

**ORDINANCE NO. 20240723-013**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS, APPROVING A SPECIFIC USE PERMIT ALLOWING A TNMP ELECTRICAL POWER DISTRIBUTION SUBSTATION ON A 15.70-ACRE SITE, AND A CENTERPOINT ELECTRICAL POWER DISTRIBUTION SUBSTATION ON A 16.72-ACRE SITE, OUT OF A 41.8759 ACRE TRACT OF LAND WITHIN THE “C-G”, COMMERCIAL-GENERAL DISTRICT, LOCATED NORTH OF 3343 E. MULBERRY ST/HWY 35, ANGLETON, TX 77515, PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND PROVIDING FOR REPEAL AND EFFECTIVE DATE, AND FINDINGS OF FACT.**

**WHEREAS**, the City of Angleton, Texas is granted implied powers under the Texas Local Government Code, Section 51.001 and may adopt, publish, amend or repeal an ordinance and adopt ordinances that are for the good government, peace, or order of the municipality and necessary for carrying out a power granted by law to the City of Angleton, Texas; and

**WHEREAS**, the City of Angleton, Texas may adopt or maintain an ordinance only if the ordinance is consistent with the laws of Texas as set out in Section 51.002 Texas Local Government Code; and

**WHEREAS**, On July 2, 2024, the City of Angleton Planning & Zoning Commission held a public hearing and approved the Specific Use Permit (SUP), submitted by Texas New Mexico Power Company and CenterPoint, within a Commercial-General (C-G) District to serve as Electrical Power Distribution Substations, and

**WHEREAS**, on July 2, 2024, the City of Angleton Planning & Zoning Commission, after conducting a public hearing, discussed and considered the written recommendation of staff, responses to questions of the applicant regarding the proposed electrical power distribution substations; and

**WHEREAS**, on July 23, 2024, the City of Angleton City Council conducted a public hearing, discussed and considered the written recommendation of staff, responses to questions of the applicant regarding the proposed electrical power distribution substations; and

**WHEREAS**, the City considered the factors and provisions set forth in the City of Angleton Code of Ordinances, Chapter 28 Zoning, Sec. 28-63 Specific Use Permits, and considered the proposed two electrical power distribution substations, to be located north of 3343 E. Mulberry St./SH 35, Angleton, TX, as depicted on Exhibits A, B, and C attached; and

**WHEREAS**, the City Council desires to grant the Specific Use Permit (SUP) submitted by Texas New Mexico Power Company and CenterPoint, located north of 3343 E. Mulberry St./SH 35, Angleton, TX., to allow two electrical power distribution substations, with the conditions set forth below.

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

**SECTION 1.** That all of the facts recited in the preamble to this Ordinance are hereby found by the City Council to be true and correct and are incorporated herein by this reference and expressly made a part hereof, as if copied herein verbatim.

**SECTION 2.** City Council approves the Specific Use Permit in accordance with City of Angleton Code of Ordinances Sec. 28-63 Specific Use Permits (SUP), and adopts the recommendation with conditions made by the Planning & Zoning Commission as follows:

- A. That the sound level emitted from the electrical power distribution substations shall be no louder than the ambient noise level prior to the installation of the project at 100 feet outside of the parcel boundary.
- B. That the photometric lighting plan be submitted to the Development Services Department demonstrating a maximum level of 0 ft. candles at the property lines abutting any residential districts.
- C. That a perimeter fence, minimum height of 6 ft. be installed around the property for security and safety purposes.
- D. As this facility is not staffed, a minimum of one (1) parking space shall be provided to accommodate vehicles used for routine maintenance or other infrequent replacements or repairs.
- E. The applicant must provide signage to consist of only signage relating to emergency contacts or other signs as required to be permitted on the subject site.
- F. Sidewalks shall be constructed in compliance with the city's Code of Ordinances Subdivision Ordinance and Infrastructure Design Standards.
- G. Development plat(s) shall be submitted in compliance with the subdivision regulation and code of ordinances.
- H. A minimum width of 15 feet staggered landscaped buffer shall be installed along all property lines abutting residential dwellings or uses.
- I. The applicant must satisfy building permits including driveway and fencing as required by City and other referral agencies.

**SECTION 3.** The applicant agrees to make a good faith effort to commence the annexation process for the land within the ETJ within one (1) year of the ordinance adoption. A project schedule and outline of the project schedule including said annexation shall be submitted to the Director of Development Services within ninety (90) days of this ordinance adoption.

**SECTION 4. Penalty.** Any person who violates or causes, allows, or permits another to violate any provision of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than Two Thousand and No/100 Dollars (\$2,000.00). Each occurrence of any such violation of this Ordinance shall constitute a separate offense. Each day on which any such violation of this Ordinance occurs shall constitute a separate offense.

**SECTION 5. Repeal.** All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

**SECTION 6. Severability.** In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Angleton, Texas declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

**SECTION 7. Effective date.** That this Ordinance shall be effective and in full force immediately upon its adoption.

**SECTION 8. Proper Notice & Meeting.** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**PASSED AND APPROVED THIS THE 23<sup>RD</sup> DAY OF JULY 2024.**

CITY OF ANGLETON, TEXAS

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John Wright  
Mayor

ATTEST:

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Michelle Perez, TRMC  
City Secretary