

**ORDINANCE NO. 22-Q**

**AN ORDINANCE OF THE CITY OF ALVIN, TEXAS, AMENDING CHAPTER 21, SUBDIVISIONS AND PROPERTY DEVELOPMENT, OF THE CODE OF ORDINANCES OF THE CITY OF ALVIN, TEXAS, FOR THE PURPOSE OF AMENDING ARTICLE I. IN GENERAL, ARTICLE II. SUBDIVISION AND DEVELOPMENT PROCESS, ARTICLE III. MINIMUM REQUIREMENTS FOR SUBDIVISION AND/OR RESUBDIVISION, ARTICLE V. MODULAR HOME SUBDIVISIONS, ARTICLE VI. PLANNED UNIT DEVELOPMENTS, AND ARTICLE VII. PARK LAND DEDICATION AND DEVELOPMENT FEE; PROVIDING FOR PENALTIES; PROVIDING FOR SEVERABILITY; AND SETTING FORTH OTHER PROVISIONS RELATED THERETO.**

**WHEREAS**, the City Council of the City of Alvin is continually reviewing the provisions of the City Code of Ordinances to ensure that it meets the current needs of the City and that the procedures herein reflect standard practice; and

**WHEREAS**, the City Council of the City of Alvin desires to promote the health, safety, and general welfare of its citizens;

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

**Section 1.** That Chapter 21, Subdivisions and Property Development, of the Code of Ordinances, City of Alvin, Texas, is hereby amended with the language as follows:

**CHAPTER 21, SUBDIVISIONS AND PROPERTY DEVELOPMENT**

**ARTICLE I. IN GENERAL**

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**Sec. 21-2. Definitions.**

The following definitions shall apply in the interpretation and enforcement of this chapter. The terms not defined herein shall be construed in accordance with the ordinances of the city or their customary usage and meaning in municipal planning and engineering practices.

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*Extraterritorial jurisdiction (ETJ)* means the unincorporated area that is contiguous to and located within two miles of the corporate boundaries of the city.

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*Street* means a public right-of-way dedicated for public use which provides vehicular access to adjacent land. Included in this definition are the following general classifications of streets:

- (1) *Major thoroughfares* or *arterial streets* are principal traffic arteries more or less continuous across the city that are intended to connect remote parts of the city and which are used primarily for fast or heavy volume traffic.
- (2) *Secondary arterial streets* are those which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such development.
- (3) *Minor streets* are those which are used primarily for access to the abutting properties and which are intended to serve traffic within a limited area.
- (4) *Marginal access streets* are minor streets which are parallel to and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through-traffic.
- (5) *Boulevards* are streets utilizing two (2) twenty-five (25)-foot minimum width, paved roadway sections divided by a twelve (12)-foot-wide raised median, which serves to separate traffic moving in opposite directions.

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## ARTICLE II. SUBDIVISION AND DEVELOPMENT PROCESS

### **Sec. 21-18. Subdivision and development conferences.**

(a) *Predevelopment meeting.* Prior to any plats or plans being submitted for review, a predevelopment meeting between the developer and city staff will be held to discuss the plan concepts and approval procedures. At this meeting, staff shall also discuss the proposed plat/plans and conformity with the comprehensive plan, relationship to surrounding property, availability of utilities, drainage, street patterns and any other matters governed by this chapter. This is an informal process to allow an exchange of information between the developer and staff. No approval will be issued for conceptual plats/plans and such plats/plans are not binding on the developer or the city.

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### **“”””Sec. 21-20. Master preliminary plat process for a large tract in which improvements will be constructed in phases.**

(a) Where the proposed subdivision constitutes a unit of a larger tract which is intended to be subsequently subdivided as additional units of the same subdivision, a master preliminary plat shall be submitted, showing the tentative proposed layout of the streets, blocks and drainage of the entire area. The master preliminary plat, if approved by the City Council, shall be filed in the permanent files of the city. Thereafter, fractional final plats of subsequent units of such subdivision may be submitted for approval. Any request for change to the overall layout must be submitted according to the procedures prescribed in this section.

The subdivider shall prepare or cause to be prepared a master preliminary plat, together with other supplementary information as specified herein. The plat shall reflect any conditions or

requirements for approval imposed by the planning commission, together with the following requirements which must be shown on (as specified below) or accompany the plat:

- (1) The master preliminary plat shall be drawn to a scale of one hundred (100) feet to the inch or larger, and shall show on the face of the plat as specified below or be accompanied by:
  - a. The proposed name of the subdivision (face of plat).
  - b. The location map, north point, scale and date. Each plat and plans submitted must have the current date and must read month, day, and year on the face of plat. Date must be located under name of plat or plans (face of plat).
  - c. The names and addresses of the subdivider, the owner of record, the registered professional civil engineer responsible for the design and the registered professional land surveyor responsible for the land survey (face of plat).
  - d. The approximate boundary line (accurate in scale) of the tract to be subdivided (face of plat).
  - e. Contours with intervals of five-tenths (0.5) feet, more or less, referred to sea level datum, as required to show at least two (2) contours within the subdivision in addition to those necessary to clearly show outfall drainage including a benchmark on/or adjacent to the property (face of plat).
  - f. Proper adjoiner information including the names of adjacent subdivisions (face of plat).
  - g. The location, widths, and names of all existing or platted streets or other public rights-of-way on-site and adjacent to the tract and within two hundred (200) feet of the tract as circumstances require (face of plat).
  - h. Existing pavement, sewers, water mains, culverts, or other underground structures adjacent to the tract and within two hundred (200) feet of the tract with pipe sizes, grades and locations indicated (face of plat).
  - i. All parcels of land intended to be dedicated for public use or reserved in deeds for the use of all property owners in the proposed subdivision, together with the purpose of conditions or limitations of such reservations, if any.
  - j. The layout, names and widths of proposed streets and easements; the radius of all arcs, length of the tangents, and the length of tangents between curves (face of plat).
  - k. The layout, numbers, and approximate dimensions of the proposed lots with building setback lines shown (face of plat).
  - l. The draft of any protective covenants whereby the subdivider proposes to regulate the use of the land in the subdivision; provided, however, that such restrictive covenants, conditions or limitations shall never be less than the minimum requirements of the city under the terms of this chapter. Where infrastructure design criteria is based on a specific type or density of development the covenants shall require development to conform to the design criteria.
  - m. A preliminary drainage plan shall be submitted with each master preliminary plat (at the same scale) which shall include the following:

1. Overall layout of lots or parcels.
  2. Contours.
  3. Any defined water ways on or adjacent to the site.
  4. Drainage area map showing on-site areas draining across or adjacent to the site with preliminary calculations of flows.
  5. Flood zones and flood ways as determined by FEMA maps. Elevations in zone "A" areas on-site or within two hundred (200) feet shall be shown. Actual elevations shall be compared with limits shown on FEMA maps and needed adjustments indicated.
  6. Proposed drainage improvements including detention areas and depths with preliminary calculations.
  7. Proposed easements.
- (b) Three (3) copies of the master preliminary plat and supporting data, and three (3) copies of the preliminary drainage plans required by this chapter shall be submitted to the Engineering Department for review. Submittals are due in accordance with the Engineering Department Plat Submittal Schedule. The plats shall be reviewed by city staff for compliance with state law, this chapter, and the city's ordinance, policies, rules and regulations. Staff will issue a comment letter, within ten (10) business days, requesting that any required changes be made, and will request that ten (10) folded copies of the revised plat and three (3) sets of revised plans be returned by a specified date. On receipt by city staff of an administratively complete application, staff shall schedule the application for action by the planning commission at its next available and appropriate meeting. The planning commission shall render a decision within thirty (30) days of the city's receipt of an administratively complete application, provided that the application is not withdrawn prior to commission review. The planning commission's decision may consist of a recommendation of approval, disapproval or conditional approval.
- (c) Upon action by the planning commission, city staff will schedule the master preliminary plat for action at a regularly scheduled City Council meeting to be held within thirty (30) days of the planning commission meeting date at which action was taken on the master preliminary plat. The planning commission recommendation, along with the necessary copies of any corrected plats, plans or supporting documentation, will be forwarded to the City Council for action at the scheduled meeting date.
- (d) The approval of the master preliminary plat shall expire five (5) years after City Council approval. Such approval may be reinstated after review by the City Council for single extensions of one year with a showing of good cause by the subdivider.

**Sec. 21-21. Construction plans.**

Prior to approval of the final plat, construction plans meeting the requirements of the city's design criteria and other applicable ordinances, rules, policies and regulations shall be submitted for all improvements proposed on the final plat. After a final plat has been approved by the City Council and the final construction plans have been approved by the City Engineer, the subdivider may proceed with construction of the public infrastructure.

**Sec. 21-22. Final plat procedure.**

- (a) No final plat shall be considered until a set of final construction and drainage plans have been approved by the City Engineer for the public infrastructure improvements.
- (b) The subdivider shall prepare or cause to be prepared a final plat, or plats, together with other supplementary information as specified herein. The final plat shall conform substantially to the master preliminary plat as approved (for large developments constructed in phases) and shall reflect any conditions or requirements for final approval imposed by the City Council, together with the following additional requirements which must be shown on (as specified below) or accompany the plat:
  - (1) The final plat shall be drawn to a scale of one hundred (100) feet to one inch or larger.
  - (2) Name of the subdivision (face of plat).
  - (3) The names and addresses of the subdivider, the owner of record, the professional civil engineer responsible for the design, and the registered professional land surveyor responsible for the land survey (face of plat).
  - (4) A listing showing the name(s) of person(s) to whom notice of hearing shall be sent (for replats only).
  - (5) Location map, north point, scale and date. Each plat and plans submitted must have the current date and must read month, day, and year on the face of plat. Date must be located under name of plat or plans (face of plat).
  - (6) A signed certificate of the professional registered land surveyor who surveyed, mapped, and monumented the land shall be placed on the face of the plat (face of plat).
  - (7) A title report from a title company that is less than ninety (90) days old, and shall include a certificate of ownership of the land and show all liens on the property.
  - (8) A statement of express dedication of all streets, easements, alleys, parks, playgrounds, public places and any other rights-of-way within or outside the subdivision necessary to satisfy the requirements of this chapter to the public use forever, shall be executed by all persons, owning an interest in the property subdivided, resubdivided and platted; and shall be acknowledged in the manner prescribed by the laws of the state for conveyance of real property. Lienholders must execute a subordination agreement subordinating their liens to all public streets, alleys, parks, school sites and other public areas shown on the plat of such subdivision or resubdivision as being set aside for public use and purpose (face of plat).
  - (9) A field note description of the tract of land subdivided (face of plat).
  - (10) A statement and express representation on the face of the plat that the parties joining in such dedication are the sole owners of such tract of land.
  - (11) The boundary lines with accurate distance and bearings, the exact location and width of all existing or recorded streets intersecting the boundary of the tract. The names of adjacent subdivisions and/or the names of owners of adjacent unplatted land (streets, alleys, and lot lines in adjacent subdivisions shall be shown by dotted lines). All necessary data to reproduce the plat and each lot on the ground must be shown on the plat (face of plat).

- (12) Bearings and distances to the nearest established street lines or official monuments, which shall be accurately described on the plat; the plat also shall show ties to municipal, county, or section lines (face of plat).
- (13) The exact layout which must include the following on the face of the plat:
  - a. Streets and street names.
  - b. The length of all arcs, internal angles, points of curvature, length and bearing of the tangents, and the length of tangent between curves.
  - c. All easements or rights-of-way provided for drainage, public services or utilities and any limitations of the easements/rights-of-way.
  - d. All lot and block numbers.
  - e. All lot lines with accurate dimensions.
  - f. All alleys.
  - g. Location and description of monuments.
- (14) Building setback lines from all adjacent streets.(face of plat).
- (15) Boundary closure calculations, the minimum of which shall be 1:15,000.
- (16) The draft of any protective covenants whereby the subdivider proposes to regulate the use of the land in the subdivision; provided, however, that restrictive covenants, conditions, or limitations shall never be less than the minimum requirements of the city under the terms of this chapter or other city ordinances. The protective covenants must include language establishing the person(s) responsible for maintenance of the drainage detention facilities.
- (17) A waiver of claim for damage occasioned by the establishment of grades or alterations of the surface of any portion of the streets.
- (18) A county-certified tax certificate, that is less than ninety (90) days old, which shows that all taxes have been paid on the tract to be subdivided, and that no delinquent taxes against the property are outstanding.
- (19) Such other certificates, data, affidavits, and endorsements or dedication as may be required by the City Council for the enforcement of these regulations.
- (20) Certificate of approval for the mayor, City Secretary, and the City Engineer; (face of plat).
- (21) Letters from utility companies indicating that the required easements are shown on the plat.
- (22) No infrastructure improvements shall be shown on a final plat.
- (23) A notation on the plat that sidewalks must be constructed as part of the issuance of a building permit for each tract.
- (24) A notation on the plat that no building permits will be issued until all the storm drainage improvements, which may include detention, have been constructed.
- (25) The location, widths, and names of all existing or platted streets or other public rights-of-way on-site and adjacent to the tract and within two hundred (200) feet of the tract as circumstances require (face of plat).

- (c) Two (2) copies of the final plat and two (2) sets of final construction plans, along with all supporting data, shall be submitted to the Engineering Department staff for review. Submittals are due in accordance with the Engineering Department Plat Submittal Schedule. The plats and plans shall be reviewed by city staff for compliance with state law, this chapter, and the city's ordinances, policies, rules and regulations. Staff will issue a comment letter, within ten (10) business days, requesting that any required changes be made and will request that ten (10) folded copies of the revised plat and three (3) sets of revised plans be returned by a specified date. On receipt by the city staff of an administratively complete application, staff shall schedule the plat for action by the planning commission at its next available and appropriate meeting. The planning commission shall not review or approve any final plat without all of the documentation being complete and satisfying all requirements of this section. The planning commission shall render a decision within thirty (30) days of the city's receipt of an administratively complete application, provided that the application is not withdrawn prior to commission review. The decision may consist of a recommendation of approval or disapproval. No final plat shall be processed until final construction plans are approved.
- (d) Upon action by the planning commission, city staff shall schedule the final plat for action at a regularly-scheduled city council agenda meeting to be held within thirty (30) days of the planning commission meeting date which action was taken on the final plat. The planning commission recommendation, along with the necessary plats and supporting documentation will be forwarded to the City Council for action at the scheduled meeting date. If the plat conforms to all conditions and requirements established by this chapter, the City Council shall approve the plat. Should the final plat, as submitted, fail to meet the conditions and requirements of the City Council, then the Council shall disapprove the plat and note its disapproval thereon and attach thereto a statement of the reasons for disapproval. A disapproved final plat may be resubmitted to the planning commission with correcting changes within thirty (30) days of the council action.
- (e) The final plat and any applicable restrictions shall be recorded by the city in the office of the county clerk according to the following time frames:
  - (1) After all public infrastructure improvements have been constructed, inspected, the required engineering inspection fee paid, a one-year maintenance bond in the amount of fifty (50) percent of the costs of the infrastructure improvements valid for one year from the date the infrastructure is accepted by the city (For plats in the ETJ the bond shall be made payable to the City of Alvin and Brazoria County), and infrastructure improvements accepted by the city (in cases where public infrastructure improvements are required by this chapter), or
  - (2) Within thirty (30) days of final plat approval by the City Council (in all other cases not involving construction of public infrastructure improvements). At the time of submission of the final plat, the subdivider must deposit with the city sufficient funds for recording of the plat.

**Sec. 21-23. Abbreviated platting procedure.**

- (a) An abbreviated platting procedure may be followed in instances where a simplified plat or replat of a subdivision is proposed. When all requirements of this section are satisfied and the written approval of the City Engineer is obtained, the subdivider shall be required only to comply with the final plat provisions and procedures of this chapter.

To qualify for the abbreviated platting procedure the proposed subdivision or resubdivision must meet all the following requirements:

- (1) All lots of the proposed subdivision must front on a public street or streets that meet the following criteria:
  - a. The street(s) has/have been previously dedicated to and accepted by the city, county or state, as applicable, is/are being maintained by the entity with jurisdiction, and is/are being traveled by the public.
  - b. The street(s) exist(s) within a right-of-way of sixty-foot minimum width, or the proposed plat will dedicate the necessary additional rights-of-way to provide a minimum of thirty-foot width from the centerline of the existing or original right-of-way;
- (2) No additional streets or alleys or extensions of existing streets or alleys are required for the proposed subdivision.
- (3) The public (city or county, as applicable) utilities and public drainage facilities required by this Code are in place to serve each lot in the proposed subdivision and require no alterations or extensions, or the utilities and drainage facilities would be satisfactory with minor alterations proposed by the subdivider and acceptable to the City Engineer when necessary assurance of the alteration has been provided. Construction and drainage plans for each improvement must have been approved by the city prior to approval of the plat; provided, however, that in cases where a subdivision of land involves two (2) or fewer lots, is required for conveyance of ownership only, and no immediate improvements are proposed to be constructed, a note shall be placed on the plat stating that a drainage plan in compliance with the city's design criteria must be submitted at the time of application for a building permit. In areas where water and sewer services are not within tie-on range (typically within 1,000 feet), approved septic systems and water wells shall be acceptable.
- (4) All necessary easements and/or public dedications are either existing or will be dedicated by the owner/subdivider. All such easements and/or public dedications must be acceptable in width and configuration. Minimum easement dedications shall be as set forth in section 21-35(a) of this chapter.

#### **Sec. 21-24. Vacating plat.**

- (a) The developer of the tract covered by a plat may request to vacate the plat at any time before any lot in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed for the original plat.
- (b) If lots in the plat have been sold, the plat, or any part of the plat, may be vacated on the application of all owners of lots in the plat with approval obtained in the manner prescribed for the original plat.
- (c) The county clerk will write legibly on the vacated plat the word "vacated" and will enter on the plat a reference to the volume and page at which the vacating instrument is recorded.
- (d) On the execution and recording of the vacation instrument, the vacated plat has no effect.
- (e) The procedure for vacating a plat shall conform to the current Texas Local Government Code and be subject to the same approval process for a final plat.



**Sec. 21-25. Replatting without vacating preceding plat.**

- (a) A replat is a redesign of all or part of a recorded plat or subdivision of land which substantially changes the elements of the plat. The same procedures shall be followed as for final or abbreviated plat. The replat must be in accordance with the requirements of the current Texas Local Government Code. A replat of subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:
- (1) Is signed and acknowledged by only the owners of the property being replatted;
  - (2) Is approved by City Council, after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard;
  - (3) Does not attempt to amend or remove any covenants or restrictions.
  - (4) Identifies the lots or portions of the lots being replatted and provides a reason for the replat.
- (b) A replat without vacation of the preceding plat must also conform to the requirements of this subsection if any of the area being replatted was limited by deed restrictions to residential use for not more than two (2) residential units per lot. These requirements are:
- (1) Notice of the hearing required by this section 21-25 shall be given in accordance with subsection (c) below.
  - (2) If the proposed replat requires a variance and is protested in accordance with this subsection (b)(2), the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present of both the planning commission and City Council. For legal protest, written instruments signed by the owners of at least twenty (20) percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending two hundred (200) feet from that area, but within the original subdivision, must be filed with the City of Alvin prior to the close of the public hearing. In computing the percentage of land area above, the area of the streets and alleys shall be included. Compliance with subsection (b)(2) is not required for approval of a replat or part of a preceding plat if the area to be replatted was designated or reserved for other than single or duplex family residential use by notation on the last legally recorded plat.
- (c) Notice of the hearing required under section 21-25 of this chapter shall be given before the 15th day before the date of the hearing by:
- (1) Publication in the official newspaper of the city; and
  - (2) By written notice, with a copy of section 21-25 (b) attached, forwarded by the city to the owners of lots that are in the original subdivision and that are within two hundred (200) feet of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the case of a subdivision within the extraterritorial jurisdiction, the most recently approved county tax roll of the property upon which the replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the city

All costs for these notices and letters shall be paid by the developer.

- (d) The final replat shall meet the requirements of and be subject to the approval process for final plats.

**Sec. 21-26. Amending plat.**

- (a) The City Council, after recommendation of the planning commission, may approve and issue an amending plat, which may be recorded and is controlling over the preceding plat without vacation of that plat, if the amending plat is signed by the applicants only and is solely for one or more of the following purposes:
- (1) To correct an error in a course or distance shown on the preceding plat;
  - (2) To add a course or distance that was omitted on the preceding plat;
  - (3) To correct an error in a real property description shown on the preceding plat;
  - (4) To indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
  - (5) To show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
  - (6) To correct any other type of surveyor or clerical error or omission previously approved by the City Council, which may include lot numbers, acreage, street names, and identification of adjacent recorded plats;
  - (7) To correct an error in courses and distances of lot lines between two adjacent lots if:
    - a. Both lot owners join in the application for amending the plat;
    - b. Neither lot is abolished;
    - c. The amendment does not attempt to remove recorded covenants or restrictions; and
    - d. The amendment does not have a material adverse effect on the property rights of the other owners in the plat;
  - (8) To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
  - (9) To relocate one or more lot lines between one or more adjacent lots if:
    - (a) the owners of all those lots join in the application for amending the plat;
    - (b) The amendment does not attempt to remove recorded covenants or restrictions; and
    - (c) The amendment does not increase the number of lots;
  - (10) To make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:
    - (a) The changes do not affect other regulations of the city;
    - (b) The changes do not attempt to amend or remove any covenants or restrictions; and

- (c) The area covered by the changes is located in an area that the City Council has approved, after a public hearing, as a residential improvement area; or
- (11) To replat one or more lots fronting on an existing street if:
  - (a) The owners of all those lots join in the application for amending the plat;
  - (b) The amendment does not attempt to remove recorded covenants or restrictions; and
  - (c) The amendment does not increase the number of lots; and
  - (d) The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.
- (b) The amending plat procedures shall be in accordance with the current Texas Local Government Code and the approval process set forth in this chapter for final plats.
- (c) The amending plat shall contain all the informational requirements set forth in this chapter for a final plat.

**Sec. 21-27. Site plans.**

- (a) In cases where a subdivision of land is not involved or is not required by this chapter, a site plan must be submitted in conformance with this chapter unless an exemption set forth in this section applies. The purpose of site plans is to establish a site plan review process for land development to ensure that the proposed development is coordinated with existing infrastructure, provides the minimum facilities needed for the type of development, and conforms to state law, and city codes, policies and regulations. In addition to other applicable provisions of this chapter, the provisions of article III of this chapter shall apply to site plans.
- (b) A builder or developer shall attend a predevelopment meeting with the city staff prior to submittal of a complete site plan. Two (2) copies of the site plan shall be submitted to the Engineering Department. City staff will review the site plan for conformance with this chapter and any other applicable city ordinances, policies and regulations. Site plans will be subject to the approval of the City Engineer.
- (c) Drainage plans shall be sealed by a registered Texas professional engineer. The city shall not issue a building permit or any other type of permit for development on a lot or tract subject to the site plan requirements of this chapter until the site plan is filed with and finally approved by the City Engineer.
- (d) The site plan shall include, as a minimum, the following:
  - (1) Property lines, lot lines, and setbacks. (A boundary survey prepared by a registered professional land surveyor reflecting the current boundary conditions must be provided in cases where the subject property has not been previously platted).
  - (2) Existing and proposed contours and/or spot elevations to define the drainage patterns on the property and the relationship to adjacent properties.
  - (3) Footprint of all existing and proposed buildings, structures or improvements with dimensions of the buildings, structures, or improvements in relation to the property lines.
  - (4) Locations of existing and proposed pavement, water, sanitary sewer, and open or enclosed drainage facilities on and adjacent to the property.

- (5) Locations of drives, parking spaces, fire lanes, and sidewalks including all facilities required by the Americans with Disabilities Act.
  - (6) Flood zone and minimum building elevation to be above the 100-year flood level.
  - (7) Proposed stormwater detention areas with calculations for the volume and outlet capacity in accordance with the city's requirements in the design criteria.
  - (8) Proposed dumpster location(s) and screening.
  - (9) Existing and proposed fencing, screening, and landscaping.
  - (10) Each easement and right-of-way within or abutting the boundary of the property.
  - (11) The dimensions of each street, sidewalk, alley, square, park, or other part of the property intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, sidewalk, alley, square, park, or other part.
  - (12) Location map, north arrow, scale, title block, current date and legend. The scale of this site plan shall be not smaller than one-inch equals one hundred feet (1"=100').
- (e) The following improvements shall be exempt from the requirement of filing a site plan:
    - (1) Construction or alteration of a single-family residence on a single lot or an accessory building for a residence.
    - (2) Construction of an agricultural building where the structure is not within twenty-five (25) feet of a property line.
    - (3) Building additions of less than seven hundred (700) square feet.
    - (4) Parking lot additions of less than five (5) spaces.
  - (f) The public infrastructure improvements shall conform to the city's design criteria.
  - (g) Where a site requires more than one hundred (100) parking spaces, a traffic impact study shall be required that defines existing traffic conditions adjacent to the site and the impact of traffic from the proposed development on adjacent roadways. The report shall include recommendations for access points to the site with lane recommendations and street and/or intersection improvements needed to accommodate the traffic. The developer shall be responsible for the construction of the recommended improvements.

**Secs. 21-28—21-31. Reserved.**

### **ARTICLE III. MINIMUM REQUIREMENTS FOR SUBDIVISION AND/OR RESUBDIVISION**

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**Sec. 21-41. Water, and wastewater facilities.**

- (a) Water and wastewater facilities shall conform to the city's design criteria.
- (b) If the city's utility masterplan requirements dictate a larger line size or a greater sewer line depth than that required for the subdivision, the city will pay the difference between the

subdivision requirement and masterplan requirements; subject, however, to the availability of funds and legal requirements.

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## ARTICLE V. MODULAR HOME SUBDIVISIONS

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### **Sec. 21-73. Plan approval and building permits.**

- (a) It shall be unlawful for any person to construct, alter or extend any modular home subdivision area within the limits of the City of Alvin, unless he holds a valid building permit issued by the Building Official in the name of such person for the specific construction, alteration or extension proposed.
- (b) Also, all plans for specific construction, alteration or extension of a modular home subdivision shall have been submitted, reviewed and approved by the City Engineer according to the procedures established by this chapter before a permit is issued by the Building Official.
- (c) A final plat shall be approved by the planning commission and by the City Council, and the approval of the plat procedures shall be in accordance with the procedures established by this chapter.
- (d) A permit to construct, alter or extend any modular home subdivision area may be issued only when such area consists of at least two (2) acres in size.
- (e) Permit fees shall be in accordance with section 21-78 herein.

### **Sec. 21-74. Regulations for modular home subdivisions.**

An area or premises shall be used and developed in accordance with the following regulations:

(1) *Streets:*

- (a) All streets are to be concrete curb and gutter;
- (b) All streets right-of-way widths are to be not less than sixty (60) feet;
- (c) All streets are to be twenty-eight (28) feet curb to curb.

(2) *Easements:*

- (a) All water and sewer lines are to be located in the street right of way;
- (b) All lots to have a minimum of a fifteen (15)-foot utility easement in the rear of the lot.

(3) *Minimum lot sizes:*

- (a) Forty-five (45) feet in width;
- (b) One hundred (100) feet in depth, including rear fifteen (15)-foot utility easement referred to above;

- (c) Radial lots are to have a minimum width of forty-five (45) feet at the building line;
  - (d) Lot area minimum is to be four thousand five hundred (4,500) square feet (where served by sanitary sewer);
  - (e) Corner lots are to be five (5) feet wider than the average interior lots in the block;
  - (f) Corner lots siding on a major thoroughfare are to be at least ten (10) feet wider than the average interior lots in the block;
  - (g) Minimum usable lot depths for lots backing on natural drainage easements are to be one hundred (100) feet between the front lot line and the drainage easement.
- (4) *Maximum lot coverage.* Each detached dwelling unit within the above-mentioned modular home subdivision and the unit's accessory buildings shall occupy not more than forty (40) percent of lot area.
  - (5) *Additional requirements.* In addition to the requirements above, there shall be no more than seven (7) modular home subdivision lots per acre in such division. Furthermore, there shall be a minimum rear yard of five (5) feet, a minimum front yard of fifteen (15) feet, and side lot lines to be three (3) feet from eave drip.
  - (6) *Off-street parking.* In modular home subdivisions, there shall be at least two (2) off-street parking spaces per lot.
  - (7) *Temporary signs.* Temporary nonilluminated signs shall not be more than four (4) square feet in area pertaining to the lease or sale of a modular home or premises on which such sign is located.
  - (8) *Minimum square footage.* All modular homes contained within a modular home subdivision shall comply with a minimum square footage requirement of eight hundred fifty (850) square feet.
  - (9) *Skirting.* All modular homes shall be skirted using materials such as concrete, brick, masonry, rock, or any acceptable manufactured material specially designed for this purpose, acceptable to the planning commission and to the City Council.

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**Sec. 21-78. Schedule of permit fees.**

- (a) *Permit fees.* The fees for construction, alteration or extension of any modular home subdivision shall be as set forth in chapter 28 of this Code. Such fees shall be considered to be set forth herein.
- (b) *Moving of buildings or structures.* For the moving of any building or structure, the fee shall be as set forth in chapter 28 of this Code.
- (c) *Demolition of buildings or structures.* For the demolition of any building or structure, the fee shall be as set forth in chapter 28 of this Code.
- (d) *Fees for work started prior to issuance of permit.* Where work for which a permit is required by this Code is started or proceeded with prior to obtaining said permit, the fees herein specified shall be doubled, but the payment of such double fee shall not relieve any

persons from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.

- (e) *Plan-checking fees.* When the valuation of the proposed construction exceeds one thousand dollars (\$1,000.00) and a plan is required to be submitted by the current adopted Building Code, a plan-checking fee shall be paid to the Building Official at the time of submitting plans and specifications for checking. Said plan-checking fee shall be as set forth in chapter 28 of this Code.
- (f) *Fees and permits not covered.* Any matters not covered by paragraphs (a) through (e) above, will be in accordance with this chapter and all other pertinent ordinances of the City of Alvin, regarding fees and permits.

**Sec. 21-79. Applicability of article provisions.**

In any case where a provision of this article is found to be in conflict with a provision of any other ordinances or codes of the City of Alvin existing on the effective date of this article, the provision which, in the judgment of the Building Official, established the higher standard for the promotion and protection of the health and safety of the people shall prevail, and such other ordinances or codes are hereby declared to be repealed to the extent that they may be found to be in conflict with this article.

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**ARTICLE VI. PLANNED UNIT DEVELOPMENTS**

**Sec. 21-110. Planned unit developments.**

- (a) Where a developer desires to construct a project with a diversification of types of lots the planned unit development (PUD) criteria may be used.
- (b) The following will be required in order for the development to be built as a PUD:
  - (1) The minimum size of a PUD shall be ten (10) acres, and not less than seven (7) percent of the total area shall be set aside for common areas, contiguous green space or PUD park areas centrally located in each section as described below;
  - (2) Utility easements, drainage easements, or pipeline easements shall not be used in calculating the seven (7) percent requirement;
  - (3) No more than two (2) percent of the greenspace requirement shall come from the amenitization of a wet or dry stormwater detention basin;
  - (4) Each lot shall be a minimum of five thousand five hundred (5,500) square feet in size;
  - (5) Each section must maintain an average lot width of sixty (60) feet as measured at the front building setback line with no lot to be less than fifty (50) feet wide;
  - (6) Twenty-five-foot front building set back;
  - (7) Ten-foot street side building set back on corner lots; and
  - (8) All streets shall have a minimum right-of-way width of sixty (60) feet.
- (c) Approved amenities to satisfy the seven (7) percent common area requirements are as follows:

- (1) In order for land not part of a lot, street, easement or other specific dedicated purpose not normally considered as common, accessible areas to be considered as part of the seven (7) percent common area/greenspace it must contain two (2) of the following amenities:
    - a. Walking trails area that is only adjacent to a street or detention areas.
    - b. Fountain(s), lighted or unlighted.
    - c. Landscaping with benches and/or gazebos.
    - d. Aesthetic lighting.
  - (2) A PUD park designation does not replace or contribute to the requirements for satisfying the park land dedication and development fee article. In order for a PUD park designation to be acquired and to count toward the seven (7) percent requirement, it must contain at least three (3) of the following amenities:
    - a. Swimming pool with restrooms.
    - b. Clubhouse.
    - c. Basketball and/or tennis courts.
    - d. Playground with equipment.
    - e. Benches and/or gazebos.
    - f. Aesthetic lighting.
  - (3) Other amenities will be considered on a case-by-case basis, but must be approved by the planning commission.
  - (4) All amenities must satisfy the intent of this criterion, which is to maintain the spirit of the conformance with this regulation.
  - (5) Construction details are required for each amenity provided.
  - (6) All amenities are required to be constructed prior to plat recordation.
- (d) In addition to compliance with the requirements for subdivision development set forth in article III, (with the exception of lot dimension requirements, set backs and street rights-of-way set forth in subsection 21-37(b)) and the design criteria, the developer of a proposed PUD shall submit an outline development plan with the preliminary plat. This plan, at a scale of not less than one inch equaling two hundred (200) feet, shall show all the proposed surface features to be developed. This plan shall include all paving and open space areas with typical layouts.
- (e) All PUD's shall have protective covenants that require a homeowner's association (or other legal entity) to be formed and to be legally responsible for the maintenance of all common areas, easements of any kind, PUD parks, detention areas and private amenities in the PUD. The covenants shall require that sufficient funds be collected and set aside for the proper maintenance of the facilities. Sale or transfer of properties dedicated for common use shall not be permitted without the replatting of the property according to legal requirements.
- (f) A final plan for each section to be developed (with restrictive covenants attached) shall be submitted for review and approval of the planning commission and City Council. The approved plan and documents shall be maintained on file by the Engineering Department



and all future building permits shall be reviewed for conformance with the plan and accompanying documents.

The plan at a scale of not less than one inch equaling two hundred (200) feet (fifty (50) feet or larger) shall include the following:

- (1) All proposed streets, alleys, drives, walkways and trails with a clear designation of those to be public and private.
- (2) All lots or parcels and a clear definition of areas to be retained as common areas with dimensions and bearings.
- (3) In other than single-family areas, plot plans for each building site with approximate dimensions of existing and proposed structures with landscaping, amenities and improvements. Indications of the structure heights and elevational features shall be provided.
- (4) In other than single-family areas, details of trash collection areas and permanent screening matching the character of the area shall be provided.

**Secs. 21-111—21-125. - Reserved.**

## **ARTICLE VII. PARK LAND DEDICATION AND DEVELOPMENT FEE**

### **Sec. 21-126. Short title.**

This article shall be known and cited as the “Park Land Dedication and Development Fee Article.”

### **Sec. 21-127. Purpose and applicability.**

- (a) This article is adopted to provide and ensure adequate recreational areas and amenities in the form of neighborhood parks for subdivision developments subject to this chapter and to make the park land dedication and park development fee requirements an integral part of the review and approval of residential developments, whether the developments consist of new construction on previously vacant land or rebuilding and redeveloping existing residential areas.
- (b) New developments or redevelopments that involve only the replacement or reconstruction of pre-existing dwelling units shall be exempt from the provisions of this article, provided that the developments do not increase the density of the pre-existing dwelling units or involve a replat of the property.
- (c) Neighborhood parks are those parks that provide a variety of outdoor recreational facilities and within convenient distances from a majority of the residences to be served by such parks.
- (d) The city currently has a park system; however, new residential growth adds demands for more public park space and amenities. The cost of the additional demands should be supplemented by the residential property owners who shall be the beneficiaries of such parks.
- (e) The provisions of this article shall apply to the corporate limits of the city.

- (f) The provisions of this article shall not apply to properties that are included in a valid preliminary or final plat application that was submitted before the effective date of this article.

**Sec. 21-128. Park land dedication.**

- (a) When developing residential properties, the owner or developer shall be responsible for a fee simple dedication of park land at a ratio of one-one hundredth (1/100) of an acre or four hundred thirty-five and six-tenths (435.6) square feet of land for each proposed dwelling unit. A “dwelling unit” shall mean each individual residence, including each individual residential unit in a multi-family residential structure or manufactured home park, designed or intended for habitation by a single family. Hereinafter, all references to “the developer” shall mean both the owner and the developer jointly and severally, where the owner and developer are not the same party.
- (b) Plat submitted to the city for approval shall show the area required to be dedicated under this section.
- (c) Each corner of the park land dedication shall have an iron rod or pin set, in accordance with other lot corners in the subdivision.
- (d) The City Council and the city parks and recreation board generally consider that development of neighborhood parks less than two (2) acres may be inefficient for public maintenance. Therefore, if fewer than two (2) acres are proposed as park land dedication, the city shall have the option to require the developer to pay the applicable cash in lieu of land amount as provided in section 21-130.
- (e) The city, prior to plat submittal, will define the optimum location of the required park land dedication based upon the proposed park being located adjacent to current or future park land. If there is not an opportunity for the proposed park land dedication to be adjacent to current or future park land, then the city and developer will work together to define an optimum location for the park land dedication. If an optimum location cannot be determined, then the city shall accept the cash in lieu of land option as outlined in section 21-130.
- (f) In the case of a multi-phase development, if the developer dedicates all of the park land required by this article in the first or early phase(s) of the development, no additional park land dedication will be required in later phases unless additional lots that are not shown in the original master preliminary plat are included in the later phases of the development.
- (g) Unless approved in writing by the city, no construction materials shall be disposed of or deposited within the dedicated park land by the developer or its contractors, subcontractors, employees, or agents, at any time while the subdivision is being built. If materials are deposited or disposed of within the park, the developer shall remove such materials within seventy-two (72) hours of written notice by the city. If the developer fails to remove the materials after notice, the city may do so at the developer’s expense. The cost of removal shall be added to the subsequent request for a building permit.

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**Sec. 21-130. Cash in lieu of land.**

- (a) An owner or developer responsible for park land dedication under this article may be required, at the city’s option, to meet the dedication requirements in whole or in part by a

cash payment in lieu of land in the amount set forth below. Such payment in lieu of land dedication shall be made prior to filing the final plat for record. All funds collected pursuant to this section shall be used solely for the acquisition of park land and/or enhancements to new or existing park land.

- (b) In the event a plat is not required, the park land dedication shall be met prior to the issuance of a building permit.
- (c) In instances where land is required to be dedicated, the city shall have the right to reject the park land dedication and require a cash payment in lieu of land in the amount set forth below, if the city determines that:
  - (1) The park land dedication site is such a small area that it is inefficient to maintain.
- (d) The cash payment in lieu of land dedication shall be met by the payment of a fee set from time to time by city ordinance sufficient to acquire neighborhood park land. Unless and until changed by city ordinance, the cash payment shall be computed on the basis of three hundred dollars (\$300.00) per dwelling unit within the proposed subdivision..

**Sec. 21-131. Additional land donation or donations outside of the development.**

- (a) A developer of a subdivision who dedicates more than the required park land requirements for that specific subdivision may receive credits for future park land dedication requirements for other subdivision developments that the developer may undertake within ten (10) years from the date of the dedication.
- (b) A developer of a subdivision may dedicate park land that is not within the boundaries of the development and receive park land dedication credits for that subdivision. The proposed park land dedication must be approved by the city prior to the filing of the final plat. The proposed park land dedication must meet the park land dedication acceptance criteria outlined in section 21-129.

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**Section 2.** That except as amended herein all other provisions of Chapter 21 of the Code of Ordinances, City of Alvin, Texas, shall remain in full force and effect. To the extent of any conflict or inconsistency between the provisions of this Ordinance and any other ordinance, the provisions of this Ordinance shall control.

**Section 3. Penalties.** Any person, firm, entity or corporation violating any provision of this Ordinance, as it exists or may be emended, shall be guilty of a misdemeanor, and on conviction, shall be fined in an amount not to exceed \$500. Each continuing day's violation shall constitute a separate offence. The City of Alvin retains all legal rights and remedies available to it pursuant to local, state and federal law.

**Section 4. Severability.** Should any section or part of this Ordinance be held unconstitutional, illegal, invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity, or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Ordinance are declared to be severable.

**Section 5. Incorporation into Code of Ordinances.** The provisions of this ordinance shall be included and incorporated in the Code of Ordinances, City of Alvin, Texas, as an addition, amendment thereto, and shall be appropriately renumbered to conform to the uniform numbering system of the Code.

**Section 6. Effective Date.** This Ordinance shall take effect immediately from and after its passage in accordance with the provisions of Chapter 52 of the Texas Local Government Code and the City of Alvin Charter.

**Section 7. Open Meetings Act.** It is hereby officially found and determined that the meeting at which this ordinance was passed was open to the public as required and the public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Chapter 551 of the *Texas Government Code*. Notice was also provided as required by Chapter 52 of the *Texas Local Government Code* and the *City of Alvin Charter*.

**Section 8. Publication.** The City Secretary of the City of Alvin is hereby directed to publish this Ordinance, or its caption and penalty clause, in one issue of the official City newspaper as required by the City of Alvin Charter.

**PASSED and APPROVED** on the 17<sup>th</sup> day of March 2022.

**THE CITY OF ALVIN, TEXAS**

**ATTEST**

By: \_\_\_\_\_  
Paul A. Horn, Mayor

By: \_\_\_\_\_  
Dixie Roberts, City Secretary