

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, AMENDING REGULATIONS IN PD PLANNED DEVELOPMENT DISTRICT NO. THREE (3), AUSTIN COLONY; AMENDING THE LAND PLAN AUTHORIZED WITHIN SUCH PD PLANNED DEVELOPMENT DISTRICT TO ALLOW STREET CONNECTIVITY; AMENDING THE LAND PLAN AND DEVELOPMENT SCHEDULE; DESCRIBING 164.5 ACRES OF LAND; AMENDING THE ZONING DISTRICT MAP OF THE CITY OF ANGLETON; PROVIDING FOR REPEAL; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; AND CONTAINING OTHER PROVISIONS RELATING TO THE SUBJECT.

WHEREAS, Tejas-Angleton Development LLC, are the owner/applicant of approximately 164.5 acres of land within the corporate limits of the City of Angleton, Texas (the "Property"); and

WHEREAS, said the Property presently has a zoning classification of PD Planned Development District No. 3 pursuant to Ordinance No. 20210810-008 and 20220222-016, adopted on August 10, 2021 and February 22, 2022 consecutively; and

WHEREAS, the owner/applicant has made application to the City of Angleton to amend PD Plan Development District No. Three (3); and

WHEREAS, pursuant to Sec. 28-24 of the City of Angleton LDC and Zoning Ordinance, said application was submitted to the City of Angleton with proof of unified ownership or control of the Property; and

WHEREAS, the Planning and Zoning Commission and the City Council of the City of Angleton have each conducted, in the time and manner and after the notice required and the City of Angleton LDC and Zoning Ordinance, a public hearing proposed change in zoning regulations; and

WHEREAS, the City of Angleton Planning and Zoning Commission has issued its final report and the City Council of the City of Angleton now deems it appropriate to grant such requested amendments; now therefore,

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

Section 1. The facts and recitations set forth in the preamble of this Ordinance are hereby found to be true and correct.

Section 2. As required by law, the City Council of the City of Angleton conducted the public hearing on the request and closed the public hearing prior to the final adoption of this Ordinance.

Section 3. The Property is more fully described in Exhibit “A,” attached hereto and made a part hereof for all purposes.

Section 4. The planned development district shall be developed in accordance with the Angleton Code, including the City of Angleton LDC and Zoning Ordinance, specifically, all regulations governing the Land Plan (Exhibit “B”) attached hereto and made a part hereof for all purposes, and is subject to the following regulations and restrictions:

- A. Use regulations.** In the planned development district, no building, structure, or land shall be used, and no building or structure shall be hereafter erected, reconstructed, altered or enlarged except as provided in this Ordinance. The uses may only be located in the locations indicated for such uses in Exhibit “C”:
- B. Signage, Fencing, Heritage Tree Preservation, and Parkland regulations.** All amenities of the original PD No. Three (3) shall remain including the proposed entry monument and private open space within the project. Tigner Street will be extended east/west across the property with 25 ft. of paving in each direction and a six-foot median. Landscaping and “premium” fencing shall be installed along Tigner Street, per the revised fencing plan (Exhibit “D”). The parkland dedication requirements shall be satisfied by the applicant/owner for the chosen option of parks fee-in-lieu of dedication of parkland.
- C. Development Schedule.** The property shall be developed in accordance with the development schedule attached hereto as Exhibit “C”.

Section 5. The Zoning District Map of the City of Angleton shall be revised and amended to show the zoning classification of said 164.5-acre tract of land with the appropriate references thereon to the number and effective date of this Ordinance and a brief description of the nature of these changes.

Section 6. This Ordinance shall in no manner amend, change, supplement, or revise any provision of any ordinance of the City of Angleton, save and except the changes and the imposition of the findings, regulations, restrictions and conditions contained herein.

Section 7. *Repeal.* Ordinance Number 20220222-016, adopted by the City Council of the City of Angleton on February 22, 2022, is hereby repealed only to the extent of conflict with this Ordinance. Any ordinance or any other part of any other ordinance in conflict here with shall be and is hereby repealed only to the extent of such conflict.

Section 8. *Penalty.* Any person, firm, partnership, association, corporation, company, or organization of any kind who or which violates any provision of this zoning ordinance shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not to exceed Five Hundred Dollars (\$500.00). Each day during which said violation shall exist or occur shall constitute a separate offense. The owner or owners of any property or of premises where any violation of this zoning ordinance shall occur, and any agent, contractor, builder, architect, person, or corporation who shall assist in the commission of such offense

shall be guilty of a separate offense unless otherwise prohibited by law and, upon conviction thereof, shall be punished as above provided.

Section 9. *Severability*. In the event any section, paragraph, subdivision, clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstance 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 Angleton, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

PASSED and APPROVED this 10 day of January, 2023.

Jason Perez, Mayor

ATTEST:

Michelle Perez, City Secretary