ZONING ORDINANCE

City of Angleton, Texas

Adopted
April 14, 2009

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ZONING ORDINANCE
City of Angleton, Texas
Ordinance No. 2009-O-4A

I. ENACTING PROVISIONS

AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, REPEALING THE ZONING ORDINANCE #854 (CHAPTER 28) OF THE CITY OF ANGLETON, ADOPTED ON THE 17th DAY OF MARCH 1981, TOGETHER WITH ALL AMENDMENTS THERETO; ESTABLISHING AND PROVIDING ZONING REGULATIONS; CREATING USE DISTRICTS IN ACCORDANCE WITH THE COMPREHENSIVE PLAN APPROVED BY THE CITY COUNCIL; REGULATING WITHIN SUCH DISTRICTS THE HEIGHT OF BUILDINGS AND STRUCTURES, THE SIZE OF YARDS COURTS AND OPEN SPACES, AND THE HEIGHT, BULK, EXTERIOR ELEVATIONS AND USE OF BUILDINGS AND LAND FOR NONRESIDENTIAL, RESIDENTIAL AND OTHER PURPOSES; PROVIDING FOR SPECIFIC USE PERMITS; SPECIFYING MINIMUM REQUIREMENTS FOR OFF-STREET PARKING OF MOTOR VEHICLES AND OFF-STREET LOADING AREAS; PROVIDING MINIMUM REQUIRED FLOOR AREAS FOR DWELLING UNITS AND THE TYPE OF EXTERIOR CONSTRUCTION WITHIN CERTAIN ZONING DISTRICTS; REGULATING THE DENSITY OF DWELLINGS AND OTHER STRUCTURES AND THE PERCENTAGE OF EACH LOT THAT MAY BE OCCUPIED BY STRUCTURES; ADOPTING PERFORMANCE STANDARDS FOR NONRESIDENTIAL USES; ESTABLISHING THE BASIS FOR CREATING A BUILDING SITE; PROVIDING FOR APPROPRIATE PLAN APPROVALS; PROVIDING FENCE AND WALL REGULATIONS; PROVIDING SPECIAL ACCESS STANDARDS; ADOPTING A ZONING DISTRICT MAP AND MAKING IT A PART OF THIS ORDINANCE, TOGETHER WITH ALL SYMBOLS, MARKINGS AND TABLES APPEARING ON SAID MAP AND WITHIN THE ORDINANCE; CREATING A ZONING BOARD OF ADJUSTMENT AND DEFINING ITS POWERS AND DUTIES; CREATING A PLANNING AND ZONING COMMISSION AND DEFINING ITS POWERS AND DUTIES; PROVIDING FOR NON-CONFORMING USES AND A METHOD OF DISCONTINUANCE THEREOF; DEFINING CERTAIN TERMS AS USED WITHIN THIS ORDINANCE; PROVIDING FOR A CERTIFICATE OF OCCUPANCY AND COMPLIANCE; AUTHORIZING PUBLICATION OF THE DESCRIPTIVE CAPTION AND PENALTY CLAUSE; PROVIDING FOR A PENALTY NOT TO EXCEED TWO THOUSAND DOLLARS ($2,000.00) FOR EACH AND EVERY OFFENSE; PROVIDING A SAVINGS CLAUSE AND A REPEALER CLAUSE; PRESERVING RIGHTS IN PENDING LITIGATION REGARDING VIOLATIONS UNDER THE EXISTING ORDINANCE; PROVIDING AN OPEN MEETINGS CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS THE CITY COUNCIL AND PLANNING AND ZONING COMMISSION OF THE CITY OF ANGLETON, TEXAS HAVE PROVIDED NOTICE AND CONDUCTED HEARINGS AS REQUIRED BY APPLICABLE LAW AND THE PLANNING AND ZONING COMMISSION, AT ITS MEETING OF APRIL 7, 2009, MADE ITS REPORT RECOMMENDING THAT THE CITY COUNCIL ADOPT THIS ORDINANCE; AND

WHEREAS, THE CITY COUNCIL FINDS THAT THE ZONING DISTRICTS, DEVELOPMENT STANDARDS AND OTHER PROVISIONS OF THE ORDINANCE ARE CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY OF ANGLETON, TEXAS:

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS:

SECTION 1 ENACTING CLAUSE

THIS ORDINANCE IS HEREBY ENACTED AND ADOPTED AS THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF ANGLETON, TEXAS. THE PREVIOUS ZONING ORDINANCE #854 OF THE CITY, CHAPTER 28 OF THE CODE OF ORDINANCES OF THE CITY OF ANGLETON, TEXAS (CITY CODE), ADOPTED ON THE 17TH DAY OF MARCH 1981, TOGETHER WITH ALL AMENDMENTS THERETO, IS HEREBY AMENDED, REPEALED AND REPLACED IN ITS ENTIRETY BY THIS ORDINANCE TO READ AS FOLLOWS:

SECTION 2 TITLE AND PURPOSE

This Ordinance shall be known and may be cited as the City of Angleton's "Comprehensive Zoning Ordinance" or "Zoning Ordinance".

As authorized by Chapter 211 of the Texas Local Government Code, the zoning regulations and districts as herein established have been made in accordance with an adopted comprehensive plan for the purpose of promoting the public health, safety, morals and general welfare, and protecting and preserving places and areas of historical, cultural and/or architectural importance and significance within the City. They have been designed to lessen the congestion in the streets; to secure safety from fire, panic and other dangers; to ensure adequate light and air; to prevent the overcrowding of land and thus avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, wastewater treatment, schools, parks and other public requirements. They have been made with reasonable consideration, among other things, for the character of each zoning district and its peculiar suitability for the particular uses specified; and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City.

SECTION 3 ZONING DISTRICT MAP

3.1 The City is hereby divided into zones, or districts, and the boundaries of zoning districts set out herein are delineated upon the Zoning District Map of the City, which may also be cited as the "Zoning Map", said map being adopted as a part of this Ordinance as fully as if the same were set forth herein in detail.

3.2 One original of the Zoning District Map shall be filed in the office of the City Secretary and labeled as "Official Zoning Map of the City of Angleton, Texas – Ordinance No. 2009-O-4A". This copy shall be the official Zoning District Map and shall bear the signature of the Mayor, attested by the City Secretary, and shall bear the seal of the City under the following words: "This is to certify that this is the Official Zoning Map referred to in Section 3 of the Zoning Ordinance, Ordinance No. 2009-O-4A of the City of Angleton, Texas, adopted on the 14th day of April, 2009". This copy shall not be changed in any manner. In case of any question, this copy, together with amending ordinances, shall be controlling.

3.3 A copy of the official Zoning District Map shall be placed in the office of the City Manager. The map copy shall be used for reference and shall be maintained up-to-date by posting thereon all subsequent

amendments. Reproductions for informational purposes may only be made of the official Zoning District Map or this copy.

Any changes or amendments made to the zoning district boundaries shall be made on the map copy promptly after the amendment has been approved by the City Council, together with a descriptive entry on the map as follows: "On the ___th day of _____, 20__, by official action of the City Council of Angleton, Texas, the following change(s) was made on the City's official Zoning District Map: _____*(enter a brief description of the nature of the change)*, Ordinance No. _____, effective date _____, 20___". Each descriptive entry for a Zoning Map amendment shall be signed by the Mayor and attested by the City Secretary.

3.4 In the event that the official Zoning Map becomes damaged, destroyed, lost or difficult to interpret due to age, exposure, or the nature or number of changes or additions, the City Council may adopt, by ordinance following a public hearing, a new official Zoning Map which shall replace and supersede the prior Zoning Map, but which shall not, in effect, amend or otherwise change the original official Zoning Map or any subsequent amendment thereto. The new official Zoning Map shall bear the signature of the Mayor, attested by the City Secretary, and shall bear the seal of the City under the following words: "This is to certify that this Official Zoning Map supersedes and replaces the original Official Zoning Map referred to in Section 3 of the Zoning Ordinance, Ordinance No. 2009-O-4A of the City of Angleton, Texas, adopted on the 14th day of April, 2009". Unless the prior official Zoning Map has been lost or has been totally destroyed, the prior Map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

SECTION 4 ZONING DISTRICT BOUNDARIES

4.1 The zoning district boundary lines shown on the Zoning District Map are usually along streets, alleys, property lines, or extensions thereof. Where uncertainty exists as to the boundaries of districts as shown on the Zoning District Map, the following rules shall apply:

A. Boundaries shown as approximately following the centerlines of streets, highways or alleys shall be construed to follow such centerlines.

B. Boundaries shown as approximately following platted lot lines shall be construed as following such lot lines.

C. Boundaries shown as approximately following City limits shall be construed as following such City limits.

D. Boundaries shown as following railroad lines shall be construed to be located along the centerline of the railroad right-of-way lines.

E. Boundaries shown as following shorelines shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline. Boundaries shown as approximately following the centerlines of streams, rivers, creeks, canals, bodies of water, or drainageways shall be construed to follow such centerlines, and in the event of change in any such centerlines shall be construed to move with such centerlines.

F. Boundaries shown as parallel to, or extensions of, features described in Subsections “A” through “E” above shall be so construed. Distances not specifically indicated on the Zoning District Map shall be determined by the scale of the Map.

G. Whenever any street, alley or other public way is vacated by official action of the City Council, or whenever such area is franchised for building purposes, the zoning district line adjoining each side of such street, alley or other public way shall be automatically extended to the centerline of such vacated street, alley or public way (or to the new property ownership boundary line, if it is not determined to be at the former centerline) and all areas so involved shall then and henceforth be subject to all regulations of the extended districts.

H. The zoning classification applied to a tract of land adjacent to a street shall extend to the centerline of the street unless, as a condition of zoning approval, it is stated that the zoning classification shall not apply to the street.

I. Where physical features on the ground are at variance with information shown on the Zoning District Map, or if there arises a question as to how or whether a parcel of property is zoned and such question cannot be resolved by the application of Subsections “A” through “H” above, then the Board of Adjustment shall interpret the zoning district boundaries.

J. If the zoning of property is invalidated by a judgment of a court of competent jurisdiction, the property shall be considered classified as "AG" (Agricultural district) in the same manner as provided for newly annexed territory.

K. Zoning changes which are still valid and which were made between the effective date of the previous Zoning Ordinance, adopted on March 17, 1981, and the effective date of this Ordinance are indicated in approximate locations on the Zoning District Map. For exact legal descriptions, refer to the adopting ordinances for each particular zoning change.

SECTION 5 COMPLIANCE REQUIRED AND APPLICATION OF REGULATIONS

5.1 All land, buildings, structures or appurtenances thereon located within the City of Angleton, Texas which are hereafter occupied, used, constructed, erected, removed, placed, demolished, and/or converted shall be occupied, used, erected, altered, removed, placed, demolished and/or converted in conformance with the zoning regulations prescribed for the zoning district in which such land or building is located, as hereinafter provided, or such shall be subject to penalties as per Section 54 of this Ordinance. All of the standards and regulations prescribed herein shall be considered as the minimum requirement unless explicitly stated otherwise, provided that all property meeting the requirements of Section 7.2 C. of this Ordinance shall be deemed in conformance with the provisions of this ordinance and owners shall be able to use their property in accordance with zoning regulations in effect prior to the adoption of this Ordinance.

5.2 No uses shall be allowed which are prohibited by State or Federal law or which operate in excess of State or Federal environmental, pollution or performance standards as determined by the U.S. Environmental Protection Agency (EPA), Texas State Department of Health (TSDH), Texas Commission on Environmental Quality (TCEQ), Federal Aviation Administration (FAA), Federal Communications Commission (FCC), or any other applicable State or Federal agency, as the case may be.

5.3 No lot upon which a building has been erected shall later be so reduced in area that the setbacks, yards and/or open spaces shall be smaller than those required by this Ordinance.

5.4 Unless otherwise provided herein, no building shall hereafter be erected or altered:

1. To have more narrow or smaller front, side or rear yards than those required by this Ordinance;

2. To exceed the maximum height allowed by this Ordinance;

3. To occupy a greater percentage of lot area than allowed by this Ordinance; or

4. To accommodate or house a greater number of families than is specified within this Ordinance for the zoning district in which such building is located.

SECTION 6 ZONING UPON ANNEXATION

6.1 As soon as practical following annexation, but in no event more than one hundred and eighty (180) calendar days thereafter, the City Council shall, on its own motion or upon application by property owners of the annexed area, initiate proceedings to establish appropriate zoning on the newly annexed territory, thereupon the City Manager shall commence public notification and other standard procedures for zoning amendments as set forth in Section 10 of this Ordinance. Said proceedings to establish zoning may be undertaken concurrently with annexation procedures (i.e., notified at the same time, public hearings scheduled at the same time as annexation, etc.), however zoning approval and formal adoption of the ordinance establishing zoning must occur after annexation approval and adoption have occurred, and as a separate and distinct action by the City Council. For the period of time following official annexation by the City until a zoning action has been officially adopted to zone the land, the interim zoning of the land shall be considered to be Agricultural ("AG"), and all zoning and development regulations of the "AG" zoning district shall be adhered to with respect to development and use of the land that has been newly annexed. This interim "AG" zoning classification shall continue until the zoning of the property has been officially changed in accordance with Section 10 of this Ordinance.

6.2 The initial zoning of a land parcel, whether it is interim in nature, by initiation of the landowner or by initiation of the City, must meet the requirements for notification and public hearings as set forth in Section 10 of this Ordinance and all other applicable State laws.

6.3 The owner of land to be annexed may submit an application for zoning the property simultaneously with submission of the petition for annexation, but no such annexation application may be made conditioned upon the approval of any particular zoning classification.

6.4 Within an area classified as "AG" (Agricultural):

A. No permit for the construction of a building or use of land shall be issued by the City Manager, or his/her designee, other than a permit which will allow the construction of a building or use permitted in the "AG" district, unless and until such territory has been classified in a zoning district other than the "AG" district by the City Council in the manner prescribed by Section 10, except as provided in Subsection "B" below.

B. If plans and preparations for developing a property for a use other than those specified in the "AG" district were already in progress prior to annexation of the property into the City of

Angleton, then the City Council may authorize construction of the project by a majority vote. Application of this subsection is contingent upon the following:

1. An application for a building permit for the proposed building or use must be made to the City Manager of the City of Angleton (or his/her designee) within six (6) months after annexation of the property into the City; and

2. The applicant must be able to demonstrate that plans and other preparations for developing the property commenced prior to (i.e., were already in progress at the time of) annexation into the City.

In its deliberations concerning authorization to proceed with construction of a project which meets the above criteria, the City Council shall take into consideration the appropriate land use for the area as shown on the City's Future Land Use Plan. Upon approval by the City Council, the City Manager (or his/her designee) shall notify the Building Official (or his/her designee) of such approval.

II. ZONING PROCEDURES AND ADMINISTRATION

SECTION 7 NONCONFORMING USES AND STRUCTURES

7.1 INTENT OF PROVISIONS:

A. Within the districts established by this Ordinance or amendments thereto, there may exist lots, structures, uses of land and structures, and characteristics of use which were lawfully in existence and operating before this Ordinance was enacted, amended or otherwise made applicable to such lots, structures or uses, but which do not now conform to the regulations of the district in which they are located. It is the intent of this Ordinance to permit such nonconforming uses to continue, as long as the conditions within this Section and other applicable sections of the Ordinance are met.

B. It is further the intent of this Ordinance that nonconforming uses shall not be enlarged upon, expanded or extended, and shall not be used as a basis for adding other structures or uses prohibited elsewhere in the same district.

C. Nonconforming uses are hereby declared to be incompatible with the permitted uses in the districts involved.

7.2 NONCONFORMING STATUS:

A. Any use, platted lot or structure which does not conform with the regulations of this Zoning Ordinance on the effective date hereof or any amendment hereto, except as expressly provided in Subsection "C" below, shall be deemed a nonconforming use, platted lot or structure provided that:

1. Such use, platted lot or structure was in existence under and in compliance with the provisions of the immediately prior zoning ordinance; or

2. Such use, platted lot or structure was a lawful, nonconforming use, platted lot or structure under the immediately prior zoning ordinance; or

3. Such use, platted lot or structure was in existence at the time of annexation into the City, was a legal use of the land at such time, and has been in regular and continuous use since such time.

B. Any other use, platted lot or structure which does not conform with the regulations of the zoning district in which it is located on the effective date of this Ordinance or any amendment hereto, and except as provided in Subsection "C" below, shall be deemed to be in violation of this Ordinance, and the City shall be entitled to enforce fully the terms of this Ordinance with respect to such use, platted lot or structure.

C. The following types of platted lots shall be deemed in conformance with the provisions of this Ordinance, notwithstanding the fact that such lot does not meet the standards of this Ordinance in the district in which it is located:

1. Any vacant lot that conformed to the City's zoning district regulations at the time that it was platted; or

2. Any lot occupied by a single-family dwelling authorized under the zoning district regulations in which the lot is located.

7.3 CONTINUING LAWFUL USE OF LAND AND STRUCTURES:

A. A nonconforming use or structure may continue to be used, operated or occupied in accordance with the terms of the zoning regulations by which it was established, or in the case of annexed property, in accordance with the regulations under which it was created.

B. A nonconforming structure occupied by a nonconforming use may be re-occupied by a conforming use, following abandonment of the nonconforming use.

7.4 ABANDONMENT OF NONCONFORMING USES AND STRUCTURES, AND CESSATION OF USE OF STRUCTURE OR LAND:

A. If a nonconforming use or structure is abandoned, any future use of the premises shall be in conformity with the provisions of this Ordinance, as amended, and with any other applicable City codes or ordinances that are in effect at the time the use is resumed or the structure is re-occupied.

B. A nonconforming use or structure shall be deemed "abandoned" in the following circumstances:

1. The use ceases to operate for a continuous period of 90 days;

2. The structure remains vacant for a continuous period of 90 days; or

3. In the case of a temporary use, the use is moved from the premises for any length of time.

7.5 CHANGING NONCONFORMING USES:

A. A nonconforming use shall not be changed to another nonconforming use.

B. A nonconforming use may be changed to a conforming use provided that, once such change is made, the use shall not be changed back to a nonconforming use.

C. A conforming use located in a non-conforming structure may be changed to another conforming use, but shall not be changed to a nonconforming use.

7.6 EXPANSION OF NONCONFORMING USES AND STRUCTURES:

A. A nonconforming use may be extended throughout the structure in which it is located, provided that:

1. The structure or its premises shall not be enlarged or increased in height, in floor area or in land area to accommodate extension of the nonconforming use;

2. No alteration shall be made to the structure occupied by the nonconforming use, except those alterations that are required by law to preserve the integrity of the structure and alterations that would upgrade the quality, safety or aesthetic appeal of the structure; and

3. The number of dwelling units occupying the structure shall not exceed the number of dwelling units existing at the time the use became nonconforming.

B. A non-conforming use occupying a structure shall not be extended to occupy land outside the structure.

C. A nonconforming use or structure shall not be enlarged, increased or extended to occupy a greater area of land than was occupied at the time the use or structure became nonconforming, except to provide additional off-street parking or loading areas required by this Ordinance.

7.7 RECONSTRUCTION OR REPAIR OF NONCONFORMING STRUCTURE:

A. If fifty percent (50%) or more of the total appraised value, as determined by the Brazoria County Appraisal District, of a nonconforming structure is destroyed by fire, the elements, or some other cause, then the structure may be rebuilt only in conformity with the standards of this Ordinance.

B. If less than fifty percent (50%) of the total appraised value, as determined by the Brazoria County Appraisal District, of a nonconforming structure is destroyed by fire, the elements, or some other cause, then the structure may be repaired and as it was before the partial destruction but only to its original dimensions and floor area, and provided that such reconstruction is completed within one (1) year (i.e., 365 calendar days) following the event that caused the partial destruction. If reconstruction is delayed by contested insurance claims, litigation, or some other similar cause, then the one-year reconstruction period may be extended by the City Council, not to exceed six (6) months at a time.

C. If a nonconforming structure that is totally or partially destroyed was occupied by a nonconforming use at the time of such destruction, then the nonconforming use may be re-established subject to the limitations on expansion set forth in Subsection 7.6 above.

D. Any conforming structure that is totally or partially destroyed shall be reconstructed only in conformity with the standards of this Ordinance.

E. Nothing in this Ordinance shall be construed to prohibit the upgrading, strengthening, repair or maintenance of any part of any structure, conforming or nonconforming, that is declared unsafe or uninhabitable by the proper authority, unless such repairs or maintenance exceeds fifty percent (50%) of the structure's appraised value, as determined by the Brazoria County Appraisal District.

7.8 MOVING OF NONCONFORMING STRUCTURE:

A. No nonconforming structure or building shall be moved in whole or in part to any other location on the lot, or to any other location or lot, unless every portion of such structure is in compliance with all the regulations of the zoning district wherein the structure is to be relocated. Such building relocation shall also require a structure relocation permit from the City, and may also

require platting of the intended building site pursuant to the City's Subdivision Ordinance as well as approval of a Site Plan in accordance with Section 12 of this Ordinance.

7.9 NONCONFORMING LOTS:

A. Nothing in this Ordinance shall be construed to prohibit the use of a lot that does not meet the minimum lot standards of the zoning district in which it is located, provided that the lot is zoned for the land use(s) intended and the lot was platted as a lot of record prior to the effective date of this Ordinance.

7.10 RIGHT TO PROCEED PRESERVED:

A. Nothing contained in this Section 7 is intended to alter any rights that may have accrued to proceed under prior regulations, pursuant to Texas Local Government Code Section 43.002, or Sections 245.001 to 245.006.

SECTION 8 PLANNING AND ZONING COMMISSION

8.1 GENERAL:

The Planning and Zoning Commission (also referred to as the "Commission") shall function according to the following criteria which establish membership and operating procedures. The powers and duties of the Planning and Zoning Commission are further defined in Section 10 of this Ordinance and in the Code of Ordinances of the City of Angleton.

8.2 CREATED; MEMBERSHIP; OFFICERS; RULES & BYLAWS:

A. There is created, in accordance with Chapter 211 of the Texas Local Government Code, the "Planning and Zoning Commission", hereafter sometimes referred to as the "Commission", which shall consist of seven (7) members who are resident citizens, current taxpayers, real property owners, and qualified voters of the City of Angleton who are not employees of the City.

B. Members shall be nominated for appointment by the Mayor or by a Council member of the City of Angleton, and each person so nominated shall be approved by a simple majority vote of the full City Council before becoming a member of the Commission.

C. Commission members shall serve for a term of two (2) years, and expiration of terms shall be staggered so that an overlapping of terms occurs in accordance with Section 7.03 of the City Charter.

D. Any vacancy(s) on the Commission shall be filled via appointment by a simple majority vote of the full City Council.

E. Members of the Planning and Zoning Commission may be removed from office at any time by a simple majority vote of the full City Council either upon its own motion or upon recommendation of the Planning and Zoning Commission. Failure to attend three (3)

consecutive regular meetings shall be deemed as neglect and cause for removal from office, unless such absences were due to unusual circumstances beyond the member's control such as sickness of the member or someone within the member's immediate family.

F. The members of the Commission shall regularly attend meetings and public hearings of the Commission, shall serve without compensation. The Commission shall meet at least once a month at such dates and times as determined by the Commission and as appropriate to conduct the business of the Commission..

G. The Planning & Zoning Commission shall appoint a Chairperson and a Vice-Chairperson from among its membership, and each officer shall hold office for two (2) years or until replaced by a simple majority vote of the full City Council. The City Manager's designee shall serve as Secretary to the Commission, and shall keep minutes of all meetings held by the Planning and Zoning Commission as well as the full record of all recommendations made by the Commission to the City Council.

H. The Commission shall have the power to make rules, regulations and bylaws for its own governance, which shall conform with those set forth by the City Council, and such rules, regulations and bylaws shall be subject to approval by the City Council. Such rules and bylaws shall include, among other items, provisions for:

1. Regular and special meetings, open to the public;

2. A record of its proceedings, to be open for inspection by the public;

3. Reporting to the governing body and the public, from time to time and annually; and

4. Rules of order and the holding of public hearings on its recommendations.

8.3 PARLIAMENTARY PROCEDURE; QUORUM; VOTING:

A. The Commission will follow the parliamentary procedure adopted by the City Council, and procedures shall not be in conflict with the laws applicable to the Commission on the following:

1. **Quorum -** A quorum shall consist of a majority of the membership of the Commission, and any issue to be voted upon shall be resolved by a majority of those members present.

2. **Voting -** All Commission members, including the presiding Chairperson, shall be entitled to one vote each upon any question, a quorum being present.

3. **Conflict of Interest -** If any member has a conflict of interest regarding any item on the Commission's agenda, he/she shall remove himself/herself from the room and shall refrain from voting only on the item for which a conflict exists in accordance with State law.

8.4 MEETINGS; PUBLIC RECORD:

A. The Planning and Zoning Commission shall meet in the City Hall building or in some other specified location as may be designated by the presiding Chairperson and at such intervals as may be necessary to orderly and properly transact the business of the Commission.

B. Meetings shall be open to the public, and minutes shall be kept and shall be treated as public record.

8.5 ESTABLISHING EXTRATERRITORIAL JURISDICTION:

A. Statutes of the State of Texas authorizing and empowering cities to regulate the platting and recording of subdivisions or additions within the City's corporate limits and to establish extraterritorial jurisdiction are hereby adopted, and the Commission, acting through its duly authorized officials, shall have all the rights, powers, privileges and authority authorized and granted by and through said statutes and the Subdivision Ordinance pertaining to regulation of subdivisions in the City's limits and extraterritorial jurisdiction.

8.6 POWERS AND DUTIES:

A. The Commission shall have all the rights, powers, privileges and authority authorized and granted by and through the Constitution of the State of Texas, the Statutes of the State of Texas authorizing and granting cities the power of zoning and subdivision regulation as found in Chapters 211 and 212 of the Texas Local Government Code, as amended, the Home Rule Charter of the City of Angleton and all other applicable law.

B. The Planning and Zoning Commission shall be an advisory body and adjunct to the City Council, and shall make recommendations regarding amendments to the Comprehensive Plan, changes of zoning for real property, Zoning and Subdivision Ordinance amendments, zoning to be given to newly annexed areas, approval of plats of subdivisions, and other planning-related matters. The Planning and Zoning Commission shall review the City's Comprehensive Plan and shall be prepared to make recommendations to the City Council, as deemed necessary, to keep the City's Comprehensive Plan current with changing conditions and trends and with the planning needs of the City. The Planning and Zoning Commission shall also serve in an advisory capacity on any other planning-related matter(s) in the City.

8.7 PROCEDURE ON ZONING HEARINGS:

A. The procedure and process for zoning changes and Zoning Ordinance amendments shall be in accordance with Section 10 of this Ordinance.

8.8 JOINT MEETINGS WITH THE CITY COUNCIL:

A. Whenever the City Council and the Planning and Zoning Commission are required by the laws of the State of Texas to conduct public hearings in matters pertaining to planning, zoning or subdividing property, and at other times when it is in the best interest of the City to do so, the City Council and the Planning and Zoning Commission are hereby authorized, after published notice as required by law, to hold joint meetings and to conduct joint public hearings.

SECTION 9 BOARD OF ADJUSTMENT (BOA)

9.1 CREATION:

A. There is hereby created a Board of Adjustment (BOA), hereafter referred to as the "Board", for the purpose, in appropriate cases and subject to appropriate conditions and safeguards, to make special exceptions to the terms of this Ordinance that are consistent with the general purpose and intent of this Ordinance. The Board shall be composed of members who are resident citizens, taxpayers, qualified voters.

9.2 MEMBERS; TERMS OF OFFICE:

A. The Board of Adjustments shall consist of five (5) regular members, who shall be appointed by a simple majority vote of the full City Council, and shall operate in accordance with Sections 211.008 through 211.011 of the Texas Local Government Code, as amended.

B. The City Council shall provide for the appointment of up to four (4) alternate members to serve in the absence of one or more of the regular Board members on an alternating basis such that all alternate members have equal opportunities to serve on the Board.

C. Regular Board members and alternate members shall serve for a term of two (2) years.

D. Any vacancy(s) on the Board (both regular and alternate members) shall be filled for the unexpired term(s) via appointment by a simple majority vote of the full City Council for the remainder of the term(s).

E. Members of the Board may be removed from office for any reason, by a simple majority vote of the full City Council. Failure to attend three (3) consecutive scheduled meetings shall be deemed as neglect and cause for removal from office, unless such absences were due to unusual circumstances beyond the member's control such as sickness of the member or someone within the member's immediate family.

F. The members of the Board (and alternate members, as needed) shall regularly attend meetings and public hearings of the Board, shall serve without compensation.

G. The Board of Adjustment shall elect a Chairperson and a Vice-Chairperson from among its membership, and each officer shall hold office for two (2) years or until replaced by a simple majority vote of the full Board. The City Manager's designee shall serve as Secretary to the Board of Adjustment, and shall keep minutes of all meetings held by the Board. The Secretary shall also set up and maintain a separate file for each application for hearing by the Board, and shall record therein the names and addresses of all persons/entities to whom notices are mailed, including the date of mailing and the person by whom such notices were delivered to the Post Office. All records and files herein provided for shall be permanent and official records of the City of Angleton. The Secretary shall also immediately notify in writing the City Council, Planning and Zoning Commission, and the City Manager or Designee of each decision rendered by the Board in the conduct of its duties.

H. The Board of Adjustment shall have the power to make the rules, regulations and bylaws for its own government, which shall conform as nearly as possible with those governing the City Council, and the Board's rules, regulations and bylaws shall be subject to approval by City Council.

9.3 MEETINGS:

A. Meetings of the Board of Adjustment shall be held at the call of the Chairperson and at such other times as the Board may determine to properly transact business of the Board. All meetings of the Board shall be open to the public, and minutes shall be kept of all proceedings at Board meetings. Four (4) members of the Board shall constitute a quorum for the conduct of business. All cases to be heard by the Board of Adjustments shall always be heard by at least seventy-five percent (75%) of the members, which constitutes four (4) members.

9.4 AUTHORITY OF BOARD OF ADJUSTMENT:

A. The Board of Adjustment shall have the authority, subject to the standards established in Sections 211.008 through 211.011 of the Texas Local Government Code and those established herein, to exercise powers and to perform duties including the following:

1. Hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an administrative official in the enforcement of this Ordinance;

2. Authorize, in specific cases, a variance (see Section 9.6) from the terms of this Ordinance if the variance is not contrary to the public interest and if, due to special conditions, a literal enforcement of the Ordinance would result in unnecessary hardship, and so that the spirit of this Ordinance is observed and substantial justice is done; and

3. Make interpretations on zoning district boundaries shown on the Zoning Map where uncertainty exists because physical features on the ground differ from those on the Zoning Map or where the rules in Section 5 of this Ordinance (Zoning District Boundaries) do not apply or are ambiguous.

B. In exercising its authority under Subsection A.1 above, the Board of Adjustment may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision or determination from which an appeal is taken and make the correct order, requirement, decision or determination, and for that purpose the Board has the same authority as the administrative official.

C. The concurring vote of at least seventy-five percent (75%), which shall be defined as four (4) members, of the full Board of Adjustment is necessary to:

1. Reverse an order, requirement, decision or determination of an administrative official;

2. Decide in favor of an applicant on a matter on which the Board is required to review under this Zoning Ordinance;

3. Authorize a variance from a provision of this Zoning Ordinance; or

4. Hear and decide special exceptions to a provision of this Zoning Ordinance (see Section 9.6E.).

9.5 LIMITATIONS ON AUTHORITY OF BOARD OF ADJUSTMENT:

A. The Board of Adjustment may not grant a variance authorizing a use other than those permitted in the district for which the variance is sought, except as provided in Section 9.6.

B. The Board of Adjustment shall have no power to grant or modify Specific Use Permits authorized under Section 35 of this Ordinance.

C. The Board of Adjustment shall have no power to grant a zoning amendment. In the event that a request for a zoning amendment is pending before the Planning and Zoning Commission or the City Council, the Board shall neither hear nor grant any variances with respect to the subject property until final disposition of the zoning amendment by the Commission and the City Council.

D. The Board of Adjustment shall not grant a variance for any parcel of property or portion thereof upon which a site plan, preliminary plat or final plat, where required, is pending on the agenda of the Planning and Zoning Commission and, where applicable, by the City Council. All administrative and procedural remedies available to the applicant shall have been exhausted prior to hearing by the Board of Adjustment.

9.6 VARIANCES AND SPECIAL EXCEPTIONS:

A. The Board of Adjustment may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. For example, if the subject property substantially differs from other similarly zoned land parcels by being of such restricted area, shape or slope that it cannot reasonably be developed in the same manner as other similarly zoned land parcels, then a variance of the building setback, lot width or depth, parking requirement, or other development standard may be warranted. In granting a variance, the Board shall prescribe only conditions that it deems necessary for, or desirable to, the public interest. In making the findings herein below required, the Board shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work within the proposed use, and the probable effect such variance will have upon traffic conditions and upon the public health, safety, convenience and welfare of the community.

B. **Conditions Required for Variance** - No variance shall be granted without first having given public notice and having held a public hearing on the variance request in accordance with Section 9.8 of this Ordinance and unless the Board of Adjustment finds:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his/her land; and

2. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and

3. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property within the area; and

4. That the granting of the variance will not have the effect of preventing the orderly use of other land within the area in accordance with the provisions of this Ordinance; and

5. That a finding of undue hardship exists (see Section 9.6C below).

Such findings of the Board of Adjustment, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Board of Adjustment meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this Ordinance so that the public health, safety and welfare may be secured and that substantial justice may be done.

C. **Findings of Undue Hardship -** In order to grant a variance, the Board of Adjustment must make written findings that an undue hardship exists, using the following criteria:

1. That literal enforcement of the controls will create an unnecessary hardship in the development of the affected property; and

2. That the situation causing the hardship or difficulty is neither financial in nature, self-imposed nor generally affecting all or most properties in the same zoning district; and

3. That the relief sought will not injure the permitted use of adjacent conforming property; and

4. That the granting of a variance will be in harmony with the spirit and purpose of these regulations.

D. A variance shall not be granted to relieve a self-created or personal hardship, nor shall it be based solely upon economic gain or loss, nor shall it permit any person the privilege in developing a parcel of land not permitted by this Ordinance to other parcels of land in the particular zoning district. No variance may be granted which results in undue hardship upon another parcel of land.

E. **Special Exceptions for Nonconforming Uses and Structures -** Upon written request of the property owner, the Board may grant special exceptions to the provisions of Section 7 of this Ordinance, limited to the following, and in accordance with the following standards:

1. Expansion of the land area of a nonconforming use, up to a maximum of ten (10) percent; or

2. Expansion of the gross floor area of a nonconforming structure, up to a maximum of ten (10) percent, provided that such expansion does not decrease any existing setback and does not encroach onto adjacent property; or

3. Change from one nonconforming use to another, re-construction of a nonconforming structure that has been totally destroyed, or resumption of a nonconforming use previously abandoned, only upon finding that the failure to grant the special exception deprives the property owner of substantially all use or economic value of the land.

4. In granting special exceptions under this Subsection, the Board may impose such conditions as are necessary to protect adjacent property owners and to ensure the public health, safety

and general welfare, including but not limited to conditions specifying the period during which the nonconforming use may continue to operate or exist before being brought into conformance with the standards of the Zoning Ordinance.

5. For existing single-family and duplex structures that were constructed prior to the effective date of this Ordinance, the Board of Adjustment may authorize a special exception for any structure that was constructed over a setback line established by this Ordinance.

6. The Board of Adjustment may authorize a special exception for the reconstruction and occupancy of a nonconforming structure, or a structure containing a nonconforming use and/or the restoration of a building site that is nonconforming as to development standards (including, but not limited to, parking arrangement, landscaping, etc.), when a structure has been damaged by fire or other cause to the extent of more than fifty percent (50%), but less than the total, of the appraised value of the structure, as determined from the records of the Brazoria County Appraisal District, as of the date of the damage. Such action by the Board of Adjustment shall have due regard for the property rights of the person or persons affected, and shall be considered in regard to the public welfare, character of the area surrounding such structure, and the conservation, preservation and protection of property.

7. The Board of Adjustment may authorize a special exception for the enlargement, expansion or repair of a nonconforming structure if such enlargement, expansion or repair will improve the condition of the structure, if it will bring the structure closer into compliance with this Ordinance, or if it will otherwise improve or enhance public health, safety or welfare.

9.7 APPEALS TO THE BOARD OF ADJUSTMENT:

A. **Authority -** In addition to the authorization of variances and special exceptions from the terms of this Ordinance, the Board of Adjustment shall have the authority to hear and decide an appeal that alleges error in an order, requirement, decision or determination made by an administrative official in the enforcement of this Ordinance. The Board of Adjustment may reverse or affirm, in whole or in part, or may modify the administrative official's order, requirement, decision or determination from which an appeal is taken and make the correct order, requirement, decision or determination, and for that purpose, the Board of Adjustment has the same authority as the administrative official. The Board of Adjustment may also hear and decide other matters authorized by the Subdivision Ordinance and other City ordinances regarding land use and development regulations.

B. **Who May Appeal -** Any of the following persons may appeal to the Board of Adjustment a decision made by an administrative official:

1. A person directly aggrieved by the decision; or

2. Any officer, department, board or office of the City affected by the decision.

C. **Procedure for Appeal -** The appellant must file with the Board of Adjustment and the official from whom the appeal is taken a written Notice of Appeal specifying the grounds for the appeal. The Notice of Appeal shall be filed within fifteen (15) calendar days after the decision has been rendered. Upon receiving the Notice, the official from whom the appeal is taken shall immediately transmit to the Board of Adjustment all papers constituting the record of action that is appealed. An appeal stays all proceedings in furtherance of the action that is appealed unless

the official from whom the appeal is taken certifies in writing to the Board of Adjustment facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the Board of Adjustment or a court of record on application, after notice to the official, if due cause is shown. The appellant party may appear at the appeal hearing in person or by agent or attorney. The Board shall decide the appeal within forty-five (45) calendar days after the written request (i.e., Notice of Appeal) was received. The Board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision or determination from which an appeal is taken, and may make the correct order, requirement, decision or determination.

9.8 **PROCEDURES:**

A. **Application and Fee -** An application for a variance or a special exception to be heard by the Board of Adjustment, or for an appeal to the Board, shall be made in writing using forms prescribed by the City, and shall be accompanied by an application fee (as set forth by Ordinance of the City Council), a site plan, and any other additional information as may be requested in order to properly review the application. Such information may include, but is not limited to, plat plans, site plans, photographs, topographic contour maps, and other similar documents. All drawings must be to scale.

B. **Review and Report by the City -** The City Manager of Designee shall visit the site where the proposed variance or special exception will apply and the surrounding area, and shall report his/her findings to the Board of Adjustment.

C. **Notice and Public Hearing -** The Board of Adjustment shall hold a public hearing for consideration of the variance or special exception request no later than forty-five (45) calendar days after the date the application for action, or an appeal, is filed. Written notice of the public hearing for a variance or special exception shall be provided to all property owners, according to the Brazoria County Appraisal District via U.S. mail, within two hundred feet (200') of the affected property before the tenth (10th) calendar day prior to the public hearing. Notice shall also be published in the official local newspaper before the fifteenth (15th) calendar day prior to the public hearing.

D. **Action by the Board of Adjustment -** The Board of Adjustment shall not grant a variance unless it finds, based upon compelling evidence provided by the applicant, that each of the conditions in Section 9.6 has been satisfied. The Board of Adjustment may impose such conditions, limitations and safeguards as it deems appropriate upon the granting of any variance or special exception as are necessary to protect the public health, safety, convenience and welfare. Violation of any such condition, limitation or safeguard shall constitute a violation of this Ordinance.

E. **Burden of Proof -** The applicant bears the burden of proof in establishing the facts that may justify a variance, a special exception, an appeal, or any other action in his/her favor by the Board.

F. **Waiting Period** – No appeal to the Board for the same or a related variance or special exception on the same piece of property shall be allowed for a waiting period of six (6) months (i.e., 180 calendar days) following an unfavorable ruling by the Board unless other property in the immediate vicinity has, within the six-month waiting period, been changed or acted upon by the Board or the City Council so as to alter the facts and conditions upon which the previous

unfavorable Board action was based. Such changes of circumstances shall permit the re-hearing of a variance or special exception request by the Board, but such circumstances shall in no way have any force in law to compel the Board, after a hearing on the matter, to grant a subsequent variance or special exception request. Any subsequent variance or special exception request shall be considered entirely on its own merits and on the specific circumstances related to the subject property.

G. **Timeliness of Application for Building Permit or Certificate of Occupancy** – Upon a favorable Board action on a variance or special exception request, the applicant shall apply for a building permit or a certificate of occupancy, as applicable to his/her particular situation, within six (6) months (i.e., 180 calendar days) following the date of Board action, unless the Board specifies a longer time period in the minutes of its action. If the applicant fails to apply for a building permit or certificate of occupancy, as applicable, within the six-month time frame, then the variance or special exception shall be deemed to have been waived, and all rights there under shall be terminated. Such termination and waiver shall be without prejudice to a subsequent appeal, and such subsequent appeal shall be subject to the same regulations and requirements for hearing as herein specified for the original variance or special exception request.

9.9 FINALITY OF DECISIONS; JUDICIAL REVIEW:

A. All decisions of the Board of Adjustment are final and binding. However, any person aggrieved by a decision of the Board of Adjustment may present a verified petition to a court of record which states that the decision of the Board is illegal, in whole or in part, and specifying the grounds of the illegality. Such petition must be presented within ten (10) calendar days after the date the Board's decision is filed in the City Secretary's office. Subject to the provisions of Chapter 211.011 of the Texas Local Government Code, only a court of record may reverse, affirm or modify a decision of the Board of Adjustment.

SECTION 10 AMENDMENTS TO ZONING ORDINANCE AND DISTRICTS, ADMINISTRATIVE PROCEDURES, AND ENFORCEMENT

10.1 DECLARATION OF POLICY AND REVIEW CRITERIA:

A. The City declares the enactment of these regulations governing the use and development of land, buildings, and structures as a measure necessary to the orderly development of the community. Therefore, no change shall be made in these regulations or in the boundaries of the zoning districts except:

1. To correct any error in the regulations or map;

2. To recognize changed or changing conditions or circumstances in a particular locality;

3. To recognize changes in technology, the style of living, or manner of conducting business; or

4. To change the property to uses in accordance with the City's adopted Comprehensive Plan.

B. In making a determination regarding a requested zoning change, the Planning and Zoning Commission and the City Council shall consider the following factors:

1. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and to the City as a whole;

2. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area;

3. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the City, and any special circumstances which may make a substantial part of such vacant land unavailable for development;

4. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change;

5. How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved; and

6. Any other factors that will substantially affect the public health, safety, morals, or general welfare.

10.2 AUTHORITY TO AMEND ORDINANCE:

A. The City Council may from time to time, after receiving a recommendation thereon by the Planning and Zoning Commission and after public hearings required by law, amend, supplement, or change the regulations herein provided or the boundaries of the zoning districts specified on the Zoning Map. Any amendment to the Zoning Ordinance text or to zoning district boundaries may be ordered for consideration by the City Council, may be initiated by the Planning and Zoning Commission, or may be requested by the owner of real property (or his/her authorized representative).

B. Consideration for a change in any zoning district boundary line or special zoning regulation may be initiated only by the property owner or his/her authorized agent (proof of such authorization must be submitted with the zoning application, per Section 10.3), or by the Planning and Zoning Commission or the City Council on its own motion when it finds that public benefit will be derived from consideration of such matter. In the event the ownership stated on an application and that shown in City records are different, the applicant shall submit proof of ownership and verification that he/she is acting as an authorized agent for the property owner.

C. No person who owes delinquent taxes, delinquent paving assessments, impact fees, or any other delinquent debts or obligations to the City of Angleton, and which are directly attributable to a piece of property requested for zoning shall be allowed to submit a zoning request until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof to the City of Angleton shall have been first fully discharged by payment, or until an arrangement satisfactory to the City has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence or proof that all taxes, fees, etc. have been paid or that other arrangements satisfactory to the City have been made for payment of said taxes, fees, etc.

10.3 **APPLICATION:**

A. Each application for zoning, rezoning, Specific Use Permit (SUP), or for a text amendment to a provision(s) of this Zoning Ordinance, shall be made in writing on an application form available in the City Manager's office. The application shall be delivered to the City Manager at least thirty (30) calendar days prior to the date of the public hearing before the Planning and Zoning Commission, and shall be accompanied by payment of the appropriate fee as established by Ordinance. An accurate metes and bounds description of the subject property (or other suitable legal description), a survey (i.e., drawing) exhibit, and other appropriate exhibits (i.e., site plans, maps, architectural elevations, information about proposed uses, etc.) that are determined necessary by the City Manager, shall also be submitted with the zoning application in order to ensure that the request is understood. A Concept Plan, as prescribed in Section 12 of this Ordinance, shall also be submitted along with any zoning request involving the formation of a Planned Development (PD) district. A Site Plan, as prescribed in Section 12 of this Ordinance, shall also be submitted along with any zoning request involving a Specific Use Permit (SUP).

B. All zoning change requests involving real property (including PD and SUP requests) shall be accompanied by a notarized statement verifying land ownership and, if applicable, authorization of land owner's agent to file the zoning change request.

C. **Official Submission Date and Completeness of Application:**

1. For the purpose of these regulations, the "official submission date" shall be the date upon which a *complete* application for a zoning change request (that contains all elements and information required by this Ordinance) is submitted to the City Manager. No application shall be deemed officially submitted until the City Manager determines that the application is *complete* and a fee receipt is issued by the City. Failure by the City Manager to make a determination of incompleteness within ten (10) calendar days following the date on which the application was first received by the City, shall result in the application being deemed complete, and the "official submission date" shall become the 11th calendar day following initial receipt of the application by the City.

2. Zoning applications which do not include all required information and materials (as outlined above and per other City development review policies) will be considered incomplete, shall not be accepted for official submission by the City, and shall not be scheduled on a Planning and Zoning Commission agenda until the proper information is provided to City staff.

10.4 NOTICE OF PUBLIC HEARING:

A. **Public Hearing for Zoning Changes Involving Real Property:** For zoning and rezoning requests involving real property (including PD and SUP requests), the Planning and Zoning Commission and the City Council shall hold at least one public hearing on each zoning application, as per applicable State law (Texas Local Government Code Chapter 211, as amended).

1. Notice of the public hearing to occur before the Planning and Zoning Commission, and before the City Council, shall be accomplished by publishing the purpose, time and place of the public hearing in the official newspaper of the City before the fifteenth (15th) calendar day prior to the date of the public hearing.

2. Written notice of the public hearing before the Planning and Zoning Commission, and before the City Council, shall also be sent to all owners of property, as indicated by the most recently approved City tax roll, that is located within the area of application and within two hundred feet (200') of any portion of the subject property, said written notice to be sent before the tenth (10th) calendar day prior to the date such hearing is held. Such notice shall be served by using the last known address as listed on the most recently approved tax roll, and by depositing the notice, postage paid, in the United States mail.

B. **Public Hearing for Zoning Changes Involving Ordinance Text:** For requests involving proposed changes to the text of the Zoning Ordinance, notice of the Planning and Zoning Commission hearing, and of the City Council hearing, shall be accomplished by publishing the purpose, time and place of the public hearing in the official newspaper of the City before the fifteenth (15th) calendar day prior to the date of the public hearing. Changes in the Ordinance text that do not change zoning district boundaries (i.e., which do not involve specific real property) do not require written notification to individual property owners.

C. **Dual Notification of Planning & Zoning Commission Public Hearing(s) and City Council Public Hearing(s):** The City may, at its option, publish the required zoning change notifications in conformance with Chapter 211 of the Texas Local Government Code for public hearings for the Planning & Zoning Commission and the City Council at the same time; said notifications shall be published before the fifteenth (15th) calendar day prior to the Planning & Zoning Commission or City Council public hearing, as applicable.

D. **Joint Public Hearings:** The City Council may hold a joint public hearing on a zoning, rezoning or Zoning Ordinance text amendment request along with the Planning and Zoning Commission, but the City Council shall not take action on the request until it has received a final recommendation from the Commission. Notification for a joint public hearing shall be accomplished by publishing the purpose, time and place of the joint public hearing in the official newspaper of the City before the fifteenth (15th) calendar day prior to the date of the public hearing. For zoning and rezoning requests involving real property (including PD and SUP requests), written notice of the joint public hearing shall also be sent to property owners within two hundred feet (200') in accordance with Subsection 10.4.A.2 above. In accordance with Chapter 211.077 of the Texas Local Government Code, the City Council shall prescribe any other necessary methods of notification for joint public hearings.

E. **Additional Rules and Procedures Established:** The City may, at is option, establish additional rules and procedures for public notification of proposed zoning changes and developments proposals (e.g., required plans, plats, etc.) which may include, but not be limited to, the posting of a sign(s) on any property that is proposed for a zoning change or development by the applicant

or its agent(s). Knowledge of and adherence to such rules and procedures, if so established by the City, shall be the responsibility of the applicant and shall be required as part of a zoning change or development application.

10.5 FAILURE TO APPEAR:

A. Failure of the applicant or his/her authorized representative to appear before the Planning and Zoning Commission or the City Council for more than one (1) hearing shall constitute sufficient grounds for the Planning and Zoning Commission or the City Council, at that body's option, to table or deny the application. Such tabling or denial shall not entitle the applicant to any refund of fees paid for consideration of his/her application, unless such refund is requested in writing and is expressly granted by the Commission or City Council at the time of tabling or denial of the application.

10.6 PLANNING AND ZONING COMMISSION CONSIDERATION & RECOMMENDATION

A. **Accordance With Section 8:** The Planning and Zoning Commission shall function in accordance with Section 8 of this Ordinance and with applicable provisions in the City's Code of Ordinances. Except as noted in Section 10.7.D, all Planning and Zoning Commission votes shall be decided by a simple majority of the filled Commission positions.

B. **Tabling of the Decision/Recommendation:** The Planning and Zoning Commission may, on its own motion or at the applicant's request, table its decision/recommendation for not more than ninety (90) calendar days from the time the public hearing was first opened. Such tabling shall specifically state the time period of the tabling by citing the meeting date whereon the request will reappear on the Commission's agenda, and further notice in the newspaper and to surrounding property owners shall not be required.

C. **Recommending Approval:** When the Commission is ready to act upon the zoning request, it may recommend approval of the request as it was submitted by the applicant, approval of the request subject to certain conditions, or disapproval of the request. The request will then be forwarded to the City Council for public hearing.

D. **Recommending Denial:** If the Planning and Zoning Commission recommends denial of the zoning change request, it shall provide reasons to the applicant for the denial, if requested by the applicant. The Planning and Zoning Chairperson shall inform the applicant of the right to receive reasons for the denial.

10.7 CITY COUNCIL AUTHORITY & CONSIDERATION

A. **City Council Authority:** The City Council, after receiving a recommendation by the Planning and Zoning Commission and after public hearings required by law, may amend, supplement, or change the regulations of this Ordinance or the boundaries of the zoning districts on the Zoning Map.

B. **Applications Forwarded to the City Council:** After consideration by the Planning and Zoning Commission, all zoning applications shall be automatically forwarded to the City Council for a public hearing following appropriate public hearing notification as prescribed in Section 10.3 above.

C. **City Council Action on Zoning, Rezoning or Text Amendment Requests:** After a public hearing is held before the City Council regarding the zoning application, the City Council may:
   1. Approve the request in whole or in part (if the City Council approves the request, then Subsection 10.7.E will apply),
   2. Deny the request in whole or in part,
   3. Table the application to a future meeting (and specifically citing the City Council meeting to which it is tabled), or
   4. Refer the application to the Planning and Zoning Commission for further study.

D. **Protests:** For zoning and rezoning requests involving real property (including PD and SUP requests), a favorable vote of three-fourths (3/4) of all members of the City Council shall be required to approve any change in zoning when written objections are received from twenty percent (20%) or more of the land area covered by the proposed change, or of the land area within two hundred feet (200') of the subject property, in accordance with the provisions of Section 211.006 of the Texas Local Government Code (commonly referred to as the "20% rule"). If a protest against such proposed zoning change has been filed with the City Secretary, duly signed and acknowledged by the owners of twenty percent (20%) or more, either of the area of the land included in such a proposed change or those owners of property immediately adjacent to the subject property and extending two hundred feet (200') therefrom, such zoning change shall not become effective except by a three-fourths (3/4) vote of the full City Council.

E. **Final Approval and Ordinance Adoption:** Upon approval of the zoning request by the City Council, the applicant shall submit all related material with revisions, if necessary, to the City Manager, or his/her designee, for the preparation of the amending ordinance. The zoning request shall be deemed approved at the time the City Council makes a decision to approve the request. The amending ordinance will be prepared for adoption when a correct description and all required exhibits have been submitted to the City Manager or his/her designee. The amending ordinance shall be effective at such time that it is adopted by the City Council, signed by the Mayor, and attested by the City Secretary. For those Zoning Ordinances that contain a penalty clause the ordinance will not become effective until the time indicated in Section 3.10 of the City Charter of Angleton, Texas.

10.8 ADMINISTRATION AND ENFORCEMENT:

A. The City Manager shall be authorized by the City Council to administer and enforce the provisions of this Ordinance. If the City Manager finds upon his/her own personal observation, or upon receipt of a complaint, that the provisions of this Ordinance are being violated, he/she shall immediately investigate and, when necessary, give written notice to the person(s) responsible to cease or correct such violation(s) immediately. Notice may be delivered in person or by certified mail to the violator(s) or to any person owning or leasing a property where the violation is occurring. The City Manager or Designee shall have the right to enter upon any premises at any reasonable time for the purpose of making inspections of buildings or premises that may be necessary to carry out the duties in the enforcement of this Ordinance.

B. **Stop Work Orders** – Whenever any building or construction work is being done contrary to the provisions of this Ordinance, the City Manager shall have the authority to order the work stopped

by notice in writing served on the property owner or the contractor doing the work or causing such work to be done, and any such person shall forthwith stop such work until authorized in writing by the City to proceed with such work. Failure to immediately stop work as provided herein shall constitute a violation of this Ordinance, in accordance with Section 54 (Penalty for Violations), and may incur penalties for such violation.

10.9 SCHEDULE OF FEES, CHARGES AND EXPENSES:

A. Until all applicable fees, charges and expenses have been paid in full, no action shall be taken on any zoning or development application or on any appeal.

B. The City Council, upon the recommendation of the Planning and Zoning Commission, shall determine and adopt a fee schedule for the purpose of recovering a portion of the administrative costs associated with processing zoning and development requests, including public hearings that are called for in this Ordinance. Such fees shall be paid by the applicant and shall not be designed to in any way restrict the applicant's ability to seek and receive a hearing or to generate revenue for other than recovery of actual administrative costs incurred by the City in the review and processing of applications. Immediately upon receipt of a complete submission for a zoning change or other development plan approval (in accordance with Subsection 10.3C above), the City Secretary (or his/her designee) shall issue a fee receipt and shall create a case file as a permanent City record thereof.

10.10 VESTED RIGHTS PETITION

A. Purpose, Applicability and Effect

1. Purpose: The purpose of a vested rights petition is to determine whether one or more standards of this Zoning Ordinance should not be applied to a development application by operation of state law, or whether certain permits are subject to expiration.

2. Applicability: A vested rights petition may be filed for an application for a site plan in a zoning change request, a Planned Development zoning district, a specific use permit, or in any other type of development application authorized in this Ordinance or by Chapter 245 of the Texas Local Government Code. A vested rights petition may not be filed with a petition for a text amendment to any zoning ordinance, a zoning map amendment, any other request for a legislative decision by the City Council or in relation to any other action of the City which is exempt from the provisions of Chapter 245 in accordance with the requirements of Section 245.004 of the Texas Local Government Code.

3. Effect: Upon granting of a vested rights petition in whole or in part, the City manager (or his/her designee) shall process the development application and the City Council shall decide the application in accordance with the standards specified in the relief order based on prior ordinance requirements or development standards.

B. Petition Requirements

1. Who May Petition: A vested rights petition may be filed by a property owner or the owner's authorized agent with any application authorized in this Ordinance.

2. Form of Petition: The vested rights petition shall allege that the petitioner has a vested right for some or all of the land subject to the development application under Texas Local

Government Code, Chapter 245 or successor statute, or pursuant to Texas Local Government Code, Section 43.002 or successor statute, that requires the City to review and decide the application under standards in effect prior to the effective date of the currently applicable standards. The petition shall include the following information and documents:

a. A narrative description of the grounds for the petition;

b. A copy of each approved or pending development application which is the basis for the contention that the City may not apply current standards to the development application which is the subject of the petition;

c. Identification of all standards otherwise applicable to the development application from which relief is sought;

d. Identification of any current standards which petitioner agrees can be applied to the development application at issue;

e. A narrative description of how the application of current standards affect proposed lot size, lot dimensions, lot coverage or building size shown on the petition for which the petition is filed; and

f. A copy of any prior vested rights determination involving the same land.

3. Time for Filing Petition: A vested rights petition shall be filed with a development application for which a vested right is claimed. Where more than one application is authorized to be filed by this Ordinance, the petition may be filed simultaneously for each application.

C. **Processing of Petitions and Decision**

1. Responsible Official: The City Manager (or his/her designee) is responsible for processing the development application with which the petition is associated. The City Manager (or his/her designee) shall promptly forward a copy of the vested rights petition to the City Attorney following acceptance.

2. Decision by City Council: The City Council is the final decision-maker on all vested rights petitions. The petitioner may submit a written request that the vested rights petition be immediately forwarded to the Council for a determination. The request must be accompanied by a waiver of the time for decision on the application imposed under this Ordinance pending decision by the Council on the petition, which shall stay further proceedings on the application. Upon receipt of the request, the City Manager (or his/her designee) shall prepare a recommendation and forward the matter to the Council for decision, which shall decide the petition within sixty (60) calendar days of the petitioner's request. If no written request for Council referral is filed, the Council shall decide the vested rights petition with its decision on the development application.

3. In considering the vested rights petition and the development application, the City Council will not make a decision which vests rights earlier than the time of making an application for a preliminary plat for the development which complies with all of this Ordinance, the Angleton City Code and all other applicable law, unless the applicant provides clear and convincing evidence that rights should vest at an earlier time. Provided, that nothing contained herein will affect a lawful, pre-existing nonconforming use or structure in compliance with and in accordance with Section 7 of this Ordinance.

D. **Action on Petition and Order**

1. Action on the Petition: The City Council may take any of the following actions on a vested rights petition:

   a. Deny the relief requested in the petition, and direct that the development application shall be reviewed and decided under currently applicable standards;

   b. Grant the relief requested in the petition, and direct that the petition shall be reviewed and decided in accordance with the standards contained in identified prior regulations; or

   c. Grant the relief requested in part, and direct that certain identified current standards shall be applied to the development application, while standards contained in identified prior regulations also shall be applied.

2. Order on Petition: The City Manager's (or his/her designee's) report and each decision on the vested rights petition shall be memorialized in an order identifying the following:

   a. The nature of the relief granted, if any;

   b. The approved or filed development application(s) upon which relief is premised under the petition;

   c. Current standards which shall apply to the development application for which relief is sought;

   d. Prior standards which shall apply to the development application for which relief is sought, including any procedural standards;

   e. The statutory exception or other grounds upon which relief is denied in whole or in part on the petition; and

   f. To the extent feasible, subordinate development applications that are subject to the same relief granted on the petition.

E. **Criteria for Approval**

1. Factors: The City Council shall decide the vested rights petition based upon the following factors:

   a. The nature and extent of prior development applications filed for the land subject to the petition;

   b. Whether any prior vested rights determinations have been made with respect to the property subject to the petition;

   c. Whether any prior approved applications for the property have expired or have been terminated in accordance with law;

   d. Whether current standards otherwise applicable affect lot size, lot dimensions, lot coverage or building size based upon the proposed development application;

e. Whether any statutory exception applies to the standards in the current Zoning Ordinance from which the applicant seeks relief;

f. Whether any prior approved applications relied upon by the petitioner have expired.

2. Conditions: If the claim of vested rights under a petition is based upon a pending application subject to standards that have been superseded by current standards under this Ordinance, the City Council may condition any relief granted on the petition on the approval of the application under such prior standards.

F. **Application Following Final Decision on Petition**

1. Following the City's final decision on the vested rights petition, the property owner shall conform the development application for which relief is sought to such decision. The City Council shall consider any application revised under this Subsection in accordance with the procedures for deciding the initial application under this ordinance and in conformity with the relief granted on the petition. If the relief granted on the vested rights petition is consistent with the development application on file, no revisions are necessary. If proceedings have been stayed on the development application pending referral of the vested rights petition to the City Council, proceedings on the application shall resume after the Council's decision on the vested rights petition.

G. **Expiration and Extension**

1. Expiration: Relief granted on a vested rights petition shall expire on occurrence of one of the following events:

a. The petitioner or property owner fails to submit a required revised development application consistent with the relief granted within thirty (30) days of the final decision on the petition;

b. The development application for which relief was granted on the vested rights petition is denied under the criteria made applicable through the relief granted on the petition; or

c. The development application for which relief was granted on the vested rights petition expires. (See Section 12)

2. Extension: Extension of the date of expiration for the development application for which relief was granted on a vested rights petition shall result in extension of the relief granted on petition for a like period.

H. **Dormant Projects**

1. Definitions: For purposes of this section only:

a. Initial permit means any of the following types of approvals granted under this Zoning Ordinance, as amended, or any predecessor zoning, subdivision or development ordinance: site plan, landscape plan, concept plan, zoning change request, specific use permit, variances or any other application that was approved subject to a schematic drawing illustrating the location, arrangement, orientation or design of land uses, lots or improvements on a site intended for development.

b. Final permit means a building permit, certificate of occupancy, or final plat approved under the Subdivision Ordinance, as amended, or any predecessor zoning, subdivision or development ordinance.

2. Expiration of Permits: Any application for an initial permit that was approved or filed before, but that was not subject to an expiration date, one (1) year prior to the adoption date of this Ordinance, and that was under the Zoning or Subdivision Ordinances, as amended, or any predecessor zoning, subdivision or development ordinance, shall expire on the effective date of this Ordinance.

3. Reinstatement: The owner of the land subject to an initial permit that expires under Subsection H.2 above may petition the City Council to reinstate such zoning permit by filing a written petition within sixty (60) calendar days of the effective date of this Ordinance. The petition shall clearly state the grounds for reinstatement, and shall be accompanied by documentation of one of the following:

   a. As of one (1) year prior to the adoption date of this Ordinance, one of the following events had occurred:

      (1) A final permit for all or part of the land subject to the approved initial permit was approved, or was filed and was subsequently approved;

      (2) An application for a final permit was submitted for all or part of the land subject to the expired initial permit, but such application was rejected on grounds of incompleteness;

      (3) Costs for development of the land subject to the initial permit, including but not limited to costs associated with roadway, utility and other infrastructure facilities designed to serve the land in whole or in part, but exclusive of land acquisition costs, were incurred in the aggregate amount of five percent (5%) of the most recent appraised market value of the land;

      (4) Fiscal security was posted to ensure performance of an obligation required for all or a part of the land subject to the approved initial permit; or

      (5) Utility connection fees or impact fees for all or part of the land subject to the approved initial permit were paid.

   b. After two (2) years prior to the adoption date of this Ordinance but before the expiration date specified in Subsection H.2 above, one of the following events had occurred:

      (1) A final permit was approved for all or part of the land subject to the approved zoning change, and remained in effect for such land on such expiration date; or

      (2) A complete application for approval of a final permit for all or part of the land subject to the approved initial permit was pending for decision on such expiration date.

4. Council Action on Reinstatement: The City Council may take one of the following actions:

   a. Reinstate the expired initial permit without an expiration date, if it finds that the petitioner has met any one of the criteria listed in Subsection H.3.a above;

b. Reinstate the initial permit for all or part of the land subject thereto, if it finds that the petitioner has met any one of the criteria listed in Subsection H.3.b above, subject to such expiration dates or other conditions that assure that the remaining land that is not subject to an approved or pending final permit application will be developed in a timely fashion. In granting relief under this provision, the Council may require that development of such remaining land is subject to standards enacted after approval of the initial permit;

c. Deny the petition, if it finds that the petitioner has failed to meet any of the criteria in Subsection H.3; or

d. Reinstate the permit for only that part of the land subject to a pending final permit application, if it finds that the petitioner has met the criteria in Subsection H.3.b(2) above and the pending application subsequently was approved, and deny the petition for the remaining land subject to the expired initial permit.

SECTION 11 BUILDING PERMITS; CERTIFICATES OF OCCUPANCY AND COMPLIANCE

11.1 BUILDING PERMITS REQUIRED:

A. No building or other structure shall be erected, moved, added to, or structurally altered without a building permit issued by the City of Angleton's Building Official. A building permit shall not be issued except in conformity with the provisions of this Ordinance, unless otherwise authorized by the Board of Adjustment in the form of a variance or special exception as provided in Subsection 9.6 of this Ordinance. A building permit shall not be issued until the property is properly zoned for the intended use, until the property is platted in accordance with the Subdivision Ordinance, nor until all appropriate plans have been approved by the City (including, but not limited to, a final plat, a detailed plot plan, a final site plan, landscaping and façade plans, building structural plans, etc.). All Site Plans shall clearly show in detail how the site will be constructed (such as paving, buildings, general physical improvements, improvements that currently exist, distances to property lines, construction planning, etc.).

11.2 CANCELLATION OF BUILDING PERMIT:

A. Failure of an applicant or any of his/her agents, representatives or contractors to erect, construct, reconstruct, alter, use or maintain any building, structure or premises in conformance with the approved plans upon which a building permit was issued, when such failure constitutes a violation of any provision of this Ordinance, shall render such building permit void, and the Building Official is hereby authorized and directed to revoke any such permit by giving written notice to the applicant or his/her agent or representative, and all work upon such building, structure or premises shall be immediately discontinued until such building, structure or premises shall be brought into conformance with the approved plans and with all applicable provisions of this Ordinance.

11.3 CERTIFICATE OF OCCUPANCY:

A. A Certificate of Occupancy shall be required for any of the following:

1. Occupancy and use of a building hereafter erected or structurally altered;

2. Change in use of an existing building to a use of a different classification; and

3. Change in the use of land (regardless of whether or not a building is present or erected on the property) to a use of a different classification. No Certificate of Occupancy is required for a change in zoning, in accordance with Section 10 of this Ordinance.

B. No such use, or change of use, shall take place until a Certificate of Occupancy therefore shall have been issued by the Building Official. The application fee(s) for a Certificate of Occupancy shall be as set forth by ordinance of the City Council.

C. A record of all Certificates of Occupancy shall be kept on file in the Building Official's office, and copies shall be furnished upon request to any person in accordance with State laws governing public records.

D. **Procedure for New or Altered Buildings -** Written application for a Certificate of Occupancy for a new building or for an existing building which is to be altered shall be made at the same time as the application for the building permit for such building. Said Certificate shall be issued after the Building Official orders the building or structure inspected and finds no violations of the provisions of this Ordinance or other regulations which are enforced by the Building Official. Said Certificate shall be issued by the Building Official after the erection or alteration of such building or part thereof has been completed in conformity with all applicable provisions of this Ordinance.

E. **Procedure for Vacant Land or a Change in Building Use -** Written application for a Certificate of Occupancy for the use of vacant land, a change in the use of land or a change in the use of a building, or for a change from a nonconforming use to a conforming use, shall be made to the Building Official. If the proposed use is a conforming use, as herein provided, written application shall be made to said Building Official. If the proposed use is found to be in conformity with the provisions of this Ordinance, the Certificate of Occupancy shall be issued after the application for same has been made and all required inspections are completed and approved by the Building Official.

F. **Contents of Certificate of Occupancy -** Every Certificate of Occupancy shall contain the following: 1) building permit number; 2) the address of the building; 3) the name and address of the owner; 4) a description of that portion of the building for which the Certificate is issued; 5) a statement that the described portion of the building has been inspected for compliance with the requirements of the City's Building Codes for the particular group and division of occupancy; 6) the name of the Building Official or City Manager; 7) use(s) allowed; 8) maximum number of persons/occupants; and 9) issue date of Certificate of Occupancy.

G. **Posting of Certificate of Occupancy -** The Certificate of Occupancy shall be posted in a conspicuous place on the premises.

H. **Revocation of Certificate of Occupancy -** The Building Official may, in writing, suspend or revoke a Certificate of Occupancy issued under the provisions of this Ordinance whenever the Certificate is issued in error, or on the basis of incorrect information supplied, or when it is determined that the building or structure or portion thereof is in violation of any ordinance or

regulation or any of the provision of this Ordinance or the building code and other codes adopted by the City, and any amendments thereto.

11.4 COMPLETION OF BUILDINGS IN PROGRESS:

A. Nothing contained herein shall require any change in the plans, construction or designated use of a building, the foundation for which has been completely constructed as of the effective date of this Ordinance, and the remaining construction of which shall have been completed within one (1) year (i.e., 365 calendar days) following the effective date of this Ordinance. In addition, any nonresidential building or structure for which a building permit has been approved by the City not more than one (1) year (i.e., 365 calendar days) prior to the effective date of this Ordinance may be constructed according to the terms of that building permit.

SECTION 12 CONCEPT PLAN AND SITE PLAN REVIEW PROCESSES

12.1 APPROVAL PROCESS:

A. **Steps for Approval:** The review process may include the following steps:

1. Pre-application conference (refer to Section 12.2 of this Ordinance);
2. Concept Plan for Planned Developments (refer to Section 34 of this Ordinance),
3. Site Plan for Specific Use Permits (refer to Section 35 of this Ordinance),
4. Construction of project following City approval of all required plans and plats.

B. **Type of Plan Required**:

1. CONCEPT PLAN
   a. A Concept Plan shall be required for all Planned Development applications.
   b. All procedural and application requirements are included in Section 34, Planned Developments.
   c. The review and approval process for a Concept Plan shall generally be review by the Planning and Zoning Commission and approval by the City Council.
2. SITE PLAN
   a. A Site Plan shall be required for all Specific Use Permits.
   b. A Site Plan may be required for Planned Developments, if a Site Plan is determined to be required at the time of Planned Development approval (see Section 34).
   c. A Site Plan shall be required for all nonresidential, multi-family and single-family attached developments within any zoning district.
   d. All procedural and application requirements are included in Section 35, Specific Use Permits.
   e. The review and approval process for a Site Plan shall be reviewed by the Planning and Zoning Commission.
3. GENERAL – For the purposes of this Zoning Ordinance, the term "required plan(s)" is intended to refer to any of the above-listed the plans, as applicable.

C. **Payment of all Indebtedness Attributable to the Subject Property:** No person who owes delinquent taxes, delinquent paving assessments, impact fees, or any other delinquent debts or

obligations to the City of Angleton, and which are directly attributable to a piece of property shall be allowed to submit any application for any type of plan review until the taxes, assessments, debts, or obligations directly attributable to said property and owed by the owner or previous owner thereof to the City of Angleton shall have been first fully discharged by payment, or until an arrangement satisfactory to the City has been made for the payment of such debts or obligations. It shall be the applicant's responsibility to provide evidence or proof that all taxes, fees, etc. have been paid, or that other arrangements satisfactory to the City have been made for payment of said taxes, fees, etc.

D. **Official Filing Date, Completeness of Application, Expiration of Application:** The following shall apply to any Concept Plan or Site Plan application submitted in accordance with this Zoning Ordinance.

1. OFFICIAL FILING DATE. The time period established by state law or this Zoning Ordinance for processing or deciding an application shall commence on the official filing date. The official filing date for a required plan application is the date the applicant delivers the application to the City or deposits the application with the United States Postal Service by certified mail addressed to the City.

2. DETERMINATION OF COMPLETENESS. Every required plan application shall be subject to a determination of completeness by the City Manager for processing the application.
   a. No required plan application shall be accepted by the City Manager for processing unless it is accompanied by all documents required by and prepared in accordance with the requirements of this Zoning Ordinance.
   b. The incompleteness of the required plan application shall be grounds for denial the application.
   c. A determination of completeness shall not constitute a determination of compliance with the substantive requirements of this Zoning Ordinance.
   d. A determination of completeness shall be made by the City Manager or Designee in writing to the applicant no later than the tenth (10th) business day after the official filing date that the required plan application is submitted to the City Manager.
      (1) The applicant shall be notified within that ten-business-day period of the determination of completeness.
      (2) If the required plan application is determined to be complete, the application shall be acted upon in the proper manner as prescribed by Section 10 of the Zoning Ordinance.
      (3) If the required plan application is determined to be incomplete, the notification shall specify the documents or other information needed to complete the application and shall state the date the application will expire (see Subsection D.3 below) if the documents or other information is not provided.
      (4) A required plan application shall be deemed complete on the eleventh (11th) business day after the application has been received if the applicant has not otherwise been notified that the application is incomplete.

3. EXPIRATION OF APPLICATION. If the required plan application is not completed by the forty-fifth (45th) day after the application is submitted to the responsible official, the plan application will be deemed to have expired and it will be returned to the applicant together with any accompanying applications. The required plan application shall also expire on the forty-fifth (45th) day after the date the application is filed if each of the following occurs:
   a. The applicant fails to provide documents or other information necessary to comply with the City's requirements relating to the required plan application;

b. The City provides to the applicant, not later than the tenth (10th) business day after the date the application is filed, written notice that specifies the necessary documents or other information, and the date the application will expire if the documents or other information is not provided; and

c. The applicant fails to provide the specified documents or other information within the time provided in the notification.

4. If the required plan application is re-submitted after a notification of incompleteness, the timeframe for a determination of completeness described above (see Subsection D.2 above) shall begin on the date of the re-submittal of the plan application.

E. **Supplemental Requirements:** The City's staff may require other information and data for specific required plans. Approval of a required plan may establish conditions for construction based upon such information.

12.2 PRE-APPLICATION CONFERENCE

A. Prior to formal application for approval of any required plan, the applicant(s) may request a pre-application conference with the City Manager, which conference may include the City Manager, the Building Official, the City's Planner, the City's Engineer, and/or any other pertinent City official(s), in order to become familiar with the City's development regulations and the development process. The pre-application conference shall not constitute vesting on any project.

12.3 SITE PLAN:

A. **Purpose:** The purpose of a Site Plan is to ensure that development projects are in compliance with all applicable City ordinances and zoning requirements prior to commencement of construction.

B. **Applicability:** This Section establishes a review process for all developments that require site plan approval. Submission and approval of a Site Plan shall be required for all nonresidential, multi-family and single-family attached developments within all zoning districts.

C. **Building Permit & Certificate of Occupancy:** A Site Plan shall be submitted and approved prior to submission of a building permit application. No building permit shall be issued until a Site Plan and all other required engineering/construction plans are first approved by the City. No Certificate of Occupancy shall be issued until all construction and development conforms to the Site Plan and engineering/construction plans, as approved by the City.

D. **Extent of Area That Should Be Included In a Site Plan:** When the overall development project is to be developed in phases, the area included within the Site Plan shall include only the portion of the overall property that is to be developed/constructed.

E. **Procedures & Submission Requirements for Site Plan Approval:** All Site Plans shall clearly show in detail how the site will be constructed (such as paving, buildings, general physical improvements, infrastructure improvements that currently exist, distances to property lines, etc.) as stated in Section 35.4 of this Ordinance. To ensure the submission of adequate information, the City is hereby empowered to maintain and distribute a separate list of specific requirements for the review of applications.

F. **Review & Approval of a Site Plan:**

1. CITY STAFF REVIEW & APPROVAL OF SITE PLANS
    a. Following submittal of a complete application of a Site Plan in accordance with Section 12.1.D, the City shall review the application. Specifically, the City Manager, City Engineer, and the Building Official (or their designee) shall review the Site Plan.
    b. Each Site Plan shall be evaluated to ensure that all developments are constructed according to the City's codes and ordinances.
    c. Following City staff review, the City Manager shall recommend approval, approval subject to certain conditions, or denial of the Site Plan to the Planning and Zoning Commission.
    d. If the Site Plan is denied by the Planning and Zoning Commission, the applicant may appeal such decision to the City Council provided that such appeal is submitted to the City in writing within ten (10) calendar days following the Commission's decision. The City Council shall decide the appeal within ninety (90) calendar days, and the Council's decision on the appeal shall be final.

G. **Revisions to the Approved Site Plan:**

1. MINOR REVISIONS/AMENDMENTS
    a. It is recognized that final architectural and engineering design may necessitate minor changes in the approved Site Plan. In such cases, the City Manager, or his/her designee, shall have the authority to approve minor modifications to an approved Site Plan. Such minor modifications shall be submitted as an "Amended Site Plan," which shall substantially conform to the previously approved Site Plan.
    b. Submission materials and requirements for approval of an Amended Site Plan shall be as determined by the City Manager, or his/her designee.

2. MAJOR REVISIONS - In the event of revisions that are more extensive in nature (i.e., do not conform to the description for minor amendments above), a new Site Plan must be resubmitted, reviewed, and approved by the City Manager (or his/her designee). Any new Site Plan shall be deemed a "new permit", and shall be submitted with a new application form, with a new filing fee, and with new plans and materials in accordance with the procedures set forth in this Section. The new request shall also be reviewed for compliance with the ordinances and regulations in effect at the time the new application is made.

H. **Effect of Review/Approval:** Approval of the Site Plan shall be considered authorization to proceed with submission and review of the building permit application provided all other required City approvals are obtained (such as final plat, engineering plans, etc.).

I. **Validity & Lapse of Site Plan Approval:** A Site Plan shall be considered a "permit" as described by State law in Chapter 245.005, as amended, of the Texas Local Government Code (TLGC).

1. VALID FOR TWO YEARS: Any approved Site Plan shall be deemed expired two (2) years from the date on which the Site Plan was originally approved if no progress has been made toward completion of the project.

2. PROGRESS BENCHMARKS: The term "progress" shall be as defined based on TLGC Chapter 245.005 as follows:
    a. Plans for construction and an application for a building permit for at least one of the buildings on the approved Site Plan are submitted within two (2) years following approval of the Site Plan.
    b. A good-faith attempt is made to file with the City an application for a permit

necessary to begin or continue towards completion of the project;

c. Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent (5%) of the most recent appraised market value of the real property on which the project is located;
d. Fiscal security is posted with the City to ensure performance of an obligation required by the City; or
e. Utility connection fees or impact fees for the project have been paid to the City.

3. EXPIRATION: At least one (1) of the items in Subsection 2.a through 2.e must be accomplished within the two-year period of approval. If at least one (1) of the items listed in Subsection 2.a through 2.e above is not accomplished within the two-year period, then the approved Site Plan shall expire and shall become null and void.

4. EXTENSION & REINSTATEMENT PROCEDURE:
   a. Prior to the lapse of approval for a Site Plan, the applicant may petition the City in writing to extend the Site Plan approval.
   b. Such petition shall be granted approval or denial by the City Manager (or his/her designee).
   c. If no petition is submitted, then the Site Plan shall be deemed to have expired and shall become null and void. Any new request for Site Plan approval shall be deemed a "new permit", and shall be submitted with a new application form, with a new filing fee, and with new plans and materials in accordance with the procedures set forth in this Section. The new request shall also be reviewed for compliance with the ordinances and regulations in effect at the time the new application is made.
   d. In determining whether to grant a request for extension, the City Manager (or his/her designee) shall take into account:
      i. The reasons for the lapse,
      ii. The ability of the property owner to comply with any conditions attached to the original approval, and
      iii. The extent to which development regulations would apply to the Site Plan at that point in time.

III. ZONING DISTRICTS

SECTION 13 ZONING DISTRICTS ESTABLISHED

13.1 The City of Angleton, Texas is hereby divided into the following zoning districts. The use, height, area regulations, and other standards, as set out herein apply to each district. The districts established herein shall be known as:

Abbreviated Designation	Zoning District Name
Base Districts	
AG	Agricultural
SFE-20	Single-Family Estate Residential-20 (minimum 20,000 square-foot lots)
SF-10	Single-Family Residential-10 (minimum 10,000 square-foot lots)
SF-7.2	Single-Family Residential-7.2 (minimum 7,200 square-foot lots)
SF-6.3	Single-Family Residential-6.3 (minimum 6,300 square-foot lots)
SF-5	Single-Family Residential-5 (minimum 5,000 square-foot lots)
SF-PH	Single-Family Residential-Patio Home (zero-lot-line homes)
2F	Two-Family Residential (duplex homes)
SFA	Single-Family Attached Residential (townhomes)
MFRR-14	Multi-Family Residential-14 (apartments – maximum 14 units/acre)
MFRR-29	Multi-Family Residential-29 (apartments – maximum 29 units/acre)
MFRR-36	Multi-Family Residential-36 (apartments – maximum 36 units/acre)
MH	Modular Homes
C-N	Commercial – Neighborhood
C-MU	Commercial – Mixed-Use
C-G	Commercial – General
C-OR	Commercial – Office/Retail
CBD	Central Business District
LI	Light Industrial
Overlay Districts	
PD	Planned Development
SUP	Specific Use Permit

13.2 A summary of the area regulations for the following zoning districts is included within Appendix B.

13.3 Certain terms and definitions used within this Ordinance can be found in Section 49.

SECTION 14 AG - AGRICULTURAL DISTRICT

14.1 GENERAL PURPOSE AND DESCRIPTION:

The AG, Agricultural, district is designed to permit the use of land for the ranching, propagation and cultivation of crops and similar uses of vacant land. Single-family uses on large lots are also appropriate for this district. Territory that has been newly annexed into the City is initially zoned Agricultural until it is assigned another zoning district. It is anticipated that Agricultural zoned land will eventually be rezoned to another zoning classification in the future. The Agricultural district is also appropriate for areas where development is premature due to lack of utilities or City services; to preserve areas that are unsuitable for development due to problems that may present hazards such as flooding, in which case the AG zoning designation should be retained until such hazards are mitigated and the land is rezoned; and to provide permanent greenbelts or to preserve open space areas as buffers around uses that might otherwise be objectionable or pose environmental or health hazards.

14.2 PERMITTED USES:

A. Those uses listed for the AG-Agricultural district in Section 37 as "P" or "S" are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in Section 35.

14.3 HEIGHT REGULATIONS:

A. **Maximum Height**:
   1. Three (3) stories, and not to exceed forty feet (40'), for the main building/house.
   2. Forty-five feet (45') for agricultural structures (e.g., barns, silos, water towers, etc.), provided they are no closer than one hundred feet (100') from any front, side or rear property line
   3. Twenty-five feet (25') for other accessory buildings, including detached garage, garden shed, accessory dwelling units, etc.

14.4 AREA REGULATIONS:

A. **Size of Lots**:
   1. **Minimum Lot Area** – Five (5) acres (217,800 square feet)
   2. **Minimum Lot Width** – One hundred feet (100')
   3. **Minimum Lot Depth** – One hundred and fifty feet (150')

B. **Size of Yards**:
   1. **Minimum Front Yard** – Eighty feet (80')
   2. **Minimum Side Yard** – Forty feet (40') for interior side yard; eighty feet (80') for a corner lot on a street
   3. **Minimum Rear Yard** – Eighty feet (80') for the main building and any accessory building(s). (See Section 40 for accessory building standards.)

C. **Parking Regulations**

1. **Single-Family Dwelling Unit** – A minimum of two (2) parking spaces on the same lot as the main structure and on a paved driveway having a minimum length of twenty-five feet (25') as measured from the street right-of-way line
2. **Other** - See Section 38, Off-Street Parking and Loading Regulations

D. **Minimum Floor Area per Dwelling Unit** – None.

E. **Minimum Exterior Construction Standards** – See Section No. 42.

F. **Maximum Impervious Surface Coverage** – Forty percent (40%).

14.5 **SPECIAL REQUIREMENTS**:

A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.

B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of five (5) or more acres.

C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, farm equipment, etc., which may only be stored in the side or rear yards).

D. Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-five feet (25').

E. Swimming pools - See Section No. 47.

F. A Site Plan shall be required for any development that will include: 1) a private amenity or facility comprised of one (1) or more buildings (such as a private recreation/swimming facility, clubhouse, etc.); 2) a golf course; and/or 3) a gated (restricted access) entrance into the development. In these instances, Site Plan submission and approval will be required for these elements (a Site Plan showing the entirety of the proposed subdivision is not required). Site Plan submission and approval shall be in accordance with Section 35.4, but shall not require a public hearing as required by Section 35.4.E.

G. Any nonresidential land use or structure which may be permitted in this district shall conform to the "C-N"-Commercial-Neighborhood district standards.

H. **Other Regulations** - See Sections 38 through 49 regarding development standards for:
- Off-Street Parking and Loading Requirements (38)
- Landscape Requirements (39)
- Accessory Structure and Use Regulations (40)
- Fencing, Walls and Screening Requirements (41)
- Exterior Construction and Design Requirements (42)
- Supplemental Regulations (43)
- Performance Standards (44)
- Lighting and Glare Standards (45)
- Home Occupation Regulations (46)

- Special Regulations for Certain Types of Uses (47)
- Reserved for future use (48)
- Definitions (49)

SECTION 15 SFE-20 - SINGLE-FAMILY ESTATE RESIDENTIAL-20 DISTRICT

15.1 GENERAL PURPOSE AND DESCRIPTION:

The SFE-20, Single-Family Estate Residential-20, district is intended to provide for development of primarily low-density detached, single-family residences on lots of not less than 20,000 square feet in size, churches, schools and public parks in logical neighborhood units. Areas zoned for the SFE-20 district shall have, or shall make provision for, City of Angleton water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved streets with logical and efficient vehicular circulation patterns that discourage non-local traffic; they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

15.2 PERMITTED USES:

A. Those uses listed for the SFE-20 district in Section 37 as "P" or "S" are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in Section 35.

15.3 HEIGHT REGULATIONS:

A. **Maximum Height**:
   1. Two and one-half (2.5) stories, and not to exceed thirty-five feet (35'), for the main building/house.
   2. One story for other accessory buildings, including detached garage, garden shed, gazebo, etc.

15.4 AREA REGULATIONS:

A. **Size of Lots**:
   1. **Minimum Lot Area** – Twenty thousand (20,000) square feet
   2. **Minimum Lot Width** – One hundred feet (100')
   3. **Minimum Lot Depth** – One hundred twenty-five feet (125')

B. **Size of Yards**:
   1. **Minimum Front Yard** – Thirty feet (30')
   2. **Minimum Side Yard** – Ten feet (10') for interior side yard; twenty feet (20') for a corner lot; thirty feet (30') for a key corner lot.
   3. **Minimum Rear Yard** – Twenty-five feet (25') for the main building and any accessory building(s). (See Section 40 for accessory building standards.)

C. **Parking Regulations**:
   1. **Single-Family Dwelling Unit** – A minimum of two (2) parking spaces on the same lot as the main structure and on a paved driveway having a minimum length of twenty-five feet (25') as measured from the street right-of-way line
   2. **Other** - See Section 38, Off-Street Parking and Loading Regulations

E. **Minimum Floor Area per Dwelling Unit** – None.

F. **Minimum Exterior Construction Standards** – See Section No. 42.

G. **Maximum Impervious Surface Coverage** – Fifty percent (50%).

15.5 **SPECIAL REQUIREMENTS:**

A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.

B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of five (5) or more acres.

C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, farm equipment, etc., which may only be stored in the side or rear yards and which shall be screened from view of public streets and neighboring properties).

D. Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-five feet (25').

E. Swimming pools - See Section No.47.

F. A Site Plan shall be required for any development that will include: 1) a private amenity or facility comprised of one (1) or more buildings (such as a private recreation/swimming facility, clubhouse, etc.); 2) a golf course; and/or 3) a gated (restricted access) entrance into the development. In these instances, Site Plan submission and approval will be required for these elements (a Site Plan showing the entirety of the proposed subdivision is not required). Site Plan submission and approval shall be in accordance with Section 35.4, but shall not require a public hearing as required by Section 35.4.E.

G. Any nonresidential land use which may be permitted in this district shall conform to the "C-N"-Commercial-Neighborhood district standards.

H. **Other Regulations** - See Sections 38 through 49 regarding development standards for:

- Off-Street Parking and Loading Requirements (38)
- Landscape Requirements (39)
- Accessory Structure and Use Regulations (40)
- Fencing, Walls and Screening Requirements (41)
- Exterior Construction and Design Requirements (42)
- Supplemental Regulations (43)
- Performance Standards (44)
- Lighting and Glare Standards (45)
- Home Occupation Regulations (46)
- Special Regulations for Certain Types of Uses (47)
- Reserved for future use (48)
- Definitions (49)

SECTION 16 SF-10 - SINGLE-FAMILY RESIDENTIAL-10 DISTRICT

16.1 GENERAL PURPOSE AND DESCRIPTION:

The SF-10, Single-Family Residential-10, district is intended to provide for development of primarily low-density detached, single-family residences on lots of not less than 10,000 square feet in size, churches, schools and public parks in logical neighborhood units. Areas zoned for the SF-10 district shall have, or shall make provision for, City of Angleton water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved streets with logical and efficient vehicular circulation patterns that discourage non-local traffic; they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

16.2 PERMITTED USES:

A. Those uses listed for the SF-10 district in Section 37 as "P" or "S" are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in Section 35.

16.3 HEIGHT REGULATIONS:

A. **Maximum Height**:
   1. Two and one-half (2.5) stories, and not to exceed thirty-five feet (35'), for the main building/house.
   2. One story for other accessory buildings, including detached garage, garden shed, gazebo, etc.

16.4 AREA REGULATIONS:

A. **Size of Lots**:
   1. **Minimum Lot Area** – Ten thousand (10,000) square feet
   2. **Minimum Lot Width** – Eighty feet (80')
   3. **Minimum Lot Depth** – One hundred ten feet (110')

B. **Size of Yards**:
   1. **Minimum Front Yard** – Thirty feet (30')
   2. **Minimum Side Yard** – Seven and one-half feet (7.5') for interior side yard; fifteen feet (15') for a corner lot on a street; thirty feet (30') for a key corner lot.
   3. **Minimum Rear Yard** – Twenty-five feet (25') for the main building and any accessory building(s). (See Section 40 for accessory building standards.)

C. **Parking Regulations**:
   1. **Single-Family Dwelling Unit** – A minimum of two (2) parking spaces on the same lot as the main structure and on a paved driveway having a minimum length of twenty-five feet (25') as measured from the street right-of-way line
   2. **Other** - See Section 38, Off-Street Parking and Loading Regulations

D. **Minimum Floor Area per Dwelling Unit** – None

E. **Minimum Exterior Construction Standards** – See Section No. 42.

F. **Maximum Impervious Surface Coverage** – Sixty percent (60%).

16.5 **SPECIAL REQUIREMENTS:**

A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.

B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of five (5) or more acres.

C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, etc., which may only be stored in the side or rear yards and which shall be screened from view of public streets and neighboring properties).

D. Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-five feet (25').

E. Swimming pools - See Section No. 47.

F. A Site Plan shall be required for any development that will include: 1) a private amenity or facility comprised of one (1) or more buildings (such as a private recreation/swimming facility, clubhouse, etc.); 2) a golf course; and/or 3) a gated (restricted access) entrance into the development. In these instances, Site Plan submission and approval will be required for these elements (a Site Plan showing the entirety of the proposed subdivision is not required). Site Plan submission and approval shall be in accordance with Section 35.4, but shall not require a public hearing as required by Section 35.4.E.

G. Any nonresidential land use which may be permitted in this district shall conform to the "C-N"-Commercial-Neighborhood district standards.

H. **Other Regulations** - See Sections 38 through 49 regarding development standards for:

- Off-Street Parking and Loading Requirements (38)
- Landscape Requirements (39)
- Accessory Structure and Use Regulations (40)
- Fencing, Walls and Screening Requirements (41)
- Exterior Construction and Design Requirements (42)
- Supplemental Regulations (43)
- Performance Standards (44)
- Lighting and Glare Standards (45)
- Home Occupation Regulations (46)
- Special Regulations for Certain Types of Uses (47)
- Reserved for future use (48)
- Definitions (49)

SECTION 17 SF-7.2 - SINGLE-FAMILY RESIDENTIAL-7.2 DISTRICT

17.1 GENERAL PURPOSE AND DESCRIPTION:

The SF-7.2, Single-Family Residential-7.2, district is intended to provide for development of primarily detached, single-family residences on smaller and more compact lots of not less than 7,200 square feet in size, churches, schools and public parks in logical neighborhood units. Areas zoned for the SF-7.2 district shall have, or shall make provision for, City of Angleton water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved streets with logical and efficient vehicular circulation patterns that discourage non-local traffic; they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

17.2 PERMITTED USES:

A. Those uses listed for the SF-7.2 district in Section 37 as "P" or "S" are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in Section 35.

17.3 HEIGHT REGULATIONS:

A. **Maximum Height**:
   1. Two and one-half (2.5) stories, and not to exceed thirty-five feet (35'), for the main building/house.
   2. One story for other accessory buildings, including detached garage, garden shed, gazebo, etc.

17.4 AREA REGULATIONS:

A. **Size of Lots**:
   1. **Minimum Lot Area** – Seven thousand and two hundred (7,200) square feet
   2. **Minimum Lot Width** – Sixty feet (60')
   3. **Minimum Lot Depth** – One hundred feet (100')

B. **Size of Yards**:
   1. **Minimum Front Yard** – Twenty-five feet (25')
   2. **Minimum Side Yard** – Five feet (5') for interior side yard; fifteen feet (15') for a corner lot on a street; twenty-five feet (25') for a key corner lot.
   3. **Minimum Rear Yard** – Twenty feet (20') for the main building and any accessory building(s); twenty-five feet (25') for rear entry garage. (See Section 40 for accessory building standards.)

C. **Parking Regulations**:
   1. **Single-Family Dwelling Unit** – A minimum of two (2) parking spaces on the same lot as the main structure and on a paved driveway having a minimum length of twenty-five feet (25') as measured from the street right-of-way line
   2. **Other** - See Section 38, Off-Street Parking and Loading Regulations

E. **Minimum Floor Area per Dwelling Unit** – None

F. **Minimum Exterior Construction Standards** – See Section No. 42.

G. **Maximum Impervious Surface Coverage** – Sixty percent (60%).

17.5 **SPECIAL REQUIREMENTS:**

A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.

B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of five (5) or more acres.

C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, etc., which may only be stored in the side or rear yards and which shall be screened from view of public streets and neighboring properties).

D. Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-five feet (25').

E. Swimming pools – See Section No. 47.

F. A Site Plan shall be required for any development that will include: 1) a private amenity or facility comprised of one (1) or more buildings (such as a private recreation/swimming facility, clubhouse, etc.); 2) a golf course; and/or 3) a gated (restricted access) entrance into the development. In these instances, Site Plan submission and approval will be required for these elements (a Site Plan showing the entirety of the proposed subdivision is not required). Site Plan submission and approval shall be in accordance with Section 35.4, but shall not require a public hearing as required by Section 35.4.E.

G. Any nonresidential land use which may be permitted in this district shall conform to the "C-N"-Commercial-Neighborhood district standards.

H. **Other Regulations** - See Sections 38 through 49 regarding development standards for:

- Off-Street Parking and Loading Requirements (38)
- Landscape Requirements (39)
- Accessory Structure and Use Regulations (40)
- Fencing, Walls and Screening Requirements (41)
- Exterior Construction and Design Requirements (42)
- Supplemental Regulations (43)
- Performance Standards (44)
- Lighting and Glare Standards (45)
- Home Occupation Regulations (46)
- Special Regulations for Certain Types of Uses (47)
- Reserved for future use (48)
- Definitions (49)

SECTION 18 SF-6.3 - SINGLE-FAMILY RESIDENTIAL-6 DISTRICT

18.1 GENERAL PURPOSE AND DESCRIPTION:

The SF-6.3, Single-Family Residential-6.3, district is intended to provide for development of primarily detached, single-family residences on small, compact lots of not less than 6,300 square feet in size in logical neighborhood units.

18.2 PERMITTED USES:

A. Those uses listed for the SF-6.3 district in Section 37 as "P" or "S" are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in Section 35.

18.3 HEIGHT REGULATIONS:

A. **Maximum Height**:
   1. Two and one-half (2.5) stories, and not to exceed thirty-five feet (35'), for the main building/house.
   2. One story for other accessory buildings, including detached garage, garden shed, gazebo, etc.

18.4 AREA REGULATIONS:

A. **Size of Lots**:
   1. **Minimum Lot Area** – Six thousand and three hundred (6,300) square feet
   2. **Minimum Lot Width** – Sixty feet (60')
   3. **Minimum Lot Depth** – One hundred feet (100')

B. **Size of Yards**:
   1. **Minimum Front Yard** – Twenty feet (20')
   2. **Minimum Side Yard** – Five feet (5') for interior side yard; fifteen feet (15') for a corner lot on a street; twenty-five feet (25') for a key corner lot.
   3. **Minimum Rear Yard** – Twenty feet (20') for the main building and any accessory building(s); twenty-five feet (25') for rear entry garage. (See Section 40 for accessory building standards.)

C. **Parking Regulations**:
   1. **Single-Family Dwelling Unit** – A minimum of two (2) parking spaces on the same lot as the main structure and on a paved driveway having a minimum length of twenty-five feet (25') as measured from the street right-of-way line
   2. **Other** - See Section 38, Off-Street Parking and Loading Regulations

D. **Minimum Floor Area per Dwelling Unit** – None.

E. **Minimum Exterior Construction Standards** – See Section No. 42.

F. **Maximum Impervious Surface Coverage** – Sixty percent (60%).

18.5 **SPECIAL REQUIREMENTS:**

A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.

B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of five (5) or more acres.

C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, etc., which may only be stored in the side or rear yards and which shall be screened from view of public streets and neighboring properties).

D. Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-five feet (25').

E. Swimming pools Section No. 47.

F. A Site Plan shall be required for any development that will include: 1) a private amenity or facility comprised of one (1) or more buildings (such as a private recreation/swimming facility, clubhouse, etc.); 2) a golf course; and/or 3) a gated (restricted access) entrance into the development. In these instances, Site Plan submission and approval will be required for these elements (a Site Plan showing the entirety of the proposed subdivision is not required). Site Plan submission and approval shall be in accordance with Section 35.4, but shall not require a public hearing as required by Section 35.4.E.

G. Any nonresidential land use which may be permitted in this district shall conform to the "C-N"-Commercial-Neighborhood district standards.

H. **Other Regulations** - See Sections 38 through 49 regarding development standards for:

- Off-Street Parking and Loading Requirements (38)
- Landscape Requirements (39)
- Accessory Structure and Use Regulations (40)
- Fencing, Walls and Screening Requirements (41)
- Exterior Construction and Design Requirements (42)
- Supplemental Regulations (43)
- Performance Standards (44)
- Lighting and Glare Standards (45)
- Home Occupation Regulations (46)
- Special Regulations for Certain Types of Uses (47)
- Reserved for future use (48)
- Definitions (49)

SECTION 19 SF-5 - SINGLE-FAMILY RESIDENTIAL-6 DISTRICT

19.1 GENERAL PURPOSE AND DESCRIPTION:

The SF-5, Single-Family Residential-5, district is intended to provide for development of primarily detached, single-family residences on small, compact lots of not less than 5,000 square feet in size in logical neighborhood units.

19.2 PERMITTED USES:

A. Those uses listed for the SF-5 district in Section 37 as "P" or "S" are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in Section 35.

19.3 HEIGHT REGULATIONS:

A. **Maximum Height**:
   1. Two and one-half (2.5) stories, and not to exceed thirty-five feet (35'), for the main building/house.
   2. One story for other accessory buildings, including detached garage, garden shed, gazebo, etc.

19.4 AREA REGULATIONS:

A. **Size of Lots**:
   1. **Minimum Lot Area** – Five thousand (5,000) square feet
   2. **Minimum Lot Width** – Fifty feet (50')
   3. **Minimum Lot Depth** – One hundred feet (100')

B. **Size of Yards**:
   1. **Minimum Front Yard** – Twenty feet (20')
   2. **Minimum Side Yard** – Five feet (5') for interior side yard; fifteen feet (15') for a corner lot on a street; twenty-five feet (25') for a key corner lot.
   3. **Minimum Rear Yard** – Twenty feet (20') for the main building and any accessory building(s); twenty-five feet (25') for rear entry garage. (See Section 40 for accessory building standards.)

C. **Parking Regulations**:
   1. **Single-Family Dwelling Unit** – A minimum of two (2) parking spaces on the same lot as the main structure and on a paved driveway having a minimum length of twenty-five feet (25') as measured from the street right-of-way line
   2. **Other** - See Section 38, Off-Street Parking and Loading Regulations

D. **Minimum Floor Area per Dwelling Unit** – None.

E. **Minimum Exterior Construction Standards** – See Section No. 42.

F. **Maximum Impervious Surface Coverage** – Sixty percent (60%).

19.5 **SPECIAL REQUIREMENTS:**

A. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.

B. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of five (5) or more acres.

C. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, etc., which may only be stored in the side or rear yards and which shall be screened from view of public streets and neighboring properties).

D. Single-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-five feet (25').

E. Swimming pools Section No. 47.

F. A Site Plan shall be required for any development that will include: 1) a private amenity or facility comprised of one (1) or more buildings (such as a private recreation/swimming facility, clubhouse, etc.); 2) a golf course; and/or 3) a gated (restricted access) entrance into the development. In these instances, Site Plan submission and approval will be required for these elements (a Site Plan showing the entirety of the proposed subdivision is not required). Site Plan submission and approval shall be in accordance with Section 35.4, but shall not require a public hearing as required by Section 35.4.E.

G. Any nonresidential land use which may be permitted in this district shall conform to the "C-N"-Commercial-Neighborhood district standards.

H. **Other Regulations** - See Sections 38 through 49 regarding development standards for:

- Off-Street Parking and Loading Requirements (38)
- Landscape Requirements (39)
- Accessory Structure and Use Regulations (40)
- Fencing, Walls and Screening Requirements (41)
- Exterior Construction and Design Requirements (42)
- Supplemental Regulations (43)
- Performance Standards (44)
- Lighting and Glare Standards (45)
- Home Occupation Regulations (46)
- Special Regulations for Certain Types of Uses (47)
- Reserved for future use (48)
- Definitions (49)

SECTION 20 SF-PH - SINGLE-FAMILY RESIDENTIAL - PATIO HOME DISTRICT (Zero-Lot-Line Homes)

20.1 GENERAL PURPOSE AND DESCRIPTION:

The SF-PH, Single-Family Residential-Patio Home, district is designed to provide for development of primarily detached single-family residences on compact lots having one side yard reduced to zero feet (i.e., "zero-lot-line"), and having not less than five thousand (5,000) square feet. Patio home developments shall be arranged in a clustered lot pattern with a common usable open space system that is an integral part of the development. Areas zoned for the SF-PH district shall have, or shall make provision for, City of Angleton water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved streets with logical and efficient vehicular circulation patterns that discourage non-local traffic; they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

20.2 PERMITTED USES:

A. Those uses listed for the SF-PH district in Section 37 as “P” or “S” are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in Section 35.

20.3 HEIGHT REGULATIONS:

A. **Maximum Height**:
   1. Two and one-half (2.5) stories, and not to exceed thirty-five feet (35'), for the main building/house.
   2. One story for other accessory buildings, including detached garage, garden shed, gazebo, etc.

20.4 AREA REGULATIONS:

A. **Size of Lots**:
   1. **Minimum Lot Area** – Five thousand (5,000) square feet
   2. **Maximum Project Size** – The maximum size of a patio home development shall be forty (40) acres.
   3. **Minimum Lot Width** – Fifty feet (50')
   4. **Minimum Lot Depth** – One hundred feet (100')

B. **Size of Yards**:
   1. **Minimum Front Yard** – Twenty feet (20’); twenty-five feet (25') to the garage door face for front-entry homes
   2. **Minimum Side Yard** – One side yard reduced to zero feet (0'); other side yard a minimum of ten feet (10') required with fifteen feet (15') required on corner lots adjacent to a residential or collector street, and twenty feet (20’) required on corner lots adjacent to an arterial street; twenty feet (20’) for a key corner lot on any street.
   3. **Minimum Rear Yard** - Ten feet (10’) for the main building and any accessory building(s); twenty-five feet (25’) for rear entry garage.

C. **Parking Regulations**:

1. **Single-Family Dwelling Unit** – A minimum of two (2) parking spaces on the same lot as the main structure and on a paved driveway having a minimum length of twenty-five feet (25’) as measured from the street right-of-way line
2. **Other -** See Section 38, Off-Street Parking and Loading Requirements

D. **Minimum Floor Area per Dwelling Unit** – None.

E. **Minimum Exterior Construction Standards** – See Section No. 42.

F. **Maximum Impervious Surface Coverage** – Seventy percent (70%).

20.5 SPECIAL REQUIREMENTS:

A. Patio home developments shall be developed as zero-lot-line homes. One side yard shall be reduced to zero feet, while the other side yard shall be a minimum of ten feet (10'); fifteen feet for a corner lot on the residential or collector street side, or twenty feet for a corner lot on an arterial street). A minimum five-foot (5') wide maintenance and utility easement shall be placed on the adjacent lot (i.e., the other side of the zero-lot-line) to enable the property owner to maintain that portion of his/her house that is on the zero-lot-line. Side yards and maintenance and utility easements shall be shown on the subdivision plat. A minimum separation between patio homes of ten feet (10') shall be provided. Roof overhangs will be allowed to project into the maintenance and utility easement a maximum of twenty-four inches (24"), but the maintenance and utility easement shall remain reasonably accessible to the adjacent homeowner to perform maintenance and repairs to all portions of the exterior of his/her home. No accessory building, pool, or stored materials (e.g., firewood, garden or construction materials, etc.) shall be located or stored within the maintenance easement; wooden decking may be located within the maintenance easement.

B. **Maintenance Requirements for Common Areas -** A property owners association is required for continued maintenance of common land and facilities.

C. Single-family lots and detached dwellings constructed in this district shall conform to the standards as set forth in the SF-5 zoning district.

D. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.

E. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of five (5) or more acres.

F. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, etc., which may only be stored in the side or rear yards and which shall be screened from view of public streets and neighboring properties).

G. Homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-five feet (25’).

H. Swimming pools – See Section No. 47.

I. A Site Plan shall be required for any development that will include: 1) a private amenity or facility comprised of one (1) or more buildings (such as a private recreation/swimming facility, clubhouse, etc.); 2) a golf course; and/or 3) a gated (restricted access) entrance into the development. In these instances, Site Plan submission and approval will be required for these elements (a Site Plan showing the entirety of the proposed subdivision is not required). Site Plan submission and approval shall be in accordance with Section 35.4, but shall not require a public hearing as required by Section 35.4.E.

J. Any nonresidential land use which may be permitted in this district shall conform to the "C-N"-Commercial-Neighborhood district standards.

K. **Other Regulations** - See Sections 38 through 49 regarding development standards for:

- Off-Street Parking and Loading Requirements (38)
- Landscape Requirements (39)
- Accessory Structure and Use Regulations (40)
- Fencing, Walls and Screening Requirements (41)
- Exterior Construction and Design Requirements (42)
- Supplemental Regulations (43)
- Performance Standards (44)
- Lighting and Glare Standards (45)
- Home Occupation Regulations (46)
- Special Regulations for Certain Types of Uses (47)
- Reserved for future use (48)
- Definitions (49)

SECTION 21 2F – TWO-FAMILY RESIDENTIAL DISTRICT (Duplex Homes)

21.1 GENERAL PURPOSE AND DESCRIPTION:

The 2F, Two-Family Residential, district is intended to promote stable, quality multiple-occupancy residential development at slightly increased densities. Individual ownership of each of the two-family or duplex units is encouraged. This district is typically used as a "buffer" or transition district between lower density residential areas and higher density or non-residential areas or major thoroughfares. Areas zoned for the 2F district shall have, or shall make provision for, City of Angleton water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved streets with logical and efficient vehicular circulation patterns which discourage non-local traffic; they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

21.2 PERMITTED USES:

A. Those uses listed for the 2F district in Section 37 as “P” or “S” are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in Section 35.

21.3 HEIGHT REGULATIONS:

A. **Maximum Height**
   1. Two and one-half (2.5) stories, and not to exceed thirty-five feet (35'), for the main building/house.
   2. One story for other accessory buildings, including detached garage, garden shed, gazebo, etc.

21.4 AREA REGULATIONS:

A. **Size of Lots for Two-Family/Duplex Homes**:
   1. **Minimum Lot Area** – Ten thousand (10,000) square feet per pair of dwelling units; five thousand (5,000) square feet per dwelling unit.
   2. **Minimum Lot Width** – Eighty feet (80’)
   3. **Minimum Lot Depth** – One hundred feet (100’)

B. **Size of Yards for Two-Family/Duplex Homes**:
   1. **Minimum Front Yard** – Twenty-five feet (25’); twenty-five feet (25') to the garage door face for front-entry homes.
   2. **Minimum Side Yard** – Five feet (5’) required with fifteen feet (15') required on corner lots adjacent to a residential or collector street, and twenty feet (20’) required on corner lots adjacent to an arterial street; twenty-five feet (25’) for key corner lot on any street.
   3. **Minimum Rear Yard** – Twenty-five feet (25’) for the main building and any accessory building(s); twenty-five feet (25’) for rear entry garage. (See Section 40 for exceptions.)

C. **Parking Regulations**:

1. A minimum of two (2) parking spaces for each dwelling unit on the same lot as the main structure and on a paved driveway having a minimum length of twenty-five feet (25') as measured from the street right-of-way line
2. –Also see Section 38, Off-Street Parking and Loading Regulations

D. **Minimum Floor Area per Dwelling Unit for Two-Family/Duplex Homes** – None.

E. **Minimum Exterior Construction Standards** – See Section No. 42.

F. **Maximum Impervious Surface Coverage** – Sixty percent (60%).

21.5 **SPECIAL REQUIREMENTS:**

A. Single-family lots and detached dwellings constructed in this district shall conform to the standards as set forth in the SF-6.3 zoning district.

B. The elimination of a garage space by enclosing the garage with a stationary building wall shall be prohibited.

C. Recreational vehicles, travel trailers, or motor homes may not be used for on-site dwelling purposes.

D. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of five (5) or more acres.

E. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, etc., which may only be stored in the side or rear yards and which shall be screened from view of public streets and neighboring properties).

F. Single-family and two-family homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-five feet (25').

G. Swimming pools Section No. 47

H. A Site Plan shall be required for any development that will include: 1) a private amenity or facility comprised of one (1) or more buildings (such as a private recreation/swimming facility, clubhouse, etc.); 2) a golf course; and/or 3) a gated (restricted access) entrance into the development. In these instances, Site Plan submission and approval will be required for these elements (a Site Plan showing the entirety of the proposed subdivision is not required). Site Plan submission and approval shall be in accordance with Section 35.4, but shall not require a public hearing as required by Section 35.4.E.

I. Any nonresidential land use which may be permitted in this district shall conform to the "C-N"-Commercial-Neighborhood district standards.

J. **Other Regulations** - See Sections 38 through 49 regarding development standards for:
- Off-Street Parking and Loading Requirements (38)
- Landscape Requirements (39)
- Accessory Structure and Use Regulations (40)

- Fencing, Walls and Screening Requirements (41)
- Exterior Construction and Design Requirements (42)
- Supplemental Regulations (43)
- Performance Standards (44)
- Lighting and Glare Standards (45)
- Home Occupation Regulations (46)
- Special Regulations for Certain Types of Uses (47)
- Reserved for future use (48)
- Definitions (49)

SECTION 22 SFA - SINGLE-FAMILY ATTACHED RESIDENTIAL DISTRICT (Townhomes)

22.1 GENERAL PURPOSE AND DESCRIPTION:

The SFA, Single-Family Attached Residential, district is intended to promote stable, quality, attached-occupancy residential development on individual lots at higher residential densities. Individual ownership of each lot and dwelling unit is encouraged. This district may be included within certain areas of neighborhoods or, when in accordance with the intent of the Comprehensive Plan, may provide a "buffer" or transition district between lower density residential areas and multi-family or non-residential areas or major thoroughfares. Areas zoned for the SFA district shall have, or shall make provision for, City of Angleton water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved streets with logical and efficient vehicular circulation patterns which discourage non-local traffic; they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

22.2 PERMITTED USES:

A. Those uses listed for the SFA district in Section 37 as “P” or “S” are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in Section 35.

22.3 HEIGHT REGULATIONS:

A. **Maximum Height**
   1. Two and one-half (2.5) stories, and not to exceed thirty-five feet (35'), for the main building/house; where a structure exceeds twenty-five feet (25’) in height, it shall be set back from the front property line one (1) additional foot beyond the required front yard setback for each foot above twenty-five feet (25’) in height.
   2. One story for other accessory buildings, including detached garage, carports, garden shed, gazebo, clubhouse, mail kiosks, etc.
   3. Other requirements (see Section 43).

22.4 AREA REGULATIONS:

A. **Size of Lots**:
   1. **Minimum Lot Area** – Two thousand five hundred (2,500) square feet
   2. **Maximum Density** – Ten (10) units per gross acre of land area within the development
   3. **Maximum Project Size** – The maximum size of a single-family attached residential development shall be twenty-five (25) acres.
   4. **Minimum Lot Width** – Twenty feet (20’)
   5. **Minimum Lot Depth** – One hundred feet (100’)

B. **Size of Yards**:
   1. **Minimum Front Yard** – Twenty-five feet (25’); front yard setback shall be staggered in at least four-foot (4’) increments such that no more than two (2) units have the same front setback in a row, and such that at least 30% of the lots along any block face are set back at

least fifteen feet (15’); no front-entry garages permitted unless the garage door or carport access opening is set back at least twenty feet (20’) from the property line (i.e., the right-of-way or street easement line).

2. **Minimum Side Yard**
   a. Single-family attached dwellings shall not have an interior side yard; however, a minimum fifteen-foot (15') side yard is required for a corner lot adjacent to a residential or collector street, and a minimum twenty-foot (20’) side yard is required for a corner lot adjacent to an arterial street. The ends of any two adjacent building complexes or rows of buildings shall be at least twenty feet (20’) apart. The required side yards shall be designated upon a final plat approved by the City Council.
   b. A complex or continuous row of attached single-family dwellings shall have a minimum length of four (4) dwelling units (quadriplex), a maximum length of eight (8) dwelling units, and shall not exceed two hundred eighty feet (280’) in length.
3. **Minimum Rear Yard** – Fifteen feet (15’) for the main building and any accessory building(s); twenty-five feet (25’) for rear entry garage.

C. **Maximum Lot Coverage:** Seventy percent (70%) by main and accessory buildings on each individual lot.

D. **Parking Regulations**:
1. A minimum of two (2) parking spaces for each dwelling unit, located behind, beside or incorporated into the dwelling unit, and accessed only from the rear via an alley, and located on the same lot as each dwelling unit (see Section 38, Off-Street Parking and Loading Requirements).
2. Designated visitor parking spaces shall be provided in off-street, common areas at a ratio of one (1) guest/visitor space per four (4) units.
3. Additional parking shall be required for any recreational uses, clubhouse, office, sales offices and other similar accessory structures and uses.

E. **Minimum Floor Area per Dwelling Unit** – Eight hundred (800) square feet of air-conditioned floor area

F. **Minimum Exterior Construction Standards** – See Section No. 42.

22.5 SPECIAL REQUIREMENTS:

A. **Maintenance Requirements for Common Areas** - A property owners association is required for continued maintenance of common land and facilities.

B. **Alleys** - If allies are constructed along with the rest of the subdivision (i.e., at the same time as the streets, utilities, etc.), they shall be in conformance with the City’s design standards for alleys.

C. **Refuse Facilities** - Every single-family attached dwelling unit shall be located within two hundred feet (200') of a refuse facility, measured along the designated pedestrian and vehicular travel way. A refuse facility shall be a dumpster or other similar container designed for receiving garbage in bulk for more than one dwelling, and all refuse containers shall be maintained in accordance with local public health and sanitary regulations. Refuse containers shall be located no closer than thirty feet (30') to any adjacent single-family property, shall be located so as to provide safe and convenient pickup by refuse collection agencies, and shall be screened in

accordance with Subsection 41.2(G) of this Ordinance. (See Illustration 16 and 17 for refuse container enclosure diagrams).

E. All utilities shall be provided separately to each lot within an SFA district so that each unit is individually metered.

F. Single-family detached dwellings (and their respective lots) constructed within this district shall conform to the standards as set forth in the SF-6.3 district.

G. Each SFA lot shall contain a private yard with not less than four hundred (400) square feet of area (i.e., a back yard or large side yard). Private yards may include a patio cover, gazebo or other similar non-enclosed structure which does not cover more than twenty-five percent (25%) of the area of the private yard, and they may also include a swimming pool, swing set, play fort, or other private leisure amenity.

H. The elimination of a garage space by enclosing the garage with a stationary building wall shall be prohibited.

I. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.

J. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of five (5) or more acres.

K. Open storage is prohibited (except for materials for the resident's personal use or consumption such as firewood, garden materials, etc., which may only be stored in the side or rear yards and which shall be screened from view of public streets and neighboring properties).

L. Homes with side-entry garages where lot frontage is only to one street (not a corner lot) shall have a minimum of twenty-five feet (25') from the door face of the garage or carport to the side property line for maneuvering. The minimum setback from any garage door to a street or alley right-of-way line shall also be twenty-five feet (25’).

M. A Site Plan shall be required for any SFA development, or for any other type of development in the SFA district that will include: 1) a private amenity or facility comprised of one (1) or more buildings (such as a private recreation/swimming facility, clubhouse, etc.); 2) a golf course; and/or 3) a gated (restricted access) entrance into the development. In these instances, Site Plan submission and approval will be required for these elements (a Site Plan showing the entirety of the proposed subdivision is not required). Site Plan submission and approval shall be in accordance with Section 35.4, but shall not require a public hearing as required by Section 35.4.E.

N. Any nonresidential land use which may be permitted in this district shall conform to the “C-N”-Commercial-Neighborhood district standards. All buildings within a non-residential development shall be architecturally compatible with each other, in that they shall use similar exterior finish colors and materials to achieve an overall, visually compatible appearance when viewed from the road.

O. Gated/secured entrances shall be in accordance with the City’s design standards for gated/secured entrances on private streets.

P. **Other Regulations** - See Sections 38 through 49 regarding development standards for:

- Off-Street Parking and Loading Requirements (38)
- Landscape Requirements (39)
- Accessory Structure and Use Regulations (40)
- Fencing, Walls and Screening Requirements (41)
- Exterior Construction and Design Requirements (42)
- Supplemental Regulations (43)
- Performance Standards (44)
- Lighting and Glare Standards (45)
- Home Occupation Regulations (46)
- Special Regulations for Certain Types of Uses (47)
- Reserved for future use (48)
- Definitions (49)

SECTION 23 MFR-14 – MULTI-FAMILY RESIDENTIAL-14 DISTRICT (Apartments)

23.1 GENERAL PURPOSE AND DESCRIPTION:

The MFR-14, Multi-Family Residential-14, district is an attached residential district intended to provide moderate residential density of up to fourteen (14) dwelling units per acre. The principal permitted land uses will include low-rise multiple-family dwellings and garden apartments. Recreational, religious, health and educational uses normally located to service residential areas are also permitted in this district. This district should be located adjacent to a major thoroughfare and serve as a buffer between non-residential development or heavy automobile traffic and medium- or low-density residential development. Areas zoned for the MFR-14 district shall have, or shall make provision for, City of Angleton water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved drive aisles with logical and efficient vehicular circulation patterns; they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

23.2 PERMITTED USES:

A. Those uses listed for the MFR-14 district in Section 37 as "P" or "S" are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in Section 35.

23.3 HEIGHT REGULATIONS:

A. **Maximum Height**:
   1. Two (2) stories, and not to exceed thirty-five feet (35'), for the main building(s).
   2. One story for other accessory buildings, including detached garages, carports, clubhouse, gazebo, mail kiosks, laundry rooms, etc.
   3. Other requirements (see Section 43).

23.4 AREA REGULATIONS:

A. **Size of Lots**:
   1. **Minimum Lot Area** – Three thousand (3,000) square feet per dwelling unit, not to exceed fourteen (14) dwelling units per acre (calculated on gross acreage). The minimum lot (i.e., project) size shall be six thousand and three hundred (6,300) square feet.
   2. **Minimum Lot Width** – Sixty feet (60')
   3. **Minimum Lot Depth** – One hundred feet (100')

B. **Size of Yards:**
   1. **Minimum Front Yard** – Twenty-five feet (25'). All areas adjacent to a street shall be deemed front yards. See Section 43 for additional setback requirements.
   2. **Minimum Side and Rear Yard** – Fifteen feet (15'), unless adjacent to a single-family, duplex, patio home or single-family attached district then side and rear setbacks shall be according to the height of the multi-family building, as follows:
      a. One-story building – twenty-five feet (25')
      b. Two-story building – fifty feet (50')

3. **Building Separation:**
   a. One-story buildings – Fifteen feet (15') for buildings without openings; twenty feet (20') for buildings with openings
   b. Two-story buildings (or a two-story building adjacent to a one-story building) – Twenty feet (20') for buildings without openings; twenty-five feet (25') for buildings with openings
   c. Between a main building and an accessory building – ten feet (10')

C. **Minimum Floor Area per Dwelling Unit:** Six hundred (600) square feet of air-conditioned floor area
   1. At least sixty percent (60%) of the total building area for dwelling units (i.e., not including clubhouses, laundry rooms, mail kiosks, etc.) shall be located on the first floor (i.e., maximum of 40% of dwelling unit square footage above the first story)

D. **Maximum Impervious Surface Coverage** – Fifty percent (50%).

E. **Parking Regulations**:
   1. 1.5 spaces for each efficiency or one-bedroom unit
   2. 2 spaces for each two-bedroom unit
   3. 2.5 spaces for each three-bedroom unit
   4. 3 spaces for each four- or more-bedroom unit
   5. The average number of parking spaces for the total development shall be no less than two (2) spaces per dwelling unit.
   6. No parking space may be located closer than six feet (6') from any building, nor closer than two feet (2') from any side or rear lot line.
   7. At least one (1) resident parking space per dwelling unit shall be covered.
   8. See Section 38, Off-Street Parking and Loading Requirements, for additional requirements.

F. **Minimum Exterior Construction Standards** – See Section No. 42.

23.5 SPECIAL REQUIREMENTS:

A. **Landscape Area Requirements** – See Section 39 for landscaping requirements.

B. **Refuse Facilities** - Every multi-family dwelling unit shall be located within two hundred feet (200') of a refuse facility, measured along the designated pedestrian travel way. A refuse facility shall be a dumpster or other similar container designed for receiving garbage in bulk for more than one dwelling, and all refuse containers shall be maintained in accordance with local public health and sanitary regulations. Refuse containers shall be located no closer than thirty feet (30') to any adjacent single-family property, shall be located so as to provide safe and convenient pickup by refuse collection agencies, and shall be screened in accordance with Subsection 41.2(G) of this Ordinance. (See Illustration 16 and 17 for refuse container enclosure diagrams).

C. **Screening Requirements** – See Section 41 for screening requirements.

D. Single-family, duplex, patio home, or townhouse residential units constructed in this district shall conform to SF-6.3, 2F, SF-PH or SFA district standards, respectively.

E. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.

F. Open storage is prohibited.

G. All points on the exterior facades of all buildings shall be within one hundred fifty feet (150') of a dedicated fire lane easement (as measured by an unobstructed pathway, or route, for fire hoses).

H. A four-foot (4') wide ADA paved walkway shall connect the front door of each ground floor unit to a parking area. The minimum width of any sidewalk adjacent to head-in parking spaces shall be six feet (6') to accommodate a two-foot (2') bumper overhang for vehicles.

I. Buildings shall not exceed two hundred feet (200') in length.

J. Boats, campers, trailers and other recreational vehicles shall be prohibited unless oversize vehicle parking areas are provided. This parking area shall not be used to meet the minimum parking requirements, and shall not be visible from a public street.

K. All buildings containing residential units shall provide signage that clearly identifies the numbers (i.e., addresses) of the units within each building. Signage shall be visible from entrances into the complex and/or from vehicular drive aisles within the complex such that each individual unit is easy to locate by visitors, delivery persons, and/or emergency personnel.

L. All parking areas shall have appropriate lighting and shall be positioned such that no light adversely impacts adjacent residential areas.

M. Any nonresidential land use which may be permitted in this district shall conform to the "C-N"-Commercial-Neighborhood district standards. All buildings within a non-residential development shall be architecturally compatible with each other, in that they shall use similar exterior finish colors and materials to achieve an overall, visually compatible appearance when viewed from the road.

N. Gated/secured entrances shall be in accordance with the City's design standards for gated/secured entrances on private streets.

O. A Site Plan shall be required for any MFR development, or for any other type of development in the MFR-14 district that will include: 1) a private amenity or facility comprised of one (1) or more buildings (such as a private recreation/swimming facility, clubhouse, etc.); 2) a golf course; and/or 3) a gated (restricted access) entrance into the development. In these instances, Site Plan submission and approval will be required for these elements (a Site Plan showing the entirety of the proposed subdivision is not required). Site Plan submission and approval shall be in accordance with Section 35.4, but shall not require a public hearing as required by Section 35.4.E.

P. **Other Regulations** - See Sections 38 through 49 regarding development standards for:

- Off-Street Parking and Loading Requirements (38)
- Landscape Requirements (39)
- Accessory Structure and Use Regulations (40)
- Fencing, Walls and Screening Requirements (41)
- Exterior Construction and Design Requirements (42)
- Supplemental Regulations (43)
- Performance Standards (44)
- Lighting and Glare Standards (45)
- Home Occupation Regulations (46)
- Special Regulations for Certain Types of Uses (47)

- Reserved for future use (48)
- Definitions (49)

SECTION 24 MFR-21 – MULTI-FAMILY RESIDENTIAL-29 DISTRICT (Apartments)

24.1 GENERAL PURPOSE AND DESCRIPTION:

The MFR-21, Multi-Family Residential-21, district is an attached residential district intended to provide high residential density of up to twenty-one (21) dwelling units per acre. The principal permitted land uses will include low-rise multiple-family dwellings and garden apartments. Recreational, religious, health and educational uses normally located to service residential areas are also permitted in this district. This district should be located adjacent to a major thoroughfare and serve as a buffer between non-residential development or heavy automobile traffic and medium- or low-density residential development. Areas zoned for the MFR-21 district shall have, or shall make provision for, City of Angleton water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved drive aisles with logical and efficient vehicular circulation patterns; they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

24.2 PERMITTED USES:

A. Those uses listed for the MFR-21 district in Section 37 as "P" or "S" are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in Section 35.

24.3 HEIGHT REGULATIONS:

A. **Maximum Height**:
   1. Three (3) stories, and not to exceed forty feet (40'), for the main building(s).
   2. One story for other accessory buildings, including detached garages, carports, clubhouse, gazebo, mail kiosks, laundry rooms, etc.
   3. Other requirements (see Section 43).

24.4 AREA REGULATIONS:

A. **Size of Lots**:
   1. **Minimum Lot Area** – One thousand and five hundred (1,500) square feet per dwelling unit, not to exceed twenty-nine (29) dwelling units per acre (calculated on gross acreage). The minimum lot (i.e., project) size shall be six thousand and three hundred (6,300) square feet.
   2. **Minimum Lot Width** – Sixty feet (60')
   3. **Minimum Lot Depth** – One hundred feet (100')

B. **Size of Yards:**
   1. **Minimum Front Yard** – Twenty-five feet (25'). All areas adjacent to a street shall be deemed front yards. See Section 43 for additional setback requirements.
   2. **Minimum Side and Rear Yard** – Fifteen feet (15'), unless adjacent to a single-family, duplex, patio home or single-family attached district then side and rear setbacks shall be according to the height of the multi-family building, as follows:
      a. One-story building – twenty-five feet (25')

b. Two-story building – fifty feet (50’)

3. **Building Separation:**
   a. One-story buildings – Fifteen feet (15') for buildings without openings; twenty feet (20’) for buildings with openings
   b. Two-story buildings (or a two-story building adjacent to a one-story building) – Twenty feet (20') for buildings without openings; twenty-five feet (25’) for buildings with openings
   c. Between a main building and an accessory building – ten feet (10’)

C. **Minimum Floor Area per Dwelling Unit:** Six hundred (600) square feet of air-conditioned floor area
   1. At least sixty percent (60%) of the total building area for dwelling units (i.e., not including clubhouses, laundry rooms, mail kiosks, etc.) shall be located on the first floor (i.e., maximum of 40% of dwelling unit square footage above the first story)

D. **Maximum Impervious Surface Coverage** – Fifty percent (50%).

E. **Parking Regulations**:
   1. 1.5 spaces for each efficiency or one-bedroom unit
   2. 2 spaces for each two-bedroom unit
   3. 2.5 spaces for each three-bedroom unit
   4. 3 spaces for each four- or more-bedroom unit
   5. The average number of parking spaces for the total development shall be no less than two (2) spaces per dwelling unit.
   6. No parking space may be located closer than six feet (6’) from any building, nor closer than two feet (2’) from any side or rear lot line.
   7. At least one (1) resident parking space per dwelling unit shall be covered.
   8. See Section 38, Off-Street Parking and Loading Requirements, for additional requirements.

F. **Minimum Exterior Construction Standards** – See Section No. 42.

24.5 SPECIAL REQUIREMENTS:

A. **Landscape Area Requirements** – See Section 39 for landscaping requirements.

B. **Refuse Facilities -** Every multi-family dwelling unit shall be located within two hundred feet (200') of a refuse facility, measured along the designated pedestrian travel way. A refuse facility shall be a dumpster or other similar container designed for receiving garbage in bulk for more than one dwelling, and all refuse containers shall be maintained in accordance with local public health and sanitary regulations. Refuse containers shall be located no closer than thirty feet (30') to any adjacent single-family property, shall be located so as to provide safe and convenient pickup by refuse collection agencies, and shall be screened in accordance with Subsection 41.2(G) of this Ordinance. (See Illustration 16 and 17 for refuse container enclosure diagrams).

C. **Screening Requirements** – See Section 41 for screening requirements.

D. Single-family, duplex, patio home, or townhouse residential units constructed in this district shall conform to SF-6.3, 2F, SF-PH or SFA district standards, respectively.

E. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.

F. Open storage is prohibited.

G. All points on the exterior facades of all buildings shall be within one hundred fifty feet (150') of a dedicated fire lane easement (as measured by an unobstructed pathway, or route, for fire hoses).

H. A four-foot (4') wide ADA paved walkway shall connect the front door of each ground floor unit to a parking area. The minimum width of any sidewalk adjacent to head-in parking spaces shall be six feet (6') to accommodate a two-foot (2') bumper overhang for vehicles.

I. Buildings shall not exceed two hundred feet (200') in length.

J. Boats, campers, trailers and other recreational vehicles shall be prohibited unless oversize vehicle parking areas are provided. This parking area shall not be used to meet the minimum parking requirements, and shall not be visible from a public street.

K. All buildings containing residential units shall provide signage that clearly identifies the numbers (i.e., addresses) of the units within each building. Signage shall be visible from entrances into the complex and/or from vehicular drive aisles within the complex such that each individual unit is easy to locate by visitors, delivery persons, and/or emergency personnel.

L. All parking areas shall have appropriate lighting and shall be positioned such that no light adversely impacts adjacent residential areas.

M. Any nonresidential land use which may be permitted in this district shall conform to the "C-N"-Commercial-Neighborhood district standards. All buildings within a non-residential development shall be architecturally compatible with each other, in that they shall use similar exterior finish colors and materials to achieve an overall, visually compatible appearance when viewed from the road.

N. Gated/secured entrances shall be in accordance with the City's design standards for gated/secured entrances on private streets.

O. A Site Plan shall be required for any MFR development, or for any other type of development in the MFR-29 district that will include: 1) a private amenity or facility comprised of one (1) or more buildings (such as a private recreation/swimming facility, clubhouse, etc.); 2) a golf course; and/or 3) a gated (restricted access) entrance into the development. In these instances, Site Plan submission and approval will be required for these elements (a Site Plan showing the entirety of the proposed subdivision is not required). Site Plan submission and approval shall be in accordance with Section 35.4, but shall not require a public hearing as required by Section 35.4.E.

P. **Other Regulations** - See Sections 38 through 49 regarding development standards for:

- Off-Street Parking and Loading Requirements (38)
- Landscape Requirements (39)
- Accessory Structure and Use Regulations (40)
- Fencing, Walls and Screening Requirements (41)
- Exterior Construction and Design Requirements (42)
- Supplemental Regulations (43)
- Performance Standards (44)
- Lighting and Glare Standards (45)
- Home Occupation Regulations (46)

- Special Regulations for Certain Types of Uses (47)
- Reserved for future use (48)
- Definitions (49)

SECTION 25 MFR-29 – MULTI-FAMILY RESIDENTIAL-36 DISTRICT (Apartments)

25.1 GENERAL PURPOSE AND DESCRIPTION:

The MFR-29, Multi-Family Residential-29, district is an attached residential district intended to provide the highest residential density of up to twenty-nine (29) dwelling units per acre. The principal permitted land uses will include low-rise multiple-family dwellings and garden apartments. Recreational, religious, health and educational uses normally located to service residential areas are also permitted in this district. This district should be located adjacent to a major thoroughfare and serve as a buffer between non-residential development or heavy automobile traffic and medium- or low-density residential development. Areas zoned for the MFR-29 district shall have, or shall make provision for, City of Angleton water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved drive aisles with logical and efficient vehicular circulation patterns; they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

25.2 PERMITTED USES:

A. Those uses listed for the MFR-29 district in Section 37 as "P" or "S" are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in Section 35.

25.3 HEIGHT REGULATIONS:

A. **Maximum Height**:
   1. Three (3) stories, and not to exceed forty feet (40'), for the main building(s).
   2. One story for other accessory buildings, including detached garages, carports, clubhouse, gazebo, mail kiosks, laundry rooms, etc.
   3. Other requirements (see Section 43).

25.4 AREA REGULATIONS:

A. **Size of Lots**:
   1. **Minimum Lot Area** – One thousand and two hundred (1,200) square feet per dwelling unit, not to exceed thirty-six (36) dwelling units per acre (calculated on gross acreage). The minimum lot (i.e., project) size shall be six thousand and three hundred (6,300) square feet.
   2. **Minimum Lot Width** – Sixty feet (60')
   3. **Minimum Lot Depth** – One hundred feet (100')

B. **Size of Yards:**
   1. **Minimum Front Yard** – Twenty-five feet (25'). All areas adjacent to a street shall be deemed front yards. See Section 43 for additional setback requirements.
   2. **Minimum Side and Rear Yard** – Fifteen feet (15'), unless adjacent to a single-family, duplex, patio home or single-family attached district then side and rear setbacks shall be according to the height of the multi-family building, as follows:
      a. One-story building – twenty-five feet (25')
      b. Two-story building – fifty feet (50')

c. Over two-story building – seventy-five feet (75’)

3. **Building Separation:**
   a. One-story buildings – Fifteen feet (15') for buildings without openings; twenty feet (20’) for buildings with openings
   b. Two-story buildings (or a two-story building adjacent to a one-story building) – Twenty feet (20') for buildings without openings; twenty-five feet (25’) for buildings with openings
   c. Over two-story buildings (or an over two-story building adjacent to a one- or two-story building) – Twenty-five feet (25’) for buildings with or without openings
   d. Between a main building and an accessory building – ten feet (10’)

C. **Minimum Floor Area per Dwelling Unit:** Six hundred (600) square feet of air-conditioned floor area
   1. At least sixty percent (60%) of the total building area for dwelling units (i.e., not including clubhouses, laundry rooms, mail kiosks, etc.) shall be located on the first floor (i.e., maximum of 40% of dwelling unit square footage above the first story)

D. **Maximum Impervious Surface Coverage** – Fifty percent (50%).

E. **Parking Regulations**:
   1. 1.5 spaces for each efficiency or one-bedroom unit
   2. 2 spaces for each two-bedroom unit
   3. 2.5 spaces for each three-bedroom unit
   4. 3 spaces for each four- or more-bedroom unit
   5. The average number of parking spaces for the total development shall be no less than two (2) spaces per dwelling unit.
   6. No parking space may be located closer than six feet (6’) from any building, nor closer than two feet (2’) from any side or rear lot line.
   7. At least one (1) resident parking space per dwelling unit shall be covered.
   8. See Section 38, Off-Street Parking and Loading Requirements, for additional requirements.

F. **Minimum Exterior Construction Standards** – See Section No. 42.

25.5 SPECIAL REQUIREMENTS:

A. **Landscape Area Requirements** – See Section 39 for landscaping requirements.

B. **Refuse Facilities** – Every multi-family dwelling unit shall be located within two hundred feet (200') of a refuse facility, measured along the designated pedestrian travel way. A refuse facility shall be a dumpster or other similar container designed for receiving garbage in bulk for more than one dwelling, and all refuse containers shall be maintained in accordance with local public health and sanitary regulations. Refuse containers shall be located no closer than thirty feet (30') to any adjacent single-family property, shall be located so as to provide safe and convenient pickup by refuse collection agencies, and shall be screened in accordance with Subsection 41.2(G) of this Ordinance. (See Illustration 16 and 17 for refuse container enclosure diagrams).

C. **Screening Requirements** – See Section 41 for screening requirements.

D. Single-family, duplex, patio home, or townhouse residential units constructed in this district shall conform to SF-6.3, 2F, SF-PH or SFA district standards, respectively.

E. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling purposes.

F. Open storage is prohibited.

G. All points on the exterior facades of all buildings shall be within one hundred fifty feet (150') of a dedicated fire lane easement (as measured by an unobstructed pathway, or route, for fire hoses).

H. A four-foot (4') wide ADA paved walkway shall connect the front door of each ground floor unit to a parking area. The minimum width of any sidewalk adjacent to head-in parking spaces shall be six feet (6') to accommodate a two-foot (2') bumper overhang for vehicles.

I. Buildings shall not exceed two hundred feet (200') in length.

J. Boats, campers, trailers and other recreational vehicles shall be prohibited unless oversize vehicle parking areas are provided. This parking area shall not be used to meet the minimum parking requirements, and shall not be visible from a public street.

K. All buildings containing residential units shall provide signage that clearly identifies the numbers (i.e., addresses) of the units within each building. Signage shall be visible from entrances into the complex and/or from vehicular drive aisles within the complex such that each individual unit is easy to locate by visitors, delivery persons, and/or emergency personnel.

L. All parking areas shall have appropriate lighting and shall be positioned such that no light adversely impacts adjacent residential areas.

M. Any nonresidential land use which may be permitted in this district shall conform to the "C-N"-Commercial-Neighborhood district standards. All buildings within a non-residential development shall be architecturally compatible with each other, in that they shall use similar exterior finish colors and materials to achieve an overall, visually compatible appearance when viewed from the road.

N. Gated/secured entrances shall be in accordance with the City's design standards for gated/secured entrances on private streets.

O. A Site Plan shall be required for any MFR development, or for any other type of development in the MFR-36 district that will include: 1) a private amenity or facility comprised of one (1) or more buildings (such as a private recreation/swimming facility, clubhouse, etc.); 2) a golf course; and/or 3) a gated (restricted access) entrance into the development. In these instances, Site Plan submission and approval will be required for these elements (a Site Plan showing the entirety of the proposed subdivision is not required). Site Plan submission and approval shall be in accordance with Section 35.4, but shall not require a public hearing as required by Section 35.4.E.

P. **Other Regulations** - See Sections 38 through 49 regarding development standards for:

- Off-Street Parking and Loading Requirements (38)
- Landscape Requirements (39)
- Accessory Structure and Use Regulations (40)
- Fencing, Walls and Screening Requirements (41)
- Exterior Construction and Design Requirements (42)
- Supplemental Regulations (43)
- Performance Standards (44)

- Lighting and Glare Standards (45)
- Home Occupation Regulations (46)
- Special Regulations for Certain Types of Uses (47)
- Reserved for future use (48)
- Definitions (49)

SECTION 26 MH – MANUFACTURED HOME DISTRICT

26.1 GENERAL PURPOSE AND DESCRIPTION:

The MH, Manufactured Home, district is a detached residential district establishing standards for the development of HUD-code manufactured home parks and subdivisions. HUD-Code manufactured home subdivisions include individually platted lots for sale within the subdivision, for the placement of manufactured home units. A manufactured home park offers spaces for the placement of manufactured home units on a lease or rental basis. The Manufactured Home district establishes area and design requirements for parks and subdivisions, as well as yard requirements for individual lots. Both parks and subdivisions provide open space and recreational areas appropriate for the acreage and number of units contained. Areas zoned for the MH district shall have, or shall make provision for, City of Angleton water and sewer services. They shall be designed to adequately accommodate storm drainage; they shall have paved streets with logical and efficient vehicular circulation patterns that discourage non-local traffic; they shall be properly buffered from non-residential uses; and they shall be protected from pollution and undesirable environmental and noise impacts.

26.2 PERMITTED USES:

A. Those uses listed for the MH district in Section 37 as "P" or "S" are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in Section 35.

26.3 AREA REGULATIONS:

A. **Size of Yards** (for each space within manufactured home park or subdivision):
   1. **Minimum Front Yard** – Twenty-five feet (25') from a dedicated street; fifteen feet (15') from any private street or drive. See Section 43 for additional setback requirements.
   2. **Minimum Side Yard** – Ten feet (10'); twenty feet (20') between units; twenty feet (20') from zoning district boundary line; fifteen feet (15') for a corner lot on a residential or collector street, and twenty feet (20') for a corner lot on an arterial street
   3. **Minimum Rear Yard** – Ten feet (10'); twenty feet (20') from any zoning district boundary line
   4. If a garage is provided, the entry (i.e., door) side of the garage shall have a twenty-five-foot (25') setback as measured from any property or street right-of-way line

B. **Size of Space** (for each space within a manufactured home park):
   1. **Minimum Lot Area** – Four thousand (4,000) square feet per unit
   2. **Minimum Lot Width** – Forty feet (40')
   3. **Minimum Lot Depth** – One hundred feet (100')

C. **Minimum Floor Area per Dwelling Unit**: Eight hundred (800) square feet.

D. **Maximum Lot Coverage**: Fifty percent (50%) for main building/unit plus any accessory buildings.

E. **Parking Regulations**: Two (2) spaces per unit located on the same lot as the unit served (see Section 38, Off-Street Parking and Loading) line

F. **Area for Manufactured Home Park** – Minimum project area five (5) acres; maximum project area twenty-five (25) acres

G. **Maximum Height Limit**:
   1. Two and one-half (2.5) stories, and not to exceed thirty-six feet (36'), for the main building/house.
   2. One story for other accessory buildings, including detached garages, carports, management office, clubhouse, gazebo, mail kiosks, etc.
   3. Other requirements (see Section 43).

I. **Minimum Exterior Construction Standards** – None (manufactured homes only – all other structures shall conform with Section No. 42).

J. **Maximum Impervious Surface Coverage** – Sixty percent (60%).

26.4 SUPPLEMENTAL REQUIREMENTS FOR MANUFACTURED HOME PARKS:

A. **Tenant Parking** – Each parking space shall be an approved all-weather surface, in accordance with City standards, and shall be located to eliminate interference with access to parking areas provided for other manufactured homes and for public parking in the park (see Section 38, Off-Street Parking and Loading Requirements).

B. **Visitor and Supplemental Parking** – In addition to parking spaces required for each manufactured home unit, there shall be paved parking provided for the manufactured home community in general (see Section 38, Off-Street Parking and Loading Requirements):

   1. Two (2) visitor parking space for every three (3) manufactured home spaces.

   2. One (1) supplemental parking or vehicle storage space for the parking or storage of boats, campers and similar vehicles or equipment for every four (4) manufactured home spaces.

   3. Supplemental spaces may be located anywhere within the manufactured home community provided that no manufactured home space shall be situated further than one hundred fifty feet (150') from a visitor space.

   4. Each parking space will be not less than nine feet by twenty feet (9' x 20'), which is not to be included in the lot size.

C. **Access** – Each manufactured home community shall have direct access from an improved public street in accordance with the Subdivision Ordinance. Where an internal private street provides access to individual lots or dwelling units, the same shall be paved in accordance with City standards, and it shall be dedicated to the public as an emergency access or fire lane easement to allow for the rapid and safe movement of vehicles used in providing emergency health or public safety services. Each emergency access/fire lane easement shall have a clear unobstructed width of twenty-four feet (24'), shall connect to a dedicated public street, and shall have a turning area and radii of a minimum of fifty feet (50') to permit free movement of emergency vehicles. Dead end streets are not allowed. Fire lane easements shall be maintained by the manufactured home park.

   Gated/secured entrances shall be in accordance with the City's design standards for gated/secured entrances on private streets.

D. **Walkways** – Designated ADA concrete walkways four feet (4') in width will be provided on both sides of roadways or streets.

E. **Street Names and Signs** – Within each manufactured home park, all streets shall be named, and manufactured homes numbered in a logical and orderly fashion. Street signs shall be of a color and size contrasting with those on public streets and roadways so that there is no confusion regarding which are private and which are public streets. These signs and numbers shall be of standard size and placement to facilitate location by emergency vehicles. Street names shall be submitted to the City Manager, along with the construction plat application, reviewed by the appropriate City staff with respect to street naming procedures set forth within the Subdivision Ordinance and/or the City's Code of Ordinances, and approved by the Planning and Zoning Commission and the City Council on the construction plat for the subdivision. The street names shall be set with construction plat approval, and shall not be changed on the final plat without City approval. All dwelling unit numbering (i.e., addressing) shall be assigned by the City Manager.

F. **Other Signs** – Along all sections of emergency access easements, the owner or agent shall erect metal signs prohibiting parking. The sign type, size, height and location shall be in accordance with the Manual of Uniform Traffic Control Devices and approved by the City.

G. **Intersections** – Internal streets shall intersect adjoining public streets at approximately ninety degrees (90°) and at locations which will eliminate or minimize interference with traffic on those public streets.

H. **Street Lighting** – Street lighting within the manufactured home park shall be provided in accordance with the Subdivision Regulations, and shall be maintained by the owners of the manufactured home park.

I. **Electric and Telephone Service** – All electrical distribution lines and all telephone lines shall be underground except the primary service lines to the park.

J. **Drainage and Soil Protection** – The ground surface in all parts of the park shall be graded and equipped to drain all surface water in a safe, efficient manner. Each manufactured home space shall provide adequate drainage for the placement of a manufactured home. Exposed ground surfaces in all parts of every manufactured home park shall be paved and/or covered with stone, brick paving, or other similar solid material, or protected with a vegetative growth (such as grass) capable of preventing soil erosion and eliminating dust.

K. **Fire Fighting**:

1. Approaches to all manufactured homes shall be kept clear for fire fighting.

2. The owner or agent of a manufactured home park shall be responsible for the instruction of any staff in the use of the park fire protection equipment and in their specific duties in the event of a fire. Owner shall supply standard City fire hydrants located within three hundred feet (300') of all manufactured home spaces, measured along the drive or street.

3. The owner or agent of a manufactured home park shall be responsible for maintaining the entire area of the park free of dry brush, leaves and weeds in excess of six inches (6") in height.

L. **Refuse Facilities** – Every manufactured home dwelling unit shall be located within one hundred fifty feet (150') of a refuse facility, measured along the designated pedestrian travel way. A refuse facility shall be a dumpster or other similar container designed for receiving garbage in bulk for more than one dwelling, and all refuse containers shall be maintained in accordance with local public health and sanitary regulations. Refuse containers shall be located no closer than thirty feet (30') to any adjacent single-family property, shall be located so as to provide safe and convenient pickup by refuse collection agencies, and shall be screened in accordance with Subsection 41.2(G) of this Ordinance. (See Illustration 16 and 17 for refuse container enclosure diagrams).

M. **Anchorage of Manufactured Homes** – To insure against natural hazards such as tornados, high winds and electrical storms, anchorage for each manufactured home shall be provided according to the Building Code and State law.

N. **Skirting**:

1. All manufactured home units not attached to a permanent foundation shall provide skirting from the top of the unit's frame to grade. Skirting shall totally enclose and secure from view the unit's axles and all required anchors, footings, and piers.

2. All required skirting shall be masonry, and shall be of a color similar to the materials used in the construction of the manufactured home unit such that it blends with the overall appearance of the unit.

26.5 SPECIAL REQUIREMENTS:

A. Single-family, duplex, patio home, or townhouse residential units constructed in this district shall conform to SF-6.3, 2F, SF-PH or SFA district standards, respectively.

B. Open storage is prohibited.

C. **Usable Open Space Requirements** – Except as provided below, any manufactured home development shall provide useable open space that equals or exceeds fifteen percent (15%) of the total land area within the development. Usable open space areas shall be in conformance with Subsections 20.5D and 20.5E.

D. One playground area containing at least five (5) pieces of play equipment shall be provided for every one hundred (100) dwelling units, or fraction thereof. The playground equipment shall be of heavy duty construction, such as is normally used in public parks or on public school playgrounds.

E. A Site Plan shall be required for any MH development, or for any other type of development in the MH district that will include: 1) a private amenity or facility comprised of one (1) or more buildings (such as a private recreation/swimming facility, clubhouse, etc.); 2) a golf course; and/or 3) a gated (restricted access) entrance into the development. In these instances, Site Plan submission and approval will be required for these elements (a Site Plan showing the entirety of the proposed subdivision is not required). Site Plan submission and approval shall be in accordance with Section 35.4, but shall not require a public hearing as required by Section 35.4.E.

F. Any nonresidential land use which may be permitted in this district shall conform to the "C-N"-Commercial-Neighborhood district standards.

G. **Other Regulations** - See Sections 38 through 49 regarding development standards for:

- Off-Street Parking and Loading Requirements (38)
- Landscape Requirements (39)
- Accessory Structure and Use Regulations (40)
- Fencing, Walls and Screening Requirements (41)
- Exterior Construction and Design Requirements (42)
- Supplemental Regulations (43)
- Performance Standards (44)
- Lighting and Glare Standards (45)
- Home Occupation Regulations (46)
- Special Regulations for Certain Types of Uses (47)
- Reserved for future use (48)
- Definitions (49)

SECTION 27 C-N – COMMERCIAL-NEIGHBORHOOD DISTRICT

27.1 GENERAL PURPOSE AND DESCRIPTION:

The C-N, Commercial-Neighborhood district is established to provide for areas of smaller-scaled and pedestrian-oriented neighborhood-serving commercial and mixed use development (typically with floor plans of less than 10,000 square feet) that includes retail, services, office, eating and drinking, housing, smaller-scaled public uses, etc. Single-family housing is not permitted in this district.

27.2 PERMITTED USES:

A. Those uses listed for the C-N district in Section 37 as "P" or "S" are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in Section 35.

27.3 HEIGHT REGULATIONS:

A. **Maximum Height**:
   1. Two (2) stories, and not to exceed thirty feet (30'), for the main building(s).
   2. One (1) story for accessory buildings.
   3. Other (See Section 43).

27.4 AREA REGULATIONS:

A. **Size of Lot**:
   1. **Minimum Lot Area** – Five thousand (5,000) square feet
   2. **Minimum Lot Width** – Twenty-five feet (25')
   3. **Minimum Lot Depth** – One hundred feet (100')

B. **Size of Yards**:
   1. **Minimum Front Yard** – Twenty feet (20'). All yards adjacent to a street shall be considered a front yard (see Section 43 for additional setback requirements)
   2. **Minimum Side and Rear Yard** – Fifteen feet (15') unless adjacent to a residentially zoned property (see below)
   3. **Interior Side Yards** – When retail uses are platted adjacent to other retail uses and integrated into an overall shopping center site (i.e., lots/lease spaces abutting one another), no side yard is required provided it complies with the City's Building Code.
   4. **Minimum Side or Rear Yard Adjacent to a Residential District** – Twenty feet (20') for one-story building, and an additional ten feet (10') for every story (or fraction thereof) above one-story in height

C. **Maximum Lot Coverage** – Maximum ninety percent (90%) impervious coverage (including all buildings, parking areas, sidewalks, etc.)

D. **Maximum Building Size** – The maximum building foot print (first floor) area of a structure shall not exceed ten thousand (10,000) square feet.

E. **Parking Requirements** – As established by Section 38, Off-Street Parking and Loading Requirements.

F. **Minimum Exterior Construction Standards** – See Section No. 42.

27.5 **SPECIAL REQUIREMENTS:**

A. **Driveway Spacing** (i.e., distance between driveways, measured edge-to-edge):
Shall conform to the latest TXDOT spacing standards.

B. **Landscaping Requirements** – See Section 39.

C. **Screening Requirements** – See Section 41.

D. Temporary outdoor retail sales, which involves the outside display of merchandise and seasonal items, shall be limited to the following:

1. Shall not be placed/located more than thirty feet (30') from the main building.

2. Shall not occupy any of the parking spaces that are required by this Ordinance for the primary use(s) of the property

3. Shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.

4. Shall not extend into public right-of-way or onto adjacent property.

5. All outside display items shall be removed at the end of business each day (except for large seasonal items such as Christmas trees).

6. All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.

7. No more than six (6) months per calendar year.

E. Open storage is prohibited.

F. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling or nonresidential purposes.

G. **Other Regulations** - See Sections 38 through 49 regarding development standards for:

- Off-Street Parking and Loading Requirements (38)
- Landscape Requirements (39)
- Accessory Structure and Use Regulations (40)
- Fencing, Walls and Screening Requirements (41)
- Exterior Construction and Design Requirements (42)
- Supplemental Regulations (43)
- Performance Standards (44)
- Lighting and Glare Standards (45)
- Home Occupation Regulations (46)
- Special Regulations for Certain Types of Uses (47)

- Reserved for future use (48)
- Definitions (49)

SECTION 28 C-MU – COMMERCIAL-MIXED-USE DISTRICT

28.1 GENERAL PURPOSE AND DESCRIPTION:

The C-MU, Commercial-Mixed-Use, district is established to provide for areas of large-scale, pedestrian- and auto-oriented, region-serving, mixed-use development that includes a mix of retail formats (large and small), office and business services, commercial lodging, office-oriented research and development, recreation and entertainment, etc. Multi-family residential uses are permitted in this district. Development in this district will occur under a unified master plan.

28.2 PERMITTED USES:

A. Those uses listed for the C-MU district in Section 37 as "P" or "S" are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in Section 35.

28.3 HEIGHT REGULATIONS:

A. **Maximum Height**:
   1. Eight (8) stories, and not to exceed eighty feet (80'), for the main building(s).
   2. One (1) story for accessory buildings.
   3. Other (see Section 43).

28.4 AREA REGULATIONS:

A. **Size of Lots**:
   1. **Minimum Lot Area** – Ten thousand (10,000) square feet
   2. **Minimum Lot Width** – Seventy-five feet (75')
   3. **Minimum Lot Depth** – One hundred feet (100')

B. **Size of Yards:**
   1. **Minimum Front Yard** – Twenty feet (20'). All yards adjacent to a street shall be considered a front yard (see Section 43 for additional setback requirements)
   2. **Minimum Side and Rear Yard** – Fifteen feet (15') unless adjacent to a residentially zoned property (see below)
   3. **Minimum Side or Rear Yard Adjacent to a Residential District** – Twenty feet (20') for one-story building, and an additional ten feet (10') for every story (or fraction thereof) above one-story in height

C. **Maximum Lot Coverage** – Maximum eighty percent (80%) impervious coverage (including all buildings, parking areas, sidewalks, etc.)

D. **Parking Requirements** – As established by Section 38, Off-Street Parking and Loading Requirements.

E. **Minimum Exterior Construction Standards** – See Section No. 42.

28.5 **SPECIAL DISTRICT REQUIREMENTS**:

A. **Driveway Spacing** (i.e., distance between driveways, measured edge-to-edge): Shall conform to the latest TXDOT spacing standards

B. **Landscaping Requirements** – See Section 39.

C. **Screening Requirements** – See Section 41.

D. Open storage and outside display are prohibited.

E. Recreational vehicles, travel trailers or motor homes may not be used for on-site dwelling or nonresidential purposes.

F. **Other Regulations** - See Sections 38 through 49 regarding development standards for:

- Off-Street Parking and Loading Requirements (38)
- Landscape Requirements (39)
- Accessory Structure and Use Regulations (40)
- Fencing, Walls and Screening Requirements (41)
- Exterior Construction and Design Requirements (42)
- Supplemental Regulations (43)
- Performance Standards (44)
- Lighting and Glare Standards (45)
- Home Occupation Regulations (46)
- Special Regulations for Certain Types of Uses (47)
- Reserved for future use (48)
- Definitions (49)

SECTION 29 C-G – COMMERCIAL-GENERAL DISTRICT

29.1 GENERAL PURPOSE AND DESCRIPTION:

The C-G, Commercial-General, district is intended to reflect existing and future areas of larger scaled pedestrian and auto-oriented commercial development (typically with floor plans of more than 10,000 square feet) located on the City's major arterial roads, and to include a wide variety of community-serving uses that include retail, services, office, auto-related businesses, eating and drinking, recreation and entertainment, public and semi-public uses, etc. Residential uses are not permitted in this district.

29.2 PERMITTED USES:

A. Those uses listed for the C-G district in Section 37 as "P" or "S" are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in Section 35.

29.3 HEIGHT REGULATIONS:

A. **Maximum Height**:
   1. Eight (8) stories, and not to exceed eighty feet (80'), for the main building(s).
   2. One (1) story for accessory buildings.
   3. Other (Section 43).

29.4 AREA REGULATIONS:

A. **Size of Lot:**
   1. **Minimum Lot Area** – Ten thousand (10,000) square feet
   2. **Minimum Lot Width** – Seventy-five feet (75')
   3. **Minimum Lot Depth** – One hundred feet (100')

B. **Size of Yards:**
   1. **Minimum Front Yard** – Twenty feet (20'). All yards adjacent to a street shall be considered a front yard (see Section 43 for additional setback requirements)
   2. **Minimum Side and Rear Yard** – Fifteen feet (15') unless adjacent to a residentially zoned property (see below)
   3. **Interior Side Yards** – When retail uses are platted adjacent to other retail uses and integrated into an overall shopping center site (i.e., lots/lease spaces abutting one another), no side yard is required provided it complies with the City's Building Code.
   4. **Minimum Side or Rear Yard Adjacent to a Residential District** – Twenty feet (20') for one-story building, and an additional twenty feet (20') for every story (or fraction thereof) above one-story in height

C. **Maximum Lot Coverage** – Maximum eighty percent (80%) impervious coverage (including all buildings, parking areas, sidewalks, etc.)

D. **Parking Requirements** - As established by Section 38, Off-Street Parking and Loading Requirements.

E. **Minimum Exterior Construction Standards** – See Section No. 42.

29.5 **SPECIAL REQUIREMENTS:**

A. **Driveway Spacing** (i.e., distance between driveways, measured edge-to-edge): Shall conform to the latest TXDOT spacing standards.

B. **Landscaping Requirements** – See Section 39.

C. **Screening Requirements** – See Section 41.

D. **Temporary Outdoor Retail Sales** - Temporary outdoor retail sales, which involves the outside display of merchandise and seasonal items, shall be limited to the following:

1. Shall not be placed/located closer than thirty feet (30') to any street right-of-way, or closer than fifteen feet (15') to any other property line.
2. Shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.
3. Shall not extend into public right-of-way or onto adjacent property.
4. All outside display items shall be removed at the end of business each day (except for large seasonal items such as Christmas trees).
5. All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.

E. **Open Storage** - Open storage is limited to a maximum of twenty percent (20%) of the total lot area, shall not be located in front of (i.e., on the street side of) or on top of the building, and must be screened in accordance with the provisions of Section 41 (i.e., cannot be visible from any public street or adjacent property). However, periodic temporary outdoor retail sales, which involves the outside display of seasonal items, is allowed during the appropriate time periods (see Subsection E above).

F. **Recreational Vehicles** - Recreational vehicles, travel trailers, motor homes or temporary buildings may not be used for on-site dwelling or permanent nonresidential purposes.

G. **Other Regulations** - See Sections 38 through 49 regarding development standards for:

- Off-Street Parking and Loading Requirements (38)
- Landscape Requirements (39)
- Accessory Structure and Use Regulations (40)
- Fencing, Walls and Screening Requirements (41)
- Exterior Construction and Design Requirements (42)
- Supplemental Regulations (43)
- Performance Standards (44)
- Lighting and Glare Standards (45)
- Home Occupation Regulations (46)
- Special Regulations for Certain Types of Uses (47)
- Reserved for future use (48)
- Definitions (49)

SECTION 30 C-O/R – COMMERCIAL-OFFICE/RETAIL DISTRICT

30.1 GENERAL PURPOSE AND DESCRIPTION:

The C-O/R, Commercial-Office/Retail, district is intended to provide for areas of integrated professional office and retail development of quality design in a landscaped setting serving high technology, research and development, and retail development. This district provides for future areas of large-scaled pedestrian- and auto-related commercial development on the City's major arterial roads. Residential uses are not permitted in this district.

30.2 PERMITTED USES:

A. Those uses listed for the C-O/R district in Section 37 as "P" or "S" are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in Section 35.

30.3 HEIGHT REGULATIONS:

A. **Maximum Height**:
   1. Eight (8) stories, and not to exceed eighty feet (80'), for the main building(s).
   2. One (1) story for accessory buildings.
   3. Other (Section 43).

30.4 AREA REGULATIONS:

A. **Size of Lot**:
   1. **Minimum Lot Area** – Ten thousand (10,000) square feet
   2. **Minimum Lot Width** – Seventy-five feet (75')
   3. **Minimum Lot Depth** – One hundred feet (100')

B. **Size of Yards**:
   1. **Minimum Front Yard** – Twenty feet (20'). All yards adjacent to a street shall be considered a front yard (see Section 43 for additional setback requirements)
   2. **Minimum Side and Rear Yard -** Fifteen feet (15') unless adjacent to a residentially zoned property (see below)
   3. **Interior Side Yards -** When retail uses are platted adjacent to other retail uses and integrated into an overall shopping center site (i.e., lots/lease spaces abutting one another), no side yard is required provided it complies with the City's Building Code.
   4. **Minimum Side or Rear Yard Adjacent to a Residential District** – Twenty feet (20') for one-story building, and an additional ten feet (10') for every story (or fraction thereof) above one-story in height.

C. **Parking Requirements** - As established by Section 38, Off-Street Parking and Loading Requirements.

D. **Minimum Exterior Construction Standards** – See Section No. 42.

30.5 **SPECIAL REQUIREMENTS:**

A. **Driveway Spacing** (i.e., distance between driveways, measured edge-to-edge):
   1. Arterial street – One driveway per two hundred (200) linear feet of frontage
   2. Collector street – One driveway per one hundred (100) linear feet of frontage
   3. Local street – One driveway per fifty (50) linear feet of frontage

B. **Landscaping Requirements** – See Section 39.

C. **Screening Requirements** – See Section 41.

D. **Temporary Outdoor Retail Sales** - Temporary outdoor retail sales, which involves the outside display of merchandise and seasonal items, shall be limited to the following:

   1. Shall not be placed/located closer than thirty feet (30') to any street right-of-way, or closer than fifteen feet (15') to any other property line.
   2. Shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way.

   3. Shall not extend into public right-of-way or onto adjacent property.

   4. All outside display items shall be removed at the end of business each day (except for large seasonal items such as Christmas trees).

   5. All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.

E. Open storage is limited to a maximum of five percent (5%) of the total lot area, shall not be located in front of (i.e., on the street side of) or on top of the building, and must be screened in accordance with the provisions of Section 41 (i.e., cannot be visible from any public street or adjacent property). However, periodic temporary outdoor retail sales, which involves the outside display of seasonal items, is allowed during the appropriate time periods (see provisions in Subsection E above).

F. Recreational vehicles, travel trailers, motor homes or temporary buildings may not be used for on-site dwelling or permanent nonresidential purposes.

G. **Other Regulations** - See Sections 38 through 49 regarding development standards for:
   - Off-Street Parking and Loading Requirements (38)
   - Landscape Requirements (39)
   - Accessory Structure and Use Regulations (40)
   - Fencing, Walls and Screening Requirements (41)
   - Exterior Construction and Design Requirements (42)
   - Supplemental Regulations (43)
   - Performance Standards (44)
   - Lighting and Glare Standards (45)
   - Home Occupation Regulations (46)
   - Special Regulations for Certain Types of Uses (47)
   - Reserved for future use (48)
   - Definitions (49)

SECTION 31 CBD – CENTRAL BUSINESS DISTRICT

31.1 GENERAL PURPOSE AND DESCRIPTION:

The development standards in the CBD, Central Business District, are designed to maintain and encourage development and redevelopment within the central business section (old downtown) of the City in a "pedestrian friendly" environment that is conducive to special events such as sidewalk sales, street dances, festivals, and other similar events. Standards for the district are generally intended to regulate development such that new structures look similar to existing ones within this section of the City. They are also intended to preserve and enhance the community's "small town" heritage and the unique character of the City's original business district.

31.2 PERMITTED USES:

A. Those uses listed for the CBD district in Section 37 as "P" or "S" are authorized uses permitted by right, or by specific use permit which must be approved utilizing procedures set forth in Section 35.

31.3 HEIGHT REGULATIONS:

A. **Maximum Height**:
   1. Four (4) stories for the main building(s).
   2. One (1) story for accessory buildings.
   3. Other (Section 43).

31.4 AREA REGULATIONS:

A. **Size of Lot:**
   1. **Minimum Lot Area** – none specified
   2. **Minimum Lot Width** – none specified
   3. **Minimum Lot Depth** – none specified

B. **Size of Yards:**
   1. **Minimum Front Yard** – none specified
   2. **Minimum Side Yard** – none specified
   3. **Minimum Rear Yard** – none specified

C. **Maximum Lot Coverage** – one hundred percent (100%) including main and accessory buildings

D. **Maximum Floor-Area-Ratio (FAR)** – four to one (4:1)

E. **Parking Requirements**: No on-site parking shall be required within this district. However, if on-site parking is provided, all parking areas shall conform to the requirements of Section 38.3.

31.5 SPECIAL REQUIREMENTS:

A. Design Standards for the CBD District

1. **False Fronts or Parapets** – False fronts or parapets may be added to existing buildings in order to add character and detail to simple facades.

2. **Coloring** – Predominant exterior finish colors shall be of fired brick, similar to that which is present on adjacent existing buildings (other masonry materials may also be considered during site plan review). Trim (i.e., lintels, sills, door jambs, cornices and other similar items) shall be brick, cast stone, stone, cast or wrought iron, or concrete, and colors shall be complementary to the predominant facade colors. Accent colors for friezes, doors and door frames, window frames and mullions, signage, awnings, moldings and other similar features shall be colors that are complementary to, and compatible with, the spirit and intent of the downtown streetscape.

3. **Façade Openings** – Façade openings shall comprise at least forty percent (40%) of the building's façade area.

4. **Awnings/Canopies**

   a. *Ratios* – Awnings shall be at an appropriate scale to the building size and configuration. They shall not extend above the roof line of any single-story structure, or above the top of the second floor of any multi-story structure at the awnings' highest points. Awnings shall not completely obstruct any windows on the building.

   b. *Projection* – Since awnings must extend beyond the building face, a reasonable amount of projection shall be allowed. No awning shall extend more than five feet (5') outward from the building face/surface.

   c. *Colors and Materials* – A mixture of colors is recommended, but no more than three different colors shall be used for awnings on a single building facade (excluding business logo, which may have more colors). Materials shall be of cloth or canvas, or another material which is complementary to the period or building style (metal or plastic shall be prohibited).

   d. *Movement* – Except for slight movements that are normal for fabric canopies (i.e., along fringe, etc.), no movement shall be allowed for awnings and canopy structures.

6. **Overhead Power Lines** – New utility lines to business establishments shall be placed underground or toward the rear of existing buildings.

7. **Pedestrian Streetscape** – Pedestrian spaces shall be treated with amenities that are selected based upon their ability to unify the streetscape with the area's historic past. It is important that elements such as construction materials, colors, textures and fixture design complement the area's historic qualities. These features shall be repeated throughout the streetscape so as to unify the district as a whole.

8. **Furnishings** – Planters, window boxes, street furniture and other streetscape furnishings shall be complementary to the historical time frame of the CBD area, and shall be located not more than five feet (5') from the building front/facade.

B. **Open Storage** – Open storage is prohibited in the CBD district.

C. **Temporary Outdoor Retail Sales** – Temporary outdoor retail sales, which involves the outside display of merchandise and/or seasonal items, shall be limited to the following:

1. Shall not be placed/located more than twelve feet (12') from the main building.

2. Shall not occupy any established off-street or any on-street parking spaces.

3. Shall not pose a safety or visibility hazard, nor impede public vehicular or pedestrian circulation, either on-site or off-site, in any way (i.e., sidewalk sales cannot block the sidewalk or extend out into the street).

4. Shall only be located in front of the property/business which is selling the item(s).

5. All outside display items shall be removed at the end of business each day (except for large seasonal items such as Christmas trees).

6. All merchandise shall be displayed in a neat, orderly manner, and the display area shall be maintained in a clean, litter-free manner.

D. **Architectural Design** – The architectural design of buildings and sites shall strive to achieve the following objectives:

1. Architectural compatibility;
2. Human scale design;
3. Integration of uses;
4. Encouragement of pedestrian activity;
5. Buildings that relate to, and are oriented toward, the pedestrian areas and surrounding buildings; and
6. Buildings that contain special architectural features to signify entrances;

All building materials shall be established on architectural elevations and supporting information.

E. **Building Façade Plan –** The architectural style and scale of new/renovated buildings within the CBD district shall be compatible with the styles and scale of other adjacent buildings. Therefore:

1. In addition to the Site Plan which is required by Section 12 of this Ordinance, a Building Façade Plan shall also be required. The Building Façade Plan shall be submitted in conjunction with the Site Plan application.

2. The Building Façade Plan shall clearly show how any new structure and/or any structure that is undergoing exterior renovations will look, and shall portray a reasonably accurate depiction of the materials to be used. Especially significant is the way in which such structure(s) will be viewed from the thoroughfare upon which the property faces and/or sides.

3. Review, approval and appeal procedures shall be the same as the procedures for a Site Plan, as outlined in Section 12.

4. The City Manager (or his/her designee) may, as he/she deems appropriate, require submission of information and materials (possibly actual samples of materials to be

used) additional to those initially submitted by the applicant during the Building Facade Plan review process.

G. **Other Regulations** - See Sections 38 through 49 regarding development standards for:

- Off-Street Parking and Loading Requirements (38)
- Landscape Requirements (39)
- Accessory Structure and Use Regulations (40)
- Fencing, Walls and Screening Requirements (41)
- Exterior Construction and Design Requirements (42)
- Supplemental Regulations (43)
- Performance Standards (44)
- Lighting and Glare Standards (45)
- Home Occupation Regulations (46)
- Special Regulations for Certain Types of Uses (47)
- Reserved for future use (48)
- Definitions (49)

SECTION 32 LI – LIGHT INDUSTRIAL DISTRICT

32.1 GENERAL PURPOSE AND DESCRIPTION:

The LI, Light Industrial, district is intended primarily for the conduct of light manufacturing, assembling and fabrication activities, and for warehousing, research and development, wholesaling and service operations that do not typically depend upon frequent customer or client visits.

32.2 PERMITTED USES:

A. Those uses listed for the LI district in Section 37 as "P" or "S" are authorized uses permitted by right, or by specific use which must be approved utilizing procedures set forth in Section 35.

32.3 HEIGHT REGULATIONS:

A. **Maximum Height**:
   1. One hundred and twenty feet (120') for the main building(s).
   2. Other (Section 43).

32.4 AREA REGULATIONS:

A. **Size of Lot:**
   1. **Minimum Lot Area** – Ten thousand (10,000) square feet
   2. **Minimum Lot Width** – One hundred feet (100')
   3. **Minimum Lot Depth** – One hundred feet (100')

B. **Size of Yards:**
   1. **Minimum Front Yard** – Twenty-five feet (25'). All yards adjacent to a street shall be considered a front yard (see Section 43 for additional setback requirements)
   2. **Minimum Side and Rear Yard** – Ten feet (10') unless adjacent to a residentially zoned property (see below)
   3. **Minimum Side or Rear Yard Adjacent to a Residential District** – Thirty feet (30') for one-story building, and an additional fifteen feet (15') for every story (or fraction thereof) above one-story in height

C. **Maximum Lot Coverage** – Maximum ninety percent (90%) impervious coverage (including all buildings, parking areas, sidewalks, etc.)

D. **Parking Requirements** - As established by Section 38, Off-Street Parking and Loading Requirements.

E. **Minimum Exterior Construction Standards** – See Section No. 42.

32.5 **SPECIAL REQUIREMENTS:**

A. **Driveway Spacing** (i.e., distance between driveways, measured edge-to-edge): Shall conform to the latest TXDOT spacing standards

B. **Landscaping Requirements** – See Section 39.

C. **Screening Requirements** – See Section 41.

D. Open storage is limited to a maximum of twenty percent (20%) of the total lot area, shall not be located in front of (i.e., on the street side of) or on top of the building, and must be screened in accordance with the provisions of Section 41 (i.e., cannot be visible from any public street or adjacent property).

E. Recreational vehicles, travel trailers, motor homes or temporary buildings may not be used for on-site dwelling or permanent nonresidential purposes.

F. **Other Regulations** - See Sections 38 through 49 regarding development standards for:

- Off-Street Parking and Loading Requirements (38)
- Landscape Requirements (39)
- Accessory Structure and Use Regulations (40)
- Fencing, Walls and Screening Requirements (41)
- Exterior Construction and Design Requirements (42)
- Supplemental Regulations (43)
- Performance Standards (44)
- Lighting and Glare Standards (45)
- Home Occupation Regulations (46)
- Special Regulations for Certain Types of Uses (47)
- Reserved for future use (48)
- Definitions (49)

SECTION 33 OVERLAY AND SPECIAL DISTRICTS

33.1 A. Overlay districts shall be used in conjunction with base zoning districts where it is appropriate to do so. In the use of the following overlay zoning classifications, the base district shall remain in effect as it is already in existence unless changed by zoning amendment and in accordance with the provisions of Section 10. New base districts or changes in existing base districts may be requested at the same time overlay or special prefix districts are requested.

SECTION 34 PD – PLANNED DEVELOPMENT OVERLAY DISTRICT

34.1 GENERAL PURPOSE AND DESCRIPTION:

A. The City Council of the City of Angleton, Texas, after public hearing and proper notice to all parties affected and after recommendation from the Planning and Zoning Commission, may authorize the creation of a Planned Development (PD) overlay district.

B. The Planned Development (PD) district is a district which accommodates planned associations of uses developed as integral land use units such as office parks, retail/commercial or service centers, shopping centers, residential developments having a mixture of housing options (e.g., single-family, multi-family, duplex, etc.), or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or a combination of owners. A Planned Development district may be used to permit new or innovative concepts in land utilization not permitted by other zoning districts in this Ordinance, to ensure the compatibility of land uses, and to allow for the adjustment of changing demands to meet the current needs of the community by meeting one or more of the following purposes:

1. To provide for a superior design on lots or buildings;
2. To provide for increased recreation and open space opportunities for public use and enjoyment;
3. To provide amenities or features that would be of special benefit to the property users or to the overall community;
4. To protect or preserve natural amenities and environmental assets such as trees, creeks, ponds, floodplains, slopes, viewscapes, or wildlife habitats;
5. To protect or preserve existing historical buildings, structures, features or places;
6. To provide an appropriate balance between the intensity of development and the ability to provide adequate supporting public facilities and services; and
7. To meet or exceed the standards of this Ordinance.

C. While greater flexibility is given to allow special conditions or restrictions that would not otherwise allow the development to occur, procedures are established herein to ensure against misuse of increased flexibility.

34.2 PERMITTED USES:

A. An application for a PD district shall specify the base zoning district(s) upon which the PD is based, and the use or the combination of uses proposed (particularly if any of the proposed uses are not allowed by right in the base zoning district).

B. PD designations shall not be attached to SUP requirements. Specific Use Permits allowed in a base zoning district(s) are allowed in a PD only if specifically identified as allowable by SUP at the time of PD approval, and if specifically cited as an "additional use" (i.e., to those allowed by right in the PD) in the ordinance establishing the PD.

C. Any use that is not specifically cited as permitted (by right or by SUP) in the applicable base zoning district(s) or the PD ordinance shall be prohibited unless the PD ordinance is amended using the procedures set forth in this Section and in Section 10 of this Ordinance.

D. In the case of residential PD districts, the proposed lot sizes shall be similar in size as the designated base density.

34.3 PLANNED DEVELOPMENT REQUIREMENTS:

A. Any development requirements for a particular PD district that deviate from those of the base zoning district(s) shall be set forth in the amending ordinance granting the PD district. These shall include:

1. Allowed or additional (i.e., SUP) uses,
2. Density,
3. Lot area, width, and/or depth,
4. Yard depths and widths,
5. Building height, size, and/or exterior construction,
6. Lot coverage,
7. Floor area ratio,
8. Parking,
9. Access,
10. Screening,
11. Landscaping,
12. Accessory buildings,
13. Signs,
14. Lighting,
15. Project phasing or scheduling,
16. Property management associations, and
17. Other requirements as the City Council and Planning and Zoning Commission may deem appropriate.

B. In the PD district, uses and development standards shall conform to the standards and regulations of the base zoning district(s) unless specifically stated otherwise in the PD ordinance. The base zoning district(s) shall be stated in the PD granting ordinance.

1. All applications to the City shall list all requested deviations from the standard requirements set forth throughout this Ordinance as applicable to each base zoning district (applications without this list will be considered incomplete).
2. The PD district shall conform to all other regulations of the applicable base zoning district(s), as well as all other sections of the Zoning Ordinance, unless specifically changed or excluded in the ordinance establishing the PD.
3. A PD that is based upon more than one (1) base zoning district shall also include a legal (i.e., metes and bounds) description and graphic exhibit describing/showing the proposed boundaries of each respective area and its base zoning district (e.g., shown as “Proposed PD-SF-7.2”, “Proposed PD-C-N”, etc.).

C. The ordinance granting a PD district shall include a statement as to the purpose and intent of the PD district granted therein, as well as a general statement citing the reason for the PD request.

D. The minimum acreage for a planned development request shall be twenty (20) acres.

34.4 APPROVALS REQUIRED

In establishing a Planned Development district in accordance with this Section, the City Council shall approve and file as part of the amending ordinance appropriate plans and standards for each PD district. To facilitate understanding of the request during the review and public hearing process, the concurrent submission of a Concept Plan shall be required along with the PD zoning application. A construction plat may be submitted in lieu of the Concept Plan for a single- or two-family PD (see the Subdivision Ordinance for submission and other requirements) if the applicant prefers to do so. Subsequent Site Plans may also be required if specified as part of the Planned Development approval.

34.5 CONCEPT PLAN

A. **Purpose:** This Section establishes a review process for Concept Plan, which are required for all Planned Developments. The purpose is to ensure that a development project is in compliance with all applicable City ordinances and guidelines prior to commencement of construction.

B. **Applicability:** Submission and approval of a Concept Plan shall be required for all Planned Developments. Approval of a Concept Plan shall be deemed approval for the related Planned Development.

C. **Building Permit & Certificate of Occupancy:** No building permit shall be issued until a Concept Plan and all other required engineering/construction plans are first approved by the City. No certificate of occupancy shall be issued until all construction and development conforms to the Concept Plan and engineering/construction plans, as approved by the City.

D. **Extent of Area That Should Be Included In a Concept Plan:** When the overall development project is to be developed in phases, the area included within the Concept Plan shall include only the portion of the overall property that is to be developed/constructed.

E. **Procedures & Submission Requirements For Concept Plan Approval:** All Concept Plans shall be prepared by a qualified civil engineer, land planner, architect or surveyor, and it shall clearly show in detail how the site will be constructed (such as paving, buildings, landscaped areas, utilities, etc.). To ensure the submission of adequate information, the City is hereby empowered to maintain and distribute a separate list of specific requirements for the review of Concept Plan applications.

F. **Review & Approval of a Concept Plan:** The approval process for a Concept Plan shall generally be review by City staff, recommendation by the Planning and Zoning Commission, and approval by the City Council.

1. <u>CITY STAFF REVIEW OF CONCEPT PLANS</u>

   a. Upon official submission of a complete application of a Concept Plan for approval, the City shall review the application. Specifically, the City Manager, City Engineer, and the Building Official (or their designee) shall review the Concept Plan prior to the Concept Plan being forwarded to the Planning and Zoning Commission

   b. Concept Plans shall be evaluated to ensure that all developments are, to the best extent possible, constructed according to the City's codes and ordinances.

c. Following City staff review, and following discussions regarding necessary revisions, the applicant shall resubmit additional copies of the corrected Concept Plan to the City Manager (or his/her designee) at least twelve (12) calendar days prior to the Planning and Zoning Commission meeting.

d. The City Manager shall then submit the corrected plan to the Planning & Zoning Commission.

e. It should be noted that the City Manager (or his/her designee) shall forward the original plan application to the Commission if the corrected version is not resubmitted within the prescribed time period.

f. It should also be noted that a corrected plan that is incomplete or is otherwise not ready for consideration shall be subject to denial.

2. PLANNING & ZONING COMMISSION REVIEW OF CONCEPT PLANS

a. All Concept Plan applications shall be reviewed by the Planning and Zoning Commission.

b. The City Manager, or his/her designee, shall schedule consideration of the Concept Plan application on the regular agenda of the Planning and Zoning Commission within forty-five (45) calendar days after the application is received.

c. The Planning and Zoning Commission shall review the Concept Plan and shall recommend to the City Council approval, approval subject to certain conditions, or denial of the Concept Plan.

3. CITY COUNCIL REVIEW OF & ACTION ON CONCEPT PLANS

a. All Concept Plan applications shall be reviewed by the City Council after being reviewed by the Planning and Zoning Commission.

b. The City Manager, or his/her designee, shall schedule consideration of the Concept Plan application on the regular agenda of the City Council.

c. The City Council shall review the Concept Plan and shall approve, approve subject to certain conditions, or deny approval of the Concept Plan.

G. **Revisions to the Approved Concept Plan:**

1. MINOR REVISIONS/AMENDMENTS

a. It is recognized that final architectural and engineering design may necessitate minor changes in the approved Concept Plan. In such cases, the City Manager, or his/her designee, shall have the authority to approve minor modifications to an approved Concept Plan. Such minor modifications submitted on an "Amended Concept Plan", which shall substantially conform to the previously approved Concept Plan.

b. Submission materials and requirements for approval of an Amended Concept Plan shall be as determined by the City Manager, or his/her designee.

2. MAJOR REVISIONS - In the event of revisions that are more extensive in nature (i.e., do not conform to the description for minor amendments above), a new Concept Plan must be resubmitted, reviewed, and approved in accordance with Subsection E above. The City Manager shall have the authority to determine whether a new Concept Plan warrants a new review and approval procedure.

H. **Effect of Review/Approval:** The Concept Plan shall be considered authorization to proceed with construction of the site provided all other required City approvals are obtained (such as final plat, engineering plans, etc.). Approval of a Concept Plan shall be considered approval of the Planned Development.

34.6 **SITE PLAN REQUIREMENT:**

A. Subsequent Site Plan approvals may be required if specified as part of the Planned Development approval.

B. Such Site Plan shall follow the review and approval procedures, and will expire, as outlined in Section 35 for Specific Use Permits.

34.7 **GENERAL APPROVAL PROCESS AND PROCEDURES:**

A. The procedure for establishing a Planned Development zoning district shall follow the procedures for zoning amendments as set forth in Section 12 of this Ordinance. This procedure shall be expanded to include concurrent consideration and approval (or denial) of the Concept Plan that is submitted along with the PD zoning request application. The public hearings conducted for, and the subsequent actions taken upon, the PD zoning request shall also include the accompanying Concept Plan and Site Plan (if applicable), and if the PD is approved then the Concept Plan and Site Plan (if applicable) shall become a part of the ordinance establishing the PD district.

B. The ordinance establishing the Planned Development zoning district shall not be approved (or adopted) until the accompanying Concept Plan and Site Plan (if applicable) are approved by the City Council.

34.8 When a zoning request for a Planned Development district is being considered, a written report from the City Manager discussing the project's impact upon planning, engineering, water utilities, electric, sanitation, building inspection, tax, police, fire and traffic, as well as written comments from applicable public agencies (such as the School District and/or utility companies), may be submitted to the Planning and Zoning Commission prior to the Commission making any recommendations to the City Council. In the event written comments and advisement are not received prior to the Planning & Zoning Commission's meeting at which the PD zoning request is to be considered, the Commission may, at its discretion, make a recommendation to the City Council without said comments or advisement.

34.9 **EXPIRATION OF CONCEPT PLAN AND/OR SITE PLAN:**

(A) Submittal Within 2 Years Required. An application for approval of a Site Plan (if required), plat, or other required permit shall be submitted for approval within two (2) years of the date of establishment of the PD District and approval of the Concept Plan, unless otherwise provided in the adopting ordinance. If a Site Plan, plat, or other required permit is not submitted within such period, the Concept Plan shall expire.

(C) Expiration of an approved Concept Plan shall result in suspension of the authority to submit a Site Plan, plat, or other required permit related to the original Concept Plan. A new Concept Plan must be submitted before the development process can continue.

(D) An approved Site Plan, if required, shall expire in accordance with Section 35.4.

(E) Expiration of any approved plat or required permit that is subsequently approved after a Concept Plan shall also result in expiration of the associated Concept Plan. If the approved plat or other

required plan is reinstated, the Concept Plan shall be deemed to be reinstated as well.

34.10 **ABILITY TO SUBMIT A SITE PLAN, PLAT, OR OTHER REQUIRED PLAN:**

Following expiration of the right to submit a Site Plan, plat, or other required permit, the applicant shall retain the ability to submit a new Site Plan, plat, or other required permit for a period of five (5) years following the original approval of the related Concept Plan. Such new Site Plan, plat, or other required permit may only be for the same approved PD project. However, any such new Site Plan, plat, or other required permit shall adhere to any and all new standards and regulations that the City has adopted in the interim (i.e., between the 2-year expiration date and the 5-year period specified) in relation to a Site Plan, plat, or other required permit.

34.11 **ABILITY TO RETAIN THE RIGHTS TO THE PD PROJECT.**

(A) Any PD project for which no Site Plan, plat, or other required permit has been submitted for a period of five (5) years following the approval of the related Concept Plan shall expire on the last day of that 5-year period.

(B) After such 5-year period has ended and the project expires, the Planning and Zoning Commission shall consider whether the undeveloped land within PD District should be changed to another zoning classification in accordance with the procedures for action upon a zoning map amendment pursuant to Section 10 of this Ordinance. The Commission thereafter shall recommend to the City Council whether the right to submit a Site Plan, plat, or other required permit for the same PD project should be reinstated, or whether the property should be zoned to another classification.

(C) Council Consideration & Factors. The Commission's recommendation shall be considered by the City Council in accordance with procedures for action upon a zoning map amendment pursuant to Section 10 of this Ordinance. The Council shall determine whether the right to submit the Site Plan, plat, or other required permit for the same PD project should be reinstated, or whether the property should be rezoned to another classification. In making such determination, the Council shall consider the following factors:

(1) Whether the PD District remains consistent with the Comprehensive Plan;

(2) Whether the uses authorized in the PD district are compatible with existing and planned land uses adjacent to the site;

(3) Whether there are extenuating circumstances justifying the failure to submit a Site Plan, plat, or other required permit during the applicable time period; and

(4) Whether rezoning the property to another classification constitutes confiscation of a vested property right or deprives the owner of the economically viable use of the land.

(D) Council Action. Upon (A), (B) and (C) above occurring, the City Council may take the following actions:

(1) Reinstate the right to submit the Site Plan, plat, or other required permit for the original PD project within a certain time, subject to any conditions that may be appropriate to ensure that significant progress will be made toward development of land within the PD district;

(2) Modify the PD district regulations applicable to the property; or

(3) Repeal the PD district for the affected portions of the property and zone such property to another zoning district classification.

34.12 **PRIOR PLANNED DEVELOPMENT ORDINANCES REMAINING IN EFFECT:**

Prior to adoption of this Ordinance, the City Council previously established certain Planned Development districts, some of which are to be continued in full force and effect. The ordinances or parts of ordinances approved prior to this Ordinance, specified in Appendix A-1, shall be carried forth in full force and effect and are the conditions, restrictions, regulations and requirements which apply to the respective Planned Development districts shown on the Zoning District Map as of the effective date of this Ordinance. Each prior PD ordinance is hereby assigned a unique identification number (e.g., PD-1, PD-2, PD-3, and so on) as shown in Appendix A-1, and subsequent PD ordinances adopted after the effective date of this Ordinance shall be similarly numbered for identification purposes.

34.13 DOCUMENTATION OF PLANNED DEVELOPMENT ORDINANCES

All Planned Development zoning districts approved in accordance with the provisions of this Ordinance, as may be amended, shall be prefixed by a "PD" designation and assigned a unique identification number (e.g., PD-1, PD-2, PD-3, and so on), and shall also be referenced on the Zoning District Map. A list of such Planned Development districts, showing the uses permitted and any other special stipulations of each PD district, shall be maintained as part of this Ordinance.

SECTION 35 SUP - SPECIFIC USE PERMITS

35.1 PURPOSE AND INTENT:

A. **Nature of Specific Use Permits -** A specific use permit (SUP) may be granted to a land use which, because of its unique nature, is compatible with the permitted land uses in a given zoning district only upon a determination that the external effects of the use in relation to the existing and planned uses of adjoining property and the neighborhood can be mitigated through imposition of certain standards and conditions. This Section sets forth the standards used to evaluate proposed specific uses and the procedures for approving specific use permit applications.

B. **Permit Required -** No specific use permit shall be established and no building permit shall be issued for any use requiring a specific use permit within any zoning district until a specific use permit (SUP) is issued in accordance with the provisions of this Section. An application for a specific use permit shall be accompanied by a detailed site plan prepared in the manner described in Section 12. The Site Plan shall illustrate the proposed use to be established, its relationship to adjoining properties, and how it meets the approval standards set forth in Section 35.4.

35.2 STATUS OF USES PERMITTED BY SPECIFIC USE PERMIT:

The following general rules apply to all specific uses:

A. The designation of a use in a zoning district as may be permitted by SUP in Section 37 (Use Charts) of this Ordinance does not constitute an authorization or assurance that such use will be approved.

B. Approval of a specific use permit shall authorize only the particular use for which the SUP is issued.

C. No use authorized by a specific use permit shall be enlarged, extended or relocated, nor may the number of dwelling units be increased, unless an application is made for approval of a new specific use permit in accordance with the procedures set forth in this Section and Section 10 of this Ordinance.

D. Development of the use shall not be carried out until the applicant has secured all the permits and approvals required by these zoning regulations, the City's Code of Ordinances, and any permits that may be required by regional, State or Federal agencies.

35.3 APPLICATION FOR SPECIFIC USE PERMIT:

A. **Application Requirements -** An application for a specific use permit may be submitted by the property owner or by the property owner's designated representative to the City. The application shall be accompanied by a Site Plan prepared and approved in accordance with the requirements of Section 35.4 below. If a base zoning district amendment is required or requested, such rezoning application shall accompany the application for a specific use permit. All Site Plan applications shall be subject to the review and expiration procedures in Section 35.4.

B. **Subdivision Approval** - If the proposed use requires a division of land, an application for subdivision approval shall be submitted in conjunction with the application for a specific use permit (see Subdivision Ordinance). Approval of the specific use permit shall not become effective until final approval of the subdivision application provided that, if the land is to be divided and developed in phases, the approval of the specific use permit shall take effect upon final plat approval of the phase of the subdivision containing the property on which the specific use is to be located.

35.4 SITE PLAN:

A. **Purpose** – This Section establishes a review process for Site Plan applications. The purpose is to ensure that a development project is in compliance with all applicable City ordinances and guidelines prior to commencement of construction.

B. **Applicability** – A Site Plan shall be required in conjunction with any application for an SUP. Refer to Section 12 for applicability regarding other developments for which a Site Plan shall be required.

C. **Building Permit & Certificate of Occupancy** – A Site Plan may be submitted in conjunction with a building permit application. No building permit shall be issued until a Site Plan, as required, and all other required engineering/construction plans are first approved by the City. No Certificate of Occupancy shall be issued until all construction and development conforms to the Site Plan and engineering/construction plans, as approved by the City.

D. **Submission Requirements For Site Plan Approval:** All Site Plans shall be prepared by a qualified civil engineer, land planner, architect or surveyor, and shall clearly show in detail how the site will be constructed (such as paving, buildings, landscaped areas, utilities, etc.). The specific requirements for Site Plan applications shall include the following.

1. When the overall development project is to be developed in phases, the Site Plan shall include only the portion of the overall property that is to be developed/constructed.

2. A title block within the lower right hand corner of the site plan with the proposed name of the project/subdivision, the name and address of the owner/developer and the land planner, engineer architect or surveyor responsible for the plan, the scale of the drawing (both written and graphic scale), the date the drawing was prepared, total site acreage, and the location of the property according to the abstract and survey records of Brazoria County, Texas;

3. A vicinity or location map that shows the location of the proposed development within the City (or its ETJ) and in relationship to existing roadways;

4. The boundary survey limits of the tract (and each proposed lot) and scale distances with north clearly indicated;

5. The names of adjacent additions or subdivisions (or the name of the owners of record and recording information for adjacent parcels of unplatted land), including parcels on the other sides of roads, creeks, etc.;

6. The existing zoning and existing/proposed uses on adjacent land; the location, width and names of all existing or platted streets or other public ways within or adjacent to the tract;

any existing easements (with recording information); existing buildings; railroad rights-of-way; topography (contours at two-foot intervals) with existing drainage channels or creeks (including the 100-year flood plain, if applicable); any other important natural features (such as rock outcroppings, caves, wildlife habitats, etc.); and all substantial natural vegetation;

7. Proposed strategies for tree preservation (showing individual trees or tree masses that will preserved, and the techniques that will be used to protect them during construction);

8. The layout and width (right-of-way lines and curb lines) of existing and proposed thoroughfares, collector streets and/or intersections, and specific configuration of proposed streets, lots and blocks, proposed driveways (show driveway widths and distances between driveways), and proposed median openings and left turn lanes on future divided roadways (existing and planned driveways on the opposite side of divided roadways must also be shown for coordination and sharing of future median openings);

9. Specific locations and footprints of buildings, including but not limited to proposed nonresidential and residential densities; building heights, square footages (for multi-tenant or multi-purpose buildings, show square footage for each intended use), massing, orientation, loading/service areas (including proposed screening), recycling containers, compactors and dumpster enclosures (including proposed screening), pedestrian walkways, and parking areas (including parking ratio calculations); any proposed sites for parks, schools, public facilities, public or private open space; flood plains/drainage ways; all proposed and existing utilities and easements; drainage structures; retention/detention ponds with proposed aesthetic treatments; screening walls; fences; signage; fire lanes and fire hydrants; lighting; visibility easements; and other pertinent development related features; and

10. A landscape plan showing turf areas, tree types and sizes, screening walls, ornamental plantings, planting schedule (including species, planted height, spacing, container/caliper size, numbers of each plant material, etc.) any existing wooded areas, trees to be planted, and irrigation plans (if required).

11. Building façade (elevation) plans showing elevations with any attached (wall-mounted) signage to be used, as determined appropriate by the City Manager.

Provision of the above items shall conform to the principles and standards of this Ordinance and the Comprehensive Plan. To ensure the submission of adequate information, the City is hereby empowered to maintain and distribute a separate list of specific requirements for site plan review applications. Upon periodic review, the City Manager shall have the authority to update such requirements for site plan and development review applications. It is the applicant's responsibility to be familiar with, and to comply with, these requirements.

E. **Review & Approval of a Site Plan:**

1. CITY STAFF REVIEW OF SITE PLANS
   a. Following submittal of a complete application of a Site Plan in accordance with Section 12 of this Ordinance, City staff shall review the Site Plan application. Specifically, the City Manager, City Engineer, and the Building Official (or their respective designees) shall review the Site Plan prior to the Site Plan being forwarded to the Planning and Zoning Commission
   b. Site Plans shall be evaluated to ensure that all developments are, to the best extent possible, constructed according to the City's codes and ordinances.

c. Following City staff review, and following discussions regarding necessary revisions, the applicant shall resubmit additional copies of the corrected Site Plan to the City Manager (or his/her designee) within seven (7) calendar days prior to the Planning and Zoning Commission meeting.
d. The City Manager shall then submit the corrected plan to the Planning & Zoning Commission.
e. It should be noted that the City Manager (or his/her designee) shall forward the original plan application to the Commission if the corrected version is not resubmitted within the prescribed time period.
f. It should also be noted that a corrected plan that is incomplete or is otherwise not ready for consideration shall be subject to denial.

2. PLANNING & ZONING COMMISSION REVIEW OF & ACTION ON SITE PLANS
   a. All Site Plan applications shall be reviewed by the Planning and Zoning Commission.
   b. The City Manager, or his/her designee, shall schedule consideration of any Site Plan application on the regular agenda of the Planning and Zoning Commission within twenty (20) working days after the complete application is received.
   c. The Planning and Zoning Commission shall conduct a public hearing on the SUP application and related Site Plan in order to formulate its recommendations to the City Council. The Commission shall then recommend to the City Council that the SUP application and related Site Plan be approved, approved subject to certain conditions, or denied.
   d. If the Planning and Zoning Commission recommends denial of the Site Plan, it shall provide reasons to the applicant for the denial, if requested by the applicant. The Planning and Zoning Chairperson shall inform the applicant of the right to receive reasons for the denial.

3. CITY COUNCIL REVIEW OF & ACTION ON SITE PLANS
   a. All Site Plan applications shall be reviewed and finally acted upon by the City Council.
   b. The City Manager, or his/her designee, shall schedule consideration of any Site Plan application on the regular agenda of the City Council within forty (40) working days after Planning and Zoning Commission action.
   c. The City Council shall conduct a public hearing on the SUP application and related Site Plan. The Council shall then approve, approve subject to certain conditions, or deny the Site Plan.
   d. City Council approval of the SUP application and related Site Plan shall require a simple majority vote.
   e. The City Council may also, where appropriate, remand the SUP application and related Site Plan back to the Commission for reconsideration if it believes that there is a compelling reason to do so (such as the introduction of significant new facts or testimony, etc.).
   f. City Council decision on all SUP applications and related Site Plans shall be final, unless consideration is remanded back to the Commission.

F. **Revisions to the Approved Site Plan:**

1. MINOR REVISIONS/AMENDMENTS
   a. It is recognized that final architectural and engineering design may necessitate minor changes in the approved Site Plan. In such cases, the City Manager, or his/her designee, shall have the authority to approve minor modifications to an approved Site Plan. Such minor modifications shall be submitted as an "Amended Site Plan." The Amended Site Plan shall be clearly titled as such,

and shall substantially conform to the previously approved Site Plan.

b. Submission materials and requirements for approval of an Amended Site Plan shall be as determined by the City Manager, or his/her designee.

2. MAJOR REVISIONS - In the event of revisions that are more extensive in nature (i.e., do not conform to the description for minor amendments above), a new Site Plan must be resubmitted for review and approval. The City Manager shall have the authority to determine whether changes to a Site Plan warrant another review and approval procedure (in accordance with this Section).

G. **Effect of Review/Approval:** The Site Plan shall be considered authorization for a Specific Use Permit, as well as authorization to proceed with construction of the site (if applicable) and other required City approvals (such as final plat, engineering plans, building permit, etc.).

H. **Validity & Lapse of Site Plan Approval:** A Site Plan shall be considered a "permit" as described by State law in Chapter 245.005, as amended, of the Texas Local Government Code (TLGC).

1. VALID FOR TWO YEARS: Any approved Site Plan shall be deemed expired two (2) years from the date on which the Site Plan was originally approved by the City Council if no progress has been made toward completion of the project.

2. PROGRESS BENCHMARKS: The term "progress" shall be as defined based on TLGC Chapter 245.005 as follows:

a. Plans for construction and an application for a building permit for at least one of the buildings on the approved Site Plan are submitted within two (2) years following approval of the Site Plan.

b. A good-faith attempt is made to file with the City an application for a permit necessary to begin or continue towards completion of the project;

c. Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of five percent (5%) of the most recent appraised market value of the real property on which the project is located;

d. Fiscal security is posted with the City to ensure performance of an obligation required by the City; or

e. Utility connection fees or impact fees for the project have been paid to the City.

3. EXPIRATION: If one of the items listed in Subsection 2.a through 2.e above is not accomplished within the two-year period, then the approved Site Plan shall expire and shall become null and void.

4. EXTENSION & REINSTATEMENT PROCEDURE:

a. Prior to the lapse of approval for a Site Plan, the applicant may petition the City (in writing) to extend the Site Plan approval.

b. Such petition shall be recommended for approval or denial by the Planning and Zoning Commission, and shall be granted approval or denial by the City Council.

c. If no petition is submitted, then the Site Plan shall be deemed to have expired and shall become null and void. Any new request for Site Plan approval shall be deemed a "new permit", and shall be submitted with a new application form, with a new filing fee, and with new plans and materials in accordance with the procedures set forth in this Section. The new request shall also be reviewed for compliance with the ordinances and regulations in effect at the time the new application is made.

d. In determining whether to grant a request for extension, the Planning and Zoning Commission and City Council shall take into account:
   i. The reasons for the lapse,
   ii. The ability of the property owner to comply with any conditions attached to the original approval, and
   iii. The extent to which development regulations would apply to the Site Plan at that point in time.

35.5 STANDARDS:

A. **Factors for Consideration** - When considering applications for a specific use permit, the Planning and Zoning Commission in making its recommendation and the City Council in rendering its decision on the application shall, on the basis of the Site Plan and other information submitted, evaluate the impact of the specific use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. The Planning and Zoning Commission and the City Council shall specifically consider the extent to which:

1. The proposed use at the specified location is consistent with the goals, objectives and policies contained in the adopted Comprehensive Plan;

2. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;

3. The proposed use meets all supplemental standards specifically applicable to the use as set forth in this Ordinance;

4. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances, includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts, including but not limited to:
   a. Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire;
   b. Off-street parking and loading areas;
   c. Refuse and service areas;
   d. Utilities with reference to location, availability, and compatibility;
   e. Screening and buffering, features to minimize visual impacts, and/or set-backs from adjacent uses;
   f. Control of signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
   g. Required yards and open space;
   h. Height and bulk of structures;
   i. Hours of operation;
   j. Exterior construction material and building design; and
   k. Roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets.

5. The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.

B. **Conditions** - In approving the application, the Planning and Zoning Commission may recommend, and the City Council may impose, such additional conditions (e.g., hours of

operation, etc.) as are reasonably necessary to assure compliance with these standards and the purpose and intent of this Section, in accordance with the procedures in Section 10. Such additional conditions shall exceed the minimum standards contained herein or in any other applicable City code or ordinance, and they cannot, in effect, relax or grant relief from any of the City's minimum standards (see Subsection C below). Any conditions imposed shall be set forth in the ordinance approving the specific use permit, and shall be incorporated into or noted on the Site Plan for final approval. The City Manager shall verify that the plan incorporates all conditions set forth in the ordinance authorizing the specific use permit, and shall sign the Site Plan to indicate final approval. The City shall maintain a record of such approved specific use permits and the Site Plans and conditions attached thereto.

C. **Prohibition on Waivers and Variances -** The foregoing additional conditions (i.e., standards of development for the SUP) shall not be subject to variances that otherwise could be granted by the Board of Adjustments, nor may conditions imposed by the City Council subsequently be waived or varied by the BOA. In conformity with the authority of the City Council to authorize specific use permits, the City Council may waive or modify specific standards otherwise made applicable to the use by this Ordinance, to secure the general objectives of this section; provided, however, that the City Council shall not waive or modify any approval factor set forth in Subsection A of this Section 35.5.

35.6 EXPIRATION AND EXTENSION:

A. A specific use permit may be rescinded by the City Council, on its own motion and at its discretion, for failure to commence development, for failure to secure an extension or reinstatement of the related Site Plan that was approved along with the SUP ordinance.

35.7 AMENDMENT:

A. No proposed or existing building, premise or land use authorized as a specific use permit may be established, enlarged, modified, structurally altered, or otherwise changed from that approved in the specific use permit, unless such amendment is authorized in accordance with the standards and procedures set forth in this section, and the specific use permit and approved Site Plan are amended accordingly.

35.8 OTHER REGULATIONS:

A. The Board of Adjustments shall not have jurisdiction to hear, review, reverse, or modify any decision, determination, or ruling with respect to the specific land use designated by any specific use permit.

35.9 USE REGULATIONS:

A. Uses allowed by SUP are specified in Section 37 (Use Charts).

SECTION 36 *(Reserved)*

IV. USE REGULATIONS

SECTION 37 USE REGULATIONS (CHARTS)

37.1 A. The use of land and/or buildings shall be in accordance with those listed in the following Use Charts. No land or building shall hereafter be used and no building or structure shall be erected, altered, or converted other than for those uses specified in the zoning district in which it is located. The legend for interpreting the permitted uses in the Use Charts (Section 37.2) is:

P	Designates use permitted in the zoning district indicated.
	Designates use prohibited (i.e., not allowed) in the zoning district indicated.
S	Designates use may be permitted in the zoning district indicated by Specific Use Permit (also see Section 35).

See Definitions in Section 49 of the Zoning Ordinance for further description of uses.

B. If a use is not listed (or blank) in the Use Charts, it is not allowed in any zoning district (see Subsection D below).

C. **Use Chart Organization** - The following use categories are listed in the Use Charts (Section 37.2):

1. Agricultural Uses
2. Residential Uses
3. Office Uses
4. Personal and Business Service Uses
5. Retail Uses
6. Transportation and Auto Service Uses
7. Amusement and Recreational Service Uses
8. Institutional/Governmental Uses
9. Commercial and Wholesale Trade Uses
10. Light Manufacturing/Industrial and Construction Uses

D. **Classification of New/Unlisted Uses** - It is recognized that new types of land use will arise in the future, and forms of land use not presently anticipated may seek to locate in the City of Angleton. In order to provide for such changes and contingencies, a determination as to the appropriate classification of any new or unlisted form of land use in the Use Charts (Section 37.2) shall be made as follows:

1. **Initiation:**

   a. A person, City department, the Planning and Zoning Commission, or the City Council may propose zoning amendments to regulate new and previously unlisted uses.

   b. A person requesting the addition of a new or unlisted use shall submit to the City Manager all information necessary for the classification of the use, including but not limited to:

      (1) The nature of the use and whether the use involves dwelling activity, sales, services, or processing;

      (2) The type of product sold or produced under the use;

      (3) Whether the use has enclosed or open storage and the amount and nature of the storage;

      (4) Anticipated employment typically anticipated with the use;

      (5) Transportation requirements;

      (6) The nature and time of occupancy and operation of the premises;

      (7) The off-street parking and loading requirements;

      (8) The amount of noise, odor, fumes, dust, toxic materials and vibration likely to be generated;

      (9) The requirements for public utilities such as sanitary sewer and water and any special public services that may be required; and

      (10) Impervious surface coverage.

2. The City Manager shall refer the question concerning any new or unlisted use to the Planning and Zoning Commission requesting a recommendation as to the zoning classification into which such use should be placed. The referral of the use interpretation question shall be accompanied by the statement of facts in Subsection "b" above. An amendment to this Ordinance shall be required as prescribed by Section 10.

3. The Planning and Zoning Commission shall consider the nature and described performance of the proposed use and its compatibility with the uses permitted in the various districts and determine the zoning district or districts within which such use is most similar and should be permitted (by right or by SUP).

4. The Planning and Zoning Commission shall transmit its findings and recommendations to the City Council as to the classification proposed for any new or unlisted use. The City Council shall approve or disapprove the recommendation of the Planning and Zoning Commission or make such determination concerning the classification of such use as is determined appropriate based upon its findings. If approved, the new or unlisted use shall be amended in the use charts of the Zoning Ordinance according to Section 10 (i.e., following notification and public hearing, etc.).

5. Standards for new and unlisted uses may be interpreted by the City Manager as those of a similar use. When a determination of the appropriate zoning district cannot be readily ascertained, the same criteria outlined above ("b") shall be followed for determination of the appropriate district. The decision of the City Manager may be appealed according to the process outlined in subsections "2" through "4" above.

SECTION 37.2 USE CHARTS
{Beginning on the following page.}

Legend

P – The land use is permitted by right in the zoning district indicated.

– The land use is prohibited in the zoning district indicated.

S – The land use may be approved as a specific use permit (SUP) in the zoning district indicated.

Types of Land Uses	Residential Zoning Districts													Non-Residential Zoning Districts						
	AG	SFE-20	SF-10	SF-7.2	SF-6.3	SF-5	SF-PH	2F	SFA	MFR-14	MFR-29	MFR-36	MH	C-N	C-MU	C-G	C-O/R	CBD		LI
Agricultural Uses																				
Bulk Grain and/or Feed Storage	P																			P
Farms, General (Crops)	P	P																		P
Farms, General (Livestock/Ranch)	P	P																		P
Greenhouse (Non-Retail/Hobby)	P	P	P	P	P	P	P	P	P				P							P
Hay, Grain, and/or Feed Sales	P																			P
Livestock Sales	P																			P
Orchard/Crop Propagation	P																			P
Plant Nursery (growing for commercial purposes but no retail sales on site)	P																			P
Stables (As A Business)	P																			S
Stables (Private, Accessory Use)	P																			S
Stables (Private, Principal Use)	P																			S
Residential Uses																				
Accessory Building/Structure (Residential)	P	P	P	P	P	P	P	P	P	P	P	P	P							
Accessory Building/Structure (Non-residential)														P	P	P	P	S		P
Accessory Dwelling	P	P	S	S	S	S														
Caretaker's/Guard's Residence	P	S	S	S	S	S	S	S	P	P	P	P	P							P
Community Home	P	P	P	P	P	P	P	P	P	P	P	P	P							
Duplex / Two-Family								P		P	P	P								
Family Home Adult Care	P	P	P	P	P	P	P	P	P	P	P	P	P		P					
Family Home Child Care	P	P	P	P	P	P	P	P	P	P	P	P	P		P					
Four Family (Quadraplex)										P	P	P			S					
Home Occupation	P	P	P	P	P	P	P	P	P	P	P	P	P							
Multi-Family (Apartments)										P	P	P			S					
Loft Residence (2nd floor only)															S			P		
Rooming/Boarding House										S	S	S			S					
Single Family Detached	P	P	P	P	P	P	P	P	P	P	P	P	P							
HUD code–Manufactured Home													P							
Single Family Industrialized Home	P	P	P	P	P	P	P	P	S	S	S	S	P							
Single Family Townhouse (Attached)									P	P	P	P								
Single Family Zero Lot Line / Patio Homes							P		P	P	P	P								

Legend

P – The land use is permitted by right in the zoning district indicated.

– The land use is prohibited in the zoning district indicated.

S – The land use may be approved as a specific use permit (SUP) in the zoning district indicated.

Types of Land Uses	Residential Zoning Districts													Non-Residential Zoning Districts						
	AG	SFE-20	SF-10	SF-7.2	SF-6.3	SF-5	SF-PH	2F	SFA	MFR-14	MFR-29	MFR-36	MH	C-N	C-MU	C-G	C-O/R	CBD		LI
Swimming Pool (Private use only by resident)	P	P	P	P	P	P	P	P	P	P	P	P	P							
Three Family (Triplex)										P	P	P								
Mobile Home (built prior to June 15, 1976)													S							
Office Uses																				
Armed Services Recruiting Center														P	P	P	P	P		P
Check Cashing Service														P	P	P	P	P		P
Credit Agency														P	P	P	P	P		P
Insurance Agency Offices														P	P	P	P	P		P
Medical Laboratory															S	S	S	S		P
Offices (Brokerage Services)														P	P	P	P	P		P
Offices (Health Services)														P	P	P	P	P		P
Offices (Legal Services)														P	P	P	P	P		P
Offices (Medical Clinic or Office)														P	P	P	P	P		P
Offices (Professional)														P	P	P	P	P		P
Offices (Parole-Probation)																				
Real Estate Offices														P	P	P	P	P		P
Telemarketing Agency														S	S	S	S	S		P
Bank														P	P	P	P	P		P
Savings and Loan														P	P	P	P	P		P
Security Monitoring Company (No Outside Storage)														P	P	P	P	P		P
Personal and Business Service Uses																				
Appliance Repair																P	P			P
Artist Studio														P	P	P	P	P		P
Ambulance Service (Private)																S	S			P
Automobile Driving School (including Defensive Driving)														S	P	P	P	P		P
Automatic Teller Machines (ATM's)														P	P	P	P	P		P
Barber/Beauty Shop/College (barber or cosmetology school or college)														S	S	P	P			P
Barber/Beauty Shop (non-college)														P	P	P	P	P		P
Bed & Breakfast Inn	S	S	S	S	S	S	S	S	S	S	S	S		S	P	P	P	P		
Communication Equipment Sales/Service (Installation and/or Repair – No outdoor sales or storage or towers/antennae)																P				P

Legend

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Types of Land Uses	Residential Zoning Districts													Non-Residential Zoning Districts						
	AG	SFE-20	SF-10	SF-7.2	SF-6.3	SF-5	SF-PH	2F	SFA	MFR-14	MFR-29	MFR-36	MH	C-N	C-MU	C-G	C-O/R	CBD		LI
Computer Sales														P	P	P	P	P		P
Credit Unions														P	P	P	P	P		P
Dance/Drama/Music Schools (Performing Arts)														P	P	P	P	P		P
Extended Stay Hotels / Motels (Residence hotels)														S	S	S	S			P
Exterminator Service (No outdoor sales or storage)																P				P
Financial Services (Advice/Invest)														P	P	P	P	P		P
Funeral Home																S	P			P
Hotel/Motel															P	P	P	S		P
Martial Arts School / Dance Studio														P	P	P	P	S		P
Laundromat (or Self-Service Washateria)														S	S	P	P	S		P
Laundry/Dry Cleaning (Drop Off/Pick Up)														P	P	P	P	P		P
Locksmith														P	P	P	P	P		P
Massage Establishment (as defined within this Ordinance)														S	S	S	S			P
Mini-Warehouse/Self Storage														S	S	P	S			P
Paint Shop															S	P	P			P
Photo Studio														P	P	P	P	P		P
Photocopying/Duplicating														P	P	P	P	P		P
Sexually Oriented Business	(See Chapter 21.4 (Ordinance #2488) of the City's Code of Ordinances)																			
Shoe Repair														P	P	P	P	P		P
Studio for Radio or Television (without tower)														P	P	P	P	P		P
Tailor Shop														P	P	P	P	P		P
Tool Rental (Indoor Storage only)																P	P			P
Tool Rental (with Outdoor Storage)																S	S			P
Travel Agency														P	P	P	P	P		P
Retail Uses																				
All Terrain Vehicle (go-carts) Dealer / Sales																P	P			P
Antique Shop (no outside storage)														S	S	P	P	P		P
Antique Shop (with outside storage)															S	S	S	S		S
Art Dealer / Gallery														P	P	P	P	P		P
Auto Dealer (New - Auto Servicing and																P	P			P

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Used Auto Sales as accessory uses only)																				
Auto Dealer, Used Auto Sales																P	P			P
Auto Supply Store for New & Rebuilt Parts														S	S	S	S	S		P
Bakery (Retail)														P	P	P	P	P		P
Bakery (Wholesale)																P	P			P
Bike Sales and/or Repair (Non-Motorized)														P	P	P	P	P		P
Book Store														P	P	P	P	P		P
Building Material Sales																P	P	S		P
Cabinet Shop (Manufacturing)															S	S	P			P
Cafeteria														S	P	P	P	P		P
Confectionery Store (Retail)														P	P	P	P	P		P
Consignment Shop														S	S	P	P	P		P
Convenience Store (without gas sales)														S	P	P	P	S		P
Department Store															P	P	P	P		P
Drapery Shop / Blind Shop															P	P	P	P		P
Florist														P	P	P	P	P		P
Food or Grocery Store														S	P	P	P	P		P
Furniture Sales (Indoor)														S	P	P	P	P		P
Garden Shop (Inside Only; no outside storage)														P	P	P	P	P		P
Gravestone/Tombstone Sales																P				P
Handicraft Shop														P	P	P	P	P		P
Hardware Store														S	P	P	P	P		P
Home Improvement Center															P	P	P			P
Itinerant Vendor/Vending	S																			S
Lawnmower Sales and/or Repair															P	P	P			P
Major Appliance Sales/Rental (Indoor)															P	P	P			P
Market (Public, Flea)																S				S
Motorcycle Dealer (New / Repair)															P	P	P			P
Personal Watercraft Sales (New/Repair)															P	P	P			P
Needlework Shop														P	P	P	P	P		P
Pet Shop / Supplies / Grooming														S	P	P	P	P		P
Pharmacy														S	P	P	P	P		P
Plant Nursery (Retail Sales / Outdoor Storage)															S	P	P			P
Produce Stand														S	S	P	P	S		P
Recycling Kiosk															S	S	P			P

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Types of Land Uses	Residential Zoning Districts													Non-Residential Zoning Districts						
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Restaurant														P	P	P	P	P		P
Restaurant (Drive-In)															P	P	P			P
Retail Store (General)														S	P	P	P	P		P
Security Systems Installation Company																P	P	P		P
Studio Tattoo or Body Piercing																S				S
Temporary Outside Retail Sales / Commercial Promotion															P	P	P	P		P
Upholstery Shop (Non-Auto)																P				P
Used Merchandise/Furniture Store															S	S	S	S		P
Vacuum Cleaner Sales and Repair															P	P	P	P		P
Veterinarian (Indoor Kennels)															P	P	S	S		P
Woodworking Shop (Ornamental)															S	S	S	S		P
Transportation and Automotive Uses																				
Auto Accessories															S	P	P			P
Auto Body Repair																P	P			P
Auto Leasing & Rental																P	P			P
Auto Glass Repair/Tinting																P	P			P
Auto Interior Shop / Upholstery																P	P			P
Auto Muffler Shop																P	P			P
Auto Paint Shop																P	P			P
Auto Parts Sales (indoors only; no repair bays)														S	S	P	P	S		P
Auto Repair (Major)																P	P			P
Auto Repair (Minor)															S	P	P	S		P
Auto Storage or Auto Auction																				P
Auto Tire Repair /Sales (Indoor)																P	P			P
Auto Wrecker Service																S	S			P
Car Wash (Self Service; Automated)															S	P	P			P
Full Service Car Wash (Detail Shop)															S	P	P			P
Gasoline Service Station															S	P	P	S		P
Limousine / Taxi Service																P	P			P
Public Garage / Parking Structure																P	P			P
Quick Lube/Oil Change/Minor Inspection														S	P	P	P			P
Tire Sales (Outdoors)															S	P	P			P
Truck Rental																S				P

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Types of Land Uses	Residential Zoning Districts													Non-Residential Zoning Districts						
	AG	**SFE-20**	**SF-10**	**SF-7.2**	**SF-6.3**	**SF-5**	**SF-PH**	**2F**	**SFA**	**MFR-14**	**MFR-29**	**MFR-36**	**MH**	**C-N**	**C-MU**	**C-G**	**C-O/R**	**CBD**		**LI**
Amusement and Recreational Uses																				
Amusement Devices/Arcade (Four or More Devices, Indoors only)															S	S	S	S		S
Amusement, Commercial (Indoors)																P	P	P		P
Amusement, Commercial (Outdoors)																S	S			P
Billiard / Pool Facility (Three or More Tables)																S	P	S		S
Bingo Facility																S				S
Bowling Center																P	P			P
Broadcast Station (with Tower)																				S
Country Club (Private)	S	S	S	S	S	S	S	S	S	S	S	S	S							P
Dance Hall / Dancing Facility															S	S	S	S		P
Day Camp	P															S	S			P
Dinner Theatre														S	S	P	P	P		P
Driving Range	S														S	S	S			P
Earth Satellite Dish (Private, less than 3' in diameter)	(See Section 43.5)																			
Exhibition Hall																S				P
Fair Ground																				S
Golf Course (Miniature)															S	P	P			P
Golf Course (Private)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S			S
Golf Course (Public)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P
Health Club (Physical Fitness; Indoors Only)														S	P	P	P	P		P
Motion Picture Theater (Indoors)															P	P	P	P		P
Motion Picture Studio, Commercial Film																P				P
Museum (Indoors Only)	S													P	P	P	P	P		P
Park and/or Playground (Private)	S	S	S	S	S	S	S	S	S	S	S	S	S							
Park and/or Playground (Public; municipal)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P
Travel Trailers / RVs (Short-Term Stays)	S											S	S							S
Travel Trailers / RVs (Long-Term Stays)	S											S	S							S
Rodeo grounds	S																			S
Skating Rink															S	P	P			P
Swimming Pool (Private; Membership)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S					
Swimming Pool (Public; municipal)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P
Tennis Court (Private/Lighted)	P	P	S	S	S	S	S	S	S	P	P	P	P	S	S	S				S

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Types of Land Uses	Residential Zoning Districts													Non-Residential Zoning Districts						
	AG	SFE-20	SF-10	SF-7.2	SF-6.3	SF-5	SF-PH	2F	SFA	MFR-14	MFR-29	MFR-36	MH	C-N	C-MU	C-G	C-O/R	CBD		LI
Tennis Court (Private / Not Lighted)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P				P
Theater, Drive-In (Outdoor)																				S
Theater (Non-Motion Picture; Live Drama)																P	P	P		P
Video Rental / Sales															P	P	P	P		P
Institutional / Governmental Uses																				
Airport or Landing Field																				S
Antenna (Non-Commercial)	(See Section 43.5)																			
Antenna (Commercial)	(See Section 43.5)																			
Assisted Living Facility									S	P	P	P	S	S	S	S				
Broadcast Towers (Commercial)	(See Section 43.5)																			
Cellular Communications Tower / PCS	(See Section 43.5)																			
Cemetery and/or Mausoleum	S															S	S			S
Child Day Care (Business)														S	S	S	S	S		S
Church/Place of Worship	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P
Civic Club														P	P	P	P	P		P
Clinic (Medical)														P	P	P	P	P		P
Community Center (Municipal)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P
Electrical Generating Plant	S															S				P
Electrical Substation	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S				P
Electrical Transmission Line	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S				P
Emergency Care Clinic														S	P	P	P	P		P
Fire Station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P
Franchised Private Utility (not listed)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P
Fraternal Organization														S	S	P	P	P		P
Gas Transmission Line (Regulating Station)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S			S
Governmental Building or Use (County, State or Federal)	S	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P		P
Group Day Care Home							S	S	S	P	P	P	P	S	S	P	P	S		S
Heliport																				S
Helistop															S	S	S			P
Hospice										P	P	P		S	S	S		P		S
Hospital (Acute care / Chronic Care)														S	S	P		P		P
Household Care Facility	P	P	P	P	P	P	P	P	P	P	P	P	P							
Institution for Alcoholic, Narcotic, or															S	S	S			S

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Types of Land Uses	Residential Zoning Districts													Non-Residential Zoning Districts						
	AG	**SFE-20**	**SF-10**	**SF-7.2**	**SF-6.3**	**SF-5**	**SF-PH**	**2F**	**SFA**	**MFR-14**	**MFR-29**	**MFR-36**	**MH**	**C-N**	**C-MU**	**C-G**	**C-O/R**	**CBD**		**LI**
Psychiatric Patients																				
Library (Public)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P
Mailing Service (Private)														P	P	P	P	P		P
Maternity Homes										P	P	P		S	S	S	S	S		S
Municipal Facility or Use	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P
Non-Profit Activities by Church (in furtherance of church/religious purposes)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P
Nursing/Convalescent Home									S	P	P	P	S	S	S	S	S	P		S
Orphanage	S									S	S	S				S	S			
Philanthropic organization														S	S	S	S	S		S
Phone Exchange/Switching Station	S													S	S	S	S	S		S
Police Station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P
Post Office (Governmental)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P
Public Health Center														S	S	P	P	P		P
Radio/Television Tower (Commercial)	(See Section 43.5)																			
Rectory/Parsonage	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P
Rehabilitation Care Facility (Halfway House)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		S
Rehabilitation Care Institution																S	S			S
Retirement Home/Home for the Aged									S	P	P	P	S	S	S	S	S	P		S
Sanitarium														S	S	S	S	S		S
School, K through 12 (Private)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S		S
School, K through 12 (Public)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P
School, Vocational (Business/Commercial Trade)														S	S	P	P	S		P
Sewage Pumping Station	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		P
Surgical Out-Patient Facility																S	P			P
Utility Distribution Line	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P
Water Supply Facility (Private)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P
Water Supply Facility (Public; includes Elevated Water Storage)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P
Water/Wastewater Treatment Plant (Public)	P	P	P	P	P	P	P	P	P	P	P	P	P		P	P	P			P
Commercial and Wholesale Trade Uses																				
Book Binding																P				P

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Cleaning Plant (Commercial/Wholesale)																S				P
Feed & Grain Store / Farm Supply Store	S															S S				P
Furniture Manufacture																P				P
Heating & Air-conditioning Sales / Services															S	P	S			P
Heavy Machinery Sales and Storage																S				P
Kennel (Indoor Pens)	P															S				P
Kennel (Outdoor Pens)	P																			P
Livestock – Wholesale	P																			S
Motor Freight Company																P				P
Pawn Shop															S	P				
Petroleum Distribution/Storage/Wholesale Facility																S				P
Portable Building Sales																S				S
Propane Sales (Retail)																P	P			P
Taxidermist	S															P				P
Transfer Station (Refuse/Pick-up)	S															P				P
Veterinarian (Outdoor Kennels or Pens)	S															P				P
Warehouse / Office															S	P	S			P
Welding Shop															S	P	S			P
Manufactured Home Sales (New)																S				S
Manufactured Home Sales (Used)																				S
Light Industrial / Manufacturing Uses																				
Contractor's Office/Sales, No Outside Storage including Vehicles																P				P
Contractor's Office/Sales, With Outside Storage including Vehicles																P				P
Contractor's Temporary On-Site Construction Office (only with permit)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P
Food Processing																S				P
Electronic Assembly																P				P
Engine Repair/Motor Manufacturing Re-Manufacturing and/or Repair															S	P				P
Laboratory Equipment Manufacturing																P				P
Machine Shop																P				P
Maintenance & Repair service for															P	P	P			P

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Types of Land Uses	Residential Zoning Districts													Non-Residential Zoning Districts						
	AG	**SFE-20**	**SF-10**	**SF-7.2**	**SF-6.3**	**SF-5**	**SF-PH**	**2F**	**SFA**	**MFR-14**	**MFR-29**	**MFR-36**	**MH**	**C-N**	**C-MU**	**C-G**	**C-O/R**	**CBD**		**LI**
Buildings																				
Micro Brewery (onsite MFRg. & sales)																	S			
Outside Storage															S	S	S			P
Plumbing Shop (no outside storage)																P				P
Research Lab (Non-Hazardous)															S	P				P
Sand/Gravel/Stone Extraction	S																			S
Sand/Gravel/Stone Sales (Storage)																				S
Sign Manufacturing																P				P
Sign Shop (small scale, such as a storefront; includes sign and banner making for retail sale only)															P	P	P			P
Stone/Clay/Glass Manufacturing																				P
Manufacturing, General (meeting performance standards in Section 44)																				P
Paper Manufacturing & Converting/Finishing																				P
Batch Plant – Asphalt/Concrete (Permanent)																				S
Batch Plant – Asphalt/Concrete (Temporary)																S				S

V. DEVELOPMENT STANDARDS

SECTION 38 OFF-STREET PARKING AND LOADING REQUIREMENTS

38.1 PURPOSE:

To secure safety from fire, panic, and other dangers; to lessen congestion on public streets; to facilitate the adequate provision of transportation; to conserve the value of buildings; and to encourage the most appropriate and efficient use of land. Minimum off-street parking and loading shall be provided as set forth in the following schedules and provisions.

38.2 RESIDENTIAL DISTRICTS - SPECIAL OFF-STREET PARKING PROVISIONS:

A. Required off-street parking shall be provided on the same lot/site as the use it is to serve.

B. All required vehicle parking shall be on a paved parking surface. All driveways and approaches to parking spaces shall be similarly paved, except in the OS-1 and AG districts.

38.3 NONRESIDENTIAL AND MF DISTRICTS - SPECIAL OFF-STREET PARKING PROVISIONS:

A. To prevent nuisance situations, all parking area lighting shall be designed and operated so as not to reflect or shine on adjacent properties and in accordance with the standards established in Section 45.

B. For safety and fire-fighting purposes, free access through to adjacent nonresidential parking areas shall be provided in accordance with Section 38.10 (Fire Lanes).

C. All off-street parking, maneuvering, loading and storage areas shall be paved with paving in accordance with the City's parking lot paving requirements (no parking shall be permitted on grass, within landscaped areas, or on other unimproved surfaces). All driveway approaches shall be of reinforced concrete as described above, and shall be curbed to City standards. No paved parking space or area shall be designed such that a vehicle has to back up into a public street or across a public sidewalk, except for single- and two-family dwellings, which shall not be allowed to egress onto roadways that are larger than a residential collector (60' right-of-way) street unless specifically permitted on the approved site plan

   Parking spaces shall be permanently and clearly identified by stripes, buttons, tiles, curbs, barriers, or other approved methods. Non-permanent type marking, such as paint, shall be regularly maintained to ensure continuous clear identification of the space.

D. Each standard off-street surface parking space size shall be in accordance with the design standards as shown on Illustrations 11 through 15 for space size and design. Specific parking space sizes, exclusive of aisles, driveways and maneuvering areas shall be in accordance with the following minimum sizes:

   1. Standard: Nine feet (9') by twenty feet (20') – eighteen-foot (18') length is allowed provided that the parking space has a two-foot (2') clear bumper overhang area that does not

encroach upon a public right-of-way, a sidewalk of less than six feet (6') in width, or adjacent property.

2. Parallel: Eight feet (8') by twenty-two feet (22').

E. All parking and loading spaces, and vehicle sales areas on private property shall have a vehicle stopping device (e.g., curb, wheel stop, etc.) installed so as to prevent parking of motor vehicles in any required landscaped areas, to prevent vehicles from hitting buildings, to protect public and/or private utility structures/facilities, and to prevent parked vehicles from overhanging a public right-of-way line, public sidewalk, or adjacent private property. An extra-wide walkway on private property may be permitted so as to allow encroachment of vehicle overhang while maintaining an unobstructed four-foot (4') minimum walkway width. Parking shall not be permitted to encroach upon the public right-of-way in any case. All vehicle maneuvering shall take place on-site. No public right-of-way shall be used for backing or maneuvering into or from a parking space (except business locations in the downtown area that are already in existence as of the effective date of this Ordinance), or for circulation within the parking lot. All entrances into parking lots shall be at least twenty-four feet (24') in width, and shall conform to the City's adopted Subdivision Regulations.

F. In all nonresidential and multi-family zoning districts, the perimeter of all parking lots and driveways shall be provided with concrete curbs.

G. Refuse storage facilities placed in a parking lot shall not be located in a designated parking or loading space. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies and ease of egress from the site without having to back up further than twenty feet (20') and without having to go the wrong way in a traffic aisle.

H. Parking space(s) for persons with disabilities and other associated provisions (e.g., clear and unobstructed pathways into building, crosswalks across parking lots, etc.) shall be provided according to building codes, State laws, and requirements of the Americans with Disabilities Act (ADA). Parking spaces for persons with disabilities shall be as close as possible to the main entrance of the building, and shall be appropriately and clearly marked.

I. In all nonresidential and multi-family zoning categories, designated parking and loading areas shall not be used for the repair, storage, dismantling or servicing (except for normal maintenance of a private vehicle) of vehicles or equipment, or for the storage of materials or supplies, or for any other use in conflict with the designated parking and loading areas (i.e., advertising or open storage of raw materials).

J. To ensure that all requirements set forth in this Section are carried forward, it will be the responsibility of the owner of the parking area to adequately maintain the facility. All off-street parking areas shall be kept free of trash, debris, vehicle repair operation or display and advertising uses.

K. Off-street stacking requirements for drive-through facilities:

1. A stacking space shall be an area on a site measuring at least eight feet (8') wide by twenty feet (20') long with direct forward access to a service window or station of a drive-through facility which does not constitute space for any other circulation driveway, parking space, or maneuvering area. An escape lane, of at least eight (8) feet in width and with negotiable geometric design, must be provided to allow vehicles to get out of stacking lane in the event of a stalled vehicle, emergency, accidental entry, etc.

2. For financial institutions with drive-through facilities, each teller window or station, human or mechanical, shall be provided with a minimum of five (5) stacking spaces. One escape lane shall be provided.

3. For each service window of a drive-through restaurant, a minimum of five (5) spaces shall be provided for the first vehicle stop (usually the menu/order board), and two (2) spaces shall be provided for each additional vehicle stop (order/pick-up windows, etc.). One escape lane shall be provided from the beginning of the stacking lane to the first stop (e.g., menu/order board).

4. For retail operations (other than restaurants, banks, etc.) and kiosks that provide drive-up service (e.g., pharmacy, dry cleaners, etc.), a minimum of three (3) stacking spaces for each service window shall be provided.

5. For a full-service car wash, each vacuum or gas pump lane shall be provided with a minimum of four (4) stacking spaces. For the finish/drying area, adequate vehicle stacking and storage space must be provided to keep finished vehicles out of circulation aisles, access easements, fire lanes, streets, etc.

6. For each automated self-service (drive-through/rollover) car wash bay, a minimum of three (3) stacking spaces, in addition to the wash bay itself, shall be provided. One additional stacking space shall be provided at the exit end of each wash bay for window-drying and other detailing.

7. For each wand-type self-service (open) car wash bay, a minimum of two (2) stacking spaces, in addition to the wash bay itself, shall be provided. One additional stacking space shall be provided at the exit end of each wash bay for window-drying and other detailing, unless a separate area/shade structure is provided (outside of circulation aisles) for these activities.

8. For automobile quick-lube type facilities, a minimum of three (3) stacking spaces shall be provided for each service bay in addition to the service bay itself.

L. Dead-end parking areas shall be avoided if possible. If dead-end parking is necessary, then it shall be designed such that it is no more than three (3) parking spaces deep unless adequate turnaround space is provided. A minimum five-foot (5') deep hammerhead back-up space shall be provided at the end of any dead-end parking area.

M. All parking structures must conform to the development and design standards of the zoning district in which they are located.

38.4 OFF-STREET LOADING SPACE -- ALL DISTRICTS:

A. All retail and similar nonresidential structures shall provide and maintain off-street facilities for receiving and loading merchandise, supplies and materials within a building or on the lot or tract. All drives and approaches shall provide adequate space and clearances to allow for the maneuvering of trucks off-street. Each site shall provide a designated on-site maneuvering area for trucks (see Illustrations 2 and 20). Such off-street loading space may be adjacent to (but not any portion of) a public alley or private service drive, or it may consist of a truck berth within the structure. The minimum dimensions of a "regular" loading space shall be ten feet by thirty feet

(10' x 30'), and a "large" loading space shall be at least ten feet by sixty-five feet (10' x 65'). Loading spaces or berths shall be provided in accordance with the following schedule:

(a) Office uses, or portion(s) of building devoted to office uses:

0 to 19,999 square feet:	0 spaces
20,000 to 49,999 square feet:	1 regular space
50,000 to 149,999 square feet:	1 regular space and 1 large space
150,000+ square feet:	2 regular spaces and 1 large space

(b) Retail/commercial and restaurant uses, or portion(s) of building devoted to retail/commercial and restaurant uses:

0 to 3,999 square feet:	0 spaces
4,000 to 9,999 square feet:	1 regular space
10,000 to 29,999 square feet:	1 regular space and 1 large space
30,000 to 99,999 square feet:	2 regular spaces and 1 large space
100,000 to 200,000 square feet:	2 regular spaces and 2 large spaces
Each additional 100,000 square feet, or portion thereof, over 200,000:	1 additional large space

B. In all nonresidential zoning districts, loading docks or service/delivery entrances shall not be constructed facing any public street (except for large industrial uses; see Subsection B.1 below), and shall not be visible from any public street. Such loading areas shall be screened from view of any public street by the building itself, or by a masonry screening wing wall at least twelve feet (12’) in height with large evergreen trees and shrubs planted in front of it such that limited portions of the wing wall will be visible when the trees and shrubs are mature. Such masonry wing wall shall match the exterior construction materials and colors of the main building, and shall be located no closer than one hundred feet (100’) to any public street right-of-way line (see Illustration 20).

1. For large industrial or warehouse uses in the LI zoning district only, the loading docks may face a public street, and shall not be required to provide a masonry screening wing wall, provided that a minimum thirty-foot (30’) wide landscape buffer area is provided adjacent to the street right-of-way line. One (1) large shade trees shall be provided within the landscape buffer area for every twenty feet (20’) of street frontage, or one (1) small ornamental tree shall be provided for every twelve feet (12’) of street frontage (or some combination thereof). In addition, a solid massing of large evergreen shrubs and three- to four-foot tall berms shall be provided to further screen loading area from view of the street (see Illustration 21).

C. Loading docks for any establishment which customarily receives goods between the hours of 9:00 p.m. and 8:00 a.m. and is adjacent to a residential district shall be designed and constructed so as to enclose the loading operation on at least three sides in order to reduce the effects of the noise of the operation on adjacent residences. Other screening/buffering alternatives may be approved on the required plan (i.e., Concept Plan, Site Plan) provided that the approving authority (i.e., City staff, City Council) makes a finding that the alternative method of screening/buffering will be adequate to protect nearby residences.

D. Kindergartens, elementary schools, day schools, and similar child training and care establishments, and middle schools shall provide one (1) paved off-street pedestrian loading and unloading space (i.e., stacking spaces) for an automobile on a through, "circular" drive for each ten (10) students cared for (excluding child care in a residence), not to exceed thirty (30) spaces. An additional lane shall also be required to allow passby or through traffic to move while

automobiles waiting or parked to pick up children occupy loading/unloading areas. This standard shall be in addition to other off-street parking requirements.

E. Loading spaces that are adjacent and easily accessible to several buildings or uses, including buildings and uses on separate lots, shall be allowed to satisfy the loading requirements for the individual buildings or uses, provided that: 1) the number of spaces satisfies the requirements for the combined square footages for the buildings or uses in question, and 2) for loading spaces to be shared among separate lots, they must be in reasonably close proximity to all potential users and an agreement granting mutual use by the owners of each building shall be executed and provided to the City (for file).

38.5 PARKING ACCESS FROM A PUBLIC STREET -- ALL DISTRICTS:

A. In the approval of the applicable required plan (i.e., Concept Plan, Site Plan), design consideration shall be given to providing entrance/exit drives that extend into the site to provide adequate queuing of vehicles on the site.

B. In all districts (except single-family and duplex zoning districts), the applicable required plan shall provide for entrance/exit drive(s) appropriately designed and located to minimize traffic congestion or conflict within the site and with adjoining public streets. Based upon analysis by the City, if projected volumes of traffic entering or leaving a development are likely to interfere with the projected peak traffic flow volumes on adjoining streets, additional right-of-way and paving in the form of a deceleration lane, a turn lane, or other roadway improvements may be required of a developer in order to reduce such interference and to help ensure traffic safety and efficiency. The dedication of additional right-of-way or street paving may also be required, and shall be determined at the time of site plan and final plat approval.

C. Vehicular access to non-residential uses shall not be permitted from alleys serving residential areas, and shall not be configured as “head-in” parking spaces which are accessed directly from the street.

D. Parking space configuration, location, arrangement, size and circulation in all districts shall be constructed according to Illustrations 11 through 15.

E. Individual residential driveways having direct access (i.e., be placed directly) onto any existing or future major or minor arterial shall be prohibited.

38.6 PARKING REQUIREMENTS BASED UPON USE:

A. In all districts, there shall be provided at the time any building or structure is erected or structurally altered, or change of use, off-street parking spaces in accordance with the following requirements:

1. **Automobile parts sales (indoors):** One (1) space per five hundred (500) square feet of indoor floor area, plus one (1) space for each two thousand (2,000) square feet of outside sales area.

2. **Automobile sales or service:** See Motor-Vehicle Sales

3. **Bank, savings and loan, or similar institution:** One (1) space per two hundred and fifty (250) square feet of gross floor area in addition to required stacking spaces (see Subsection 38.3 K.)

4. **Bed and breakfast facility:** One (1) space per guest room in addition to the requirements for a normal residential use

5. **Bowling alley or center:** Six (6) parking spaces for each alley or lane

6. **Business or professional office (general):** One (1) space per three hundred (300) square feet of gross floor area, except as otherwise specified herein

7. **Car wash (self-serve):** One (1) space per washing bay or stall in addition to the washing areas/stalls themselves and required stacking spaces; **Car wash (full service):** One (1) space per one hundred fifty (150) square feet of floor area in addition to the required stacking spaces (also see Subsection 38.3 K.)

8. **Church, rectory, or other place of worship:** One (1) parking space for each three (3) seats in the main auditorium/sanctuary (see Subsection 38.7(B))

9. **Commercial amusement (indoor):** One (1) space per one-hundred (100) square feet of gross floor area, or as follows:

   a. Racquetball or handball courts - Three (3) spaces for each court

   b. Indoor tennis courts - Six (6) spaces for each court

   c. Gymnasium, skating rinks, and martial arts schools - One (1) space for each three (3) seats at a maximum seating capacity (based upon maximum occupancy), plus one (1) space for each two hundred (200) square feet

   d. Swimming pool - One (1) space for each one hundred (100) square feet of gross water surface and deck area

   e. Weight lifting or exercise areas - One (1) space for each one hundred (100) square feet

   f. Indoor jogging or running tracks - One (1) space for each one hundred (100) linear feet

   g. Motion picture theaters (which do not include live performances): a) one (1) space per three and one-half (3.5) seats for single-screen theaters; b) one (1) space per five (5) seats for motion picture theaters with two (2) or more screens (see Subsection 38.7(B))

   h. Amusement Center - One (1) space for each game table and one (1) space for each amusement device

   i. All areas for subsidiary uses not listed above or in other parts of this Section (such as restaurants, office, etc.), shall be calculated in with the minimum specified for those individual uses

10. **Commercial amusement (outdoor):** Ten (10) spaces plus one (1) space for each five hundred (500) square feet over five thousand (5,000) square feet of building and recreational area

11. **Commercial use:** One (1) space per two hundred fifty (250) square feet of floor area

12. **Community center, library, museum or art gallery:** Ten (10) parking spaces plus one (1) additional space for each three hundred (300) square feet of floor area in excess of two thousand (2,000) square feet. If an auditorium is included as a part of the building, its floor area shall be deducted from the total and additional parking provided on the basis of one (1) space for each four (4) seats that it contains (see Subsection 38.7(B))

13. **Convenience store (with gasoline pumps):** One (1) space per two hundred (200) square feet of floor area, plus one (1) parking space for each side of a gasoline pump unit (a unit may have up to six (6) nozzles for gasoline disbursement). Spaces within pump areas qualify as spaces for the parking requirement. If no gasoline sales are provided, then the parking requirements shall be the same as for a retail store. Adequate space shall be provided for waiting, stacking, and maneuvering automobiles for refueling.

14. **Dance/aerobics studio or assembly/exhibition hall without fixed seats:** One (1) parking space for each one hundred (100) square feet of floor area thereof

15. **Day nursery, day care center, pre-school or pre-kindergarten:** One (1) space per ten (10) pupils (based upon maximum occupancy and/or licensing capacity), plus one (1) space per classroom and/or office, plus one (1) space for each bus or van stored on the property (and sized to accommodate the vehicle); also see stacking requirements in Subsection 38.4 D.

16. **Defensive driving school/class:** One (1) space for each classroom seat (see Subsection 38.7(B))

17. **Fast-Food or Drive-In Restaurant:** One (1) parking space per one hundred (100) square feet of gross floor area (including indoor/outdoor play areas and patio dining areas), or one (1) space for every three (3) seats under maximum seating arrangement (i.e., occupancy), whichever is greater; required parking spaces are in addition to any stacking spaces that may be needed/provided for drive-through or drive-in facilities (see Subsection 38.3 K.).

18. **Furniture or appliance store, hardware store, wholesale establishments, clothing or shoe repair or service:** Two (2) parking spaces plus one (1) additional parking space for each three hundred (300) square feet of floor area over one thousand (1,000) square feet

19. **Gasoline station:** One (1) space per two hundred (200) square feet of floor area, plus one (1) space for each side of a gasoline pump unit (a unit may have up to six (6) nozzles for gasoline disbursement). Spaces within pump areas qualify as spaces for the parking requirement. Adequate space shall be provided for waiting, stacking, and maneuvering automobiles for refueling.

20. **Golf course:** Four (4) parking spaces per hole or green plus requirements for retail, office, and club house areas.

21. **Golf driving range:** One and one-half (1.5) spaces for each driving tee

22. **Health club, health spa or exercise club:** One (1) space per one hundred fifty (150) square feet of floor area

23. **Hospital:** One (1) space for each bed based on full occupancy.

24. **Hotel or Motel:** One (1) space per guest room for the first two hundred fifty (250) rooms and .75 space per room for each room over two hundred fifty (250), plus one (1) space per five (5) restaurant/lounge area seats (based upon maximum occupancy), plus one (1) space per one hundred twenty-five (125) square feet of meeting/conference areas, plus the following:

    a. One and one-tenth (1.1) spaces for any guest room containing kitchenette facilities; and,

    b. Two (2) spaces for any guest room provided with full kitchen facilities

25. **Institutions of a philanthropic nature:** One (1) space per two hundred (200) square feet

26. **Library or museum:** Ten (10) spaces plus one (1) space for every three hundred (300) square feet

27. **Lodge or fraternal organization:** One (1) space per two hundred (200) square feet

28. **Lumber yard/home improvement center:** One (1) space per four hundred (400) square feet display area, plus one (1) space per one thousand (1,000) square feet of warehouse

29. **Manufactured home or manufactured home park:** Two (2) spaces for each manufactured home unit, plus visitor/supplemental parking in accordance with Section 26, plus additional spaces as required herein for accessory uses

30. **Medical or dental office:** One (1) space per one hundred and fifty (150) square feet of floor area. Facilities over 20,000 square feet shall use the parking standards set forth for hospitals.

31. **Mini-warehouse:** Four (4) spaces per establishment, plus two (2) spaces for an on-site manager's residence (if applicable), plus one (1) appropriately sized space for any type of vehicle to be stored on-site (e.g., rental trucks, boats, RVs, etc.)

32. **Mortuary or funeral home:** One (1) parking space for each two hundred (200) square feet of floor space in slumber rooms, parlors or individual funeral service rooms, or one (1) space for each three (3) seats in the auditorium/sanctuary (see Subsection 38.7(B)), whichever is greater. Adequate on-site stacking spaces shall also be provided for the organization and forming of processions such that these activities do not cause excessive or extended traffic congestion/delays on a public roadway.

33. **Motor-vehicle sales and new or used car lots:** One (1) parking space for each five hundred (500) square feet of sales floor/office and other indoor uses, plus one (1) parking space for each one thousand (1,000) square feet of exterior lot area used for storage, sales and parking areas, plus one (1) parking space per repair bay in service areas (indoors or outdoors), plus one (1) parking space per service/towing vehicle to be stored on-site (required parking spaces are in addition to those to be used for the storage/display of vehicles for sale/lease).

34. **Nursing home, convalescent home, or home for the aged:** One (1) space per six (6) beds; plus one (1) parking space for each three hundred (300) square feet of floor area devoted to offices, cafeterias, exercise/therapeutic rooms, and other similar ancillary uses.

35. **Office (administrative or professional):** One (1) space for each three hundred (300) square feet of floor area

36. **Outdoor display:** One (1) space for each six hundred (600) square feet of open sales/display area

37. **Pawn Shop:** One (1) space for each two hundred (200) square feet of floor area

38. **Places of public assembly not listed:** One (1) space for each three (3) seats provided (see Subsection 38.7(B))

39. **Real estate office:** One (1) space for each two hundred (200) square feet

40. **Restaurant, cafe or similar food service establishment:** One (1) parking space for each one hundred (100) square feet of gross floor area (including indoor/outdoor play areas and patio dining areas), or one (1) space for every three (3) seats under maximum seating arrangement (i.e., occupancy), whichever is greater; required parking spaces are in addition to any stacking spaces that may be needed/provided for drive-through or drive-in facilities (see Subsection 38.3 K.).

41. **Retail or personal service establishment, except as otherwise specified herein:** One (1) space per two hundred (200) square feet of gross floor area in addition to any required stacking spaces for drive-through facilities (see Subsection 38.3 K.)

42. **Retirement housing for the elderly (independent living):** One and one-half (1.5) spaces for each dwelling unit, plus any additional spaces for accessory retail, office, service or recreational uses

43. **Rooming or boarding house, or group quarters:** One (1) parking space for each sleeping room at full occupancy, plus one (1) parking space for each host resident or employee during maximum (i.e., peak) shift

44. **School, elementary (grades K-6):** One (1) parking space for each fifteen (15) students (design capacity), plus one (1) large parking space for each bus to be parked on-site for any length of time other than student pick-up/drop-off. Also see Section 38.4(D).

45. **School, secondary or middle (grades 7-8):** One (1) parking space for each twelve (12) students (design capacity). Also see Section 38.4(D).

46. **School, high school (grades 9-12):** One space for each three (3) students, faculty and staff (design capacity). Also see Section 38.4(D).

47. **Storage or warehousing, and light manufacturing:** One (1) space for each one thousand (1,000) square feet of total floor area, whichever is greater

48. **Technical School, College, Junior College or University:** One (1) space per three (3) students, based upon maximum enrollment or design capacity, whichever is greater

49. **Telemarketing:** One (1) space for each two hundred and fifty (250) square feet of floor space

50. **Terminal facilities, truck terminals, bus depots, and other similar transportation uses:** One (1) space for each one thousand (1,000) square feet of floor area, whichever is greater; for bus depot or other human transportation use, one (1) space per one hundred (100) square feet of passenger waiting area.

51. **Theater, indoor or outdoor (live performances), sports arena, stadium, gymnasium or auditorium (except school auditorium):** One (1) parking space for each three (3) seats or bench seating spaces (see Subsection 38.7(B))

52. **Veterinarian clinic:** One (1) space per three hundred (300) square feet of gross floor space.

53. **Wholesale distribution uses:** One (1) space for each one thousand (1,000) square feet of total floor area, whichever is greater

38.7 RULES FOR COMPUTING NUMBER OF PARKING SPACES AND MISCELLANEOUS OFF-STREET PARKING REQUIREMENTS:

In computing the number of parking spaces required for each of the above uses, the following rules shall govern:

A. **"Floor Area"** shall mean the gross floor area of the specific use.

B. **"Seat"** shall be interpreted as follows:

1. For fixed (e.g., church pews, grandstands, benches, etc.) seating, one seat equals 1.75 feet of length; and

2. For flexible (e.g., folding chairs, etc.) seating areas, one seat equals eight (8) square feet of floor area occupied by such seating area (includes aisles).

C. Where fractional spaces result, the parking spaces required shall be construed to be the next higher whole number.

D. The parking space requirements for a new or unlisted use not specifically mentioned herein shall be the same as required for a use of similar nature. If the proposed use is not similar to any of the uses listed herein, a determination shall be recommended by the Planning & Zoning Commission, and shall be made/approved by the City Council, in conjunction with the request for classification of the new or unlisted use, as provided in Section 37.1 (D).

E. Whenever a building or use is changed or enlarged in floor area, number of dwelling units, seating capacity or otherwise, to create a need for an increase of ten percent (10%) or more in the number of existing parking spaces, such spaces shall be provided on the basis of the enlargement or change. If a building or use that was in existence prior to the effective date of this Ordinance is enlarged by more than fifty percent (50%) in floor area, number of dwelling units, seating capacity or otherwise, then said building or use shall be required to conform with the parking requirements herein for the entire building or use.

F. For buildings which have a combination of uses within the same structure or on the same premises (such as retail or office), the off-street parking requirement shall be calculated as the summation of the parking requirements for each use, and no parking space for one particular use shall be allowed to count toward the parking requirement for some other use on the premises except in the case of a shared parking arrangement (see Subsection G. below).

G. **Shared parking** may be allowed in the case of mixed uses (different buildings) under the following conditions: Up to fifty percent (50%) of the parking spaces required for a theater or other place of evening entertainment (after 6:00 p.m.), or for a church, may be provided and used jointly by banks, offices, and similar uses not normally open, used, or operated during evening hours. Shared parking must be on the same parking lot. Reduction due to shared parking shall only be allowed if approved on the applicable required plan (i.e., Concept Plan, Site Plan). To assure retention of the shared parking spaces, each property owner shall properly draw and execute an irrevocable mutual parking agreement document expressing the same, shall file this agreement with the County, and shall provide a copy of the filed agreement to the City of Angleton prior to issuance of a certificate of occupancy for any use that relies upon the parking agreement.

38.8 LOCATION OF PARKING SPACES:

All parking spaces required herein shall be located on the same lot of the building or use served, except as follows:

A. Where an increase in the number of spaces is required by a change or enlargement of an existing use, or where such spaces are provided collectively or used jointly by two (2) or more existing buildings or establishments, the required additional spaces may be located not to exceed three hundred (300) feet from any nonresidential lot served.

B. In any case where the required parking spaces are not located on the same lot with the building or use served, or where such spaces are collectively or jointly provided and used, approval on the applicable required plan (i.e., Concept Plan, Site Plan) is required according to the following criteria:

1. Off-site parking may be permitted on an immediately contiguous lot or tract, or on a lot or tract within one hundred feet (100') of such building or structure providing:

a. That a permanent, irrevocable easement of the parking facilities in favor of the premises to be benefited shall be dedicated and recorded as a condition of such use; or

b. That a long-term remote parking lease agreement be provided upon approval by the City as a condition of such use.

38.9 USE OF REQUIRED PARKING SPACES, NON-RESIDENTIAL DISTRICTS:

A. Off-street parking and loading spaces shall be used only for these respective purposes and shall not be used for refuse containers, cart corrals, recycling kiosks, signs or sign support structures, telecommunications towers or support structures, storage or permanent display of boats, trailers, campers, motor vehicles or other goods, materials, or products for sale/lease/rent.

38.10 **FIRE LANES:**

A. Fire lanes shall be provided in all multi-family (and in some single-family attached), manufactured home, and nonresidential developments, as required by the adopted Fire Code of the City (also see the Subdivision Ordinance for certain fire lane regulations). Fire lanes shall be constructed in accordance with the City of Angleton Technical Construction Standards and Specifications at a minimum width of twenty-four feet (24') of paving, and shall have a minimum inside turning radius at curves of twenty feet (20'), or as required by the Fire Code and/or the Fire Chief of the City of Angleton. The minimum overhead vertical clearance over fire lanes shall be fourteen feet (14') for a linear distance of fifty feet (50') on each side (i.e., in front of and behind, as a fire apparatus would traverse underneath) of any overhead structure (e.g., canopy, roof overhang, vertical height control device, etc.).

38.11 **SPECIAL REGULATIONS FOR SPECIAL MOTOR VEHICLES (including RVs):**

A. See Section 47.6.

SECTION 39 LANDSCAPE REQUIREMENTS

39.1 PURPOSE:

Landscaping is accepted as adding value to property and is in the interest of the general welfare of the City. The provision of landscaped areas also serves to increase the amount of a property that is devoted to pervious surface area that, in turn, helps to reduce the amount of impervious surface area, storm water runoff, and consequent non-point pollution in local waterways. Therefore, landscaping is hereafter required of new development, except single- and two-family and agricultural uses, adjacent to public streets. Single- and two-family uses are generally not required to provide extensive landscaping at the time of development because they rarely fail to comply with the requirements set forth herein.

39.2 SCOPE AND ENFORCEMENT:

The standards and criteria contained within this Section are deemed to be minimum standards and shall apply to all new, or altered (i.e., exceeding fifty percent (50%) of the original building's footprint), construction occurring within the City, except that single-family or duplex dwellings shall be exempt. Additionally, any use requiring a Specific Use Permit or a PD zoning designation must comply with these landscape standards unless special landscaping standards are otherwise provided for in the ordinance establishing the SUP or PD district. The provisions of this Section shall be administered and enforced by the Building Official. The landscape standards in this Section apply only to nonresidential and multi-family developments (including uses such as schools and churches within a residential zoning district).

If at any time after the issuance of a certificate of occupancy, the approved landscaping is found to be not in conformance with the standards and criteria of this Section, the Building Official shall issue notice to the owner, citing the violation and describing what action is required to comply with this Section. The owner, tenant or agent shall have ninety (90) calendar days from date of said notice to establish/restore the landscaping, as required. If the landscaping is not established/restored within the allotted time, then such person shall be in violation of this Ordinance.

39.3 PERMITS:

No permits shall be issued for building, paving, or construction until a detailed landscape plan is submitted and approved by the City Manager or Designee, along with the applicable required plan (i.e., Concept Plan, Site Plan). A landscape plan shall be required as part of the applicable required plan, as outlined in Section 12. The landscape plan may be shown on the applicable required plan (provided the plan remains clear and legible) or may be drawn on a separate sheet. Prior to the issuance of a certificate of occupancy for any building or structure, all screening and landscaping shall be in place in accordance with the landscape plan.

In any case in which a certificate of occupancy is sought at a season of the year in which the Building Official, determines that it would be impractical to plant trees, shrubs or groundcover, or to successfully establish turf areas, a temporary certificate of occupancy may be issued provided a letter of agreement from the property owner is submitted that states when the installation shall occur. All landscaping required by the landscaping plan shall be installed within six (6) months of the date of the issuance of the certificate of occupancy.

39.4 LANDSCAPE PLAN:

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

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

A. Minimum scale of one inch (1") equals fifty feet (50'); show scale in both written and graphic form.

B. Location, size and species of all trees to be preserved (do not use "tree stamps" unless they indicate true size and location of trees).

C. Location of all plant and landscaping material to be used, including plants, paving, benches, screens, fountains, statues, earthen berms, ponds (to include depth of water), topography of site, or other landscape features

D. Species and common names of all plant materials to be used

E. Size of all plant material to be used (container size, planted height, etc.)

F. Spacing of plant material where appropriate

G. Layout and description of irrigation, sprinkler, or water systems including location of water sources

H. Name and address of the person(s) responsible for the preparation of the landscape plan

I. North arrow/symbol, and a small map showing where the property is located

J. Date of the landscape plan

39.5 GENERAL STANDARDS:

The following criteria and standards shall apply to landscape materials and installation:

A. All required landscaped open areas shall be completely covered with living plant material. Landscaping materials such as wood chips and gravel may be used under trees, shrubs and other plants, but shall not comprise a significant portion of the total landscaped area.

B. Plant materials shall conform to the standards of current edition of the “American Standard for Nursery Stock” (as amended), published by the American Association of Nurserymen. Grass seed, sod and other material shall be clean and reasonably free of weeds and noxious pests and insects.

C. Trees shall have an average spread of crown of greater than fifteen feet (15') at maturity. Trees having a lesser average mature crown of fifteen feet (15') may be substituted by grouping the same so as to create the equivalent of fifteen feet (15') of crown spread. Large trees shall be a minimum of three inches (3") in caliper (measured six inches (6") above the ground) and seven feet (7') in height at time of planting. Small trees shall be a minimum of one and one-half inch (1.5") in caliper and five feet (5') in height at time of planting.

D. Shrubs not of a dwarf variety shall be a minimum of two feet (2') in height when measured immediately after planting. Hedges, where installed for screening purposes, shall be planted and maintained so as to form a continuous, unbroken, solid visual screen which will be six feet (6') high within three (3) years after time of planting (except for parking lot/headlight screens, which shall form a continuous, solid visual screen three feet high within two years after planting).

E. Vines not intended as ground cover shall be a minimum of two feet (2') in height immediately after planting and may be used in conjunction with fences, screens, or walls to meet landscape screening requirements as set forth.

F. Grass areas shall be sodded, plugged, sprigged, hydro-mulched and/or seeded, except that solid sod shall be used in swales, earthen berms or other areas subject to erosion.

G. Ground covers used in lieu of grass in whole and in part shall be planted in such a manner as to present a finished appearance and reasonably completed coverage within one (1) year of planting.

H. All required landscaped areas shall be equipped with an automatic, underground irrigation system with freeze- and moisture sensors to prevent watering at inappropriate times. Landscaped areas having less than twenty (20) square feet in area may be irrigated by some other inconspicuous method. If appropriate xeriscape planting techniques are utilized, the Zoning Board of Adjustments may waive the requirement for an underground irrigation system (see Section 9.6.F). However, the landscaping shall be required to be maintained in a healthy, living and growing condition, and any irrigation devices shall not be visible from public streets or walkways.

I. Earthen berms shall have side slopes not to exceed 33.3 percent (three feet (3') of horizontal distance for each one foot (1') of vertical height). All berms shall contain necessary drainage provisions as may be required by the City's Engineer.

39.6 MINIMUM ON-SITE LANDSCAPING REQUIREMENTS FOR NONRESIDENTIAL AND MULTI-FAMILY DEVELOPMENTS:

A. For all nonresidential and multi-family developments (including schools, churches, day care facilities, and other similar uses in a residential district), at least ten percent (10%) of the street yard shall be permanently landscaped area (see Illustration 19), except that any lot that is less than ten thousand (10,000) square feet in area shall only be required to provide at least five percent (5%) landscaped street yard. The street yard shall be defined as the area between the building front and the front property line (which is not necessarily the front street right-of-way line if lots are platted between the building front and the street itself).

B. A minimum ten-foot (10') landscape buffer (interior parkway) adjacent to the right-of-way of any major thoroughfare is required, except any lot that is less than ten thousand (10,000) square feet in area shall only be required to provide a minimum five-foot (5’) landscape buffer. Corner lots fronting two (2) major thoroughfares shall provide the appropriate required landscape buffer on both street frontages. One (1) large shade tree shall be required per fifty (50) linear feet (or

portion thereof) of street frontage. Trees may be grouped or clustered to facilitate site design and to provide an aesthetically pleasing, natural looking planting arrangement. The landscaped buffer area may be included in the required street yard landscape area percentage.

C. Landscape areas within parking lots should generally be at least one parking space in size, with no landscape area less than fifty (50) square feet in area. Landscape areas shall be no less than five feet (5') wide and shall equal a total of at least sixteen (16) square feet per parking space. There shall be a landscaped area with at least one (1) tree within sixty feet (60') of every parking space. There shall be a minimum of one (1) tree planted in the parking area for every ten (10) parking spaces for parking lots having more than twenty (20) spaces. Within parking lots, landscape areas should be located to define parking areas and to assist in clarifying appropriate circulation patterns. A landscape island shall be located at the terminus of all parking rows, and shall contain at least one tree. All landscape areas shall be protected by a monolithic concrete curb or wheel stops, and shall remain free of trash, litter, and car bumper overhangs. The area of parking lot landscaping islands shall be in addition to the required street yard landscape area percentage.

D. All existing trees which are to be preserved shall be provided with undisturbed, permeable surface area under (and extending outward to) the existing dripline of the tree. All new trees shall be provided with a permeable surface under the dripline a minimum of five feet (5') by five feet (5').

E. Necessary driveways from the public right-of-way shall be permitted through all required landscaping in accordance with City regulations.

39.7 SIGHT DISTANCE AND VISIBILITY:

Rigid compliance with these landscaping requirements shall not be such as to cause visibility obstructions and/or blind corners at intersections. Whenever an intersection of two (2) or more public rights-of-way occurs, a triangular visibility area, as described below, shall be created. Landscaping within the triangular visibility area shall be designed to provide unobstructed cross-visibility at a level between thirty inches (30") and eight feet (8'). Trees may be permitted in this area provided they are trimmed in such a manner that no limbs or foliage extend into the cross-visibility area. The triangular areas are:

A. The areas of property on both sides of the intersection of an alley accessway and public right-of-way shall have a triangular visibility area with two (2) sides of each triangle being a minimum of twenty feet (20’) in length from the point of intersection and the third side being a line connecting the ends of the other two (2) sides.

B. The areas of property located at a corner formed by the intersection of two (2) or more public rights-of-way (or a private driveway onto a public road) shall have a triangular visibility area with two (2) sides of each triangle being a minimum of thirty-five feet (35’) in length along the right-of-way lines (or along the driveway curb line and the road right-of-way line) from the point of the intersection and the third side being a line connecting the ends of the other two (2) sides. (See Illustration 18 also.)

Landscaping, except required grass and low ground cover, shall not be located closer than three feet (3') from the edge of any accessway pavement.

In the event other visibility obstructions are apparent in the proposed landscape plan, as determined by the City Manager, the requirements set forth herein may be reduced to the extent to remove the conflict.

SECTION 40 ACCESSORY STRUCTURE AND USE REGULATIONS

40.1 In a single-family or multi-family district, an accessory structure is a subordinate or incidental building, attached to or detached from the main building, not used for commercial purposes and not rented. Accessory structures shall be located toward the rear portion of the property, and shall conform with applicable provisions of the Building Code. (Also see Section 42 for exterior construction standards.)

40.2 In nonresidential districts, an accessory structure is a subordinate building, the use of which is secondary to and supportive of the main building. Accessory structures shall not be permitted without a main building or primary use being in existence. Accessory structures should, wherever possible, be located toward the rear portion of the property. Accessory buildings shall conform with applicable provisions of the Building Code. (Also see Section 42 for exterior construction standards.)

40.3 Accessory dwelling units in the AG and SF-20 zoning districts shall be allowed as an incidental residential use of a building on the same lot as the main dwelling unit and used by the same person or persons of the immediate family, and shall meet the following standards:

A. The accessory dwelling unit must be constructed to the rear of the main dwelling, separate from the main dwelling.

B. The accessory dwelling unit may be constructed only with the issuance of a building permit, and shall be constructed of masonry materials that are similar in appearance to the main structure if over four hundred (400) square feet in size.

C. The accessory dwelling unit may not be sold separately from sale of the entire property, including the main dwelling unit, and shall not be sublet.

D. Setback requirements shall be the same as for the main structure.

E. Accessory dwellings are not permitted without the main or primary structure.

40.4 Accessory dwellings shall conform to the height limitations of the zoning district in which it is located. No such accessory dwelling or quarters shall be used or occupied as a place of abode or residence by anyone other than a bona fide caretaker, servant or farm worker actually and regularly employed by the land owner or occupant of the main building, or is a guest or family member of the owner/occupant. Only one (1) accessory dwelling unit (i.e., garage/accessory dwelling, servants/caretakers quarters, etc.) shall be allowed on any lot within a residential zoning district, and they shall be clearly incidental to the primary use. These accessory living structures shall not, in any case, be leased or sold.

40.5 AREA REGULATIONS FOR ACCESSORY BUILDINGS IN RESIDENTIAL AND MULTI-FAMILY DISTRICTS:

A. **Size of Yards:**

1. **Front Yard:** Detached accessory buildings shall be prohibited in front of the main building.

2. **Side Yard:** There shall be a side yard not less than five feet (5') from any side lot line or alley line for any accessory building provided that such building is separated from the main building by a minimum distance of ten feet (10'). In the case of an accessory building being closer than ten feet (10') to the main building, the minimum side yard requirements for the main building shall be observed. Accessory buildings adjacent to a side street shall have a side yard not less than fifteen feet (15'). Garages or carports located and arranged so as to be entered from an interior side yard shall have a minimum setback of twenty-five feet (25') from the side lot line. Carports or garages arranged to be entered from the side yard, facing a public street, shall have a minimum distance equal to the required yard for the main building or twenty-five feet (25'), whichever is greater.

3. **Rear Yard:** There shall be a rear yard not less than five feet (5') from any lot line or alley line, except that; a) where apartments are permitted, the main building and all accessory buildings shall not cover more than sixty percent (60%) of that portion of the lot lying to the rear of a line erected joining the midpoint of one side lot line with the midpoint of the opposite side lot line; b) carports, garages, or other accessory buildings, located within the rear portion of a lot as heretofore described, constructed closer than ten feet (10') to the main building, shall have a rear yard equivalent to the rear yard requirement for the main building; or c) accessory buildings constructed ten feet (10') or more from the main building shall have a rear yard of five feet (5'). If an alley exists, accessory buildings may be located within five feet (5') of a rear lot line if the maximum (e.g., ridge) height of the building is no greater than eight feet (8') and if a solid fence or wall of the same height is built on the rear lot line to screen the building from property located to the rear. Garages or carports that are arranged so as to be entered by a motor vehicle from an alley or rear alley easement shall be set back from the rear property line or alley easement line a minimum distance of twenty-five feet (25').

B. Carports shall be measured from the part of the carport (usually the roof) that is closest to the street or alley (see Illustration 5), and shall be constructed of materials like the main building(s) on the premises. In single-family and two-family zoning districts, carports shall be a maximum size of forty feet (40') wide and twelve feet (12') deep. In multi-family and nonresidential zoning districts, carports shall be a maximum size of three (3) bays in width and one (1) bay in depth.

C. Accessory buildings are not permitted without a main structure.

D. Accessory buildings shall not exceed the height allowed for such buildings in the specific zoning district wherein it is located. Garage/accessory dwelling units up to two (2) stories are allowed in certain districts (see Section 37.2) by SUP if there is no adverse impact upon adjacent properties.

E. Exterior Construction Standards for Accessory Buildings: See Section 42 of this Ordinance.

F. Accessory buildings of any type shall require a permit from the City.

SECTION 41 FENCING, WALLS AND SCREENING REQUIREMENTS

41.1 PURPOSE:

To encourage the most appropriate use of land and conserve and protect the privacy and value of adjacent permitted uses. Regulations are prescribed for the location and type of various screening devices to be used when required in the various zoning districts or in this Section in accordance with the following standards.

41.2 SCREENING OF NONRESIDENTIAL, MULTI-FAMILY AREAS AND MANUFACTURED HOME PARKS:

A. In the event that multi-family, non-residential uses, or manufactured home parks side or back upon a single-family, two-family or residential PD district, or in the event that any non-residential district sides or backs upon a multiple-family district, a solid brick/masonry screening wall of not less than six feet (6'), nor more than eight feet (8'), in height shall be erected on the property line separating these districts. The purpose of the screening wall or fence is to provide a visual and protective barrier between the properties.

   1. The owner of the multi-family or manufactured home property shall be responsible for and shall build and maintain the required wall on the property line dividing the property from the single-family or duplex residential district.

   2. When screening is required between nonresidential and residential uses, it shall be the responsibility of the nonresidential use to construct and maintain the screening wall.

   3. Any screening wall or fence required under the provisions of this Section or under a Specific Use Permit, Planned Development district, or other requirement shall be constructed of masonry, reinforced concrete, or other similar suitable permanent materials which do not contain openings. All wall or fence openings shall be equipped with gates equal in height and screening characteristics to the wall or fence.

   4. Alternative equivalent screening may be approved through the process of approving the required applicable plan (refer to Section 12).

B. In nonresidential, multi-family and manufactured home districts, no fence or wall shall be erected in any front yard or side yard which is adjacent to a public street unless the fence/wall is required to screen the development from an adjacent residential area (particularly if the residence has, or could have, a back yard fence that would be exposed to view from the street if the required screening wall were not extended out to the street right-of-way line). In this case, the screening fence/wall shall be extended out to the street right-of-way line by the developer of the nonresidential, multi-family or manufactured home development, and the fence/wall shall be finished on both sides in a manner/color that is compatible to the exterior finish materials used on the main buildings (except for a manufactured home park). Screening fences/walls shall be placed such that they do not impede visibility for vehicles entering or exiting the nonresidential, multi-family or manufactured home development (see Section 43.8 for sight visibility requirements).

C. All fences require permits.

D. See Section 43.8 for sight visibility requirements for fences and screening walls.

E. Open storage of materials, commodities or equipment (see Section 37.2, Use Charts, for zoning districts permitting outside storage) shall be screened with a minimum six-foot (6') fence or wall, and shall not be visible from the street or from adjacent property. (See definition of outside storage in Section 49.)

F. In districts permitting open storage, screening shall be required for those areas used for open storage. A six-foot (6') screening fence or wall shall be provided and maintained at the property line adjacent to the area to be screened by one or a combination of the following methods:

1. Solid masonry (brick, concrete block or concrete panels)
2. Wrought iron with solid landscape screening
3. Alternate equivalent screening may be approved through the approval process for the required applicable plan (refer to Section 12).

No outside storage may exceed the height of the fence. Outside storage exceeding eight feet (8') shall require a Specific Use Permit.

G. Refuse storage areas (including all dumpsters) which are not within a screened rear service area and which are visible from a public right-of-way for all nonresidential, single-family attached, multi-family and manufactured home park uses shall be visually screened by a minimum six-foot (6') solid masonry wall on at least three sides (see Illustrations 16 and 17 for refuse container enclosure diagrams). The fourth side, which is to be used for garbage pickup service, may provide an optional gate to secure the refuse storage area. Alternate equivalent screening methods may be approved through the required applicable plan approval process, Section 12. Each refuse facility shall be located so as to facilitate pickup by refuse collection agencies. Adequate reinforced paved areas shall be provided for refuse facilities and their approaches for loading and unloading, as per Illustration 16.

41.3 FENCES IN RESIDENTIAL AREAS:

A. Any fence or wall located to the rear of the minimum required front yard line shall not exceed eight feet (8') in height.

B. Except as provided by (1.) below, no fence or wall shall be permitted within the required front yard of any single-family or duplex residential lot that is adjacent to a public street. No residential fence shall be closer than fifteen feet (15') to a public street except in cases where the side building line of the yards on continuous corner lots adjoin, the fence may be constructed out to the property line of said side yard such that the street side yard may be included as part of the lot's back yard area. (See Illustration 23).

1. Decorative fences with openings not less than fifty percent (50%) of the fence area and not exceeding four feet (4') in height are permitted in front yards. Chain link, woven wire mesh or similar materials are not considered decorative fencing.

   Decorative ornamental iron fencing may be constructed up to six feet (6') in height within the front yard only in the AG zoning district, and only on lots exceeding one (1) acre in size in other districts. Such fences shall have openings not less than fifty percent (50%) of the fence area, and shall not interfere with traffic visibility (see Section 43.8).

C. All fences require permits.

D. Electrical fencing and barbed wire is prohibited as perimeter fencing except for containment of farm animals on parcels of five (5) or more acres.

E. Gates designed for vehicular access and all garage doors shall be set back from the property line a minimum of twenty-five feet (25').

F. Fences around swimming pools shall comply with the Standard Swimming Pool Code and the City of Angleton's codes/ordinances pertaining to same.

G. See Section 43.8 for sight visibility requirements for fences and screening walls.

H. Special purpose fencing, such as fencing around tennis courts, is allowed only upon issuance of a permit from the City. The maximum height of such fencing shall be twelve (12) feet.

SECTION 42 EXTERIOR CONSTRUCTION AND DESIGN REQUIREMENTS

42.1 PURPOSE:

The City Council of the City of Angleton finds that it is necessary to regulate the exterior finish and appearance of buildings that are erected within the City in order to insure the consistency in quality, compatibility, and character of buildings within comparable zoning districts. The regulation of exterior materials and building construction assures consistent provision of both a high level of structural durability relative to impacts from natural and manmade forces over time and a safe environment for those occupants, equipment, and goods within the structure. The provision of a quality exterior finish compliments the building construction by reducing maintenance needs, providing a surface more resistant to damage, assisting in maintaining structure and property value over a longer period, contributing substantially to the compatibility and character of its neighborhood or surroundings.

42.2 DEFINITIONS:

A. For the purpose of this Section, the following definitions shall apply:

1. Masonry Construction – This term shall be construed to mean that form of construction composed of brick, stone, decorative concrete block or tile, or other similar building units or materials (or combination of these materials) laid up unit by unit and set in mortar, and shall exclude wall area devoted to doors and windows. As applicable to meeting the minimum requirements for the exterior construction of buildings within each zoning district, this term shall include the following materials:

a. Hard fired brick – shall be kiln fired clay or slate material and can include concrete brick if it is to the same American Society for Testing and Materials (ASTM) standard for construction as typical hard fired clay brick. The material shall be Severe Weather grade, and coloration shall be integral to the masonry material and shall not be painted on. Unfired or under-fired clay, sand or shale brick are not allowed.

b. Stone – includes naturally occurring granite, marble, limestone, slate, river rock, and other similar hard and durable all-weather stone that is customarily used in exterior construction material. Cast or manufactured stone product, provided that such product yields a highly textured, stone-like appearance. Coloration shall be integral to the

masonry material and shall not be painted on.

c. Decorative concrete block – shall be highly textured finish such as split-faced, indented, hammered, fluted, ribbed, or similar architectural finish. Coloration shall be integral to the masonry material and shall not be painted on.

d. Concrete pre-cast or tilt wall panel – shall be of an architectural finish that is equal to or exceeds the appearance and texture of face brick or stone. Coloration shall be integral to the masonry material and shall not be painted on.

e. Stucco– an exterior plaster made from a mixture of cement, sand, lime and water spread over metal screening or chicken wire or lath. Coloration shall be integral to the masonry material and shall not be painted on.

f. Exterior Insulated Finish System – a synthetic stucco cladding system that typically consists of the these main components (coloration shall be integral to the masonry material and shall not be painted on):

(1) Panels of expanded polystyrene foam insulation installed with adhesive or mechanically fastened to the substrate, usually plywood or oriented strand board;

(2) A base coat over the foam insulation panels,

(3) A glass fiber reinforcing mesh laid over the polystyrene insulation panels and fully imbedded in the base coat; and

(4) A finishing coat over the base coat and the reinforcing mesh.

g. Cementitious Fiber Board Siding – A cement and fiberglass exterior-rated board.

2. Exterior Wall Surface – All areas of a structure's wall sections located above the finish floor elevation of the foundation, exclusive of doors and windows.

42.3 MINIMUM EXTERIOR CONSTRUCTION STANDARDS

A. The standards and criteria contained within this subsection are deemed to be minimum standards and shall apply to all new building construction occurring within any zoning district in the City of Angleton as follows:

Single-Family and Two-Family Residential – None.

B. Multiple-Family Dwellings - All exterior wall surfaces of all new multiple-family dwellings shall be of 90% masonry construction. Covered breezeways and areas of exterior walls located directly beneath covered porches, patios and balconies that have a minimum dimension of four feet in depth and eight feet in width shall not be counted as exterior wall surface when calculating the masonry requirement.

C. Non-Residential Structures - All exterior wall surfaces of all new non-residential structures that have frontage on, or are visible from, Highway 288 or Business 288 north of Loop 273, shall be of 90% masonry construction. When located along the front or back elevation of a structure, areas of exterior walls located directly beneath covered porches or patios that have a minimum dimension of four feet in depth and eight feet in width shall not be counted as exterior wall surface when calculating the masonry requirement.

D. Applicability - The Minimum Exterior Construction Standards established in this Section shall not apply to the following class or kind of:

(i) Facilities located within industrial parks that are created and developed by the municipality or a municipal economic development entity;

(ii) Detached accessory buildings having not more than two hundred (200) square feet of floor area when located on the same lot as a single-family or two-family dwelling. Accessory Dwelling Units as defined by the Zoning Ordinance are not considered detached accessory buildings in the application of this Subsection;

(iii) Temporary construction and material storage buildings utilized during construction of permanent improvements on a parcel of land, within subdivision or other similar circumstance such as a public works project. The temporary structure temporary structure shall be completely removed upon the expiration of its building permit or upon completion of the permanent improvement, whichever occurs first;

(iv) Farm accessory buildings if such buildings are used solely for agricultural purposes;

(v) Historic Landmarks designated by the Historical Committee; and

(vi) Remodeling, renovating or expansion of existing single-family or two-family dwellings when matching materials (or materials that simulate the appearance of the existing exterior) are utilized.

42.4 ALTERNATIVE EXTERIOR MATERIALS

The Planning and Zoning Commission may, approve an alternative exterior construction material(s) only upon a determination that the proposed materials are:

(i) Sufficiently durable, and fire and weather resistant to achieve the stated purpose of these requirements; and

(ii) The proposed building materials and arrangement of the materials provide consistency of appearance with existing structures on the property or within the neighborhood in which it is located, or

(iii) The proposed building material(s) create an appearance that associates a time, a place, an event, or an activity with the development in a thematic manner.

All requests to utilize an alternative exterior construction material(s) shall be in writing and shall address the durability of the proposed material(s) as described in Subsection 42.4(i) above, along with an explanation of its use as it relates to Subsection 42.4(ii) or (iii) above.

Such requests shall be accompanied by a site plan and a façade plan in the case of an individual structure or group of structures developed as a single non-residential project. In the case of a residential development involving the utilization of an alternative exterior construction material(s) on a neighborhood wide basis, a concept plan or approved plat and typical façade treatments shall accompany the request. The City may require the submission of an actual sample(s) of the proposed alternative exterior construction material(s).

A request to utilize an alternative exterior construction material(s) shall be submitted to the Building Official. The City Council shall consider the request within thirty (30) days of submittal. The approval of an alternative exterior construction material(s) shall be on a case by case basis and is solely at the discretion of the City Council.

SECTION 43 SUPPLEMENTAL REGULATIONS

43.1 A. **Measuring Setbacks -** All setback measurements shall be made in accordance with Illustration 4.

B. **Configuration of Lots -** Wherever possible, flag lots (i.e., lots with minimal, or panhandle type, frontage) shall be avoided. Similarly, through (i.e., double frontage) lots (particularly within residential zoning districts) shall also be avoided wherever possible. (Also see Subdivision Ordinance for regulations pertaining to the configuration of lots.)

C. **Building Setbacks** – All setbacks established on a recorded plat shall be enforced, even if they exceed the required setbacks in this Ordinance. Setbacks established on a recorded plat shall only be changed through replat proceedings (see Subdivision Ordinance).

43.2 **FRONT YARD:**

A. On all corner lots, the front yard setback shall be observed along the frontage of both intersecting streets, unless approved specifically otherwise on a final plat. Where single-family and duplex lots have double frontage, extending from one street to another, or are on a corner, a required front yard shall be provided on both streets unless a side or rear yard building line has been established along one frontage on the plat, in which event only one required front yard need be observed. The side and/or rear yards in the case of single-family and duplex uses shall be identified and the front of the structure shall not face the side or rear yard (see Illustration 18).

B. Where the frontage on one side of a street between two intersecting streets is divided by two or more zoning districts, the front yard shall comply with the requirements of the most restrictive district for the entire frontage (see Illustration 3).

C. The front yard shall be measured from the property line to the front face of the building, to the nearest supporting member of a covered porch or terrace, or to any attached accessory building. Eaves and roof extensions or a porch without posts or columns may project into the required front yard for a distance not to exceed four feet (4'), and subsurface structures, platforms or slabs may not project into the front yard to a height greater than thirty inches (30") above the average grade of the yard (see Illustration 4). Open porches extending into the front yard shall not be enclosed.

D. Minimum lot widths for lots with predominate frontage on the curved radius of a street (e.g., cul-de-sac or "eyebrow" portion of a street) shall be measured as the linear distance of the curved front building line, and shall be shown on the subdivision plat. Lot widths for all lots shall be as set forth in the respective zoning district for each lot. The front building line required in a zoning district may be increased by up to five feet (5’) on cul-de-sac and street eyebrow lots in order to comply with the minimum lot width required in that zoning district, provided that an adequate building pad area (i.e., has adequate depth) is retained on the lot after moving the front building line back.

E. See Section 47.1 for special front yard regulations and setbacks for gasoline service station pump islands and canopies.

F. Where a future right-of-way line has been established for future widening or opening of a street or thoroughfare, upon which a lot abuts, then the front, side, or rear yard shall be measured from the future right-of-way line.

43.3 SIDE AND REAR YARDS:

A. On a corner lot used for one or two-family dwellings, both street exposures shall be treated as front yards on all lots, except that where one street exposure is designated as a side yard for both adjacent lots or where the two lots are separated by an alley, street right-of-way, creek/flood plain area, or other similar phenomenon. In such case, a building line may be designated by the City Manager, with a minimum side yard of fifteen feet (15') or more (as determined by the applicable zoning district standards). On lots which were official lots of record prior to the effective date of this Ordinance, the minimum side yard adjacent to a side street shall comply with the minimum required side yard for the respective district.

B. Every part of a required side and rear yard shall be open and unobstructed except for the ordinary projections of window sills, belt courses, cornices, and other architectural features not to exceed twelve inches (12") into the required side or rear yard, and roof eaves projecting not to exceed thirty-six inches (36") into the required side or rear yard. Air conditioning compressors and similar equipment are permitted in the side or rear yard. Open porches extending into a side or rear yard shall not be enclosed. A canopy or awning may project into a required side or rear yard provided that it is not enclosed, and provided that it is at least five feet (5’) from the property line. The minimum separation between buildings shall be maintained, per the City’s Building Code.

43.4 SPECIAL HEIGHT REGULATIONS:

A. In any zoning district, water stand pipes and tanks, church steeples, domes and spires, ornamental cupolas, uninhabited (or one-man overseer’s penthouse not exceeding fifty square feet in size) utility or industrial structures, and City Government buildings may be erected to exceed the height limit, as specified in the particular zoning district, provided that two (2) additional feet shall be added to the width and depth of front, side, and rear yards for each foot that such structures exceed the district height limit.

43.5 COMMUNICATIONS ANTENNAS AND SUPPORT STRUCTURES/TOWERS:

A. Purpose: The purpose of this section is to establish general guidelines for the siting of wireless communications towers and antennas. The goals of this section are to:

1. Protect residential areas and land uses from potential adverse impacts of towers and antennas;
2. Encourage the location of towers in nonresidential areas;
3. Minimize the total number of towers throughout the community;
4. Strongly encourage the joint use of new and existing tower sites as a primary option rather than construction of additional single-use towers;
5. Encourage users of towers and antennas to locate them, to the extent possible, in areas where the adverse impact on the community is minimal;

6. Encourage users of towers and antennas to configure them in a way that minimizes the adverse visual impact of the towers and antennas through careful design, siting, landscape screening, and innovative camouflaging techniques;

7. Enhance the ability of the providers of telecommunications services to provide such services to the community quickly, effectively, and efficiently;

8. Consider the public health and safety of communication towers; and

9. Avoid potential damage to adjacent properties from tower failure through engineering and careful siting of tower structures. In furtherance of these goals, the city shall give due consideration to the city's master plan, zoning map, existing land uses, and environmentally sensitive areas in approving sites for the location of towers and antennas.

B. Definitions: As used in this Section, the following terms shall have the meanings set forth below:

1. *Alternative tower structure* means manmade trees, clock towers, bell steeples, light poles and similar alternative-design mounting structures that camouflage or conceal the presence of antennas or towers.

2. *Antenna* means any exterior transmitting or receiving device mounted on a tower, building or structure and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communications signals.

3. *Backhaul network* means the lines that connect a provider's towers/cell sites to one or more cellular telephone switching offices, and/or long distance providers, or the public switched telephone network.

4. *FAA* means the Federal Aviation Administration.

5. *FCC* means the Federal Communications Commission.

6. *Height* means, when referring to tower or other structure, the distance measured from the finished grade of the parcel to the highest point on the tower or other structure, including the base pad and any antenna.

7. *Preexisting towers and preexisting antennas* means any tower or antenna for which a building permit or special use permit has been properly issued prior to the effective date of this section, including permitted towers or antennas that have not yet been constructed so long as such approval is current and not expired.

8. *Tower* means any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto.

C. Applicability:

1. *New towers and antennas.* All new towers or antennas in the city shall be subject to these regulations, except as provided below.

2. *Amateur radio station operators/receive only antennas.* This Section shall not govern any tower, or the installation of any antenna, that is under 70 feet in height and is owned and operated by federally-licensed amateur radio station operator or is used exclusively for receive only antennas.

3. *Preexisting towers or antennas.* Preexisting towers and preexisting antennas shall not be required to meet the requirements of this Section other than the requirements of Sections D.4, D.5, D.6, D.7, D.9, G.2.f and G.2.g. Preexisting towers and antennas shall have 90 days from the effective date to comply with these sections, unless the owners petition the city and show good cause why more time should be granted.

4. *AM array.* For purposes of implementing this article, an AM array, consisting of one or more tower units and supporting ground system which functions as one AM broadcasting antenna, shall be considered one tower. Measurements for setbacks and separation distances shall be measured from the outer perimeter of the towers included in the AM array. Additional tower units may be added within the perimeter of the AM array by right.

D. General Requirements:

1. *Principal or accessory use.* Antennas and towers may be considered either principle or accessory uses. A different existing use of an existing structure on the same lot shall not preclude the installation of an antenna or tower on such lot.

2. *Lot size.* For purposes of determining whether the installation of a tower or antenna complies with district development regulations, including but not limited to setback requirements, lot-coverage requirements, and other such requirements, the dimensions of the entire lot shall control, even though the antennas or towers may be located on leased parcels within such lot.

3. *Inventory of existing sites.* Each application for an antenna and/or tower shall provide to the code enforcement officer and inventory of its existing towers, antennas, or sites approved for tower or antennas, that are either within the jurisdiction of the city or within one mile of the border thereof, including specific information about the location, height, and design of each tower. The code enforcement officer may share such information with other applicants applying for administrative approvals or special use permits and this article or other organizations seeking to locate antennas within the jurisdiction of the city provided, however that the code enforcement officer is not, by sharing such information, in a way representing or warranting that such sites are available or suitable.

4. *Aesthetics.* Towers and antennas shall meet the following requirements:

   a. Towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FAA, be painted a neutral color so as to reduce visual obtrusiveness.

   b. At a tower site, the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend them into the natural setting and surrounding buildings.

c. If an antenna is installed on a structure other than a tower, the antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or closely compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

5. *Lighting.* Towers shall not be artificially lighted, unless required by the FAA or other applicable authority. If lighting is required, the lighting alternatives and design chosen must cause the least disturbance to the surrounding views.

6. *State or federal requirements.* All towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the state or federal government with the authority to regulate towers and antennas. If such standards and regulations are changed, then the owners of the towers and antennas governed by this article shall bring such towers and antennas into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a different compliance schedule is mandated by the controlling state or federal agency. Failure to bring towers and antennas into compliance with such revised standards and regulations shall constitute grounds for the removal of the tower or antenna at the owner's expense.

7. *Building codes; safety standards.* To ensure the structural integrity of towers, the owner of a tower shall ensure that it is maintained in compliance with standards contained inapplicable state or local building codes and the applicable standards for towers that are published by the Electronic Industries Association, as amended from time to time. If, upon inspection, the city concludes that a tower fails to comply with such codes and standards and constitutes a danger to persons or property, then upon notice being provided to the owner of the tower, the owner shall have 30 days to bring such tower into compliance with such standards. Failure to bring such tower into compliance within said 30 days shall constitute grounds for the removal of the tower or antenna at the owner's expense.

8. *Measurement.* For purposes of measurement, tower setbacks and separation distances shall be calculated and applied to facilities located in the city irrespective of municipal and county jurisdictional boundaries.

9. *Not essential services.* Towers and antennas shall be regulated and permitted pursuant to this article and shall not be regulated or permitted as essential services, public utilities, or private utilities.

10. *Franchises.* Owners and/or operators of towers or antennas shall certify that all franchises required by law for the construction and/or operation of a wireless communication system in the city have been obtained and shall file a copy of all required franchises with the code enforcement officer.

11. *Public notice.* For purposes of this article, an special use request, variance request, or appeal of an administratively approved use or special use shall require public notice to all abutting property owners and all property owners of properties that are located within the corresponding separation distance listed in section G.2.e.(2), Table 2, in addition to any notice otherwise required by the zoning ordinance.

12. *Signs.* No signs shall be allowed on an antenna or tower.

13. *Buildings and support equipment.* Buildings and support equipment associated with antennas or towers shall comply with the requirements of section H.

14. *Multiple* antenna/tower plan. The city encourages the users of towers and antennas to submit a single application for approval of multiple towers and/or antenna sites. Applications for approval of multiple sites shall be given priority in the review process.

E. Permitted Uses:

1. *General.* The uses listed in this section are deemed to be permitted uses and shall not require administrative approval or a special use permit.

2. *Permitted uses.* The following uses are specifically permitted:

a. Antennas or towers located on property owned, leased, or otherwise controlled by the city provided a license or lease authorizing such antenna or tower has been approved by the city.

F. Administratively Approved Uses:

1. *General.* The following provisions shall govern the issuance of administrative approvals for towers and antennas:

a. The code enforcement officer may administratively approve the uses listed in this section.

b. Each applicant for administrative approval shall apply to the code enforcement office providing the information set forth in sections G.2.a and G.2.c of this section and nonrefundable fee as established by resolution of the city council to reimburse the city of the costs of reviewing the application.

c. The code enforcement officer shall review the application for administrative approval and determine if the proposed us complies with sections D, G.2.d and G.2.e of this Section.

d. The code enforcement officer shall respond to each such application within 60 days after receiving it by either approving or denying the application. If the code enforcement officer fails to respond to the applicant within said 60 days, then the application shall be deemed to be approved.

e. In connection with any such administrative approval, the code enforcement officer may, in order to encourage shared use, administratively waive any zoning district setback requirements in section G.2.d or separation distances between towers in section G.2.e by up to 50 percent.

f. In connection with any such administrative approval, the code enforcement officer may, in order to encourage the use of monopoles, administratively allow the reconstruction of an existing tower to monopole construction.

g. If an administrative approval is denied, the applicant shall file an application for a special use permit pursuant to section G prior to filing any appeal that may be available under the zoning ordinance.

2. List of administratively approved uses. The following uses may be approved by the code enforcement officer after conducting an administrative review:

a. Locating a tower or antenna, including the placement of additional buildings or other supporting equipment used in connection with said tower or antenna, in any industrial or heavy commercial zoning district.

b. Locating antennas on existing structures or towers consistent with the terms of subsections (1) and (2) below.

(1) Antennas on existing structures. An antenna which is not attached to tower may be approved by the code enforcement officer as an accessory use to any commercial, industrial, professional, institutional , or multi-family structure of eight or more dwelling units, provided:

(a) The antenna does not extend more than 30 feet above the highest point of the structure.

(b) The antenna complies with all applicable FCC and FAA regulations; and

(c) The antenna complies with all applicable building codes.

(2) Antennas on existing towers. An antenna which is attached to an existing tower may be approved by the code enforcement officer and, to minimize adverse visual impacts associated with the proliferation and clustering of towers, collocation of antennas by more than one carrier on existing towers shall take precedence over the construction of new towers, provided such collocation is accomplished in a manner consistent with the following:

(a) A tower which is modified or reconstructed to accommodate the collocation of an additional antenna shall be of the same tower type as the existing tower, unless the code enforcement officer allows reconstruction as a monopole.

(b) Height.

(i) an existing tower may be modified or rebuilt to a taller height, not to exceed 30 feet over the tower's existing height, to accommodate the collocation of an additional antenna.

(ii) The height change referred to in subsection b.(i) may only occur one time per communication tower.

(iii) The additional height referred to in subsection b.(i) shall not require an additional distance separation as set forth in section G. The tower's pre-modification height shall be used to calculate such distance separations.

(c) Onsite location.

(i) A tower which is being rebuilt to accommodate the collocation of an additional of an additional antenna may be moved onsite within 50 feet of its existing location.

(ii) After the tower is rebuilt to accommodate collocation, only one tower may remain on the site.

(iii) A relocated onsite tower shall continue to be measured from the original tower location for purposes of calculating separation distances between towers pursuant to section G.2.e. The relocation of a tower hereunder shall in no way be deemed to cause a violation of section G.2.e.

(iv) The onsite relocation of a tower which comes within the separation distances to residential units or residentially zoned lands as established in section G.2.e shall only be permitted when approved by the code enforcement officer.

c. New towers in non-residential zoning districts. Locating any new tower in a nonresidential zoning district other than industrial or heavy commercial, provided a licensed professional engineer certifies the tower can structurally accommodate the number of shared users proposed by the applicant; the code enforcement officer concludes the tower is in conformity with the goals set forth in section A and the requirements of section D; the tower meets the setback requirements in section G.2.d and separation distances in section G.2.e; and the tower meets the following height and usage criteria:

(1) For a single user, up to 90 feet in height;

(2) For two users, up to 120 feet in height; and

(3) For three or more users, up to 150 feet in height.

d. Locating any alternative tower structure in a zoning district other than industrial or heavy commercial that in the judgment of the code enforcement officer is in conformity with the goals set forth in section A of this section.

e. Installing a cable microcell network through the use of multiple low-powered transmitters/receivers attached to existing wireline systems, such as conventional cable or telephone wires, or similar technology that does not require the use of towers.

G. Special use permits.

1. *General.* The following provisions shall govern the issuance of special use permits for towers or antennas by the city council after recommendation from the planning and zoning commission:

a. If the tower or antenna is not a permitted use under section E of this section or permitted to be approved administratively pursuant to section F of this section, then a special use permit shall be required for the construction of a tower or the placement of an antenna in all zoning districts.

b. Applications for special use permits under this section shall be subject to the procedures and requirements of Section 35 (special use permits) of the zoning ordinance, except as modified in this section.

c. In granting a special use permit, the city council and/or the planning and zoning commission may impose conditions to the extent the planning and zoning commission and/or the city council concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.

d. Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

e. An applicant for a special use permit shall submit the information described in this section and a non-refundable fee as established by resolution of the city council to reimburse the city for the costs of reviewing the application.

2. Towers

a. *Information required.* In addition to any information required for applications for special use permits pursuant to Section 35 (special use permits) of the zoning ordinance, applicants for a special use permit for a tower shall submit the following information:

(1) A scaled site plan clearly indicating the location, type and height of the proposed tower, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other municipalities), master plan classification of the site and all properties within the applicable separation distances set forth in section G.2.e, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of the proposed tower and any other structures, topography, parking, and other information deemed by the code enforcement officer to be necessary to assess compliance with this section.

(2) Legal description of the parent tract and leased parcel (if applicable).

(3) The setback distance between the proposed tower and the nearest residential unit, platted residentially zoned properties, and unplatted residentially zoned properties.

(4) The separation distance from other towers described in the inventory of existing sites submitted pursuant section D.3 shall be shown on an updated site plan or map. The applicant shall also identify the type of construction of the existing tower(s) and the owner/operator of the existing tower(s), if known.

(5) A landscape plan showing specific landscape materials.

(6) Method of fencing, and finished color and, if applicable, the method of camouflage and illumination.

(7) A description of compliance with sections D.3, D.4, D.5, D.6, D.7, D.10, D.12, D.13, D.14, G.2.d, G.2.e and all applicable federal, state or local laws.

(8) A notarized statement by the applicant as to whether construction of the tower will accommodate collocation of additional antennas for future users.

(9) Identification of the entities providing the backhaul network for the tower(s) described in the application and other cellular sites owned or operated by the applicant in the municipality.

(10) A description of the suitability of the use of existing towers, other structures or alternative technology not requiring the use of towers or structures to provide the services to be provided through the use of the proposed new tower.

(11) A description of the feasible location(s) of future towers or antennas within the city based upon existing physical, engineering, technological or geographical limitation in the event the proposed tower is erected.

b. *Factors considered in granting special use permits for towers.* In addition to any standards for consideration of special use permit applications pursuant to section 35 (special use permits) of the zoning ordinance, the city council after recommendation from the planning and zoning commission shall consider the following factors in determining whether to issue a special use permit, although the city council may waive or reduce the burden on the applicant of one or more of these criteria if the planning and zoning commission and/or the city council concludes that the goals of this section are better served thereby:

(1) Height of the proposed tower;

(2) Proximity of the tower to residential structures and residential district boundaries;

(3) Nature of uses on adjacent and nearby properties;

(4) Surrounding topography;

(5) Surrounding tree coverage and foliage;

(6) Design of the tower, with particular reference to design characteristics that have the effect of reducing or eliminating visual obtrusiveness;

(7) Proposed ingress and egress; and

(8) Availability of suitable existing towers, others structures, or alternative technologies not requiring the use of towers or structures, as discussed in section G.2.c of this article.

c. *Availability of suitable existing towers, other structures, or alternative technology*. No new tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of the planning and zoning commission and city council that no existing tower, structure or alternative technology that does not require the use of towers or structures can accommodate the applicant's proposed antenna. An applicant shall submit information requested by the city council or the planning and zoning commission related to the availability of suitable existing towers, other structures or alternative technology. Evidence submitted to demonstrate that no existing tower, structure or alternative technology can accommodate the applicant's proposed antenna may consist of any of the following:

(1) No existing towers or structures are located within the geographic area which meet applicant's engineering requirements.

(2) Existing towers or structures are not of sufficient height to meet applicant's engineering requirements.

(3) Existing towers or structures do not have sufficient structural strength to support applicant's proposed antenna and related equipment.

(4) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.

(5) The fees, costs, or contractual provisions required by the owner in order to share an existing tower or structure or to adapt an existing tower or structure for sharing are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.

(6) The applicant demonstrates that there are other limiting factors that render existing towers and structures unsuitable.

(7) The applicant demonstrates that an alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

d. *Setbacks.* The following setback requirements shall apply to all towers for which a special use permit is required; provided, however, that the city council after recommendation from the planning and zoning commission may reduce the standard setback requirements if the goals of this article would be better served thereby:

(1) Towers must be set back a distance equal to at least 100 percent of the height of the tower from any adjoining lot line.

(2) Guys and accessory buildings must satisfy the minimum zoning district setback requirements.

e. *Separation.* The following separation requirements shall apply to all towers and antennas for which a special use permit is required; provided, however, that the city council after recommendation of the planning and zoning commission may reduce the standard separation requirements if the goals of this article would be better served thereby:

(1) Separation from off-site uses/designated areas.

(a) Tower separation shall be measured from the base of the tower to the lot line of the off-site uses and/or designated areas as specified in table 1, except as otherwise provided in table 1.
(b) Separation requirements for towers shall comply with the minimum standards established in table 1.

Table 1	
Off-site Use/Designated Area	**Separation Distance**
Single-Family or duplex residential units (1)	200 feet or 300% height of tower whichever is greater
Vacant single-family or duplex residentially zoned land which is either platted or has preliminary subdivision plan approval which is not expired	200 feet or 300% height of tower (2) whichever is greater
Vacant unplatted residentially zoned lands (3)	100 feet or 100% height of tower whichever is greater
Existing multi-family residential units greater than duplex units	100 feet or 100% height of tower whichever is greater
Non-residential zoned lands or non-residential uses	None; only setback apply
Note – (1) Includes modular homes and mobile homes used for living purposes. (2) Separation measured from base of tower to closest building setback line. (3) Includes any unplatted residential use properties without a valid preliminary subdivision plan or valid development plan approval and any multi-family residentially zoned land greater than duplex.	

(2) Separation distances between towers.

(a) Separation distances between towers shall be applicable for and measured between the proposed tower and preexisting towers. The separation distances shall be measured by drawing or following a straight line between the base of the existing tower and the proposed base, pursuant to a site plan, of the proposed tower. The separation distances (listed in linear feet) shall be as shown in Table 2.

(b) Table 2:

Table 2: Existing Towers - Types				
	Lattice	**Guyed**	**Monopole 75 Ft. in Height or Greater**	**Monopole Less Than 75 Ft. in Height**
Lattice	5,000	5,000	1,500	750
Guyed	5,000	5,000	1,500	750
Monopole 75 Ft. in Height or Greater	1,500	1,500	1,500	750
Monopole Less than 75 ft. in Height	750	750	750	750

f. *Security fencing.* Towers shall be enclosed by security fencing not less than six feet in height and shall also be equipped with an appropriate anti-climbing device; provided however, that the city council after recommendation from the planning and zoning commission may waive such requirements, as it deems appropriate.

g. *Landscaping.* The following requirements shall govern the landscaping surrounding towers for which a special use permit is required; provided, however, that the city council after recommendation from the planning and zoning commission may waive such requirements if the goals of this article would be better served thereby.

(1) Tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the tower compound from property used for residences. The standard buffer shall consist of a landscaped strip at least four feet wide outside the perimeter of the compound.

(2) In locations where the visual impact of the tower would be minimal, the landscaping requirement may be reduced or waived.

(3) Existing mature tree growth and natural land forms on the site shall be preserved to the maximum extent possible. In some cases, such as towers sited on large, wooded lots, natural growth around the property perimeter may be sufficient buffer.

H. Buildings or other equipment storage.

1. *Antennas.* All antennas mounted on structures, rooftops, utility poles, light poles or towers, shall be structurally sound and all plans for said antennas and their connections to the structure shall be prepared by and certified as to design by an engineer licensed by the state.

2. *Compliance with building codes.* Equipment storage buildings or cabinets shall comply with all applicable building codes.

3. *Required screening.* In residential districts, equipment cabinet/structure shall be screened by evergreen hedge with an ultimate height of at least 60 inches and a planted height of at least 36 inches. In commercial or industrial districts the equipment cabinet or structure shall be screened by and evergreen hedge with an ultimate height of 48 inches and a planted height of at least 36 inches. In place of a hedge, the structures or cabinets may be screened from view by a solid fence equal in height to the ultimate height of the hedge set out herein.

4. *Setback and minimum yard requirements*. The related unmanned equipment structure shall comply with the minimum yard requirements and front, side and rear yard setback requirements of the zoning district in which it is located.

5. *Modification of building size requirements.* The requirements of sections H.1 through H.4 may be modified by the code enforcement officer in the case of administratively approved uses or by the city council after recommendation from the planning and zoning commission in the case of uses permitted by special use to encourage collocation.

I. Removal of abandoned antennas and towers.

Any antenna or tower that is not operated for a continuous period of 12 months shall be considered abandoned, and the owner of such antenna or tower shall remove the same within 90 days of receipt of notice from the city notifying the owner of such abandonment. Failure to remove an abandoned antenna or tower within said 90 days shall be grounds to remove the tower or antenna at the owner's expense. If there are two or more users of a single tower, then this provision shall not become effective until all users cease using the tower.

J. Nonconforming Uses.

1. *Not expansion of nonconforming use*. Towers that are constructed and antennas that are installed, in accordance with the provisions of this article shall not be deemed to constitute the expansion of a nonconforming use or structure.

2. *Preexisting* towers. Preexisting towers shall be allowed to continue their usage as they presently exist subject to the requirements set out in section C.3. Routine maintenance (including replacement with a new tower of like construction and height) shall be permitted on such preexisting towers. New construction other than routine maintenance on a preexisting tower shall comply with the requirements of this article.

3. *Rebuilding damaged or destroyed nonconforming towers or antennas*. Not withstanding section I, bona fide nonconforming towers or antennas that are damaged or destroyed may be rebuilt without having to first obtain a special use permit but shall meet all current Building permits to rebuild the facility shall comply with the then applicable building codes and shall be obtained within 180 days from the date the facility is damaged or destroyed. If no permit is obtained or if said permit expires, the tower or antenna shall be deemed abandoned as specified in section I.

43.6 MINIMUM DWELLING UNIT AREA:

Minimum dwelling unit areas specified in this Ordinance shall be computed exclusive of breezeways, garages, open porches, carports and accessory buildings.

43.7 OPEN STORAGE AREAS:

Open long-term storage of materials, commodities or equipment (where allowed in the specific zoning district) shall be located behind the front building line and observe all setback requirements for the main structure or building. This standard does not apply to short-term outside display (see definition of outside display in Section 49; see screening requirements in Section 41.

43.8 SIGHT VISIBILITY:

A. Visual clearance shall be provided in all zoning districts so that no fence, wall, architectural screen, earth mounding, landscaping or other feature obstructs the vision of a motor vehicle driver approaching any street, alley, or driveway intersection. Whenever an intersection of a street(s), alley, and/or driveway occurs, a triangular visibility area shall be created. Landscaping, fences, walls, earthen berms and other features within the triangular visibility area shall be designed so as to provide unobstructed cross-visibility at a level between thirty inches (30") and eight feet (8') above the ground. The triangular areas are defined as follows:

1. Alley intersects a public street right-of-way - The areas on both sides of the intersection of an alley and a public street shall have a triangular visibility area with two (2) sides of each triangle being a minimum of twenty feet (20’) in length from the point of intersection, and the third side being a line connecting the ends of the other two (2) sides (see Illustration 18).

2. Street intersection or intersection of private driveway onto a public street - These areas shall have a triangular visibility area with two (2) sides of each triangle being a minimum of thirty-five feet (35’) in length along the right-of-way lines (or along the driveway curb line and the street right-of-way line) from the point of the intersection, and the third side being a line connecting the ends of the other two (2) sides (see Illustration 18).

B. Shrubs and plant materials that are typically less than thirty inches (30") in height at maturity may be located within sight visibility areas provided that they are kept maintained at a maximum height of thirty inches (30").

C. A limited number of single-trunked trees having a clear trunk (i.e., branching) height of at least eight feet (8') may be located within sight visibility areas provided that they are trimmed in such a manner that no limbs or foliage extend into the cross-visibility area defined above, and provided that they are spaced and positioned such that their trunks will not produce a visibility inhibiting, “picket-fence” effect when they attain mature size.

43.9 NONRESIDENTIAL STRUCTURES IN RESIDENTIAL DISTRICTS:

A. Nonresidential structures (e.g., churches, schools, day care centers, etc.) which are permitted in any residential zoning district (including AG) shall be designed and constructed such that they conform to the development standards set forth in the Commercial-Neighborhood (C-N) zoning district (i.e., with respect to maximum height, minimum lot size, minimum front/side/rear setbacks, screening, exterior building construction, etc.) unless otherwise stated in this Ordinance or in an ordinance establishing a PD.

43.10 ACCESS STANDARDS FOR NONRESIDENTIAL AND MULTI-FAMILY LOTS:

A. All nonresidential lots (including pad sites) shall share driveway curb openings via mutual access easements from one lot to adjacent lots (for fire and emergency access, as well as for public convenience).

B. All nonresidential and multi-family lots (including pad sites) shall have either direct or indirect (via mutual access/fire lane easements on adjacent property) access to a median opening if located on a median-divided roadway (existing or planned in the future). Driveways for all nonresidential and multi-family lots (including pad sites) shall align, to the greatest extent possible, with any existing or proposed driveways on the other side of any type of roadway.

SECTION 44 PERFORMANCE STANDARDS

44.1 PERFORMANCE STANDARDS – GENERAL:

A. **Compliance Required:** No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazards; noise or vibration; smoke, dust, odor, or other form of air pollution; heat, cold, dampness, electrical, or other substance, condition, or element in such a manner or in such an amount as to adversely affect the surrounding area or adjoining the premise. Any use permitted or not expressly prohibited by this ordinance may be undertaken and maintained if it conforms to the regulations of this section limiting dangerous and objectionable elements at the point of determination of their existence.

B. **Standards:**

1. Smoke: The requirements of the TCEQ.

2. Particulate Matter: The requirements of the TCEQ.

3. Odor: The requirements of the TCEQ.

4. Toxic Material: The emission of toxic and noxious materials shall not produce concentrations exceeding 10% of threshold limit values for toxic materials in industry as set forth in "Threshold Limit Values" for the current year as adopted as the annual meeting of the American conference of Governmental Industrial Hygienists, at a property boundary line.

5. Glare: No direct or sky-reflected glare, whether from artificial light or from high-temperature processes such as combustion or welding or otherwise shall be allowed to cross a zoning district boundary line, and should be prevented by shielding or other methods or means.

6. Vibration: No continuous earth borne vibration shall be permitted which is discernible without instruments at the points of measurement along the nearest adjacent property line.

7. Noise: Any unreasonably loud, disturbing, unnecessary noise in excess of 85 decibels at a distance of fifty feet (50') from the property line which causes material distress, discomfort or injury to persons of ordinary sensibilities in the immediate vicinity thereof is prohibited.

   Any noise of such character, intensity and continued duration in excess of 85 decibels at a distance of fifty feet (50') from the property line which substantially interferes with the comfortable enjoyment of a dwelling, hotel or other type of residence by persons of ordinary sensibilities is prohibited.

8. Fire Hazards: The storage, utilization, or manufacture of solid materials or products ranging from incombustible or moderate burning is permitted in accordance with applicable City Codes and Ordinances. The storage, utilization, or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted in accordance with applicable City Codes and Ordinances provided the following conditions are met:

Said materials or products shall be stored, utilized or manufactured within complete enclosed buildings having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.

The storage, utilization or manufacture of flammable liquids or gases which produce flammable or explosive vapors, shall be permitted in accordance with Table A.1 (exclusive of storage or finished products in original sealed containers) and the City's fire prevention code as interpreted by the City of Angleton Fire Marshal.

9. Water Pollution: No operation or activity shall discharge or cause to be discharged, liquid or solid waste into public water unless in conformance with the rules and regulations of state agencies having jurisdiction of such discharge.

10. Liquid or Solid Waste: No discharge at any point shall be allowed into any public sewer, private sewer disposal system or stream or into the ground, except in accordance with standards approved by the TCEQ, or standards equivalent to those approved in such department, for similar uses, of any materials of such nature or temperature as can contaminate any water supply interfere with bacterial process in sewage treatment or otherwise cause the emission of dangerous or offensive elements. All discharges shall comply with all applicable City Ordinances.

TABLE A.1		
Industries engaged in storage and distribution of such materials	Prohibited Above Ground	100,000 Gallons Under Ground
Materials having a flash point gallons above 190 degrees Fahrenheit	Prohibited	100,000
From and including 105 degrees gallons Fahrenheit and including 190 degrees Fahrenheit	Prohibited	40,000
Materials having a flash point gallons below 105 degrees Fahrenheit	Prohibited	20,000
INDUSTRIES ENGAGED IN UTILIZATION AND MANUFACTURE OF SUCH MATERIALS		
Materials having a flash point gallons above 190 degrees Fahrenheit	10,000 gallons	50,000
From and including 105 degrees gallons Fahrenheit to and including 190 degrees Fahrenheit	1,000 gallons	20,000
Materials having a flash point below 105 degrees Fahrenheit	500 gallons	10,000

SECTION 45 LIGHTING AND GLARE STANDARDS

45.1 PURPOSE:

Standards for controlling lighting and glare are set forth to reduce the annoyance and inconvenience to property owners and traffic hazards to motorists. These standards are intended to allow reasonable enjoyment of adjacent and nearby property by their owners and occupants while requiring adequate levels of lighting of parking areas.

45.2 NONRESIDENTIAL SITE LIGHTING AND GLARE STANDARDS:

A. Any use shall be operated so as not to produce obnoxious and intense glare or direct illumination across the bounding property line from a visible source of illumination of such intensity as to create a nuisance or detract from the use or enjoyment of adjacent property. All outside lights shall be made up of a light source and reflector so selected that acting together, the light beam is controlled and not directed across any bounding property line above a height of three (3) feet. The allowable maximum intensity measured at the property line of a residential use in a residential district shall be 0.25 foot candles. Light poles shall be placed on the site a setback equal to its height from all adjacent residential property.

B. Lighting within the parking areas shall meet the following minimum requirements:

1. **Intensity:**

   Illumination shall not exceed an average of one (1) foot candle at ground level and shall distribute not more than 0.25 foot candles of light upon any adjacent residentially zoned area.

2. **Height:**

   a. The maximum height for poles with lights is thirty-five feet (35').

   b. Special lighting or lighting higher than thirty-five feet (35') may be approved as specifically noted on the applicable required plan (i.e., Land Development Plan, Concept Plan, Site Plan).

45.3 RESIDENTIAL LIGHTING AND GLARE STANDARDS:

A. Residential lighting for security and night recreation use is permitted in all residential districts provided the following requirements are met:

1. Direct lighting over ten feet (10') in height is shielded from adjacent property.

2. No light source shall exceed thirty-five feet (35') in height. Street lights and other traffic safety lighting are exempt from this standard.

3. Lighting shall not directly shine on adjacent dwellings.

45.4 **LUMINAIRES:**

A. Light sources shall be of a down-light type, indirect, diffused, or shielded type luminaires installed and maintained so as to reduce glare effect and consequent interference with use of adjacent properties and boundary streets. Bare bulbs above seventy-five (75) watts and strings of lamps are prohibited, except for temporary lighting as provided in 43.5 below.

45.5 **SPECIAL OR TEMPORARY LIGHTING -- LOW WATTAGE:**

A. Bare bulbs or strings of lamps are prohibited, except during holidays special lighting shall be permitted for a maximum time period of forty-five (45) calendar days for each holiday used.

45.6 **EXEMPTIONS AND EXCEPTIONS**

A. Government, street lights and other public safety lighting shall be exempt from this section

SECTION 46 HOME OCCUPATION REGULATIONS

46.1 **PURPOSE:**

Standards for controlling home occupations are set forth to minimize annoyance and inconvenience to neighboring property owners within residential areas. These standards are intended to allow reasonable and comfortable enjoyment of adjacent and nearby property by their owners and by occupants of neighboring residential dwellings, while providing opportunities for the pursuit of home-based businesses.

46.2 **SPECIAL PROVISIONS FOR HOME OCCUPATIONS:**

A. Home occupations shall be permitted as accessory use in single- and two-family residential zoning districts provided that they comply with all restrictions herein.

B. The occupation shall produce no alteration or change in the character or exterior appearance of the principal building from that of a residential dwelling, and performance of the occupation activity shall not be visible from the street.

C. Such use shall be incidental and secondary to the use of the premises for residential purposes, and shall not utilize floor area exceeding twenty-five percent (25%) of the combined gross floor area of dwelling unit and any accessory building(s) that are used for the home occupation (in no case shall the combined floor area utilized solely for a home occupation exceed 500 square feet).

D. The occupation shall not employ any person who is not a member of the household in which the home occupation occurs.

E. The operation of such an occupation shall be between the hours of 8:00 a.m. and 8:00 p.m. for outdoor activities.

F. The occupation activity shall not increase vehicular traffic flow beyond what normally occurs within a residential district, and shall not require regular and frequent deliveries by large delivery trucks or vehicles with a rated capacity in excess of one and one-half tons, according to the manufacturer's classification.

G. There shall be no outside storage, including trailers, or outside display related to the home occupation use.

H. No mechanical or electrical equipment shall be employed on the premises other than that which is customarily found in a home environment, and that which is customarily associated with a hobby or avocation which is conducted solely for pleasure and not for profit or financial gain.

I. The home occupation shall not generate noise, vibration, glare, fumes/odors, heat or electrical interference beyond what normally occurs within a residential district.

J. The occupation shall not require the use of chemicals on the property that are obnoxious or hazardous to the welfare of the neighborhood.

K. The home occupation shall not involve the use of advertising signs or window displays, or any other device that calls attention to the business use of the premises through audio and/or visual means.

L. The occupation shall not offer a ready inventory of any commodity for sale on the premises.

M. The occupation shall not be harmful or detrimental to the health, welfare and safety of the neighborhood, nor shall it interfere with the comfortable enjoyment of life, property and recreation by residents of the area.

46.3 APPLICABILITY OF OTHER REGULATIONS:

Home occupations shall also be subject to any and all other provisions of local, State and/or Federal regulations and laws that govern such uses.

46.4 USES ALLOWED AS HOME OCCUPATIONS:

Subject to the provisions of Section 46.2 above, home occupations may include the following uses:

A. Office facility of an accountant, architect, landscape architect, attorney, engineer, consultant, insurance agent, realtor, broker, or similar profession;

B. Author, artist or sculptor;

C. Dressmaker, seamstress or tailor;

D. Music/dance teacher, or similar types of instruction, provided that instruction shall be limited to no more than six (6) pupils at a time;

E. Individual tutoring and home schooling;

F. Millinery;

G. Office facility of a minister, rabbi, priest or other clergyman;

H. Home crafts, such as rug weaving, model making, etc.;

I. Office facility of a salesman, sales or manufacturer's representative, etc., provided that no retail or wholesale transactions or provision of services are personally and physically made on the premises;

J. Repair shop for small electrical appliances, cameras, watches/clocks, and other small items, provided that the items can be carried by one person without using special equipment, and provided that the items are not equipped with an internal combustion engine;

K. Food preparation establishments such as cake making/decorating or catering, provided that there is no on-premises consumption by customers, and provided that all aspects of the business comply with all State and local health regulations;

L. Registered Family Homes (see definition in Section 49), in compliance with applicable State laws, which are incorporated herein by reference, with no more than six (6) children;

M. Barber shop/beauty salon or manicure studio.

N. Swimming lessons and water safety instruction, provided that such instruction involves no more than six (6) pupils at any one time during daylight hours.

46.5 **USES PROHIBITED AS HOME OCCUPATIONS:**

Home occupations shall not, in any event, be deemed to include the following uses:

A. Animal hospitals or clinics, commercial stables, or kennels;

B. Schooling or instruction, except swimming/water safety classes and home schooling, with more than six (6) pupils at a time;

C. Restaurants or on-premises food or beverage (including Private Clubs) consumption of any kind, except for limited food/meal consumption associated with the operation of a licensed registered family home;

D. Automobile, boat or trailer paint or repair shop; small engine or motorcycle repair shop; welding shop; large household appliance repair shop; or other similar type of business;

E. Office facility for a doctor, dentist, veterinarian or other medical-related profession;

F. On-premises retail or wholesale sales of any kind.

G. Commercial clothing laundering or cleaning;

H. Mortuaries or funeral homes;

I. Trailer, vehicle, tool or equipment rentals;

J. Repair shops or services, except as specifically provided in Section 46.4 above;

K. Drapery or furniture upholstery shops;

L. Antique, gift or specialty shops;

M. Repair shops for any items having internal combustion engines; and

N. Any use that would be defined by the Building Code as an Assembly, Factory/Industrial, Hazardous, Institutional or Mercantile occupancy.

46.6 HOME OCCUPATION USES NOT CLASSIFIED:

A. Any use that is not either expressly allowed nor expressly prohibited by Sections 46.4 and 46.5, respectively, is considered prohibited, unless and until such use is classified by amendment to this Ordinance by the Angleton City Council, subsequent to a recommendation by the Planning and Zoning Commission.

46.7 EFFECT OF SECTION 46 UPON EXISTING HOME OCCUPATIONS:

A. Any home occupation that was legally in existence as of the effective date of this Ordinance and that is not in full conformity with the provisions herein shall be deemed a legal nonconforming use, and is subject to the provisions of Section 7, provided that the home occupation use was not in violation of any other local, State or Federal law or regulation on the effective date of this Ordinance. Any home occupation that was legally in existence as of the effective date of this Ordinance and that conforms with (i.e., is not in violation of) the provisions herein shall be hereby authorized to continue.

SECTION 47 SPECIAL REGULATIONS FOR CERTAIN TYPES OF USES

47.1 GASOLINE SALES FACILITIES:

A. Gasoline service station pump islands that parallel a public street may be located a minimum of sixteen feet (16') to the property line adjacent to a public street. For pump islands that are perpendicular or diagonal to a public street, the setback shall be thirty feet (30') in order to prevent vehicles stacking out into the street while waiting for a pump position. Pump islands may extend beyond the front building line as described above (provided that all other requirements of this Ordinance are met), but shall not be closer than sixteen feet (16') to any property line that is not adjacent to a public street.

B. Canopies for gasoline service station pump islands shall be located no closer than fifteen feet (15’) from any street right-of-way line or side or rear property line.

C. Any oil draining pit, hydraulic hoists, lubrication and greasing devices, repair equipment and similar appurtenances shall be located at least twenty feet (20’) away from any front property line, and at least thirty feet (30’) away from any residential zoning district, except where such appurtenances are located wholly within a building.

D. Any service station providing self-service dispensing facilities for customers shall provide an emergency shut-off switch which will completely eliminate the flow of fuels from all of the self-service pumps in any emergency situation, and shall be located in the vicinity where the station attendant will be located most of the time.

E. Lighting shall be such that it shines downward and does not spill over onto adjacent property (see Lighting and Glare Standards, Section 45).

F. Gasoline service stations which have other uses associated with it (e.g., convenience store, fast food sales, drive-through window service, car wash, dry cleaners, minor or major auto repair, etc.) must be properly zoned for each use to be located on the site (including a SUP, if that zoning district requires such for any of the uses), and the amount of parking and stacking spaces shall be determined cumulatively for all uses (see parking requirements, Section 38).

G. The amount of paved area for gasoline service station sites shall be adequate to accommodate vehicle movements into and out of the site (including large tanker fuel trucks in the vicinity of the fuel storage tanks), but shall be minimized to the greatest extent practical and possible (to reduce storm water runoff, heat and glare, etc.

47.2 SWIMMING POOLS:

A. All swimming pools shall be constructed in accordance with the Standard Swimming Pool Code as amended by Ordinance #2005-0-5A, Section 5-496 and 497 of the City Code.

47.3 EXTRACTION OF MINERALS:

A. **General Requirements:** Any owner, leasee, or other person, firm, or corporation, having an interest in mineral lands in the AG zoning district only may file an application for a Specific Use Permit (SUP) with the City for authorization to mine minerals therefrom, provided, however, that it shall comply with all requirements of the AG zoning district in which said property is located, and with the following additional requirements.

1. Distance from Property Lines: No quarrying operation shall be carried on or any stock pile placed closer than fifty (50) feet to any property line, unless a greater distance is specified by the City Council where such is deemed necessary for the protection of adjacent property.

2. Distance from Public Right-of-Way: In the event that the site of the mining or quarrying operation is adjacent to the right-of-way or any public street or road, no part of such operation shall take place closer than fifty (50) feet to the nearest line of such right-of-way.

3. Fencing: Fencing shall be erected and maintained around the entire site or portions thereof where, in the opinion of the City Council, such fencing is necessary for the protection of the public safety, and such fencing shall be of the type and height specified by the City Council.

4. Equipment: All equipment and machinery shall be operated and maintained in such manner as to minimize dust, noise, and vibration. Access roads shall be maintained in dust-free condition by surfacing or other treatment as may be specified by the City Engineer or the City Council.

5. Processing: The actions of crushing, washing, refining or other similar processing may be authorized by the City Council as an accessory use within the SUP ordinance, but such

actions or processing shall not be in conflict with the use regulations of the district in which the operation is located.

6. Financial Ability: In accepting such SUP request for review, the City Council must be satisfied that the proponents are financially able to carry out the proposed mining operation in accordance with plans and specification submitted, and in accordance with City health, safety and welfare standards and ordinances.

7. Application: An application for a SUP for such operation shall set forth the following information (additional information may be required by the City Manager, or by the City Council):

   a. name of land owner from which removal is to be made;

   b. name of applicant making request;

   c. name of person or corporation conducting actual removal operation;

   d. location, description, and size of area from which removal is to be made;

   e. location of processing plant;

   f. type of resources or materials to be removed;

   g. proposed method of removal and if blasting or other use of explosives will be required;

   h. description of equipment to be used; and

   i. method of rehabilitation and reclamation of mined area.

8. Planning and Zoning Commission Recommendation: In accordance with Section 35, Specific Use Permits, the Planning and Zoning Commission of the City of Angleton shall give its recommendation regarding a SUP to the City Council prior to the City Council's final determination of application.

9. Rehabilitation: To guarantee restoration, rehabilitation, and reclamation of mined-out areas, every applicant granted a mining permit as herein provided, shall furnish a surety bond to the City of Angleton, in the amount of not less than five thousand dollars ($5,000), the upper limit to be determined by the City Council, as a guarantee that such applicant, in restoring, reclaiming, and rehabilitating such land, shall within a reasonable time, but not more than one (1) year, and shall, to the satisfaction of the City Council, meet the following requirements.

   a. *Surface Rehabilitation:* All excavation shall be made either to a water producing depth, such depth to be not less than five (5) feet below the low water mark, or shall be graded or backfilled with non-noxious, non-flammable and non-combustible solids, to secure that the excavated area shall not collect or permit to remain therein stagnant water or that the surface or such area which is not permanently submerged is graded or backfilled as necessary so as to reduce the peaks and depressions, so as to produce a gently running surface that will minimize erosion due to rainfall and which will be in substantial conformity to the adjoining land areas.

   b. *Vegetation:* Vegetation shall be restored by appropriate seeds, grasses, or planting of shrubs or trees in all parts of said mining area where such area is not to be submerged under water as herein above provided.

   c. *Banks of Excavations:* The banks of all excavations not backfilled shall be sloped to the

water line at a slope which shall not be less than three (3) feet horizontal to one (1) foot vertical, and said banks shall be seeded.

10. Additional Requirements: In addition to the foregoing, the City Council may impose such other conditions, requirements, or limitations concerning the nature and extent of the use and operation of such mines, quarries, or gravel pits as the City Council may deem necessary for the protection of adjacent properties and the public interest. The said conditions and the amount of the surety bond shall be determined by the City Council prior to issuance of the SUP and issuance of the mining permit. No mining at all will be allowed without a permit as required by this Section or by any local, County, State or Federal agency.

47.4 **SEXUALLY ORIENTED BUSINESSES:**

See Chapter 21.4 (Ordinance #2488) of the City's Code of Ordinances.

47.5 **ALCOHOLIC BEVERAGE SALES:**

See Chapter 3 of the City's Code of Ordinances.

47.6 **SPECIAL MOTOR VEHICLES:**

A. For the purpose of these regulations, the term "special motor vehicles" is defined as including boats, boat trailers, travel trailers, pickup campers and coaches (designed to be mounted upon automotive vehicles), motorized dwellings (RVs), tent trailers and the like, as well as cases or boxes used for transporting such vehicles, whether occupied by such vehicles or not. No such vehicles shall be used for living, sleeping or housekeeping or similar purposes when parked or stored on a residential lot, or in any location not approved for such use, except as specified in this Ordinance.

B. No special motor vehicle, heavy load vehicle or recreational vehicle shall be left unattended or parked for more than twenty-four (24) hours within any parking lot, parking space(s), drive aisle, vacant or unused property, or pervious/unpaved surface area (except an appropriately zoned and approved/paved parking lot for such vehicles).

SECTION 48 *(Reserved)*

SECTION 49 DEFINITIONS

49.1 For the purpose of these regulations, certain terms and words are to be used and interpreted as defined hereinafter. Words used in the present tense shall also include the future tense; words used in the masculine gender shall also include the feminine gender; words used in the singular number shall also include the plural number; and words in the plural number shall also include the singular number, except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory. For any term or use not defined herein, Webster's Dictionary (latest edition) shall be used.

1. **ACCESSORY BUILDING (RESIDENTIAL) -** In a residential district, a subordinate building that is attached or detached and is used for a purpose that is customarily incidental to the main structure but not involving the conduct of a business (i.e., the building area must be significantly less than that of the main structure). Examples may include, but are not limited to, the following: a private garage for automobile storage, tool shed, greenhouse as a hobby (no business), home workshop, children's playhouse, storage building, garden shelter, etc.

2. **ACCESSORY BUILDING (BUSINESS OR INDUSTRY) -** In the nonresidential districts, a subordinate building to the main building that does not exceed the height of the main building and does not exceed fifty percent (50%) of the floor area of the main building, and that is used for purposes accessory and incidental to the main use (see “Accessory Use”).

3. **ACCESSORY USE -** A use that is customarily incidental, appropriate and subordinate to the principal use of land or building(s) and that is located upon the same lot therewith (i.e., the land/building area that is used for the accessory use must be significantly less than that used for the primary use, and/or the gross receipts/income that is derived from the accessory use must be significantly less than that derived from the primary use).

4. **AIRPORT OR LANDING FIELD -** A place where aircraft can land and take off that is usually equipped with hangars, facilities for aircraft refueling and repair, and various accommodations for passengers.

5. **ALLEY -** A minor right-of-way that is dedicated to public use and which affords a secondary means of vehicular access to the back or side of properties otherwise abutting a street, and which may be used for public utility purposes.

6. **AMBULANCE SERVICE -** Provision of private (not operated by the City of Angleton) emergency transportation which may include mobile medical care, and which may include storage and maintenance of vehicles.

7. **AMUSEMENT ARCADE (ALSO VIDEO ARCADE) -** Any building, room, place or establishment of any nature or kind, and by whatever name called, where more than ten percent (10%) of the public floor area is devoted to four (4) or more amusement devices that are operated for a profit, whether the same is operated in conjunction with any other business or not, including but not limited to such amusement devices as coin-operated pinball machines, video games, electronic games, shuffle boards, pool tables or other similar amusement devices. However, the term "amusement device", as used herein, shall not include musical devices, billiard tables which are not coin-operated, machines that are designed exclusively for small children, and devices designed to train persons in athletic skills or golf, tennis, baseball, archery or other similar sports.

8. **AMUSEMENT, COMMERCIAL (INDOOR) -** An amusement enterprise that is wholly enclosed within a building which is treated acoustically so that noise generated by the enterprise is not perceptible at the bounding property line, and that provides activities, services and/or instruction for the entertainment of customers or members, but not including amusement arcades. Uses may include, but are not limited to, the following: bowling alley, ice skating rink, martial arts club, racquetball/handball club, indoor tennis courts/club, indoor swimming pool or scuba diving facility, and other similar types of uses.

9. **AMUSEMENT, COMMERCIAL (OUTDOOR) -** An amusement enterprise offering entertainment and/or games of skill to the general public for a fee wherein any portion of the activity takes place outdoors and including, but not limited to, a golf driving range, archery range, miniature golf course, batting cages, go-cart tracks, amusement parks, and other similar types of uses.

10. **ANIMAL GROOMING/PET SHOP -** A retail establishment offering small animals, fish and/or birds for sale as pets, where such creatures are housed within the building, and which may include the grooming of dogs, cats and similar animals.

11. **ANTIQUE SHOP, SALES INDOORS -** A retail or wholesale establishment engaged in the selling of works of art, architectural antiques, furniture and/or other artifacts of an earlier period (i.e., over 50 years old) and that are in clean, operable and saleable condition (i.e., not junk), with all sales and storage occurring inside a building. An antique shop is differentiated from a "used merchandise store", a "resale shop" or a "consignment shop" in that it does not market common, contemporary used household goods, clothing or furnishings – rather, it deals primarily in vintage and nostalgia items (generally over 50 years old) and in antiquities (generally over 100 years old) from past eras.

12. **ART GALLERY OR MUSEUM -** An institution for the collection and/or display of bona fide objects of art or science, and which is typically sponsored by a public or quasi-public agency and generally open to the public. An art gallery/museum can include a small gift shop that sells items to visitors provided that such sales are clearly accessory to the primary use as a gallery/museum. An establishment that sells new art or science objects on the retail market shall be defined as a "retail store", and an establishment that sells used objects (or parts of objects) shall be defined as a "used merchandise store".

13. **ASSISTED LIVING FACILITY -** A congregate residence facility for elderly (over 55 years of age) persons, regardless of legal relationship, who need limited assistance with daily living activities. A limited number of support services such as meals, laundry, housekeeping, transportation, social/recreational activities, hairdressing, etc. may be provided or associated with the assisted living facility. Units may be attached or detached, single- or double-occupancy, and may include limited or full kitchen facilities. Full-time medical or nursing care is not typically provided by the facility, but may be privately arranged for by individual residents on a part-time or temporary basis (e.g., visiting nurses, etc.).

14. **AUTO LAUNDRY OR CAR WASH -** Washing, waxing or cleaning of automobiles or light duty trucks.

    a. **Attended Auto Laundry or Car Wash -** The owner of the vehicle does not actually wash the vehicle. Instead, he either leaves the vehicle and comes back to retrieve it later, or he waits in a designated area while employees of the car wash facility vacuum, wash, dry, wax and/or detail the vehicle for a fee.

b. **Unattended Auto Laundry or Car Wash** - The owner of the vehicle causes the vehicle to become washed. One type of unattended car wash facility utilizes automated self-service (drive-through/rollover) wash bays and apparatus in which the vehicle owner inserts money or tokens into a machine, drives the vehicle into the wash bay, and waits in the vehicle while it is being washed. The other type of unattended facility is comprised of wand-type self-service (open) wash bays in which the vehicle owner drives the vehicle into the wash bay, gets out of the vehicle, and hand washes the vehicle with a wand-type apparatus by depositing coins or tokens into a machine.

15. **AUTO FINANCE AND LEASING** - Leasing of automobiles, motorcycles, and light load vehicles but no outside storage.

16. **AUTO PARTS AND ACCESSORY SALES (INDOORS)** - The use of any building or other premise for the primary inside display and sale of new or used parts for automobiles, panel trucks or vans, trailers, or recreation vehicles.

17. **AUTO RENTAL** - Storage or renting of automobiles and light trucks.

18. **AUTO SALES (NEW)** - Retail sales of new automobiles or light load vehicles, including, as a minor part of the business, the sales of used automobiles or light load vehicles and the service of new or used vehicles.

19. **AUTO SALES (USED)** - Retail sales, or offering for sale, used automobiles or light load vehicles.

20. **AUTO STORAGE OR AUTO AUCTION** - The storage or impoundment, on a lot or tract which is paved in accordance with parking lot paving requirements set forth in this ordinance, of operable automobiles for the purpose of holding such vehicles for sale, distribution and/or storage. This definition shall not include the storage of wrecked or inoperable vehicles (see "Wrecking Yard").

21. **AUTOMOBILE** - A self-propelled mechanical vehicle designed for use on streets and highways for the conveyance of goods and people including but not limited to the following: passenger cars, light duty trucks and sport utility vehicles, vans and mini-vans, motor scooters and motorcycles.

22. **AUTOMOBILE ACCESSORY INSTALLATION (MINOR)** - Minor installation of minor automobile accessories such as car alarms, radio and stereo equipment, window tinting, pin striping, cellular telephones and similar accessories.

23. **AUTOMOBILE REPAIR GARAGE** - An establishment providing major or minor automobile repair services to all motor vehicles except heavy load vehicles.

24. **AUTOMOBILE REPAIR, MAJOR** - General repair or reconditioning of engines, air-conditioning systems and transmissions for motor vehicles; wrecker service; collision repair services including body, frame or fender straightening or repair; customizing; painting; vehicle steam cleaning; undercoating and rust proofing; those uses listed under "Automobile Repair, Minor"; and other similar uses.

25. **AUTOMOBILE REPAIR, MINOR** - Minor repair or replacement of parts, tires, tubes and batteries; diagnostic services; minor maintenance services such as grease, oil, spark plug and filter changing; tune-ups; emergency road service; replacement of starters, alternators, hoses and brake parts; automobile washing and polishing; performing state inspections and making minor repairs necessary to pass said inspection; normal servicing of air-conditioning systems; and other similar

minor services for motor vehicles except heavy load vehicles, but not including any operation named under "Automobile Repair, Major" or any other similar use.

26. **AUTOMOTIVE GASOLINE OR MOTOR FUEL SERVICE STATION -** Any building, land area or other premises, or portion thereof, used or intended to be used for the retail dispensing or sales of automotive fuels, lubricants and automobile accessories, including those operations listed under "Automobile Repair, Minor". Vehicles which are inoperative or are being repaired may not remain parked outside these facilities for a period greater than forty-eight (48) hours.

27. **BAKERY OR CONFECTIONERY (RETAIL) -** A facility which is typically less than 5,000 square feet in size for the production and/or sale of baked goods for human consumption such as (but not limited to) pies, cakes, cookies, doughnuts, desserts, etc.

28. **BAKERY OR CONFECTIONERY (WHOLESALE OR COMMERCIAL) -** A manufacturing facility which is typically over 5,000 square feet in size for the production and distribution of baked goods and confectioneries to retail outlets.

29. **BALLROOM DANCING -** An establishment open to the general public for dancing (any sales of alcoholic beverages for on-premise consumption shall be subject to requirements and use restrictions for private clubs -- see definition for “Private Club”.

30. **BANK, SAVINGS AND LOAN, OR CREDIT UNION -** An establishment for the custody, loan, exchange and/or issue of money, the extension of credit, and/or facilitating the transmission of funds.

31. **BARN -** A structure intended for the purpose of storing farming and ranching related equipment and/or housing livestock.

32. **BASEMENT (OR CELLAR) -** A portion of a building that is partly or wholly underground. For purposes of height measurement, a basement shall be counted as a story when more than one-half of its height is above the average level of the adjoining ground or when subdivided and used for commercial or dwelling purposes by other than a janitor employed on the premises.

33. **BED AND BREAKFAST INN OR FACILITY -** a dwelling occupied as a permanent residence by an owner or renter which serves breakfast and provides or offers sleeping accommodations in not more than five (5) rooms for transient guests for compensation.

34. **BLOCK -** A piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the City Manager shall determine the outline of the block.

35. **BOARDING OR ROOMING HOUSE -** A dwelling other than a hotel, where for compensation and by prearrangement for definite periods, lodging and/or meals are provided.

36. **BUILDING -** Any structure intended for shelter, occupancy, housing or enclosure for persons, animals or chattel. When separated by dividing walls without openings, each portion of such structure so separated shall be deemed a separate building.

37. **BUILDING HEIGHT -** The vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitched or hipped roof.

38. **BUILDING LINE -** A line parallel, or approximately parallel, to any lot line at a specific distance therefrom, marking the minimum distance from the lot line that a building may be erected (see Illustration 7).

39. **BUILDING, MAIN OR PRIMARY -** A building in which the principal use of the lot on which it is situated is conducted. In a residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.

40. **BUILDING MATERIALS AND HARDWARE SALES (INDOOR OR OUTDOOR) -** Materials, tools, and/or hardware customarily used in the construction of buildings and other structures, including facilities for storage of materials for retail sales. Sometimes referenced as a "home improvement center". "Outdoor" means the storage of materials and products outside of the main building.

41. **BUILDING OFFICIAL -** The inspector or administrative official charged with responsibility for issuing permits and enforcing the Zoning Ordinance and Building Code of the City of Angleton.

42. **BUILDING SITE -** See "Lot" definition.

43. **BUS STATION OR TERMINAL -** Any premises for the transient housing and/or parking of motor-driven buses and the loading and unloading of passengers.

44. **CARETAKERS' OR GUARDS' RESIDENCE -** A residence located on a premises with a main residential or nonresidential use and occupied only by a caretaker or guard employed on the premises (e.g., residence for guard in a private street development, residence for a guard/manager/caretaker for a self-storage facility or a restricted access business park, etc.).

45. **CARNIVAL, CIRCUS OR TENT SERVICE (TEMPORARY) -** Outdoor or indoor commercial amusement provided on a temporary basis.

46. **CARPORT -** A structure that is open on a minimum of two sides and designed or used to shelter vehicles. Also called "covered parking area."

47. **CEMETERY OR MAUSOLEUM -** Land used or intended to be used for the burial of the human dead and dedicated for cemetery purposes, including columbariums, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery.

48. **CEMETERY, ANIMAL -** Same as cemetery except only for the burial of dead animals.

49. **CERTIFICATE OF OCCUPANCY -** An official certificate issued by the City through the City Manager which indicates conformance with the zoning regulations and building codes and which authorizes legal use of the premises for which it is issued.

50. **CHILD CARE CENTER (OR DAY CARE CENTER OR CHILD NURSERY) -** A commercial institution or place designed for the care or training of seven (7) or more unrelated children under fourteen (14) years of age for less than 24 hours a day.

51. **CHURCH, RECTORY OR TEMPLE -** A building for regular assembly for religious worship which is used primarily and designed for such purpose and those accessory activities which are customarily associated therewith, and the place of residence for ministers, priests, nuns or rabbis on the premises (tax exempt as defined by State law). For the purposes of this ordinance, religious

study and other similar activities which occur in a person's primary residence shall not apply to this definition.

52. **CITY COUNCIL** - The governing body of the City of Angleton, Texas.

53. **CITY OF ANGLETON** - The City of Angleton, Texas; sometimes referred to as the "City".

54. **CIVIC CENTER** - A building or complex of buildings that may house municipal offices and services, and which may include cultural, recreational, athletic, food service, convention and/or entertainment facilities owned and/or operated by a municipality.

55. **CLEANING PLANT (COMMERCIAL/WHOLESALE)** - An industrial facility where fabrics are cleaned with substantially nonaqueous organic solvents on a commercial or wholesale basis.

56. **CLEANING SHOP OR LAUNDRY (SMALL SHOP, PICK-UP AND SELF SERVICE)** - A custom cleaning shop not exceeding five thousand (5,000) square feet of floor area and may include customer self-service laundry and cleaning.

57. **COLLEGE OR UNIVERSITY** - An academic institution of higher learning, accredited or recognized by the State and covering a program or series of programs of academic study.

58. **COMMERCIAL AMUSEMENT (INDOOR)** - See Amusement, Commercial (Indoor).

59. **COMMERCIAL AMUSEMENT (OUTDOOR)** - See Amusement, Commercial (Outdoor).

60. **COMMUNICATION EQUIPMENT SALES & SERVICE** - A retail store that provides sales and service for personal communication devices such as cellular phones and pagers.

61. **COMMUNITY CENTER (PUBLIC)** - A building or complex of buildings that house cultural, recreational, athletic, food service and/or entertainment facilities owned and/or operated by a governmental agency or private nonprofit agency.

62. **COMMUNITY HOME** - A place where not more than six (6) physically or mentally impaired or handicapped persons are provided room and board, as well as supervised care and rehabilitation by not more than two (2) persons as licensed by the Texas Department of Mental Health and Mental Retardation (also see Chapter 123 of the Texas Local Government Code).

63. **COMPREHENSIVE PLAN** - Document adopted by the City that consists of graphic and textual policies which govern the future development of the City and which consists of various components governing specific geographic areas and functions and services of the City.

64. **CONCRETE OR ASPHALT BATCHING PLANT (PERMANENT)** - A permanent manufacturing facility for the production of concrete or asphalt.

65. **CONCRETE OR ASPHALT BATCHING PLANT (TEMPORARY)** - A temporary manufacturing facility for the production of concrete or asphalt during construction of a project, and to be removed when the project is completed.

66. **CONSIGNMENT SHOP/RE-SALE SHOP (also THRIFT STORE)** - See "Used Merchandise Store".

67. **CONTINUING CARE RETIREMENT COMMUNITY** - A housing development designed to provide a full range of accommodations for older adults (55 years of age or older), including

independent living, assisted living and skilled full-time nursing or medical care. Residents may move from one level to another as their needs change.

68. **CONTRACTOR'S SHOP WITH OUTSIDE STORAGE YARD -** A building, part of a building, or land area for the construction or storage of materials, equipment, tools, products, and vehicles.

69. **CONVENIENCE STORE WITH (OR WITHOUT) GASOLINE SALES -** Retail establishment selling food for off-premises consumption and a limited selection of groceries and sundries (and possibly gasoline, if pumps are provided). Does not include or offer any automobile repair services.

70. **COPY SHOP OR PRINTING -** An establishment which reproduces, in printed form, individual orders from a business, profession, service, industry or government organization and occupies less than 5,000 square feet.

71. **COUNTRY CLUB (PRIVATE) -** A land area and buildings which may include a golf course, clubhouse, dining room, swimming pool, tennis courts and similar recreational or service uses available only to members and their guests.

72. **COURT -** An open, unobstructed space, bounded on more than two sides by the walls of a building. An inner court is entirely surrounded by the exterior walls of a building. An outer court has one side open to a street, alley, yard, or other permanent open space.

73. **COVERAGE -** The lot area covered by all buildings located thereon, including the area covered by all overhanging roofs.

74. **CUSTOM PERSONAL SERVICE SHOP -** Tailor, dressmaker, shoe shop, barber shop, beauty shop or similar shop offering custom service.

75. **DAY CAMP FOR CHILDREN -** A facility arranged and conducted for the organized recreation and instruction of children including outdoor activities on a daytime basis.

76. **DENSITY -** The total number of residential buildings allowed upon a given tract of land usually expressed in total number of units per net acre (i.e., not including street rights-of-way, HOA common/landscaping areas, parks, floodplains, etc.).

77. **DETACHED -** Having no physical connection above the top of the floor line of the first floor with any other building or structure.

78. **DISTRIBUTION CENTER -** Building or facility used for the storage and distribution of wholesale items/products.

79. **DRAINAGE -** Adequate provision for drainage shall be made to drain the pool into the City's sanitary sewer system, in accordance to the City's regulations pertaining to same.

80. **DRAPERY OR FURNITURE UPHOLSTERING SHOP -** An establishment for the production, display and sale of draperies and soft coverings for furniture.

81. **DWELLING -** Any building or portion thereof, which is designed or used as living quarters for one or more families.

82. **DWELLING, SINGLE FAMILY ATTACHED (TOWNHOUSE) -** See "Single Family Dwelling (Attached)".

83. **DWELLING SIZE / AREA -** The total square footage of a dwelling unit, including only the livable (i.e., air-conditioned) space within the home (i.e., not the garage, accessory buildings, etc.).

84. **EASEMENT -** A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

85. **EDUCATIONAL FACILITIES -** Public and private primary, secondary and post-secondary educational facilities offering instruction in the branches of learning and study required to be taught by the Texas Education Agency; and such federally funded educational programs for preschool children as the Head Start Program.

86. **ELECTRICAL SUBSTATION (HIGH VOLTAGE BULK POWER) -** A subsidiary station in which electric current is transformed.

87. **ENCLOSED BUILDING -** A structure which is floored, roofed and surrounded by outside walls, which contains no opening larger than 120 square feet in area normally open to the air and which contains no series of openings forming a divided opening larger than 120 square feet in area normally open to the air. Includes an enclosed garage.

88. **FAIRGROUNDS OR EXHIBITION AREA -** An area or space either outside or within a building for the display of topic-specific goods or information.

89. **FAMILY -** One or more persons related by blood, marriage, or adoption; or a group not to exceed four (4) persons not all related by blood or marriage, adoption or guardianship, occupying a dwelling unit.

90. **FAMILY HOME (Child Care in Place of Residence) -** A facility that regularly provides care in the caretaker's own residence for not more than six (6) children under fourteen (14) years of age, excluding the caretaker's own children, and that provides care after school hours for not more than six (6) additional elementary school siblings of the other children given care. However, the number of children, including the caretaker's own, provided care at such facility shall not exceed twelve (12) at any given time. No outside employment is allowed at the facility. This facility shall conform to Chapter 42 of the Human Resources Code of the State of Texas, as amended, and in accordance with such standards as may be promulgated by the Texas Department of Human Resources.

91. **FARM, RANCH, GARDEN, CROPS OR ORCHARD -** An area used for growing farm products, vegetables, fruits, trees, and grain and for the raising thereon of farm animals such as horses, cattle, and sheep. May also include the necessary accessory uses for raising, treating, and storing products raised on the premises, but does not include the commercial feeding of offal or garbage to swine or other animals. Also does not include any type of agriculture or husbandry specifically prohibited by ordinance or law.

92. **FEED AND GRAIN STORE -** An establishment for the selling of corn, grain and other food stuffs for animals and livestock, and including implements and goods related to agricultural processes, but not including farm machinery.

93. **FIRE, POLICE OR MUNICIPAL BUILDING -** Any public service building of the municipal government including a library or City Hall, but excluding storage yards, utility shops and equipment centers.

94. **FLOOD PLAIN -** An area of land subject to inundation by a 100-year frequency flood as determined using standard engineering practices and generally as shown on the FIRM Flood Insurance Rate Map of the City of Angleton.

95. **FLOOR AREA -** The total gross square feet of floor space within the outside dimensions of a building including each floor level, but excluding carports, residential garages, and breezeways.

96. **FLOOR AREA RATIO (FAR) -** The floor area of a main building or buildings on a lot, divided by the lot area (see Illustration 1).

97. **FLORIST SHOP -** An establishment for the display and retail sale of flowers, small plants and accessories.

98. **FOOD PROCESSING -** A manufacturing or light industrial use that primarily deals with the processing and packaging of food (such as dairy or grain) products that are intended for human consumption, but which are not typically sold in volume to end users on the premises. Incidental retail sales of food products (e.g., bread and baked goods, dairy products such as cheese, etc.) created and packaged on the premises may be allowed as an accessory use.

99. **FOOD STORE -** A retail business establishment that displays and sells consumable goods that are not to be eaten on the premises. Prepared food may be sold only as a secondary or accessory use.

100. **FRANCHISED PRIVATE UTILITY (NOT LISTED) -** A utility such as one distributing heat, chilled water, closed circuit television or similar service and requiring a franchise to operate in the City of Angleton.

101. **FRATERNAL ORGANIZATION, LODGE, CIVIC CLUB, OR UNION -** An organized group having a restricted membership and specific purpose related to the welfare of the members such as Elks, Masons, Knights of Columbus, or a labor union.

102. **FRONT YARD -** See "Yard, Front".

103. **FUNERAL HOME OR MORTUARY -** A place for the storage of human bodies prior to their burial or cremation, or a building used for the preparation of the deceased for burial and the display of the deceased and ceremonies connected therewith before burial or cremation.

104. **FURNITURE, HOME FURNISHINGS OR APPLIANCE STORES -** This group includes retail stores selling new goods for furnishing the home including, but not limited to furniture, floor coverings, draperies, glass and chinaware, domestic stoves, refrigerators, and other household electrical and gas appliances.

105. **FURNITURE STORE (NEW AND USED) -** Same as above except sales may include used items.

106. **GARAGE, PRIVATE -** An enclosed accessory building, or a part of a main building, used for storage of automobiles and used solely by the occupants and their guests. Also called "enclosed parking space."

107. **GARAGE/ACCESSORY DWELLING -** A residential dwelling unit attached to or over a garage but not attached to the main residential structure.

108. **GARDEN SHOP -** A facility which is engaged in the selling of flowers, ornamental plants, shrubs, trees, seeds, garden and lawn supplies, and other materials used in planting and landscaping, but not including cultivation and propagation activities outside a building.

109. **GASOLINE SERVICE OR FILLING STATION -** See "Automotive Gasoline or Motor Fuel Service Station".

110. **GENERAL COMMERCIAL PLANT -** Establishments other than personal service shops for the treatment and/or processing of products as a service on a for-profit basis including, but not limited to, newspaper printing, laundry plant, or cleaning and dyeing plants.

111. **GENERAL MANUFACTURING -** See "Industrial, Manufacturing".

112. **GENERAL RETAIL STORES -** This major group includes retail stores which sell a number of lines of primarily new merchandise including but not limited to dry goods, apparel and accessories, furniture and home furnishings, small wares, small appliances, hardware, and food. The stores included in this group are known as department stores, variety stores, general merchandise stores, general stores, etc. (also see "Retail Shop").

113. **GOLF COURSE -** An area of twenty (20) acres or more improved with trees, greens, fairways, hazards, and which may include clubhouses.

114. **GOVERNMENT BUILDING OR USE (COUNTY, STATE OR FEDERAL) -** Any building, land, area and/or facility (including maintenance/storage yards and shops) which is owned, leased, primarily used and/or occupied by any subdivision or agency of the following: the State of Texas, the United States, or other public utility or agency. Any facility which is owned, leased, used and/or occupied by the City of Angleton is defined as "Municipal Facility or Use".

115. **GROUP DAY-CARE HOME -** Means a facility that provides care for seven (7) to twelve (12) children under fourteen (14) years of age less than 24 hours a day.

116. **GYMNASTIC OR DANCE STUDIO -** A building or portion of a building used as a place of work for a gymnast or dancer or for instructional classes in gymnastics or dance.

117. **HAULING OR STORAGE COMPANY -** See "Motor Freight Company".

118. **HEAVY LOAD VEHICLE -** A self-propelled vehicle having a manufacturer's recommended Gross Vehicle Weight (GVW) of greater than 16,000 pounds (including trailers), such as large recreational vehicles more than thirty-five feet (35') in length (originally manufactured as RVs, not converted), tractor-trailers, buses, vans, and other similar vehicles. The term "truck" shall be construed to mean "Heavy Load Vehicle" unless specifically stated otherwise.

119. **HEAVY MACHINERY SALES AND STORAGE -** A building or open area used for the display, sale, rental or storage of heavy machinery, tractors or similar machines, or a group of machines which function together as a unit.

120. **HELIPORT -** An area of land or water or a structural surface which is used, or intended for use, for the landing and taking off of helicopters, and any appurtenant areas which are used, or intended for use for heliport buildings and other heliport facilities.

121. **HELISTOP -** The same as a heliport, except that no refueling, maintenance, repairs or storage of helicopters is permitted.

122. **HOME FOR AGED, RESIDENCE -** A home where elderly people are provided with lodging and meals without nursing care being a primary function.

123. **HOME OCCUPATION -** An occupation carried on in a dwelling unit, or in an accessory building to a dwelling unit, by a resident of the premises, which occupation is clearly incidental and secondary to the use of the premises for residential purposes (see Section 46).

124. **HOME IMPROVEMENT CENTER** – An establishment that offers for sale materials, tools and/or hardware customarily used in the construction of buildings and other structures, and that can include facilities for storage of such materials (if allowed in the zoning district).

125. **HOSPITAL (ACUTE CARE) -** An institution where sick or injured patients are given medical and/or surgical treatment intended to restore them to health and an active life, and which is licensed by the State of Texas.

126. **HOSPITAL (CHRONIC CARE) -** An institution where those persons suffering from illness, injury, deformity and/or deficiencies pertaining to age are given care and treatment on a prolonged or permanent basis and which is licensed by the State of Texas.

127. **HOUSEHOLD APPLIANCE SERVICE AND REPAIR -** The maintenance and repair of appliances that are customarily used in the home including, but not limited to, washing and drying machines, refrigerators, dishwashers, trash compactors, ovens and ranges, countertop kitchen appliances, vacuum cleaners, etc., but not including appliances/equipment which have internal combustion engines.

128. **HOUSEHOLD CARE FACILITY** - A dwelling unit which provides residence and care to not more than nine (9) persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; or rendered temporarily homeless due to fire, natural disaster or financial setbacks, living together with not more than two supervisory personnel as a single housekeeping unit. This definition is subject to Art. 4442c-4 (Personal Care Facility Licensing Act) V.A.C.S. (Tex.) and Art. 1011n (Community Homes for Disabled Persons Location Act) V.A.C.S. (Tex.) as they presently exist or may be amended in the future.

129. **HOUSEHOLD CARE INSTITUTION -** A facility which provides residence and care to ten (10) or more persons, regardless of legal relationship, who are elderly; disabled; orphaned, abandoned, abused, or neglected children; victims of domestic violence; convalescing from illness; or temporarily homeless due to fire, natural disaster, or financial setback together with supervisory personnel.

130. **INCIDENTAL OR ACCESSORY RETAIL AND SERVICE USES -** Any use different from the primary use but which compliments and/or supplements the primary use (for example, a sundries shop that serves tenants of an office building or hospital). Incidental shall mean an area which constitutes not more than twenty percent (20%) of the building or space occupied by the primary use.

131. **INDUSTRIAL, MANUFACTURING -** Establishments engaged in the manufacturing or transformation of materials into new products. These establishments are usually described as plants and factories, and characteristically use power driven machines and materials handling equipment. Manufacturing production is usually carried on for the wholesale market, rather than for direct sale to the domestic consumer.

132. **INDUSTRIALIZED HOME OR MODULAR HOME** – See “Manufactured Housing”.

133. **INSTITUTION FOR ALCOHOLIC, NARCOTIC OR PSYCHIATRIC PATIENTS** - An institution offering out-patient treatment to alcoholic, narcotic or psychiatric patients.

134. **ITINERANT VENDORS / VENDING** - Also see Chapter 18 of the City’s Code of Ordinances.

135. **KENNELS (INDOOR PENS)** - An establishment with indoor pens in which more than four (4) dogs or domesticated animals are housed, groomed, bred, boarded, trained and/or sold for commercial purposes.

136. **KENNELS (OUTDOOR PENS)** - An establishment with outdoor pens in which more than four (4) dogs or domesticated animals are housed, groomed, bred, boarded, trained and/or sold for commercial purposes.

137. **KINDERGARTEN SCHOOL (PRIVATE)** - An establishment where more than three (3) children over the age of five (5) are housed for care and/or educational training during the day or portion thereof.

138. **KIOSK** - A small, free-standing, one-story accessory structure having a maximum floor area of one hundred (100) square feet and used for retail purposes, such as automatic teller machines or the posting of temporary information and/or posters, notices and announcements. If a kiosk is to be occupied, it shall have a minimum floor area of fifty (50) square feet.

139. **KITCHEN, RESIDENTIAL** - Generally, that portion of a residential dwelling that is devoted to the preparation and/or cooking of food for the purpose of consumption by residents of the dwelling. A kitchen, as referred to within this Ordinance, generally indicates the presence of complete cooking facilities (i.e., stove, oven, refrigerator, and/or microwave oven) as differentiated from a "kitchenette" which provides very limited cooking facilities (i.e., single-burner hot plate, under-counter refrigerator, microwave oven only, etc.).

140. **LABORATORY EQUIPMENT MANUFACTURING** - A facility that makes or produces equipment or products used for research or testing.

141. **LABORATORY, SCIENTIFIC OR RESEARCH** - An establishment that engages in research, testing or evaluation of materials or products, but not medical-related (see "Medical Facilities -- Medical Laboratory").

142. **LANDSCAPING** - Material such as, but not limited to, grass, ground covers, shrubs, vines, hedges, trees or palms, and non-living durable materials that are commonly used in landscaping such as, but not limited to, rocks, pebbles, sand, walls or fences, but excluding paving.

143. **LAUNDROMAT (OR SELF-SERVE WASHATERIA)** - A facility where patrons wash, dry and/or dry clean clothing and other fabrics in machines that are operated by the patron.

144. **LIGHT LOAD VEHICLE** - A self-propelled vehicle having a manufacturer's recommended gross vehicle weight (GVW) not greater than 16,000 pounds and having no more than two axles, such as pick-up trucks, sport utility vehicles, vans and mini-vans, recreational vehicles (less than thirty-five [35] feet in length), campers and other similar vehicles but not including automobiles and motorcycles.

145. **LIGHT MANUFACTURING OR INDUSTRIAL USE -** Manufacturing of finished products or parts, predominantly from previously prepared materials, including fabrication, assembly, and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing. Included in this use is paper manufacturing and/or converting-finishing, which involves the creation of pulp, paper, and/or converted products through a series of vertically connect processes with primary activities that include: manufacturing of pulp by separating the cellulose fibers from other impurities in wood or used paper; manufacturing of paper by matting the pulp fibers into a sheet; and converting paper products produced from paper and other materials by various cutting and shaping techniques which may also include coating and laminating activities.

146. **LOADING SPACE -** An off-street space or berth used for the delivery and loading/unloading of vehicles.

147. **LOCAL UTILITY LINE -** The facilities provided by a municipality or a franchised utility company for distribution or collection of gas, water, surface drainage water, sewage, electric power or telephone service, including pad- and pole-mounted transformers.

148. **LOT -** A platted (as specified in Chapter 212 of the Texas Local Government Code) parcel of land that is occupied or intended to be occupied by one main building (or a group of main buildings) and any accessory building(s), which includes such parking, landscaping and open space as are required by this Ordinance or other laws and/or ordinances, and also which has its principal frontage upon a public street. (See Illustrations 7, 8, and 9)

149. **LOT AREA -** The total area, measured on a horizontal plane, included within lot lines.

150. **LOT, CORNER -** A lot which has at least two adjacent sides abutting for their full lengths upon a street, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five degrees (135°). (See Illustration 10).

151. **LOT DEPTH -** The mean horizontal distance between the front and rear lot lines. (See Illustration 8).

152. **LOT, DOUBLE FRONTAGE -** A lot having frontage upon two (2) non-intersecting streets, as distinguished from a corner lot. (See Illustration 6).

153. **LOT, FLAG -** A lot having access to a street by means of a parcel of land generally having a depth greater than its frontage, but not less than thirty (30) feet. Flag, or panhandle, lots are typically discouraged.

154. **LOT, INTERIOR -** A lot other than a corner lot.

155. **LOT FRONTAGE -** That dimension of a lot or portion of a lot abutting onto a street, excluding the side dimension of a corner lot.

156. **LOT LINE, FRONT -** The line connecting the foremost points of the side lot lines. (See Illustration 7). For a lot which has a boundary line which does not abut the front street line, is not a rear lot line, and lies along the same general directional orientation as the front and rear lot lines, said line shall be considered a front lot line in establishing minimum setback lines. (See Illustration 22).

157. **LOT, KEY -** A corner lot whose exterior side is adjacent to the front yard of another lot.

158. **LOT LINE, REAR -** The lot line farthest from and most parallel to the front lot line. For triangular lots, the point opposite the front lot line shall be considered the rear lot line and have a value of zero. (See Illustration 9).

159. **LOT LINE, SIDE -** Any lot line not the front or rear lot line.

160. **LOT LINES OR PROPERTY LINES -** The lines bounding a lot as defined herein.

161. **LOT OF RECORD -** A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Brazoria County.

162. **LOT WIDTH -** The horizontal distance measured between side lot lines parallel to the front lot line, and measured from the point on the building line which is closest to the front lot line. (See Illustration 7).

163. **MAIN BUILDING -** The building or buildings on a lot which are occupied by the primary use.

164. **MANUFACTURED HOME DISPLAY OR SALES (NEW) -** The offering for sale, storage, or display of new manufactured housing units (e.g., HUD-Code homes, industrialized homes) on a parcel of land, but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

165. **MANUFACTURED HOME DISPLAY OR SALES (USED) -** The offering for sale, storage, or display of previously owned (i.e., used), movable manufactured housing units (e.g., mobile homes/trailers, HUD-Code homes, industrialized homes) on a parcel of land, but excluding the use of such facilities as dwellings either on a temporary or permanent basis.

166. **MANUFACTURED HOUSING -** Any one of three types of prefabricated housing products which are typically manufactured/assembled at a location other than the end user's permanent site, and which are regulated by the Texas Manufactured Housing Standards Act (Chapter 1201 of the Texas Occupations Code, V.C.A.S.). For the purpose of this Ordinance, there are three types of manufactured homes:

    a. **Mobile Home -** A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred and twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems.

    b. **HUD-Code Manufactured Home -** A structure, constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight (8) body feet or more in width or forty (40) body feet or more in length, or, when erected on site, is three hundred and twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning and electrical systems. The term does not include a recreational vehicle, as that term is defined herein.

    c. **Industrialized Home (also called Modular Prefabricated Structure or Modular Home) -** A residential structure that is designed for the use and occupancy of one or more families, that is constructed in one or more modules or constructed using one or more

modular components built at a location other than the permanent residential site, and that is designed to be used as a permanent residential structure when the modules or modular components are transported to the permanent residential site and are erected or installed on a permanent foundation system. The term includes the plumbing, heating, air-conditioning, and electrical systems. The term does not include any residential structure that is in excess of three (3) stories or forty-nine (49) feet in height, as measured from the finished grade elevation at the building entrance to the peak of the roof. The term shall not mean nor apply to: (a) housing constructed of sectional or panelized systems not utilizing modular components; or (b) any ready-built home which is constructed so that the entire living area is contained in a single unit or section at a temporary location for the purpose of selling it and moving it to another location. The term does not include mobile homes or HUD-Code manufactured homes as defined in the Texas Manufactured Housing Standards Act (Chapter 1201 of the Texas Occupations Code, V.C.A.S.). Industrialized homes must meet all applicable local codes and zoning regulations that pertain to construction of traditional site constructed ("stick built") homes.

d. **Occupations Code Controls Conflict: -** Any conflicts in the language of these definitions and the same or similar definitions in Section1201.003 of the Occupations Code will be resolved in favor of the Occupations Code so that these definitions shall be identical to those in Section 1201.003.

167. **MASONRY CONSTRUCTION** – (See Section 42)

168. **MAUSOLEUM -** Property used for the interring of the dead and where bodies are interred above ground in staked vaults.

169. **MEDICAL FACILITIES:**

a. **Medical Clinic or Office -** A facility or group of offices for one or more physicians for the examination and treatment of ill and afflicted human outpatients provided that patients are not kept overnight except under emergency conditions.

b. **Dental Office or Doctors Office -** Same as medical clinic.

c. **Hospital** (Acute Care/Chronic Care) **-** An institution providing health services primarily for human inpatient medical or surgical care for the sick or injured and including related facilities such as laboratories, outpatient departments, training facilities, central services facilities, and staff offices which are an integral part of the facilities.

d. **Massage Establishment -** Any place of business in which massage therapy is practiced by a massage therapist, as defined and licensed by State law. "Massage therapy", as a health care service, means the manipulation of soft tissue for therapeutic purposes. The term includes, but is not limited to, effleurage (stroking), petrissage (kneading), tapotement (percussion), compression, vibration, friction, nerve strokes, and Swedish gymnastics, either by hand or with mechanical or electrical apparatus for the purpose of body message. Massage therapy may include the use of oil, salt glows, heat lamps, hot and cold packs, tub, shower or cabinet baths. Equivalent terms for "massage therapy" are massage, therapeutic massage. Massage and "therapeutic" do not include diagnosis, the treatment of illness or disease, or any service or procedure for which a license to practice medicine, chiropractic, physical therapy, or podiatry is required by law.

e. **Public Health Center -** A facility primarily utilized by a health unit for providing public health services including related facilities such as laboratories, clinics and administrative offices operated in connection therewith.

f. **Sanitarium** - An institution providing health facilities for inpatient medical treatment or treatment and recuperation making use of natural therapeutic agents.

g. **Surgical Out-Patient Facility** - An establishment offering any type of surgical procedures and related care which, in the opinion of the attending physician, can be performed safely without requiring inpatient overnight hospital care and exclusive of such surgical and related care as licensed physicians ordinarily may elect to perform in their private offices.

h. **Medical Laboratory** - An indoor establishment that includes laboratories and/or experimental equipment for medical testing, prototype design and development, and product testing.

170. **MINI-WAREHOUSE** - Small individual storage units for rent or lease, restricted solely to the storage of items. The conduct of sales, business or any other activity within the individual storage units, other than storage, shall be prohibited.

171. **MINOR MEDICAL EMERGENCY CLINIC** - See "Medical Clinic or Office".

172. **MANUFACTURED HOME PARK (also TRAILER PARK or RV PARK)** - A parcel of land designed, improved, or intended to be used for short- or long-term occupancy by manufactured homes/trailers and/or recreational vehicles (including travel trailers) in designated spaces. Facility may include a residence for the owner/manager of the premises, utility hook-ups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities.

173. **MANUFACTURED HOME SPACE** - A plot of ground within a manufactured home park, trailer park, RV park, or manufactured home subdivision which is designed for the accommodation of one manufactured home, trailer or RV unit.

174. **MANUFACTURED HOME SUBDIVISION** - A parcel of land which is designed, platted, improved and intended for the long-term placement of individually owned manufactured home units, including HUD-Code manufactured homes, on platted lots which can be purchased outright by the owners of the manufactured home units. Facility may include a residence for the owner/manager of the premises, utility hook-ups, accessory structures, playgrounds and open space areas, fenced yard areas for pets, and other similar amenities.

175. **MODEL HOME** - A dwelling in a developing subdivision, located on a legal lot of record, that is limited to temporary use as a sales office for the subdivision and to provide an example of the dwellings which have been built or which are proposed to be built within the same subdivision.

176. **MOTEL OR HOTEL** - A facility offering temporary lodging accommodations or guest rooms on a daily rate to the general public (for stays of generally fourteen (14) days or less) and providing additional services, such as restaurants, meeting rooms, housekeeping service and recreational facilities. A guest room shall be defined as a room designed for the overnight lodging of hotel guests for an established rate or fee.

177. **MOTEL OR HOTEL, EXTENDED STAY** - A facility offering temporary lodging accommodations or guest rooms on a daily rate to the general public (for stays of generally longer than 14 days) and providing additional services, such as restaurants, meeting rooms, housekeeping service and recreational facilities. A guest room shall be defined as a room designed for the overnight lodging of hotel guests for an established rate or fee.

178. **MOTORCYCLE -** A usually two-wheeled, self-propelled vehicle having one or two saddles or seats, and which may have a sidecar attached. For purposes of this Ordinance, motorbikes, all-terrain vehicles (ATVs), motorscooters, mopeds, personal watercraft and similar vehicles are classified as motorcycles.

179. **MOTORCYCLE SALES AND REPAIR -** The display, sale and/or servicing, including repair work, of motorcycles.

180. **MOTOR FREIGHT COMPANY -** A company using trucks or other heavy load vehicles to transport goods, equipment and similar products. Includes companies that move residential or commercial belongings.

181. **MOTOR VEHICLE -** Any vehicle designed to carry one or more persons which is propelled or drawn by mechanical power, such as automobiles, vans, trucks, motorcycles and buses.

182. **MULTIPLE-FAMILY DWELLING -** Three or more dwelling units on a single lot designed to be occupied by three or more families living independently of one another, exclusive of hotels or motels. Includes three-family units (triplex) and four-family units (quadriplex), as well as traditional apartments.

183. **MUNICIPAL FACILITY OR USE -** Any area, land, building, structure and/or facility (including a park, plaza, swimming pool, tennis court, maintenance building, etc.) which is owned, used, leased or operated by the City of Angleton, Texas.

184. **NONCONFORMING USE -** A building, structure, or use of land lawfully occupied as of the effective date of this Ordinance or amendments thereto, but which does not conform to the use regulations of the district in which it is situated.

185. **NON-PROFIT ACTIVITY BY CHURCH -** An activity such as, but not limited to, a rummage sale, bake sale, fundraising event, charitable function, etc. that is clearly in furtherance of the religious institution's tax-exempt (i.e., non-profit) purpose. An activity that is intended to generate money for profit for the institution does not qualify as a non-profit activity by a church.

186. **NURSERY -** An establishment, including a building, part of a building or open space, for the growth, display and/or sale of plants, shrubs, trees and other materials used in indoor or outdoor planting.

187. **NURSING, CONVALESCENT OR REST HOME -** See "Skilled Nursing Facility".

188. **OCCUPANCY -** The use or intended use of the land or buildings by proprietors or tenants.

189. **OFFICES, PROFESSIONAL AND GENERAL BUSINESS -** A room or group of rooms used for the provision of executive, management and/or administrative services. Typical uses include administrative offices and services including real estate, insurance, property management, investment, personnel, travel, secretarial services, telephone answering, and business offices of public utilities, organizations and associations, but excluding medical offices.

190. **OFFICE CENTER -** A building or complex of buildings used primarily for conducting the affairs of a business, profession, service, industry, government or similar entity, that may include ancillary services for office workers such as a coffee shop, newspaper stand, sundries shop, hair/nail salon, etc.

191. **OFFICE SHOWROOM -** An establishment with no more than twenty-five percent (25%) of its total floor area devoted to storage and warehousing, but not accessible to the general public. The remaining area may include retail and wholesale sales areas, sales offices, and display areas for products sold and distributed from the storage and warehousing areas.

192. **OFFICE WAREHOUSE -** An establishment with more than twenty-five percent (25%) of the total floor area devoted to storage and warehousing, but not generally accessible to the public.

193. **OFFICIALLY APPROVED PLACE OF ACCESS -** Access to a property, other than from a dedicated street, which is approved by the City of Angleton.

194. **OFF-STREET PARKING INCIDENTAL TO MAIN USE -** Off-street parking spaces provided in accordance with the requirements of this Ordinance, located on the lot or tract occupied by the main use or within two hundred feet (200') of such lot or tract, and located within the same zoning district as the main use or in an adjacent parking district.

195. **OUTSIDE DISPLAY** – See "Temporary Outside Retail Sales".

196. **OUTSIDE STORAGE** (also "Open Storage")- The permanent and/or continuous keeping, displaying or storing, outside a building, of any goods, materials, merchandise or equipment on a lot or tract for more than twenty-four (24) hours (i.e., overnight).

197. **PAINT SHOP -** A commercial establishment where painting services are performed (but not automotive-related painting services, which would be included under "Automobile Repair, Major").

198. **PARCEL -** Any unplatted tract of land, or any portion of an unplatted tract of land (also see "Tract").

199. **PARK OR PLAYGROUND (PRIVATE) -** See "Private Recreation Facility".

200. **PARK OR PLAYGROUND (PUBLIC) -** See "Public Recreation".

201. **PARKING LOT -** An off-street (i.e., not on a public street or alley), ground level area, paved in accordance with City of Angleton parking lot standards, for the short- or long-term storage of motor vehicles.

202. **PARKING LOT OR STRUCTURE, COMMERCIAL (AUTO) -** An area or structure devoted to the parking or storage of automobiles for a fee which may include, in the case of a parking structure only, a facility for servicing automobiles provided that such facility is an internal function for use only by automobiles occupying the structure and that such facility creates no special problems of ingress or egress.

203. **PARKING SPACE -** An off-street (i.e., not on a public street or alley) area, paved in accordance with City of Angleton parking lot standards, that is used for parking a vehicle, and that is accessed from a paved driveway which connects the parking space with a public street.

204. **PATIO HOME (ZERO-LOT-LINE DWELLING) -** A single-family dwelling on a separately platted lot which is designed such that one side yard is reduced to zero feet in order to maximize the width and usability of the other side yard, and which permits the construction of a detached single-family dwelling with one side (i.e., wall) of such dwelling placed on the side property line. (See Section 20).

205. **PAWN SHOP** - An establishment where money is loaned on the security of personal property pledged in the keeping of the owners (pawnbroker). Retail sales of primarily used (i.e., pre-owned) items is also allowed, provided that the sale of such items complies with local, State and Federal regulations.

206. **PERSONAL SERVICE SHOP OR CUSTOM PERSONAL SERVICES** - Establishments primarily engaged in providing services generally involving the care of the person or his apparel and including (but not limited to) barber/beauty shops, dressmaking, shoe shining and repair, dry-cleaning and laundry pick-up stations, tailor or seamstress services, and other similar types of uses (no outside storage) that are not otherwise defined specifically herein.

207. **PET AND ANIMAL GROOMING SHOP** – (See "Animal Grooming/Pet Shop")

208. **PETROLEUM DISTRIBUTION/STORAGE/WHOLESALE FACILITY** - A facility for the long-term storage and distribution of petroleum that may also involve wholesale sales, but not retail sales, of petroleum and petroleum-based products. No manufacturing or refining of petroleum or petroleum-based products occurs on the premises, only storage and/or distribution functions.

209. **PLANNED DEVELOPMENT DISTRICT** - Planned associations of uses developed as integral land use units, such as industrial parks or industrial districts, offices, commercial or service centers, shopping centers, residential developments of multiple or mixed housing, including attached single-family dwellings or any appropriate combination of uses which may be planned, developed or operated as integral land use units either by a single owner or by a combination of owners.

210. **PLANNING AND ZONING COMMISSION** - A board which is appointed by the City Council as an advisory body, and which is authorized to recommend changes in the zoning of property and other planning functions as delegated by the City Council. Also referred to as the "Commission."

211. **PLAT** - A plan showing the subdivision of land, creating building lots or tracts, showing all essential dimensions and other information in compliance with the subdivision standards of the City of Angleton, and which is approved by the City of Angleton and recorded in the plat records of Brazoria County.

212. **PLATTED LOT** - See "Lot" and "Lot of Record".

213. **PLAYFIELD OR STADIUM (PUBLIC)** - An athletic field or stadium owned and operated by a public agency (e.g., City of Angleton, the School District, etc.) for the general public including a baseball field, soccer field, golf course, football field or stadium which may be lighted for nighttime play.

214. **PLAYFIELD OR STADIUM (PRIVATE)** - An athletic field or stadium owned and operated by an agency other than the City of Angleton or the School District.

215. **PORTABLE BUILDING SALES** - An establishment which displays and sells structures capable of being carried and transported to another location, but not including manufactured homes. Such display is wholly or partially out of doors.

216. **PREMISES** - Land together with any buildings or structures situated thereon.

217. **PRIMARY USE** - The principal or predominant use of any lot or building.

218. **PRINCIPAL BUILDING** - See "Main Building".

219. **PRIVATE CLUB -** An establishment providing social and/or dining facilities which may provide alcoholic beverage service, to an association of persons, and otherwise falling within the definition of, and permitted under the provisions of, that portion of Title 3, Chapter 32, Vernon's Texas Codes Annotated, Alcoholic Beverage Code, as the same may be hereafter amended, and as it pertains to the operation of private clubs.

220. **PRIVATE RECREATION FACILITY OR PRIVATE PARK -** A recreation facility, park or playground which is not owned by a public agency such as the City or School District, and which is operated for the exclusive use of private residents or neighborhood groups and their guests and not for use by the general public.

221. **PRODUCE STAND -** A seasonal use for which the primary purpose and design is to sell fruit, nuts, vegetables and similar foods, typically from a non-permanent structure. No cooking or on-premises consumption of produce occurs on the site.

222. **PROFESSIONAL SERVICE -** Work performed which is commonly identified as a profession, and which may be licensed by the State of Texas.

223. **PROPANE SALES -** Retail sales of gaseous substances commonly used for household purposes such as propane and/or butane; does not include the storage, sale or distribution of other types of combustible substances or alternative fuels such as containerized natural gas, liquid propane, etc.

224. **PUBLIC RECREATION -** Publicly owned and operated parks, recreation areas, playgrounds, swimming pools and open spaces that are available for use by the general public without membership or affiliation. This land use shall include special event type uses such as rodeos, concerts, festivals and other special events requiring special event permits, as set forth in the City of Angleton's Code of Ordinances.

225. **PUBLIC VIEW -** Public view means areas that can be seen from any public street.

226. **REAR YARD -** See "Yard, Rear".

227. **RECREATION CENTER -** A place designed and equipped for the conduct of sports, leisure time activities, and other customary and usual recreational activities.

228. **RECREATIONAL VEHICLE (RV) -** A self-propelled (i.e., motorized), mobile living unit which is typically used for temporary human occupancy away from the users' permanent place of residence. An RV may also be utilized as a permanent place of residence within districts that allow them to be used as such. (See also "Heavy Load Vehicle").

229. **RECREATIONAL VEHICLE/CAMPER SALES AND LEASING -** An establishment that sells, leases and/or rents new and/or used recreational vehicles, travel trailers, campers, boats/watercraft, and similar types of vehicles.

230. **RECREATIONAL VEHICLE (RV) PARK -** An area or commercial campground for users of recreational vehicles, travel trailers, and similar vehicles to reside, park, rent or lease on a temporary basis. (See also "Manufactured Home Park").

231. **RECYCLING KIOSK -** A small uninhabited structure (120 square feet maximum) or temporary container (e.g., "igloo" or dumpster-type container) which provides a self-service location for the depositing of non-liquid recyclable materials such as aluminum cans (e.g., "can banks"), glass

bottles, magazines/newspapers, metal or plastic containers, etc. Recyclables are picked up periodically from the site. This definition does not include large trailers or manned collection centers.

232. **REHABILITATION CARE FACILITY (HALFWAY HOUSE) -** A dwelling unit which provides residence and care to not more than nine (9) persons regardless of legal relationship who have demonstrated a tendency towards alcoholism, drug abuse, mental illness, or antisocial or criminal conduct living together with not more than two (2) supervisory personnel as a single housekeeping unit.

233. **REHABILITATION CARE INSTITUTION -** A facility which provides residence and care to ten (10) or more persons, regardless of legal relationship, who have demonstrated a tendency toward alcoholism, drug abuse, mental illness, or antisocial or criminal conduct together with supervisory personnel.

234. **RESIDENCE -** Same as a dwelling; also, when used with district, an area of residential regulations.

235. **RESIDENCE HOTELS -** A multi-unit, extended stay lodging facility consisting of efficiency units and/or suites with complete kitchen facilities and which is suitable for long-term occupancy. Customary hotel services such as linens and housekeeping, telephones, and upkeep of furniture shall be provided. Meeting rooms, club house, and recreational facilities intended for the use of residents and their guests are permitted. This definition shall not include other dwelling units as defined by this Ordinance.

236. **RESIDENTIAL DISTRICT -** District where the primary purpose is residential use.

237. **RESTAURANT OR CAFETERIA (WITH DRIVE-THROUGH SERVICE) -** An eating establishment where customers are primarily served at tables or are self-served, where food is consumed on the premises, and which may include a drive-through window(s).

238. **RESTAURANT OR CAFETERIA (WITH NO DRIVE-THROUGH SERVICE) -** An eating establishment where customers are primarily served at tables or are self-served, where food is consumed on the premises, and which do not have a drive-through window.

239. **RESTAURANT OR EATING PLACE (DRIVE-IN SERVICE) -** An eating establishment where food and/or drinks are primarily served to customers in motor vehicles, or where facilities are provided on the premises which encourage the serving and consumption of food in automobiles on or near the restaurant premises.

240. **RETAIL OR SERVICE, INCIDENTAL -** The rendering of incidental retailing or services incidental to the primary use. In the Office district, for example, such uses may include a barber/beauty shop, smoke shop, news stand, candy counter, restaurant, pharmacy or other incidental activity secondary to the primary office occupancy. Incidental uses shall mean uses which occupy less than twenty percent (20%) of the building or space that is occupied by the principal use.

241. **RETAIL SHOP (FOR APPAREL, GIFTS, ACCESSORIES AND SIMILAR ITEMS) -** An establishment engaged in the selling of goods and merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods. (Also see "General Retail Stores").

242. **RETIREMENT HOUSING FOR THE ELDERLY (also INDEPENDENT LIVING CENTER or CONGREGATE HOUSING) -** A development providing self-contained dwelling units specifically designed for the needs of the elderly. Units may be rented or owner-occupied. To qualify as retirement housing, a minimum of 80% of the total units shall have a household head 55 years of age or greater. No long-term or permanent skilled nursing care or related services are provided.

243. **ROOM -** A building or portion of a building which is arranged, occupied or intended to be occupied as living or sleeping quarters but not including toilet or cooking facilities.

244. **ROOMING HOUSE -** See "Boarding House".

245. **SALVAGE OR RECLAMATION OF PRODUCTS (ALSO SEE WRECKING YARD) -** The reclamation and storage of used products or materials.

246. **SAND, GRAVEL OR STONE EXTRACTION AND/OR STORAGE -** The process of extracting and/or storing sand, gravel, stone, topsoil, compost or other products from the earth.

247. **SCHOOL, BUSINESS -** A for-profit business that offers instruction and training in a profession, service or art such as a secretarial or court reporting school, barber/beauty college or commercial art school, but not including commercial trade schools.

248. **SCHOOL, COMMERCIAL TRADE -** A for-profit business that offers vocational instruction and training in trades such as welding, brick laying, machinery operation/repair, and similar trades.

249. **SCHOOL, PRIVATE (PRIMARY OR SECONDARY) -** A school under the sponsorship of a private agency or corporation, other than a public or religious agency, which offers a curriculum that is generally equivalent to public elementary and/or secondary schools.

250. **SCHOOL, PUBLIC OR PAROCHIAL -** A school under the sponsorship of a public or religious agency which provides elementary and/or secondary curricula, but not including private business or commercial trade schools.

251. **SCIENTIFIC AND INDUSTRIAL RESEARCH LABORATORIES -** Facilities for research including laboratories, experimental equipment, and operations involving compounding or testing of materials or equipment.

252. **SCREENED -** Shielded, concealed, and effectively hidden from the view of a person standing at ground level on an abutting site, or outside the area or feature so screened, by a fence, wall, hedge, berm or similar architectural or landscape feature.

253. **SEASONAL USES/ITEMS -** Seasonal uses include the sales of items such as Christmas trees, holiday decorations, pumpkins, snow cones, fresh produce, spring planting materials, and other items which are typically only available or marketed at certain times of the year in a non-permanent setting (i.e., includes itinerant vendors).

254. **SERVANT'S QUARTERS OR GUEST HOUSE -** An accessory dwelling in a residential district for the sole use and occupancy of a member of the immediate family or of a person or persons employed on the premises by the occupant on a full-time basis as domestic help such as a maid, nanny/governess, groundskeeper, chauffeur, cook or gardener, but not involving the rental of such facilities or the use of separate utility connections for such facilities.

255. **SEXUALLY ORIENTED BUSINESS -** See Chapter 21.4 (Ordinance #2488) of the City's Code of Ordinances.

256. **SHOPPING CENTER -** A group of primarily retail and service commercial establishments that is planned, constructed and managed as a total entity, and which provides customer and employee parking on-site, unloading/delivery areas which are separated from customer access, and aesthetically appropriate design and protection from the elements.

257. **SIDE YARD -** See "Yard, Side".

258. **SINGLE-FAMILY DWELLING, ATTACHED (TOWNHOUSE) -** A dwelling which is joined to another dwelling at one or more sides by a party (i.e., shared) wall, which is designed for occupancy by one family, and which is located on a separate lot delineated by front, side and rear lot lines.

259. **SINGLE-FAMILY DWELLING, DETACHED -** A dwelling designed and constructed as a free-standing structure for occupancy by one family, and located on a lot or separate building tract having no physical connection to a building located on any other lot or tract.

260. **SKILLED NURSING FACILITY (also termed NURSING HOME, CONVALESCENT HOME or LONG-TERM CARE FACILITY) -** A residence providing primarily in-patient health care, personal care, or rehabilitative services over a long period of time to persons who are chronically ill, aged or disabled and who need ongoing health supervision but not hospitalization.

261. **SMALL ENGINE REPAIR SHOP -** Shop for the repair of lawn mowers, chain saws, lawn equipment, and other machines with one-cylinder engines.

262. **STABLE, COMMERCIAL -** A stable used for the rental of stall space or for the sale or rental of horses or mules.

263. **STABLE, PRIVATE -** An area used solely for the owner's private purposes for the keeping of horses, mules or ponies which are not kept for remuneration, hire or sale.

264. **STORAGE OR WHOLESALE WAREHOUSE -** A building used primarily for the storage of goods and materials.

265. **STORY -** That portion of a building (above grade), other than a basement, that is included between the surface of any floor and the surface of the next floor above it or, if there is no floor above it, then the space between the floor and the ceiling above it. The average height for a story shall be defined as twelve feet (12'). The definition of a story does not include parapets, gables and other normal roof structures. In cases where the site has a significant slope, the number of stories (i.e., height) of a building shall be measured from a point representing the average slope from front to back (or side to side) of the building.

266. **STORY, HALF -** A space under a sloping roof which has the line of intersection of roof decking and wall face not more than three feet (3') above the top floor level, and in which space not more than two-thirds (2/3) of the floor area is finished off for use. A half-story containing an independent apartment or self-contained living quarters shall be counted as a full story.

267. **STREET -** Any dedicated public thoroughfare which affords the principal means of access to abutting property. A street is termed a major thoroughfare or arterial when the right-of-way is greater than sixty feet (60').

268. **STREET INTERSECTION** - Any street which joins another street at an angle, whether or not it crosses the other.

269. **STREET YARD** - The area between the building line and the property line/right-of-way) line. On most lots, this will be the front yard, but in some instances can also be the side yard and/or rear yard, depending on the configuration of the lot to adjacent rights-of-way.

270. **STRUCTURE** - Anything constructed or erected, the use of which requires location on the ground or which is attached to something having a location on the ground (also see definition of "Building").

271. **STRUCTURAL ALTERATIONS** - Any change in the supporting members of a building, such as load-bearing walls or partitions, columns, beams or girders, or any substantial change in the roof or in the exterior walls.

272. **STUDIO, HEALTH/REDUCING/FITNESS** - Includes, but is not limited to, an establishment which provides facilities and equipment (e.g., gymnasiums, weight rooms, swimming pools/spas, exercise apparatus, instruction/classes, etc.) which are intended to promote health, fitness, weight reduction and/or similar health-related activities. Such facilities may include such accessory uses as food service, sales of sundries and apparel, and child care services, provided that such accessory uses are clearly incidental to the primary use and are for the use of studio patrons only (i.e., not the general public). No outside signage may be used to advertise accessory uses.

273. **STUDIO, TATTOO OR BODY PIERCING** - A building or portion of a building used for selling and/or applying tattoos (by injecting dyes/inks into the skin), and/or for piercing the skin with needles, jewelry or other paraphernalia, primarily for the purpose of ornamentation of the human body.

274. **STUDIO FOR RADIO AND TELEVISION** - A building or portion of a building used as a place for radio or television broadcasting.

275. **SWIMMING INSTRUCTION AS A HOME OCCUPATION** - The teaching of swimming in a private swimming pool. (Also see Home Occupation Regulations, Section 46.)

276. **SWIMMING POOL, COMMERCIAL** - A swimming pool with accessory facilities which is not part of the municipal or public recreational system and which is not a private swim club, but where the facilities are available for use by the general public for a fee.

277. **SWIMMING POOL, PRIVATE** - A swimming pool constructed for the exclusive use of the residents of a one-family, two-family or multiple-family dwelling and located, fenced and built in accordance with the City of Angleton's Code of Ordinances. A private swimming pool shall not be operated as a business nor maintained in a manner to be hazardous or obnoxious to adjacent property owners.

278. **TELEMARKETING CENTER** - An establishment which solicits business or the purchase of goods and/or services by telephone only. No sales of goods or services to the public occurs at or on the premises. No products are stored at or on the premises.

279. **TELEPHONE AND EXCHANGE, SWITCHING/RELAY OR TRANSMITTING STATION** - A line for the transmission of telephone signals and a central office in which telephone lines are connected to permit communication but not including a business office, storage (inside or outside) or repair yards.

280. **TEMPORARY** - Used or lasting for only a limited period of time; not permanent.

281. **TEMPORARY BUILDING** - Any nonresidential prefabricated structure which is not originally manufactured or constructed at its use site, required on-site installation of utilities and/or foundation.

282. **TEMPORARY FIELD OFFICE OR CONSTRUCTION YARD OR OFFICE** - A structure or shelter used in connection with a development or building project for housing on the site of temporary administrative and supervisory functions and for sheltering employees and equipment. Temporary permits for one (1) year for a specific time and location as determined may be issued by the City Manager and shall be subject to review and renewal for reasonable cause.

283. **TEMPORARY OUTSIDE RETAIL SALES / COMMERCIAL PROMOTION** (also "Outside Display") - Outside temporary display of finished goods that are specifically intended for retail sale by the owner or lessee of the premises (i.e., does not include itinerant vendors) but not displayed outside overnight.

284. **TENNIS COURT, PRIVATE** - A surface designed and constructed for playing the game of tennis along with all fencing, nets and related appurtenances but excluding lighting for nighttime play in residential areas except as may be otherwise provided or restricted by the specific use permit.

285. **THEATER, DRIVE-IN (OUTDOOR)** - An open lot with its appurtenant facilities devoted primarily to the showing of motion pictures or theatrical productions on a paid admission basis to patrons seated in automobiles.

286. **THEATER OR PLAYHOUSE (INDOOR)** - A building or part of a building devoted to the showing of motion pictures, or for dramatic, musical or live performances.

287. **TIRE DEALER, NO OPEN STORAGE** - A retail establishment engaged in the sale and/or installation of tires for vehicles, but without open storage.

288. **TIRE DEALER, WITH OPEN STORAGE** - A retail establishment engaged in the sale and/or installation of tires for vehicles, with open storage.

289. **TOOL AND MACHINERY RENTAL SHOP** - A building or a portion of a building used for the display and rental of tools, machinery and instruments.

290. **TRACT** - A single individual parcel or lot.

291. **TRACTOR SALES** - See "Heavy Machinery Sales and Storage".

292. **TRADE AND COMMERCIAL SCHOOLS** - See "School, Commercial Trade".

293. **TRAILER PARK OR COURT** - See "Manufactured Home Park".

294. **TRAILER, HAULING** - A vehicle or device which is pulled behind an automobile or truck and which is designed for hauling animals, produce, goods or commodities, including boats.

295. **TRAILER HOME** - See "Manufactured Housing, Manufactured Home".

296. **TRAILER OR MANUFACTURED HOME SPACE** - See "Manufactured Home Space".

297. **TRAILER RENTAL -** The display and offering for rent of trailers designed to be towed by automobiles and light load vehicles.

298. **TRAILER, TRAVEL OR CAMPING -** A portable or mobile living unit which is used for temporary human occupancy away from the users' permanent place of residence, which does not constitute the users' principal place of residence, and which is designed to be towed behind another vehicle.

299. **TRANSPORTATION AND UTILITY STRUCTURES/FACILITIES -** Permanent facilities and structures operated by companies engaged in providing transportation and utility services including but not limited to railroad track rights-of-way, sewage pumping stations, telephone exchanges, transit station turnarounds, water reservoirs and water pumping stations.

300. **TRUCK -** A light or heavy load vehicle (see definitions for "Light Load Vehicle" and "Heavy Load Vehicle").

301. **TRUCK AND BUS REPAIR -** An establishment providing major and minor automotive repair services to heavy load vehicles.

302. **TRUCK AND BUS LEASING -** The rental of new or used panel trucks, vans, trailers, recreational vehicles or motor-driven buses in operable condition and where no repair work or intensive cleaning operations are performed.

303. **TRUCK STOP -** A facility for the parking, refueling and/or minor repair of heavy load tractor-trailer trucks. These facilities may also include retail sales of food and/or other items, restaurant(s), restroom/showers facilities, and/or temporary sleeping quarters.

304. **TRUCK TERMINAL -** An area and building where cargo is stored and where trucks, including tractor and trailer units, load and unload cargo on a regular basis. May include facilities for the temporary storage of loads prior to shipment.

305. **TRUCK SALES (HEAVY TRUCKS) -** The display, sale or rental of new or used heavy load vehicles in operable condition.

306. **TWO-FAMILY DWELLING (DUPLEX) -** Two attached dwellings in one structure, each designed to be occupied by one family.

307. **USABLE OPEN SPACE -** An open area or recreational facility which is designed and intended to be used for outdoor living and/or recreation purposes. An area of usable open space shall have a slope not exceeding ten percent (10%), shall have no dimension of less than ten feet (10'), and may include landscaping, walks, recreational facilities, water features and decorative objects such as art work or fountains (see also Section 22).

308. **USE -** The purpose for which land or buildings are or may be occupied in a zoning district.

309. **USED MERCHANDISE STORE** (also “Resale Shop” or “Thrift Store” or “Consignment Shop”) An establishment that generally markets common, contemporary used household goods, clothing or furnishings on a straight “for sale” basis or on a consignment basis. This term includes a used merchandise store that is operated by a non-profit, charitable or religious organization.

310. **UTILITY DISTRIBUTION/TRANSMISSION LINES -** Facilities which serve to distribute and transmit electrical power, gas and water, including but not limited to electrical transmission lines, gas transmission lines, telephone lines and metering stations, whether operated by the City or private utility company.

311. **VARIANCE -** An adjustment in the application of the specific regulations of the Zoning Ordinance to a particular parcel of property which, because of special conditions or circumstances of hardship peculiar to the particular parcel, is necessary to prevent the property from being deprived of rights and privileges enjoyed by other parcels in the same vicinity and zoning district. Only the Board of Adjustment of the City of Angleton can grant a variance.

312. **VETERINARIAN CLINIC -** An establishment where animals and pets are admitted for examination and medical treatment (also see "Kennels").

313. **WRECKING YARD (JUNKYARD OR AUTO SALVAGE) -** Any lot upon which two or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of license, have been placed for the purpose of obtaining parts for recycling or resale.

314. **YARD -** An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except where otherwise specifically provided in this Ordinance that the building or structure may be located in a portion of a yard required for a main building. In measuring a yard for the purpose of determining the width of the side yard, the depth of a front yard or the depth of a rear yard, the shortest horizontal distance between the lot line and the main building shall be used. (See Illustration 7).

315. **YARD, FRONT -** A yard located in front of the front elevation of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the outside wall of the main building. (See Illustration 7).

316. **YARD, REAR -** The area extending across the rear of a lot measured between the lot lines and being the minimum horizontal distance between the rear lot line and the rear of the outside wall of the main building. On both corner lots and interior lots, the rear yard shall in all cases be at the opposite end of the lot from the front yard. (See Illustration 9).

317. **YARD, SIDE -** The area between the building and side line of the lot and extending from the front lot line to the rear lot line and being the minimum horizontal distance between a side lot line and the outside wall of the side of the main building. (See Illustration 9).

318. **ZERO-LOT-LINE DWELLING -** See "Patio Home".

319. **ZONING BOARD OF ADJUSTMENT -** A board which is appointed by the City Council, and which is authorized to make special exceptions to the Zoning Ordinance (i.e., variances), and to hear and decide any appeals that allege error in an order, requirement, decision or determination made by an administrative official in the enforcement of the Zoning Ordinance. Also referred to as the "BOA."

320. **ZONING DISTRICT -** A classification applied to any certain land area within the City stipulating the limitations and requirements of land usage and development.

321. **ZONING DISTRICT MAP -** The official map upon which the boundaries of the various zoning districts are drawn and which is an integral part of the Zoning Ordinance. (See Section 3, "Zoning District Map" and Section 4, "Zoning District Boundaries").

SECTION 50 APPROVED PLANT LIST

(Reserved.)

SECTION 51 ILLUSTRATIONS

Illustration 1: Floor Area Ratio

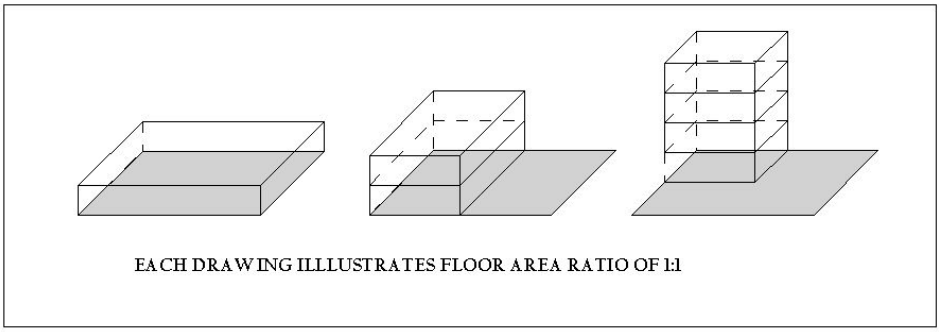


Illustration 2: Off-Street Maneuvering for Loading Area

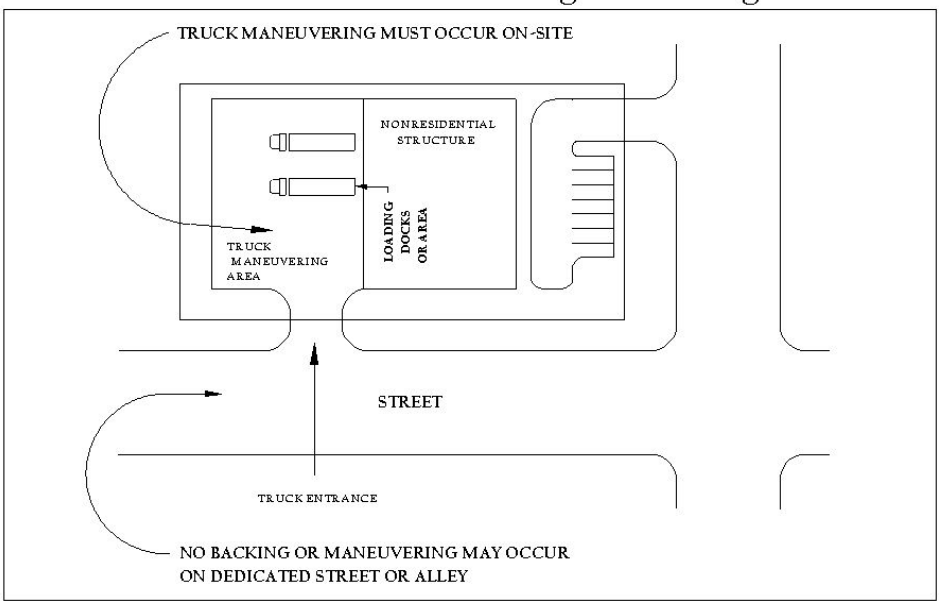


Illustration 3: Front Yard where Zoning Changes in a Block

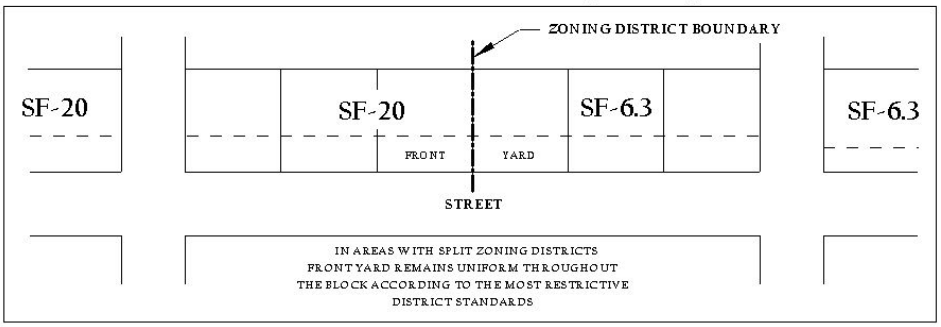


Illustration 4: Method of Measuring Setback Yard

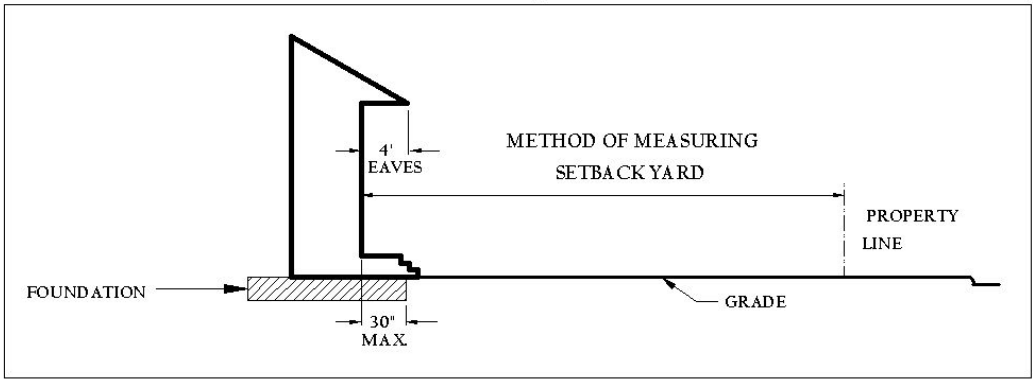


Illustration 5: Method of Measuring Carport Setback

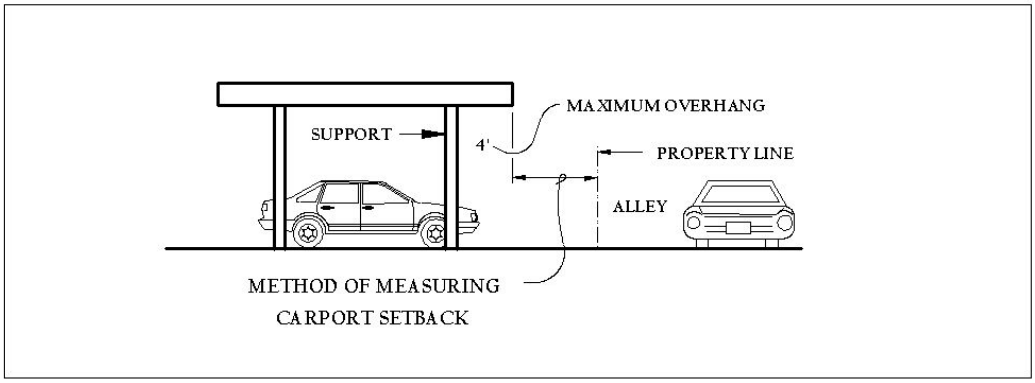


Illustration 6: Double Frontage Lots

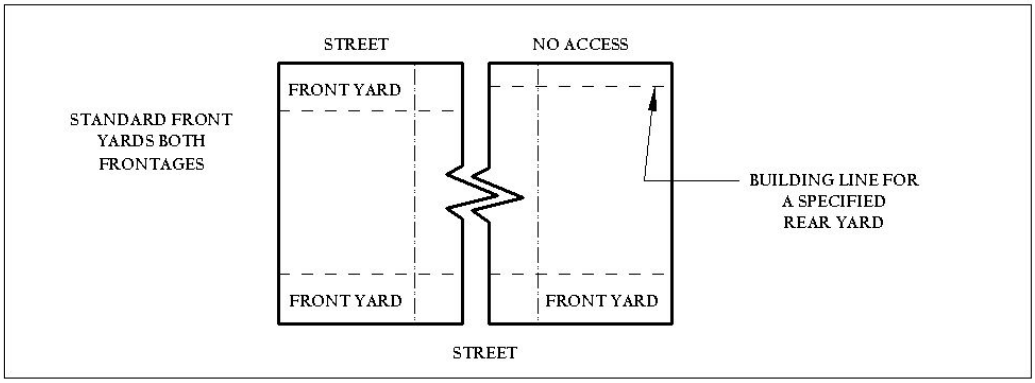


Illustration 7: Lot Width

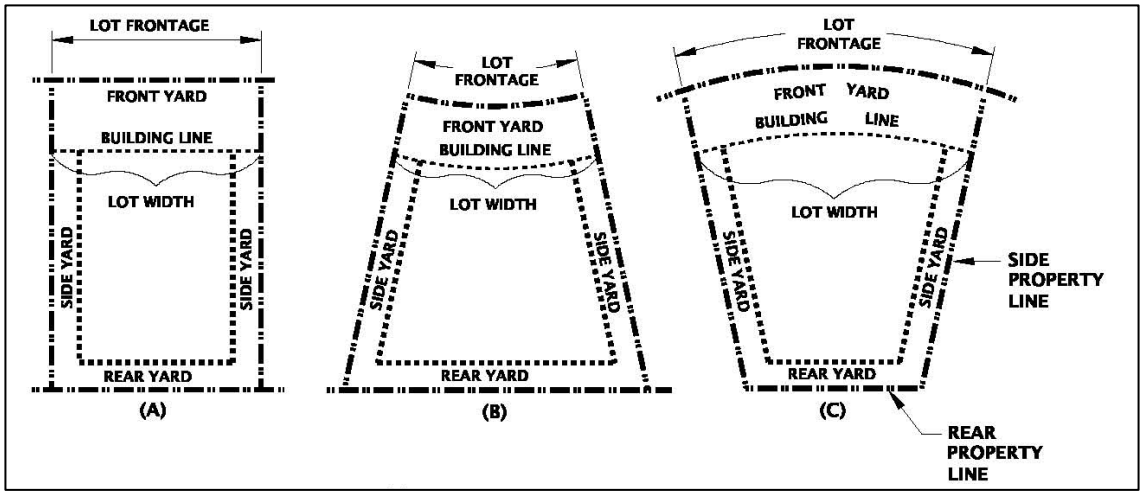


Illustration 8: Lot Area & Depth

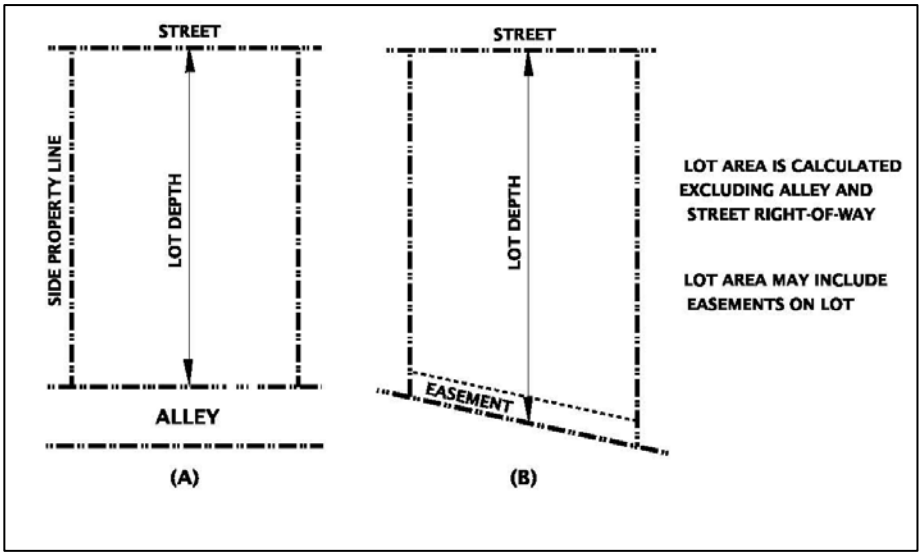


Illustration 9: Lot Width

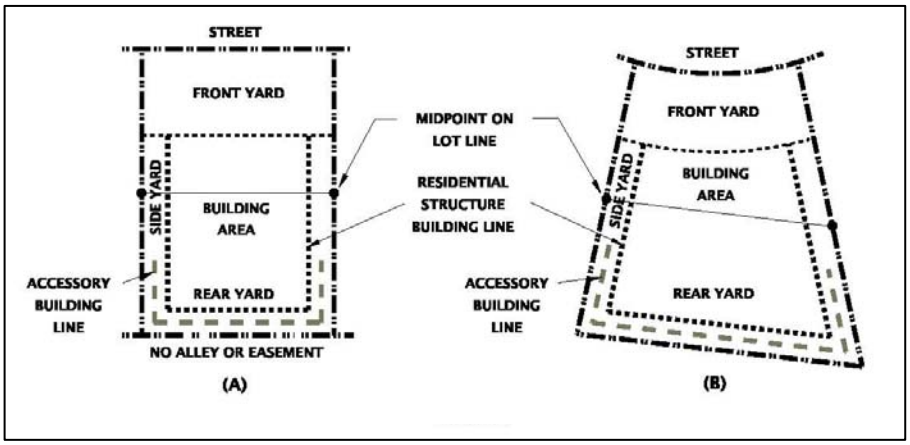


Illustration 10: Corner Lot/Interior Lot

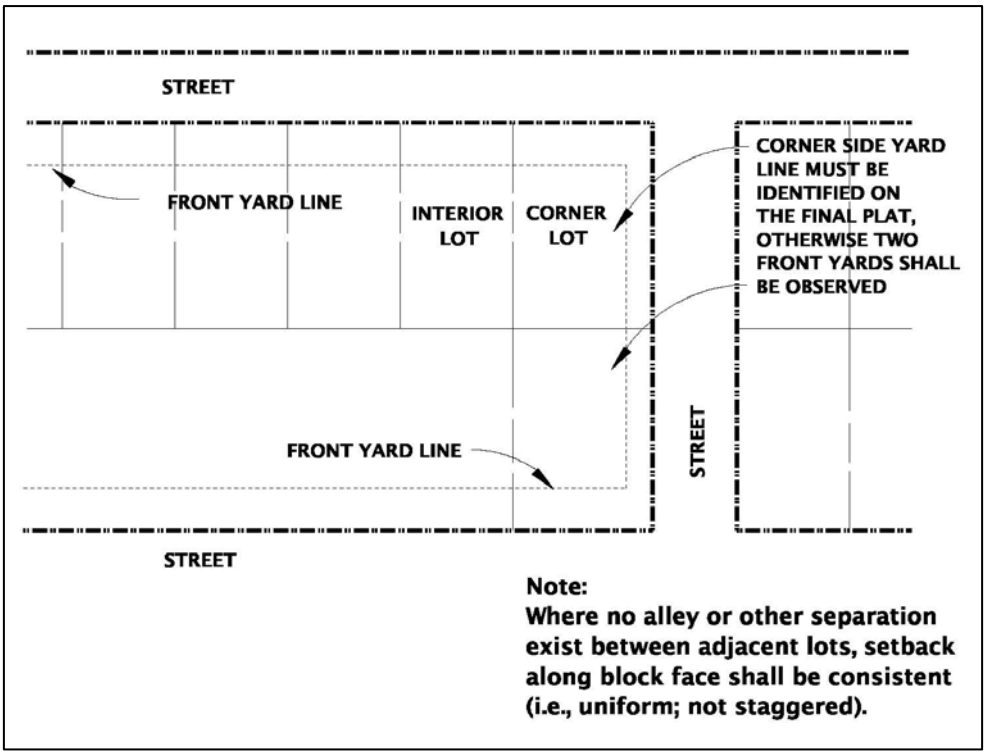


Illustration 11: 60 Degree Layout with Two-Way Traffic

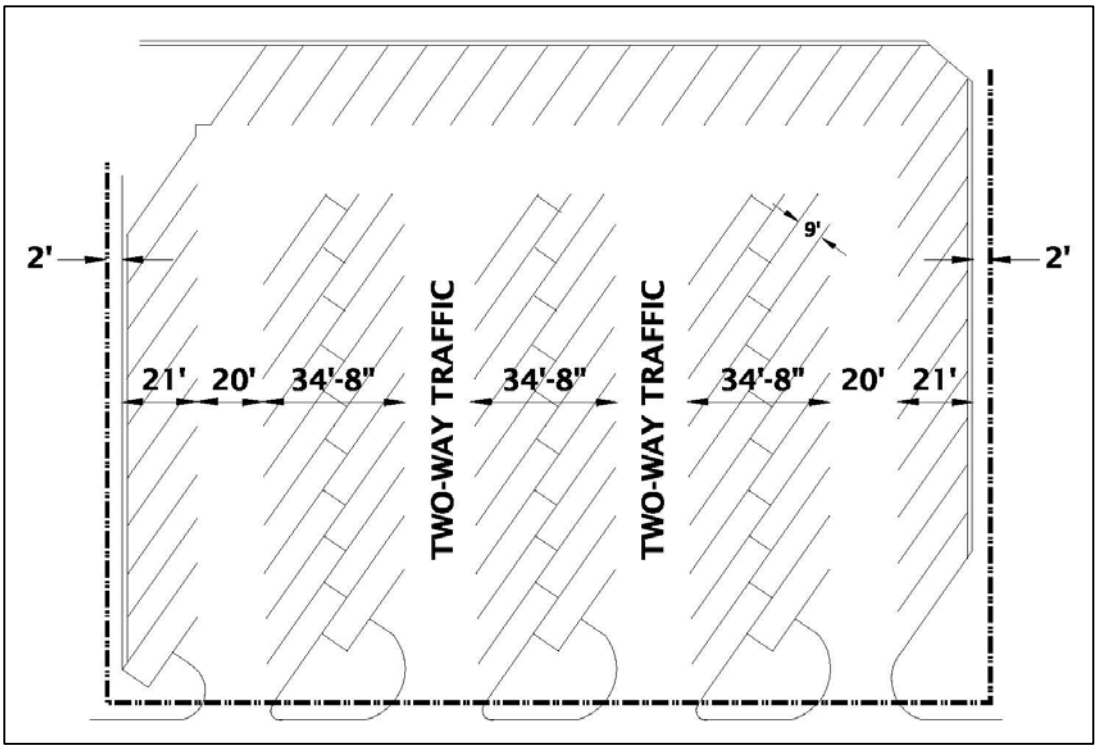


Illustration 12: 45 Degree Layout With Two-Way Traffic

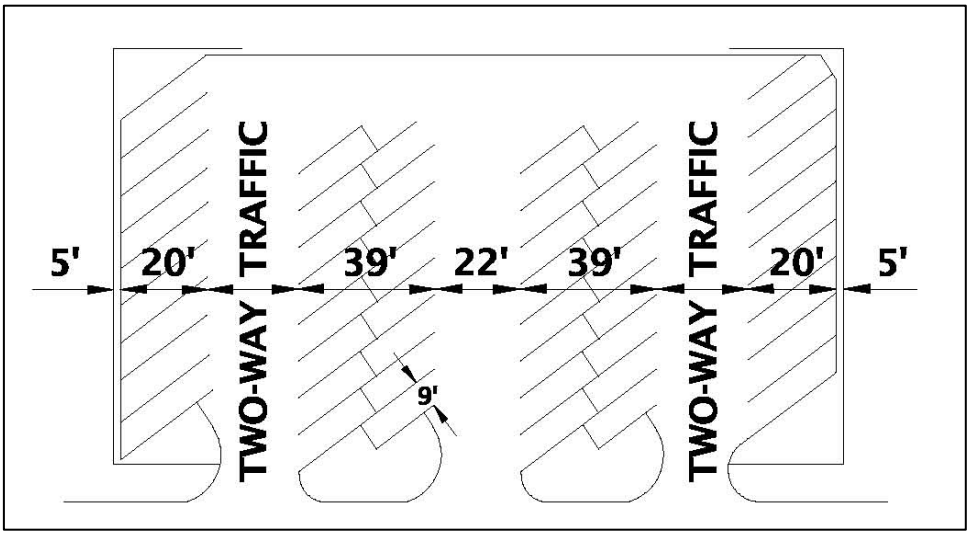


Illustration 13: 60 Degree Layout With One-Way Traffic

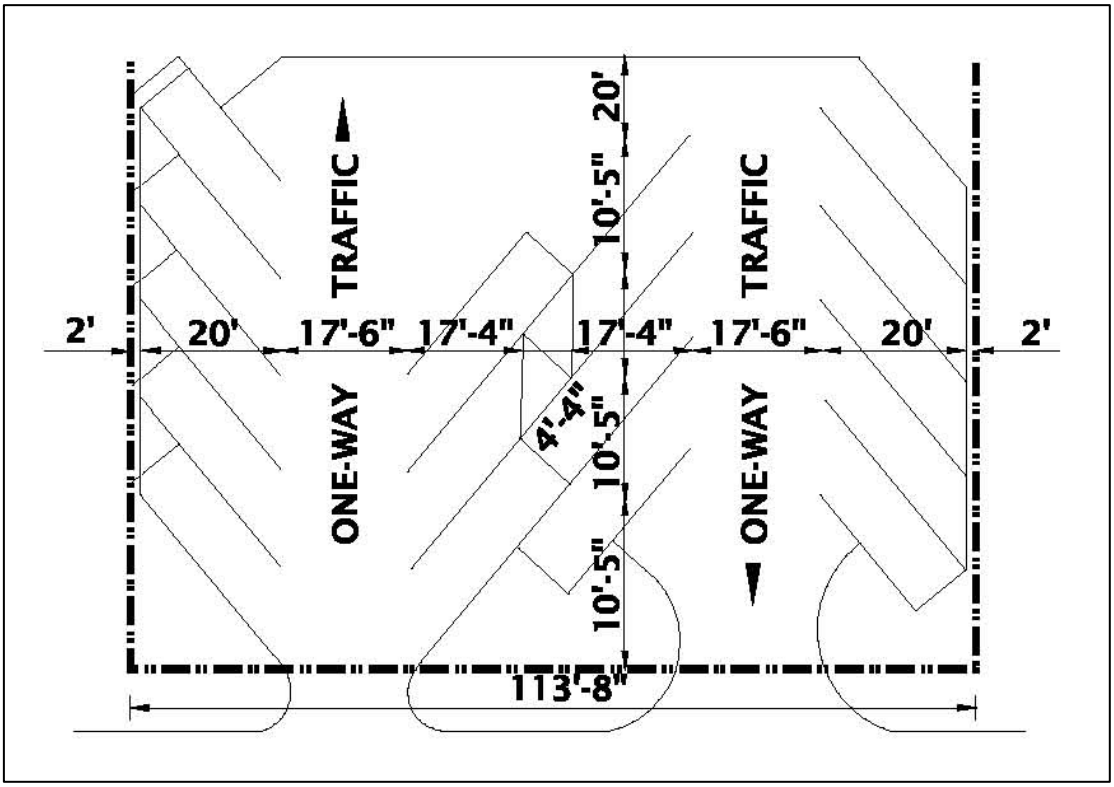


Illustration 14: 45 Degree Layout With One-Way Traffic

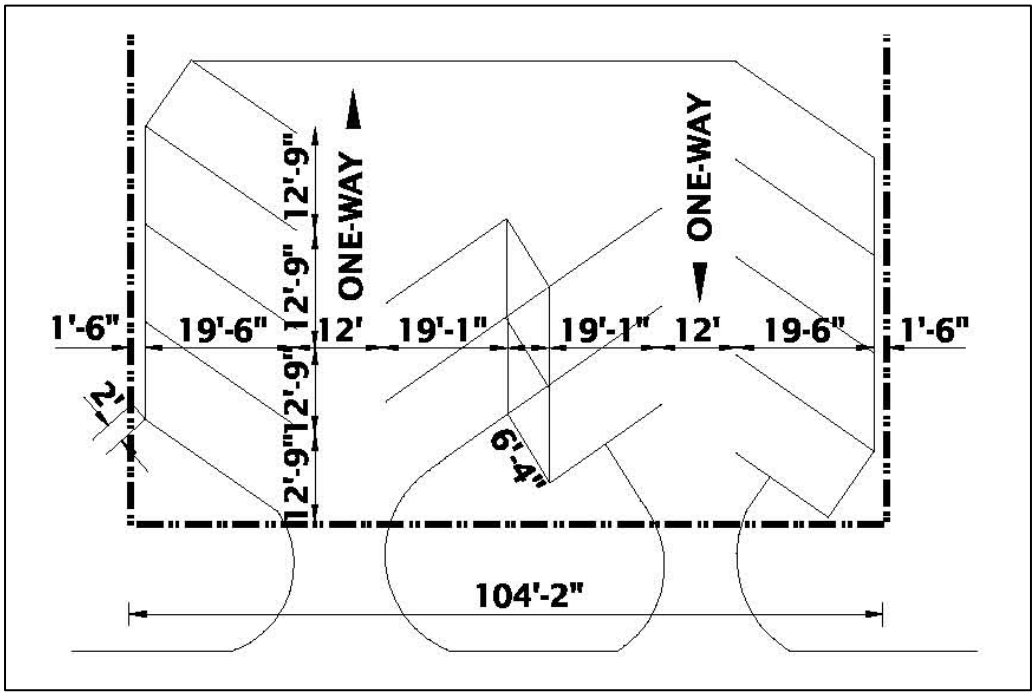


Illustration 15: 90 Degree Layout With One-Way Traffic

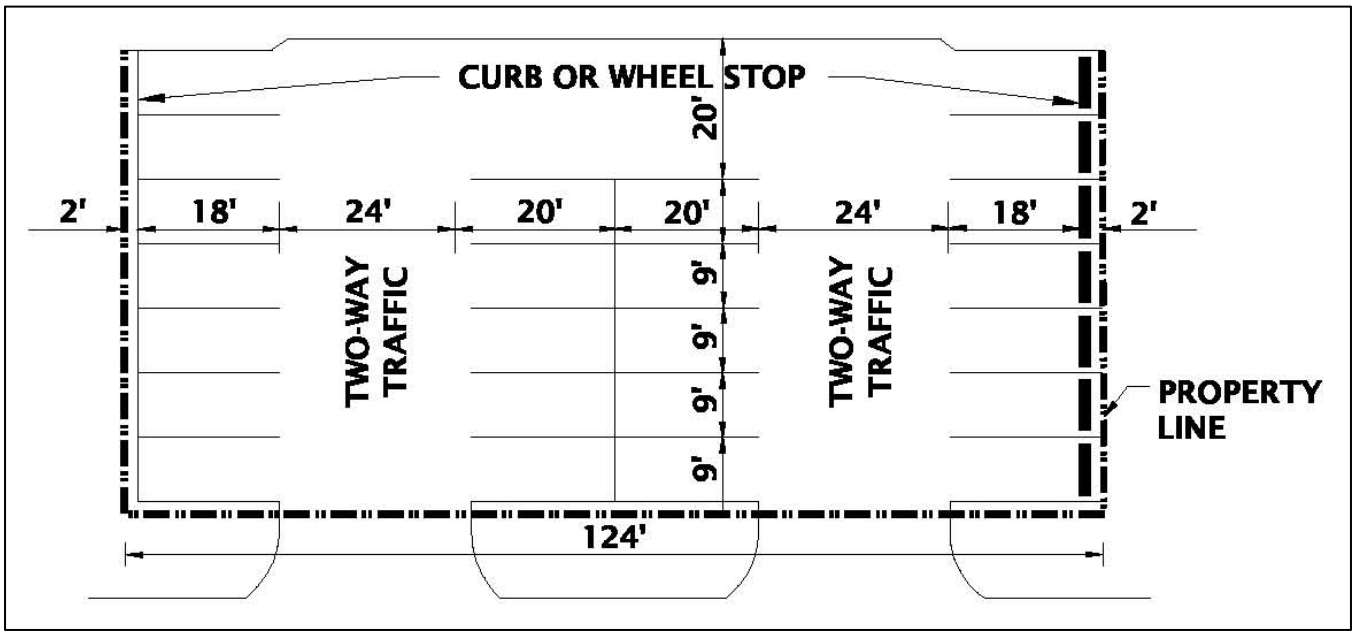


Illustration 16: Refuse Containers – Access & Enclosure

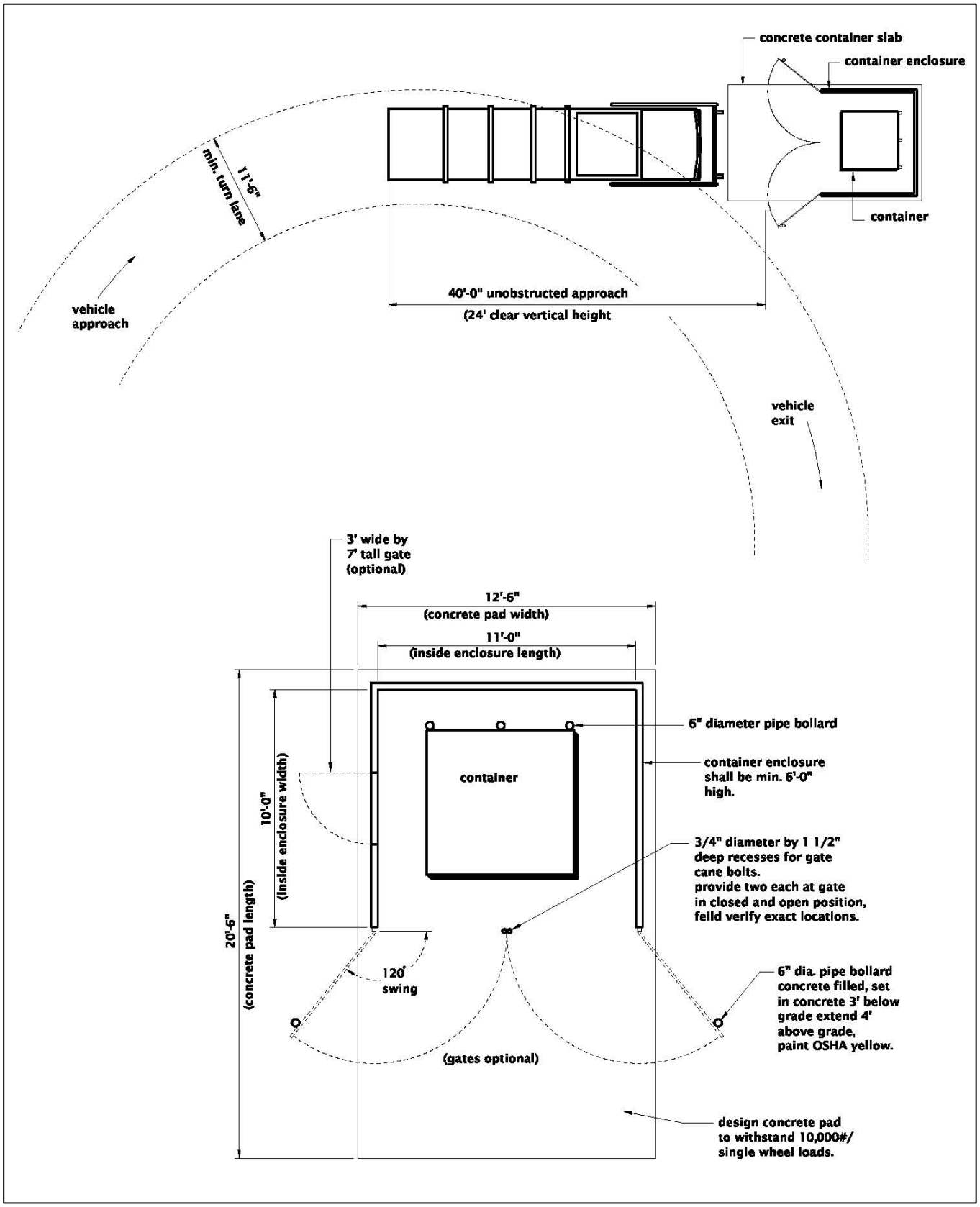


Illustration 17: Typical Refuse Container Screening Gate

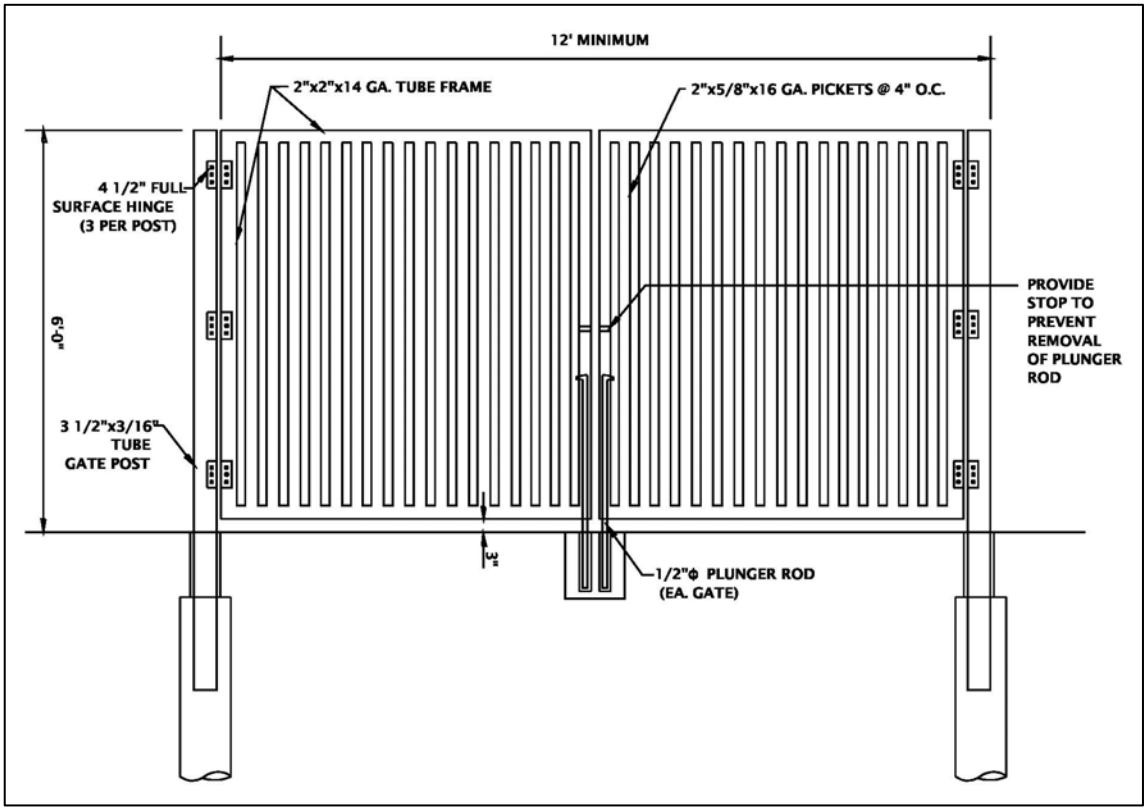


Illustration 18: Fence & Sight Requirements for Corner Lots

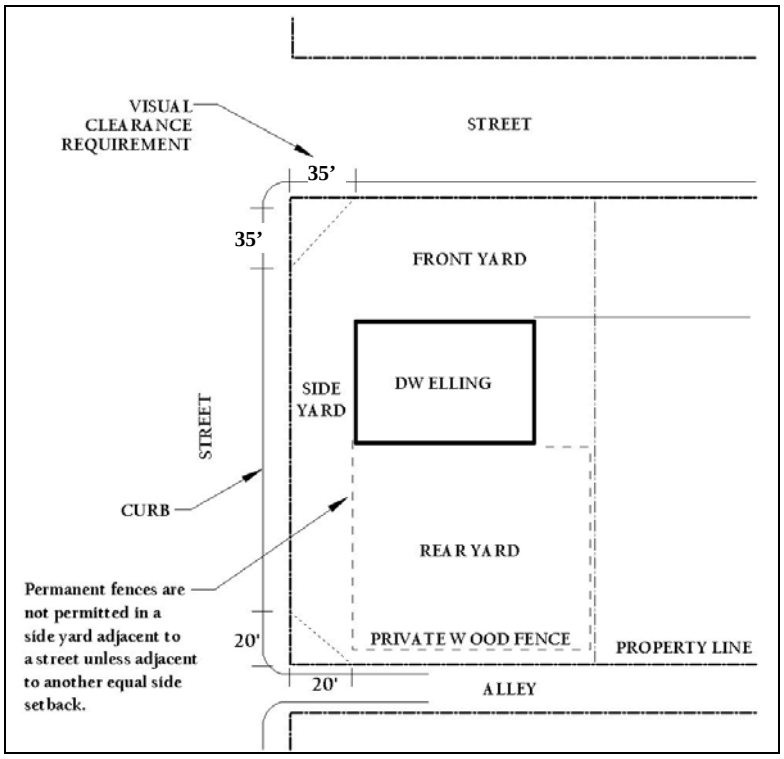


Illustration 19: Landscape Requirements

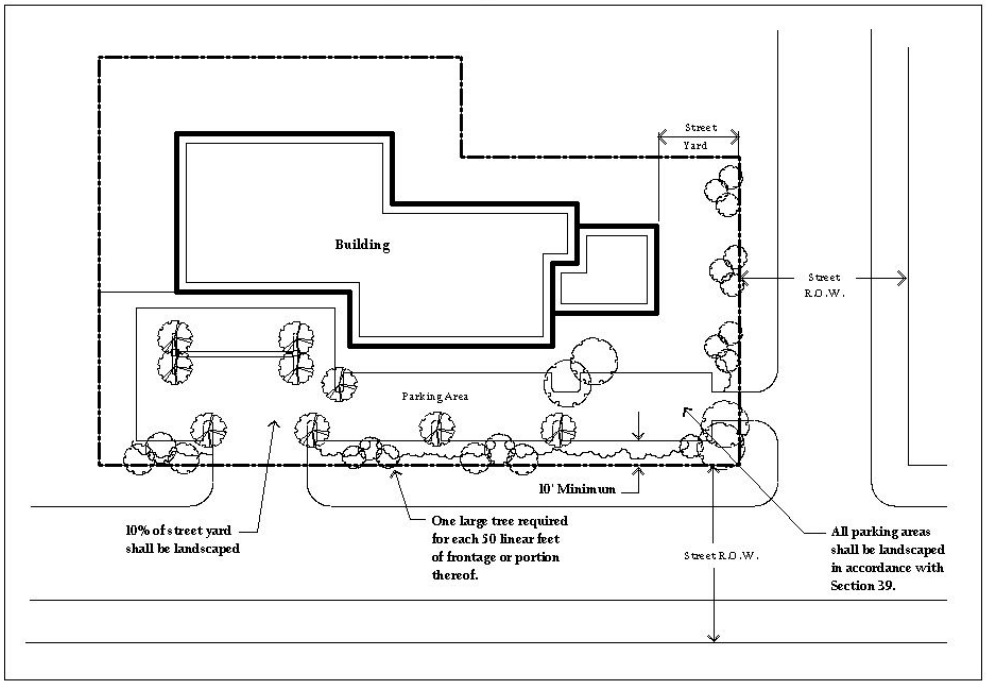


Illustration 20: Loading Area Screening

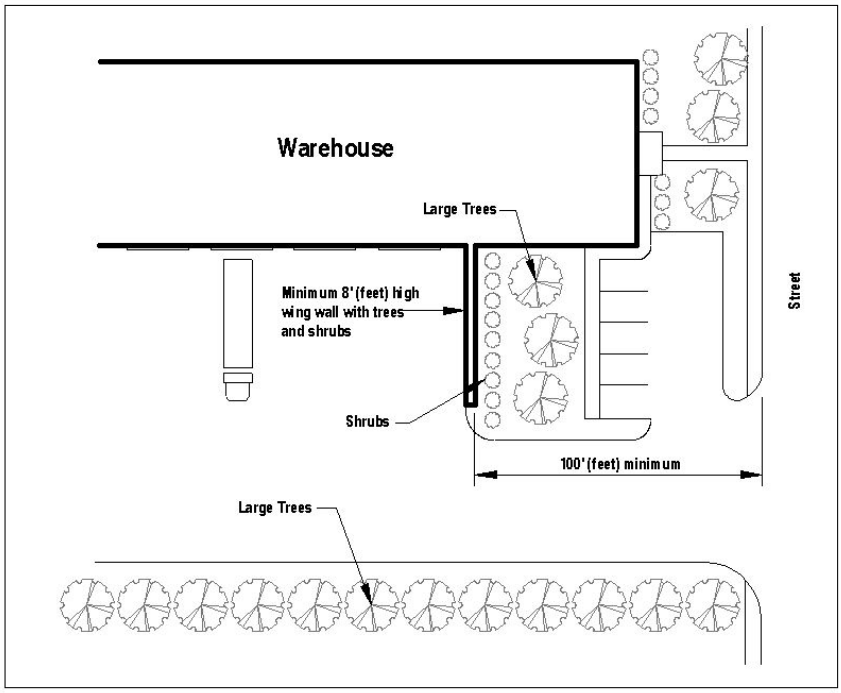


Illustration 21: Loading Area Placement & Screening in LI Zoning District

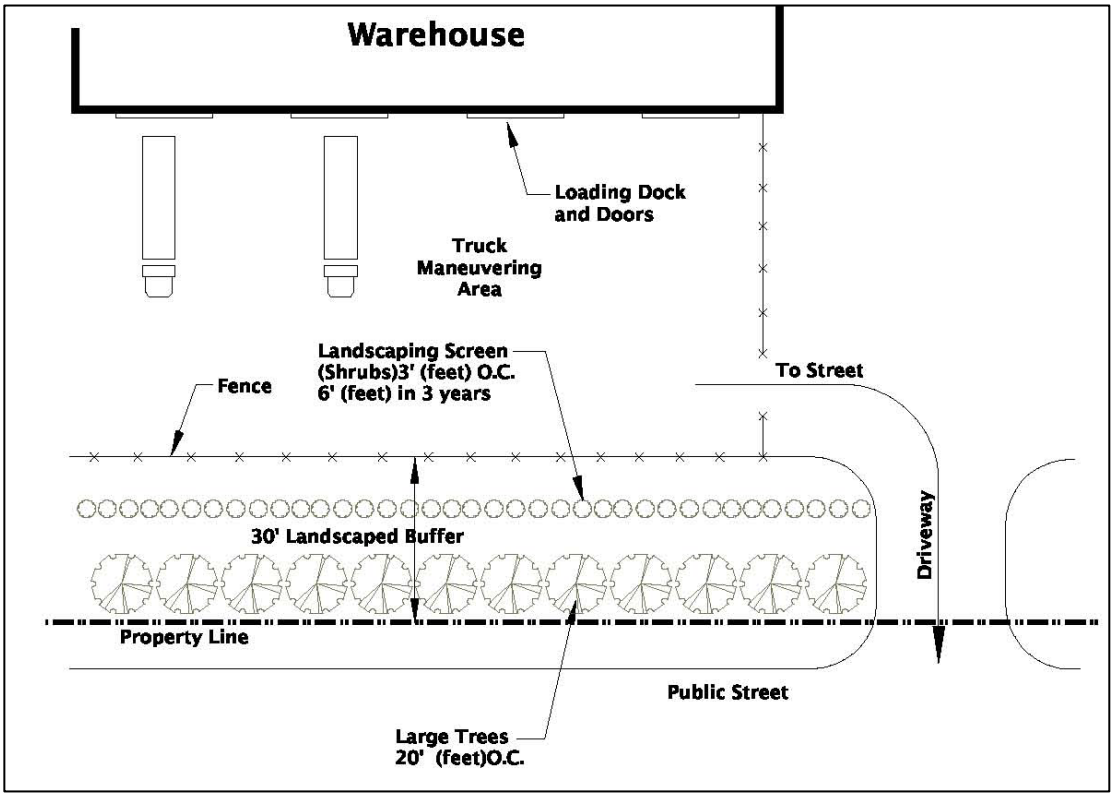


Illustration 22: Front Lot Line Not Adjacent to the Front Street Line

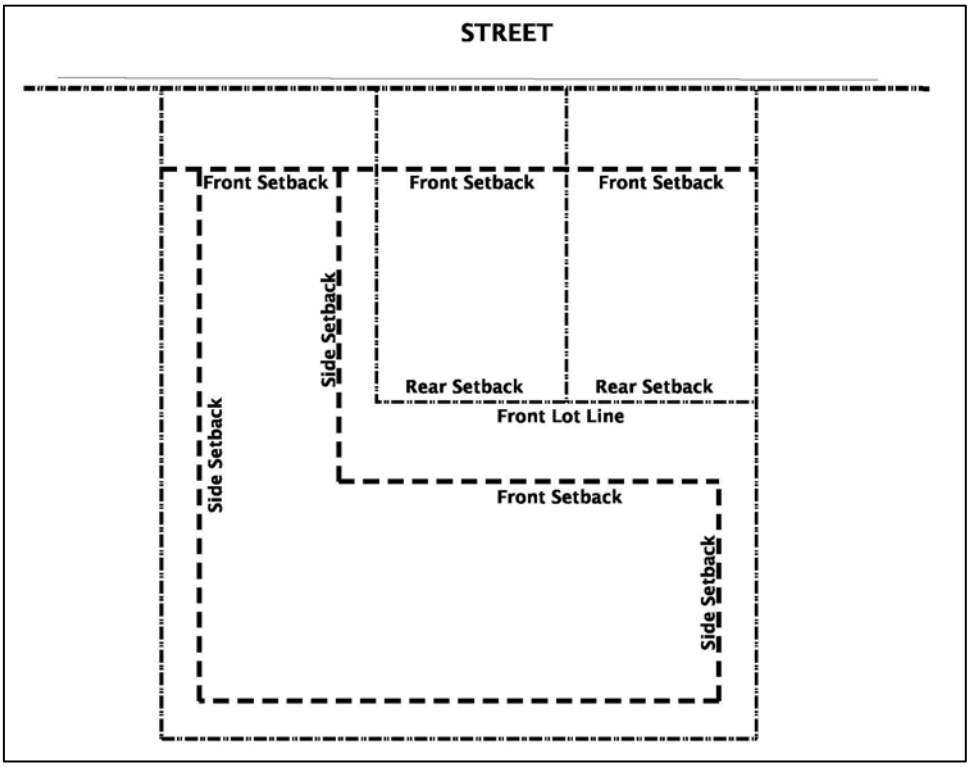
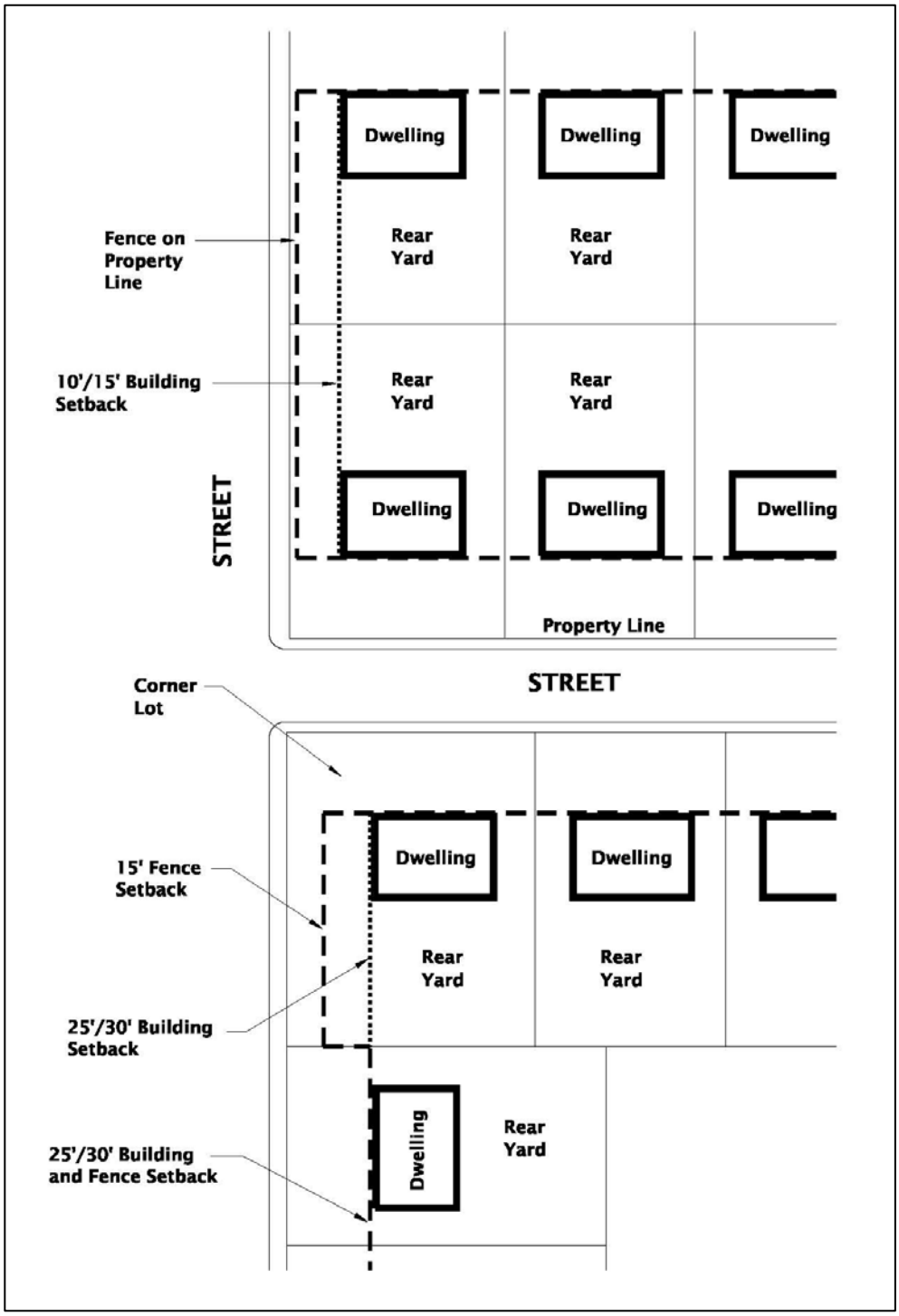


Illustration 23: Residential Fence Setback Lines



VI. INTERPRETATION; PRESERVING RIGHTS; PENALTY FOR VIOLATIONS; VALIDITY; EFFECTIVE DATE

SECTION 52 EFFECT OF INTERPRETATION; REPEALER

52.1 In interpreting and applying the provisions of this Ordinance, they shall be held to the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. It is not intended by this Ordinance to interfere with or abrogate or annul any easements, covenants or other agreements between parties, provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon height of buildings, or requires larger open spaces than are imposed or required by agreements, the provisions of this Ordinance shall govern. This Ordinance is also not intended to abrogate or annul any lawfully obtained permit issued prior to the effective date of this Ordinance.

52.2 All provisions of Ordinance No. ____, and any other ordinances of the City of Angleton, that are in conflict with the provisions of this Ordinance shall be, and the same are hereby, repealed. All other provisions of City of Angleton ordinances that are not in conflict herewith shall remain in full force and effect.

SECTION 53 PRESERVING RIGHTS IN PENDING LITIGATION AND VIOLATIONS UNDER EXISTING ORDINANCES

53.1 By the passage of this Ordinance, no presently illegal use shall be deemed to have been legalized unless such use specifically falls within a use district where the actual use is a conforming use. Otherwise, such uses shall remain nonconforming uses where recognized, or an illegal use, as the case may be. It is further the intent and declared purpose of this Ordinance that no offense committed, and no liability, penalty or forfeiture, either civil or criminal, incurred prior to the time the previous Zoning Ordinance was repealed and this Zoning Ordinance adopted, shall be discharged or affected by such repeal and adoption of this Ordinance; but prosecutions and suits for such offenses, liabilities, penalties or forfeitures may be instituted or causes presently pending proceeded with in all respects as if such prior ordinance had not been repealed.

SECTION 54 PENALTY FOR VIOLATIONS

54.1 Any person or corporation violating any of the provisions of this Ordinance shall, upon conviction, be fined any sum not exceeding two thousand dollars ($2,000.00) and each and every day that the provisions of this Ordinance are violated shall constitute a separate and distinct offense. In addition to the said penalty provided for, the right is hereby conferred and extended upon any property owner owning property in any district, where such property owner may be affected or invaded, by a violation of the terms of the Ordinance, to bring suit in such court or courts having jurisdiction thereof and obtain such remedies as may be available at law and equity in the protection of the rights of such property owners.

54.2 Nothing contained herein shall prevent the City of Angleton from taking such other lawful action as is necessary to prevent or remedy any violation.

SECTION 55 VALIDITY

55.1 If any section, paragraph, subdivision, clause, phrase, or provision of this Ordinance shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this Ordinance as a whole or any part or provision thereof other than the part so decided to be invalid or unconstitutional.

SECTION 56 EFFECTIVE DATE

56.1 This Ordinance shall become effective not less than ten days from the date if its passage, and the City Secretary is hereby directed to cause the caption of this Ordinance to be published in the official newspaper of the City, a daily newspaper of general circulation within the City, at least once within ten days after the passage of this Ordinance.

SECTION 57 OPEN MEETINGS

57.1 The City Council has found and determined that the meeting at which this Ordinance was considered and passed was open to the public as required and that public notice of the time, place, and purpose of this meeting was given in accordance with the provisions of the Texas Open Meetings Act, *Chapter 551, Tex. Gov't Code*, as amended, and that a quorum of the City Council was present.

PASSED AND APPROVED by the City Council of the City of Angleton, Texas on the __th day of _____, 2009.

_____
J. Patrick Henry, Mayor
City of Angleton, Texas

ATTEST:

_____
Shelly Deisher, City Secretary
City of Angleton, Texas

APPROVED AS TO FORM:

_____

Herbert L. Prouty, Interim City Attorney
City of Angleton, Texas

APPENDIX A:

A.1: Prior Planned Development Ordinances Remaining in Effect:

PD #	Base Zoning District(s)	Ordinance #(s)	Adoption Date(s)
PD-___	_____	_____	_____
PD-___	_____	_____	_____
PD-___	_____	_____	_____
PD-___	_____	_____	_____

A.2: Prior Specific Use Permit Ordinances Remaining in Effect:

SUP #	Base Zoning District(s)	Ordinance #(s)	Adoption Date(s)
SUP-___	_____	_____	_____
SUP-___	_____	_____	_____
SUP-___	_____	_____	_____
SUP-___	_____	_____	_____