

CITY OF ANGLETON
SUBDIVISION ORDINANCE

MARCH 15, 1994

INCLUDING ORDINANCE 2007-O-3B AMENDMENT

Prepared By

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ARTICLE I GENERAL PROVISIONS

SECTION 23-1 PURPOSE

- A. In order that the City of Angleton may develop in an orderly manner, provide for the logical extension of city services, streets, and other public facilities the division of land is hereby regulated. The health, safety, and welfare of the entire community is affected by the actions of those who shall divide property for sale or transfer of ownership rights. It is declared to be in the public interest that subdivisions be planned, designed, and constructed in accordance with sound rules and proper engineering standards. The following standards are designed to:
1. Provide for the harmonious development of land in accordance with the Comprehensive Plan of the city;
 2. Provide for adequate access and design of improvements to protect the individual property owner and the community;
 3. Secure adequate provision for light, air, recreation, transportation, water, drainage, sanitary sewers, parks, playgrounds, and essential public services; and
 4. Promote the general health, safety, and welfare of the community.

SECTION 23-2 JURISDICTION.

- A. These regulations shall govern all subdivision of land within the corporate limits of the City of Angleton as now or hereafter established and within the extraterritorial jurisdiction of the city as defined now and in the future according to Chapter 212 of the Local Government Code, Vernon's Texas Codes Annotated.

SECTION 23-3 WHO MUST PLAT

- A. The owner(s) of a tract of land located within the corporate limits of Angleton, or within its extra territorial jurisdiction, who divides the property into two or more parts, whether such property has been previously platted or not, for the purpose of sale or transfer of property rights, or to lay out a subdivision of the tract, including an addition to the city, or to lay out suburban, building, or other lots, and to lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers, or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts shall first submit a plat as further described herein and have such plat approved by the Planning Commission and City Council before the recording of any deeds, contracts for sale, or other instrument transferring any property right.

It shall be the responsibility of the owner of any tract of land covered by this Chapter to have a subdivision plat, as defined herein, prepared, approved, and

properly recorded before any public utilities of any kind shall be connected to any part, parcel, or lot within the tract.

SECTION 23-4 WHAT MUST BE PLATTED?

A. Any subdivision of land into two or more parts for the following purposes must be platted in accordance with this Chapter:

1. Division of a tract into two or more parts for sale; or
2. Dedicating of a public street, alley, easement or other facility intended for use by the public through, adjacent to or within a tract of land: or
3. For the development of all or part of the tract for sale or use of another party who shall acquire a property right through deed, ground lease, or other contractual means.

The dividing of a tract of land into sections larger than 12 acres for the purpose of farming, ranching or agricultural production, so long as no dedication of property to the public or extension of public utilities is required or proposed, shall not require a plat.

The dividing of a tract of land owned by the State of Texas or Brazoria County so long as no transfer of ownership or development of the tract by any private party shall not require a plat.

SECTION 23-5 ENFORCEMENT

- A. Within the area covered by this Chapter no public utilities or services shall be provided, extended to, or connected to unless such subdivision shall first have been approved by the City Council, and recorded in the Plat records of Brazoria County, Texas.
- B. Any person, officer, board, public utility, including electricity, water, sewer, gas, telephone, television cable operator, or any public agency including municipal utility districts, drainage districts, road districts or other agency authorized by either city, county, or state law to provide services of a public nature to real property who provides services to a tract of land that has not complied with the provisions of this chapter shall be guilty of a misdemeanor and upon conviction shall be fined in an amount not exceeding two thousand dollars (\$2,000.00), and each day that such violation continues shall constitute a distinct and separate offense.
- C. In the event such violation occurs outside the city limits of the City of Angleton, Texas, but within the extra territorial jurisdiction of the city then the city shall have the right to institute an action in the District Court of Brazoria County, Texas, to enjoin the violation of any provision of this Chapter.

ARTICLE II
PROCEDURE FOR PLAT APPROVAL

SECTION 23-21 SUBDIVISION PROCEDURE

- A. The preparation, submittal, review and approval of all subdivision plats shall proceed through the following steps;
1. Pre-submission conference-meeting between landowner/developer/agent and City Engineer and Building Official.
 2. General Development Plan Review-submitted by land owner/developer/agent/ if required, for review of city staff.
 3. Preliminary Plat - for review and approval by Planning Commission and approval by City Council.
 4. Final Plat - for review and approval by Planning Commission and approval by City Council.

SECTION 23-22 PRE-SUBMISSION CONFERENCE

This conference is intended to be of mutual benefit to the subdivider and the community by determining the suitability and time of development of a tract of land in relation to the availability of services and facilities. This step is preceded by considerable subdivision planning and investigation of requirements of other public agencies, utilities, and special purpose districts that will have some jurisdiction over development of the land.

The landowners engineer, surveyor or planner shall present the proposed plat to the City Administrator or designated official who shall represent the city and provide the details regarding platting procedures and requirements.

- A. Actions required by the subdivider.
1. Sketch plans and development ideas regarding land use, streets, lot arrangement and size, and dedications intended for public uses.
- B. Actions required by the City Administrator or designated official.
1. Determine existing zoning of the tract if within the city and determine if a zoning change is required for the proposed land uses;
 2. Determine the relationship of the proposed development to the Comprehensive Plan of the city;

3. Determine the adequacy of and possible effects on existing schools, parks, drainage systems, and other public uses;
4. Determine the relationship of the proposed development to such existing and proposed facilities as major arterial streets, availability of utility systems, adequacy of access, and any special conditions in existence;
5. Determine the need for a General Development Plan prior to considering a Preliminary Plat and if required, advise the subdivider that such plan is to be prepared and submitted for review and comment.

SECTION 23-23 GENERAL DEVELOPMENT PLAN

- A. In order to provide the coordination necessary to ensure adequate provision of public services to a subdivision the City Administrator or designated official may require the subdivider to prepare a General Development Plan prior to any approval of the Preliminary Plat by the Planning Commission. In the event a subdivider refuses, or is unable to prepare a General Development Plan the City Administrator or designated official shall present the Preliminary Plat to the Planning Commission with a recommendation that it be disapproved.

SECTION 23-24 CONDITIONS REQUIRING THE PREPARATION OF A GENERAL DEVELOPMENT PLAN

- A. In order to properly plan for conditions which may arise when large or complicated development issues are involved in a subdivision, the city hereby requires a General Development Plan be prepared when any of the following conditions exist:
1. A development is greater than 100 acres in size; or
 2. The property is proposing to fill, level or otherwise change, either partially or totally, a 100 year flood plain; or
 3. The development land uses are in conflict with the Comprehensive Plan of the city; or
 4. The development proposes a school site, a public park, or other installation that serves an area greater than the proposed development.
- B. The General Development Plan is intended to provide basic general concepts that identify the size, scale, type of land uses, anticipated phasing of development, and the relationship of the development to the Comprehensive Plan and the existing city. The contents of the General Development Plan shall include the following:

1. Boundary of all land to be included;
 2. General proposed land uses;
 3. Phases or sections for development;
 4. Location of all major arterial streets;
 5. Current and proposed zoning if inside the city;
 6. General location of waterways, lakes or detention facilities to be part of the development; and
 7. Other major facilities that impact the city such as elevated water storage, major drainage channels, schools, parks, etc.
- C. In the event the General Development Plan is in conflict with the Comprehensive Plan the subdivider shall provide documentation, studies, surveys or other technical materials to support the requested approval of the General Development Plan.
- D. The Planning Commission shall review the information submitted and, if in their judgement, the facts support amending the Comprehensive Plan of the city, the commission shall forward it's recommendation for such amendment to the City Council. The City Council shall consider such amendment to the Comprehensive Plan after a Public Hearing has been held at which time all parties shall have been given the opportunity to speak on the matter.
- E. In the event the Planning Commission finds the facts of the General Development Plan do not support an amendment of the Comprehensive Plan they shall recommend disapproval of the General Development Plan to the City Council.
- F. Acceptance of General Development Plan

Only after approval of the General Development Plan, when required, shall the Preliminary Plat(s) be prepared.

SECTION 23-25 PRELIMINARY PLAT

- A. The Preliminary Plat phase of land subdivision includes detailed subdivision planning, submittal, review, and approval of the Preliminary Plat. To avoid delay in processing the application, the subdivider's engineer or surveyor should carefully research all the information essential to determine the character and general acceptability of the proposed subdivision including utility availability and capacity, drainage, public utilities (electricity, gas, telephone, cable), existing easements, and the requirements of the Comprehensive Plan of the City.
- B. The Developer or his Engineer shall submit the Preliminary Plat to the City of Angleton along with the required application and fees.

SECTION 23-26 PRELIMINARY PLAT SUBMISSION

Upon completion of the Pre-Application Conference the developer shall prepare and submit the Preliminary Plat to the City Administrator or designated official not less than fifteen (15) days' prior to the Commission meeting at which such plat is to be considered. The following information, in accordance with the requirements of this Chapter, shall be submitted:

- A. Nine (9) copies of the preliminary plat showing the general features of the proposed development as described below.
- B. This preliminary plat shall be drawn on a scale of one (1) inch equals one hundred (100) feet or larger and shall show the following:
 1. The outline of the tract that is proposed to be subdivided, with boundary dimensions.
 2. The proposed plan of subdivision, showing streets, blocks, lots, alleys, easements, building lines, parks, etc., with principal dimensions.
 3. The location, width, and name of existing streets and any blocks, lots, alleys, easements, building lines, water courses, flood plains, boundary of tree cover, or other natural features in the area affected, with principal dimensions, and any other significant information on all sides for a distance of not less than two hundred (200) feet.
 4. The names of proposed streets; the location of the nearest existing sewers, water and gas mains and other public utilities if any. If none near vicinity, so state.
 5. A proposed general plan for drainage and the limits of any flood plain either as designated by FEMA mapping or limits as may be determined by the owner's Registered Professional Civil Engineer.
 - a. The proposed drainage plan shall include: a topographical map in sufficient detail showing all abutting drainage areas either contributing to the storm water flows within the proposed subdivision; preliminary plans for drainage improvements within the proposed subdivision; and all calculations relating to the design of the drainage plan and its impact on the downstream system.
 6. The name of the proposed subdivision, north point, scale and date.

7. The name of the owner or owners and signature of the person who has prepared the preliminary plat.
8. A vicinity sketch or key map at a scale of not more than one thousand (1,000) feet to the inch which shall show all existing subdivisions, streets, and tracts of acreage in the area.
9. The proposed plan of improvements and utilities to be constructed in the subdivision shall be shown with indication of street widths and utility line sizes. The location of any existing utilities within the subdivision shall be shown on the Preliminary Plat.
10. The following certificate shall be placed on the Preliminary Plat:

"APPROVED PRELIMINARY PLAT"

 Mayor
 City of Angleton

 Date

 City Secretary
 City of Angleton

11. One copy of the signed plat shall be returned to the developer.
12. A copy of any protective or restrictive covenants whereby the subdivider proposes to regulate land use and construction in the subdivision shall be attached to the Preliminary Plat.

SECTION 23-27 PRELIMINARY PLAT REVIEW

On receipt of the preliminary plat, the City Administrator or designated official shall:

- A. Review the preliminary plat for compliance with public objectives, giving special attention to design principles and standards; to streets and thoroughfares as related to the Mobility Plan and to neighborhood circulation; to existing and proposed zoning and land use of the tract and adjacent tracts; and to sites required for schools, parks and other public facilities.

- B. Distribute copies of the preliminary plat to the following offices for review:
1. City Departments
 2. Public Utilities and Drainage Districts
 3. County Engineer and/or school district (when concerned with a specific plat)
- C. The reviewing offices will transmit their recommendations to the City Administrator or designated official. The City Administrator or designated official will then summarize the recommendations of the reviewing offices and present them to the Planning Commission for their consideration in action on the preliminary plat.

SECTION 23-28 PRELIMINARY PLAT APPROVAL

If the requirements of this Chapter have been met, the Commission shall render a decision thereon at the next regular meeting of the Commission and forward its recommendation to the City Council. Such decision may consist of approval, conditional approval or disapproval.

- A. The approval of a Preliminary Plat by the City Council is the authorization to proceed with the preparation of the final plat. Approval of a preliminary plat does not constitute the acceptance of a subdivision or the improvements placed therein.
- B. The conditional approval of a preliminary plat by the Council is the approval of the plat subject to compliance with all conditions prescribed by this chapter. All conditions prescribed by the Council shall be furnished in writing to the developer within fourteen (14) days of Council action. Compliance with the conditions imposed shall be reflected on the "approved preliminary plat" to be submitted following Council approval, as set forth in Paragraph F below, and on the Final Plat and related documents required for consideration of the final Plat.
- C. The disapproval of a Preliminary Plat by the Council shall be final. Written notice of the reasons for disapproval shall be provided to the developer within fourteen (14) days of Council action.
- D. Council approval or conditional approval shall be valid for a period of twelve (12) months from the date of action. If within the twelve (12) month period no application is made for Final Plat consideration, the Preliminary Plat shall become null and void. The developer may request and the Council at its discretion, may grant an extension of the time limit for a specified period of time.

- E. If the developer intends to develop a proposed subdivision in sections or phases, he shall so state at the time of application for Preliminary Plat consideration.
- F. Upon approval of the Preliminary Plat, the developer shall provide to the City five (5) copies of the plat with revisions needed to comply with a conditional approval.
- G. One copy of the signed plat shall be returned to the developer.
- H. An approved preliminary plat shall be valid approval for application for final plat consideration provided that application for final plat consideration for the first section or phase is made within twelve (12) months of Council approval and provided that the final plat for each section or phase substantially conforms to the approved preliminary plat. Any substantial deviation in street layout or alignment, lot size or configuration, utility and/or drainage layout or easement shall require submittal for consideration of a new preliminary plat.
- I. No construction shall begin on the proposed improvements in the proposed subdivision prior to approval of the final plat by the City Council and acceptance of fiscal arrangements by the City.

SECTION 23-29 FINAL PLAT

- A. The developer or his engineer shall submit the Final Plat to the City of Angleton for review along with complete approved construction plans or an acceptable surety as provided in Section 23-30 B (15) herein; an application; and the required fees.
- B. The City Council will be required to formally accept the fiscal requirements between the developer and City for infrastructure and other improvements required by the City. (This step includes the final design of the subdivision, engineering of public improvements, and submittal of the final plat by the subdivider.)

SECTION 23-30 FINAL PLAT REQUIREMENTS

After the preliminary plat has been approved by the Council and any or all conditions are complied with, the developer's engineer or surveyor shall prepare and file a final plat with the City Administrator or designated official not less than fifteen (15) days prior to the meeting of the Planning Commission at which the plat is to be considered, a final plat which shall comply with the requirements of this Chapter and shall include the following:

- A. The original Final Plat and five (5) copies printed from the original. The original and copies shall be clearly legible. The original plat shall be drawn to a scale of one inch equals one hundred feet (1" = 100') or larger in ink on mylar or other acceptable permanent material with all figures and letters legible. One (1) copy of the original shall be on mylar or other acceptable permanent material. A digital file compatible with the AutoCad Graphic Program shall also be submitted.
- B. The Final Plat shall be proper for filing for record in the office of the County Clerk with the following information given:
1. The name or names of the owner and developer.
 2. The name of the Licensed Land Surveyor or Registered Professional Engineer who prepared the plat.
 3. The name of the proposed subdivision and any adjacent subdivisions.
 4. The name of street (to conform whenever possible to existing street names).
 5. The numbers of lots and blocks in accordance with a systematic arrangement.
 6. The north point, date, acreage being subdivided and scale. All plats shall be on a scale of one (1) inch equals one hundred feet (1" = 100 feet) or larger.
 7. An accurate boundary survey of the property, with bearings and distances referenced to the corner of an existing survey or established subdivisions, with complete and accurate field notes of said boundaries. The lines with dimensions of all adjacent lands and alleys and easement in adjacent subdivisions shall be shown in dashed lines.
 8. The location of proposed lots, streets, alleys, easements, building setback lines (both front and side streets) and other features.
 9. All necessary dimensions, including linear, angular and curvilinear and other surveying information necessary to reproduce the Plat on the ground with the linear and curvilinear dimensions shown in feet and decimals of a foot.
 10. The angular dimensions shall be shown by true bearings. The length of all straight lines, deflection angles, radii, tangents, central angle of curves shall be shown. All curve information shall be shown for the center line

of the street. Dimensions shall be shown from all angle points and points of curve of lot lines. All lots on curves shall be shown with curve length dimensions based on arc definitions.

11. All survey monuments shall be shown on the Plat.
12. All deed restrictions that are to be filed with the plat.
13. Certification by a registered public surveyor, licensed by the State of Texas, placed on the Plat as follows:

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 shall be properly placed under my personal supervision, in accordance with the Code of Regulations of the City of Angleton, Texas.

(SEAL)

14. Certificate of Approval by the City Council to be placed on plat in manner that will all filling in of the Certificate:

I hereby certify that the above and foregoing Final Plat of _____ Addition to the City of Angleton was approved this _____ day of _____, 19____, by the City Council of the City of Angleton.

Mayor

Said addition shall be subject to all the requirements of the Code of Ordinances of the City of Angleton, Texas.

Witness my hand this _____ day of _____, 19____.

City Secretary

15. An instrument of dedication, signed and acknowledged by the owner or owners and by all other parties who have a mortgage or lien interest in the property, showing all restrictions, reservations, and/or easements, if any, to be imposed and reserved in connection with the addition. Such restrictions shall include the following provisions:

"No house, dwelling unit or other structure shall be constructed on any lot in this addition by the owner or any other person until:

- a. Such time as the developer and/or owner has complied with all requirements of the Code of Ordinances of the City of Angleton regarding improvements within the area so platted, including the actual installation of streets with the required base and paving, curb and gutter, drainage structures, storm sewers, alleys, and water and sewer utilities, all according to the specifications of the City of Angleton; or
- b. The developer files with the City Secretary either a corporate surety bond, escrow deposit, or irrevocable letter of credit in a sum equal to the cost of such improvements for the designated area guaranteeing the installation of improvements thereon within the time period established by the City for completion of said improvements. The developer shall execute an agreement authorizing the City to make or complete said improvements in the event the developer fails or refuses to make or complete said improvements within the time so stated for completion thereof. The corporate surety bond, escrow or irrevocable letter of credit shall comply with the following:
 - 1) The sum equal to the cost of improvements shall include all construction costs, the cost for construction staking, and engineering services related to construction including but not limited to periodic administration and preparation of as-built plans. The cost estimate for construction and related administration shall be prepared by the developer's engineer based on currently prevailing private commercial rates and approved by the City Engineer.
 - 2) A Corporate Surety Bond filed with the city shall be issued by a qualified bonding company rated AA or better by Standard & POOR's, A.M. Best and Co. or other recognized bond rating company. Any proposed bonds shall be approved as to quality and amount by the City Council prior to approval of the Final Plat.
 - 3) An escrow deposit shall be in the form of a cashier's check payable to the "City of Angleton Escrow Account for _____ Addition." The City shall open an interest bearing escrow account bearing the subdivision name with the City's depository bank. All interest accrued by said

account shall be deposited to the account. The City shall have the right to use the principal of the escrow deposit and all accrued interest to make or complete construction of subdivision improvements as provided by this Chapter. The developer may reduce the amount of escrow deposit equal to the cost, less ten (10) percent thereof, of each major phase of improvements as such phases are completed and satisfactorily pass all applicable test inspections. The major phases are: (1) water and sewer utilities and (2) streets and drainage. The release of any portion of escrow deposit shall not include any accrued interest and shall not constitute final acceptance of the improvements by the City. Upon final completion and final acceptance of all improvements, the City shall release to the developer the remaining balance of escrow deposit for the subdivision along with interest accrued and paid on same.

- 4) An irrevocable letter of credit shall be in a form and drawn from a bank satisfactory to the City and in an amount equal to the cost of improvements as defined heretofore. The amount of the irrevocable letter of credit may be reduced by the developer upon completion of each major phase of construction in the same manner applicable to an escrow deposit.
- c. These restrictions, with respect to improvements are made to insure the installation of such improvements and to give notice to each owner and each prospective owner of lots in the subdivision that no house or other building can be constructed on any lot in the subdivision until said improvements are actually made or provided for on the entire block on the street and/or streets on which the property abuts as described herein.
 - d. A schedule for the installation of such improvements which shall be fixed by the City Council of the City of Angleton. Failure to complete improvements in accordance with the agreed upon schedule shall constitute cause for the city to call bonds on other surety and to undertake construction of required improvements.
 - e. In specific circumstances, a developer may desire to obtain a building permit prior to final completion of a subdivision. The building official may be authorized to release specific permits for lots as requested by the developer, or as may be modified by the City Council in their approval of the developer's written request.

When such request is approved, the developer will be required to provide sufficient security for completion of the subdivision as set forth in this Section.

16. A certificate of dedication of all streets, alleys, and other land intended for public use, signed by the owner or owners and by all other parties who have a mortgage of lien interest in the property and acknowledged before a Notary Public.
17. A waiver of claim for damages against the City occasioned by the establishment of grades or the alteration of the surface of any portion of existing streets and alleys to conform to the grades established in the subdivision.
18. Receipt showing that all taxes are paid. The final plat submitted to the Council and to be filed for record with the County Clerk shall not show construction of physical features unless so unusual as to be of significance; except that the shoreline of water areas shall be shown with the date surveyed.
19. Two copies of the following:
 - a. Construction plans and specifications for subdivision improvements.
 - b. Report of soil test and pavement designs.
 - c. Executed copies of paving and utility contracts before commencing construction (cost data need not be disclosed).
 - d. Soil erosion prevention plan.
20. Upon filing of said final plat with the City Administrator or designated officer by the developer, the Commission shall render a decision thereon within thirty (30) days the plat shall be forwarded to the City Council for approval within 30 days of the action of the Commission. Decision by the Commission and Council may consist of approval or disapproval. Reasons for disapproval shall be stated by the Council in writing within fourteen (14) days. No final plat may be approved conditionally.
21. After the Final Plat has been approved and has been fully and properly endorsed the City Secretary shall file the plat with the County Clerk of Brazoria, County, Texas. The owner shall be responsible for all fees required for filing.

SECTION 23-31 REPLAT PROCEDURE

- A. A public hearing is required on all replats when the previous plat is not vacated. Vacation procedure shall be followed as set forth in Chapter 212, Vernon's Texas Civil Statutes, Local Government Code.
- B. If the previous plat is not vacated and the areas proposed for replatting was zoned under a permanent or interim zoning classification for residential use for not more than two residential units per lot (within the preceding five years) or deed restricted for same, then the following procedure is required:
 - 1. Notice by Planning and Zoning Commission (or governing body) for a public hearing must be published fifteen (15) days in advance of the hearing.
 - 2. Written notice of the public hearing must be forwarded to the owners of all lots in the current plat at least fifteen (15) days prior to the hearings; however, if the preceding plat contains more than one hundred (100) lots, the notice shall be mailed to those owners within two hundred (200) feet of the parcel to be replatted.
 - 3. If twenty percent (20%) or more of the owners of lots in the current plat file a written protest, either prior to or at the hearing, the Planning and Zoning Commission or governing body shall require the written approval of 66-2/3 percent of the owners of all lots in such plat; (or those lots within five hundred feet (500) of the property to be replatted if the current plat contains more than one hundred (100) lots) in order to approve the replat.

SECTION 23-32 SHORT FORM PLAT

- A. The purpose of this section is to provide a short, convenient method of issuing permits to owners of residential and nonresidential property involving unusual conditions where it is unreasonable to require an owner to comply with the standard platting procedures set out in this Chapter. Properties permitted to be platted under this section of the Chapter shall be located adjacent to an existing street having an impervious surface and where street or utility construction is not required. The application of the Short Form Plat procedures to any request for same shall be solely at the discretion of the City. Short Form plats shall be prepared so as to conform to the requirements of a Final Plat.
- B. The Developer or his Engineer shall submit the Short Form Plat to the City of Angleton along with the required application and fees.

SECTION 23-33 PLANNED DEVELOPMENT ZONING DISTRICTS

Where it is proposed to develop and plat for a unified residential, commercial, industrial and/or institutional project under the provisions of Planned Development Zoning, the Planning and Zoning Commission may approve a variance to the specific requirements of this Chapter based upon a detailed site development plan which is to be filed at time of preliminary and final platting.

Such modification shall be governed by the amending Planned Development Zoning District standard for granting such modification from normal standards. Planned Development is an optional zoning and subdivision process intended to provide an avenue to apply new and innovative planning concepts that are not readily accommodated by traditional regulations.

In reviewing Planned Development plans, traditional standards are utilized as the base standard for comparison and guidance. Any modification of those standards shall meet all of the following criteria:

- A. The modified proposal shall conform to the Comprehensive Plan.
- B. The modification will not have the effect of preventing the orderly subdivision of other land in the area.
- C. The need must exist for a variance of requirements to accomplish a unique project design as distinguished from a need for a variance for personal convenience.
- D. The proposed development cannot be readily accomplished through standard zoning districts or subdivision processes.
- E. The proposed modification must substantially accomplish the intent of the standard and improve the overall development design.

SECTION 23-34 SUBDIVISION IMPROVEMENTS

- A. Concurrent with the final plat, the developer shall submit construction plans to the City Engineer for the development of all public improvements proposed in the subdivision or section thereof.
- B. Upon approval of the above plans and any required agreements between the City and subdivider, appropriate construction documents for all facilities will be filed with the City.
- C. Upon completion of all subdivision improvements, the following shall be submitted to the City Engineer. Two (2) sets of "as-built" construction plans, a

maintenance bond covering all improvements in the amount of one hundred (100) percent of the total construction cost and be in effect for a period of one (1) year from date of acceptance of improvements, any pro rata contracts and a listing of final quantities for any City costs for participation in oversized facilities.

- D. Following the completion of the subdivision improvements and satisfactory final inspections, by the City Engineer on behalf of those improvements to be dedicated to the City and the Angleton Drainage District Engineer on behalf of those improvements to be dedicated to the District a recommendation for approval and acceptance shall be forwarded to the City Council. Upon final approval and acceptance by the City Council a written instrument shall be forwarded by the City to the developer.

SECTION 23-35 CONSTRUCTION PLANS

Construction plan and profile sheets for all public improvements shall be reviewed prior to construction and approval of the final plat. Construction plans and profiles shall be drawn on sheets measuring twenty-four (24) by thirty-six (36) inches. Each sheet shall include north point, scale and date. Bench mark description to sea level datum shall be included with the plans.

- A. Each sheet shall show the seal and signature of the registered professional engineer licensed by the State of Texas who prepared the plans and shall include the following, unless specifically approved otherwise by the City Engineer.
1. A plan and profile of each street with top of curb grades shown. Scale shall be 1"=20' horizontally, and appropriate vertical scale.
 2. The cross section of proposed streets, alleys and sidewalks showing the width and type of pavement, base and subgrade and location within the right-of-way.
 3. A plan and profile of proposed sanitary sewers with grades and pipe size indicated and showing locations of manholes, clean outs and other appurtenances, and a cross section of embedment.
 4. A plan of the proposed water distribution system showing pipe sizes and location valves, fire hydrants, fittings and other appurtenances, with a section showing embedment.
 5. A plan to scale of all areas contributing storm water runoff or drainage with and surrounding the proposed subdivision. Such plan shall indicate size of areas, storm frequency and duration data, amounts of runoff,

points of concentration, and other data necessary to adequately design drainage facilities for the area.

6. A plan and profile of proposed storm sewers, showing hydraulic data, pipe grades and sizes, manholes, inlets, pipe connections, culverts, outlet structures, bridges and other structures.
 7. Profile views of individual improvements shall have no more than two improvements on one sheet unless specifically approved by the City Engineer. The project engineer is responsible for the accuracy, completeness, and conformance to city standards.
- B. The purpose of the City review is to assure conformance to City policies and standards. However, the City review is limited to facts as presented on submitted plans. The City takes no project engineering responsibility. The engineer certifying the plans is the engineer responsible for the accuracy and completeness of the documents submitted for review and actual construction.
- C. The City reserves the right to require plan corrections when actual conditions in the field are found to be contrary to or omitted from the previously submitted plan.

SECTION 23-36 GENERAL DESIGN STANDARDS

Purpose

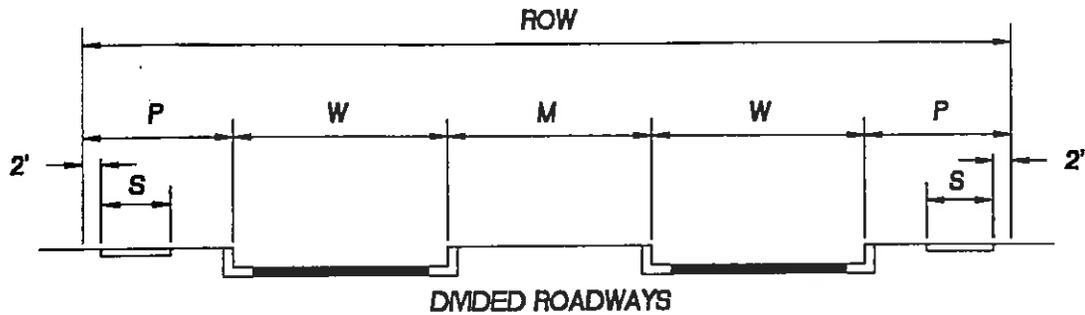
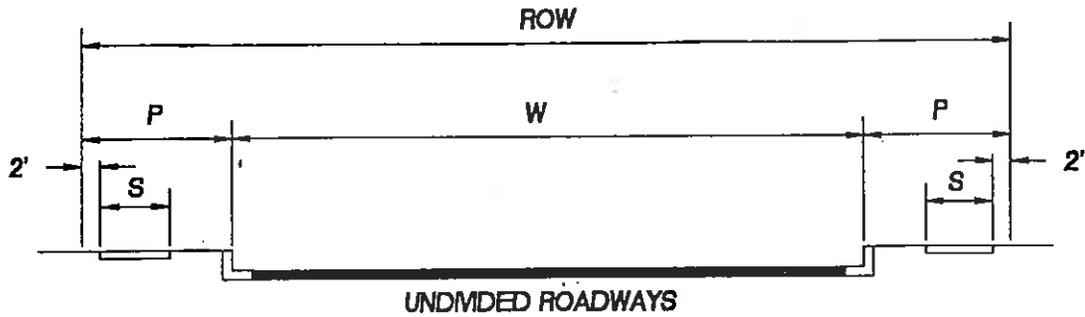
The purpose of this Article is to outline the general design standards and policies for development within the City of Angleton. It is intended that these standards set the basic development policies for the City.

A. Street Standards Policy

1. Street standards shall conform to the Mobility Plan of the City and criteria for the right-of-way, pavement width, and general alignment of major arterial shall be as set forth in Mobility Plan and as shown on the following page. The mobility plan may be amended as needed by the City Council as recommended by the Planning and Zoning Commission.
2. A property shall be required to dedicate street right-of-way as shown in the officially adopted Mobility Plan when the property is contiguous or traversed by a designated major arterial or collector street.
3. Residential (single or two-family) or local streets shall have sixty (60) feet of right-of-way and paved surface of twenty-eight (28) feet.

4. **Streets in Apartment, Commercial, or Industrial areas shall have seventy (70) feet of right-of-way with minimum of forty-four (44) feet paving. A collector serving the above uses shall have seventy (70) feet of right-of-way with a minimum of forty-four (44) feet of paving.**

5. **If a circumstance or existing topographic feature prohibits the reasonable use of the following specified design requirements, consideration will be given for a variance. A written request for such a variance must be made to the City Council or shown on the proposed subdivision plat and sufficient data submitted to analyze the variance. The Planning and Zoning Commission shall consider any requested variances at such time as they review the plat(s) and shall forward their recommendation to the Council for action.**



DESIGN FEATURE	ROADWAY TYPE							
		L2	C2	C3U *	C4U	P5U *	M4D +	P6D +
ROW WIDTH - ROW - (FT)		60	70	70	70	90	100	120
PAVEMENT WIDTH - (FT)	W	28	44	44	44	60	24	36
# OF TRAFFIC LANES		2	2	3	4	5	4	6
LANE WIDTH (FT)		14	12	12	11	12	12	12
PARKWAY WIDTH - (FT)	P	16	13	13	13	15	17	15
MEDIAN WIDTH - (FT)	M	-	-	-	-	-	18	18
SIDEWALK WIDTH - (FT)	S	4	5	5	5	6	6	6
DESIGN SPEED		30	30-40	30-40	35-45	35-45	40-50	40-50
STOPPING SIGHT DIST. (FT)		200	200-325	200-325	250-400	250-400	325-475	325-475
MIN. RADIUS - HORIZ. CURVE (FT)		450	850	850	1100	1100	1400	1400
VERTICAL CLEARANCE (FT)		16.5	16.5	16.5	16.5	16.5	16.5	16.5
PARKING PERMITTED		YES	YES	SOME	NO	NO	NO	NO

L2 LOCAL STREET - 2 LANES
 C2 MINOR COLLECTOR STREET - 2 LANES
 C3U * MAJOR COLLECTOR STREET - 3 LANES UNDIVIDED
 C4U MAJOR COLLECTOR STREET - 4 LANES UNDIVIDED
 P5U * PRINCIPAL ARTERIAL STREET - 5 LANES UNDIVIDED
 M4D + MINOR ARTERIAL STREET - 4 LANES DIVIDED
 P6D + PRINCIPAL ARTERIAL STREET - SIX LANES DIVIDED

* INCLUDES CONTINUOUS LEFT TURN LANE
 + INCLUDES LEFT TURN LANES AT SIGNALIZED INTERSECTIONS

NOTE: THESE DESIGN STANDARDS APPLY TO NEWLY CONSTRUCTED STREETS.

B. Street Cost and City Participation

The owner shall be responsible for and pay all costs for the design and construction of all streets within his development up to and including four lane divided boulevards except streets over forty-eight (48) feet in pavement width as required by the City. The developer shall build these streets in accordance with City standards. The City will participate in the paving cost only (excavation, sub-grade, preparation, base and wearing surface, and subject to funds available and approval of City Council) on street paving costs above a pavement section of forty-eight (48) feet on streets required by the City, above and beyond the traffic needs of the proposed development. In the event a major arterial or collector street is required to be located along a common property line, and the City elects to participate in the cost of oversize construction, the developer may be required to plat a 1 foot (1') reserve along the right-of-way adjoining any undeveloped common property line. Such reserve shall be conveyed in fee to the City to prevent access from the undeveloped property without the owners of such property contributing their fair share of costs toward the construction of the required streets.

C. Relation to Adjoining Street System

The proposed street system shall extend all existing major arterial streets and such collector streets up to logical termination points according to the preceding criteria. Local access streets are to be extended as may be desirable for public safety and convenience of circulation. The width and the horizontal and vertical alignment of extended streets shall be preserved.

D. Offset Street Intersection

Where offsets (jogs) in street alignment are unavoidable, in the opinion of Planning and Zoning Commission, such offsets may be employed provided the distance between center lines is not less than one hundred twenty-five (125) feet.

E. Cul-De-Sacs and Dead-End Streets

1. The maximum length of a cul-de-sac or dead-end street with a permanent turnaround shall not be greater than eight hundred (800) feet, except under unusual conditions and with the approval of the City Planning and Zoning Commission and City Council.
2. Turnarounds are to have: (1) a minimum right-of-way width of one hundred (100) feet and (2) a minimum forty (40) foot outside radius for single-family and two-family uses, and a minimum right-of-way width of

one hundred twenty (120) feet and a minimum fifty (50) foot outside radius for all other uses.

3. Temporary dead-end streets may be approved by the Commission and Council if adequate, all-weather turnaround is provided. "Adequate, all-weather turnaround" is defined as a turnaround that is of sufficient size to accommodate fire, sanitation and school vehicles and is of a construction quality comparable to standard road cross-sections.

F. Street Intersection

Except where existing conditions will not permit, all streets shall intersect as a ninety (90) degree angle. Variations of more than ten (10) degrees on residential or local streets and more than five (5) degrees on collectors and thoroughfares must have the approval of the Commission.

G. Half Streets

No half street shall be permitted nor constructed.

H. Street Names

New streets shall be named so as to provide continuity of name with existing streets and to prevent conflict with identical or similar names in other parts of the City and be approved by the Fire Marshall. Street name signing shall be installed by the developer as approved by the City.

I. Private Streets

Private streets shall be prohibited except in Planned Development Zoning districts as approved by the Commission and Council.

J. Large Lot Division

If the lots in the proposed subdivision are large enough to suggest re-subdivision in the future or if a part of the tract is not subdivided, consideration must be given to possible future street openings and access to future lots which could result from such re-subdivision.

K. Estate Subdivision

For Estate Subdivision as herein defined, two (2) acre lots with two hundred (200) feet or more frontage for single-family use, a pavement width of twenty two (22) feet without curbs is allowed in a sixty (60) feet right-of-way. Pavement

quality must meet the minimum quality of the City of Angleton standard specifications.

L. Sidewalks Required

Sidewalks shall be installed on both sides of all streets in accordance with the following standards;

- In residential areas sidewalks shall be 4' feet in width, located one foot (1) from the front property line within the street right of way.
- In commercial and industrial areas and on all arterial streets, sidewalks shall be six feet in width and may be located on the front property line within the street right of way.
- Sidewalks shall be installed and completed prior to the issuance of Certificates of Occupancy for any structure.

M. Lots and Blocks

Lots

1. Lot size

The size, width and depth of lots shall conform to the zoning requirements for the property.

2. Access to Street

Each lot shall be provided with adequate access to an existing or proposed public street (County or City) by frontage of not less than twenty (20) feet on such street except frontage on a private street may be permitted in a Planned Development Zoning District. Such private street shall be connected to the general network of public streets in the area. Development adjacent to existing public streets shall include the required improvements in accordance with this Chapter.

3. Building Lines

Building lines shall conform to the requirements of the Zoning Ordinance within the city and need not be shown on the plat. If the subdivider includes building lines on the plat they shall not be less than the requirements of the Zoning Ordinance.

4. Facing

Wherever feasible, each lot should face the front of a similar lot across the street. In general, an arrangement placing facing lots at right angles to each other should be avoided.

5. Common Areas and Facilities

Such areas shall be noted on the plat and also have filed covenants approved by the City Attorney, or other arrangements for permanent maintenance of these areas and facilities as may be approved by the Commission and Council.

6. Building Across Lot Lines

No building, except buildings designed and constructed as two-family dwellings or one-family attached dwellings, shall be constructed on or across existing lot lines. Where buildings are designed and constructed on or across lot lines, the buildings shall be so located so that the common walls separating the individual living units are located on and along the common lot lines of the adjoining lots on which the buildings are located.

7. Screening Devices

When lots back to major thoroughfares, a screening device shall be installed on the lot(s) limiting visibility between the traffic way and adjoining lots. Screening material shall be approved by the Commission and Council and shall be either of solid material or vegetative mater.

8. Blocks

Block length for residential use should generally not exceed twelve hundred feet, measured along the center of the block. Six hundred (600) feet is a desirable minimum. The Commission and Council may require a pedestrian easement or a walk near the center of blocks over one thousand (1,000) feet.

N. Permanent Open Space Requirements

Permanent Open Space shall be provided, or payment shall be made in lieu thereof to provide necessary and adequate parks, open spaces, and recreational areas. Such permanent Open Space shall be dedicated at no cost by the owner of land included on each proposed subdivision or a payment shall be made to the

City of Angleton Parks Trust Fund for the purpose of acquiring necessary land to meet the requirements of the Parks Master Plan.

O. Dedication Requirements

1. Permanent Open Space shall be provided of sufficient size, and at acceptable locations to provide for orderly growth and development of parks, open spaces, and recreational facilities.
2. The method of assuring that adequate and suitable areas for park and recreation sites are set aside for public use shall be guided by the Comprehensive Master Plan and shall be governed by the following standards and regulations:
 - a. The subdivider or developer shall dedicate a site or sites to the public use for park purposes at the time the plat is submitted, at a location(s) recommended by the Parks and Recreation Board, at a ratio of one-half ($\frac{1}{2}$) acre of park for every one hundred (100) persons in the subdivision or development computed at a rate of 3.3 persons per single-family residence or 2.8 persons per multi-family living unit. The Planning Commission shall approve the site(s) selected. The following definitions and conditions shall apply if there is a site dedication for park purposes:
 - (1) The area of the park to be dedicated shall be clearly defined. Where streets, ditches or easements infringe on or are part of the area to be dedicated, the Planning Commission must agree to the acceptance of those areas.
 - (2) When a subdivision or complex is to be developed in stages or by units, the actual platting of the park area to be dedicated by the subdivider or developer shall be completed and delivered to the Planning Commission with the final plat of the first unit of said subdivision.
 - (3) The foregoing subsections 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.
 - (4) Each park shall have ready access to a public street.
 - (5) Final acceptance and approval of park lands shall be by the City Council.
3. The City Council may elect to accept money as an alternative to the dedication of land for subdivision or development complexes where there

is no park designated by the Comprehensive Master Plan or no park or recreation facility is recommended in the area by the Parks and Recreation Board.

The subdivider or developer may make application for this alternative by submitting to the City Council a final plat approved by the Planning Commission and a written statement of intent to deposit money in the City's Park and Recreation Development Fund at the initial rate of three hundred dollars (\$300.00) per lot in the subdivision or two hundred fifty dollars (\$250.00) per living unit in a duplex, townhouse, apartment or other multi-family units. The amount of money in lieu of park acres shall be set by the City Council and shall be reviewed each year in January and may be changed if the market value warrants.

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 Secretary at the time of plat recording.

SECTION 23-36 UTILITIES

A. Water and Sewer Utilities Standards

1. Basic Policy

Water systems shall be provided with a sufficient number of outlets and shall be of sufficient size to furnish adequate domestic water supply and to furnish fire protection to all lots and to conform to the Master Water Plan and Standard Specifications of the City of Angleton.

2. Basic Policy

Sanitary sewer facilities shall be provided to serve the subdivision adequately and to conform to the Master Sewer Plan and Standard Specifications of the City of Angleton.

B. Water

Water systems shall have a sufficient number of outlets and shall be of sufficient size to furnish adequate domestic water supply, to furnish fire protection to all lots.

1. Water pipe shall be a minimum of six inches (6") nominal internal diameter. Construction and material shall conform to the Standard

Specifications of the City of Angleton and shall be PVC AWWA C-900, or as approved by the City Engineer.

The size of pipe required to meet the demand shall be determined by the design engineer with the approval of the City Engineer. The City Engineer may require larger pipes than necessary to serve the proposed development to meet future system demands.

2. Water services for each lot shall be stubbed out with an angle stop to the location required as shown on the standard details. A meter box conforming to the requirements of the City shall be installed over the end of each service.
3. Valves and fire hydrants shall be located to satisfy the requirements of the City Engineer and spacing shall be five hundred feet (500') in residential areas and three hundred feet (300') in apartment and commercial areas.

C. Sanitary Sewer

Sanitary sewer facilities shall be provided to adequately service the subdivision.

1. Sewer pipe shall have a minimum internal diameter of six inches (6"). Construction and materials shall conform to the Standard Specifications of the City of Angleton and shall be PVC (SDR-35) or as approved by the City Engineer.
2. Sewer services for each lot shall be carried to the property line at the center of the lot.
3. The developer shall construct all manholes, cleanouts, and other appurtenances as required by the City Engineer. Distance between manholes shall not exceed five hundred feet (500'). Manholes shall be placed at all grade changes and alignment changes.
4. Should a lift station, either temporary or permanent, be necessary to provide a sanitary sewer service to the subdivision, the developer shall construct the station and all appurtenances at his own expense. If and when the lift station is no longer needed, the installation will remain the property of the City of Angleton for disposal.

D. Oversized Mains

When oversized mains are required to serve property beyond the boundary of the subdivision, the developer shall be required to install the oversized line and the

City will participate in the oversize costs if funds are available and subject to the approval of the City Council.

E. Extensions of Water and Sewer Mains

Required extensions

1. All new subdivisions and other developments shall be required to extend water and sewer lines across the full width of the subdivision in such an alignment that it can be extended to the next property in accordance with the Master Sewer and Water Plans for the City.
2. Properties already served by water and sewer shall not be required to install additional facilities unless:
 - a. The current lines are not of adequate capacity to serve the proposed development; in which case the developer will be required to install adequate facilities.
 - b. The current lines are not of adequate capacity to serve the zoning of a property that has been rezoned to a more intense use since the time of the original utility installation.
 - c. All utilities shall be provided in street or alley rights-of-way except when special circumstances require lines or facilities to be placed outside rights-of-way for providing adequate service. All utility easements shall be a minimum of fifteen (15) feet in width unless special circumstances warrant additional or reduced easements widths.

F. Drainage Requirements

1. General Policy

- a. The Commission and Council shall not approve any plat of a subdivision which does not make adequate provision for storm or flood water runoff. Drainage provision shall ensure the health and safety of the public and property in times of floods; and such facilities shall not cause excessive increases in flood heights or velocities, particularly to adjacent and downstream properties. All drainage design shall be approved by the City Engineer and the Angleton Drainage District before approval of the final plat.

- b. The applicant may be required by the Council to carry away by pipe or open ditch any spring or surface water that exists either previous to or as a result of the subdivision. Such drainage facilities shall be located in the road right-of-way where feasible, or in perpetual unobstructed easements of appropriate width, and shall be constructed in accordance with the construction standards and specifications of the City of Angleton.

G. General Design Standards

All drainage facilities shall conform to the general drainage design and construction standards and policies of the City of Angleton and the Angleton Drainage District.

H. Drainage Easements

1. Where topography or other conditions are such as to make impractical the inclusion of drainage facilities within road rights-of-way, perpetual unobstructed easements for such drainage facilities shall be provided across property outside the road lines and with satisfactory access to the road. Easements shall be indicated on the plat. Drainage easements shall be carried from the road to a natural water course or to other drainage facilities.
2. When proposed drainage system will carry water across private land outside the subdivision, appropriate drainage rights must be secured and indicated on the plat or other instrument as approved by the City Attorney. In the case of clear public interest, the City shall participate in easement acquisition by power of condemnation.
3. The applicant shall dedicate an appropriate drainage easement either in fee or by drainage easement or by conservation easement of land on both sides of existing watercourses to a distance to be determined by the City Engineer.

I. Modification of Flood Plains

No land shall be changed which lies in any 100 year flood drainage ways as defined by FEMA mapping until a drainage study has been prepared, submitted and approved by the FEMA, the Angleton Drainage District and any other agencies having jurisdiction.

SECTION 23-37 CONSTRUCTION STANDARDS

ADOPTION

The Construction Manual for Public Works Improvements is herein adopted as a part of this Code.

DESIGN STANDARDS

STREETS AND ALLEYS

Streets and alleys shall be platted and constructed in accordance with the Mobility Plan or other plans approved by the City Council; shall be of concrete construction and shall conform to the following general requirements and standard specifications: residential streets shall be a two course surface treatment; collector streets shall be seven-inch (7") reinforced concrete.

- A. Thoroughfares shall generally be constructed as required in the Mobility Plan. The developer will be responsible for up to a forty-four foot (44) pavement width. Pavement design shall conform to City of Angleton Standard Specifications as approved by City Engineer.
- B. Collector streets shall generally be constructed within a seventy (70') foot right-of-way and shall consist of forty-four foot (44') roadway. Pavement shall be in conformance with City of Angleton Standard Specifications. The developer shall construct at his own cost, the entire width of roadway.
- C. Residential streets shall generally be constructed within a seventy-foot (70') right-of-way and shall consist of a twenty-eight foot (28') wide roadway. Pavement shall be in conformance with City of Angleton Standard Specifications. The developer shall construct the entire width of pavement.
- D. Other street sections may be used if approved by the City Council.
- E. The developer and/or his contractors assume full responsibility for compliance and conformance of practices and safety measures required for trenching and excavation.

SECTION 23-38 WETLANDS

Approval to develop in any area subject to wetlands must be obtained from the appropriate agency responsible for that particular wetlands before the City of Angleton grants its approval. Agencies that should be contacted include the U. S. Army Corps of Engineers and the Texas Natural Resources Conservation Commission.

Regardless of approvals obtained from those agencies listed above, no filling, development or construction in any area subject to inundation by a lake shall occur without the approval of the City Engineer and the City Engineer may require any studies necessary to determine that filling, development or construction does not have any detrimental effect on adjacent, upstream or downstream properties and any building shall be protected. This section in no way diminishes from other requirements of this chapter.

SECTION 23-39 SUPPLEMENTAL SUBDIVISION REGULATIONS

A. Street Name Signs Policy

The developer shall install street name signs and any required traffic control devices concurrent with the improvements within the subdivision approved by the final plat.

Signs and pavement markings shall be in accordance with the "Manual on Uniform Traffic Control Devices".

B. Fire Lanes

Where adequate access for fire-fighting purposes may not otherwise be provided, easements for fire lanes may be required. Fire lane easements shall be paved with either asphalt or concrete material of such strength to support fire vehicles; shall be a minimum of sixteen (16) feet in width; shall generally be within fifty (50) feet of all exposed building walls; shall be maintained by the property owner; shall be marked as such on the ground; and shall be kept free and clear at all times, or have such obstacles that can easily be traversed by a fire truck (i.e., breakable chains, low level plant material), unless otherwise approved by the City Council.

C. Monuments and Markers

MARKERS

Lot markers shall be a five-eighths (5/8) inch reinforcing bar, eighteen (18) inches long, or approved equal, and shall be placed at all lot corners flush with the ground or below ground if necessary in order to avoid being disturbed.

MONUMENTS

Monuments shall be set at any angle point in the perimeter boundary of the subdivision. Monuments shall be a concrete post four (4) inches in diameter and four (4) feet in length or other such type of monument as may be approved by the City Engineer. The precise point of intersection shall be indented on top of the monument.

D. Bench Marks

A bench mark will be established on a boundary corner of the subdivision and within the subdivision not closer than two hundred (200) feet apart at a ratio of one bench mark per ten (10) acres of subdivision area. Such bench marker shall be established to a sea level datum. The bench mark shall be established upon a permanent structure or may be set as a monument and shall be readily accessible and identifiable on the ground as well as on the subdivision plat.

E. Form and Slab Surveys Required

After setting forms for foundations and before the pouring of slabs or setting of piers, columns, or other foundations, on all lots within the city a survey shall be prepared locating such forms and/or foundations with respect to required yards on each lot. Such survey shall be prepared by a licensed land surveyor and submitted to the Building Official before any foundations are poured or installed.

SECTION 23-40 DEVELOPMENT ON EXISTING LOTS THAT WERE PREVIOUSLY APPROVED BY THE CITY

It is the policy of the City of Angleton that redevelopment on existing residential lots within the City shall be encouraged. This policy shall apply to lots that have been platted previously and/or developed and are not currently being redeveloped. For such area the existing community facilities of streets, water and sewer shall be considered the responsibility of the City and shall be upgraded as funds are available and/or during the regular assessment program. For areas where the existing community facilities of streets, water and sewer have not been provided, it shall be the responsibility of the developer to provide these facilities.

SECTION 23-41 DEFINITIONS

For the purpose of this ordinance, certain terms and words are hereby defined. Words used in the present tense shall include the future; the singular number shall include the plural and the plural the singular; the masculine gender shall mean either sex; the word "building" shall include the word "structure"; the word "shall" is mandatory and not directive, the word "lot" includes the word "plot", the term "used for" includes the meaning "designed for" or "intended for." Said words and terms are as follows:

Abut. adjoining or contiguous. "Abut, adjoining or contiguous" shall mean, in reference to real property, two (2) or more lots sharing a common lot line; with reference to two (2) or more objects, the same shall mean in immediate contact with each other.

Access. "Access" shall mean the place, or way, by which pedestrians and/or vehicles shall have safe, adequate and usable ingress to a lot, from a public or private street or alley.

Access street. The term "access street" when used in reference to a townhouse or other multi-family project shall mean a public street within or adjacent to said project which serves both said project and all other adjacent property.

Accessory building or use. An "accessory building or use" is one which:

- (1) Is subordinate to and serve a principal building or principal use; and
- (2) Is subordinate in area, extent, or purpose to the principal building or principal use served; and
- (3) Contributes to the comfort, convenience and necessity of occupants of the principal building or principal used served; and
- (4) Is located on the same building lot as the principal building or principal use served.

"Accessory" when used in the text shall have the same meaning as accessory use. An accessory building may be a part of the principal building. Servant's quarters, as defined, are an accessory building or use.

Adjacent "Adjacent" shall mean two (2) or more objects which are located in close proximity to each other.

Airfield "Airfield" shall mean public or private airport, or aircraft landing field.

Airfield elevation. The highest point of an airport's usable landing area measured in feet from mean sea level.

Airfield hazard. Any structure or object of natural growth located on or in the vicinity of an airfield, or any use of land near such airfield, which obstructs the airspace required for the flight or aircraft in landing or taking off at such airport or is otherwise hazardous to such landing or takeoff of a aircraft.

Alley. "Alley" shall mean a public or private way designated as an alley by the city, other than a street, permanently reserved as a means of secondary vehicular access to adjoining properties.

Apartment An "apartment" is a dwelling unit in an apartment house.

Apartment house An "apartment house" is a building or any portion thereof, which contains three (3) or more dwelling units.

Approach, transitional, horizontal and conical airfield hazard zones. These zones apply to the area under the approach, transitional, horizontal, and conical surfaces defined in FAR Part 77.

Arcade, games. "Games arcade" shall mean any establishment wherein five (5) or more amusement machines, defined as such, or any combination of five (5) or more such machines and/or billiard or pool tables, are located.

Assessed value. "Assessed value" shall mean the then assessed value of the land, building or structure, as is shown on the current role in effect as of the time of making of the determination of such assessed value.

Automobile repair and service garage. "Automobile repair and service garage" shall mean a facility which provides for the repair and maintenance of motor vehicles, including but not limited to, the repair and/or installation of tail pipes and mufflers, brakes, radiators and electrical systems; provided that such facilities shall not be deemed to include the painting of motor vehicles, nor body and fender repair.

Awning. An "awning" is a roof-like cover of a temporary nature that projects from the wall of a building.

Basement. A "basement" or "cellar" is a story wholly or partly (at least fifty (50) percent measured from floor to ceiling [sic]), below the average level of the ground surrounding the building. A basement or cellar is not counted when measuring the height of a building.

Block. A "block" is a tract of land bounded by streets, or by a combination of streets or public parks, cemeteries, railroad rights-of-way, airport boundaries, or corporate boundary lines.

Block face. A "block face" is a side of a block facing upon a street, within which lots face the abutting street.

Boardinghouse. A "boardinghouse" is a building other than a hotel, motel, or apartment house, where for compensation and by prearrangement for a definite period, meals and lodging and meals are provided for three (3) or more persons.

Body Shop. A body shop is a place of business where the painting and repair of motor vehicles, boats, or other means of transportation are structurally repaired, painted or reconstructed.

Build. The word "build" means to erect, convert, enlarge, reconstruct, or alter a building or structure.

Buildable width. The "buildable width" of a building site is the width of the building site left to be built upon after the required side yards are provided.

Building. A "building" is any structure built for support, shelter or enclosure of persons, animals, chattels or movable property of any kind.

Building; accessory. See " accessory building."

Building; detached. A "detached building" is a building surrounded by yards or open space on the same building lot.

Building height. See "Height".

Building Line A "building line" is a line defining the required yards of a lot which restricts the placement of structures on said lot.

Building lot. A "building lot" is a single tract of land located within a single block which (at the time of filing for a building permit) is designed by its owner or developer as a tract to be used, developed, or built upon as a unit, under single ownership or control. It shall front upon a street or approved place, and be recorded within a subdivision approved in accordance with the provision of the Subdivision Regulations of the City of Angleton.

Building; mixed. A "mixed building" is a building used partly for residential use and partly for community facility and/or commercial use.

Building; principal. A "Building principal" is a building in which the principal use of the lot, on which it is located, is conducted. All residential uses, except bona fide servant's quarters, are principal uses.

Building; residential. A "residential building" is a building which is arranged, designed used or intended to be used for residential occupancy by one or more families or lodgers.

Business; retail. "Retail business" means the retail sale of any article, substance or commodity for profit or livelihood.

Business; wholesale. "Wholesale business" means the bulk handling of any article, substance or commodity and not including the processing or manufacture of any product or substance.

Canopy or patio cover. A "Canopy or patio cover" means a roof-like structure either attached, or extension of a roof-line or detached freestanding structure constructed for the purpose of protection from the elements in connection with outdoor living.

Carport. "Carport" shall mean a permanently roofed structure with not more than two (2) enclosed sides, used or intended to be used for automobile shelter and storage.

Cellar. See "basement".

Center line. "Center line" shall mean the center line, as determined by the city engineer, of any street, highway or alley.

Child care center. "Child care center" shall mean facility with an organized daytime program for the supervision and care of children, who are not related to the person operating such facility.

City. The word "city" shall mean the City of Angleton, Texas.

Clinic. See "medical and/or dental clinic."

Club, private. "Private club" shall mean any building or premises used by an association of persons, whether incorporated or unincorporated, organized for some purpose, but not including a group organized primarily to render a service customarily carried on as a commercial enterprise.

Cluster development. "Cluster development" is a type of development wherein the housing units are grouped or "clusters" around cul-de-sac, bulbs or parking courts, with each group or "cluster" served by common open space.

Code. The word "code" shall mean the Angleton Municipal Code.

Commercial recreation facility. "Commercial recreation facility" shall mean a privately owned and operated establishment, open to the public, with or without charge, wherein said public may participate in a sport or other recreation activity; commercial recreation facilities shall include, but are not limited to parks, playgrounds, pool halls, game arcades, skating rinks, bowling alleys, swimming pools, and miniature golf courses.

Commission. The words "commission" and "planning commission" shall mean the city Planning and Zoning Commission of the City of Angleton, Texas.

Common open areas. "Common open areas or space" mean open, uncovered spaces, excluding vehicle circulation and parking, which are owned in common and available for use by all residents of the development within which the open space is located.

Communications equipment building. "Communications equipment buildings" shall mean buildings housing operating electrical and mechanical equipment utilized in conducting a public utility communications operation.

Condominium. "Condominium" means joint ownership and control, as distinguished from sole ownership and control-ownership of specified horizontal layers of air space; each condominium unit is individually owned, while the common elements of the condominium building, structure or development are jointly owned; may be commercial, industrial, recreational, or residential.

Convalescent home. "Convalescent home" shall mean the same as "nursing and convalescent hospital."

Council. "Council" shall mean the city council of the City of Angleton, Texas.

Court. "Court" shall mean an area which is open and unoccupied by any building or structure, bounded on three (3) or more sides by the exterior wall of a building. An inner court is a court entirely enclosed within the exterior walls of a building. All other courts are outer courts.

Dairy. "Dairy" shall mean any premises where one or more cows or goats, or any combination thereof, are kept or maintained for the purpose of producing milk.

Day center (mentally retarded). "Day center (mentally retarded)" shall mean a facility intended solely for the admission of patients with mental retardation, who are not permitted to remain overnight, who are provided with daytime program of education or training, handicraft, vocational and recreational activities.

Day treatment hospital. "day treatment hospital" shall mean a place intended solely for the admission and treatment of patients with mental illness or mental disorder, who are provided

with a daytime program or organized treatment, activities, and supervision under medical direction, but are not permitted to remain over night.

Detached living quarters. "Detached living quarters" shall mean the same as "servants's quarters."

Development or to develop. A "development" includes construction of a new building or any structure on a building lot, the relocation of an existing building on another building lot, or the use of open land for a new use. "To develop" is to create a development.

District. A "district" is a zoning district as defined by the Zoning Ordinance of the City.

Director. "Director" shall mean Director of Planning for the city.

Drive-in-restaurant. "Drive-in-restaurant" shall mean a restaurant use which:

- (1) Has facilities to allow patrons to consume prepared food at an area outside of an enclosed building; and/or
- (2) Has facilities which would allow the service of prepared foods directly to a patron while that patron is in a motor vehicle, or whether or not for consumption on the premises.

Duplex. The word "duplex" means:

- (1) A dwelling house divided so as to accommodate two (2) families with separate kitchen and bathroom facilities and separate living areas and entrances; two-family house whose separate dwelling units are either situated side by side or one on top of the other;

Dwelling. A "dwelling" is a building or portion thereof, but not a house trailer, designed and used exclusively for residential occupancy, including one-family dwellings, two-family dwellings, and multiple-family dwellings, but not including hotels, motels or lodging houses.

Dwelling, attached. An "attached dwelling" is one which is joined to another dwelling at one or more sides by a party wall or walls.

Dwelling, detached. A "detached dwelling" is one which is entirely surrounded by open space on the same building lot or by regulation on an adjacent lot.

Dwelling, multiple-family. A "Multiple-family dwelling" is a building or portion thereof constructed for and/or occupied by three (3) or more families and containing three (3) or more dwelling units.

Dwelling, single-family. A "single-family dwelling" is a building containing only one dwelling unit and/or occupied by one family.

Dwelling two-family. A "two-family dwelling" is a building containing two (2) dwelling units and/or occupied by two (2) families.

Dwelling unit. A "dwelling unit" is one or more rooms, which are arranged, designed, used or intended to be used for occupancy by a single family or a group of persons living together as a family or by a single person. Individual bathrooms and complete single kitchen facilities permanently installed are not necessarily provided. Each installation of kitchen facilities consisting of a least a stove or cooking device and a sink shall constitute a separate dwelling unit. Apartment units in apartment hotels are dwelling units.

Educational institution. "Educational institution" shall mean any elementary, junior high, high school, university, or other school giving general academic instruction in the several branches of learning,

Engineer. For the purpose of this chapter "Engineer" shall mean the City Engineer of the City of Angleton.

Estate Subdivision. Is a subdivision of lots not less than 2 acres each in size which are restricted to single family detached dwellings.

Family. A "family" consists of one or more persons, each related to the other by blood, marriage or adoption; or a group of not more than five (5) persons (excluding servants) who are living together in a dwelling unit.

Fence. "Fence" shall mean any man made structural device forming a physical barrier erected as a deterrent to ingress and egress or as a support for vegetation which conforms to the definitions established in the Building Code of the City of Angleton.

Filling station. See service station.

Floor area; net. "Net floor area" shall mean the total horizontal floor area of all the floors of a building included within the surrounding walls, exclusive of vents, shafts, courts, elevators, stairways and similar facilities.

Frontage; street. "Street frontage" shall mean the length of a lot line of a lot which abuts a street.

Garage; private. A "private garage" is an accessory building designed or used for the storage of motor vehicles owned and used by the occupants of the building to which it is accessory.

Garage; public. See "Automobile repair and service garage."

Health Club, Fitness Center. A privately owned and operated facility containing exercise machines, sports related physical training equipment and other indoor exercise facilities such as handball, squash and racquetball courts, but excluding massage services that are not directly related to a licensed rehabilitation or medical clinic or under the direct supervision of a Medical Doctor (MD), Doctor of Osteopathy (D.O.) or licensed physical therapist.

Health service. A "health service" is a charitable or government operated facility offering to the public medical examinations, diagnosis and limited treatment not for profit.

Height. "Height" shall mean, with reference to a building or structure, the vertical distance measured from the average finished grade of the lot, immediately surrounding the building or structure which is subject to such measurement, to the highest point of such building or structure.

Highway. See "street".

Home occupation. "Home occupation" shall mean an occupation conducted on the premises of a dwelling as a subordinate use in connection therewith and where there are no advertising signs, no displays, no stocks of merchandise or commodities sold or stored on the premises, no paid employees other than members of the family occupying the dwelling and no more than one entrance is used in connection therewith. Home occupation shall not include any defined use which is regulated by this ordinance unless specifically authorized by the district regulations herein.

Hospital. A hospital" is a legally authorized institution in which there are complete facilities for diagnosis, treatment, surgery, laboratory, X-ray and the prolonged care of bed patients. Clinics may have some but not all of these facilities.

Hotel. A "hotel" is an establishment offering lodging to the transient public for compensation. A hotel is distinguished from a motel in that access to the majority of the guest rooms is through a common entrance and lobby. A hotel is a nonresidential use.

Hotel; apartment. An "apartment hotel" is a hotel in which a majority of the dwelling units or guest rooms are occupied by permanent guests. Dwelling units or guest rooms may include kitchen or cooking facilities. An apartment hotel may contain public banquet halls, ballrooms or meeting rooms, restaurants and lounges accessible to the public only through the lobby and having no exterior display. An "apartment hotel" is a residential use.

Household pets. "Household pets" shall mean, and be limited to, the following pets, maintained principally within a dwelling unit:

- (1) Domesticated cats; and

- (2) Domesticated dogs;and
- (3) Fish, without limit on number; and
- (4) Any bird which is:
 - (a) Customarily kept in residence with man; and
 - (b) Kept, at all time, within a dwelling unit; specifically, "bird" shall not include, among others, for the purpose of these regulations, chickens, hens, roosters, geese ducks, or EMU's.

Interior street. The term "interior street" when used in reference to a townhouse or other multi-family project, shall mean a public or private street meeting the requirements of the Subdivision Ordinance which is located and designed to serve a limited area within said project and does not serve any property outside said project.

Junk or salvage yard. A "junk or salvage yard" is a lot upon which waste or scrap materials are bought, sold, exchanged, stored, packed, disassembled or handled, including, but not limited to, scrap iron and other metals, paper, rags, rubber tires and bottles. A "junk yard" includes an automobile wrecking yard and automobile parts yard. A "junk yard" does not include such uses conducted entirely within an enclosed building.

Kitchen. "Kitchen" shall mean any room or space within a building designed and intended to be used for the cooking or the preparation of food.

Landscaping. "Landscaping" shall mean the planting and maintenance of natural and/or artificial trees, shrubs, vines, ground covers, flowers and lawns. In addition, the same may include natural features such as rock and stone; and structural features, including, but not limited to, fountains, reflecting pools, art works, screens, walls, fences and benches; landscaped area shall mean an area upon which landscaping is required, by these regulations, to be continuously maintained.

Livestock. "Livestock" shall mean a use involving the grazing, care and maintenance of cattle and/or horses for commercial or noncommercial purposes.

Loading space. "Loading space" shall mean a space within the main building or on the same lot therewith, providing for the standing, loading or unloading of trucks, and having a minimum dimension of twelve (12) by thirty-five (35) feet and a vertical clearance of at least fourteen (14) feet.

Lot area. The "lot area" is the area of a horizontal plane intercepted by the vertical projections of the front, side and rear lot lines of a building lot.

Lot areas per dwelling unit. "Lot area per dwelling unit" is the lot area required for each dwelling unit located on a building lot.

Lot; corner. A "corner lot" is a building lot situated at the intersection of two (2) streets the interior angle of such intersection not exceeding one hundred thirty-five (135) degrees.

Lot depth. "Lot depth" is the mean horizontal distance between the front lot line and the rear lot line of a building lot measured within the lot boundary.

Lot; interior. An "interior lot" is a building lot other than a corner lot.

Lot line. A "lot line" is a boundary of a building lot.

Lot line; front. A "front lot line" is that boundary of a building lot which is the line of an existing or dedicated street. Upon corner lots, either street line may be selected as the front lot line, providing a front and rear yard are provided adjacent and opposite, respectively to the front lot line.

Lot line; side. A "side lot line" is any boundary of a building lot which is not a front lot line or a rear lot line.

Lot line; rear. The "rear lot line" is that boundary of a building lot which is most distant from and is, or is most nearly, parallel to the front lot line.

Lot of record. A "lot of record" is an area of land designated as a lot on a plat of a subdivision recorded pursuant to statutes of the State of Texas with the county clerk of the County of Brazoria, Texas, or an area of land held in single ownership described by metes and bounds upon a deed recorded with the county clerk.

Lot; reverse corner. A "reverse corner lot" is a corner lot, the rear lot line of which abuts the side lot line of the lot to its rear.

Lot; through. A "through lot" is a building lot, not a corner lot, both the front and rear lot lines of which adjoin street lines. On a "through lot" both street lines shall be deemed front lot lines.

Lot width. The "lot width" is the minimum distance measured in a straight line between the side lot lines of a building lot along a straight line, which shall be on the side of the building lot opposite from the front lot line and one which must touch the building line at one point.

Manufacturing. "manufacturing" shall mean the creation of a product from raw materials.

Marquee or canopy. A "marquee or canopy" is a roof-like structure of a permanent nature which projects from the wall of a building or overhangs a public way.

Medical and/or dental clinic. "Medical and/or dental clinic" shall mean any facility providing health service or medical, surgical or dental care of the sick or injured, but shall not include inpatient or overnight accommodations. "Medical clinic" includes health center, health clinic, doctor's and dentist's offices.

Mobile home. "Mobile home" shall mean house trailer or other temporary movable structure.

Mobile home park. "mobile home park" shall mean any lot where mobile homes and/or sites are rented or leased or offered for rent or lease. See "trailer camp".

Mobile home site. "Mobile home site" shall mean that portion of a mobile home park designated for use or occupancy of one mobile home and including all appurtenant facilities thereon.

Motel, motor hotel, or tourist court. A "motel," "motor hotel," or "tourist court," is an establishment offering to the transient public the use of guest rooms or sleeping accommodations for compensation. Such an establishment consist of a group of attached or detached guest rooms or sleeping accommodations the majority of which have private and direct access from parking area not through a common entrance and lobby. The establishment furnishes customary hotel services and may contain a restaurant, club, lounge, banquet hall and/or meeting rooms. A motel is a nonresidential use.

Motor freight terminal. A "motor freight terminal" is a building or area in which freight brought by motor truck is assembled and/or stored for shipping in interstate and intrastate commerce by motor truck. A motor freight terminal is a truck terminal.

Nonconforming use. A "nonconforming use" is any building or land lawfully occupied by a use at the time of the adoption of this ordinance or amendments thereto, not permitted by the use regulations, lot requirements or other regulations of this ordinance of [or] the district in which it is located.

Nursery school. See "child care center."

Nursing and convalescent hospital. The terms "nursing hospital" and "convalescent hospital" shall mean any place or institution which provided bed accommodations for one or more chronic or convalescent patients, who, by reason of illness or physical infirmity, are unable to properly care for themselves.

Noxious matter. "noxious matter" is material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical or economic well-being or comfort of humans.

Nurseries; retail. "Retail nurseries" means the retail handing of any article, substance or commodity related to the occupation of gardening, including the sale of plants, shrubs, trees, packaged fertilizers, soils, chemicals or other nursery goods and related products. The bulk sale or bulk storage of fertilizer, soil, chemicals or other garden supplies shall be within a completely enclosed building.

Nurseries, wholesale. "Wholesale nurseries" shall mean all nurseries other than those defined as "retail nurseries."

Open space. "Open space" is that part of a building lot, including court yards, which:

- (1) Is open and unobstructed from its lowest level to the sky, and
- (2) Is assessable to all residents upon a building lot; and
- (3) Is not part of the roof of that portion of the building containing dwelling units.

Open space development. "Open space development" is a type residential subdivision development which assigns a portion of each lot's required open space to common ownership to provide landscaping, active and passive recreation, and the preservation of environmentally sensitive areas such as lakes, streams, wetlands, and strands of mature trees.

Open storage. "Open storage" is the storage of any equipment, machinery, commodities, raw, semifinished materials and building materials, not accessory to a residential use which is visible from any point on the building lot line when viewed from ground level to six (6) feet above ground level.

Parking space. A "parking space" is a surfaced area, enclosed or unenclosed, sufficient in size to store one automobile, together with a surfaced driveway connecting the parking space with the street or alley and permitting ingress and egress of an automobile. A "parking space" shall not occupy any public land.

Pawnshop. A retail business engaged in the buying and selling of new and used merchandise, including deadly weapons, involving, but not limited to, the providing of loans to customers which may or may not be secured by personal property. A Pawnshop shall have the meaning assigned by Section 2, Texas Pawnshop Act.

Person. The word "person" shall mean any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust,

receiver, syndicate, district, public agency, public utility, or any group or combination acting as a unit; person shall not include city.

Planned unit development (PUD). A "planned unit development" is a form of development which promotes development of land in a unified manner, *i.e.* the entire development is treated as a single entity, rather than as a group of individual lots. When appropriate, planned unit development allows:

- (1) A mixture of residential dwelling types.
- (2) Nonresidential land uses such as commercial, industrial and office development.
- (3) The clustering of residential land uses, thereby providing common space. If the common space is private, it will be maintained by and for the residents of the development.
- (4) The varying of standards within this ordinance and other codes within the authority of the City thereupon granting increased decision discretion to the city and planning commission consistent with state law.
- (5) The enhancement of cooperation between developer and city thereby strengthening the community's site plan review function and control over the tempo and sequence of development in return for a greater potential property value by permitting a variety of land uses in the development along with an increase in residential densities.

Precision instrument runway. A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an F.A.A. approved airport layout plan; a military service's military airport planning document.

Primary runway surface. A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface extends two hundred (200) feet beyond each end of that runway; but when the runway has no specially prepared hard surface, or planned hard surface, the primary surface ends at each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

Public parks. A "Public park" is any publicly owned park, playground, beach, or park, within the jurisdiction and control of the city. A public park may also include private property for which the public is granted entrance and use by virtue of agreements, contracts or policies of the owner.

Resale, Consignment, or Second Hand Store. A retail business engaged in the sale of predominantly used or second hand merchandise not including deadly weapons, or flammable or dangerous fluids. Merchandise may be acquired for resale by purchase or through consignment excluding the offer providing of a loan or other consideration resembling a loan, advance, or act defined in the Texas Pawnshop Act.

Rest home. See "nursing and convalescent hospital."

Runway. A defined area for landing and takeoff of aircraft.

Screening Device. A "screening device" shall consist of an opaque barrier of stone, brick, pierced brick or block, uniformly colored wood, or other permanent material of equal character, density and acceptable design, at least six (6) feet in height, which meets the requirements of the Building Code of the City. Such screening device shall be perpetually maintained by the owner of the property on which it is located.

Servant's quarters. A "Servant's quarters" is an accessory building or portion of a main building located on the same lot as the principal building, occupied only by such persons and their families as are employed full time by the occupants of the principal residence.

Service station. A "service station" is a retail place of business engaged primarily in the sale of motor fuels, but also engaged in supplying goods and services generally required in the operation and maintenance of motor vehicles. Such goods and services include sale of petroleum products; sale and servicing of tires, batteries and automotive accessories; washing and lubrication services; the performance of minor automotive maintenance and repair; and the supplying of other incidental customer services and products. Major automotive repairs, painting, body and fender work, and automobile or truck rental or storage shall not be deemed permitted as part of such service station usage.

Shopping center, plaza, mall. A "Shopping center" or "shopping plaza" is a group of retail stores and service establishments designed to serve the needs of a community or neighborhood. A shopping mall is a shopping center with stores and establishments facing an enclosed area restricted to pedestrian use.

Sign. A "sign" is a name, identification, description, display or illustration which is affixed to, or represented directly or indirectly upon a building, structure or piece of land and which directs attention to an object, product, place, activity, institution or business.

Sign, advertising. An "advertising sign" is a sign which directs attention to a business, commodity, service or entertainment conducted, sold or offered elsewhere than upon the premises where sign is located, or to which it is affixed.

Sign business. A "business sign" is a sign which directs attention to a business or profession conducted, or to a commodity, service or entertainment sold or offered upon the premises.

Sign, flashing. A "flashing sign" is any illuminated sign on which the artificial light is not maintained stationary, or in constant intensity or color at all times when such sign is in use. For the purpose of this ordinance any revolving illuminated sign shall be considered a flashing sign.

Sign illuminated. An "illuminated sign" is any sign designed to give forth any artificial light, or designed to reflect light from one or more sources, natural or artificial.

Story. A "story" is that part of the building between the surface of a floor and the ceiling immediately above.

Street. A "street" is a public right-of-way which affords a primary means of access to abutting property. A driveway or alley which serves only to give secondary vehicular access to a building lot or to an accessory parking or loading facility, or to allow vehicles to take or discharge passengers to the entrance to a building shall not be considered a street.

Street line. A "street line" is the right-of-way line of a street.

Structure. "Structure" means anything constructed, erected or placed, the use of which requires location on the ground or the attachment to something having location on the ground, including swimming pools and patio covers but not including paved areas.

Townhouse. The term "townhouse" is used to refer to a residential unit that shares at least one common or party wall with another unit. Each unit and the land upon which it stands is individually owned, subject to a party wall agreement with the adjacent owner. Townhouse developments generally are cluster developments or planned unit developments in which the land surrounding the house units is owned in common by the townhouse owners.

Toxic materials. "Toxic materials" are those materials which are capable of causing injury to living organisms by chemical means present in relatively small amounts and as further defined by the State of Texas, and Environmental Protection Agency of the United States.

Trailer camp. A "trailer camp" is any premises on which one or more house trailers are parked or situated and used for living or sleeping purposes, or any premises used or held out for the purpose of supplying to the public a parking space for one or more house trailers whether such vehicles stand on wheels or rigid supports.

Trailer, house. A "trailer house" is a vehicle used for living or sleeping purposes and standing on wheels or on rigid supports, but which when properly equipped and situated can be towed behind a motor vehicle. A house trailer is not a residence as herein defined.

Use. The "use" of property is the purpose or activity for which the land, or building thereon, is designed, arranged or intended, or for which it is occupied or maintained, and shall include any manner of such activity with respect to the standards of this ordinance.

Use, principal. A "principal use" is the main use of land or buildings as distinguished from a subordinate or accessory use.

Visual screen. See screening device.

Yard. A "yard" is an open space on the same building lot with a building unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided. In measuring a yard for the purpose of determining the width of a side yard, the depth of a rear yard, and the depth of a front yard, the minimum horizontal distance between the building site and the lot line shall be used. A "yard" extends along a lot line and a right angles to such lot line to a depth or width specified in the yard regulations of the zoning districts in which such building is located.

Yard, front. A "front yard" is a yard extending along the whole length of the yard lot line between the side lot lines, and being the minimum horizontal distance between the street line and the main building or any projections thereof other than steps, planter boxes and unenclosed porches.

Yard, rear. A "rear yard" is a yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear lot line and the rear of the principal building or any projections thereof other than steps, unenclosed balconies or unenclosed porches.

Yard, side. A "side yard" is a yard extending along the side lot line from the front yard to the rear yard, being the minimum horizontal distance between any building or projections thereof except steps and the side lot line.

Zoning map. The "zoning map" is the official map or maps of the City of Angleton.

(Ord. No. 457, § 1 (A), 4-16-85)

ORDINANCE NO. 2007-O-3B

AN ORDINANCE AMENDING THE SUBDIVISION ORDINANCE OF THE CITY OF ANGLETON ESTABLISHING CERTAIN FEES FOR PLANNING, ENGINEERING AND INSPECTION OF LAND DEVELOPMENT PROJECTS; GRANTING THE CITY ADMINISTRATOR/CITY MANAGER AFTER CONSULTATION WITH CITY STAFF TO AMEND THESE FEES FROM TIME TO TIME; BY PROVIDING FOR A NEW SECTION TO THE SUBDIVISION ORDINANCE TO BE NUMBERED CHAPTER 23, ARTICLE I, SECTION 23-6 AND TITLED: SCHEDULE OF FEES; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR A SEVERANCE CLAUSE AND FOR OTHER PURPOSES.

WHEREAS, THERE has been difficulty in insuring that development plans or other requests concerning development in the Angleton Subdivision Ordinance are carried out and done as required by the city staff and city ordinances; and

WHEREAS, THERE is a need to enact a fee schedule to insure the developer/applicant pays for these fees rather than the taxpayers of the City of Angleton

NOW, THEREFORE, be it ORDAINED by the City Council of the CITY OF ANGLETON that:

SECTION 1. The Angleton Subdivision Ordinance is hereby amended by adding Chapter 23, Article 1, Section 23-6, Schedule of Fees, and said Angleton Code of Ordinances is hereby amended to read as follows:

SECTION 23-6 SCHEDULE OF FEES.

- A. THE FOLLOWING FEES SHALL BE CHARGED AND PAID BY ANY APPLICANT SEEKING ANY AUTHORITY UNDER THIS CHAPTER. ALL FEES MUST BE PAID AT THE TIME AN APPLCIATION FOR AUTHORITY HEREUNDER IS MADE IN ACCORDANCE WITH THE PROVSIONS OF THIS CHAPTER AND IN THE AMOUNTS AS HEREIN SPECIFIED, AND IN THE EVENT IT IS NECESSARY TO INCREASE THESE FEES AFTER THE INITIAL APPLICATION, SAID FEES MUST BE PAID PRIOR TO FINAL APPROVAL OF THE REQUESTED ACTION:**

- (1) Land plan/conceptual plan \$200.00**

- (2) Preliminary plat
 - (a) Base \$500.00
 - (b) Plus, per lot \$ 2.00
 - (c) Plus, per acre or reserve \$ 10.00

- (3) Final Plat
 - (a) Base \$300.00
 - (b) Plus, per lot \$ 1.00
 - (c) Plus, per acre of reserve \$ 5.00

- (4) Variance Request \$200.00

(5) **Plan Review Fee-** in an amount as determined by the actual fee charged to the city of Angleton by the City Engineer to review these plans; the city engineer will give an estimate of the fee once he reviews the application; however, in the event the fee is more than is charged the applicant at the time of the application, any increase in the fee must be paid by the developer or applicant prior to final approval of the requested action or certificate of occupancy.

(6) **Inspection Fee, for water, sanitary sewer, drainage, and street improvements.** Applicant shall provide estimated costs, and supporting information for determination of the cost of the Project. These fees shall be payable on the earlier of the time of platting or upon request for a building permit. The fee shall be as follows:

- (a) One percent (1%) of actual construction cost of Projects of \$10,000.00 or less, or
- (b) \$100.00 plus three-fourths of one percent(3/4 of 1%) of actual construction cost on the incremental project value over \$10,000.00 but less than \$50,000.00, or
- (c) \$400.00 plus one-half of one percent(1/2 of 1%) of actual construction cost on the incremental project value in excess of \$50,000.00.

(7) An applicant seeking authority under this Chapter 23. "Subdivisions" shall not be required to pay the fee for a building permit for the construction of water, sanitary sewer, drainage, and street improvements. However, the applicant shall be required to obtain a building permit before any construction is commenced.

(8) **Adjustments**
 (a) Adjustments to the above referenced fees and charges for application for authority hereunder shall be established from time to time by the City Administrator/City Manager after consulting with city staff, particularly the city engineer and said adjustments will be binding when

approved by the City Administrator/City Manager; however, at the next regular city council meeting said adjustments in fees shall be submitted to the city council for their approval or denial of approval and/or modification of the adjustments.

- (b) Such fees and charges shall be imposed on all applications seeking authority under this chapter regardless of the action taken by the Commission and City Council thereon. Additional fees shall be collected for the purpose of defraying the costs of administrative, clerical, inspection services and professional fees(including engineering fees) necessary to properly investigate the request for authority hereunder, as required prior to final approval.**

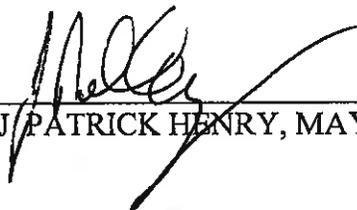
SECTION 2: ENFORCEMENT. THIS NEW SECTION REGARDING FEES IS SUBJECT TO THE SAME ENFORCEMENT PROVISIONS FOR THE REMAINDER OF THE SUBDIVISION ORDINANCE AS SET OUT IN SECTION 23-5, INCORPORATED HEREIN BY REFERENCE FOR ALL PURPOSES; AND IN ADDITION THERETO, THE CITY SHALL HAVE THE AUTHORITY TO STOP WORK ON ANY NONCOMPLYING DEVELOPER/BUILDER,ETC. AND/OR TO TEMPORARILY PROHIBIT ANY USE OF THE STRUCTURE, INCLUDING OPERATING A BUSINESS UNTIL THE OWNER/DEVELOPER/ OCCUPANT COMES INTO COMPLIANCE WITH THIS ORDINANCE.

SECTION 3: If any section or part of this Ordinance is unconstitutional, illegal, or invalid, then such unconstitutionality, illegality, or invalidity of such section or part shall in no way effect, impair, or invalidate the remaining portion thereof, but such remaining portion shall remain in full force and effect.

SECTION 4: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of said conflict.

SECTION 5: This ordinance shall become effective immediately from and after its passage.

PASSED AND APPROVED THIS 27th DAY OF March, 2007.



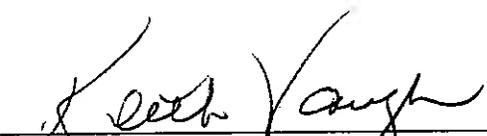
J. PATRICK HENRY, MAYOR

ATTEST:



AMANDA DAVENPORT, CITY SECRETARY

APPROVED AS TO FORM:



KEITH VAUGHAN, CITY ATTORNEY

ORDINANCE NO. 2007-O-3B

AN ORDINANCE AMENDING THE SUBDIVISION ORDINANCE OF THE CITY OF ANGLETON ESTABLISHING CERTAIN FEES FOR PLANNING, ENGINEERING AND INSPECTION OF LAND DEVELOPMENT PROJECTS; GRANTING THE CITY ADMINISTRATOR/CITY MANAGER AFTER CONSULTATION WITH CITY STAFF TO AMEND THESE FEES FROM TIME TO TIME; BY PROVIDING FOR A NEW SECTION TO THE SUBDIVISION ORDINANCE TO BE NUMBERED CHAPTER 23, ARTICLE I, SECTION 23-6 AND TITLED: SCHEDULE OF FEES; PROVIDING FOR A PENALTY PROVISION; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR A SEVERANCE CLAUSE AND FOR OTHER PURPOSES.

WHEREAS, THERE has been difficulty in insuring that development plans or other requests concerning development in the Angleton Subdivision Ordinance are carried out and done as required by the city staff and city ordinances; and

WHEREAS, THERE is a need to enact a fee schedule to insure the developer/applicant pays for these fees rather than the taxpayers of the City of Angleton

NOW, THEREFORE, be it ORDAINED by the City Council of the CITY OF ANGLETON that:

SECTION 1. The Angleton Subdivision Ordinance is hereby amended by adding Chapter 23, Article I, Section 23-6, Schedule of Fees, and said Angleton Code of Ordinances is hereby amended to read as follows:

SECTION 23-6 SCHEDULE OF FEES

A. THE FOLLOWING FEES SHALL BE CHARGED AND PAID BY ANY APPLICANT SEEKING ANY AUTHORITY UNDER THIS CHAPTER. ALL FEES MUST BE PAID AT THE TIME AN APPLCIATION FOR AUTHORITY HEREUNDER IS MADE IN ACCORDANCE WITH THE PROVSIONS OF THIS CHAPTER AND IN THE AMOUNTS AS HEREIN SPECIFIED, AND IN THE EVENT IT IS NECESSARY TO INCREASE THESE FEES AFTER THE INITIAL APPLICATION, SAID FEES MUST BE PAID PRIOR TO FINAL APPROVAL OF THE REQUESTED ACTION:

(1) Land plan/conceptual plan \$200.00

(2) Preliminary plat

(a) Base \$500.00

(b) Plus, per lot \$ 2.00

(c) Plus, per acre or reserve \$ 10.00

(3) Final Plat

(a) Base \$300.00

(b) Plus, per lot \$ 1.00

(c) Plus, per acre of reserve \$ 5.00

(4) Variance Request \$200.00

(5) Plan Review Fee- in an amount as determined by the actual fee charged to the city of Angleton by the City Engineer to review these plans; the city engineer will give an estimate of the fee once he reviews the application; however, in the event the fee is more than is charged the applicant at the time

of the application, any increase in the fee must be paid by the developer or applicant prior to final approval of the requested action or certificate of occupancy.

(6) **Inspection Fee, for water, sanitary sewer, drainage, and street improvements.** Applicant shall provide estimated costs, and supporting information for determination of the cost of the Project. These fees shall be payable on the earlier of the time of platting or upon request for a building permit. The fee shall be as follows:

- (a) One percent (1%) of actual construction cost of Projects of \$10,000.00 or less, or
- (b) \$100.00 plus three-fourths of one percent ($\frac{3}{4}$ of 1%) of actual construction cost on the incremental project value over \$10,000.00 but less than \$50,000.00, or
- (c) \$400.00 plus one-half of one percent ($\frac{1}{2}$ of 1%) of actual construction cost on the incremental project value in excess of \$50,000.00.

1% .01
3/4 .15

(7) **An applicant seeking authority under this Chapter 23. "Subdivisions"** shall not be required to pay the fee for a building permit for the construction of water, sanitary sewer, drainage, and street improvements. However, the applicant shall be required to obtain a building permit before any construction is commenced.

(8) Adjustments

- (a) **Adjustments to the above referenced fees and charges for application for authority hereunder shall be established from time to time by the City Administrator/City Manager after consulting with city staff, particularly the city engineer and said adjustments will be binding when approved by the City Administrator/City Manager; however, at the next regular city council meeting said adjustments in fees shall be submitted to the city council for their approval or denial of approval and/or modification of the adjustments.**
- (b) **Such fees and charges shall be imposed on all applications seeking authority under this chapter regardless of the action taken by the Commission and City Council thereon. Additional fees shall be collected for the purpose of defraying the costs of administrative, clerical, inspection services and professional fees (including engineering fees) necessary to properly investigate the request for authority hereunder, as required prior to final approval.**

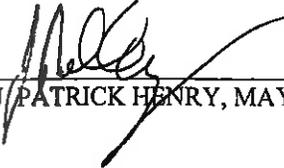
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PASSED AND APPROVED THIS 27th DAY OF March, 2007.



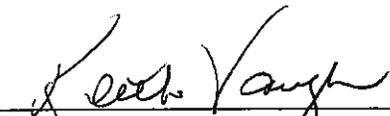
J. PATRICK HENRY, MAYOR

ATTEST:



AMANDA DAVENPORT, CITY SECRETARY

APPROVED AS TO FORM:



KEITH VAUGHAN, CITY ATTORNEY

CITY OF ANGLETON
AMENDED
REVIEW FEE SCHEDULE
EFFECTIVE MARCH 1, 2008

engineer inspection fees are NOT included in the following fee.

Pursuant to Ordinance No. 2007-O-3B, Section 1(8), the following adjustments to fees and charges for staff review of plans for development or building are hereby adopted:

Short Form Plat Submittal

Property division no drainage plan or detention \$250.00

Residential

Includes Preliminary and Final Review (200 or less) \$800.00 plus \$6.00 per lot
After 200 Lots \$4.00 per lot

Commercial

Less than Two Acres,
Includes Preliminary and Final Review \$1,000.00

More than Two Acres,
Includes Preliminary and Final Review \$1,000.00 plus \$25.00 per additional acre

A second fee equal to the original fee will be charged for the following re-submittals:

- When changes are made by Developer
- After first approval, then submit for re-approval
- Additional reviews after two complete reviews

Fees are applicable to the section filed as well as the Master Plan or Drainage Report.

All review fees must be submitted at the time the plans and/or plats are submitted for review. Failure to submit the fee will result in the plat and/or plans not being considered by the City.

The City of Angleton will be responsible for all inspections. Site visits to be performed by Baker & Lawson, Inc. as directed by the City of Angleton and their fees will be addressed under their hourly rate schedule. Prior to the City issuing any building permit the City must be satisfied that all assessed fees have been paid by the projects owner or his agents; unless otherwise agreed to in writing by the City Manager

This Amended Review Fee Schedule is hereby incorporated by reference for all purposes into Ordinance 2007-O-3B.



GREG SMITH
CITY MANAGER

SAID FEES WERE ACCEPTED BY THE CITY COUNCIL AT THEIR MEETING ON MARCH 25, 2008.



AMANDA DAVENPORT, CITY SECRETARY