations and fees. Completion of a Pre-application Conference does not imply or indicate subsequent City approval of the permit or application, or provide vested rights.

b. Scheduling

DAWG meetings are held every Wednesday from 1:30 pm to 4:30 pm. DAWG is scheduled by appointment only. Appointments are one (1) hour at 1:30 pm, 2:30 pm or 3:30 pm. There is currently no application form or fee required. Contact either Ms. Lindsay Koskiniemi or Mr. Walter E. Reeves Jr., AICP to check availability or schedule a meeting.

A Pre-application Conference is required for all applications as per LDC Section 23-77.

DAWG

Developing Angleton Working Group

City team representing City departments having an interest or statutory role in the development process

Mr. Walter E. Reeves Jr., AICP, Director of Development Services/City Planner
wreeves@angleton.tx.us

Ms. Lindsay Koskiniemi, Assistant Director of Development Services
lkoskiniemi@angleton.tx.us

III. ANNEXATION

a. Introduction

Annexation is the process by which a city extends its municipal services, regulations, voting privileges and taxing authority to unincorporated property. The Texas Local Government Code (LGC) authorizes the City Council to adjust boundaries of the City through annexation. The City is required to provide all services to the annexed areas annexed within timeframes mandated by the State of Texas, in accordance with the service plan established for the proposed annexation. Further, the annexed areas are governed by all City codes and regulations including those related to development.

Annexations can be initiated by the City or by the land owner. All annexations must be carried out according to the Texas Local Government Code (LGC) and the City Charter. Typically, the annexation procedure takes 90–120 days. Applicants must schedule a Pre-application Conference with the City staff before making an annexation request.

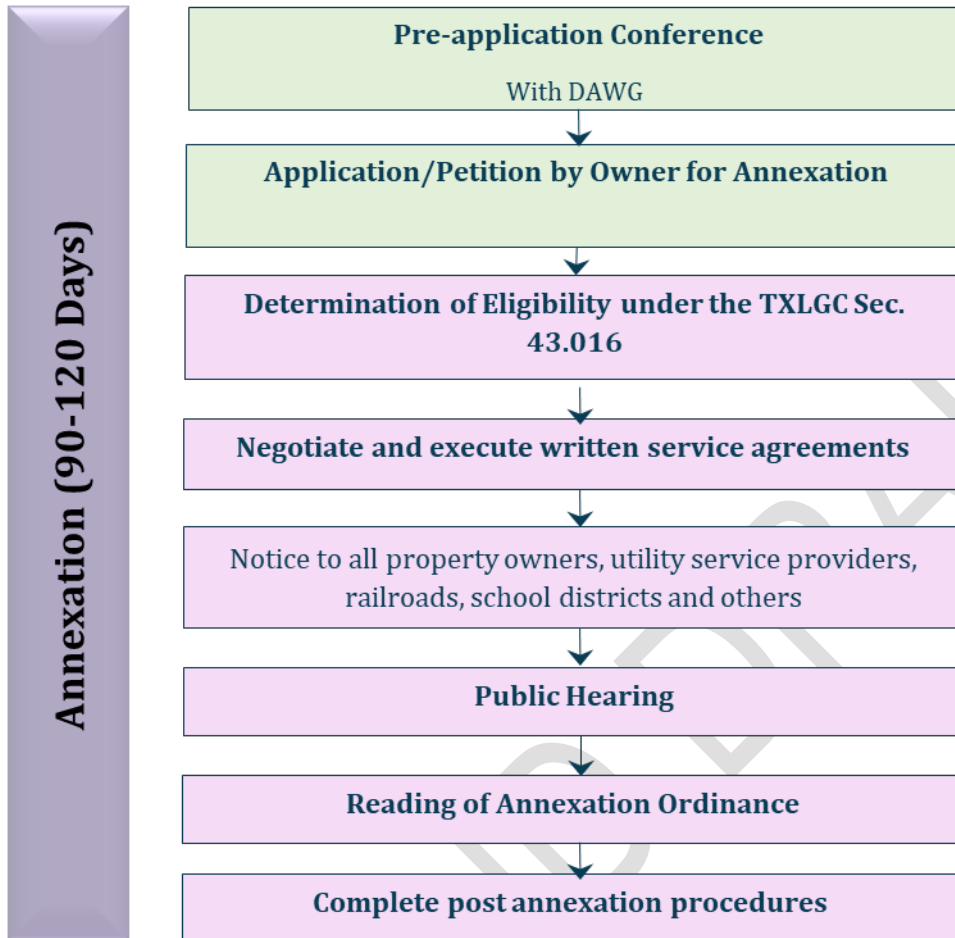
For the period of time following official annexation by the city until a zoning action has been officially adopted to zone the land, the interim zoning of the land shall be considered to be agricultural ("AG").

A requested zone change application may run concurrently with an annexation request. However, zoning approval and formal adoption of the ordinance establishing zoning occurs after annexation approval and adoption have occurred, and as a separate and distinct action by the City Council. Please see Chapter 5 – Zoning for additional information.

b. Approval Process

1. Pre-application Conference
2. Application/Petition by Owner for Annexation
3. Determine eligibility under the TXLGC Sec. 43.016
4. Negotiate and execute written service agreements
5. Provide notice of intent to all property owners, public/private entities, and railroads
6. Notification of Public Hearing (as per LGC Sec. 43.063 c)
 - Newspaper, Internet website, Certified Mail, etc.
7. Conduct Public Hearings
8. Readings of the Annexation Ordinance
9. Complete post annexation procedures

c. Process Flow Chart



IV. COMPREHENSIVE PLAN AMENDMENT

Section 1 General Information

The purpose of the Comprehensive Plan is to provide a vision for the City's future and serve as a guide for decisions relating to growth and economic development. As stated in the City of Angleton's Comprehensive Plan - "In addition to providing a vision, goals and objectives to work toward over the next 20 years, the plan assesses the opportunities and challenges facing the City, identifies important policies and strategies, and establishes priorities for an aggressive implementation program that emphasizes specific actions and practical results." The Comprehensive Plan document includes a Future Land Use Map (FLUM) that serves as a guide to evaluate land development decisions.

Section 2 Comprehensive Plan Amendment

The amendments to the Comprehensive Plan may include amendments to the text or to the FLUM.

a. Approval Process

The Comprehensive Plan amendment process for both the text and the FLUM typically requires 60-90 days and is governed by the requirements in the Texas Local Government Code (LGC). The process in the City of Angleton is as follows:

1. Initiation

A Comprehensive Plan amendment request may be initiated by the affected property owner, developer, city staff, Planning and Zoning Commission, or the City Council.

2. A Pre-Application Conference is required if the request is initiated by an applicant.

3. Application Submittal

A complete application will be submitted by the property owner or the applicant in a format consistent with requirements established by the City with all items listed in the Universal Application and Comprehensive Plan Amendment Submittal Checklist (Appendices A and B). Please refer to the meeting schedule on the City's web page for meeting dates and application deadlines.

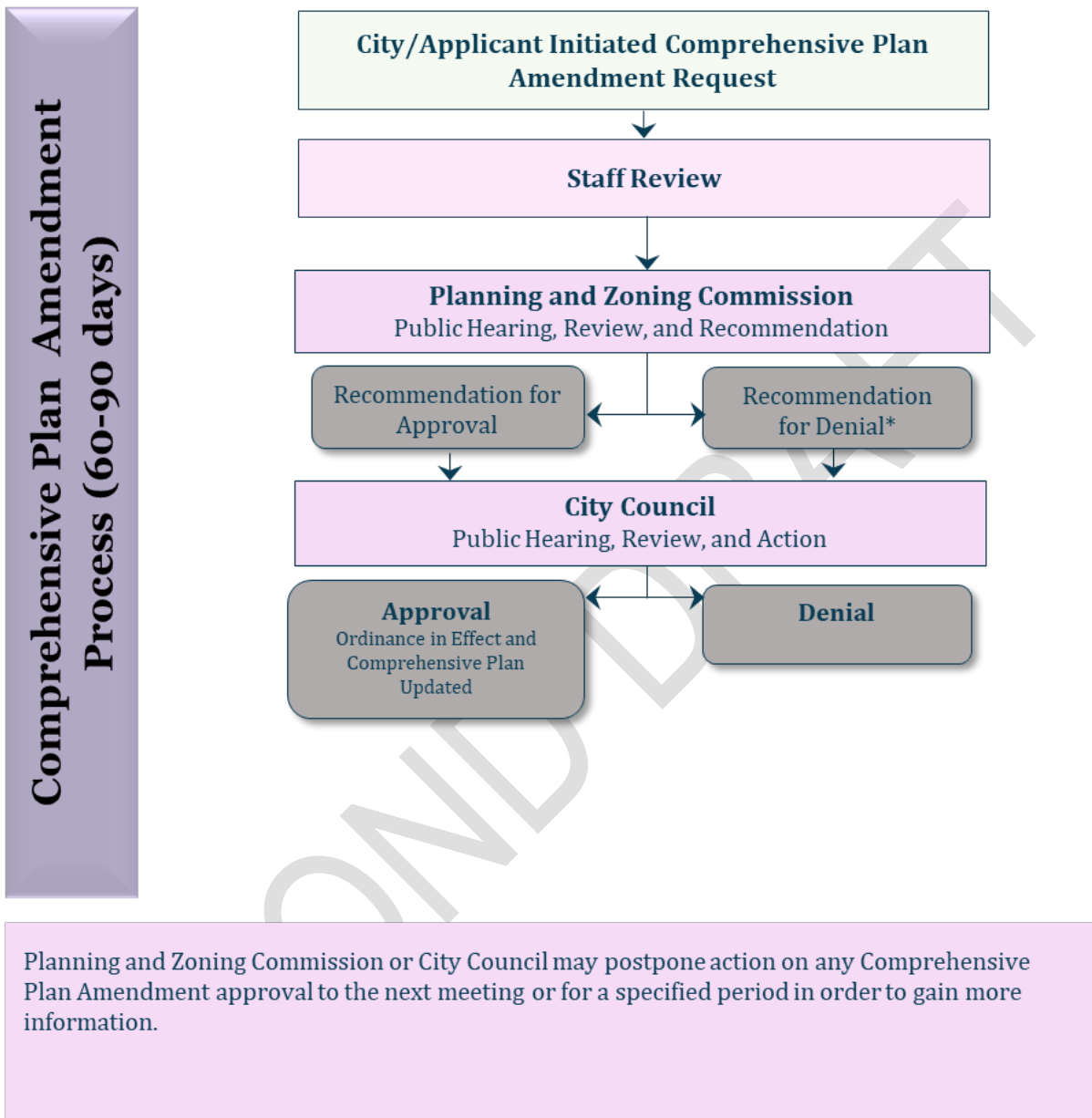
"The Comprehensive Plan for the City of Angleton is an official public document that will serve as a blueprint for future development in the community. The plan will be a tool, utilized by the community, to guide future growth in an appropriate and desired manner and improve the quality of life of local residents. "

- City of Angleton's Comprehensive Plan

4. **Completeness Determination**
City staff will determine whether the application is complete, as per the zoning code, LDC, and the submittal checklist.
5. **Staff Review**
Staff will review the application considering any applicable criteria for approval and prepare a report to the Planning and Zoning Commission and the City Council. The staff report will include a recommendation for action by the Planning and Zoning Commission and City Council.
6. **Dual Notification of Public Hearing**
Applicant Notice: Staff will notify the applicant of the date of the public hearings.
Mailed Notice: Staff will send a written notice of the public hearing to all property owners within 200 feet of the subject property at least 15 days prior to the date of the Planning and Zoning Commission Public Hearing. The notification will include information regarding the location of the property and the requested amendment to the Comprehensive Plan.
7. **Planning and Zoning Commission Public Hearing and Meeting**
The Planning and Zoning Commission Public Hearings will be held at a scheduled meeting (typically first Thursday of the month) as published. At the Public Hearing City staff will present a summary of the proposed amendment to the Comprehensive Plan. Applicant will be provided an opportunity to make a presentation, and persons in support or in opposition to the proposed request will be able to speak during the public hearing. The Planning and Zoning Commission will consider the request and make a recommendation to the City Council. The Commission may recommend approval, disapproval, or postpone action on the request until additional information is received. A Comprehensive Plan amendment request that is recommended for denial by the Commission will still be scheduled for City Council consideration.
8. **City Council Meeting**
The City Council will consider the proposed the Comprehensive Plan amendment at their second scheduled meeting after the Planning and Zoning Commission Public Hearing and meeting. The City Council Public Hearing will be held at the meeting (typically on the fourth Tuesday of the month) as published. The applicant will be provided an opportunity to make a presentation, and persons in support or in opposition to the proposed request will be able to speak during the public hearing. The Comprehensive Plan amendment will become effective by a simple majority vote of the City Council.

It is important that the applicant and/or property owner be present at this meeting and be prepared to discuss the zone change and answer any questions that may arise.

b. Process Flowchart



c. Criteria for Approval

1. The application is complete, and the information contained within the application is sufficient and correct enough to allow adequate review and final action.
2. In determining whether to approve, approve with modifications, or disapprove a proposed amendment, the City Council will consider the following matters regarding the proposed amendment:
 - i. Whether the proposed amendment promotes the health, safety, or general welfare of the City and the safe, orderly, and healthful development of the City.
 - ii. Whether the proposed amendment is consistent with the City's Goals, Objectives, and Actions.
 - iii. Whether the proposed amendment encourages a better use of land/property, both for the owner/developer and the City, than that currently recommended by the Plan?
 - iv. Whether the proposed amendment is in conformance with the LDC and zoning codes.
 - v. Whether the proposed amendment is compatible with surrounding area and is not detrimental to vehicular and pedestrian safety and circulation.
 - vi. Other criteria deemed relevant and important by the City Council in relationship to the proposed amendment in taking final action on the proposed amendment.

d. Conditions for Approval

Conditions cannot be placed on a Comprehensive Plan amendment approval.

e. Published Notice Requirement

Before the 15th day before the date of the hearing before the Planning and Zoning Commission and the City Council, public notice in an official newspaper or a newspaper of general circulation in the municipality will be published by the City. The notice will contain notice of the time and place of the hearing and a description of the item to be considered or reviewed.

f. Expiration

A Comprehensive Plan amendment has no expiration date.

g. Submittal Checklist

Please see Appendix A - Universal Application and Appendix B – Submittal Checklist for applicable forms and checklists.

h. Additional Information

Fees: Refer to Appendix C (Schedule of Fees), Section 2-266 of the Code of Ordinances, or the current fee schedule attached to the application form and posted on the City's website. Please contact City staff for additional information.

V. ZONING

Section 1 General Information

a. Purpose

The purpose of zoning is to ensure that the land uses of a community are properly situated in relation to one another and provide opportunity for each type of development. Zoning allows the city to manage the development density so that all areas within the city limits can be properly serviced by municipal facilities. Zoning classifies land within the City by districts or zones in which uses are established. Zoning also provides developmental requirements pertaining to lot sizes, building sizes, yard setbacks, parking, landscaping, screening, etc. These requirements vary from district to district based on the character of the district.

b. Overview

The City is divided into zoning districts as shown on the Official Zoning Map. The most critical information to verify prior to purchasing property for a particular purpose or planning a project within the City; residential or commercial, is the current zoning of the property.

The zoning of property will determine the nature of the development of the property. If the current zoning does not allow the intended use by right, or by approval of a Specific Use Permit (SUP) a request may be made for a zone change (rezoning) or SUPs. Rezoning and Specific Use Permits are voted on by the City Council, subsequent to receiving a recommendation from the Planning and Zoning Commission. An application does not guarantee that the rezoning or Special Use Permit will be approved.

A use that currently exists on site may not always be permitted by right. In some cases, there are uses that may have been legally established prior to the adoption of current regulations and are considered non-conforming uses. Continuation and expansions of such uses or even minor additions to a property that is non-conforming may require a rezoning or other approval. It is always prudent to confirm the zoning and contact the

How to verify zoning and confirm permitted uses?

1. Check the zoning district designation of your property on the zoning map located in City's website at
<http://angleton.tx.us/DocumentCenter/View/2257/Official-Zoning-Map-04-2017-PDF?bidId=>
2. Find out what use is permitted in zoning district that property is located in. Check : Sec. 28-81. - Use regulations (Charts) of the Code of Ordinances
https://library.municode.com/tx/angleton/codes/code_of_ordinances?nodeId=PTIICOR_CH28ZO_ARTIVUSRE_S28-81USRECH
3. Request a zoning verification letter from the City, if needed.

City Staff for verification, prior to purchasing property or planning to build.

c. Zoning Districts

The area within the city limits, as specified on the Official Zoning Map of the City, are hereby divided into the following Zoning Districts (refer to Section 28-81 of the Code of Ordinances for permitted uses within each Zoning District). These districts reflect the existing land uses and recommended future land use areas included in the Comprehensive Plan.

Abbreviated Designation	Zoning District Name
<i>Base Districts</i>	
AG	Agricultural
SFE-20	Single-Family Estate Residential-20 (minimum 20,000 square-foot lots)
SF-10	Single-Family Residential-10 (minimum 10,000 square-foot lots)
SF-7.2	Single-Family Residential-7.2 (minimum 7,200 square-foot lots)
SF-6.3	Single-Family Residential-6.3 (minimum 6,300 square-foot lots)
SF-5	Single-Family Residential-5 (minimum 5,000 square-foot lots)
SF-PH	Single-Family Residential-Patio Home (zero-lot-line homes)
2F	Two-Family Residential (duplex homes)
SFA	Single-Family Attached Residential (townhomes)
MFR-14	Multifamily Residential-14 (apartments - maximum 14 units/acre)
MFR-29	Multifamily Residential-29 (apartments - maximum 29 units/acre)
MFR-36	Multifamily Residential-36 (apartments - maximum 36 units/acre)
MH	Modular Homes
C-N	Commercial - Neighborhood
C-MU	Commercial - Mixed-Use
C-G	Commercial - General
C-OR	Commercial - Office/Retail
CBD	Central Business District
LI	Light Industrial
<i>Overlay Districts</i>	
PD	Planned Development
SUP	Specific Use Permit

d. Description of Districts

The City of Angleton's zoning code describes the districts as follows:

AG-Agricultural district

The AG—Agricultural, district is designed to permit general agriculture uses, and single-family uses on large lots. Territory that has been newly annexed into the city is initially zoned agricultural until it is assigned another zoning district.

SFE-20-Single-family estate residential-20 district

The SFE-20—Single-Family Estate Residential-20, district is generally intended to provide for development of detached single-family residences on lots of not less than 20,000 square feet in size.

Single-family residential-10 district (SF-10)

The SF-10—Single-Family Residential-10, district is generally intended to provide for development of detached, single-family residences on lots of not less than

10,000 square feet in size.

SF-7.2-Single-family residential-7.2 district

The SF-7.2—Single-Family Residential-7.2, district is generally intended to provide for development of primarily detached, single-family residences on lots of not less than 7,200 square feet in size.

SF 6.3-Single-family residential-6.3 district

The SF-6.3, Single-Family Residential-6.3, district is generally intended to provide for development of detached, single-family residences on lots of not less than 6,300 square feet in size.

SF-5-Single-family residential-5 district

The SF-5—Single-Family Residential-5, district is intended to provide for development of primarily detached, single-family residences on lots of not less than 5,000 square feet in size.

SF-PH-Single-family residential—Patio home district (Zero-lot-line homes)

The SF-PH—Single-Family Residential-Patio Home, district is designed to provide for development of primarily detached single-family residences on lots having one side yard reduced to zero feet (i.e., "zero-lot-line"), and having not less than 5,000 square feet.

2F-Two-family residential district (Duplex homes)

The 2F—Two-Family Residential, district is intended to promote multiple-occupancy residential development.

SFA-Single-family attached residential district (Townhomes)

The SFA—Single-Family Attached Residential, district is intended to promote attached townhome residential development on individual lots.

MFR-14—Multifamily residential-14 district (Apartments) (MFR-14)

The MFR-14—Multifamily Residential-14, district is intended to provide moderate residential density of up to 14 dwelling units per acre.

MFR-29—Multifamily residential-29 district (Apartments)

The MFR-29—Multifamily Residential-29 district is intended to provide high residential density of up to 29 dwelling units per acre.

MFR-36—Multifamily residential-36 district (Apartments)

The MFR-36—Multifamily Residential-36 district is intended to provide residential density of up to 36 dwelling units per acre.

MH—Manufactured home district

The MH, Manufactured Home, district is intended to provide a detached residential HUD-Code manufactured home parks and subdivisions.

C-N—Commercial-Neighborhood district

The C-N—Commercial-Neighborhood district is established to provide smaller-scaled and pedestrian-oriented neighborhood-serving commercial and mixed use

development that includes retail and services and housing uses.

C-MU—Commercial-mixed-use district

The C-MU—Commercial-Mixed-Use, district is established to provide for areas of large-scale, pedestrian- and auto-oriented, region-serving, mixed-use development. Development in this district will occur under a unified master plan.

C-G—Commercial-general district

The C-G—Commercial-General, district is intended provide for larger scaled pedestrian and auto-oriented commercial development. Residential uses are not permitted in this district.

C-O/R—Commercial-office/retail district

The C-O/R—Commercial-Office/Retail, district is intended to provide integrated professional office and retail development. Residential uses are not permitted in this district.

CBD—Central business district

The CBD—Central Business district in intended to maintain and encourage development and redevelopment within the central business section (old downtown).

LI—Light industrial district

The LI—Light Industrial, district is intended primarily for light manufacturing, assembling and fabrication activities.

Overlay and special districts

Overlay districts are used in conjunction with base zoning districts in appropriate locations.

PD—Planned development overlay district

The planned development (PD) district is a district which accommodates any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners.

For additional information, please click on:

https://library.municode.com/tx/angleton/codes/code_of_ordinances?nodeId=PTHICOR_CH28ZO

Section 2 Rezoning

Chapter 28 of the Code of Ordinances- “Comprehensive Zoning Ordinance” or “Zoning Ordinance”, and the Texas Local Government Code both provide a process for rezoning requests. The Zoning Ordinance states: The city council may from time to time, after receiving a recommendation thereon by the planning and zoning commission and after public hearings required by law, amend, supplement, or change the regulations herein provided or the boundaries of the zoning districts specified on the zoning map.

Who can request a zoning amendment?

Any amendment to the zoning ordinance text or to zoning district boundaries may be ordered for consideration by the city council, may be initiated by the planning and zoning commission, or may be requested by the owner of real property (or his/her authorized representative)

a. Approval Process

The rezoning process typically requires 60-90 days and is governed by the requirements in the Texas Local Government Code. The process in the City of Angleton is as follows:

1. **Initiation**
A rezoning may be ordered for consideration by the city council, may be initiated by the planning and zoning commission, or may be requested by the owner of real property (or his/her authorized representative).
2. **Pre-Application Conference**
During the Pre-application Conference, the DAWG will assist the applicant (s) to determine if a rezoning is required for the intended use.
3. **Application Submittal**
A complete application will be submitted by the property owner or the applicant in a format consistent with requirements established by the City with all items listed on the Rezoning Submittal Checklist and the Universal Application. Please refer to the meeting schedule on the City's web page for meeting dates and application deadlines.
4. **Completeness Determination**
City staff will determine whether the application is complete, as per the Zoning Ordinance.
5. **Staff Review**
Staff will review the application considering any applicable criteria for approval and prepare a report to the Planning and Zoning Commission and the City Council. The staff report will include a recommendation for action to the Planning and Zoning Commission and City Council.
6. **Dual Notification of Public Hearing**
Applicant Notice: Staff will notify the applicant of the date of the public hearing.
Mailed Notice: Staff will send a written notice of the public hearing (City does P & Z and CC notice at the same time) to all property owners within 200 feet of the subject property at least 15 days prior to the date of the Planning and Zoning Commission Public Hearing. The notification will include information regarding the location of the property and the requested zoning action.
Published Notice: A legal notice will be sent to the local newspaper for publication by staff.
7. **Planning and Zoning Commission Public Hearing and Meeting**
The Planning and Zoning Commission Public Hearings will be held at the meeting (typically first Thursday of the month) as published. At the Public Hearing City staff will present a summary of the proposed zone change. Applicant will be provided an opportunity to make a presentation, and persons

in support or in opposition to the proposed request will be able to speak during the public hearing. The Planning and Zoning Commission will consider the request and make a recommendation to the City Council. The Commission may recommend approval, disapproval, or postpone action on the request until additional information is received. A rezoning request that is recommended for denial by the Commission will still be scheduled for City Council consideration.

It is important that the applicant and/or property owner be present at this meeting and be prepared to discuss the zone change and answer any questions that may arise.

8. City Council Meeting

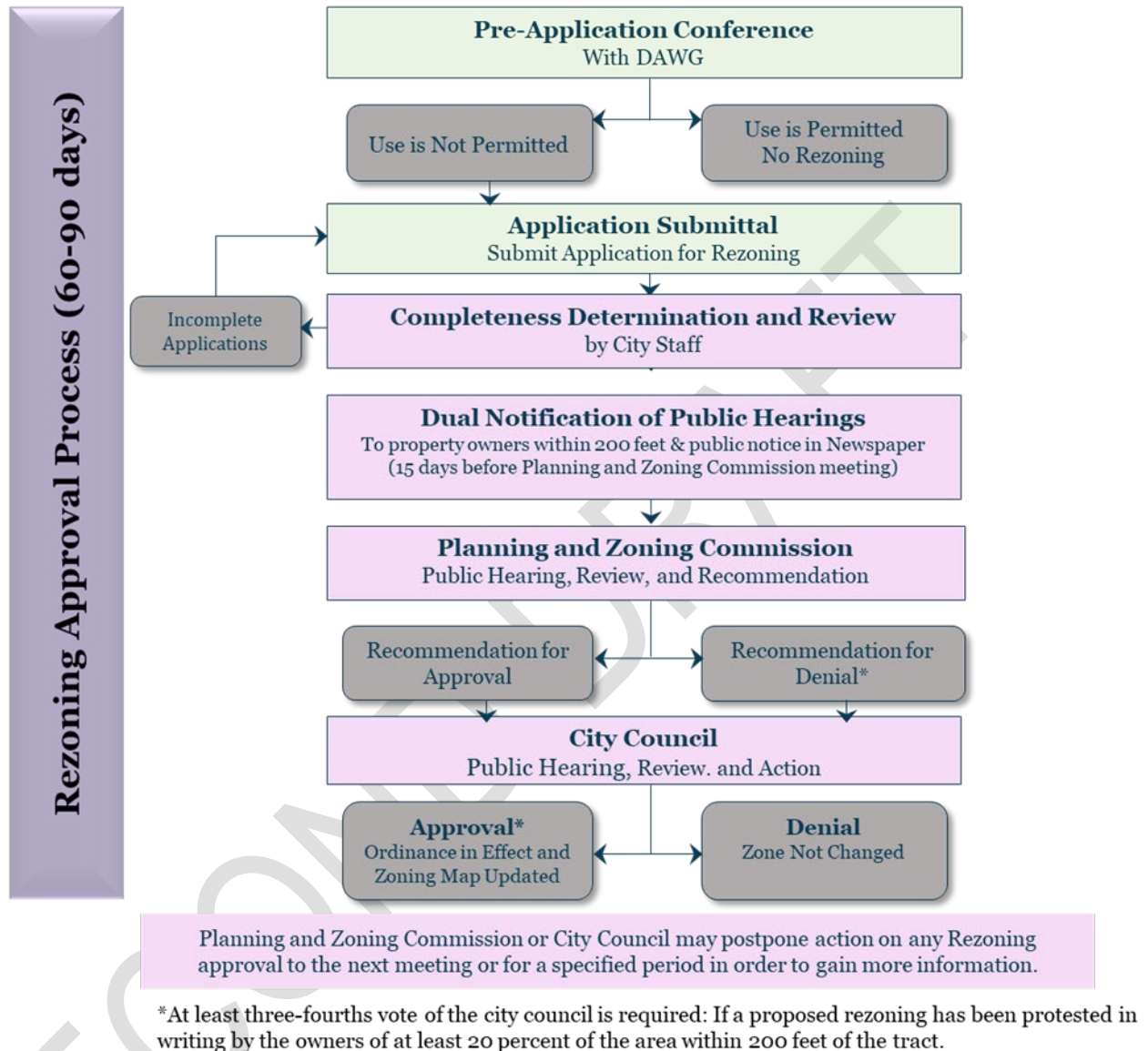
The City Council Public Hearing will be held at the meeting (typically on the fourth Tuesday of the month) as published. The Applicant will be provided an opportunity to make a presentation, and persons in support or in opposition to the proposed request will be able to speak during the public hearing. It is recommended that the applicant and/or property owner should be present at this meeting and be prepared to discuss the zone change as well as answer any questions that arise. The rezoning will become effective by a simple majority vote of the City Council unless a supermajority vote is required pursuant to the Texas Local Government Code.

At least three-fourths vote of the City Council is required:

- i. to overrule a recommendation for denial by the Planning and Zoning Commission, or
- ii. if a proposed rezoning has been protested in writing by the owners of at least 20 percent of the area within 200 feet of the tract (who are also residents inside the City limits).

If the Council approves the rezoning request, the ordinance becomes effective after its publication. If the Council disapproves the rezoning request the same request may not be resubmitted to the City for 12 months from the original date of disapproval. Upon filing a waiver request and a payment of a \$100.00 fee, the applicant may request the city council to waive the waiting period upon a finding of changed conditions or significant new information.

b. Process Flowchart



c. Criteria for Approval

1. The application is complete, and the information contained within the application is sufficient and correct enough to allow adequate review and final action.
2. As per Section 28-24 (a) of the Zoning Ordinance, zoning changes may be approved based on the following:
 - I. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and to the city as a whole;
 - II. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply,

sanitary sewers, and other utilities to the area;

- III. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the city, and any special circumstances which may make a substantial part of such vacant land unavailable for development;
- IV. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change;
- V. How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved; and
- VI. Any other factors that will substantially affect the public health, safety, morals, or general welfare.

Zoning variance requests cannot be granted by City Council as part of a rezoning request. Zoning changes must be made by Zoning Map Amendment. All amendments must be in accordance with the Comprehensive Plan, which may be amended according to the procedure in another section (Chapter IV) for Comprehensive Plan Amendment.

d. Conditions for Approval

Conditions cannot be placed on a rezoning approval.

e. Expiration

A rezoning has no expiration date and runs with the land.

f. Submittal Checklist

Refer to Appendices A and B.

g. Additional Information

Fees: Refer to Appendix C (Schedule of Fees) for the current fee schedule attached to the application form and posted on the City's website at add link. Please contact City staff for additional information.

Section 3 Specific Use Permits

A Specific Use Permit (SUP) may be granted to a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions. These uses may locate in districts as indicated in the Zoning Ordinance Sec. 28-81. - Use Regulations (Charts). These specific uses shall commence only after a Specific Use Permit is recommended by the Planning and Zoning Commission and approved by the City Council.

a. Approval Process

The Specific Use Permit process is similar to a rezoning process and typically requires 60-90 days and is governed by the requirements in the Texas Local Government Code. The process in the City of Angleton is as follows:

1. Initiation

A Specific Use Permit may be initiated by a property owner or his / her authorized agent.

2. Pre-Application Conference

a Pre-Application Conference is required before submitting the application. During the Pre-application Conference, the DAWG will assist the applicant(s) to determine if a SUP is required for the intended use.

3. Application Submittal

A complete application will be submitted by the property owner or the applicant in a format consistent with requirements established by the City with all items listed on the SUP Submittal Checklist and the Universal Application. Please refer to the meeting schedule on the City's web page for meeting dates and application deadlines.

4. Completeness Determination

City staff will determine whether the application is complete, as per the Zoning Ordinance.

5. Staff Review

Staff will review the application considering any applicable criteria for approval and prepare a report to the Planning and Zoning Commission and the City Council. The staff report will include a recommendation for action by the Planning and Zoning Commission and City Council.

6. Dual Notification of Public Hearing

Applicant Notice: Staff will notify the applicant of the date of the public hearings.

Mailed Notice: Staff will send a written notice of the public hearing (City does P & Z and CC notice at the same time) to all property owners within 200 feet of the subject property at least 15 days prior to the date of the Planning and Zoning Commission Public Hearing. The notification will include information regarding the location of the property and the requested zoning action.

Published Notice: A legal notice will be sent to the local newspaper for publication by staff.

7. Planning and Zoning Commission Public Hearing and Meeting

The Planning and Zoning Commission Public Hearings will be held at the meeting (typically first Thursday of the month) as published. At the Public Hearing City staff will present a summary of the proposed SUP. The Applicant will be provided an

opportunity to make a presentation, and persons in support or in opposition to the proposed request will be able to speak during the public hearing. It is recommended that the applicant and/or property owner should be present at this meeting and be prepared to discuss the SUP as well as answer any questions that arise. The Planning and Zoning Commission will consider the request and make a recommendation to the City Council. The Commission may recommend approval, disapproval, or postpone action on the request until additional information is received. A SUP that is recommended for denial by the Commission will still be scheduled for City Council consideration.

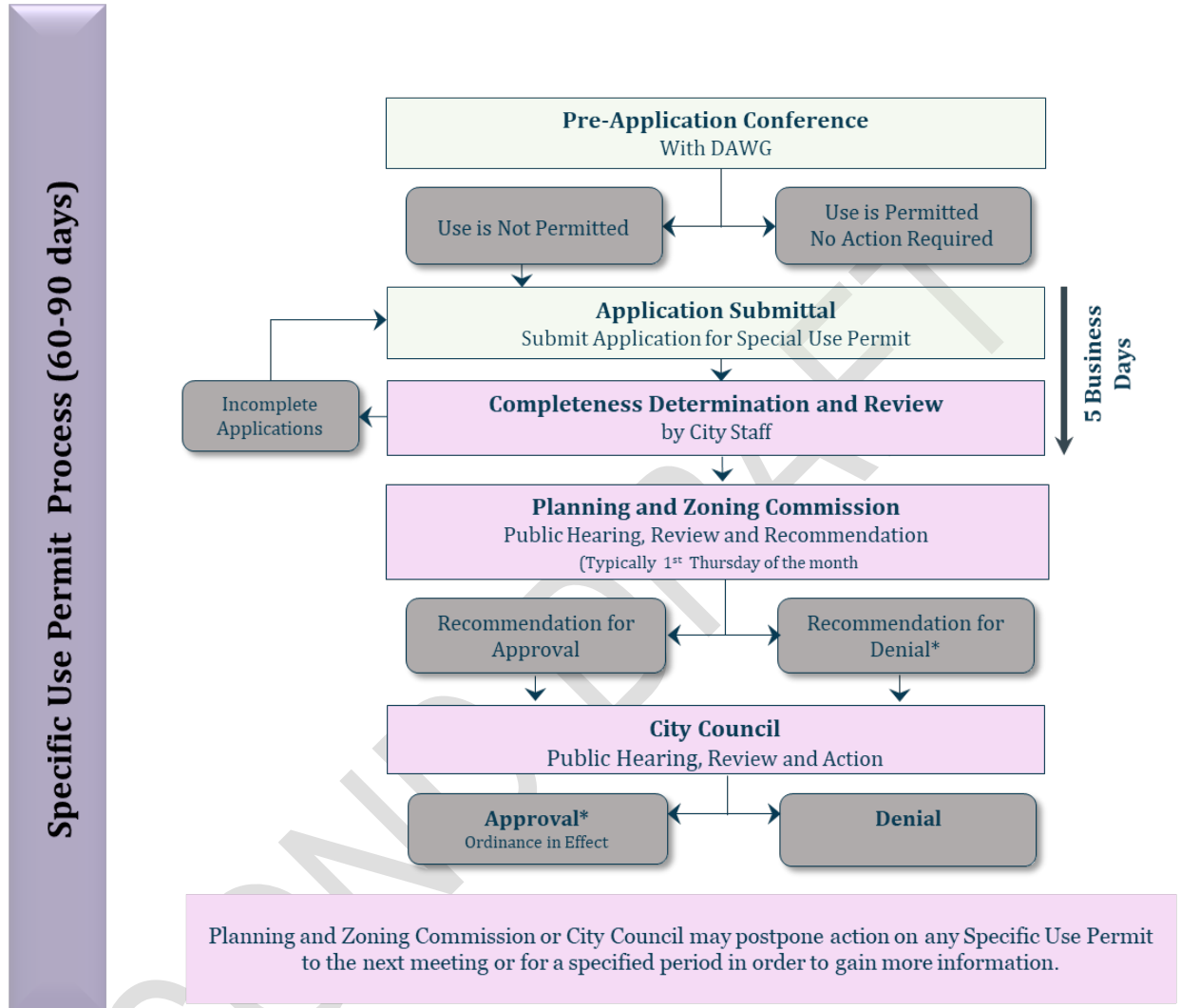
8. City Council Meeting

The City Council will consider the SUP request at a City Council Public Hearing held at the meeting (typically on the fourth Tuesday of the month) as published. The applicant will be provided an opportunity to make a presentation, and persons in support or in opposition to the proposed request will be able to speak during the public hearing. It is recommended that the applicant and/or property owner should be present at this meeting and be prepared to discuss the SUP. The SUP may be approved by a simple majority vote of the City Council.

At least three-fourths vote of the City Council is required if a proposed SUP has been protested in writing by the owners of at least 20 percent of the area within 200 feet of the tract (who are also residents inside the City limits).

If the Council approves the SUP request, the ordinance becomes effective after its publication. If the Council disapproves the SUP request the same request may not be resubmitted to the City for 12 months from the original date of disapproval. Upon filing a waiver request and a payment of a \$100.00 fee, the applicant may request the City Council to waive the waiting period upon a finding of changed conditions or significant new information.

b. Process Flow Chart



*At least three-fourths vote of the city council is required: If a proposed request has been protested in writing by the owners of at least 20 percent of the area within 200 feet of the tract.

c. Criteria for Approval

1. A binding Site Plan for the Specific Use Permit must be approved by the City Council in order to approve issuance of a Specific Use Permit. The Site Plan must be reviewed by the City staff for compliance with the Zoning Ordinance.
2. The applications will be evaluated based on the impact and compatibility of the specific use on the surrounding properties and neighborhoods to ensure that:
 - a. The proposed use at the specified location is consistent with the goals, objectives and policies contained in the adopted comprehensive plan;
 - b. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;

- c. The proposed use meets all supplemental standards specifically applicable to the use as set forth in the Zoning Code;
- d. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances,
- e. The proposed use includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts, including but not limited to:
 - i. Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire;
 - ii. Off-street parking and loading areas;
 - iii. Refuse and service areas;
 - iv. Utilities with reference to location, availability, and compatibility;
 - v. Screening and buffering, features to minimize visual impacts, and/or set-backs from adjacent uses;
 - vi. Control of signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
 - vii. Required yards and open space;
 - viii. Height and bulk of structures;
 - ix. Hours of operation;
 - x. Exterior construction material and building design; and
 - xi. Roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets.
- f. The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity

d. Conditions for Approval

The City Council may consider a list of issues in approving or denying the application and may impose conditions that it deems necessary to mitigate the negative impacts of the proposed Specific Use Permit, based upon the project's unique circumstances.

e. Expiration

Specific Use Permits do not have an expiration date. However, any modification to an approved Site Plan that was filed as part of a Specific Use Permit will cause the Specific Use Permit to become void, regardless of its current status, including any approval previously given by the city council. A Specific Use Permit may be rescinded by the city council, on its own motion and at its discretion, for failure to commence development, for failure to secure an extension or reinstatement of the related site plan that was approved along with the SUP ordinance.

f. Submittal Checklist

Refer to Appendices A and B.

g. Additional Information

Site Plan Revisions:

Minor revisions/amendments: City manager has the authority to approve minor modifications to an approved site plan. Such minor modifications need to be submitted as an "amended site plan."

Major revisions: In the event of revisions that are more extensive in nature, the City Manager will determine whether changes to a site plan warrant another review and approval procedure (in accordance with this section).

Fees: Refer to the current fee schedule (Appendix C) attached to the application form and posted on the City's website. Please contact City staff for additional information.

Section 4 Planned Development District

The Planned Development (PD) district is a district which accommodates land uses such as office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options (e.g., single-family, multifamily, duplex, etc.), or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A PD is typically used to permit new or innovative concepts in land utilization that are not permitted by conventional zoning districts.

a. Approval Process

The PD approval process is similar to a rezoning and the process typically requires more than the 60-90 days required for rezoning.

1. Initiation

A PD application may be initiated by a property owner or his / her authorized agent.

2. Pre-Application Conference

A Pre-Application Conference is required before submitting the application.

3. Application Submittal

A complete application will be submitted by the property owner or the applicant in a format consistent with requirements established by the City with all items listed on the PD Submittal Checklist and the Universal Application in Appendix A and B. Please refer to the meeting schedule on the City's web page for meeting dates and application deadlines.

4. Completeness Determination

City staff will determine whether the application is complete, as per the Zoning Ordinance.

5. Staff Review

Staff will review the application considering any applicable criteria for approval

and prepare a report to the Planning and Zoning Commission and the City Council. The staff report will include a recommendation for action by the Planning and Zoning Commission and City Council.

6. **Planning and Zoning Commission Meeting**
The Planning and Zoning Commission will consider the request and make recommendations to the City Council. The Commission may recommend approval, disapproval, or postpone action on the request until additional information is received. A PD request that is recommended for denial by the Commission will still be scheduled for City Council consideration. It is important that the applicant and/or property owner be present at this meeting and be prepared to discuss the PD request and answer any questions that may arise.
7. **City Council Meeting**
The City Council will consider the PD request at their next scheduled meeting after the Planning and Zoning Commission meeting. The applicant will be provided an opportunity to make a presentation, and persons in support or in opposition to the proposed request will be able to speak during the public hearing. It is recommended that the applicant and/or property owner should be present at this meeting and be prepared to discuss the PD by a simple majority vote of the City Council, unless a supermajority vote is required pursuant to the Texas Local Government Code.

At least three-fourths vote of the City Council is required if a proposed PD has been protested in writing by the owners of at least 20 percent of the area within 200 feet of the tract (who are also residents inside the City limits).

If the Council approves the PD request, the ordinance becomes effective after its publication. If the Council disapproves the PD request the same request may not be resubmitted to the City for 12 months from the original date of disapproval. Upon filing a waiver request and a payment of a \$100.00 fee, the applicant may request the City Council to waive the waiting period upon a finding of changed conditions or significant new information.

PD Requirements

In addition to the Universal Application and Specific Application Form, the approval requires two documents:

1. The Ordinance and Standards

The ordinance granting a PD district includes a statement as to the reason, purpose and intent of the PD district. Any development requirements for a particular PD district that deviate from those of the base zoning district(s) are set forth in the ordinance granting the PD district. These will include:

- i. Allowed or additional (i.e., SUP) uses,
- ii. Density
- iii. Lot area, width, and/or depth
- iv. Yard depths and widths
- v. Building height, size, and/or exterior construction
- vi. Lot coverage

- vii. Floor area ratio,
- viii. Parking
- ix. Access,
- x. Screening
- xi. Landscaping,
- xii. Accessory buildings,
- xiii. Signs
- xiv. Lighting
- xv. Project phasing or scheduling
- xvi. Property management associations, and
- xvii. Other requirements as the city council and planning and zoning commission may deem appropriate.

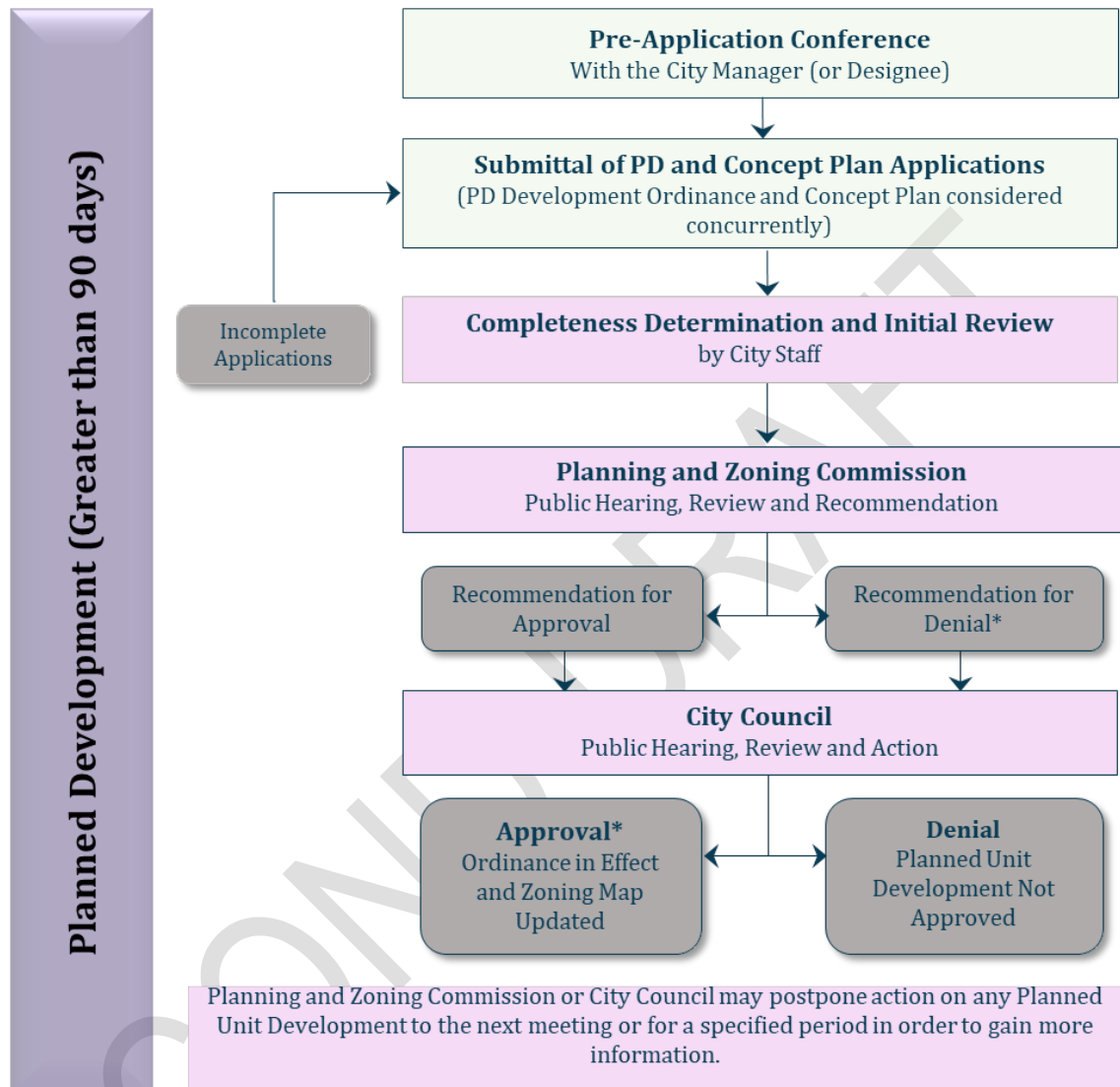
2. PD Concept Plan

Purpose: The purpose of the Concept Plan is to ensure that a development project is in compliance with all applicable city ordinances and guidelines prior to commencement of construction. Submission and approval of a concept plan are required for all planned developments. **Refer to Section 23-120 of the LDC for details on requirements and contents of the Concept Plan.**

Extent of area that should be included in a Concept Plan: When the overall development project is to be developed in phases, the area included within the Concept Plan shall include the entire area of the PD and demarcate the phases. All concept plans shall be prepared by a qualified civil engineer, land planner, architect or surveyor, and it shall clearly show in detail how the site will be constructed (such as paving, buildings, landscaped areas, utilities, etc.).

According to the Zoning code, in the PD district, uses and development standards need to conform to the standards and regulations of the base zoning district(s) unless specifically stated otherwise in the PD ordinance. PD request needs to specify the base zoning district(s) upon which the PD is based, and the use or the combination of uses proposed (particularly if any of the proposed uses are not allowed by right in the base zoning district). PD designations cannot be attached to SUP requirements. Specific Use Permits allowed in a base zoning district(s) are allowed in a PD only if specifically identified as allowable by SUP at the time of PD approval, and if specifically cited as an "additional use" (i.e., to those allowed by right in the PD) in the ordinance establishing the PD. Any use that is not specifically cited as permitted (by right or by SUP) in the applicable base zoning district(s) or the PD ordinance is prohibited unless the PD ordinance is amended using the procedures set forth in this section and in section 28-24 of the Zoning Ordinance.

a. Process Flowchart



*At least three-fourths vote of the city council is required if a proposed request has been protested in writing by the owners of at least 20 percent of the area within 200 feet of the tract (who are also residents inside the City limits).

b. Criteria for Approval

As per Section 28-62 of the Zoning Ordinance, the Development ordinance and Concept Plan associated with the PD will be approved if the following criteria are met:

- i. Whether the PD district remains consistent with the Comprehensive Plan;
- ii. Whether the uses authorized in the PD district are compatible with existing and planned land uses adjacent to the site;
- iii. Whether there are extenuating circumstances justifying the failure to submit a site plan, plat, or other required permit during the applicable time period; and

- iv. Whether rezoning the property to another classification constitutes confiscation of a vested property right or deprives the owner of the economically viable use of the land.

Additionally, a PD district may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts to ensure the compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community by meeting one or more of the following purposes:

- i. To provide for a superior design on lots or buildings;
- ii. To provide for increased recreation and open space opportunities for public use and enjoyment;
- iii. To provide amenities or features that would be of special benefit to the property users or to the overall community;
- iv. To protect or preserve natural amenities and environmental assets such as trees, creeks, ponds, floodplains, slopes, views, or wildlife habitats;
- v. To protect or preserve existing historical buildings, structures, features or places;
- vi. To provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services; and
- vii. To meet or exceed the standards of the Zoning Ordinance chapter.

b. Conditions for Approval

All conditions placed on a PD approval should be incorporated in the PD Concept Plan and PD Ordinance prior to final approval by the City Council.

c. Expiration and Revision

Expiration of Concept Plan and/or site plan:

If a site plan, plat, or other required permit is not submitted within two years of approval, the Concept Plan will expire. Expiration of an approved concept plan will result in suspension of the authority to submit a site plan, plat, or other required permit related to the original concept plan. A new concept plan must be submitted before the development process can continue. An approved site plan, if required, will expire in 2 years in accordance with subsection 28-63(d). Expiration of any approved plat or required permit that is subsequently approved after a concept plan shall also result in expiration of the associated concept plan. If the approved plat or other required plan is reinstated, the Concept Plan shall be deemed to be reinstated as well. Upon expiration if the Concept Plan, the PD approval expires and a new Application need to submitted.

Ability to retain the rights to the PD project:

Any PD project for which no site plan, plat, or other required permit has been submitted for a period of two years following the approval of the related concept plan shall expire on the last day of that five-year period.

After such five-year period has ended and the project expires, the planning and zoning commission shall consider whether the undeveloped land within PD district should be changed to another zoning classification in accordance with the procedures for action upon a zoning map amendment pursuant to section 28-24 of the Zoning

Ordinance. The commission thereafter shall recommend to the city council whether the right to submit a site plan, plat, or other required permit for the same PD project should be reinstated, or whether the property should be zoned to another classification.

Revisions to the approved concept plan:

Minor revisions/amendments:

It is recognized that final architectural and engineering design may necessitate minor changes in the approved concept plan. In such cases, the city manager, or his/her designee, shall have the authority to approve minor modifications to an approved concept plan. Such minor modifications submitted on an "amended concept plan," which shall substantially conform to the previously approved concept plan.

Major revisions: In the event of revisions that are more extensive in nature (i.e., do not conform to the description for minor amendments above), a new concept plan must be resubmitted, reviewed, and approved in accordance with subsection (5) above. The city manager shall have the authority to determine whether a new concept plan warrants a new review and approval procedure.

Site plan requirement:

Subsequent site plan approvals may be required if specified as part of the Planned development approval.

d. Submittal Checklist

Refer to Appendices A and B

e. Additional Information

Fees: Refer to the current fee schedule (Appendix C) attached to the application form and posted on the City's website. Please contact City staff for additional information.

VI. VARIANCE

The Board of Adjustment (BOA) has the authority to grant a variance from the zoning ordinance regulations when, in its opinion, undue hardship will result from requiring strict compliance. For example, if the subject property substantially differs from other similarly zoned land parcels by being of such restricted area, shape or slope that it cannot reasonably be developed in the same manner as other similarly zoned land parcels, then a variance of the building setback, lot width or depth, parking requirement, or other development standard may be warranted.

Section 1 Variance

a. Approval Process

The variance process typically requires 30-60 days and is governed by the requirements in the Texas Local Government Code. The process in the City of Angleton is as follows:

1. Initiation

A Variance process may be initiated by a property owner or his / her authorized agent Pre-Application Conference

As described in Chapter 3 of this document, a Pre-Application Conference is required. Staff will evaluate the issue and instruct the applicant on variance process and BOA procedures and assist in exploring alternatives to meet the applicant's goals.

2. Application Submittal

A complete application by the property owner or the applicant must be made in a format consistent with requirements established by the City with all items listed on the Variance Submittal Checklist and the Universal Application.

3. Completeness Determination

City staff will determine whether the application is complete, as per the Zoning Ordinance.

4. Staff Review

Staff will review the application considering any applicable criteria for approval and prepare a report to the BOA. Staff report will include an analysis of the hardship and recommendation for final action to the BOA.

5. Notification of Public Hearing

Applicant Notice: Staff will notify the applicant of the date of the public hearing.

Written Notice: Staff will send a written notice of the public hearing to all property owners within 200 feet of the subject property at least 10 calendar days prior to the date of the public hearing. The notification will include information regarding the location of the property and the requested zoning action.

Published Notice: A legal notice will be published in the official local newspaper before the 15th calendar day prior to the public hearing.

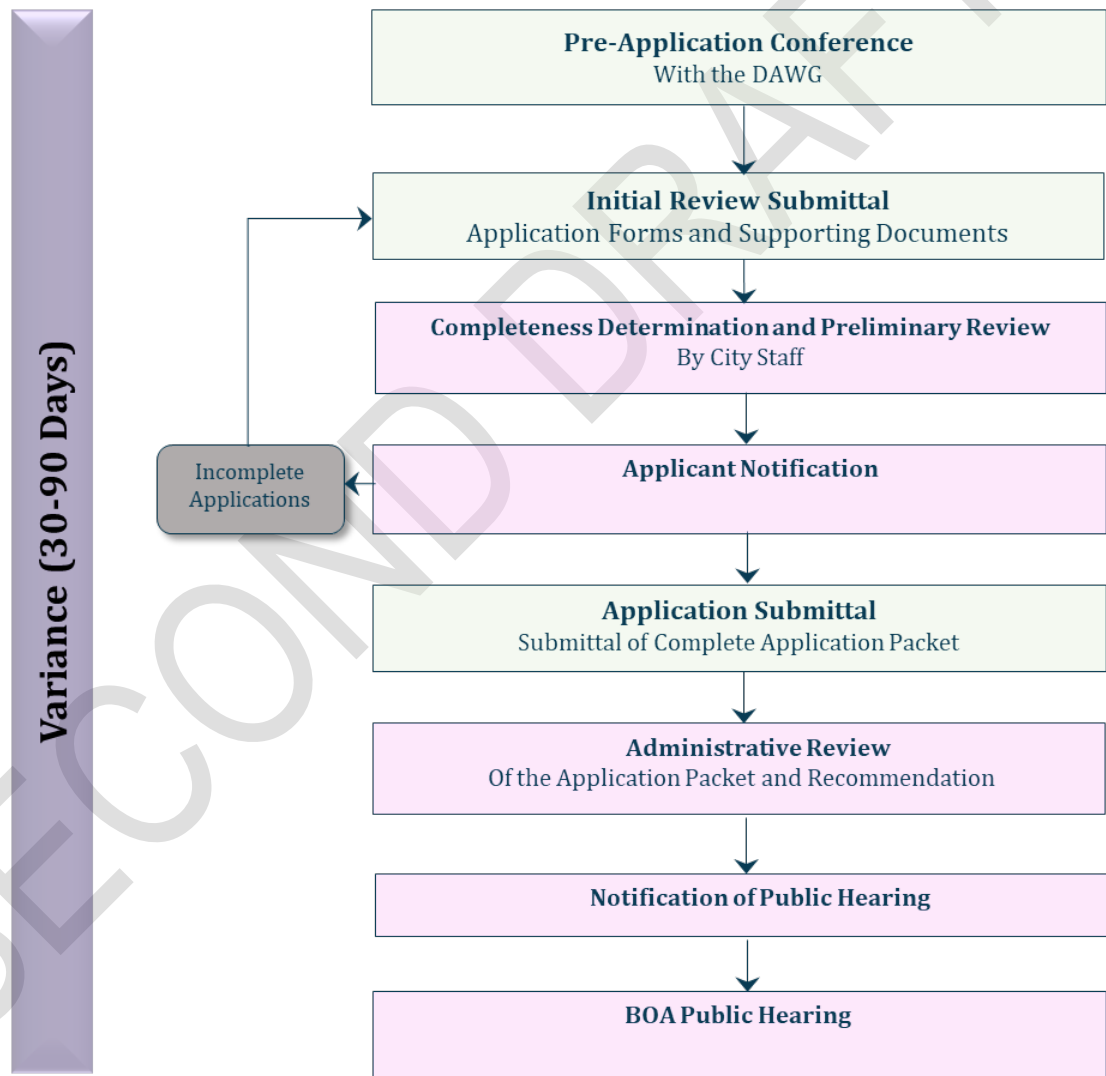
6. A Public Hearing of the BOA

The BOA will hold a public hearing for consideration of the variance or special exception request no later than 45 calendar days after the date the application for

action, or an appeal, is filed. Please refer to the schedule of meetings posted on the City's website.

At the public hearing, City staff will present a summary of the requested Variance. Applicant will be provided an opportunity to make a presentation, and persons in support or in opposition to the proposed request will be able to comment during the public hearing. After closing of the public hearing, the BOA will act on the requested variance(s). It is recommended that the applicant and/or property owner be present at this public hearing and be prepared to discuss the request as well as answer any questions that arise.

b. Process Flowchart



c. Criteria for Approval

The criterion for approval includes:

1. Whether the application is complete, and the information contained within the application is sufficient and correct enough to allow adequate review and final action.
2. Written findings from the BOA that an undue hardship exists, using the following criteria:
 - a. That literal enforcement of the controls will create an unnecessary hardship in the development of the affected property;
 - b. That the situation causing the hardship or difficulty is neither financial in nature, self-imposed nor generally affecting all or most properties in the same zoning district;
 - c. That the relief sought will not injure the permitted use of adjacent conforming property; and
 - d. That the granting of a variance will be in harmony with the spirit and purpose of these regulations.
3. Other Considerations:
 - Special circumstances or affecting the land involved such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of his/her land;
 - Preservation and enjoyment of a substantial property right of the applicant;
 - The variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area;
 - The variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this chapter; and

Undue hardship exists (see subsection (f)(3) below).
Such findings of the board of adjustment, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the board of adjustment meeting at which such variance is granted.

A variance will not be granted to relieve a self-created or personal hardship, nor will it be based solely upon economic gain or loss, nor will it permit any person the privilege in developing a parcel of land not permitted by the Zoning Ordinance to other parcels of land in the particular zoning district. No variance may be granted which results in undue hardship upon another parcel of land.

d. Conditions for Approval

Conditions can be placed on a Variance approval, as deemed appropriate by the BOA.

e. Expiration

A Variance has no expiration date.

f. Submittal Checklist

Please see Appendix A - Universal Application and Appendix B – Submittal

Checklist for applicable forms and checklists.

g. Additional Information

Fees: Refer to Appendix C (Fee Schedule) or the current fee schedule attached to the application form and posted on the City's website. Please contact City staff for additional information.

SECOND DRAFT

VII. PLATTING

Section 1 General Information

Platting is the process of taking land, whether developed or undeveloped, and creating legal building sites. During platting, the layout of streets and utilities are established, and blocks are further subdivided to create lots for individual ownership. It is important to provide adequately sized, designed, and constructed streets, water and sewage to protect the health, safety, and welfare of the public. Platting ensures that the future property owners will have access to public right of way and utilities.

Construction or building permits may not be issued unless the parcel, lot, or tract is part of a plat of record, approved by the city council, or Brazoria County, and is filed in the plat records of Brazoria County, Texas except the parcel, lot, or tract:

- a. Was created prior to the adoption of Ordinance No. 333 on February 11, 1964;
- b. Was created by a deed division prior to being subject to requirements that required subdivision approval;
- c. Was lawfully created prior to being annexed into the city or added to city's ETJ;
- d. Was lawfully created by the action by a court of competent jurisdiction or by the dedication of easements or right-of-way; or
- e. Was created through a lawful deed division that created parcels that were each five acres in area, or larger.

Subdivision regulations, types of approvals, and the processes are explained in the Land Development Code (LDC) or Chapter 23 of the Code of Ordinances.

Construction or building permits may not be issued unless the parcel, lot, or tract is part of a plat of record, approved by the city council, or Brazoria County, and is filed in the plat records of Brazoria County, Texas. See exceptions above.

a. Types of Subdivision Approvals

Various subdivision approvals required by the LDC are given below.

1. Minor Consolidation Plat
2. Major Consolidation Plat
3. Replat
4. Minor Amending Plat
5. Major Amending Plat
6. Minor (Subdivision) Plat
7. Development Plat

8. Preliminary Plat
9. Final Plat
10. Other Approvals:
 - i. Concept plans, master plans, and land studies
 - ii. Site plan
 - iii. Sketch plan

The following table lists the type of plats and approval authority.

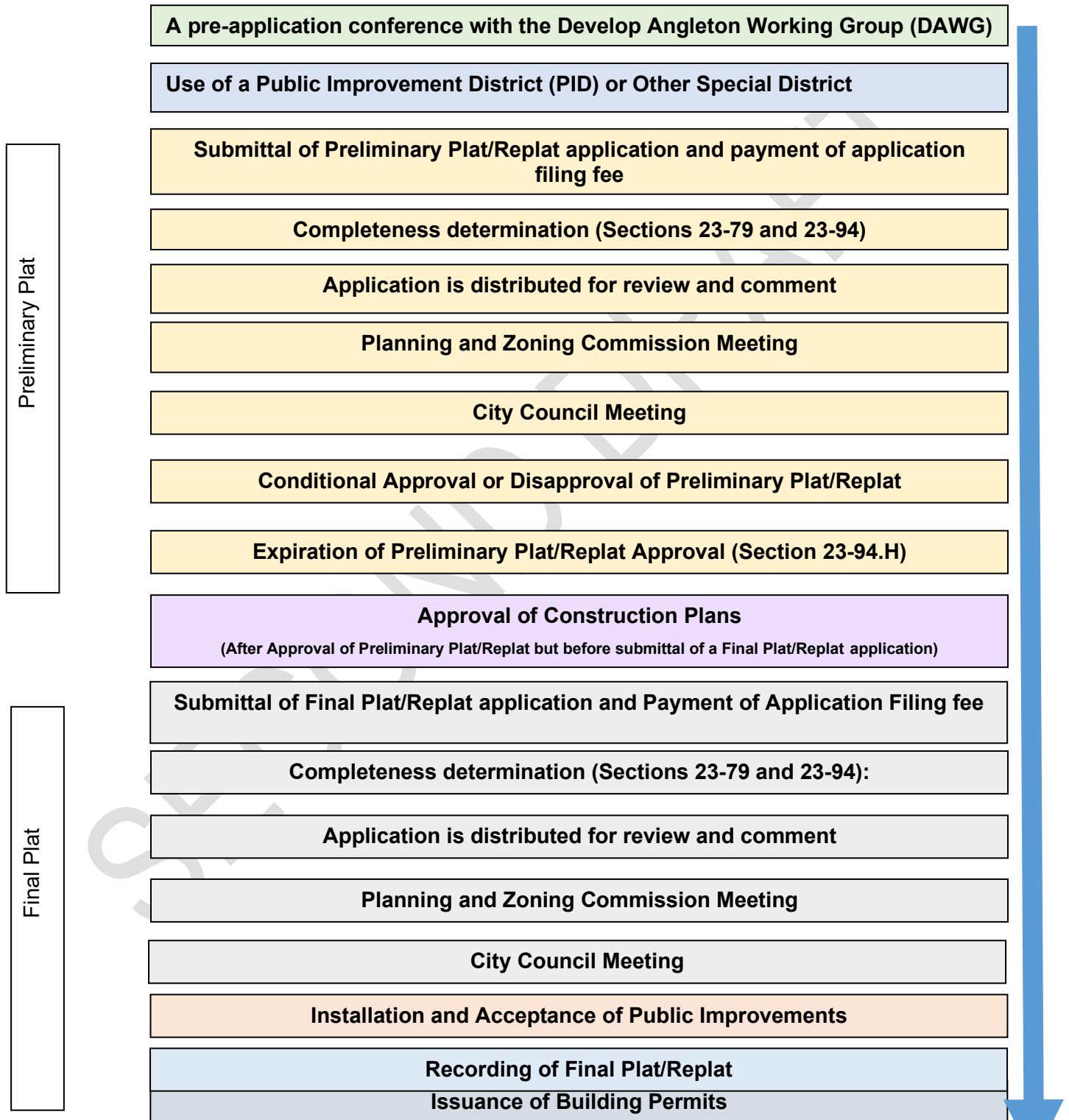
Type of Plat	Approval Authority
Replat	City Council as required
Minor Amending Plat	Administrative
Minor (Subdivision) Plat	Administrative
Development Plat	City Council
Preliminary Plat	City Council
Final Plat	City Council

Description of plats

1. **Minor Amending Plat:** This type of plat is filed when a parcel of land is subdivided into no more than four parcels. The typical purpose is to correct errors as stated in LDC section 23-87 D. There should not be any new streets, roads, extensions or access easements, and extension of utility lines other than individual service lines are proposed to be developed.
2. **Minor (Subdivision Plat):** This type of plat is filed when a property is proposed to be subdivided into no more than four lots. No utilities, other than service lines, are required to be extended to serve the lots and utilities are available on or immediately adjacent to the parcel. The resulting lots would all front on a public street and not require the creation of a new street.
3. **Development Plat:** The purpose of the Development Plat is to establish any non-residential and non-agricultural uses to ensure that the proposed use will be compliant with all adopted, and future, plans and studies of the city, and those plans of any other state or regional entity with jurisdiction, as set out in section 23-6 of the LDC.
4. **Preliminary Plat:** Preliminary Plat is a tentative plat submitted to the P&Z and City Council for approval, but not suitable for recording in the county map, plat or real property records. Preliminary Plat is filed if the subdivision process is not eligible for Administrative Plat Review. It is typically filed when the land is being divided into five or more lots or when a dedication is required to the City.
5. **Final Plat:** A Final Plat is submitted after the Preliminary Plat and Construction Plans for public streets and infrastructure in accordance with the LDC are approved.

a. General Subdivision/Platting Process

The flow chart below describes the steps involved in the platting process. Depending on the type of plat, the process may differ, as explained in the following sections.



Step 1. A pre-application conference with the Develop Angleton Working Group (DAWG) is required (see Section 23-77 and Section 23-94) prior to submittal of a preliminary plat/replat application.

DAWG is a group of City staff representing City departments having an interest or statutory role in the development process or the development of property within the City of Angleton and Angleton's Extraterritorial Jurisdiction.

- DAWG meetings are held every Wednesday from 1:30 pm to 4:30 pm. DAWG is scheduled by appointment only. Appointments are one (1) hour at 1:30 pm, 2:30 pm or 3:30 pm.
- There is currently no application form or fee required to meet with DAWG.
- DAWG meetings are intended to identify issues associated with proposed development within the City and the City ETJ, to determine all applications and approvals that are required, and to make potential applicants aware of the City's adopted Capacity Acquisition Fee and its requirement for parkland dedication or payment of fee-in-lieu (Section 23-14)
- Contact either Ms. Lindsay Koskiniemi or Mr. Walter E. Reeves Jr., AICP to check availability or schedule a meeting.

Step 2. Use of a Public Improvement District (PID) or Other Special District

If a project intends to petition the City to use a PID or seeks funding from the City by way of a Chapter 380 Agreement or TIF/TIRZ, no application for any type of City administered approval will be accepted until a Development Agreement has been finalized and executed by the developer and/or property owner(s) and the City of Angleton.

Step 3. Submittal of Preliminary Plat/Replat application and payment of application filing fee: see attached Subdivision Submittal Calendar for submittal dates. Applications **will not** be accepted outside of those calendar dates. All preliminary plat/replat applications shall include, but are not limited to, the following minimum submittal information (see Section 23-117):

- A completed application and payment of application filing fee; and
- One (1) 24" X 36" paper copy of the proposed preliminary plat/replat including all the property to be developed as part of the project; and
- Proposed phasing of the project; and
- A preliminary utility plan showing all existing and proposed utilities; and
- A TIA, if applicable (Section 23-25). Determination of TIA to be made before submittal of any preliminary plat/replat application; and
- A drainage report (Section 23-15); and
- Current tax certificate(s) indicating taxes have been paid; and
- Statement indicating whether parkland will be dedicated, or fee-in-lieu of dedication will be paid (see Section 23-20 for parkland dedication or fee-in-lieu details); and

- Heritage tree survey and tree preservation plan (Section 23-60) is required; and
- Any variances to be requested of Chapter 23 Land Development Code. The criteria for granting a variance to the requirements of Chapter 23 and the submittal requirements for such variances can be found in Section 23-102. Any variance request must specifically cite the section of Chapter 23 to be varied and provide reasoning for the variance addressing the criteria of Section 23-102; and
- All other information necessary to demonstrate compliance with all applicable requirements of the Code of Ordinances of the City of Angleton.

Step 4. Completeness determination (Sections 23-79 and 23-94): Preliminary plat/replat applications will not be considered accepted and processed until applications are determined to be complete (application is fully completed and signed), application filing fee is paid, and all required submittal materials accompany the application.

- Application completeness will be determined within five (5) business days.
- If the application is determined to be complete, the applicant will be notified, and the application will be distributed for review and comment; or
- If the application is determined to be incomplete, the applicant will be notified and will have forty-five (45) days from the date of application submittal to provide the missing submittal information (Local Government Code (LGC) Section 245.002(e)(1). If the missing information is not provided within the forty-five (45) day period the application will be deemed expired and a new application, fee payment and submittal materials will be required.

Step 5. Application is distributed for review and comment:

- An application determined to be complete will be distributed for review and comment to all City departments having an interest in development within the City of Angleton.
- Comments will be provided to the applicant to make corrections or provide additional information as identified by staff pursuant to the Subdivision Submittal Calendar.
- If all comments are not cleared prior to the issuance of the P&Z packet, the preliminary plat will be recommended for approval with conditions (for minor comments) or denial if major issues remain outstanding.

Step 6. Planning and Zoning Commission Meeting:

- Depending on the circumstances a preliminary plat/replat may require notice of a public hearing to be published in the newspaper and notice of a public hearing be made to property owners within 200 ft. of the area being platted or replatted.
- After the public hearing is held and the public has had an opportunity to speak to the proposed preliminary plat/replat, the Planning and Zoning Commission will discuss the preliminary plat/replat and make a recommendation to City Council to approve the preliminary

plat/replat, approve the preliminary plat/replat with conditions, continue the agenda item to another meeting (date certain), or deny the preliminary plat/replat (with reasons for the recommendation of denial).

- If a public hearing is not required, then the Planning and Zoning Commission will discuss the proposed preliminary plat/replat and make a recommendation to City Council to approve the preliminary plat/replat, approve the preliminary plat/replat with conditions, continue the agenda item to another meeting (date certain), or deny the preliminary plat/replat (with reasons for the recommendation of denial). As no public hearing was required the public can speak only at the discretion of the Chairman or Commissioner chairing the Planning and Zoning Commission meeting.

Step 7. City Council Meeting

- If a public hearing was held at the Planning and Zoning Commission meeting a public hearing will also be held at the City Council meeting. After the public hearing is held and the public has had an opportunity to speak to the proposed preliminary plat/replat, the City Council will discuss the preliminary plat/replat and decide to approve the preliminary plat/replat, approve the preliminary plat/replat with conditions, continue the item to another meeting (date certain) or deny the preliminary plat/replat.
- Preliminary plats/replats that do not require a public hearing will normally be placed on the City Council Agenda under Consent items.
- If a preliminary plat/replat not requiring a public hearing is pulled from the Consent items for discussion, or is placed on the agenda for discussion, the City Council will discuss the proposed preliminary plat/replat and decide to approve the preliminary plat/replat, approve the preliminary plat/replat with conditions, continue the agenda item to another meeting (date certain), or deny the preliminary plat/replat (with reasons for the denial). As no public hearing was required the public can speak only at the discretion of the Mayor or Councilmember that is chairing the Council meeting.
- Approval of a preliminary plat/replat does not constitute approval of a final plat
- **LGC Section 212.005 APPROVAL BY MUNICIPALITY REQUIRED.** The municipal authority responsible for approving plats must approve a plat or replat that is required to be prepared under this subchapter and that satisfies all applicable regulations.

Step 8. Conditional Approval or Disapproval of Preliminary Plat/Replat

- If a preliminary plat/replat is conditionally approved or disapproved, pursuant to LGC Section 212.0093 the applicant “may submit to the municipal authority or governing body that conditionally approved or disapproved the plan or plat a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided. The municipal authority or governing body may not establish a deadline for an applicant to submit the response.”

- If a written response is received, pursuant to LGC Section 212.0095 “a municipal authority or governing body that receives a response under LGC Section [212.0093](#) shall determine whether to approve or disapprove the applicant's previously conditionally approved or disapproved plan or plat not later than the 15th day after the date the response was submitted.”

Step 9. Expiration of Preliminary Plat/Replat Approval (Section 23-94.H)

- Preliminary Plat/Replat approval lapses twelve (12) months from the date of City Council approval.
- A Final Plat/Replat of all, or a portion of the area (identified by the phasing), of the approved preliminary plat/replat must be submitted (considered to be filed per Step 3) within twelve (12) months from the date of approval by City Council, but the approval may be extended by City Council for up to twelve (12) months at the request of the subdivider. Any requests for extension of approval must be submitted prior to the expiration date of the City Council approval.
- If a development is completed in phases (Section 23-18), the original preliminary plat shall not lapse or expire (Section 23-94.G.4)

Step 10. After Approval of Preliminary Plat/Replat but before submittal of a Final Plat/Replat application

- Construction Plans for public improvements, including but not limited to, water, wastewater, drainage, road and park improvements (Section 23-98.A.1.a) may be submitted with the preliminary plat/replat application but **must be approved** prior to submittal of any final plat application (Section 23-117.A.14).
- A letter must be obtained from Angleton Drainage District (ADD) approving any proposed drainage plans prior to submittal of any final plat/replat application.
- Payment of the Capacity Acquisition Fee (CAF) determination fee of \$4,000 for the City Engineer's determination of the CAF prior to submittal of any final plat/replat application.
- Execution of a Development Agreement

Step 11. Submittal of Final Plat/Replat application and payment of application filing fee: see attached Subdivision Submittal Calendar for submittal dates. Applications **will not** be accepted outside of those calendar dates. All final plat/replat applications shall include, but are not limited to, the submittal information found in Section 23-118.A and shall contain the information found in Section 23-118.B

Step 12. Completeness determination (Sections 23-79 and 23-94): Final plat/replat applications will not be considered accepted and processed until applications are determined to be complete (application is fully completed and signed), application filing fee is paid, and all required submittal materials accompany the application.

- Application completeness will be determined within five (5) business days.

- If the application is determined to be complete, the applicant will be notified, and the application will be distributed for review and comment; or
- If the application is determined to be incomplete, the applicant will be notified and will have forty-five (45) days from the date of application submittal to provide the missing submittal information (Local Government Code (LGC) Section 245.002(e)(1). If the missing information is not provided within the forty-five (45) day period the application will be deemed expired and a new application, fee payment and submittal materials will be required.

Step 13. Application is distributed for review and comment:

- An application determined to be complete will be distributed for review and comment to all City departments having an interest in development within the City of Angleton.
- Comments will be provided to the applicant to make corrections or provide additional information as identified by staff pursuant to the Subdivision Submittal Calendar.
- If all comments are not cleared prior to the issuance of the P&Z packet, the final plat/replat will be recommended for approval with conditions (for minor comments) or denial if major issues remain outstanding.

Step 14. Planning and Zoning Commission Meeting:

- Depending on the circumstances a final plat/replat may require notice of a public hearing to be published in the newspaper and notice of a public hearing be made to property owners within 200 ft. of the area being platted or replatted.
- After the public hearing is held and the public has had an opportunity to speak to the proposed final plat/replat, the Planning and Zoning Commission will discuss the final plat/replat and make a recommendation to City Council to approve the final plat/replat, approve the final plat/replat with conditions, continue the agenda item to another meeting (date certain), or deny the final plat/replat (with reasons for the recommendation of denial).
- If a public hearing is not required, then the Planning and Zoning Commission will discuss the proposed final plat/replat and make a recommendation to City Council to approve the final plat/replat, approve the final plat/replat with conditions, continue the agenda item to another meeting (date certain), or deny the final plat/replat (with reasons for the recommendation of denial). As no public hearing was required the public can speak only at the discretion of the Chairman or Commissioner chairing the Planning and Zoning Commission meeting.

Step 15. City Council Meeting

- If a public hearing was held at the Planning and Zoning Commission meeting a public hearing will also be held at the City Council meeting. After the public hearing is held and the public has had an opportunity to speak to the proposed final plat/replat, the City Council will discuss the final plat/replat and decide to approve the final plat/replat,

approve the final plat/replat with conditions, continue the item to another meeting (date certain) or deny the final plat/replat (with reasons for the denial).

- Final plats/replats that do not require a public hearing will normally be placed on the City Council Agenda under Consent items.
- If a final plat/replat not requiring a public hearing is pulled from the Consent items for discussion, or is placed on the Regular agenda for discussion, the City Council will discuss the proposed final plat/replat and decide to approve the final plat/replat, approve the final plat/replat with conditions, continue the agenda item to another meeting (date certain), or deny the final plat/replat (with reasons for the denial). As no public hearing was required the public can speak only at the discretion of the Mayor or Councilmember that is chairing the Council meeting.
- **LGC Section 212.005 APPROVAL BY MUNICIPALITY REQUIRED.** The municipal authority responsible for approving plats must approve a plat or replat that is required to be prepared under this subchapter and that satisfies all applicable regulations.

Step 16. Installation and Acceptance of Public Improvements

- Site grading and installation of required public improvements can begin only after:
 1. The construction plans for the required public improvements have been reviewed and approved by City staff (City Engineer); and
 2. The required Heritage Tree Survey and Tree Protection Plan has been reviewed and approved by the Planning and Zoning Commission and City Council.
 3. Issuance of a Development Permit. The Development Permit application submission requires (Section 23-93):
 - a. Completed application form; and
 - b. Payment of the Development Permit fee, calculated as; \$.008 X the value of the contract (to include all site work, materials, profit, and overhead) + \$75; and
 - c. As applicable there may be respective \$250 deposits for City Engineer plan review and other outside consultant review; and
 - d. A legal description of the property on which the work will be performed or a copy of the plat; and copy of approved construction plans; and
 - e. Authorization of Property Ownership form (if applicable); and
 - f. Copy of approved grading plan (if not part of construction plans); and
 - g. Copy of approved drainage plan (approved by both the City of Angleton and Angleton Drainage District); and
 - h. SWPP approval and submission of TCEQ NOI; and
 - i. Evidence that the proposed improvements will adhere to all applicable best management practices for erosion control; and
 - j. Description of the extent that improvements will be provided to ensure that discharge will not threaten to cause pollution,

contamination, or degradation of any state waters or regulated wetlands; and

- k. Proof of general liability insurance. Minimum limit of liability shall be \$300,000, combined, single limit. Such policy certificate shall provide that the insurance cannot be canceled, or the limit of coverage reduced without 30 days prior written notice to the City Engineer; and
- l. One copy of all plans, reports, and studies associated with the construction of the public improvements.
- m. After meeting the Development Permit submission requirements, a development permit may be issued when all of the following conditions are satisfied (Section 23-93):
 - 1) The applicant has notified the City Engineer and Building Official at least five (5) days before beginning any land disturbing activity and submitted a NOI from TCEQ; and
 - 2) The applicant has installed and started to maintain all required erosion controls measures; and
 - 3) The applicant has started to maintain all road drainage systems, stormwater drainage systems and other facilities; and
 - 4) The applicant has demonstrated how sediment resulting from land disturbing activities will be managed to avoid entry into adjacent surfaces and/or drainage courses; and
 - 5) The applicant will allow the City Engineer or their designees to enter the site to verify compliance or to require additional work to bring the site into compliance with approved permit; and
 - 6) The applicant agrees to submit revised plans and obtain a new permit if the nature of the project changes from that proposed under the approved permit.
 - 7) The City of Angleton has issued a Notice to Proceed.
- After commencement of construction the applicant is responsible for:
 1. Posting of the Development Permit on-site; and
 2. Posting of the SWPP on site; and
 3. Posting of the TCEQ NOI on-site; and
 4. Submission of inspection and Geotech reports.
- Public improvements may be accepted by the city after the following actions have been completed:
 1. Submission of an “as-built” plan set consistent with Section 23-93.H; and
 2. City Engineer approves the construction of the public improvements (after inspection and developer completion of a post-inspection “punch list”); and
 3. A Maintenance Bond is filed pursuant to Section 23-93.I.2; and
 4. Conveyance to the City of all off-site easements, if any (Section 23-93.I.3; and
 5. Acceptance pursuant to Section 23-93.K.

Step 17. Recording of Final Plat/Replat

The City will obtain all required City of Angleton signatures and record the final plat with Brazoria County after completion of the following items:

- The public improvements have been accepted; and
- A mylar of the approved final plat/replat has been submitted with all required original owner signatures and preparer stamps, including Angleton Drainage District signature; and
- Payment of recording fees.
- Payment of all City of Angleton fees, including but not limited to CAF and park fee-in-lieu of dedication; and
- Execution of a development agreement.

Step 18. Issuance of Building Permits

With the exception of the issuance of Conditional Building Permits for model homes (Section 23-38.C) no building permits for construction will be issued until a final plat is recorded, all City of Angleton fees have been paid, and a development agreement has been executed.

Section 2 Amending Plats (Major and Minor)

The two types of Amending Plats are:

- A. Minor Amending Plats
- B. Major Amending Plats

Minor Amending Plats

- i. Correct an error in a course or distance shown on the preceding plat;
- ii. Add a course or distance that was omitted on the preceding plat;
- iii. Correct an error in a real property description shown on the preceding plat;
- iv. Indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
- v. Identify the changed location, changed character, or incorrect location of a monument on the preceding plat;
- vi. Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
- vii. Correct an error in courses or distances of lot lines between two adjacent lots if:
 - a) Both lot owners join in the application for amending the plat;
 - b) Neither lot is abolished; and
 - c) Any affected utility providers consent to proposed amendment.
- viii. Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement into a required setback or easement only if:
 - a) The owners of all affected lots join in the application for the amending plat, minor; and

- b) If an easement would be affected, all affected utility providers shall consent to the proposed amendment in writing.
- ix. If a parcel of land is subdivided into no more than four parcels;
- x. When no new streets, roads, extensions or access easements are proposed to be developed;
- xi. No utilities, other than individual service lines, need to be extended to serve the parcels and the necessary utilities are in place immediately adjacent to the parcels;

a. Approval Process

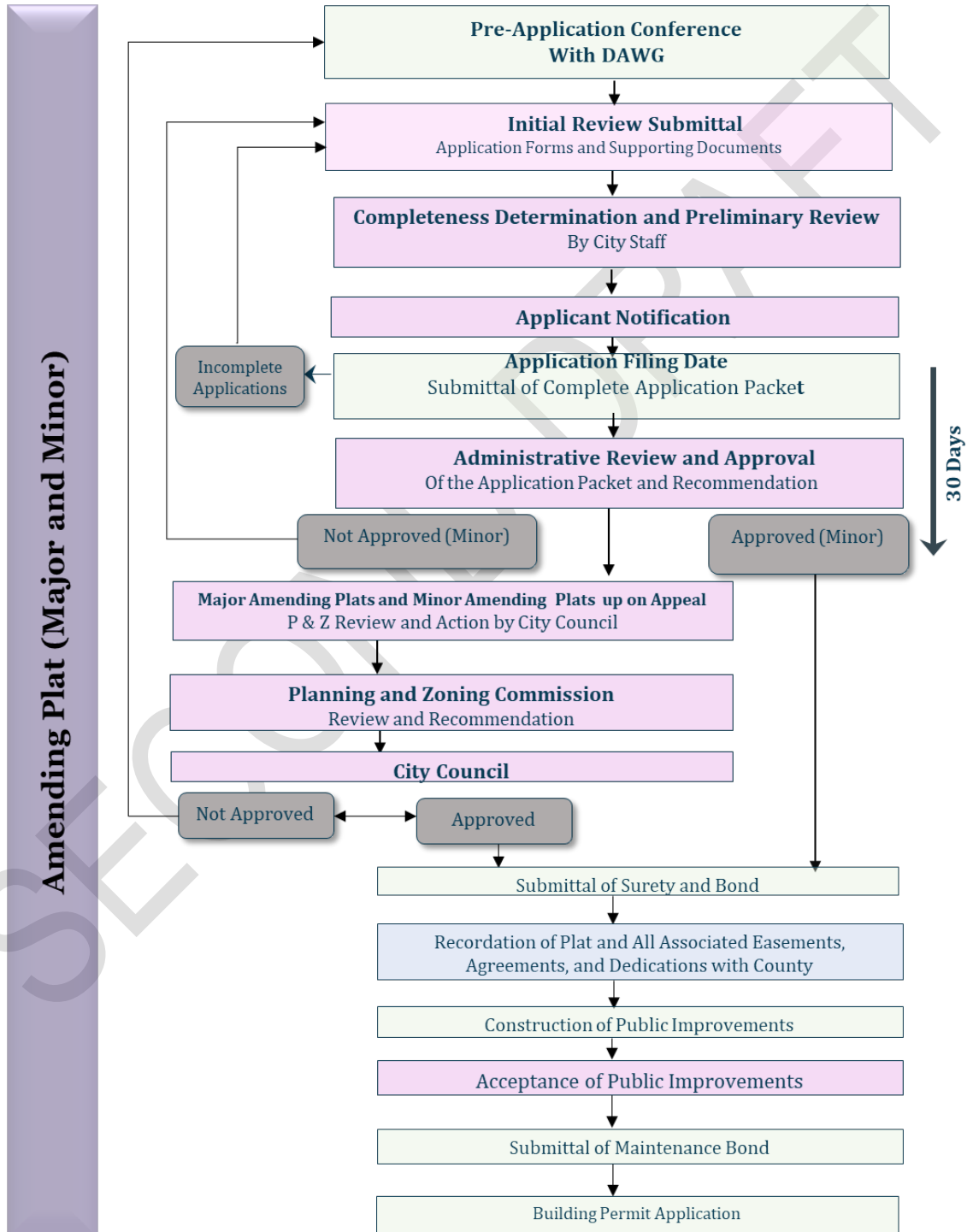
1. The approval process includes the following steps:
2. Pre-application Conference
As described in Chapter 3 of this document, a Pre-Application Conference is required.
3. Application Submittal
A complete application by the property owner or the applicant made in a format consistent with requirements established by the City and includes all items listed on the Amending Plat Submittal Checklist and the Universal Application.
4. Completeness Check and Initial Review
Plat applications will not be considered accepted and processed until applications are determined to be complete (application is fully completed and signed), application filing fee is paid, and all required submittal materials accompany the application.
 - Application completeness will be determined within five (5) business days.
 - If the application is determined to be complete, the applicant will be notified, and the application will be distributed for review and comment; or
 - If the application is determined to be incomplete, the applicant will be notified and will have forty-five (45) days from the date of application submittal to provide the missing submittal information (Local Government Code (LGC) Section 245.002(e)(1). If the missing information is not provided within the forty-five (45) day period the application will be deemed expired and a new application, fee payment and submittal materials will be required.
5. Administrative Review and Final Action
City staff will review the resubmitted plat for conformance to the LDC.
Minor Amending Plats: The City Manager is responsible for final action on the Minor Amending Plat. If the Development Administrator determines that the Minor Amending Plat does not meet the approval criteria, the applicant may request that the application be forwarded to the Planning and Zoning Commission for its review and for its recommendation to City Council, which will take final action.
Major Amending Plat: Major Amended plats will follow all procedural requirements set out in LDC section 23-94, Preliminary plats and LDC section 23-95, Final plats, respectively, depending on the plat type proposed to be amended. An applicant, at risk, may file a combined preliminary/final amended plat, major. The commission and council may only act on the final plat if the preliminary amending plat, major, is approved. The commission and council are

not obligated to take favorable action on the final plat if there are issues with the preliminary amended plat, major.

6. Action Following Plat Approval

The city records all plats. The City will collect the recordation fee and signed mylars for recordation.

b. Process Flowchart



c. Criteria for Approval

All subdivisions and plats of land will be reviewed using the criteria in the LDC. If required infrastructure construction plans must be filed and be consistent with LDC. Subdivisions, plats and construction plans must be reviewed and approved before any final action may be taken by the Development Administrator or the developer.

d. Conditions for Approval

All conditions have to be met prior to recordation of plat or acceptance of public improvements.

e. Expiration

Once the plat is recorded, there is no expiration date.

f. Submittal Checklist

Please see Appendix A - Universal Application and Appendix B – Submittal Checklist for applicable forms and checklists.

g. Sign posting/Notification requirements

None required.

h. Additional Information

Fees: Refer to [Appendix C](#) (Fee Schedule) or the current fee schedule attached to the application form and posted on the City's website. Please contact City staff for additional information.

Section 3 Minor (Subdivision) Plat

Minor subdivision plats may be filed if:

1. Property is proposed to be subdivided into no more than four lots;
2. The resulting lots comply with all LDC and applicable zoning requirements;
3. No utilities, other than service lines, are required to be extended to serve the lots and utilities are available on or immediately adjacent to the parcel; and
4. The resulting lots would all front on a public street and not require the creation of a new street.

a. Approval Process

The approval process includes the following steps:

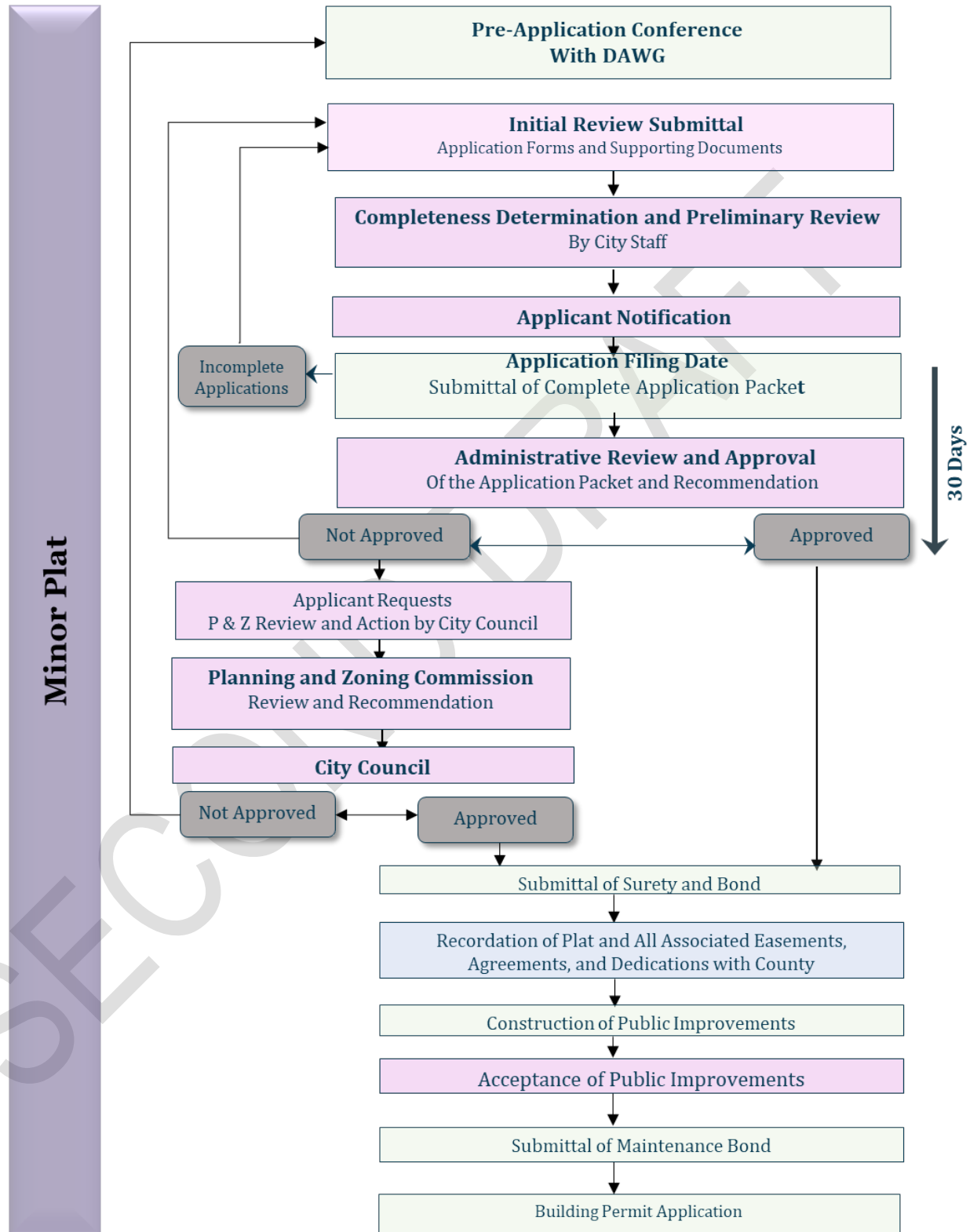
1. Pre-application Conference
As described in Chapter 3 of this document, a Pre-Application Conference is required.
2. Application Submittal
A complete application by the property owner or the applicant made in a format consistent with requirements established by the City with all items listed on the Replat Plat Submittal Checklist and the Universal Application.
3. Completeness Check and Initial Review

Plat applications will not be considered accepted and processed until applications are determined to be complete (application is fully completed and signed), application filing fee is paid, and all required submittal materials accompany the application.

- Application completeness will be determined within five (5) business days.
- If the application is determined to be complete, the applicant will be notified, and the application will be distributed for review and comment; or
- If the application is determined to be incomplete, the applicant will be notified and will have forty-five (45) days from the date of application submittal to provide the missing submittal information (Local Government Code (LGC) Section 245.002(e)(1). If the missing information is not provided within the forty-five (45) day period the application will be deemed expired and a new application, fee payment and submittal materials will be required.

4. Distribution of the application for review and comment
An application determined to be complete will be distributed for review and comment to all City departments having an interest in development within the City of Angleton. Comments will be provided to the applicant to make corrections or provide additional information as identified by staff pursuant to the Subdivision Submittal Calendar. If all comments are not cleared prior to the issuance of the P&Z packet, the preliminary plat will be recommended for approval with conditions (for minor comments) or denial if major issues remain outstanding.
5. Planning and Zoning Commission Action
Planning and Zoning Commission will conduct a Public Hearing, review the plat and make a recommendation to the City Council. City Council Action
Following the recommendation of the Planning and Zoning Commission, the City Council will conduct a Public Hearing, review the plat and will take final action.
6. Action Following Plat Approval
Typically, a Minor Plat does not require public improvements.
The city records all plats. The City will collect the recordation fee and signed mylars for recordation.

b. Process Flowchart



c. Criteria for Approval

All subdivisions and plats of land will be reviewed using the criteria in this Code.

Subdivisions, plats and construction plans must be reviewed and approved before any final action may be taken by the City Manager or the developer.

d. Conditions for Approval

All conditions have to be met prior to recordation of plat or acceptance of public improvements.

e. Expiration

Construction of public improvements is required to be completed within two years of approval. Once the plat is recorded, there is no expiration date.

f. Submittal Checklist

Please see Appendix A - Universal Application and Appendix B – Submittal Checklist for applicable forms and checklists.

g. Sign posting/Notification requirements

None required.

h. Additional Information

Fees: Refer to Appendix C (Fee Schedule) or the current fee schedule attached to the application form and posted on the City's website. Please contact City staff for additional information.

Section 4 Replats

There are two types of Replats-Major and Minor, as indicated below. A Minor Replat is also known as Minor Consolidation Plat.

The purpose of the Minor Replat/Consolidation Plat is to combine six or fewer recorded lots or unplatted parcels into a lesser number of platted lots that conform to the LDC to create buildable lots. Other circumstances where a Minor Replat/Consolidation Plat is applicable are:

- i. The dedication of additional right-of-way to an existing street right-of-way
- ii. The dedication of new easements and the relocation of existing easements
- iii. The abandonment or relocation of utility easements subject to the consent of all affected utility providers.

A replat may be filed to initiate, a change to a previously recorded plat, without vacating an existing recorded plat, for any of the following purposes:

- i. Correct an error in any course or distance shown on the prior recorded plat;
- ii. Add any course or distance that was omitted on the prior recorded plat;
- iii. Correct an error in the description of the real property shown on the prior recorded plat;
- iv. Indicate monuments set after death, disability, or retirement from practice of the

- engineer responsible for setting the monuments;
- v. Indicate the proper location or character of any monument that has been changed in location or character or that originally was shown at the wrong location or incorrect character on the prior recorded plat;
 - vi. Correct any other type of clerical error, scriveners' error, or omission in the previously approved recorded plat;
 - vii. Correct an error in courses and distances of lot lines between two adjacent lots where both lot owners join in the plat application and neither recorded lot is abolished, provided that:
 - a) Such amendment does not have a material adverse effect on the property rights of the owners in the plat;
 - b) Such an amendment is acceptable to any utility providers that may be affected by the amendment; and
 - c) Each resulting lot complies with all requirements of the LDC.
 - viii. Relocate a lot line in order to cure an inadvertent encroachment of a building or improvement on a lot line or on an easement; or to
 - ix. Relocate or vacate one or more lot lines, easements, or rights-of-way between, or along, one or more adjacent platted lots where the owner or owners of all such property join in the application for the plat amendment; provided that easement or right-of-way vacation is agreeable to all utility providers and jurisdictions that may have services and easements/right-of-way on the affected properties.

a. Approval Process

The approval process includes the following steps:

1. Pre-application Conference

As described in Chapter 3 of this document, a Pre-Application Conference is required.

2. Application Submittal

A complete application by the property owner or the applicant made in a format consistent with requirements established by the City with all items listed on the Replat Plat Submittal Checklist and the Universal Application.

3. Completeness Check and Initial Review

Plat applications will not be considered accepted and processed until applications are determined to be complete (application is fully completed and signed), application filing fee is paid, and all required submittal materials accompany the application.

- Application completeness will be determined within five (5) business days.
- If the application is determined to be complete, the applicant will be notified, and the application will be distributed for review and comment; or
- If the application is determined to be incomplete, the applicant will be notified and will have forty-five (45) days from the date of application submittal to provide the missing submittal information (Local Government Code (LGC) Section 245.002(e)(1). If the missing information is not provided within the forty-five (45) day period the application will be deemed expired and a new application, fee payment and submittal materials will be required.

4. Distribution of the application for review and comment

An application determined to be complete will be distributed for review and comment to all City departments having an interest in development within the City of Angleton. Comments will be provided to the applicant to make corrections or provide additional information as identified by staff pursuant to the Subdivision Submittal Calendar. If all comments are not cleared prior to the issuance of the P&Z packet, the preliminary plat will be recommended for approval with conditions (for minor comments) or denial if major issues remain outstanding.

5. Dual Notification of Public Hearing required only if the replat has a Variance
Depending on the circumstances a replat may require a public hearing and a notice of a public hearing to be published in the newspaper and notice of a public hearing be made to property owners within 200 ft. of the area being platted or replatted.

Applicant Notice: Staff will notify the applicant of the date of the joint public hearing.

Mailed Notice: Staff will send a written notice of the public hearing to all property owners within 200 feet of the subject property at least 15 days prior to the date of the public hearing. The notification will include information regarding the location of the property and the requested zoning action.

Published Notice: A legal notice will be sent to the local newspaper for publication by staff.

6. Planning and Zoning Commission Action

After the public hearing is held and the public has had an opportunity to speak to the proposed plat, the Planning and Zoning Commission will discuss the plat and make a recommendation to City Council to approve the plat, approve with conditions, continue the agenda item to another meeting (date certain), or deny the plat (with reasons for the recommendation of denial).

If a public hearing is not required, then the Planning and Zoning Commission will discuss the proposed plat and make a recommendation to City Council to approve the plat, approve with conditions, continue the agenda item to another meeting (date certain), or deny the plat (with reasons for the recommendation of denial). As no public hearing was required the public can speak only at the discretion of the Chairman or Commissioner chairing the Planning and Zoning Commission meeting.

7. City Council Action

If a public hearing was held at the Planning and Zoning Commission meeting a public hearing will also be held at the City Council meeting. After the public hearing is held and the public has had an opportunity to speak to the plat, the City Council will discuss the plat and decide to approve the plat, approve the plat with conditions, continue the item to another meeting (date certain) or deny the preliminary plat.

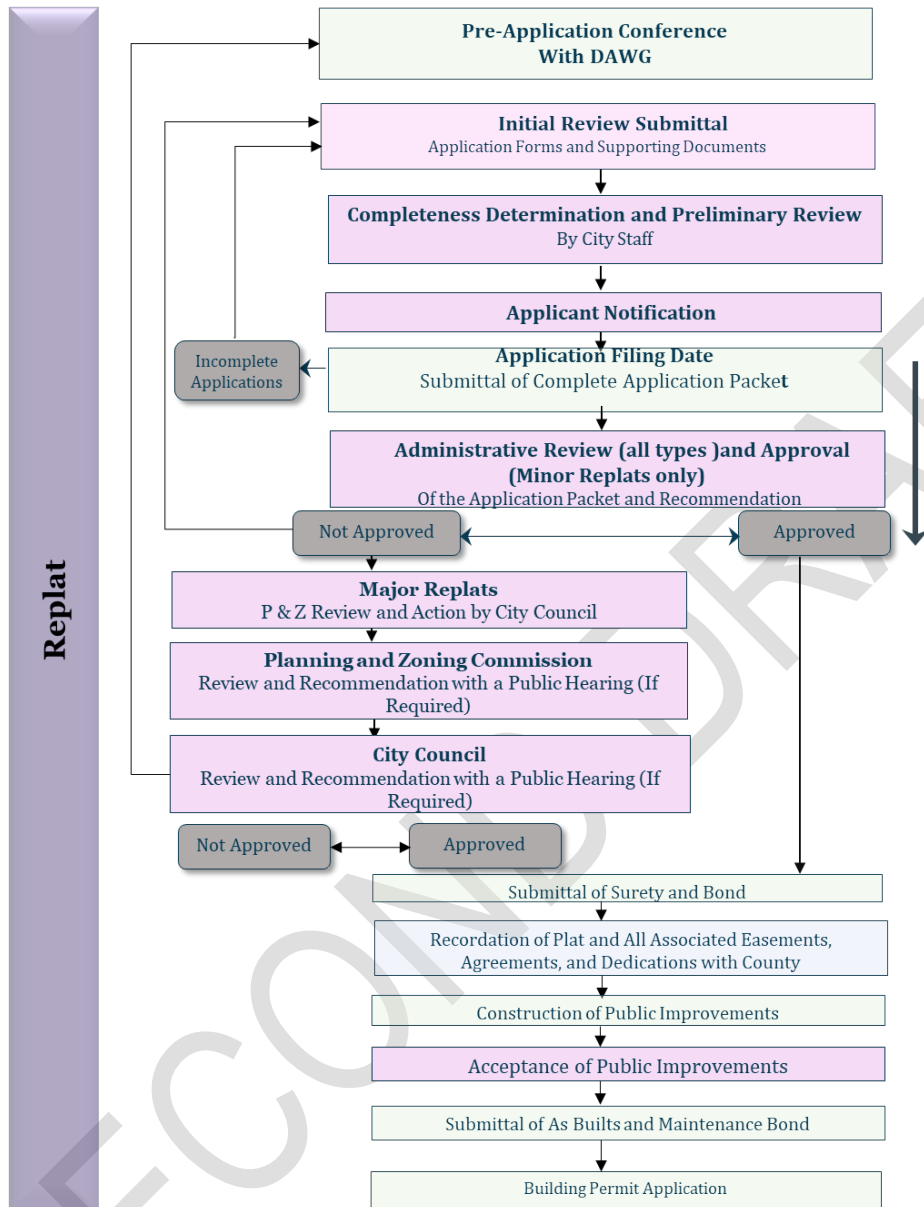
Plats that do not require a public hearing will normally be placed on the City Council Agenda under regular agenda items Consent items.

LGC Section 212.005 APPROVAL BY MUNICIPALITY REQUIRED. The municipal authority responsible for approving plats must approve a plat or replat that is required to be prepared under this subchapter and that satisfies all applicable regulations.

8. Action Following Plat Approval

The city records all plats. The City will collect the recordation fee and signed mylars for recordation.

b. Process Flowchart



c. Criteria for Approval

Subdivisions, plats and construction plans must be reviewed and approved before any final action may be taken by the City Manager or the developer.

d. Conditions for Approval

All conditions have to be met prior to recordation of plat or acceptance of public improvements.

e. Expiration

Construction of public improvements is required to be completed within two years of approval. Once the plat is recorded, there is no expiration date.

f. Submittal Checklist

Please see Appendix A - Universal Application and Appendix B – Submittal Checklist for applicable forms and checklists.

g. Sign posting/Notification requirements

None required.

h. Additional Information

Fees: Refer to Appendix C (Fee Schedule) or the current fee schedule attached to the application form and posted on the City’s website. Please contact City staff for additional information.

Section 5 Development Plat

Development Plat, a type of administrative plat is required for previously unsubdivided or unplatted land that is not being divided into separate parcels. The city will require the filing of a development plat to establish any non-residential and non-agricultural uses to ensure that the proposed use will be compliant with:

- a. All adopted, and future, plans and studies of the city, and those plans of any other state or regional entity with jurisdiction;
- b. The LDC for non-residential and non-agricultural development in the ETJ only when a site plan and development plat are required to ensure compliance with the LDC, public health and safety, and the dedication of right-of-way and easements for:
 - i. Non-residential construction on a property that was not lawfully subdivided prior to the effective date of the LDC;
 - ii. Property that is not subject to the preliminary and final plat requirements of the LDC;
 - iii. Development where the only access is a private easement or private street; and
 - iv. Developments where easements or right-of-way must be provided.

Exceptions

- ✓ A tract has received final plat approval or was lawfully created prior to the effective date of the LDC
- ✓ Public improvements are required to be constructed by the developer or subdivider.

a. Approval Process

The approval process includes the following steps:

1. Pre-application Conference
As described in Chapter 3 of this document, a Pre-Application Conference is required.
2. Application Submittal
A complete application by the property owner or the applicant made in a format consistent with requirements established by the City with all items listed on the Replat Plat Submittal Checklist and the Universal Application.
3. Completeness Check and Initial Review

Plat applications will not be considered accepted and processed until applications are determined to be complete (application is fully completed and signed), application filing fee is paid, and all required submittal materials accompany the application.

- Application completeness will be determined within five (5) business days.
- If the application is determined to be complete, the applicant will be notified, and the application will be distributed for review and comment; or
- If the application is determined to be incomplete, the applicant will be notified and will have forty-five (45) days from the date of application submittal to provide the missing submittal information (Local Government Code (LGC) Section 245.002(e)(1). If the missing information is not provided within the forty-five (45) day period the application will be deemed expired and a new application, fee payment and submittal materials will be required.

4. Distribution of the application for review and comment

An application determined to be complete will be distributed for review and comment to all City departments having an interest in development within the City of Angleton. Comments will be provided to the applicant to make corrections or provide additional information as identified by staff pursuant to the Subdivision Submittal Calendar. If all comments are not cleared prior to the issuance of the P&Z packet, the preliminary plat will be recommended for approval with conditions (for minor comments) or denial if major issues remain outstanding.

5. Action Following Plat Approval

If construction of public improvements is the Developer will notify the City Engineer within ten (10) days which of the following construction procedure(s) the Developer proposes to follow:

- Construction of public improvements and plat recordation:
- The developer will submit a complete set of construction plans for construction of streets, alleys, sidewalks, and utilities, and other public infrastructure required to be installed for City's approval.
- Upon approval of the construction plans by the City, the developer will proceed with construction of streets, alleys, sidewalks, and utilities that the Developer is required to install.
- The City will inspect the work as it progresses.
- Developer will request acceptance of public improvements upon completion, within two years of approval, and will deliver to the City a two (2) year guarantee of workmanship and materials in the amount of 20% of total construction cost, in the form of a warranty bond or irrevocable letter of credit as provided in the LDC.
- Upon final acceptance by the City and upon written request of the Developer, the plat may be approved and filed for record with the appropriate County Clerk.
- The Developer will be responsible for payment of the filing fee and plat recordation and will be required to submit the approved Amending Plat with volume and page number to the City after recordation. The City requires the developer to file two (2) sets of full-size plans with volume and page number, a USB flash drive with electronic copies of the

required exhibits in “PDF” format and shape files for property boundary where applicable.

OR

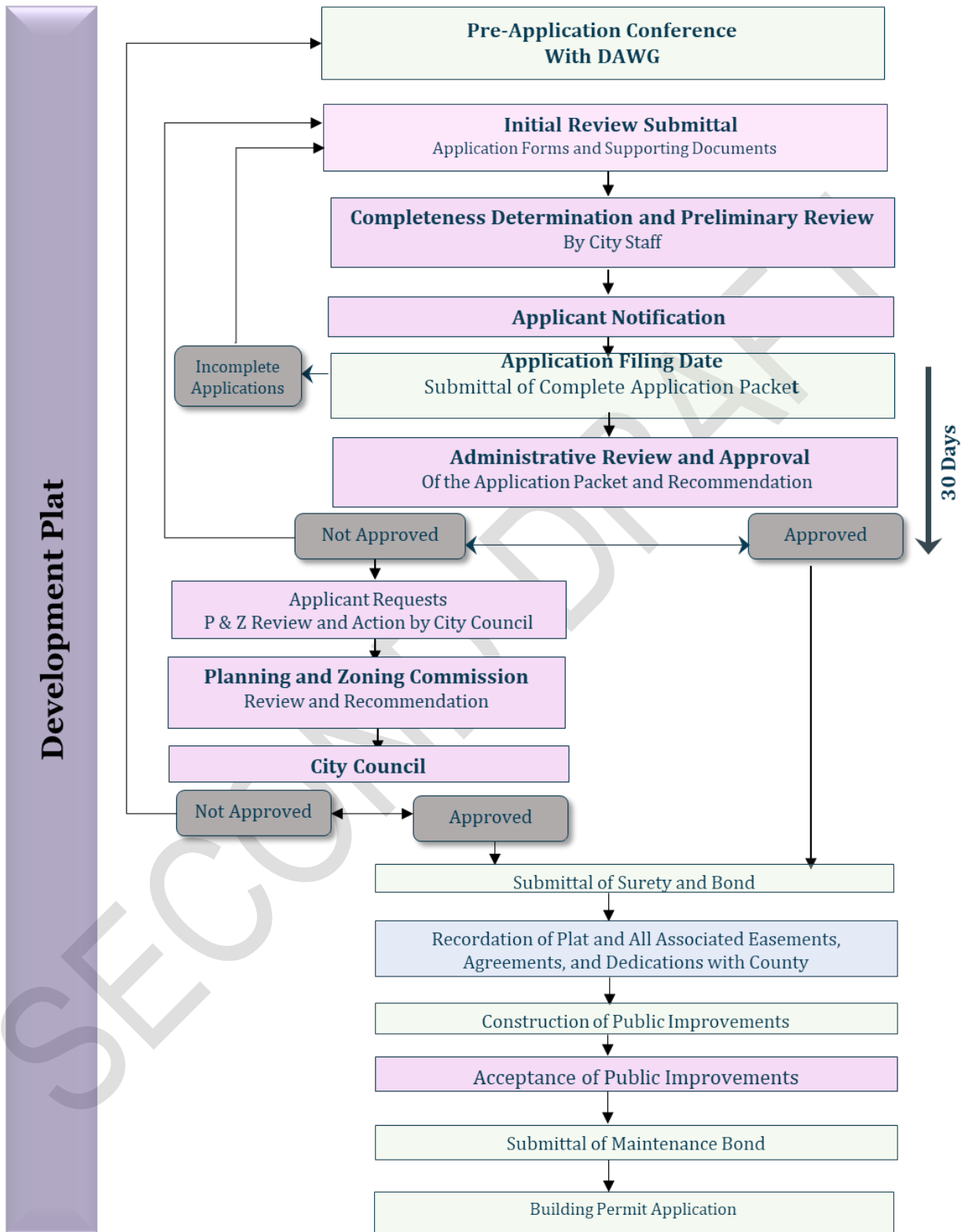
Surety and assurance to allow plat recordation prior to completion of improvements:

- The Developer will file surety of assurance with the City in the form of a performance bond
- The Developer will request that the plat be filed for recordation.
- The Developer will be responsible for payment of the filing fee and plat recordation and will be required to submit a copy of approved Amending Plat with volume and page number to the City after recordation.
- The Developer will complete construction of public improvements.
- The City will inspect the construction work as it progresses and will conduct a final inspection to assure compliance with City requirements and proceed with acceptance.
- Upon completion of construction within two years of approval, the Developer will deliver to the City a two (2) year guarantee of workmanship and materials in the amount of 20% of total construction cost, in form of a warranty bond or irrevocable letter of credit

If construction of public improvements is not required:

The Developer will be responsible for payment of the filing fee and plat recordation and will be required to submit a copy of approved Development Plat with volume and page number to the City after recordation.

b. Process Flowchart



c. Criteria for Approval

All subdivisions and plats of land will be reviewed using the criteria in the LDC. Plats and Construction Plans must be reviewed and approved before any final action may be taken by the Development Administrator or the commencement of construction.

d. Conditions for Approval

All conditions have to be met (if any) prior to recordation of plat or acceptance of public improvements.

e. Expiration

Construction of public improvements is required to be completed within two years of approval. Once the plat is recorded, there is no expiration date.

f. Submittal Checklist

Please see Appendix A - Universal Application and Appendix B – Submittal Checklist for applicable forms and checklists.

g. Sign posting/Notification requirements

None required.

h. Additional Information

Fees: Refer to Appendix C (Fee Schedule) or the current fee schedule attached to the application form and posted on the City's website. Please contact City staff for additional information.

Section 6 Preliminary Plat

Preliminary Plats are required for:

- Land being divided into separate parcels,
- Plats with five or more lots,
- Any plat that requires a dedication of land to the City, and
- Land to be subdivided, if that land is not eligible for Administrative Plat Review process (Minor, Amending, or Development Plat).

Preliminary Plat is tentative plat submitted to the P&Z and City Council for approval, but not suitable for recording in the county map, plat or real property records.

a. Approval Process

Refer to pages 6-12 of this chapter for more information. The approval process includes the following steps:

1. Pre-application Conference

As described in Chapter 3 of this document, a Pre-Application Conference is required.

2. Application Submittal

A complete application by the property owner or the applicant made in a format consistent with requirements established by the City with all items listed on the Preliminary Plat Submittal Checklist and the Universal Application.

3. Completeness Check and Initial Review

Plat applications will not be considered accepted and processed until applications are determined to be complete (application is fully completed and signed), application filing fee is paid, and all required submittal materials accompany the application.

- Application completeness will be determined within five (5) business days.
- If the application is determined to be complete, the applicant will be notified, and the application will be distributed for review and comment; or
- If the application is determined to be incomplete, the applicant will be notified and will have forty-five (45) days from the date of application submittal to provide the missing submittal information (Local Government Code (LGC) Section 245.002(e)(1). If the missing information is not provided within the forty-five (45) day period the application will be deemed expired and a new application, fee payment and submittal materials will be required.

4. Distribution of the application for review and comment

An application determined to be complete will be distributed for review and comment to all City departments having an interest in development within the City of Angleton. Comments will be provided to the applicant to make corrections or provide additional information as identified by staff pursuant to the Subdivision Submittal Calendar. If all comments are not cleared prior to the issuance of the P&Z packet, the preliminary plat will be recommended for approval with conditions (for minor comments) or denial if major issues remain outstanding.

5. Dual Notification of Public Hearing

For residential replat with variances. Depending on the circumstances a preliminary plat/replat may require notice of a public hearing to be published in the newspaper and notice of a public hearing be made to property owners within 200 ft. of the area being platted or replatted.

6. Planning and Zoning Commission Action

After the public hearing is held and the public has had an opportunity to speak to the proposed plat, the Planning and Zoning Commission will discuss the plat and make a recommendation to City Council to approve the plat, approve with conditions, continue the agenda item to another meeting (date certain), or deny the plat (with reasons for the recommendation of denial).

If a public hearing is not required, then the Planning and Zoning Commission will discuss the proposed plat and make a recommendation to City Council to approve the plat, approve the with conditions, continue the agenda item to another meeting (date certain), or deny the plat (with reasons for the recommendation of denial). As no public hearing was required the public can speak only at the discretion of the Chairman or Commissioner chairing the Planning and Zoning Commission meeting.

7. City Council Action

If a public hearing was held at the Planning and Zoning Commission meeting a public hearing will also be held at the City Council meeting. After the public hearing is held and the public has had an opportunity to speak to the plat, the City Council will discuss the plat and decide to approve the plat, approve the plat with conditions, continue the item to another meeting (date certain) or deny the preliminary plat.

Plats that do not require a public hearing will normally be placed on the City Council Agenda under Consent items.

If a Plat not requiring a public hearing is pulled from the Consent items for discussion, or is placed on the agenda for discussion, the City Council will discuss the proposed plat and decide to approve the plat, approve the plat with conditions, continue the agenda item to another meeting (date certain), or deny the plat (with reasons for the denial). As no public hearing was required the public can speak only at the discretion of the Mayor

or Councilmember that is chairing the Council meeting.

LGC Section 212.005 Approval By Municipality Required. The municipal authority responsible for approving plats must approve a plat or replat that is required to be prepared under this subchapter and that satisfies all applicable regulations.

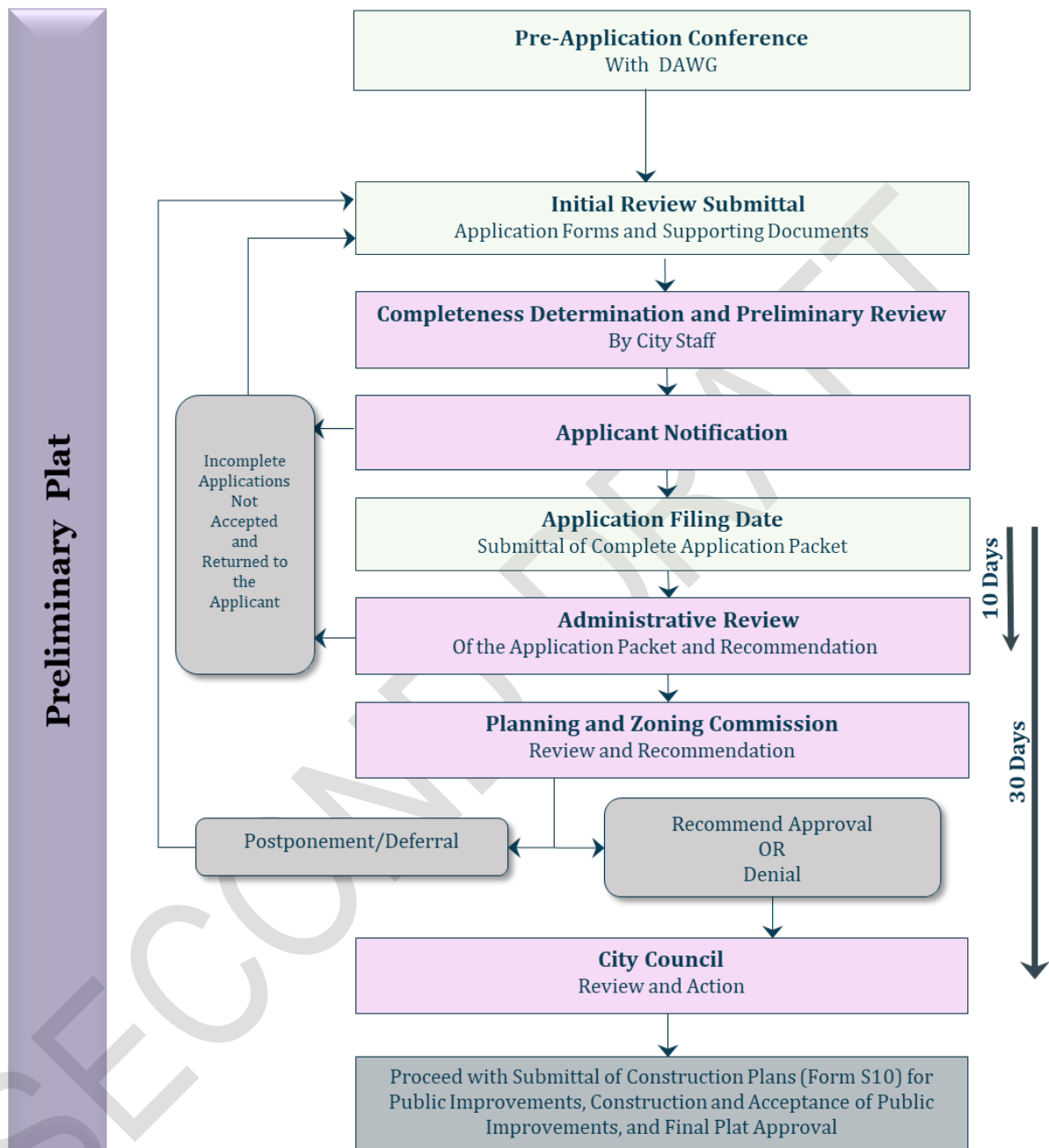
8. Written Notification to the Applicant

Within ten (10) days after the City Council makes a final decision, a copy of the written decision will be sent to the applicant, and a copy will be filed at the City, where it will be available for public inspection during regular office hours. Approval of Preliminary Plat is deemed as an expression of approval to the proposed layout submitted on the Preliminary Plat as a guide to the preparation of the Final Plat.

9. Action Following Plat Approval

After approval of the Preliminary Plat, the Developer will proceed to submit engineering plans for construction of public improvements for review and approval prior to submittal of a Final Plat application.

b. Process Flowchart



c. Criteria for Approval

All subdivisions and plats of land will be reviewed using the criteria in the LDC. If required, a Concept Plan must be approved prior to submittal of Preliminary Plat. The Commission may recommend to City Council the approval, approval with conditions, or disapproval of by using the criteria for consideration listed in the LDC.

d. Conditions for Approval

All conditions must be met prior to the approval of Preliminary Plat.

e. Expiration

Preliminary plat approval is valid for 12 months from the date of council approval, during which time all general terms and conditions under which the preliminary plat was approved shall not be changed.

f. Submittal Checklist

Please see Appendix A - Universal Application and Appendix B – Submittal Checklist for applicable forms and checklists.

g. Sign posting/Notification requirements

None required.

h. Additional Information

Fees: Refer to Appendix C (Fee Schedule) or the current fee schedule attached to the application form and posted on the City's website. Please contact City staff for additional information.

Section 7 Final Plat

A Final Plat is a subdivision map or drawing intended for recordation in the plat records of the county in which the subdivision is located.

A Final Plat submittal requires an approved Preliminary Plat and submittal of construction plans for public streets and infrastructure in accordance with the LDC.

a. Approval Process

The approval process includes the following steps:

1. Pre-application Conference

As described in Chapter 3 of this document, a Pre-Application Conference is required.

2. Application Submittal

A complete application by the property owner or the applicant made in a format consistent with requirements established by the City with all items listed on the Preliminary Plat Submittal Checklist and the Universal Application. A copy of construction plans for public improvements must be submitted with the Final Plat submittal.

3. Completeness Check and Initial Review

Plat applications will not be considered accepted and processed until applications are determined to be complete (application is fully completed and signed), application filing fee is paid, and all required submittal materials accompany the application.

- Application completeness will be determined within five (5) business days.
- If the application is determined to be complete, the applicant will be notified, and the application will be distributed for review and comment; or
- If the application is determined to be incomplete, the applicant will be notified and will have forty-five (45) days from the date of application submittal to provide the missing

submittal information (Local Government Code (LGC) Section 245.002(e)(1). If the missing information is not provided within the forty-five (45) day period the application will be deemed expired and a new application, fee payment and submittal materials will be required.

4. Distribution of the application for review and comment

An application determined to be complete will be distributed for review and comment to all City departments having an interest in development within the City of Angleton. Comments will be provided to the applicant to make corrections or provide additional information as identified by staff pursuant to the Subdivision Submittal Calendar. If all comments are not cleared prior to the issuance of the P&Z packet, the preliminary plat will be recommended for approval with conditions (for minor comments) or denial if major issues remain outstanding.

5. Approval of Construction Plans

City staff will review and approve construction plans for public improvements that are proposed as part of the subdivision. A letter must be obtained from Angleton Drainage District (ADD) approving any proposed drainage plans prior to submittal of any final plat/replat application. Payment of the Capacity Acquisition Fee (CAF) determination fee of \$4,000 for the City Engineer's determination of the CAF prior to submittal of any final plat/replat application.

Execution of a Development Agreement

6. Planning and Zoning Commission Action

After the public hearing is held and the public has had an opportunity to speak to the proposed plat, the Planning and Zoning Commission will discuss the plat and make a recommendation to City Council to approve the plat, approve with conditions, continue the agenda item to another meeting (date certain), or deny the plat (with reasons for the recommendation of denial).

If a public hearing is not required, then the Planning and Zoning Commission will discuss the proposed plat and make a recommendation to City Council to approve the plat, approve with conditions, continue the agenda item to another meeting (date certain), or deny the plat (with reasons for the recommendation of denial). As no public hearing was required the public can speak only at the discretion of the Chairman or Commissioner chairing the Planning and Zoning Commission meeting.

7. City Council Action

If a public hearing was held at the Planning and Zoning Commission meeting a public hearing will also be held at the City Council meeting. After the public hearing is held and the public has had an opportunity to speak to the plat, the City Council will discuss the plat and decide to approve the plat, approve the plat with conditions, continue the item to another meeting (date certain) or deny the preliminary plat.

Plats that do not require a public hearing will normally be placed on the City Council Agenda under Consent items.

If a plat not requiring a public hearing is pulled from the Consent items for discussion, or is placed on the agenda for discussion, the City Council will discuss the proposed plat and decide to approve the plat, approve the plat with conditions, continue the agenda item to another meeting (date certain), or deny the plat (with reasons for the denial). As no public hearing was required the public can speak only at the discretion of the Mayor or Councilmember that is chairing the Council meeting.

LGC Section 212.005 Approval By Municipality Required. The municipal authority

responsible for approving plats must approve a plat or replat that is required to be prepared under this subchapter and that satisfies all applicable regulations.

8. Written Notification to the Applicant

Within ten (10) days after the City Council makes a final decision, a copy of the written decision will be sent to the applicant, and a copy will be filed at the City, where it will be available for public inspection during regular office hours. Approval of Preliminary Plat is deemed as an expression of approval to the proposed layout submitted on the Preliminary Plat as a guide to the preparation of the Final Plat.

9. Action Following Plat Approval

After approval of a Final Plat, the Developer will notify the City Engineer within ten (10) days which of the following construction procedure(s) the Developer proposes to follow:

A. Construction of public improvements and plat recordation:

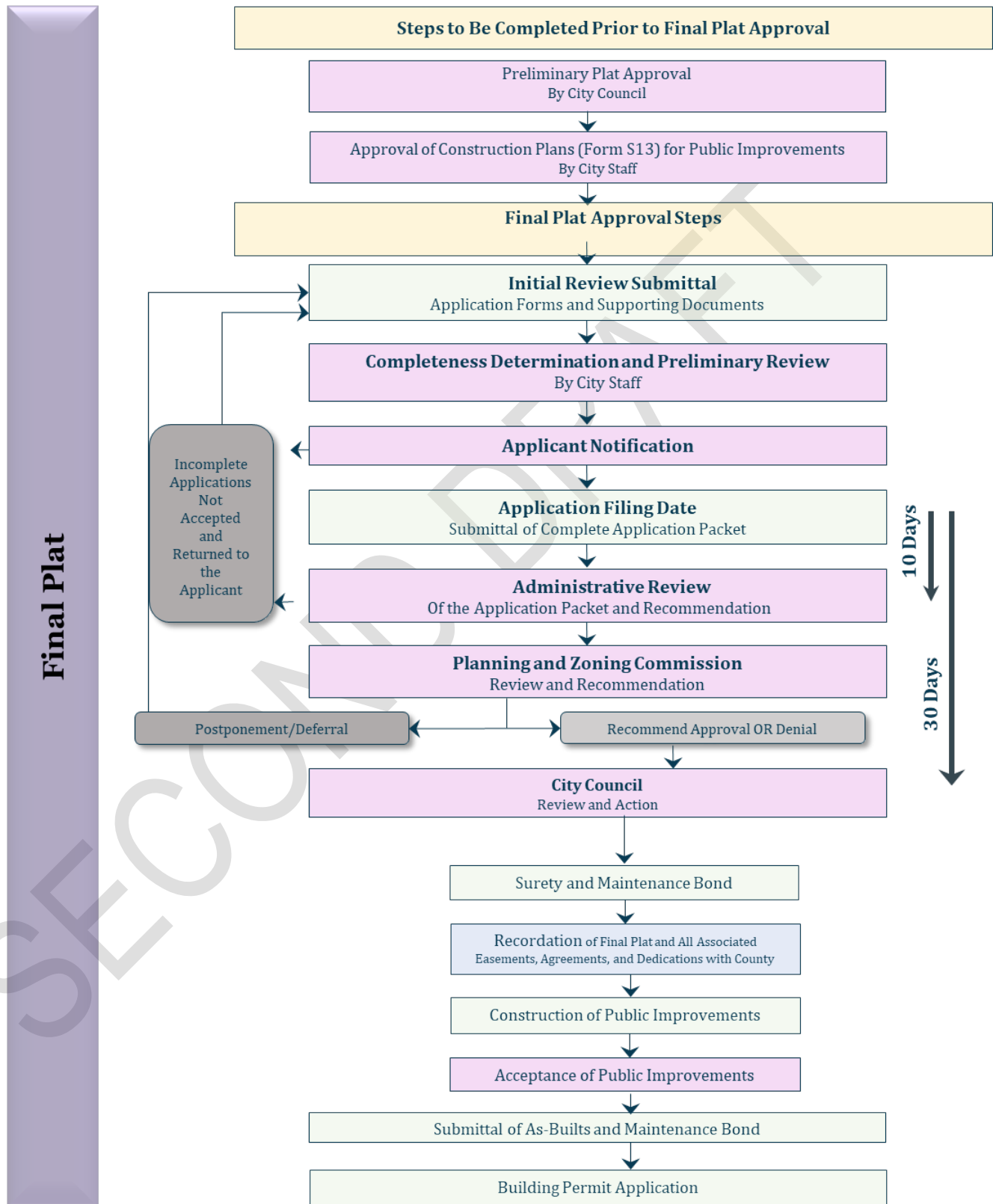
- The developer will proceed with construction of public improvements.
- The City will inspect the work as it progresses.
- Developer will request acceptance of public improvements upon completion, within two years of approval, and will deliver to the City a two (2) year guarantee of workmanship and materials in the amount of 20% of total construction cost, in form of a warranty bond or irrevocable letter of credit as provided in the LDC.
- Upon final acceptance by the City, and upon written request of the Developer, the plat may be approved and filed of record with the appropriate County Clerk.
- The Developer will be responsible for payment of the filing fee and plat recordation will be required to submit the approved Final Plat with volume and page number to the City after recordation with the appropriate County within 60 days

OR

B. Surety and assurance to allow plat recordation prior to completion of improvements:

- The Developer will file surety of assurance with the City in the form of a performance bond (equal to the estimated total cost of improvements) or an irrevocable letter of credit (equal to 110% of the estimated total cost of improvements) as provided in the LDC
- The Developer will request that the plat be filed for recordation.
- The Developer will be responsible for payment of the filing fee and plat recordation will be required to submit the approved Final Plat with volume and page number to the City after recordation with the appropriate County within 60 days
- The Developer will complete construction of public improvements.
- The City will inspect the construction work as it progresses and will conduct a final inspection to assure compliance with City requirements and proceed with acceptance.
- Upon completion of construction within two years of approval, the Developer will deliver to the City a two (2) year guarantee of workmanship and materials in the amount of 20% of total construction cost, in form of a warranty bond or irrevocable letter of credit as provided in the LDC.

b. Process Flowchart



c. Criteria for Approval

All subdivisions and plats of land will be reviewed using the criteria in the LDC. Approval of construction drawings for public improvements is required prior to approval of the Final Plat. The Commission may recommend to City Council the approval, approval with conditions, or disapproval by using the criteria for consideration of Variances in the LDC.

The Final Plat must incorporate all changes from the Preliminary Plat that were considered and approved by the City Council.

d. Conditions for Approval

All conditions must be met prior to the approval of the Final Plat.

e. Expiration

A Final Plat that has been recorded has no expiration date. A Final Plat approved by the City Council that has not posted surety, began construction of public infrastructure, or failed to provide required recording information expires within twelve (12) months of approval.

f. Submittal Checklist

Please see Appendix A - Universal Application and Appendix B – Submittal Checklist for applicable forms and checklists.

g. Sign posting/Notification requirements

None required.

h. Additional Information

Fees: Refer to Appendix C (Fee Schedule) or the current fee schedule attached to the application form and posted on the City's website. Please contact City staff for additional information.

VIII. COMMERCIAL BUILDING PERMITS

Section 1 General Information

Under construction

IX. RESIDENTIAL BUILDING PERMITS

Section 1 General Information

Under construction

X. DEVELOPMENT AGREEMENTS

Section 1 General Information

Under construction

XI. FINANCING MECHANISMS

Section 2 General Information

Under construction

APPENDICES

Appendix A UNIVERSAL APPLICATION FORM

Appendix B SPECIFIC APPLICATION SUBMITTAL CHECKLISTS

LAND USE POLICY RELATED

- S1 Specific Application Form – Annexation
- S2 Specific Application Form – Rezoning and Future Land Use Map Amendment
- S3 Specific Application Form – Special Use Permit
- S4 Specific Application Form – Planned Development
- S5 Specific Application Form – Place holder

SUBDIVISION AND PROPERTY DEVELOPMENT RELATED

- S6 Specific Application Form – Amending Minor and Major Plat
- S7 Specific Application Form – Minor Consolidation Plat
- S8 Specific Application Form – Development Plat
- S9 Specific Application Form – Concept Plan
- S10 Specific Application Form – Preliminary Plat
- S11 Specific Application Form – Final Plat
- S12 Specific Application Form – Replat
- S13 Specific Application Form – Construction Plans

SITE DEVELOPMENT RELATED

- S14 Specific Application Form – Place Holder
- S15 Specific Application Form – Special Exception
- S16 Specific Application Form – Site Development Permit/Site Plan Review
- S17 Specific Application Form – Floodplain Development Permit
- S19 Specific Application Form – Onsite Sewage Facility Permit (OSSF)
- S20 Specific Application Form – Variance

- S21 Specific Application Form – Certificate of Occupancy (CO)
- S22 Specific Application Form – Group Living Operation License
- S23 Specific Application Form – Grading/Clearance Permit
- BUILDING PERMITS RELATED**
- S24 Specific Application Form - Commercial Building New/Remodel/Addition
- S25 Specific Application Form – Fence
- S26 Specific Application Form – Miscellaneous
- S27 Specific Application Form – Building Permit 1 & 2 Family Form
- S28 Specific Application Form – Place holder
- S29 Specific Application Form – Place holder
- S30 Specific Application Form – Solar
- S31 Specific Application Form – Swimming Pool
- S32 Specific Application Form – Demolition
- S33 Specific Application Form – Backflow Device/Irrigation Systems
- S34A Specific Application Form – Permanent Sign
- S34B Specific Application Form – Temporary Sign
- S35 Specific Application Form – Master/Common Signage Plan
- S36 Specific Application Form – Water Heater or Water Softener
- S37 Specific Application Form – Right-of-Way Construction
- S38 Specific Application Form – Flatwork/Driveway
- S39 Specific Application Form – Water-Wastewater Service

To be added:

Moving or Wrecking Permit S X

Alarm Permit S X

Grooming Facility License S

Alcohol permit S X

Health Permit S X

Temporary Health Permit S X

Mobile Home Park Registration S X

Inspections
 Mechanical Electrical
 Plumbing Building
 Group Living License Form
 Pipeline Permit - Form S X
 Game Room Permit Form S X

Appendix C	SCHEDULE OF FEES
Appendix D	LIST OF APPLICATIONS AND PERMITS, APPROVAL AUTHORITY, PROCESSING TIME
Appendix E	REVIEWING DEPARTMENTS & AGENCIES. CONTACT INFORMATION
Appendix F	MINIMUM DESIGN STANDARDS

SPECIFIC APPLICATION FORM. Please check the appropriate type below:

Item 13.

**Land Use
Policy
Related**

- ☐ Annexation* - Form S 1
- ☐ Comprehensive Plan Amendment (Text)
- ☒ Land Development Code (LDC)/Zoning Text Amendment
- ☐ Rezoning/ FLUM amendment* - Form S 2
- ☐ Specific Use Permit* - Form S 3
- ☐ Planned Unit Development (PUD)* - Form S 4

**Subdivision
and Property
Development**

- ☐ Amending Minor and Major Plat* – Form S6
- ☐ Minor Consolidation Plat* – Form S 7
- ☐ Development Plat* – Form S 8
- ☐ Concept Plan** – Form S 9
- ☐ Preliminary Plat* – Form S 10
- ☐ Final Plat* – Form S 11
- ☐ Replat* – Form S 12
- ☐ Construction Plans* – Form S 13

**Site
Development
Related**

- ☐ Vested Rights Verification Letter
- ☐ Letter of Regulatory Compliance
- ☐ Zoning Verification
- ☐ Letter/Written Interpretation
- ☐ Legal Lot Verification
- ☐ Special Exception* – Form S 15
- ☐ Relief from Signage
- ☐ Floodplain Development Permit* – Form S 17
- ☐ Variance Form S 20
- ☒ On-Site Sewage Facility Permit (OSSF) S 19
- ☐ Certificate of Occupancy (CO)* – Form S 21
- ☐ Grading/Clearance Permit* – Form S 23
- ☐ Site Development Permit/ Site Plan Review* – Form S 16

**Building
Permits
Related**

- Commercial**
- ☐ New/Remodel/Addition* – Form S 24
- ☐ Fence* – Form S 25
- ☐ Miscellaneous* – Form S 26
- Residential**
- ☐ Building Permit 1 & 2 Family Form S 27
(Patio Cover, Carport, Foundation Repair, House Leveling, Windows, New Mobile Home, Siding, Storage Building permits, Re-roof)
- Others**
- ☐ Solar* – Form S 30
- ☒ Grooming Facility License S X
- ☒ Alcohol permit S X
- ☒ Health Permit S X
- ☒ Temporary Health Permit S X
- ☒ Mobile Home Park Registration S X
- Inspections**
- ☐ Mechanical ☐ Electrical
- ☐ Plumbing ☐ Building
- ☐ Group Living License Form S 22
- Others _____
- ☐ Swimming Pool* – Form S 31
- ☐ Demolition S 32
- ☒ Moving or Wrecking Permit S X
- ☒ Alarm Permit S X
- ☐ Backflow Device/Irrigation Systems – Form S 33
- ☐ Sign Permit* – Form S 34 A/B
- ☐ Garage Sale Permit S 40
- ☐ Master/ Common Signage Plan* – Form S 35
- ☐ Water Heater or Water Softener* – Form S 36
- ☐ Right-of-Way Construction* – Form S 37
- ☐ Flatwork/Driveway* – Form S 38
- ☐ Water- Wastewater Service Form – S 39
- ☐ Road Side Banner Permit Form S 41
- ☒ Pipeline Permit - Form S X
- ☐ Drainage Pipe/Culvert Permit - Form S 43
- ☐ Electrical Permit Form – S 44
- ☐ Plumbing Permit Form – S 45
- ☐ Mechanical Permit Form – S 46
- ☐ Fire Prevention Permit Form – S 47
- ☒ Game Room Permit Form – S X
- ☐ Credit Access Business Registration Form 48

*These types of applications require information listed in the Specific Application Form in addition to the information listed below. Refer to **Appendix B** of the Administrative Procedures Manual for more information. For all other applications, the information listed below is sufficient.

Application Checklist for all Applications

☐ Universal Application Form.

☐ Items listed in the checklist for the Specific Application Form (Form S#) ¹. (Please make sure the boxes are checked)

Item 13.

☐ Application Processing Fees and other application fees.

☐ Letter of intent explaining the request in detail and reason for the request.

☐ Signed Letter of Authorization required if the application is signed by someone other than the property owner.

☐ Site plan and shapefile drawings (if applicable) for the property

☐ Location map clearly indicating the site in relation to adjacent streets and other landmarks

☐ One (1) copy of proof of ownership (recorded property deed or current year tax statements)

☐ One (1) USB drive containing the general required documents in Adobe PDF format (if required)

☐ Tax Certificates

¹For items that are duplicated in the specific type of application, only one copy is required.

121 S. Velasco, Angleton, Texas 77515
979-849-4364 – Fax: 979-849-5561
<http://www.angleton.tx.us>

Examples

S1 SPECIFIC APPLICATION FORM – VOLUNTARY ANNEXATION

The following steps must be completed, and the items must be submitted for the application to be deemed complete and processed:

- ☐ Pre-Application Conference (DAWG Meeting) prior to application submittal.
- ☐ Voluntary Annexation Petition consistent with the Local Government Code Section 43
- ☐ A title report.
- ☐ 8½ x 11 copy of the legal description (metes and bounds) of the area encompassing the annexation request. If the property is platted, a copy of the plat shall be provided.
- ☐ Location/vicinity map showing the location and boundaries of the annexation. Indicate scale or not to scale (NTS) and provide north arrow.
- ☐ Letter of Intent explaining the annexation request in detail, reason for the request, the designation of Extraterritorial Jurisdiction (ETJ), the area of the newly annexed territory and how the annexation meets the goals and objectives of the Comprehensive Plan.
- ☐ A brief description of each municipal ordinance that would be applicable as authorized by Section 212.003 of the LGC.
- ☐ Tax certificate/s showing that all taxes owing to the State, County, School District, City and/or any other political subdivision have been paid in full to date.

S2 SPECIFIC APPLICATION FORM – REZONING/ FUTURE LAND USE MAP AMENDMENT

Sec. 28-24 of the Code of Ordinances, Zoning Code

The following steps must be completed, and the items must be submitted for the application to be deemed complete and processed:

- ☐ Pre-Application Conference (DAWG Meeting) prior to application submittal.
- ☐ A completed Universal Development Application and checklist signed by the owner/s of the property.
- ☐ Payment of all other applicable fees (see Schedule of Fees).
- ☐ 8½ x 11 copy of the legal description (metes and bounds) of the area encompassing the request. If the property is platted, a copy of the plat shall be provided.
- ☐ Location/vicinity map showing the location and boundaries of the proposed zoning. Indicate scale or not to scale (NTS) and provide north arrow.
- ☐ Tax certificate showing that all taxes and obligations have been paid regarding the subject property.
- ☐ Notarized statement verifying land ownership.
- ☐ Electronic copies of the required exhibits in “PDF” format and shapefile for property boundary where applicable should be submitted in a USB flash drive or via email

S3 SPECIFIC APPLICATION FORM - SPECIFIC USE PERMIT

Sec. 28-63 of the Code of Ordinances, Zoning Code

The following steps must be completed, and the items must be submitted for the application to be deemed complete and processed:

- ☐ Pre-Application Conference (DAWG Meeting) prior to application submittal.
- ☐ Concept plan approval (if required).
- ☐ A completed Universal Development Application and checklist signed by the owner/s of the property.
- ☐ A site plan in conformance with the Sec-28-63
- ☐ Payment of all other applicable fees (see Schedule of Fees).
- ☐ 8½ x 11 copy of the legal description (metes and bounds) of the area encompassing the Special Use Permit request. If the property is platted, a copy of the plat should be provided.
- ☐ Location/vicinity map showing the location and boundaries of the proposed Specific Use Permit. Indicate scale or not to scale (NTS) and provide north arrow.
- ☐ Tax Certificate showing that all taxes and obligations have been paid regarding the subject property.
- ☐ Notarized statement verifying land ownership.
- ☐ Electronic copies of the required exhibits in "PDF" format and shapefile for property boundary where applicable should be submitted in a USB flash drive or via email

S4 SPECIFIC APPLICATION FORM - PLANNED DEVELOPMENT

Sec. 28-62 of the Zoning Code

The following steps must be completed, and the items must be submitted for the application to be deemed complete and processed:

- ☐ Pre-Application Conference (DAWG Meeting) prior to application submittal.
- ☐ Concept plan approval required.
- ☐ PD Development Ordinance in conformance with the Zoning Code.
- ☐ Payment of all other applicable fees (see Schedule of Fees).
- ☐ 8½ x 11 copy of the legal description (metes and bounds) of the area encompassing the PD request. If the property is platted, a copy of the plat should be provided.
- ☐ 24" x 36" copies of the Final PD Plan at a scale of 1":100'
- ☐ Location/vicinity map showing the location and boundaries of the proposed PD. Indicate scale or not to scale (NTS) and provide north arrow.
- ☐ Tax certificate/s showing that all taxes owing to the State, County, School District, City and/or any other political subdivision have been paid in full to date.
- ☐ Electronic copies of the required exhibits in "PDF" format and shapefile for property boundary where applicable should be submitted in a USB flash drive or via email

S6 SPECIFIC APPLICATION FORM - AMENDING PLAT (MINOR OR MAJOR)

Sec. 23-87 of the Land Development Code

The following steps must be completed, and the items must be submitted for the application to be deemed complete and processed:

- ☐ Pre-Application Conference (DAWG Meeting) prior to application submittal.
- ☐ A completed Universal Development Application and checklist signed by the owner/s of the property.
- ☐ One (1) copy (24"X36") of proposed plat.
- ☐ One (1) copy (24"X36") of all existing recorded plats pertaining to the Amending Plat.
- ☐ Payment of all other applicable fees (see Schedule of Fees).
- ☐ Metes and bounds description of the subject property (or other suitable legal description).
- ☐ Location/vicinity map showing the location and boundaries of the proposed Amending Plat. Indicate scale or not to scale (NTS) and provide north arrow.
- ☐ Tax certificate/s showing that all taxes owing to the State, County, School District, City and/or any other political subdivision have been paid in full to date.
- ☐ Drainage/Stormwater plan, if any grade changes.
- ☐ Electronic copies of the required exhibits in "PDF" format and shapefile for property boundary where applicable should be submitted in a USB flash drive or via email.

Additional Requirements. The City Manager (or designee) may from time to time identify additional requirements for a complete application that are not contained within but are consistent with, the application contents and standards set forth in this Code.

S7 SPECIFIC APPLICATION FORM - MINOR PLAT

Sect. 23-87XX of the Land Development Code

The following steps must be completed, and the items must be submitted for the application to be deemed complete and processed:

- ☐ Pre-Application Conference (DAWG Meeting) prior to application submittal (if required).
- ☐ A completed Universal Development Application and checklist signed by the owner/s of the property.
- ☐ One (1) copy (24"X36") of proposed plat.
- ☐ One (1) copy (24"X36") of all existing recorded plats pertaining to the minor plat.
- ☐ Payment of all other applicable fees (see Schedule of Fees).
- ☐ Metes and bounds description of the subject property (or other suitable legal description).
- ☐ Location/vicinity map showing the location and boundaries of the proposed Minor Plat. Indicate scale or not to scale (NTS) and provide north arrow.
- ☐ Tax certificate(s) showing that all taxes owing to the State, County, School District, City and/or any other political subdivision have been paid in full to date.
- ☐ Drainage/Stormwater plan, if any grade changes.
- ☐ Capacity Acquisition Study \$4000
- ☐ Heritage Tree Survey/Tree Preservation Plan as per Sec. 23-60

Additional Requirements. The City Manager (or designee) may, from time to time, identify additional requirements for a complete application that are not contained within but are consistent with the application contents and standards set forth in this Code.

S8 SPECIFIC APPLICATION FORM - DEVELOPMENT PLAT

Sec. 23-87 Land Development Code

The following steps must be completed, and the items must be submitted for the application to be deemed complete and processed:

- ☐ Pre-Application Conference (DAWG Meeting) prior to application submittal.
- ☐ A completed Universal Development Application and checklist signed by the owner/s of the property.
- ☐ Payment of all other applicable fees (see Schedule of Fees).
- ☐ Metes and bounds description of the subject property (or other suitable legal description).
- ☐ Location/vicinity map showing the location and boundaries of the proposed Development Plat. Indicate scale or not to scale (NTS) and provide north arrow.
- ☐ Tax certificate/s showing that all taxes owing to the State, County, School District, City and/or any other political subdivision have been paid in full to date.
- ☐ Capacity Acquisition Study \$4000
- ☐ Heritage Tree Survey/Tree Preservation Plan as per Sec. 23-60

Additional Requirements. The City Manager (or designee) may, from time to time, identify additional requirements for a complete application that are not contained within but are consistent with the application contents and standards set forth in this Code.

S9 SPECIFIC APPLICATION FORM - CONCEPT PLAN

Sec. 28-26 Zoning Ordinance

The following steps must be completed and the following items must be submitted for the application to be deemed complete and processed:

- ☐ Pre-Application Conference (DAWG Meeting) prior to application submittal.
- ☐ Payment of all other applicable fees (see Schedule of Fees).
- ☐ 8½ x 11 copy of the legal description (metes and bounds) of the area. If the property is platted, a copy of the plat should be provided.
- ☐ Location/vicinity map showing the location, boundaries of the proposed development, adjacent subdivisions, and the streets in the vicinity of the site. Indicate scale or not to scale (NTS) and provide north arrow.
- ☐ Conceptual plans in conformance with the Zoning Code and Comprehensive Plan showing the following:
 - ☐ General topographic conditions, floodplains, watercourses, recharge zones, geological features, protected areas, and any other significant environmental features that may affect the site.
 - ☐ General layout of proposed buildings, the forms and densities proposed, cultural and recreational facilities, and amenities, if applicable.
 - ☐ Total acreage of the site, areas of residential and non-residential development proposed, the number of acres proposed to be dedicated as community open space, and area of impervious cover.
 - ☐ Total number of residential dwelling units of each type proposed, and the approximate gross square footage of each type of non-residential development proposed.
 - ☐ General layout of pathways, driveways and streets in the subdivision, and any on-site or off-site traffic improvements proposed.
- ☐ Conceptual plan for the provision of water and waste water.
- ☐ Conceptual drainage plan.
- ☐ Conceptual tree protection plan.
- ☐ Phasing plan, if applicable.
- ☐ Evidence or proof that all taxes and obligations have been paid for the subject property.
- ☐ Electronic copies of the required exhibits in "PDF" format and shapefile for property boundary where applicable in a USB flash drive or via email.

S10

SPECIFIC APPLICATION FORM - PRELIMINARY PLAT

Sec. 23-94 of the Land Development Code

The following steps must be completed, and the items must be submitted for the application to be deemed complete and processed:

- ☐ ☐ Pre-Application Conference (DAWG Meeting) prior to application submittal.
- ☐ A completed Universal Development Application and checklist signed by the owner/s of the property.
- ☐ Payment of all other applicable fees (see Schedule of Fees).
- ☐ An accurate metes and bounds description of the subject property (or other suitable legal description).
- ☐ Location/vicinity map showing the location and boundaries of the proposed Preliminary Plat. Indicate scale or not to scale (NTS) and provide north arrow.
- ☐ Tax certificate/s showing that all taxes owing to the State, County, School District, City and/or any other political subdivision have been paid in full to date.
- ☐ Approved copy of a Concept Plan or other approved plats, if applicable.
- ☐ One (1) copy 24"X36") of proposed plat.
- ☐ One (1) copy (24"X36") of all existing recorded plats pertaining to the Preliminary Plat.
- ☐ Basic engineering information, As per Sec. 23-117.
- ☐ Drainage/Stormwater plan, if any grade changes.
- ☐ Electronic copies of the required exhibits in "PDF" format and shapefile for property boundary where applicable should be submitted in a USB flash drive or via email.
- ☐ Capacity Acquisition Study \$4000
- ☐ Heritage Tree Survey/Tree Preservation Plan as per Sec. 23-60

Additional Requirements. The City Manager (or designee) may, from time to time, identify additional requirements for a complete application that are not contained within but are consistent with the application contents and standards set forth in the UDC and state statutes.

S11 SPECIFIC APPLICATION FORM - FINAL PLAT (ONLY ACCEPTED AFTER THE CONSTRUCTION PLANS FOR PUBLIC IMPROVEMENTS HAVE BEEN APPROVED)

Sec. 23-118 of the Land Development Code

The following steps must be completed, and the items must be submitted for the application to be deemed complete and processed:

- ☐ Pre-Application Conference (DAWG Meeting) prior to application submittal
- ☐ A completed Universal Development Application and checklist signed by the owner/s of the property.
- ☐ Payment of all other applicable fees (see Schedule of Fees).
- ☐ An accurate metes and bounds description of the subject property (or other suitable legal description).
- ☐ Location/vicinity map showing the location and boundaries of the proposed zoning. Indicate scale or not to scale (NTS) and provide north arrow.
- ☐ Tax certificate/s showing that all taxes owing to the State, County, School District, City and/or any other political subdivision have been paid in full to date.
- ☐ Approved copy of the Preliminary Plat, Replat and Concept Plan or other approved plats, if applicable.
- ☐ One (1) copy (24"X36") of proposed plat.
- ☐ Letter of Acceptance of Public Improvements by the City, or Fiscal Surety for Public Improvements.
- ☐ Maintenance Bond for Public Improvements.
- ☐ Letter of Certification from each utility provider servicing this area.
- ☐ A certificate of ownership and dedication on the Final Plat to the City of all streets, easements, alleys, parks, playgrounds or other dedicated public uses, signed and acknowledged before a notary public by the owners and by any holders of liens against the land
- ☐ Electronic copies of the required exhibits in "PDF" format and shapefile for property boundary where applicable should be submitted on a USB flash drive or via email.

Additional Requirements. The City Manager (or designee) may, from time to time, identify additional requirements for a complete application that are not contained within but are consistent with the application contents and standards set forth in the UDC and state statutes.

S12 SPECIFIC APPLICATION FORM - REPLAT

Sec. 23-97 of the Land Development Code

The following steps must be completed, and the items must be submitted for the application to be deemed complete and processed:

- ☐ Pre-Application Conference prior to application submittal (if required).
- ☐ A completed Universal Development Application and checklist signed by the owner/s of the property.
- ☐ One (1) copy (24"X36") of proposed plat.
- ☐ One (1) copy (24"X36") of all existing recorded plats pertaining to the replat.
- ☐ Payment of all other applicable fees (see Schedule of Fees).
- ☐ An accurate metes and bounds description of the subject property (or other suitable legal description).
- ☐ Location/vicinity map showing the location and boundaries of the proposed zoning. Indicate scale or not to scale (NTS) and provide north arrow.
- ☐ Tax certificate/s showing that all taxes owing to the State, County, School District, City and/or any other political subdivision have been paid in full to date.
- ☐ Drainage/Stormwater plan, if any grade changes.
- ☐ Electronic copies of the required exhibits in "PDF" format and shapefile for property boundary where applicable should be submitted in a USB flash drive or via email.
- ☐ Capacity Acquisition Study \$4000
- ☐ Heritage Tree Survey/Tree Preservation Plan as per Sec. 23-60

Additional Requirements. The City Manager (or designee) may, from time to time, identify additional requirements for a complete application that are not contained within but are consistent with the application contents and standards set forth in this Code.

S13 **SPECIFIC APPLICATION FORM - CONSTRUCTION PLANS**

Sec. 23-124 of the Land Development Code

The following steps must be completed, and the items must be submitted for the application to be deemed complete and processed:

- ☐ Approval of the Preliminary Plat.
- ☐ A completed Universal Development Application and checklist signed by the owner/s of the property.
- ☐ A copy of the approved Preliminary Plat
- ☐ Payment of all other applicable fees (see Schedule of Fees).
- ☐ Location/vicinity map showing the location, boundaries of the proposed development, adjacent subdivisions, and the streets in the vicinity of the site. Indicate scale or not to scale (NTS) and provide north arrow.
- ☐ Provide evidence or proof that all taxes and obligations have been paid regarding the subject property.
- ☐ 8½ x 11 copy of the legal description (metes and bounds) of the area encompassing the concept plan request. A copy of the Preliminary Plat and Concept Plan should be provided.
- ☐ All plan sheets must be 24" X 36" and electronic copies of the required exhibits in "PDF" format and shapefile for property boundary where applicable should be submitted in a USB flash drive or via email.
- ☐ All plans must be drawn and sealed by a Registered Professional Engineer (P.E.) and the design must be in accordance with the City of Angleton policies and standards, see Sec. 23-124

S15 SPECIFIC APPLICATION FORM - SPECIAL EXCEPTION

Sec. 28-23 of the Zoning Code

The following steps must be completed, and the items must be submitted for the application to be deemed complete and processed:

- ☐ Pre-Application Conference (DAWG Conference) prior to application submittal.
- ☐ A completed Universal Development Application and checklist signed by the owner/s of the property.
- ☐ Payment of all other applicable fees (see Schedule of Fees).
- ☐ 8½ x 11 copy of the legal description (metes and bounds) of the area encompassing the zoning request. If the property is platted, a copy of the plat shall be provided.
- ☐ Location/vicinity map showing the location and boundaries of the proposed Special Exception. Indicate scale or not to scale (NTS) and provide north arrow.
- ☐ Tax Certificate showing that all taxes and obligations have been paid regarding the subject property.
- ☐ Electronic copies of the required exhibits in "PDF" format and shapefile for property boundary where applicable should be submitted in a USB flash drive or via email.

S16 SPECIFIC APPLICATION FORM -SITE DEVELOPMENT PERMIT

Sec. 23-93 of the Land Development Code

A Site Development Permit is required prior to any excavation, clearing, or other land alteration for the purpose of development within the City limits. The applicant must submit a Site Plan for review and approval by Staff prior to issuance of a Site Development Permit.

The following steps must be completed, and the items must be submitted for the application to be deemed complete and processed:

- ☐ A completed Universal Development Application and checklist signed by the owner/s of the property. Additional application form/permit is not required.
- ☐ Payment of all other applicable fees including parks fees (see Schedule of Fees).
- ☐ A copy of the approved plat
- ☐ TCEQ NOI for properties of area greater than once acre
- ☐ SWPPP
- ☐ Approved set of Construction Plans
- ☐ Proof of contractor insurance naming city as additional insured

S17 SPECIFIC APPLICATION FORM - FLOODPLAIN DEVELOPMENT PERMIT

The following steps must be completed, and the items must be submitted for the application to be deemed complete and processed:

- ☐ A completed Universal Development Application and checklist signed by the owner/s of the property.
- ☐ Payment of all other applicable fees (see Schedule of Fees).
- ☐ Location/vicinity map showing the location and boundaries of the proposed zoning. Indicate scale or not to scale (NTS) and provide north arrow
- ☐ Elevation in relation to mean sea level of the lowest floor, including easements of all new & substantially improved structures.
- ☐ Submittal information as detailed in LDC Sec 23-92
- ☐ Electronic copies of the required exhibits in "PDF" format and shapefile for property boundary where applicable should be submitted in a USB flash drive or via email.

S20

SPECIFIC APPLICATION FORM - VARIANCE

Sec. 28-23 of the Zoning Code

The following steps must be completed, and the items must be submitted for the application to be deemed complete and processed:

- ☐ Pre-Application Conference prior to application submittal.
- ☐ A completed Universal Development Application and checklist signed by the owner/s of the property.
- ☐ Payment of all other applicable fees (see Schedule of Fees).
- ☐ 8½ x 11 copy of the legal description (metes and bounds) of the area encompassing the zoning request. If the property is platted, a copy of the plat shall be provided.
- ☐ Location/vicinity map showing the location and boundaries of the proposed Variance. Indicate scale or not to scale (NTS) and provide north arrow.
- ☐ Acknowledgement that the sign posted by the City on the property fifteen (15) days prior to the public hearing will be maintained until the zone change is heard at the public hearing.
- ☐ Provide Tax Certificate that all taxes and obligations have been paid regarding the subject property.
- ☐ Electronic copies of the required exhibits in "PDF" format and shapefile for property boundary where applicable should be submitted in a USB flash drive or via email.
- ☐ A Site Plan, fully dimensioned showing the existing property condition and the requested Variance of Sec. 28-23(t)(2) and (f) (3)
- ☐ A summary addressing the Variance criteria

APPENDIX C

Schedule of Fees-In Progress

Type of Application or Permit	Fees
POLICY RELATED	
1. Comprehensive Plan Amendment	
2. Land Development Code/Zoning Text Amendment	
3. Specific Use Permit	
4. Zoning Map Amendment – Rezoning	
5. Zoning Map Amendment – Planned Unit Development	
7. Annexation Petition Consult Staff for further information	
SITE DEVELOPMENT RELATED	
1. Vested Rights Verification Letter	
2. Letter of Regulatory Compliance	
a. Zoning Verification Letter/Written Interpretation	
b. Legal Lot Verification	
5. Special Exception	
6. Site Plan Review	
7. Site Development Permit	

Type of Application or Permit	Fees
8. Floodplain Development Permit	
9. Stormwater Permit	
12. Variance	
15. On-Site Sewage Facility Permit (OSSF)	
16. Relief from Signage Regulations	
16. Certificate of Occupancy (CO)	
18. Group Living Operating License	
BUILDING PERMIT RELATED	
1. Building Permit-1 and 2 Family (Patio Cover, Carport, Foundation Repair, House Leveling, Windows, New Mobile Home, Siding, Storage Building permits, Re-roof)	
2. Residential Remodels and Additions	
3. Residential Detached Buildings	
4. Solar Permit	
5. Swimming Pool Permit	
6. Driveway/Flatwork	
7. Moving or Wrecking Permit	
8. Alarm Permit	
9. Irrigation Permit	
10. Sign Permit (Class I, Class II, Temporary Banner, nonprofit, portable signs, Master/ Common Sign (Signage) Plan and Temporary Banner)	

Type of Application or Permit	Fees
11. Garage Sale Permit	
12. Road Side Banner Permit	
13. Pipeline Permit	
14. Right-of-way Construction Permit	
15. Drainage Pipe Permit	
16. Demolition Permit	
17. Water-Wastewater Service Application	
18. Electrical permit	
19. Plumbing permit	
20. Mechanical permit	
21. Fire Prevention permit	
22. Game Room Permit	
23. Credit Access Business Registration	
24. Grooming Facility License	
25. Alcohol permit	
26. Health Permit	
27. Temporary Health permit	
28. Mobile Home Park Registration	
29. Commercial Building Permit	

Type of Application or Permit	Fees
30. Commercial Remodel/Addition	
31. Fences	
PLATTING RELATED	
1. Minor Consolidation Plat	
2. Amending Minor Plat	
3. Development Plat	
4. Preliminary Plat	
5. Final Plat	
6. Major Amended Plats	
7. Replat, Major Consolidation Plat	
8. Construction Plan	
9. Concept Plan	

APPENDIX D

Approval Authority and Processing Time

Policy Related Applications					
Name of the Application or Permit	Responsibility				Processing Time*
	City Staff	P & Z Commission	Zoning Board of Adjustments	City Council	
1. Comprehensive Plan Amendment	Review, Recommendation	Public hearing, Review, Recommendation	None	Public hearing, Final action	60-90 days
2. Land Development Code/Zoning Text Amendment	Review, Recommendation	Public hearing, Review, Recommendation	None	Public hearing, Final action	60-90 days
3. Specific Use Permit	Review, Recommendation	Public hearing, Review, Recommendation	None	Public hearing, Final action	60-90 days
4. Zoning Map Amendment – Rezoning	Review, Recommendation	Public hearing, Review, Recommendation	None	Public hearing, Final action	60-90 days
5. Zoning Map Amendment – Planned Unit Development	Review, Recommendation	Public hearing, Review, Recommendation	None	Public hearing, Final action	60-90 days
6. Annexation Petition (As per TxLGC Ch.43: Municipal Annexation, annexation process depends on the type of annexation. Consult Staff for further information.)	Review, Recommendation	None	None	Public hearing, Final action	90-120 days
7. Site Plan (Non-residential and Multi-family))	Review, Recommendation	Review, Final Action	None	Review on Appeal Decision	60-90 days

Site Development Related Applications and Permits					
Name of the Application or Permit	Responsibility				Processing Time*
	City Staff	P & Z Commission	Zoning Board of Adjustments	City Council	
1. Vested Rights Verification Letter	Review, Final action	None	None	None	10 days
a. Zoning Verification Letter/Written Interpretation	Review, Final action	None	None	None	10 days
b. Legal Lot Verification	Review, Final action	None	None	None	10 days
2. Special Exception for Non-conforming Use or Structure	Review, Recommendation	None	Public Hearing, Final action	None	30-60 days
3. Single-family Residential Site Plan Review	Review, Final action	None	None	None	15 days
4. Site Development Permit	Review, Final action	None	None	None	15 days
5. Floodplain Development Permit	Review, Final action	None	None	None	15 days
6. Stormwater Permit	Review, Final action	None	None	None	15 days
7. Variance	Review, Recommendation	None	Public hearing, Final action	None	60-90 days
8. On-Site Sewage Facility Permit (OSSF)	Review	Review, Recommendation	None	Review, Final Action	60-90 days
9. Signage Variance Appeal	Review, Recommendation	None	None	Review, Final Action	45 days
10. Certificate of Occupancy (CO)	Review, Final action	None	None	None	5-7 days
11. Group Living Operating License	Review, Final action	None	None	None	5-7 days

Building Permits Related					
Name of the Application or Permit	Responsibility				Processing Time*
	City Staff	P & Z Commission	Zoning Board of Adjustments	City Council	
1. Building Permit-1 and 2 Family (Patio Cover, Carport, Foundation Repair, House Leveling, Windows, New Mobile Home, Siding, Storage Building permits, Re-roof)	Review, Final action	None	None	None	15 days
2. Residential Remodels and Additions	Review, Final action	None	None	None	15 days
3. Residential Detached Buildings	Review, Final action	None	None	None	15 days
4. Solar Permit	Review, Final action	None	None	None	15 days
5. Swimming Pool Permit	Review, Final action	None	None	None	15 days
6. Driveway/Flatwork	Review, Final action	None	None	None	15 days
7. Moving or Wrecking Permit	Review, Final action	None	None	None	15 days
8. Alarm Permit	Review, Final action	None	None	None	15 days
9. Irrigation Permit	Review, Final action	None	None	None	15 days
10. Sign Permit (Class I, Class II, Temporary Banner, nonprofit, portable signs, Master/ Common Sign (Signage) Plan and Temporary Banner)	Review, Final action	None	None	None	15 days
11. Garage Sale Permit	Review, Final action	None	None	None	15 days

Building Permits Related					
Name of the Application or Permit	Responsibility				Processing Time*
	City Staff	P & Z Commission	Zoning Board of Adjustments	City Council	
12. Road Side Banner Permit	Review, Final action	None	None	None	15 days
13. Pipeline Permit	Review, Final action	None	None	None	15 days
14. Right-of-way Construction Permit	Review, Final action	None	None	None	15 days
15. Drainage Pipe Permit	Review, Final action	None	None	None	15 days
16. Demolition Permit	Review, Final action	None	None	None	15 days
17. Water-Wastewater Service Application	Review, Final action	None	None	None	15 days
18. Electrical permit	Review, Final action	None	None	None	15 days
19. Plumbing permit	Review, Final action	None	None	None	15 days
20. Mechanical permit	Review, Final action	None	None	None	15 days
21. Fire Prevention permit	Review, Final action	None	None	None	15 days
22. Game Room Permit	Review, Final action	None	None	None	15 days
23. Credit Access Business Registration	Review, Final action	None	None	None	15 days
24. Grooming Facility License	Review, Final action	None	None	None	15 days
25. Alcohol permit	Review, Final action	None	None	None	15 days
26. Health Permit	Review, Final action	None	None	None	15 days
27. Temporary Health permit	Review, Final action	None	None	None	15 days
28. Mobile Home Park Registration	Review, Final action	None	None	None	15 days
29. Commercial Building Permit	Review, Final action	None	None	None	15 days

Building Permits Related					
Name of the Application or Permit	Responsibility				Processing Time*
	City Staff	P & Z Commission	Zoning Board of Adjustments	City Council	
30. Commercial Remodel/Addition	Review, Final action	None	None	None	15 days
31. Fences	Review, Final action	None	None	None	15 days

Subdivision and Property Development Related Applications and Permits					
1. Minor Consolidation Plat	Review, Final action	None	None	None	30 days
2. Amending Minor Plat	Review, Final action	None	None	None	30 days
3. Development Plat	Review, Final action	None	None	None	30 days
4. Preliminary Plat	Review, Recommendation	Review, Recommendation	None	Final action	60 days
5. Final Plat	Review, Recommendation	Review, Recommendation	None	Final action	60 days
6. Major Amended Plats	Review, Recommendation	Public hearing, Review, and Recommendation	None	Public hearing, Final action	60 days
7. Replat, Major Consolidation Plat	Review, Recommendation	Public hearing, Review, and Recommendation	None	Public hearing, Final action	30 days
8. Construction Plan	Review, Final action	None	None	None	30 days
9. Concept Plan	Review, Recommendation	Review, Recommendation	None	Final action	30 days

***Note:** Processing time is approximately the time taken for the process from the application filing date.

APPENDIX E

Department Contact Information

Please contact City Staff at the main line **979-849-4364 or 979-848-5665 (direct)** for additional information.

Department			Contact Information
Development Assistant Ms. Maria Barron (Pre-Application Conference, Development Questions)	Services	Administrative	mbarron@angleton.tx.us Ext. 2105
(Building Permits, Inspection Scheduling Questions)			permits@angleton.tx.us
Building Inspector Mr. Kyle Reynolds (Building Permits, Construction Steps Questions)			kreynolds@angleton.tx.us Ext. 2106
Development Services Director Mr. Walter E. Reeves Jr., AICP (Pre-Application Conference, Annexation, Zoning, Variances & Special Exceptions, Platting & Subdivisions, Questions)			wreeves@angleton.tx.us
Assistant Director of Development Services Ms. Lindsay Koskiniemi (Pre-Application Conference, Annexation, Zoning, Variances & Special Exceptions, Platting & Subdivisions, Questions)			lkoskiniemi@angleton.tx.us
Public Works Director Mr. Jeff Sifford (Pre-Application Conference, Annexation, Zoning, Variances & Special Exceptions)			jsifford@angleton.tx.us
Assistant Director of Public Works Mr. Hector Renteria			hrenteria@angleton.tx.us
Public Works Office Manager Ms. Heidi Guzman (Water & Sewer Taps, Public Works Questions)			hguzman@angleton.tx.us Ext. 4200

APPENDIX F

Applicable Codes and Manuals

- a. Angleton Construction Manual (ACM)
- b. City of Sugar Land Construction Specifications, as amended
- c. City of Sugar Land Design Standards and Appendices, as amended
- d. City of Sugar Land Construction Details, as amended
- e. City of Sugar Land Approved Products List and Product Application, as amended
- f. City of Sugar Land Traffic Impact Analysis Guidelines and Worksheet, as amended
- g. City of McKinney Sediment and Erosion Control Manual, as amended
- h. Brazoria County Stormwater Quality Coalition MS4 Construction Guidance Document, as amended
- i. City of Phoenix Knox Box, Key Switch, Automatic Gate, Manual Vehicle Gate/Pedestrian Gate Criteria, as amended
- j. 2008 Angleton Drainage District Rules, Regulations, and Guidelines, as amended
- k. Brazoria County Drainage Manual, as amended
- l. Texas Commission on Environmental Quality (TCEQ),
- m. Texas Department of Transportation (TxDOT) Standard Specification for Construction of Highways, Streets and Bridges
- n. Texas Manual on Uniform Traffic-Control Devices (TMUTCD)
- o. 2018 Angleton Strategic Plan
- p. 2007 Angleton Comprehensive Plan
- q. 2011 Downtown District Vision
- r. Brazoria County Stormwater Quality Coalition MS4 Construction Guidance Document, as amended
- s. 2007 TXDOT State Highway 35 Major Corridor Feasibility Study Final Report
- t. 2015 SH 288 Development and Land Use Assumption Study
- u. 2016 CR 220 Development Capital Improvements and Land Use Assumptions Study
- v. 2008 Master Drainage Plan
- w. 2008 Angleton Drainage District Flood Protection Plan
- x. 2001 Parks and Recreation Comprehensive Master Plan and Open Space Plan, as amended
- y. The Angleton Capital Improvement Program, as amended
- z. Applicable Houston-Galveston Area Council of Governments and TXDOT Regional Mobility Plans

Adopted Codes:

- o 2015 International Energy Code
- o 2015 International Fuel Gas Code
- o 2015 International Mechanical Code
- o 2015 International Plumbing Code
- o 2015 International Building Code
- o 2015 International Residential Code
- o 2014 NFPA 70 National Electric Code
- o 2015 International Fire Code
- o 2015 International Property Maintenance Code
- o 2015 Pool and Spa Code effective March 12, 2019



Appendix G

November 1, 2021

Update March 14, 2022

Angleton Streamlining Development Summary of Interviews with Staff, Consultants, and Developers

Identify most pressing issues in the current code of ordinances and how to resolve those issues.

- Current LDC has processes that are not being followed. Identify best processes by the City and incorporate. Comprehensive Unified LDC that do not require the applicants to refer multiple locations.
- Feedback from engineering firms is some requirements are above and beyond standard practices.
- Require more stringent regulations. Parkland dedication was used as a negotiating chip. Working on revising the ordinance and benefit the residences.
- Landscape requirements need to be stringent.
- Needs to add the option of planting trees in parks and other places – over a period of time; meet. with BDD to share recommendations; site plan requirements.
- Communication issues evident between developers, CC, and staff.
- Lengthy processing time for development applications.
- Current LDC lacks input from developers.
- Outdated regulations- 1962-65 ordinances- authorizes the Police Chief to do a lot of things.
- Parking issues –on street parking.
- Speed limits antiquated.
- Construction standards are not clear.
- Unworkable rules copied from Sugarland which has nothing in common with Angleton in 2021

Do you see any major/minor conflicts in the various city documents that you use?

- Confusion regarding Parkland Dedication. If one wants to defer parkland or public improvements there was a bond requirement. Confusing requirements and language within the LDC. Example - use as a Pecan Orchard (past use or current use – confusing)
- Fire Code- May incur additional costs to the developer and city to upgrade to 2019.
- Widen streets – no ordinances against parking on streets. Need better on-street parking regulations.
- Subdivision entrance requirements and boulevard entrances. No room for the boulevard in some of the new developments. No requirements on separation distances. Lack of options of allowing sprinklers in houses for one entrance/exit.
- Involved in very few standards. Do not know deeper standards. Code enforcement or inspectors would know better.
- One lane alleyway is a problem.
- Some information in LDC and construction manual is redundant.
- Drainage requirements in the LDC, for city systems refer to it as own code, but also use BDD manual. Add outline where applicable. Ex. Redevelopment/new development.



Any recommendations on measures to consolidate requirements/ simplify and streamline the development process (less cumbersome in general)

- Publish the flow charts.
- Comprehensive one-page graphic would be a better idea.
- Consider nationwide developers to one-time developers.
- Pre-development meetings should outline and respond to the questions.
- Time line for the process and how can it go faster.
- A measure to clear the confusion between developers and City Council.
- Computerized system to generate the application requirement packet for an address/type of development to prepare a complete application submittal.
- Such a checklist/software tool would help the staff to screen submittals. If the developer/applicant has not met the criteria (provided the documents), the staff can resend the packet.
- Consensus on opinions – what do we want the development to be – large lots vs. affordable housing.
- Need to streamline the processes with definite timelines and deadlines.
- Outlined process with a chart, different routes, streamlined in easily digestible manner, companion to the process. Developers are not clear of the exact process they need to follow. For ex. – 100 lots know that prelim and final plats are required, with construction plans in between. Identify the steps, performance bonds etc.
- DAWG meetings have helped. City team addressing questions has helped. Helped to follow the process. Giving developers the option of providing better development (amenities, appealing) with room to plan outside the City's documents such as the PDD. Round table discussion with other developers/engineers/contractors would be beneficial.
- Have streamlined meetings and provide clear information and opposed to just looking at the project. Application to request a meeting and a checklist. Ask for application ahead of time. Provide customized information.

Any conflicts with state statutes, codes, or best practices?

- No one would qualify for parkland dedication as it is written – refers to population. No methodology for the number as required by the statutes. Staff interprets the way it helps the developer. E.g. 1/2 acre for 100 persons in the City.
- Not attaching two neighborhoods/two dead end streets. Connect the neighborhoods and leave the road open.
- Putting fire box for fire entry only is a huge eyesore and defeats the purpose of multiple entrance and exits.
- Decision making authority giving exclusive right to one staff person (fire codes). Not requiring to seek Council's recommendation.
- Get rid of discrepancies with other manuals. Not appropriate to follow Sugarland's engineering manual. For ex. street improvements standards, street gradients, variance process for subdivision and engineering standards. (Fort Bend county is geographically different area with local drainage). Atlas 14 codification.
- Too many types of plats.
- Landscaping is confusing.
- Angled parking in the downtown area is a problem.



Any suggestions on written presentation and style. Format of the documents - is it user-friendly, or confusing and conflicting language

- The style needs to align with the flow of the process.
- Needs to move to a better and/or multiple locations. Current location on the website is difficult to access, it is under "Transparency in Government".
- The format should help users through the process.
- Current format missing parts and referenced exhibits (e.g., Exhibit A for plan check checklists)

Process improvements

- Review process better once started. Timing of filing the plat. 380 agreements and PIDs for reimbursements.
- Shot clock bill

Adherence to City of Angleton Comprehensive Plan/Vision (core principles and values espoused by the City of Angleton residents)

- Currently hyper focused on residential.
- Need to have an opportunity to revamp of what we are requiring of commercial properties and new development. Working with Keep Angleton Beautiful and conservation practices.
- Compared to other cities – need to elevate the standards such as signage, height restrictions, landscaping.
- Lot sizes-Most people want large lots and large houses. Not feasible. Desire for 60-70' lots. Not everyone is buying those. Need to evaluate medium income and what are people able to afford. Explore accessory DU, multi -generational, and multifamily/town homes.
- Lot sizes – does not matter. People welcome growth. Want other things that come with roof tops. Retain small town atmosphere. Accommodate all incomes.
- Lot sizes- Demand is high for small lots.
- Long term residents feel that the city is growing too quickly. Feel that traffic, crime increasing. New families are excited about parks, new Lakeside Park, quality of life. Not interested in large estates, but parks and schools. Controlled growth, responsible growth. Protect the City, not the developers.
- Needs more parks on the south.
- Amenities – The developers are working well to offer amenities. One development has walking trails.
- Traffic – not an issue at this point. City is doing traffic studies. We need red lights. City owns two, while state owns the rest. Need more traffic control than stop signs. Need to be proactive.
- Comp Plan needs to be refreshed and come up to speed. Development is dynamic, check for relevancy. Need discussion on vacant parcels and a dialogue between the developers and the City to see what is desired.

Innovative Planning Principles (facilitate sustainable growth and create a high quality of life)

- Need sustainability practices such as water conservation, green water collection, fiber, accessibility to wi-fi.



- Want to adopt native non-invasive planting standards. Park standard manual that developers can use.
- Incorporate Gulf Coast native plant list.
- Cost of development vs. property taxes. Need to bridge the gap between required expenditures and revenue gap – the gap keeps getting bigger. Need growth businesses/industrial. Need to be more client friendly for industrial/businesses, not just residential. Density for residential matters but is not the primary issue. The City has undeveloped land. The community may not need density greater than 4 units /acre. Average 3 or 4 per acre is appropriate. As far as percentages of commercial/ industrial, need higher, right now zero for non-residential.
- PIDs, PUDs, etc. Mix of lots, encourage refined development plans, mixed uses, amenities, trails, etc.

Administrative Procedures Manual

- Include a good contact list.
- Links to Fire Codes and Standards.
- Ensure the stakeholders understand which group/review or decision-making authority – e.g., P & Z Development Group, City Council, and processing order. How to schedule the meetings, process, website.
- Executive summary of the process.
- Checklist on what the users need to do.
- List of forms.
- Need a process for TIRZ, PID process is in place.
- Flow charts.
- List of all applications and permits processed with related application forms, submittal checklists, and approval authority.
- Schedule of fees.
- Staff directory.
- Documents containing minimum standards and specifications.
- Other items identified by staff and specific to the City such as sample economic development tools for various policies including Section 380, TIRZ, and PID.

Others

- Need a land plan for the City to ensure permitted uses that are where the City want them to be. Need to review what are the needs and get a buy in from the community/stakeholders on where we want to go in terms of Parks/Multi-modal Trails Master Plan/Transportation Plan/ Land Use.
- Examples/models- Need utilities and capacity studies, water/sewer capacity, city wide impact fee. Look at the development impacts and needs. CIP projects not addressed. Impact fees only for two areas. CR___ between 288 and ___; another one in the industrial area – 288 and Henderson.

Annexation

- Need a standard City Services Agreement that developer could review and then make specific to their project
- Calendar with dates that shows the application deadline when hearing notice would run in the paper and dates for the P & Z and Council Meeting.



Zoning

- Calendar with dates that shows the application deadline when hearing notice would run in the paper and dates for the P & Z and Council Meeting.
- The zoning map needs two separate colors for SF-6.2 and SF-7.2
- Zone SF-5 requires a 20 ft building set with a 25 ft garage door setback. The building setback should be change to 25 ft to be consistent with the garage door setback and the other zonings.

Development Agreement

- Need a standard Development Agreement that can be given to developer at Pre-Development Meeting and then made project specific as the project progresses.
- The Developer's Agreements should be limited to large projects (greater than 20 acres), project to be zoned as PD, or tracts with multiple zonings.

Capacity Acquisition Fee

- Presently the developer pays \$4,000 for HOR to perform a study. This study comes up with a fee for the sewer CAF. The study usually takes around 4-8 weeks sometimes longer. Would like to see a set rate for the sewer like there is a set rate for water.

Standard Construction Details

- The city should draft their own standard details for Stormwater, Sanitary, Water, and Pavement. The City of Sugarland will not share a modifiable detail Set. Recommended using Lake Jackson's Standard Details as a starting point.
- Standard Construction Details should have a clause that allows for the sealing engineer to modify standard details are needed to meet specific design requirements

Land Development Code Comments by Sections

Sec.24-11

- I.1 Change from 30 lots to 50 lots for single entrance. Angleton has several over 75' lots with one entrance.
- 1.2 Change from 50 lots to 80 lots
- 1.3 Change raised median length from 150' to 120' which is a typical lot depth
- J.1.b This refers to street lengths in a block of houses. Has nothing to do with labeling lots and blocks on a plat.
- F.I.a Establish a minimum gutter grade at 0.30%. I would prefer 0.25%.
- E.1.a. Cul-de-sac surface to be 96' diameter to meet fire code. Right of way to be 120'.
- 1.1 50 lots or 50 apartments. Why a difference
- J.2 25 Year storm not 20-Year.

Sec 32-15

H&I Revise for dry utilities in the rear

Sec. 23-20

- A.5.d Include a list of amenities requirements for private parks.
The parkland dedication ordinance needs to be revised to priorities fees in lieu



of parkland dedication. The recent practice by the city staff suggest that fees are preferred over land dedication. This revision would be consistent with the city's plan to have large regional parks.

Sec. 23-27

H Warranty bond should be for 1 year not 2 years.

Sec. 23-60

- C. Heritage trees are only Live Oak and Pecan. Need to establish a minimum diameter to qualify for a heritage tree. I would say at least 18" for a heritage tree.
- E.2. Define agricultural - Pecan Orchards would seem to qualify, Grazing land for beef production would seem to qualify, etc.
- E.4&5 Clarify in an arborist is required.
- H.4 Replacement at 1x instead of 3x. Other city ordinances except residential projects from tree preservation requirements.
Add a section that will allow developers to pay a fees in lieu of tree preservation.
As an example (\$250 per heritage tree removed, up to \$2,500 per acre, up to \$100,000 per development)
- J2 Reduce the tree requirement to one tree per residential lot. This is typical in other cities
- J.2.C. Provide the proposed tree list in the Code
- J. 3. This section is a repeat of section J.2

Sec. 23-27

A.1 This section should be revised to allow for clear cutting of trees that are not heritage trees. This would aid in preliminary study of the site for all engineering disciplines.

Sec 23-79

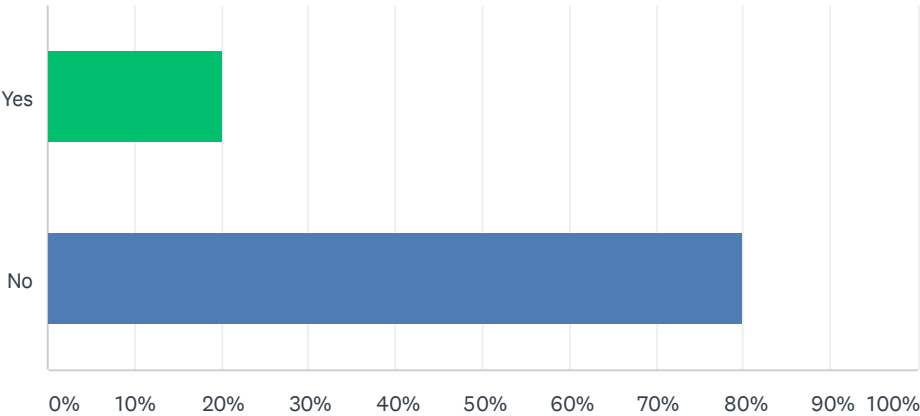
After 1st preliminary review by P&Z, allow 2nd submittal with requested changes be 2 weeks before next P&Z. Otherwise lose a month in time.

Sec. 23-117 Requirements place a lot of cost up front before developer knows if it is a go with the City

- A. 4 Delay submittal of TIA reports until after approval of Preliminary Submittal.
- A. 5 Delay submittal of utility and drainage reports until after approval of Preliminary Submittal.
- A. 6 Delay submittal of drainage report (as set out in Sec 1-15) s until after approval of Preliminary Submittal
- A. 7 Delay submittal of soils/geotechnical report until after approval of Preliminary Submittal.
- A. 11 Delay parkland statement, which is generally in negotiations, until after approval of Preliminary Submittal.
- A.12 Delay submittal of Heritage tree report until after approval of Preliminary Submittal.

Q1 The development/permitting process in Angleton is streamlined and understandable, and all requirements and steps are clear and easy to follow.

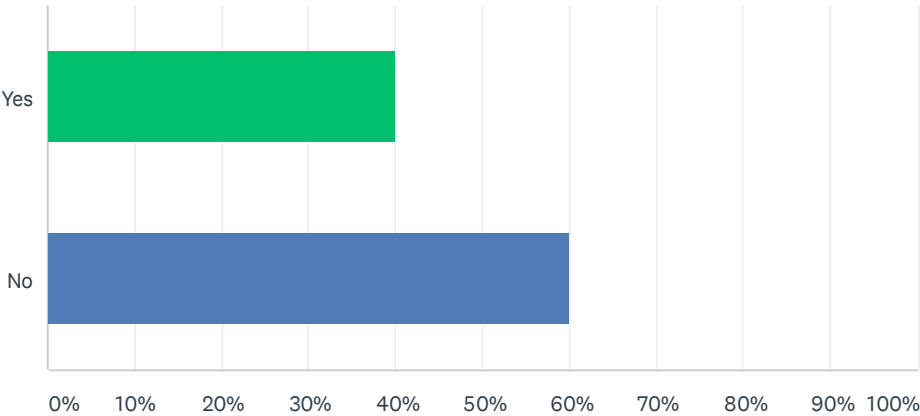
Answered: 15 Skipped: 3



ANSWER CHOICES	RESPONSES	
Yes	20.00%	3
No	80.00%	12
TOTAL		15

Q2 Do standards for non-residential/commercial districts achieve your vision for the City and promote opportunities for employment, recreation, economic development, and other social activities?

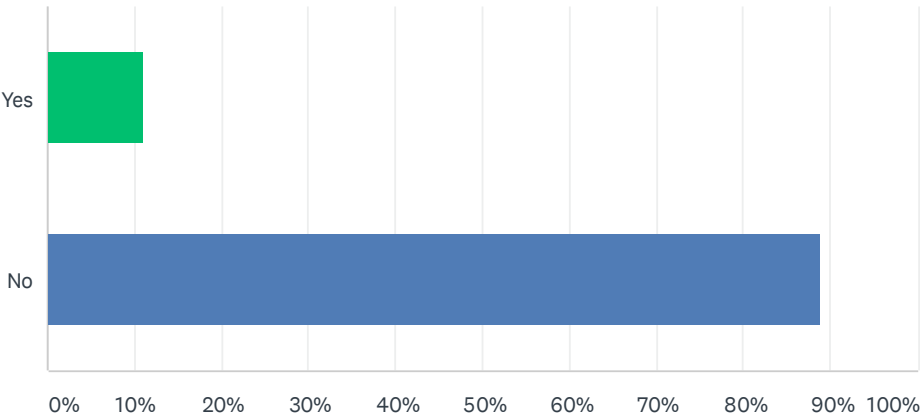
Answered: 15 Skipped: 3



ANSWER CHOICES	RESPONSES	
Yes	40.00%	6
No	60.00%	9
TOTAL		15

Q3 If you have encountered multiple tiered approvals for development including annexation, zoning, platting, permit approval, and certificate of occupancy:a. Was the application sequence and development approval process clear?

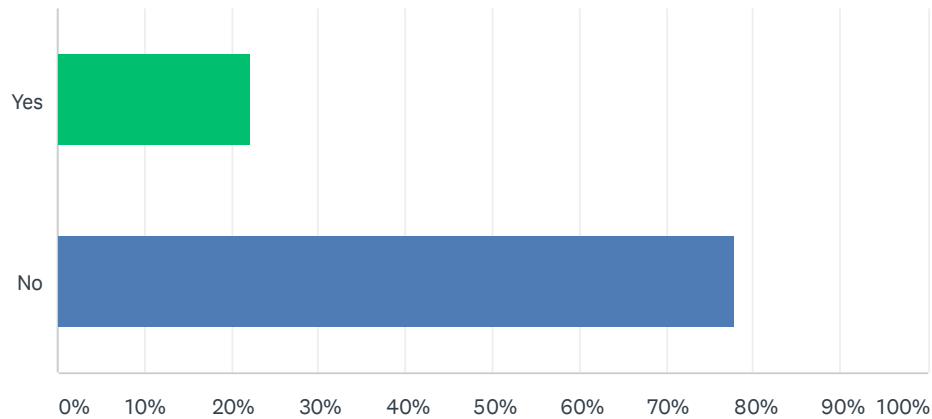
Answered: 9 Skipped: 9



ANSWER CHOICES		RESPONSES	
Yes		11.11%	1
No		88.89%	8
TOTAL			9

Q4 [If you have encountered multiple tiered approvals for development including annexation, zoning, platting, permit approval, and certificate of occupancy:]b. Was each step/approval easy to navigate with appropriate application forms, checklists, and other related information

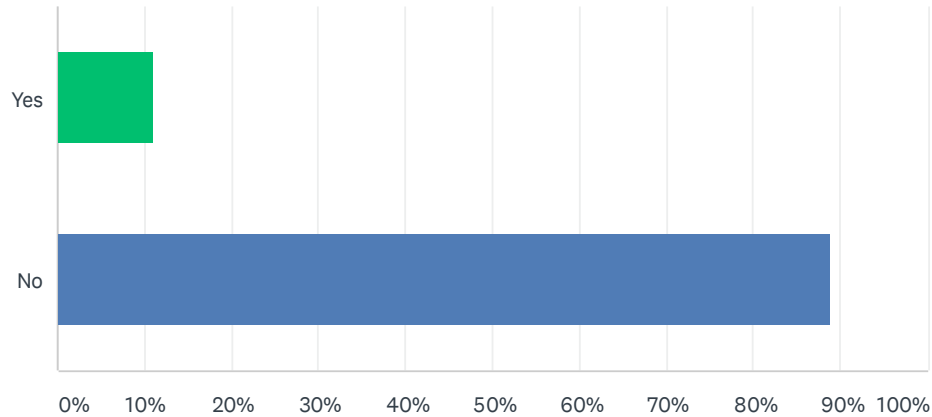
Answered: 9 Skipped: 9



ANSWER CHOICES		RESPONSES	
Yes		22.22%	2
No		77.78%	7
TOTAL			9

Q5 [If you have encountered multiple tiered approvals for development including annexation, zoning, platting, permit approval, and certificate of occupancy:]c. Was it clear which type of approval was needed for each step (for example – major amended plat, minor consolidation plat, etc.)?

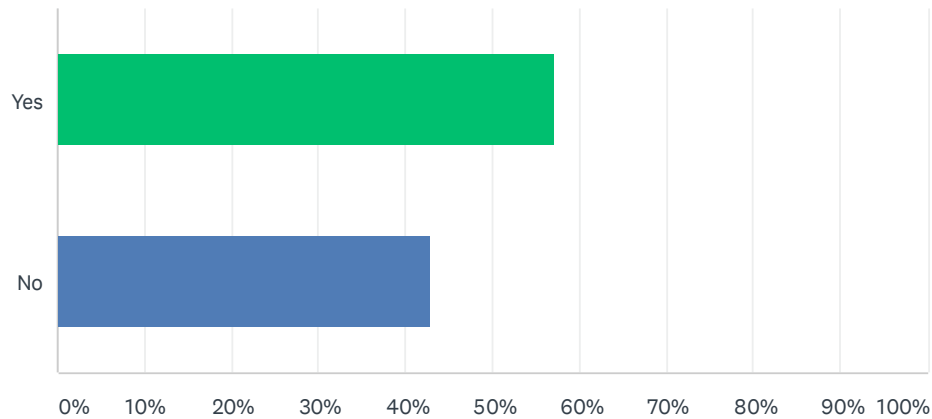
Answered: 9 Skipped: 9



ANSWER CHOICES		RESPONSES	
Yes		11.11%	1
No		88.89%	8
TOTAL			9

Q6 [If you have encountered multiple tiered approvals for development including annexation, zoning, platting, permit approval, and certificate of occupancy:]d. Did you encounter any setbacks or delays due to the current processes or ambiguity in submittal requirements?

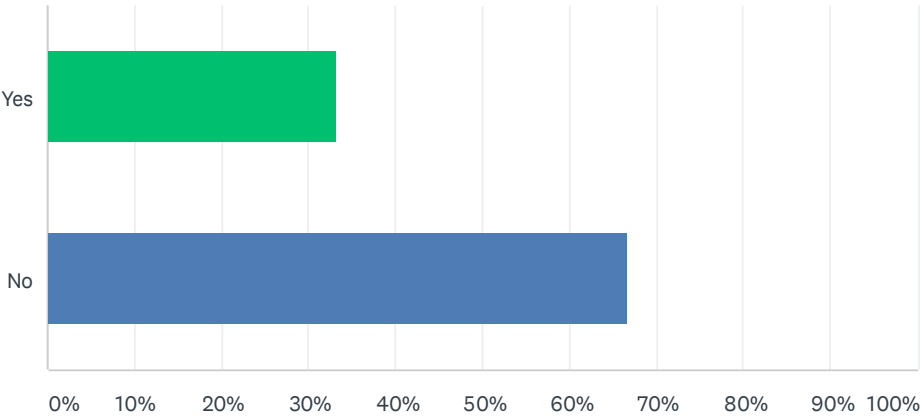
Answered: 7 Skipped: 11



ANSWER CHOICES		RESPONSES	
Yes		57.14%	4
No		42.86%	3
TOTAL			7

Q7 Residential Developments: Do standards for residential districts achieve your vision for the City and promote safe, walkable neighborhoods?

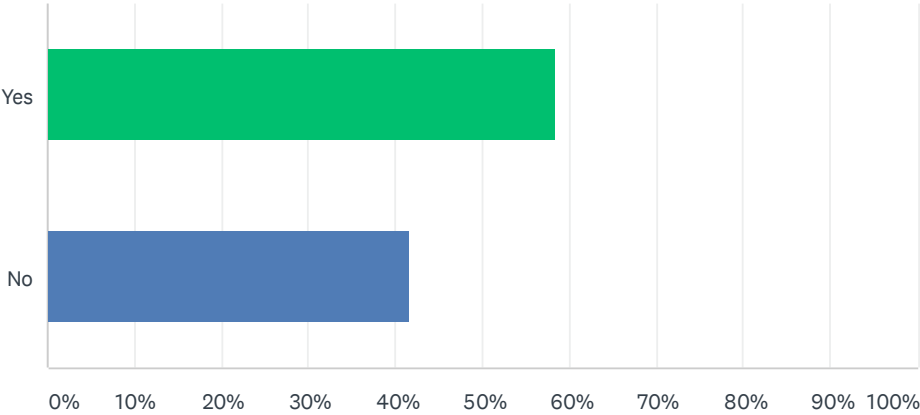
Answered: 15 Skipped: 3



ANSWER CHOICES	RESPONSES	
Yes	33.33%	5
No	66.67%	10
TOTAL		15

Q8 Zoning: Do you think the current zoning classifications/districts address all types of development?

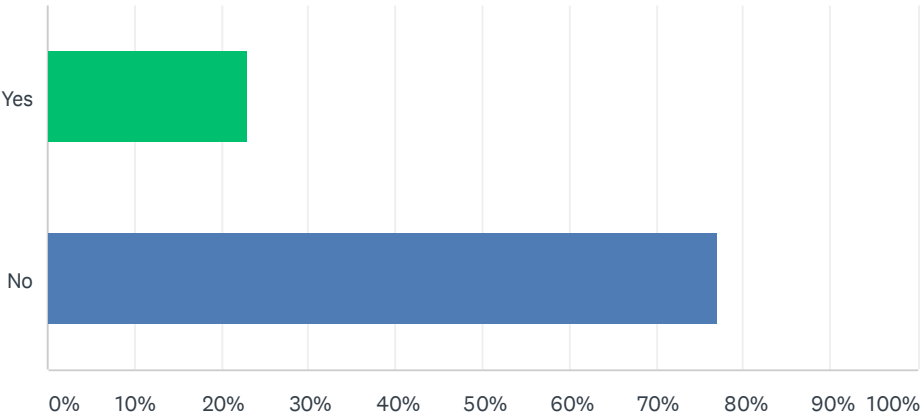
Answered: 12 Skipped: 6



ANSWER CHOICES	RESPONSES	
Yes	58.33%	7
No	41.67%	5
TOTAL		12

Q9 Signage: Do you think that the current sign regulations balance the economic value of signage for businesses while preserving and improving the visual quality?

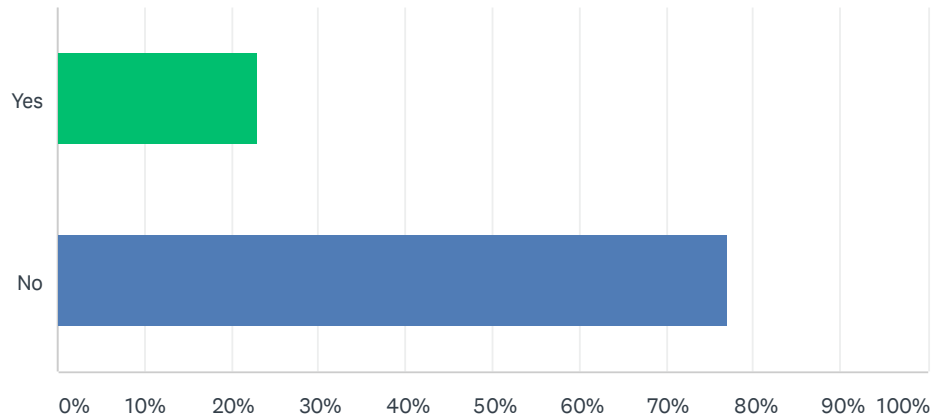
Answered: 13 Skipped: 5



ANSWER CHOICES	RESPONSES	
Yes	23.08%	3
No	76.92%	10
TOTAL		13

Q10 Quality of development: Do current standards for development encourage the type and quality of development, and redevelopment, desired within all areas of the City?

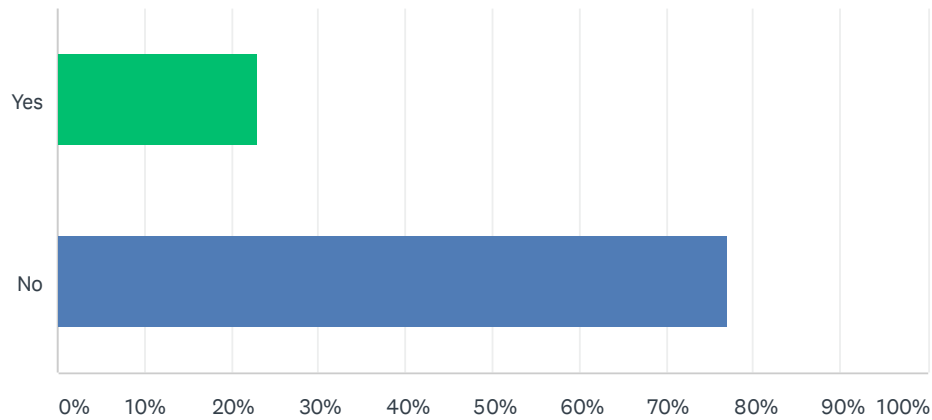
Answered: 13 Skipped: 5



ANSWER CHOICES	RESPONSES	
Yes	23.08%	3
No	76.92%	10
TOTAL		13

Q11 Vision: Do you think that current City standards are sufficient to implement your vision of the City?

Answered: 13 Skipped: 5



ANSWER CHOICES	RESPONSES	
Yes	23.08%	3
No	76.92%	10
TOTAL		13

Q12 Aspirational cites: List three cities you think could be used as benchmark/aspirational cities for future development.

Answered: 10 Skipped: 8

Q13 Other Thoughts?

Answered: 6 Skipped: 12

APPENDIX H

Angleton Streamlining Development**Compilation of responses**

Following is a compilation of responses to the open-ended questions from the following modes of data collection:

1. Open ended questions received from 18 SurveyMonkey responses conducted between July-August 2021
2. PDF questionnaire sent in June 2021

Question: List any development/application process that needs improvement or seems redundant or unnecessary

1. A worksheet indicating the required steps, timelines and permits required. A flow chart for various projects would be very helpful. Something that spells out the fees and permits, policies and copies of required documents including development agreements.
2. I would be happy to speak with you in detail on this. Basically, there is no list of steps that need to be accomplished so no way to get through the process. It's basically one step and will TVs (???) here is what needs to be done. Deliver it and move on. It really does not matter what the steps are we can either deal with them or select.
3. Needs to be by the book numbering- step 1, 2, 3
4. Unable to get in touch with anyone regarding permits. Tried to find one online so I could build a shed, online resources from the city said one was needed, unable to find forms or talk to anyone to get what was needed.
5. Need larger stores and eateries to accommodate new housing going in.
6. They authorized my neighbor to build a swimming pool in their front yard.
7. Goals and objectives from City Council and its citizens should flow back through Planning and Zoning Commission and then to developers.
8. Website has very little info and is clunky to move around. More info on website would assist in streamlining.
9. 202 pages (of ???) is an awful lot of data for anyone to read through and try to figure out all the requirements for a new development. Although the document explains things in detail, it seems to be so detailed that a person can get totally discouraged before starting the process.
10. The time from a pre-development meeting to final approval has lengthened considerably over the previous LDC. I don't know if it is the unfamiliarity of the new LDC or the requirements that Sugarland placed in the LDC that are not applicable to Angleton. The need to go back to council for any deviations, whether it is obvious that a TIA should not be needed, rewording on a developers agreement or any number of minor issues.
11. I am not able to answer #1, improvements needed are: rail road crossings. The absolute roughest track crossings in Texas!. Fix the bumps in the roads and highways. I realize there are "plans" for overlaying roads, but FIX what are not in the immediate plans. Fix cross street intersections. MOST are almost as bad as the railroad crossings. There are some that have at least a 6" difference. I can provide proof.

Please list three issues in the development standards of non-residential/commercial districts and permitted uses

1. When allowing builders to build homes city needs to make sure we are not allowing builders to cram homes on lots. Ex. 308 W. Live Oak.
2. Lot size, drainage, emergency access.
3. 1. Buffering between commercial and residential. 2. Lot sizes are beginning to be too small which will harm the city in the long run. 3. Need to review classifications of property zone-wise in certain areas to make sure that they are now meeting current development.
4. More uniformity around city and subsequent enforcement of the standards. So many places are run down and seem to stay that way. Issue warning with short notification days, issue citation, and move on. Start denial services to business if they do not comply.
5. This City needs to start thinking about its seniors and their activities. Not just leave it up to Dickey Park and the Rec Center. More safe places where we can walk and be out in nature would be nice. We are not interested in the night life but would like a quiet place where we could dine out or go for a cocktail and have conversation where we could hear each other talk instead of the loud music. Stop small lots. Most people want to be able to enjoy their own yard and let the family fellowship with one another in their own space. Make a section that says setbacks instead of hiding it within another subject making the developer or property owner go find the info.

If you have encountered multiple tiered approvals for development including annexation, zoning, platting, permit approval, and certificate of occupancy- What were the issues faced regarding processing delays and clarity etc. (questions 3, 4, 5, 6)

1. Again a well laid out process up front with a potential project presentation to council early on to guard support and potential outcome would be invaluable.
2. I don't believe any exist (checklists etc.)
3. It's an entirely new ordinance. However more importantly the ordinance is unfriendly and much more difficult than a city like Angleton needs. As it was a direct copy from Sugarland.
4. Staff is having to create the path as they move forward so there is no set policy to follow.
5. Most everything on the website is ambiguous. How about some clarifying guides with steps?
1. There were no delays and the information and paper-work provided by the city were clear.
2. Only problem on ours was in 2001, the City decided to put a ditch in my utility easement for our tower site and it has been a pain in our sides ever since. When we asked the City for the plans they used to design the ditch and dig it - B&L, Robert Hinemeyer and Michael Stoldts and Shelly could not find any plans for the ditch the City dug on our property.
3. This being a new LDC, it appears there is a learning curve in implementation.
4. My engineer has stated that there is not always a consistent course of action that is communicated from city hall.
5. I attribute the various delays in learning the detail in the new LDC by both the city and the engineers.

6. Please make sure we are meeting the goals of what the community asked for and looks for in future development.
7. There needs to be an online verification that the application and steps were evaluated and approved. At times receiving a timely response from a relevant party with the city took multiple requests.

Please list three issues in the development standards of residential districts (E.g., lack of amenities, housing diversity, setbacks, etc.) Please also give any suggestions for improvements in the standards of residential subdivisions.

1. As laid out the standards are good, of course there are issues like the minimum driveway width being copied from commercial setting it at 25 ft min that create issues.
2. Should be clear what size neighborhood or development standards apply to. Recommend sidewalks are only required on major corridors to schools, parks, downtown or in and in front of major developments. Not individual house developments.
3. Too dense/houses too close together. Lack of amenities.
4. Lot sizes too small, lack of requirements to have sidewalks.
5. No lighting on street or sidewalk.
6. Lot sizes are too small. Green space is not included in these newer developments which will not give the new residence a quality or place. Dry utilities should not be in the front lots of these developments.
7. Enforcement of residents once s/d is complete. Doesn't do any good to build something nice if we don't enforce residents to keep it up. Too many chances from inspector.
8. More lighting, sidewalks and more variety of colors in the styles.
9. The city has recently approved several S/D's that have (in my opinion) smaller lot sizes. I think any proposed S/D's in the future need to have at least a minimum lot size of 80' by 120'.
10. Accessibility and connectivity require larger sidewalks than currently in place. When new developments are being planned, there should be a method to require an additional easement from the developer to secure land for larger sidewalks. That step is being overlooked. Our city has an inordinate number of small lots that market cannot absorb. The city should institute a ratio of lot sizing for new projects. For instance, 30% of lots at 60' width, 40% at 70' and 40% at 80'. Do not consider a 5' increment is lot sizing as it is of no benefit in housing and is only used to skew the ratio. If the city continues to utilize PIDs, they should be created in the manner they were intended, to create a higher quality project with superior amenities than would be possible otherwise to offset the higher taxes to our residents. The developers awarded a PID should be required to enhance our city in return for those assessments on our residents.

Do you think the current zoning classifications/districts address all types of development?

1. There should be additional zoning to address lots larger than SF 7.2. When a development is made up of lots 100' or larger in width, this is considered a SF 7.2 zoning. That zoning also allows a lot that may be only 70' wide, which is not consistent with the other lots in the neighborhood, but is within the requirements of the zoning.

2. They should be reviewed against the city's comprehensive master plan and publicly discussed with the citizens to make sure that they do.

Do you think that the current sign regulations balance the economic value of signage for businesses while preserving and improving the visual quality?

1. New residential builder signs should be on a city sponsored signage program such as national signs plaza provides to many cities like Pearland. There should be a commercial retail signage program that meets the quality of place within the city.
2. Signage of a million different types around town. Come up with a standard and give businesses 2 years to revise and comply
3. Could not find any information regarding signage.
4. Enforcement of the ordinance is not sufficient. Placement of signs advertising open houses and directing traffic into a residential neighborhood should only be allowed for a very limited time.

Quality of development: Do current standards for development encourage the type and quality of development, and redevelopment, desired within all areas of the City?

1. City needs to enforce to haul off junk & junk vehicles in people's front yards to be hauled off. This is a health hazard and eye sore for the city. City needs to have property owners with uninhabitable buildings and structures demo. This is a health hazard and eye sore for the city. City needs to improve street lighting also needs to have street drainages cleaned out on TJ Wright St.
2. Sidewalks, street lighting, landscaping.
3. Redevelopment should be a major priority for the city. Areas should be identified and prioritized and then incentivized to help those looking to invest in our city provide the redevelopment we are looking for.
4. I hate bike lanes. Let them use the sidewalk and yield to pedestrians. Fencing is monitored???? Dumpsters are ignored. Do something about junk and outdoor storage for both business and residential.
5. No parking in the grass in front yards. Keep yards mowed and weeds maintained at least during the dry season. Wet yards make mud and ruts which would look worse. The City needs to maintain the sidewalks we have and fix the bad ones. Make Waste Connections stop putting trash cans in the middle of the sidewalks where someone in a wheelchair or walker cannot get around them.
6. I believe the city and EDC Director are headed in the right direction and have done admirable work.
7. There is a fine line between creating uniformity in design, such as what Sugarland or what other larger cities require than is economically feasible in a small city like Angleton. Our minimum standards should be increased and structures that are obviously deficient should be corrected. Landscaping and walk and bike paths will enhance the quality of life and appearance of our city. The more attractive our city is the better chance we have to bring quality growth.
8. I noticed the employees mowed the medians and started blowing, exhausting the grass onto the road/highway. Stupidity, lack of proper training, attitude, ignorance, YOU have allowed for a very dangerous road, especially for bikes and motorcycles, this is far worse than rain

Vision: Do you think that current City standards are sufficient to implement your vision of the City?

1. Have not reviewed all the policies and standards but quality of place is much more important for all we are looking at doing now and not just satisfying what those developers both commercial and residential want to do for our city.
2. Roads need repairs.
3. Could be if we enforced the laws on the citizens
4. Angleton wants small town image but we don't have it.
5. Stop the 45' lots.
6. With implementation of a continuation for larger lots.
7. I believe there are improvements that can be made to some of the existing ordinances, however, there does seem to be more effort to improve the city than there has been over the years. We are seeing some of this now and the hope is it continues to grow.

Aspirational cities: List three cities you think could be used as benchmark/aspirational cities for future development.

1. Laramie, Wyoming (fabulous revitalized old downtown), Texas City (great TxDOT job), and Lake Jackson (hard to beat). Please put up a webcam for a look at our TxDOT upgrades downtown.
2. Pearland, Lake Jackson
3. Lake Jackson
4. Bastrop for its rich history. Tyler for their progressive new development called your place standards. Nacogdoches for it's redevelopment areas and close proximity to college.
5. Addison, Bastrop, Austin.
6. Kyle, League city, Katy.
7. Missouri City TX. Georgetown TX.
8. Manvel, Iowa Colony, League City.
9. I think what our city has done in the past and its path forward are fine without comparison.
10. The city of Lake Jackson has done a good job revitalizing their downtown. Mont Belvieu has done an excellent job in creating exception parks that improve the quality of life for their residents and create a draw for new residents and visitors. Pearland has done a good job of keeping the quality and curb appeal of commercial and residential projects appealing.

Other Thoughts?

1. City needs to start with the older parts of town Westside of the city.
2. Y'all are doing good - we're on the edge of something wonderful for Angleton.
3. Thank you for the opportunity to respond and I appreciate all that staff and community minded people are doing for the Angleton community.
4. I think Chris is doing a great job and I like it that we hired someone from outside who has a vision and is willing to ask ours.