



NOTICE IS HEREBY GIVEN PURSUANT TO V.T.C.A., GOVERNMENT CODE, CHAPTER 551, THAT THE PLANNING AND ZONING COMMISSION FOR CITY OF ANGLETON WILL CONDUCT A MEETING, OPEN TO THE PUBLIC, ON WEDNESDAY, MARCH 1, 2023 AT 12:00 P.M., AT THE CITY OF ANGLETON COUNCIL CHAMBERS LOCATED AT 120 S. CHENANGO STREET ANGLETON, TEXAS 77515.

DECLARATION OF A QUORUM AND CALL TO ORDER

1. Discussion and possible action on the minutes for the Planning and Zoning Commission meeting on February 2, 2023.

PUBLIC HEARINGS AND ACTION ITEMS

2. Conduct a public hearing, discussion, and take possible action on a request for approval of a Text Amendment, modifying various subsections of the City of Angleton Code of Ordinances, Chapter 23, Land Development Code. In addition to other minor changes to the chapter pertaining to cross references, duplications, clarifications, terminologies, reorganizations, and similar, the following sections are proposed to be amended: Sec. 23-5; Sec-23.10; Sec. 23-12; Sec. 23-14; Sec. 23.37; Sec. 23-38; Sec. 23-60; Sec. 23.75; Sec. 23-81; Sec. 23-87; Sec. 23.95; Sec. 23-94 through Sec. 23-98.

REGULAR AGENDA

3. Discussion and possible action on a request for approval of a variance of the sidewalk requirement of Chapter 23, Section 23-14.A. Sidewalks, for Titan Snow Crush Food Truck Park located on SH35, South of Hospital Drive.
4. Discussion and possible action on the preliminary plat of the Ashland Project Street Dedication #3.

ADJOURNMENT

CERTIFICATION

I, Otis T. Spriggs, AIPC, Development Services Director, do hereby certify that this Notice of a Meeting was posted on the City Hall bulletin board, a place convenient and readily accessible to the general public at all times and to the City's website, www.angleton.tx.us, in compliance with Chapter 551, Texas Government Code. The said Notice was posted on the following date and time: Friday, February 24, 2023 by 12:00 p.m. and remained so posted continuously for at least 72 hours proceeding the scheduled time of said meeting.

/S/ Otis T. Spriggs

Otis T. Spriggs, AICP

Development Services Director

Public participation is solicited without regard to race, color, religion, sex, age, national origin, disability, or family status. In accordance with the Americans with Disabilities Act, persons with disabilities needing special accommodation to participate in this proceeding, or those requiring language assistance (free of charge) should contact the City of Angleton ADA Coordinator, Colleen Martin, no later than seventy-two (72) hours prior to the meeting, at (979) 849-4364 ext. 2132, email: cmartin@angleton.tx.us.



AGENDA ITEM SUMMARY FORM

MEETING DATE: March 1, 2023

PREPARED BY: Otis T. Spriggs, AICP, Development Services Director

AGENDA CONTENT: Discussion and possible action on the minutes for the Planning and Zoning Commission meeting on February 2, 2023.

AGENDA ITEM SECTION: Declaration of a Quorum and Call to Order

BUDGETED AMOUNT: N/A

FUNDS REQUESTED: N/A

FUND: N/A

EXECUTIVE SUMMARY:

Staff requests a discussion and possible action on the minutes for Planning and Zoning Commission meeting for February, 2023.

RECOMMENDATION: Staff recommends that the Planning and Zoning approve the minutes with any noted corrections.



CITY OF ANGLETON
PLANNING AND ZONING COMMISSION MINUTES
120 S. CHENANGO STREET, ANGLETON, TEXAS 77515
THURSDAY, FEBRUARY 02, 2023 AT 12:00 PM

DRAFT MEETING MINUTES

NOTICE IS HEREBY GIVEN PURSUANT TO V.T.C.A., GOVERNMENT CODE, CHAPTER 551, THAT THE PLANNING AND ZONING COMMISSION FOR CITY OF ANGLETON WILL CONDUCT A MEETING, OPEN TO THE PUBLIC, ON THURSDAY, FEBRUARY 2, 2023, AT 12:00 P.M., AT THE CITY OF ANGLETON COUNCIL CHAMBERS LOCATED AT 120 S. CHENANGO STREET ANGLETON, TEXAS 77515.

DECLARATION OF A QUORUM AND CALL TO ORDER

With a quorum present, Chair Garwood called the Commission Meeting to order at 12:00 P.M.

PRESENT

Chair William Garwood
 Commission Member Henry Munson
 Commission Member Deborah Spoor
 Commission Member Michelle Townsend
 Commission Member Regina Bieri
 Commission Member Bonnie McDaniel

ABSENT

Commission Member Ellen Eby

1. Discussion and possible action on the minutes for the Planning and Zoning Commission meeting on January 5, 2023.

Motion was made by Commission Member Henry Munson to approve the minutes; Motion was seconded by Commission Member Regina Bieri.

Commission Action: Approved. Motion carried unanimously, 6-0 vote.

PUBLIC HEARINGS AND ACTION ITEMS

2. Conduct a public hearing, discussion, and take possible action on a request for approval of an ordinance rezoning approximately 3.35 acres from the Planned Development District (PD) to C-G, Commercial General Zoning District, for property located on the west side of the Shanks Road extension, at the intersection of CR220, Angleton, TX, Brazoria County.

D.S. Director Otis Spriggs: Presented the requested rezoning for the property that's currently zoned PD on the current zoning map. Mr. Spriggs noted that we have had an influx of applications in this area. This original tract was subdivided by the extension of

Shanks Road and was under one ownership. The upper 10 acres has changed hands; Planning and Zoning Commission heard that petition last meeting. The subject project site as notated is at the intersection of Shanks Road and County Road 220. This property has been requested for the commercial general zoning district. General Commercial category would allow for all uses in the “C-G” zoning district to be developed that would meet the code in terms of bulk restrictions as well as landscaping, access management, and site plan and planning processes. Staff has weighed the criteria for rezoning and felt that with the proximity to major arterials in the area, it would be fitting for service-oriented retail to serve the area. In terms of location, it meets the criteria in terms of impact and would not cause any adverse impact on the area, if were to go through the development process, Staff will ensure compatibility is achieved otherwise. We've listed the requirements for the C-G general commercial zoning standards that we will apply to this property, and we're requesting and recommending approval that the request be sent to City Council for final consideration and approval. The applicant is here to address the Commission as well.

Chairman Garwood recognized Ms. Nina Vrazel, property owner, who concurred with Staff.

Public Input: None.

Commission Action: Commission Member Bonnie McDaniel: Made a motion to approve the ordinance adopting this as the final report and recommended approval of an ordinance rezoning 3.35 acres from PD District to Commercial General District to the City Council for final consideration and approval. Motion was seconded by Commission Member Michelle Townsend.

Roll Call Vote: (6-0 Vote).

Commission Member Henry Munson- Aye; Commission Member Michelle Townsend- Aye; Commission Member Deborah Spoor- Aye; Commission Member Regina Bieri - Aye; Commission Member Bonnie McDaniel- Aye; Chair William Garwood- Aye. Motion carried unanimously.

3. Conduct a public hearing, discussion, and take possible action on an application for a **Special Use Permit (SUP)** pursuant to Sec. 28-63 of the Code of Ordinances to consider a request submitted by Why Not Bingo, LLC, to allow for a Specific Use Permit for a Bingo facility at property located at 1040 S. Velasco St., Angleton, TX.

D.S. Director Otis Spriggs presented the Staff Report findings noting that this is a specific use permit for the address noted at 1040 S. Velasco for the Pin 10 Bowling Alley facility, which has a ballroom area, in which, **Why Not Bingo** is hoping to locate into the space. This property is zoned light industrial and as part of our code requirement specific uses are allowed under certain conditions and restrictions as an overlay into the district in which will occur.

Staff weighed the approval criteria for specific use permits. In terms of its impact on the general vicinity, Staff felt that with the current parking facilities, and they are doing some enhancements in terms of striping and adding a small sign to the ground sign, there were no major impacts on this as part of their process. They are required to satisfy the state law in terms of gaming and would have to comply with the local and county restrictions. Staff is recommending approval for the proposal. We have provided surrounding photographs. Please consider recommending this S.U.P. to council for final consideration and approval.

Chairman Garwood opened the public hearing with no objection.

Applicant Adam Wise addressed the Commission stated it is actually a charity bingo hall, so it's for charities around the community. The sponsors include the Marine Corps League and the Knights of Columbus with four other charities out of Bay City and Clear Lake.

Mr. Wise added that it's easy access to the location. It is for family friendly entertainment, bringing friends and family and stuff like that to the community that. We actually were in Clute, TX and are moving our bingo hall to Angleton to be more centralized, because 80% of our bingo hall players come and play from Angleton. About \$37,000 would come to the city from bingo, prizes, winnings. We gave back to the city of Clute roughly around \$250,000 for two years. Quarterly earnings are up to \$45,000.

Chairman Garwood closed the public hearing with no objection.

COMMISSION DISCUSSION:

Chairman Garwood asked what percentage of your revenues end up going to the charities?

Applicant Adam Wise: 70 % goes to the customer/winners that play bingo that day. Then we take 30% that goes to the charities; the city gets 2.5% and the state gets 2.5%.

Applicant Adam Wise: The city gets 2.5% and the state gets 2.5%. House salary comes out of the 30% also.

Commission Member Regina Bieri asked about hours of operation.

Applicant Adam Wise: We will be closed on Mondays. Tuesday, Wednesday, Thursday, Friday, and Saturday: The doors open at 4 PM. And then Sunday the doors open at 10:00 AM.

Commission Member Regina Bieri: Is there smoking in there? **Applicant Adam Wise:** No. They do have alcohol, but it's just in the Bar area.

COMMISSION ACTION:

Commission Member Regina Bieri made a motion to move forward with this specific use permit. The application for 1040 S Velasco St. for a bingo facility to the City Council for approval consideration and appropriate action and there. There are findings of facts

of no negative impacts to the surrounding properties. Seconded by **Commission member Spoor**.

Roll Call Vote: (6-0 Vote).

Commission Member Henry Munson- Aye; Commission Member Michelle Townsend- Aye; Commission Member Deborah Spoor- Aye; Commission Member Regina Bieri - Aye; Commission Member Bonnie McDaniel- Aye; Chair William Garwood- Aye. Motion carried unanimously.

4. Conduct a public hearing, discussion, and take possible action on an application for a **Special Use Permit (SUP)** pursuant to Sec. 28-63 of the Code of Ordinances to consider a request submitted by Seven Souls Tattoo Studio, to allow for a Specific Use Permit for a Tattoo and Body Piercing Studio at the property located at 117 West Myrtle Street, Angleton, TX.

D.S. Director Otis Spriggs presented the findings of the report noting that the property is currently zoned “C-G” general commercial. It lies in the core of our downtown area on Myrtle St. Most of the land in the vicinity, is zoned CBD. Under the current zoning- “C-G” commercial, the tattoo salon and body piercing uses can only be in this district by applying a specific use. Staff has included a summary of the State health regulations, which are organized and enforced by the state in terms of inspection and licensing. The specific use criteria for evaluating specific uses are outlined. Some of us have had an opportunity to deal with this type of uses in downtown areas, and they tend to attract some evening activity as well as daytime. But when individuals get tattoos, they are usually downtown participating in other activities, such as dining or nighttime entertainment and enjoyment. The applicants approached the city early in the process, wanting to locate within the city limits.

Mr. Spriggs added that Staff sent letters of notice to owners within 200 feet of the property, as well advertised the legal notice in the local newspaper. The city received one letter of support from the Mayor of Lake Jackson, who has had some experience with this applicant in the City of Lake Jackson. The mayor provided some positive feedback in terms of the Seven Souls’ business reputation.

Since agenda posting, staff has discussed with the P&Z chairman, the possibility of placing some level of restriction on the use, to move towards a positive recommendation to Council, such as the hours of operation, which tends to be a concern for some specific uses, and as well as the duration of use. This would allow for interim inspections as well review of the operation to endure that the use does not violate some of the restrictions of the code or become a nuisance. The 5 added conditions would address some of those issues and hold the applicant to some level of responsibility with us.

Chairman Garwood opened the public hearing on this item with no objection.

Applicant: Mr. Alejandro Cantu appeared before the Commission expressing support of the use. **Ariel Laura** appeared in support as well.

Ariel Laura stated that she is a Lake Jackson resident and she's here in support of Seven Souls Tattoo studios and has had a wonderful experience with them in the City of Lake Jackson. She would love to see them grow and expand.

D.S. Director Otis Spriggs stated that he listed a suggested hour of operation, as a placeholder for discussion. Staff is open to Commission suggestions.

Commission Member Bonnie McDaniel stated that this is a good place. She noted that she worked on downtown revitalization very diligently, for about 15 years give or take. Although I would love to have the business in the downtown, that area is just that one or two blocks right there at Business 288 and 35 is just so critical on how it's developed. However, visiting with some of the business owners, they didn't have a problem with it. The only concern received was concerning the hours of operation, concerns of opening late at night or disturbances caused in the downtown area.

Applicant Alejandro Cantu stated that there hours at the Lake Jackson location is open from 10:00 AM to 6:00 PM or till 8. PM during the week, and 10:00 AM to midnight during the weekends. They had considered being open the same amount time as the Dirty South which closes at 2 AM. Mr. Cantu noted that he is open to recommendations on it, and asked if they could at least stay open till midnight. If the police are called our establishment could be shut down by the State.

D.S. Director Otis Spriggs commented regarding the layout, please verify for the Commission the number of stations and typically how many people you would have in the facility at one time.

Applicant Alejandro Cantu stated they will have five stations total. Four that are strictly tattoos and one that does tattoos and piercings. There are 5 artists, one client per artist with a front desk. There will be 25-30 people maximum at once.

Chairman Garwood closed the public hearing on this item with no objection.

Commission Member Bonnie McDaniel asked about the time element. Chairman Garwood clarified that there is a recommendation for a one year.

Commission Member Michelle Townsend asked the applicant how long they have been opened in Lake Jackson? He replied 1 year. She also asked would it still require a specific use permit under CBD?

D.S. Director Otis Spriggs stated that it's allowed as specific use permit in a number of our commercial districts. He also asked for clarification on the specifics on the hours of operation.

Commission Member Bonnie McDaniel asked for clarity on the hours of operation in Lake Jackson.

Applicant Alejandro Cantu answered from 10:00 AM to 8:00 PM during the week, then on Friday and Saturday 10:00 AM to midnight.

Commission Member Bonnie McDaniel made a motion to approve the S.U.P. and recommend it to Council subject to the noted conditions and that this particular business would have hours of operation from 10:00 AM to 8:00 PM during the week; then on Friday and Saturday from 10:00 AM to midnight with a one-year duration from the Certificate of Occupancy; Motion was seconded by **Commission Member Michelle Townsend**.

REGULAR AGENDA

5. Discussion, and possible action on a request for approval of the final replat of Riverwood Ranch Sections 3 & 4. The proposed final plat consists of approximately 145 single family residential lots on approximately 35.62 acres and is generally located north of Hospital Drive between N. Downing Street to the west and Buchta Road to the east.

D.S. Director Otis Spriggs introduced the request by Riverwood Ranch to approve the final plan for sections 3 and 4 for 35.62 Acres. The construction plans have been submitted as well as the plat to the city engineer for comment. All of the requirements have been followed through from the preliminary process on to the final plan, and they have cleared all of the comments. Some of the comments were around the traffic impact study and the Geotech report and what have you. All of those things are in compliance. Staff is recommending approval so that they can move toward the construction process.

Commission Member Deborah Spoor mentioned that she talked with one of the landowners. The concern was that they're sitting over there with 100 widths on their lots, and they were more amenable to 60 foot lots. They added this ditch or a strip on the backside as it's maintained that they'll accept that. 60-foot lots. We've got 50 foot lots coming out our ears and that's my comment.

Developer Michael Foley appeared before the Commission: That area would be an HOA responsibility to be maintained, as well as our detention pond and trail system at the front. We have a board right now. The board is still the developer board: Two other people from the development team and himself. Next year they plan to start transitioning to the homeowners. He has a landscaping team in place with othe HOA that maintains already an open space that we for Section 1.

Chairman Garwood asked does anyone to make a make a motion, going once, going twice. Let it be shown that Planning and Zoning did not take any action for lack of receiving a motion on the project.

D.S. Director Otis Spriggs alerted the Commission that we're on the timeclock/shot clock. If after 30 days no decision is rendered, then it's automatically approved, so I just wanted to make the Commission realize that it makes recommendation to Council and Staff tries to make sure that we have a complete record to forward as best possible.

Chairman Garwood stated that as he understands the law, this Final Replat meets all the conditions. Approval cannot be withheld by Council. However, this body has just declined to make a recommendation to plan to council.

No action was taken by the Commission on the final plat.

6. Conduct a public hearing, discussion, and take possible action on a request for approval of a Text Amendment, modifying various subsections of the City of Angleton Code of Ordinances, Chapter 23, Land Development Code. In addition to other minor changes to the chapter pertaining to cross references, duplications, clarifications, terminologies, reorganizations, and similar, the following sections are proposed to be amended: Sec. 23-5; Sec-23.10; Sec. 23-12; Sec. 23-14; Sec. 23.37; Sec. 23-38; Sec. 23-60; Sec. 23.75; Sec. 23-81; Sec. 23-87; Sec. 23.95; Sec. 23-94 through Sec. 23-98.

Mr. Spriggs introduced the item and suggested that the Public Hearing be opened and continue the public hearing until the next meeting due to the newspaper legal advertisement being posted. The text changes have been circulation for some time for the short-term changes such as Plat type consolidating, time-clock legislative compliance, code section organization. Legal has incorporated some comments but is still reviewing. We are receiving comments from the Commission such as Ms. Townsend. We will continue redline the changes and bring those back to the Commission. There are several references being removed such as the severability clause. Legal has suggested removing such language from the code itself. Some of those protects will continue to be included in individual ordinances drafted. Again, Mr. Spriggs requested the public hearing be continued. Developers have had an opportunity to be surveyed by the Consultant (Gunda Planning Group) and were able to give comment and suggestions in the past.

Chairman Garwood opened the public hearing on this item with no objection.

Commission Member Henry Munson added that the text amendments need to reflect what's best for "Angleton" and not other communities, referencing 40 ft. lots done in Missouri City.

Commission Member Michelle Townsend asked would our lot size minimums be within our Land Development Code? Mr. Spriggs explained the lot constraints are within the individual Zoning Districts/zone in terms of density. Mr. Spriggs stated that the Comprehensive Plan needs to be updated to reflect the vision and direction of the City in terms of density. A workshop/session has been requested by Council and Staff will be including the Commission in the future (perhaps May).

Chairman Garwood closed the public hearing on this item with no objection.

ADJOURNMENT: 12:44 PM.



AGENDA ITEM SUMMARY FORM

MEETING DATE: March 1, 2023

PREPARED BY: Otis T. Spriggs, AICP, Development Services Director

AGENDA CONTENT: Conduct a public hearing, discussion, and take possible action on a request for approval of a Text Amendment, modifying various subsections of the City of Angleton Code of Ordinances, Chapter 23, Land Development Code. In addition to other minor changes to the chapter pertaining to cross references, duplications, clarifications, terminologies, reorganizations, and similar, the following sections are proposed to be amended: Sec. 23-5; Sec-23.10; Sec. 23-12; Sec. 23-14; Sec. 23.37; Sec. 23-38; Sec. 23-60; Sec. 23.75; Sec. 23-81; Sec. 23-87; Sec. 23.95; Sec. 23-94 through Sec. 23-98.

AGENDA ITEM SECTION: Public Hearing Agenda

BUDGETED AMOUNT: N/A **FUNDS REQUESTED:** N/A

FUND: N/A

EXECUTIVE SUMMARY:

Staff requests that the Planning and Zoning Commission continue the public hearing and discussion on pending short term amendments to the City's Land Development Code, Zoning Ordinance and other development regulations as recommended by the Gunda Corporation. Staff will update the Commission on any and all comments received since the last meeting.

Future hearings and formal possible actions will be taken a future meeting, subject to Commission, Legal review, as well as Leadership Staff input.

RECOMMENDATION: Staff recommends that the Planning and Zoning conduct the public hearing, receive comments, and consider approving text amendments to the City of Angleton Code of Ordinances, Chapter 23, Land Development Code. In addition to other minor changes to the chapter pertaining to cross references, duplications, clarifications, terminologies, reorganizations, and similar, the following sections are hereby amended: Sec. 23-5; Sec-23.10; Sec. 23-12; Sec. 23-14; Sec. 23.37; Sec. 23-38; Sec. 23-60; Sec. 23.75; Sec. 23-81; Sec. 23-87; Sec. 23.95; Sec. 23-94 through Sec. 23-98; and forward it to City Council for final action once all related changes are approved.

" Exhibit A "

Item 2.

Part II - CODE OF ORDINANCES – AMENDED SECTIONS ONLY Chapter 23 LAND DEVELOPMENT CODE

12/22/22 with planning staff comments incorporated

General notes:

Will be finalized after all ongoing reviews.

To be reviewed by the Parks Director and HDR

Legal review of the final draft prior to adoption.

Update the revision date for each section prior to adoption.

Remove the Appendix and move that to the Administrative Procedures Manual. Add this reference in the LDC.

Adopt standards relevant to the City of Angleton, as indicated. e.g. require green street signs with white lettering, not blue like Sugarland.FUTURE.

Chapter 23 LAND DEVELOPMENT CODE¹

ARTICLE I. IN GENERAL

¹Editor's note(s)—Ord. No. 1-12-2018, § 1(Exh. A), adopted Dec. 11, 2018, repealed the former Ch. 23Editor's note(s)—, §§ 23-1Editor's note(s)——23-43, and enacted a new Ch. 23Editor's note(s)— as set out herein. The former Ch. 23Editor's note(s)— was entitled "Subdivisions," and derived from: Ord. No. 2325, § 1, adopted Apr. 19, 1994; Ord. No. 2457, §§ 1—3, adopted Dec. 21, 1999; Ord. No. 1-02-2018, § 2(Exh. A), adopted Feb. 13, 2018; and Ord. No. 1-06-2018, § 2(Exh. A), adopted June 12, 2018.

Cross reference(s)—Alcoholic beverages, Ch. 3Cross reference(s)—; location of alcoholic beverage establishments restricted, § 3-5Cross reference(s)—; limitation on the number of livestock per dwelling, § 4-5Cross reference(s)—; buildings and building regulations, Ch. 5Cross reference(s)—; fire limits established, § 5-46Cross reference(s)—; code for the elimination or repair of unsafe buildings adopted, § 5-511Cross reference(s)— et seq.; fire marshal authorized to order repair, etc., of dilapidated and unsafe buildings or other property, § 7-44Cross reference(s)—; housing, Ch. 11Cross reference(s)—; junked, abandoned, wrecked property, Ch. 12Cross reference(s)—; manufactured homes and manufactured home parks, Ch. 14Cross reference(s)—; parks and recreation, Ch. 17Cross reference(s)—; peddlers, itinerant merchants and solicitors, Ch. 18Cross reference(s)—; public amusements, Ch. 21Cross reference(s)—; streets, sidewalks and other public places, Ch. 22Cross reference(s)—; permit required for excavation in streets, § 22-2Cross reference(s)— et seq.; utilities, Ch. 26Cross reference(s)—; traffic and motor vehicles, Ch. 25Cross reference(s)—; zoning, Ch. 28Cross reference(s)—; zoning district regulations, § 28-61Cross reference(s)— et seq.

State law reference(s)—Regulation of subdivisions, V.T.C.A., TLGC § 212.001 et seq; authority to adopted subdivision regulations, V.T.C.A., TLGC§ 212.002.

Sec. 23-5. Applicability.

- A. *Generally.* No land shall be developed, redeveloped, or substantially improved, except in accordance with this Code. The following actions are considered to be "development" and subject to the LDC:
1. *Use of land.* The use of any building, structure, or land, including new uses, expansion, and substantial changes to the existing uses within the city;
 2. *Grading of land.* Any disturbance of land, soil, vegetation, or drainage ways, shall conform to the LDC for all properties in the city and the ETJ; and
 3. *Subdivision.* Any division of land within the City limits and the ETJ for development, sale, or lease, whether by metes and bounds, subdivision, or other technique, shall comply with the LDC. Deed divisions of land that result in parcels where all resulting tracts have a lot area of five acres or more are exempt from the subdivision requirements of the LDC, but may be required to file a development plat, as set out in section 23-87, Administrative plats.
 4. *Site development.* Site development is subject to all requirements of the Angleton Code of Ordinances to the full extent allowed by V.T.C.A., TLGC Ch. 212.
 5. *ETJ development.* The city reserves the right to require the approval of a plat and site plan for property in the ETJ as allowed by TLGC Ch. 42.
- B. *Applicability to publicly owned property.* The LDC is applicable to all public agencies and organizations to the full extent allowed under the U.S. and Texas Constitutions, and the laws of each.
- C. *Pending applications.* Development applications shall be governed by the laws and regulations in effect when they were deemed as complete submittals.
- D. *Creation of a building site and issuance of a permit.*
1. Construction or building permits may not be issued unless the parcel, lot, or tract:
 - a. Is part of a plat of record, approved by the city council, or Brazoria County, and is filed in the plat records of Brazoria County, Texas;
 - b. Was created prior to the adoption of Ordinance No. 333 on February 11, 1964;
 - c. Was created by a deed division prior to being subject to requirements that required subdivision approval;
 - d. Was lawfully created prior to being annexed into the city or added to city's ETJ;
 - e. Was lawfully created by the action by a court of competent jurisdiction or by the dedication of easements or right-of-way; or
 - f. Was created through a lawful deed division that created parcels that were each five acres in area, or larger.
 - g. Is a result of a change in ownership of a property through inheritance or the probate of an estate.
 - h. Is used as a cemetery complying with all state and local laws and regulations.
 - i. Is exempted as per LGC §212.004.
 2. If any of the conditions for the creation of a building site exists and changes are not proposed to the property configuration, the property is a legal building site and a building permit may be issued without additional platting being required, unless a development plat is required, as set out in section 23-87, Administrative plats.

- E. *Nonconforming lots.*
1. *Standards.* Existing nonconforming lots may be combined to increase conformity as follows:
 - a. Where a landowner owns several abutting lots that do not conform to the LDC, they may be consolidated or platted as a conforming lot or lots, or to a design that reduces the degree of the nonconformity.
 - b. A proposed combination or plat of nonconforming lots meets all the requirements of the LDC.
 2. *Prohibited actions.*
 - a. Nonconforming lots, or interest therein, may not be transferred, conveyed, sold, or subdivided to create a new nonconforming lot, to avoid, circumvent or subvert any provision of this LDC, or to leave remaining lots in violation of the LDC;
 - b. No building permit may be issued for any lot or parcel of land which has been illegally created, conveyed, sold, or subdivided in violation of the LDC.
 3. *Construction on substandard lots.* A legal lot, defined as a lot that meets the requirements of Section 23-5,D, that does not meet zoning district requirements with respect to lot area or lot width may be built upon if:
 - a. The use is permitted in the zoning district in which the lot is located;
 - b. The lot has sufficient frontage on a public street to provide access that is appropriate for the proposed use as required by the zoning designation; and
 - c. The proposed development will comply with all applicable development standards of the LDC.
- F. *Vested rights "issuance of local permits".* Property owners who have filed a completed application or have obtained approval of any project or permit prior to the effective date of this LDC that has not expired, shall be considered in compliance with TLGC Ch. 245.
- G. *Applicability of certain chapter of the Angleton Code of Ordinances in the ETJ.* Under the authority of TLGC Ch. 212, Municipal Authority of Subdivision and Property Development, the following chapters of the City of Angleton Code of Ordinances are expressly incorporated by reference into the LDC and are in full force and effect in the ETJ and shall be regulated by the city by the submittal of construction plans, a site plan, design drawings, development plat, or plat; as is determined to be appropriate, by the type of development that being requested:
1. Chapter 14: Manufactured Homes and Manufactured Home Parks (design standards only);
 2. Chapter 16: Oil, Gas, and Minerals;
 3. Chapter 21.5: Signs;
 4. Chapter 30: Special Districts; and
 5. All environmental management requirements set out in article V of this LDC.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018, , xxxx)

Sec. 23-6. Reserved(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018, xxxx)

Sec. 23-7. Enactment, repeal, and effective date.

- A. *Enactment and effective date.* The enactment of this ordinance shall repeal Ordinance No. 1-06-2018, adopted on June 12, 2018; and shall repeal chapter 8, "Flood Damage Prevention" of the Code of Ordinances

of the City of Angleton, in its entirety, replaced by Ordinance No. 1-12-2018, hereafter titled the Land Development Code (LDC), adopted by the city council on the effective date of December 11, 2018 and amended subsequently; incorporated into the Code of Ordinances of the City of Angleton as chapter 23, "Land Development Code".

- B. *Existing ordinances and regulations.* Any other ordinance, resolution, or regulations not expressly cited in this section that are inconsistent with the LDC shall be considered to be superseded by the adoption of the LDC. Specific regulations of any such ordinance that were not affected by this LDC shall remain in full force and effect.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018, xxxx)

Sec. 23-8. Abrogation and greater restrictions.

- A. The LDC establishes minimum standards necessary to accomplish the purposes set out in section 23-2, Purpose.
- B. It is not the intent of the LDC to interfere with, abrogate, or annul any easement, covenant, deed restriction, or other executed agreement between private parties, including development agreements.
- C. When the provisions of this LDC impose a greater restriction than those restrictions imposed by private agreements, the provisions of the LDC shall control.
- D. The city has no duty to search for the existence of private restrictions, or to administer, or enforce, any private restriction.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018, xxxx)

ARTICLE II. SUBDIVISION AND DEVELOPMENT DESIGN

Sec. 23-10. General design principals and requirements.

- A. *Generally.* The purpose of this article is to establish minimum design requirements to create a quality development design that relates to existing and future surrounding development.
- B. *Design principles.* The following design principles shall be implemented into plat design:
1. *Compatibility and connectivity.* Proposed developments shall be designed to:
 - a. Provide appropriate buffers and transitions between different land uses;
 - b. Improve mobility across the city and the ETJ; and
 - c. Provide vehicle and pedestrian connections to neighboring properties.
 2. *Neighborhoods.* Neighborhoods will be designed:
 - a. In a context sensitive manner to ensure long-term neighborhood viability;
 - b. In a manner that will conserve wetlands, bayous, and other natural features;
 - c. With well-managed stormwater runoff that is conveyed in storm sewers, streets, and other methods to phase out the use of steep slope deep bar ditches, where practical;

- d. With usable open space to provide recreation, use buffers, safe distances from natural hazards, and to maintain mature tree stands, water quality, and environmental integrity;
 - e. With drainage improvements that serve additional purposes, such as recreation, usable open space, wetland and habitat preservation, or as buffer or amenity; and
 - f. In a manner that is compatible with adjoining uses and neighborhoods.
3. *Aesthetic and environmental considerations.* Development will be:
- a. Shaped and guided by natural contours and drainage patterns to avoid natural hazards and blend into natural environmental elements;
 - b. Context sensitive, without compromising public health or safety;
 - c. Open to design options that may result in the need for variances from rigid design standards to preserve wetlands, floodplains, protected trees, or mature habitat areas; and
 - d. Encouraged to use lot clustering to maintain environmental assets as common space amenities, linear parks, use buffers, and other purposes that create community character.
4. *Transportation and mobility.*
- a. ADA compliant sidewalks shall be provided on all streets and into all parks;
 - b. Sidewalks shall be required to provide access to all building sites and amenities;
 - c. Street type, location, and functional classification will be guided by the Angleton Future Thoroughfare Plan (FTP);
 - d. Neighborhoods shall have multiple means of access to public streets and surrounding development to minimize congestion and maximize public safety;
 - e. Streets are a primary element of the drainage conveyance system and shall be designed to maximize their full drainage conveyance capacity to enhance public safety; and
 - f. Streets shall not be "forced" into locations where they are not cost-effective, practical, result in public capital expenditures that are not warranted, or where an acceptable design alternative is available.
5. *Floodplains, wetlands, and drainage.*
- a. Regulatory floodplains shall be protected from development by:
 - 1. Maintaining floodplains as open space, passive recreation, and drainage;
 - 2. Implementing all best management practices set out by the Texas Commission on Environmental Quality (TCEQ) and City's Code of Ordinances;
 - 3. Adhering to all drainage requirements of the City's Code of Ordinances
 - 4. Pursuing all opportunities for regional detention on projects of all sizes and where appropriate, and in coordination with the Angleton Drainage District.
 - b. Drainage easements shall have a minimum width as determined to be necessary by the City of Angleton, Angleton Drainage District, and other appropriate entities, and shall be:
 - 1. Retained as right-of-way where they cross existing or proposed public roads; and
 - 2. Maintained by a property owners' association or when appropriate under the authority of the city or other entities; and

3. Shall be designed in a manner that allows routine maintenance to the greatest extent practicable and feasible.
 - c. Easement alignment shall follow the approximate line of the channel on maximum 50-foot chords and when possible shall be located on lot or property lines; and
 - d. Existing steep sloped roadside ditches should be eliminated when adjoining properties are developed and redeveloped:
 1. The lack of curbs and gutters does not maximize the ability of streets to be used for drainage conveyance;
 2. Such ditches are a traffic hazard, prevent sidewalks and street parking, impede trash pick-up and delivery services, often result in heavy sheet flow from the street to the opposite side of the street directly toward homes and other buildings, and results in road, utility, and ditch maintenance issues.
6. *Utilities.*
- a. Utilities will be extended in a conservation-minded and efficient manner to provide for the expansion utility service in a manner that is environmentally and economically sound; and
 - b. Utility improvements will be coordinated with the recommendations of the most recent version of the Comprehensive Plan and all other utility plans of the city and its utility franchises.
7. *Public safety.*
- a. The city and the ETJ include potential natural and man-made threats to public health and safety. Among these are railroads, regional pipelines, floodplains, and protected wetlands. It is essential that these areas are identified and projects designed in a manner to maximize public safety to the greatest extent practical;
 - b. Infrastructure should be designed to maximize public safety and mitigate existing public safety issues. Standards should be updated, within a reasonable time, to adopt new technologies proven to improve public health and safety.
 - c. Projects shall be developed to provide as much separation as practicable between potential threats and vulnerable uses; and
 - d. City codes should be proactively updated to address threats to public safety as threats, and potential solutions, are identified.
- C. Consistency with subdivision and development regulations as contained in the City's Code of Ordinances:
1. Construction specifications, as amended;
 2. Design standards and appendices, as amended;
 3. Construction details, as amended;
 4. Approved products list and product application, as amended; and
 5. Traffic impact analysis guidelines and worksheet, as amended
 6. Sediment and Erosion Control Manual, as amended;
 7. Brazoria County Stormwater Quality Coalition MS4 Construction Guidance Document, as amended;
 8. 2008 Angleton Drainage District rules, regulations, and guidelines, as amended; and
 9. Brazoria County Drainage Manual, as amended.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-11. Lots and blocks.

A. *Lots generally.*

1. New lots shall comply with applicable requirements set out in Code of Ordinances Chapter 28 - Zoning;
2. No parcel or lot shall be created that does not meet the minimum requirements of the LDC and the zoning requirements; and
3. Undevelopable remnant properties that do not conform to the LDC or the zoning requirements shall not be created through the subdivision process.

B. *Lot shape.*

1. Side lot lines shall generally be at approximate right angles, or radial to, right of way; and
2. Alternative configurations may be approved as variances during the platting process by the City Council upon recommendation from the Planning and Zoning Commission to accomplish the purposes of the LDC, such as preserving natural resources or dedicating right-of-way.

C. *Lot frontage.*

1. *Required frontage.* Each lot or building tract shall front on a public street, in accordance with applicable lot width requirements.
2. *Residential lots.*
 - a. New residential lots shall only front on local and minor collector streets, and shall not front on major collector, arterial streets, or highways;
 - b. The City Council upon recommendation from the Planning and Zoning Commission may approve minor deviations from the lot design requirements during the platting process when terrain or property constraints limit design alternatives or when such deviations result in the preservation of a protected tree, as set out in section 23-60, Protected Tree Protection; and
 - c. Lots shall be platted in a manner that does not result in landlocked properties or without any means providing public access to properties that currently do not have frontage.
3. *Nonresidential lots.* Nonresidential lots shall be designed in a manner that allows development that complies with all applicable requirements.

D. *Through lots.* Through lots, or double frontage lots, shall be avoided, except:

1. Where a development is sufficiently large, with a lot area that equals twice the minimum lot area required for the zone that the lot is located in, to require two frontages;
2. When necessary to overcome topographic or environmental issues; or
3. Where deemed to be appropriate by the city engineer in accordance with generally accepted engineering practices.

E. *Corner lots.* Corner lots intended for residential use shall have additional width to allow appropriate building setback and orientation to both streets, a driveway, and provide adequate corner visibility.

F. *Width of irregular lots.* Cul-de-sac lots or irregular shaped lots shall have the required width at the front building line to meet minimum lot frontage requirements.

G. *Drainage ways.*

1. Buildable lots shall not encroach into a regulatory floodplain or floodway.
2. Floodplains may be platted as open space, common area, a drainage easement, and for essential services that are required to be located in close proximity to regulatory floodplains.

H. *Adequate and safe access.* Refer to Section 24-12.I.

I. *Blocks generally.*

1. *Length.* Block length shall be provided based on the following guidelines:
 - a. Block shall generally have sufficient width and depth to provide two tiers of lots with the required lots depths. Exceptions may be made when property is adjacent to arterial streets, railways, waterways, wetlands, or other elements;
 - b. Blocks shall generally not exceed a length of 1,000 feet, unless an alternative length is approved as a variation by the City Council upon recommendation from the Planning and Zoning Commission, and will not result in public health or safety issue, connect streets, is necessary for drainage or environmental considerations, or based on site constraints;
 - c. The provision of adequate building sites suitable to the special needs of the type of use;
 - d. The required lot widths and lot areas of the applicable zoning district; and
 - e. The need for convenient access, circulation, traffic control, and safety of street traffic.
2. *Shape.*
 - a. Blocks shall be generally rectangular but may have curves or bends that correspond with the natural terrain.
 - b. Irregularly shaped blocks which contain interior parks or playgrounds, parking areas, wetlands, or drainage improvements shall be permitted.
 - c. Blocks shall be shaped in a manner that will provide safe pedestrian and vehicular circulation; efficient utility delivery; and adequate access for emergency service providers.
3. *Relationship of blocks to streets.*
 - a. Intersecting streets shall be used to determine block length, width, and shape;
 - b. Block and street design can vary to facilitate development and street connections and adjust to natural and man-made barriers, property lines, adjacent development, or other unique conditions provided that safe pedestrian and vehicular circulation is the end result.

J. *Relationship to major streets.* New residential lots shall not back up to highways, arterials, and major collector streets and shall take access from local or minor collector streets.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-12. Streets and driveways.

- A. *Conformity to the future thoroughfare plan.* The general location, alignment, and functional classification of all streets and roads shall conform to the most recently adopted Angleton Mobility Plan dated XXXX.
- B. *Street classifications.* Streets shall be classified according to the following functional classifications, as set out on the Mobility Plan dated XXXX.:
 1. Highway

-
2. Major arterial;
 3. Minor arterial
 4. Major collector
 5. Minor collector;
 6. Local street and
 7. Cul-de-sacs.
- C. *Coordination with Texas Department of Transportation (TXDOT) and Brazoria County required.*
1. For projects adjoining, or accessing TXDOT right-of-way, the applicant shall contact the TXDOT to determine all TXDOT requirements and copy the city on all correspondence.
 2. For plats in the ETJ, the applicant shall contact the Brazoria County engineer to determine the requirements of Brazoria County and copy the city on all correspondence.
- D. *Acceptance of streets.* Required city street improvements shall be dedicated to the city, as set out in article III, division 4, Public Acceptance and Permitting.
- E. *General location standards.*
1. *Minimum design standards.* Required city street improvements shall be designed and constructed in accordance with the City's Code of Ordinances and the design principles set out in article II, Subdivision and Development Design.
 2. *Layout and connectivity.* Streets and alleys shall:
 - a. Be extended and located in accordance with the FTP in terms of street classification, right-of-way, pavement width, and alignment; and
 - b. Bear a logical relationship to existing topography and existing or proposed street locations, and the development of adjacent developed and undeveloped properties
 - c. Any deviation from the FTP shall be approved by the City Council with a recommendation from the Planning and Zoning Commission. .
 - c. Where not shown on the FTP, street layout will:
 - i. Provide continuity and connectivity between existing and proposed streets;
 - ii. Conform to generally accepted transportation planning principals for street hierarchy, spacing, and location, with due consideration to topography, environmental considerations, and natural hazard avoidance; and
 - iii. Provide connections to existing streets in a manner that will not change the functional classification of existing streets and will provide safe access to all lots.
 3. *Excess right-of-way.* Right-of-way in excess of the standards of the LDC may be required where topography results in the need for additional right-of-way to provide slopes that do not exceed a ratio of three to one or in order to provide street connectivity.
- F. *Design standards.* Streets shall be designed per the City's Code of Ordinances and the following standards:
1. *Street grade and curves.*
 - a. Streets may have a maximum grade of seven percent; and

- b. Centerline grade changes shall be designed in accordance with all AASHTO standards. Where there is a difference of more than two percent, the vertical curves shall be connected with a curve of sufficient length to provide a minimum 200 feet of sight distance.
- 2. *Street intersections.* Streets shall be designed to intersect as close as possible to right angles. The city engineer may consider an angle not less than 80 degrees where necessary to connect streets or avoid natural or man-made impediments.
- 3. *Intersections.*
 - a. All arterial and collector street intersections shall be at 90 degrees, or within five degrees of that standard.
 - b. The curb radius at street intersections shall conform to the specifications in the City’s Code of Ordinances.
 - c. Deviations from these requirements can be considered, as per section 22-12.E.2.c, when streets are realigned to comply with the FTP or to avoid natural, or man-made features, such as, but not limited to, protected wetlands, bogs, floodplains, a stand of protected trees, artifact areas, historic buildings or sites, pipelines, easements or existing development.
- 4. *Street jogs (off-sets).* Street off-sets less than 150 feet, measured centerline to centerline, are prohibited. A jog of not less than 100 feet may be approved only when necessary to connect streets in adjoining developments where both streets are local streets.
- 5. *Off-site improvements.* Off-site traffic improvements, as determined by the recommendations of a traffic impact analysis, as set out in section 23-25, or by TXDOT, may be required to mitigate the impact of development on existing transportation networks.
- 6. *Design.* City streets shall be designed as set out in Table 23-12.1, Street Design Standards.

Table 23-12.1 Street Dimension Standards					
Design Features	Road Classifications				
	Major Arterial	Minor Arterial	Major Collector	Minor Collector	Local Street
Right-of-Way Width	100'—120'	80'—100'	70'—80'	60'—70'	60'
Pavement Width	48' to 60'	36' to 48'	36'	32'	28'
Number of Lanes	4—6	3 or 4	2 or 3	2	2
Lane Width (ft.)	12'—14'	12'	12'	12'	12'
Design Speed	45—55+ mph	35—45 mph	30—35 mph	30 mph	30 mph
Width of Sidewalks	Min. 6'	Min. 6'	Min. 6'	Min. 6'	Min. 5'

- G. *Partial streets, cul-de-sacs, and dead-end streets.*
 - 1. *Cul-de-sacs.* Cul-de-sacs shall not exceed a length of:
 - a. Four hundred fifty feet in office and general commercial developments;
 - b. Six hundred feet in business park and industrial developments;

- c. One thousand feet for suburban residential developments with densities greater than three dwelling units per acre; and
 - d. One thousand five hundred feet for rural and estate developments with densities less than three d.u. per acre.
 - e. All cul-de-sac streets shall have a turnaround, with a paved surface diameter of no less than 110 feet and a right-of-way diameter of no less than 130 feet. A greater diameter pavement and right-of-way may be required by the city to accommodate oversized vehicle traffic and to provide adequate fire protection.
2. *Partial streets.* The use of a partial, or half street, is generally prohibited unless:
- a. A half street is proposed to increase the width of an inadequate existing right-of-way or where the construction of a half-street results in a fully functional two-way road. The construction of two lanes of a proposed four-lane arterial street; where a half street would be a fair share improvement is permitted;
 - b. A street stub is provided to facilitate the connection of a street to a future phase of development or a future adjoining development. In these circumstances, the city may require a temporary cul-de-sac, or an alternative turnaround design, or a maintenance bond; or
 - c. An existing half street exists adjacent to an area to be subdivided, in which case the subdivider must dedicate the remaining right-of-way and construct the half street as a fair share improvement or may defer the construction of the half-street in accordance with the requirements of article V, division 1, Transportation Responsibilities.
3. *Dead end streets* are prohibited unless they are designed as a short stub, or as a temporary all-weather turnaround, with a length not to exceed 100 feet.
- H. *New boundary streets.* For new boundary streets that will form part of a subdivision boundary, the following standards shall apply:
- 1. *Local streets.*
 - a. Where a local street forms part of a development or subdivision boundary, the developer or subdivider shall dedicate right-of-way sufficient to make such street conform to requirements of the city.
 - b. The developer or subdivider shall also improve such street in conformance with all standards and specifications of the City of Angleton, and enter into a reimbursement agreement with the city or enter into a deferral agreement with the city, as set out in section 23-38, Deferral and Permitting.
 - 2. *Collector and arterial streets.*
 - a. Where a proposed collector or arterial street forms part of a development or subdivision boundary, the subdivider shall dedicate a minimum of one-half of the additional right-of-way necessary to comprise the full street width.
 - b. Dedication of more than half this additional increment may be required, to maximize the use of existing streets, to provide access and connectivity, to meet the requirements of the traffic impact study, or to ensure consistent street alignment or curvature.
 - c. The developer or subdivider shall either:
 - i. Construct the required street or pave one half of the required street in accordance with the traffic study or the City's Code of Ordinances; or

- ii. If approved by the city, contribute to the city an amount of money equal to 125% of amount necessary to complete the design and construction of the street, curb, and sidewalk required by the LDC and the City's Code of Ordinances.

I. *Public access to subdivisions.*

1. Subdivisions containing 30 or more lots, or multi-family developments with 50 or more units, shall have a minimum of two points of public vehicular access, 100-year storm compliant, and constructed to standards outlined in the City's Code of Ordinances to an existing public right-of-way separated as far apart as practical in accordance with the fire code; or
2. The city council may approve subdivisions that have more than 30 lots, but fewer than 50 lots, with a single entrance to an existing paved public street with the following design elements:
 - a. A boulevard entrance with a median that has a minimum width of six feet;
 - b. Extension of the median into the subdivision with an unbroken median length of 100 feet, unless left-turn lanes and median breaks, designed to standards outlined in the City's Code of Ordinances, are installed at any crossing streets; and
 - c. Boulevard lanes with an adequate pavement for emergency access into the development.
3. The city council may approve a variation to allow subdivisions that have more than 50 lots, with a single entrance to a paved public street as part of subdivisions approval process, subject to:
 - a. the entrance to the development being designed as a boulevard with a width sufficient on each driving lane for fire truck access;
 - b. with an unbroken median length of 150 feet, unless left-turn lanes and median breaks, designed to standards outlined in the City's Code of Ordinances, are installed at any crossing streets,
 - c. subject to a phasing plan that stipulates when the second access will be provided and the developer or subdivider posts surety for the second access point.
 - d. The council may defer plat recordation until adequate access is provided.
4. A one-foot, non-access easement shall be provided along the rear property lines of residential lots that back up to arterial streets and TXDOT highways to prevent access.
5. Where more than one street connection to paved public streets are required, both connections, when located in close proximity to creeks, bayous, and flooding hazards shall be designed so that each street is accessible in a 100-year storm to prevent water from over-topping each road. Only one street may not be located over a potential hazard, such as a high-pressure pipeline, unless such a connection is required by the FTP and the utility provider consents to such a crossing.
6. For subdivisions containing 30 or more lots, or multi-family developments with 50 or more units, when more than one connection is required, the city may consider an all-weather remote emergency access where development phasing or land constraints will delay the provision of an additional access ways.
7. When a required second access to a paved public street is required, the paved public street to be accessed shall be considered a boundary street. As such, the subdivider or developer shall be required to provide improvements to the boundary street to improve such road to current standards in accordance with article III division 1, Transportation Responsibilities.

J. *Street names, addresses, posts, signs, and markers.*

1. Street names shall not duplicate the names of existing streets in the city or the city ETJ;
2. Address numbers shall be assigned and displayed, in accordance with city, and in the ETJ, Brazoria County, standards in the size, color, contrast, to ensure right-of-way number visibility;

3. The developer shall be required to install all required signage and markers, consistent with city standards, and when applicable TXDOT and Brazoria County standards; and
4. Signs shall be installed per AASHTO standards, the Uniform Traffic Code, and the City's Code of Ordinances
5. Street signs shall have white lettering on green background in conformance with the requirements of the City's Code of Ordinances.

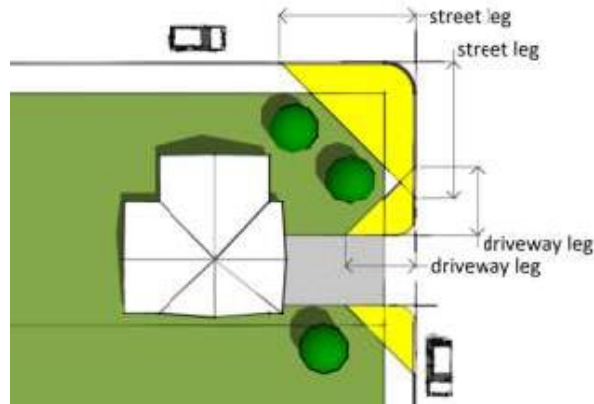
N. *Driveways and access.*

1. *Cross-access.* Parcels proposed for development that front on arterial and collector streets shall provide cross-access to abutting parcels unless cross-access is unfeasible. Cross-access easements may be required for other parcels, based on the location, traffic conditions, and surroundings.
2. *Alternatives.* Where connections to abutting parcels are possible, but not currently provided:
 - a. The parcel being developed shall include a stub-out or cross-connection easement at locations that allow reasonable connections to the abutting parcel; and
 - b. Said connections shall be depicted on a recorded plat or by separate instrument.
3. *Driveway width.* Driveways, on non-TXDOT system roads, that provide property access shall be:
 - a. At least 25 feet wide, but not more than 45 feet wide at the property line and configured to direct traffic safely to lots and may include medians between ingress and egress lanes.
 - b. Designed with a wider width as necessary to provide adequate width for trucks, emergency vehicles, or an adequate number of drive lanes to enter and exit a development.
4. *Number of driveways.* Lots with frontage on more than one street may have a second driveway, with one driveway on each street. "Right-in" and "right-out" driveway pairs shall be considered to be one driveway.
 - a. Lots with frontage less than 250 feet, shall be limited to one driveway.
 - b. Lots with frontage on multiple streets may have an additional driveway on each street.
 - c. "Right-in" and "right-out" driveway pairs shall be considered to be one driveway.
 - d. An additional driveway for lots wider than 250 feet that have multiple uses, are larger than five acres, may be approved if additional driveways would be considered if they comply with AASHTO standards or are necessary based on the recommendations of an approved TIA.
5. *Driveway spacing and proximity to arterial streets and highways.* Driveway spacing on the same side of the street and proximity to arterial streets and highways shall be as follows:
 - a. Driveway spacing on the same side of arterial street or highway shall be a minimum of 250 feet between driveways, measured from the centerlines of driveways.
 - b. Driveways shall not be located closer than 150 feet from a street intersection, measured from the edge of pavement of the driveway to the right-of-way.
 - c. Deviations from the strict driveway spacing and location may be approved by the city engineer based on the location of existing or proposed driveways on the opposite side of streets and the location of existing or proposed street improvements, such as medians and turn lanes. Acceptable deviations must adhere to AASHTO standards, generally accepted traffic engineering practices, and the recommendations of an approved TIA.
 - d. For legally nonconforming lots, the driveway spacing and proximity requirements of this subsection may be administratively waived to allow the construction of a driveway to every lot

after determining that shared access is not possible and that the driveway will be the greatest distance practical from the arterial street or highway, and any adjoining driveway.

6. *Driveway spacing and proximity to major collector streets.*
 - a. Driveway spacing on the same side of a major collector street shall be a minimum of 150 feet between driveways, measured from the centerlines of driveways.
 - b. Driveways shall not be located closer than 75 feet from a street intersection, measured from the edge of pavement of the driveway to the right-of-way.
 - c. Deviations from the strict driveway spacing and location may be approved by the city engineer as set out in subsection 5.c, above.
 - d. For legally nonconforming lots, the driveway spacing and proximity requirements of this subsection may be administratively waived as set out in subsection 5.d above.
 - e. Driveway access to residential lots shall be limited to the greatest extent practical.
7. *Driveway spacing and proximity to minor collector streets.*
 - a. Driveway spacing on the same side of a minor collector street for non-residential uses shall be a minimum of 100 feet between driveways, measured from the centerlines of driveways.
 - b. Driveways for non-residential and apartments shall be a minimum of 50 feet from a street intersection, measured from the edge of pavement of the driveway to the right-of-way.
 - c. For legally nonconforming lots, the driveway spacing and proximity requirements of this subsection may be administratively as set out in subsection 5.d above.
 - d. Driveway access to residential lots from minor collectors is permitted, but shall be limited to the greatest extent practical.
8. *Driveway proximity to local streets.*
 - a. There is no minimum distance separation between driveways, but driveways on corner lots abutting a local street shall be as far from the intersection as practical.
 - b. For corner lots where a local street intersects an arterial or any type of collector street, access to the lot shall be provided from the local street.
9. *Driveway radius.*
 - a. Driveway approaches shall be constructed with either flared side slopes or with return curbs with a rolled face disappearing at the sidewalks and joining the street curb with a radius. Flared side slopes shall be used whenever a curb return may present an architectural barrier within a pedestrian path.
 - b. Driveway flares shall not extend across any property line except for a shared driveway.
 - c. The radius shall continue beyond the sidewalk to the end of the required dimension.
10. *Existing sidewalks, curb and gutter, and ramps.* When a driveway crosses an existing curb and gutter or sidewalk, the driveway will be designed in accordance with the ACM and shall be jointed per the ACM and TAS regulations.
11. *Visibility requirements.* A triangle formed by the intersection of curb lines and a line connecting street legs 25 feet from intersections, as shown in Figure 23-12.1, Sight Distance Triangle Requirements, shall have clear visibility between two feet and eight feet of the road surface. The same standard shall apply to driveway legs.

**Figure 23-12.1
Sight Distance Triangle Requirements**



(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-14. Sidewalks and accessibility.

A. Sidewalks.

1. Required.

- a. Sidewalks shall be required in all locations that adjoin public and private streets on both sides of streets as part of the development.
- b. For an existing development that does not have sidewalks along adjoining public streets and is proposed to be expanded, sidewalks shall be required for the entire length of the property along the street.. The city council may consider a variance when there are significant engineering constraints that result in practical difficulties from locating or extending a sidewalk or when a sidewalk should not be extended for other practical considerations.

2. Construction standards.

- a. The construction specification of sidewalks shall conform to specifications for sidewalks and all accessibility standards outlined in the City's Code of Ordinances.
- b. Residential sidewalks shall have a minimum width of five feet and shall be setback two feet from the back of the curb.
- c. Sidewalks for non-residential uses shall have a minimum width of six feet.
- d. If a required sidewalk will connect to a substandard sidewalk, the city engineer may allow the tapering of the required sidewalk to provide a seamless connection.

3. Sidewalk obstructions.

- a. When existing or required development improvements, such as a fire hydrant or a group mailbox, are in path of a sidewalk, the sidewalk shall be offset around the obstacle at its full required width.
- b. If the right-of-way is insufficient to off-set the sidewalk around an obstruction, the city engineer may approve an alternative solution, in the form of requiring additional right-of-way or dedication of a "pedestrian or sidewalk easement".

- c. In avoiding an obstruction, the sidewalk shall comply with all TAS requirements.
 4. *Corner lots.* Where sidewalks are required on corner lots, they shall be installed along both frontages and extended to the curb with handicapped access ramps in accordance with the City's Code of Ordinances and all TAS requirements.
 5. *Timing of construction.* Sidewalks shall be constructed as set out below:
 - a. Sidewalks shall be installed concurrent with the construction of the adjoining street or concurrent with site development along existing streets.
 - b. Where a sidewalk will adjoin a common area or a designated open space, the sidewalk will be constructed concurrent with the adjoining street.
 - c. All public sidewalks proposed to be dedicated to the city shall obtain TDLR certification of compliance with Texas Accessibility Standards prior to city acceptance.
 6. *Waivers, deferrals, and variances from sidewalk installation.*
 - a. During platting, the city engineer may recommend that the installation of certain sidewalk sections be deferred to a future date when a unique condition exists that may preclude the immediate construction of a sidewalk.
 - b. If the city council accepts the city engineer's recommendation, council may stipulate conditions and the timing when sidewalks must be completed and may require that the subdivider enter into an agreement guaranteeing the installation of sidewalks as each residential lot is constructed and may preclude additional platting or public improvement acceptance until sidewalks required in earlier phases of a project are installed.
 - c. During platting, the city engineer may recommend that the sidewalk requirement be waived, or reduced, where it is not practical due to specific circumstances, such as soil suitability, or the extension of a sidewalk into, or beyond, a floodplain, bayou, or ditch or that pose a significant safety risk that cannot be mitigated.
 - d. Concurrent with the site plan process, the city council, after receiving a recommendation from the planning and zoning commission, may approve a variance from the sidewalk requirements when engineering constraints or local conditions result in practical difficulties in the construction or extension of a sidewalk.
- B. *Curb ramps.*
1. Curb ramps are required at all street intersections at the time of construction or reconstruction per all ADA/TAS requirements and the City's Code of Ordinances.
 2. ADA/TAS compliant curb ramp providing access to sidewalks, parking spaces shall be provided, including access to common open space and any required public improvements, such as parks, greenways, and recreation areas, where public access is permitted.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

DIVISION 3. GENERAL ENVIRONMENTAL STANDARDS

Sec. 23-60. Tree protection.

- A. *Authority.* Based on the authority of TLGC Ch. 212, the requirements of this section shall apply to all plats and site plans proposing new development in the corporate limits of the city and the ETJ.
- B. *Purpose and intent.* The purpose of this section is to require subdividers and developers identify and document the location of protected trees on properties where development for the following purposes:
- Promote responsible design decisions that will preserve as many protected trees as possible;
 - Prohibit the indiscriminate clearing of property;
 - Preserve protected trees during construction;
 - Protect and increase the value of properties by preserving those trees that help to define the character of the city and region;
 - Maintain a positive image of the city as a place to live and locate a business;
 - Protect the natural ecological environmental and aesthetic qualities of the city; and
 - Provide shade to provide relief from the heat by reducing the ambient temperature.
- C.
1. *Type of trees and Mitigation Requirement.* The following type of trees are considered as protected trees:
 - Standard Tree - A Standard Tree is defined as a tree that belongs to the Significant tree species listed in Section 23-60. D, with minimum TCD (total caliper diameter) of eight (8) inches and a maximum TCD of 11.9 inches.
 - Significant Tree - A Significant Tree is defined as a tree that belongs to the protected tree species listed in Section 23-60. D, with minimum TCD (total caliper diameter) of 12 inches and a maximum TCD of 23.9 inches.
 - Heritage Tree - A Heritage Tree is defined as a tree that belongs to the Significant tree species listed in Section 23-60. D, with minimum TCD (total caliper diameter) of 24 inches and a maximum TCD of 47.9 inches.Trees listed in Section 23-60. D, with a TCD of 48 inches, or larger shall not be removed.
- D. *Removal and Mitigation Criteria*
1. *Replacement Criteria.*

Developers of land are encouraged to preserve protected trees whenever possible. An applicant may remove Standard, Significant, and Heritage Trees if approved mitigation is provided.

The mitigation required shall be required at the following ratios:

- Standard Trees- 1:1 ratio for TCD (total caliper diameter) inches to be removed
- Significant Trees - 1.5:1 ratio for TCD (total caliper diameter) inches to be removed
- Heritage Trees - 3:1 ratio for TCD (total caliper diameter) inches to be removed

2. *Tree Mitigation Plan.*

Any Protected Trees are planned for removal and trees slated to meet the mitigation requirement, must be identified and clearly marked on the Tree Mitigation Plan.

3. *Removal and Mitigation of Standard and Significant Trees.*

- a. The applicant may plant smaller trees to replace protected Trees, provided that no tree smaller than TCD 2.5 inches is planted. In cases where soil, slope, lot size, or other natural constraints make replacing the required number of TCD inches unfeasible, the City Manager (or his designee), may, at their sole discretion, allow some or all of the mitigation to take place on a separate, public site within the City, or on lands owned by an association that operates and maintains trails, open space, or parkland within the City and that are usable by residents of the general area where the applicant's land is located. In addition, the City Manager (or designee) may allow mitigation by payment of fee for some or all of the Standard and Significant Trees to be moved, if the City's fee schedule includes a provision for Fee In Lieu of Replacement Trees. Unless otherwise specified in the fee schedule, the fees for Standard and Significant mitigation shall be the same.
- b. Replacement trees shall not include more than 50% of the same species.

4. *Removal and Mitigation of Heritage Trees.*

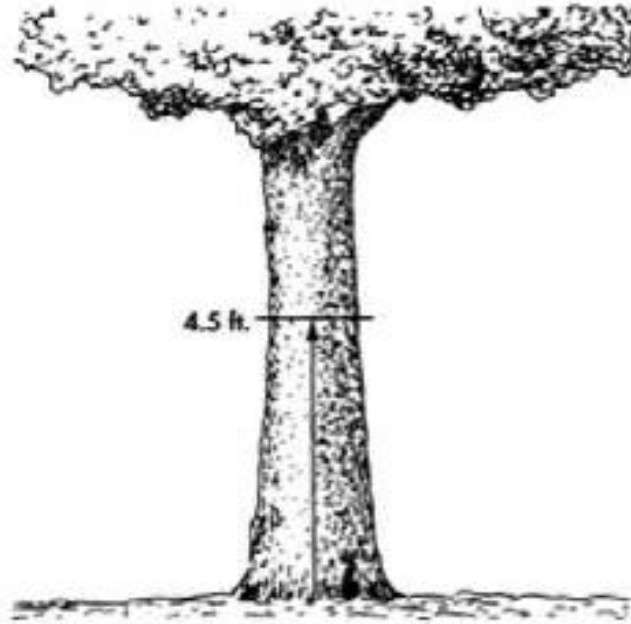
- a. Heritage Trees may not be removed during construction, except under certain specific circumstances:
 - i. If the tree is sick or diseased and meets the criteria laid out in Section 23-60.E; or
 - ii. If the tree is within the footprint as described in Section 23-60.E; or
 - iii. if the removal is approved by the City Council after consideration by the P&Z, with a formal recommendation from the P&Z to the City Council
- b. If any Heritage Trees are planned for removal, they must be identified and clearly marked on the Heritage Tree Plan. The Heritage Plan must also identify any Heritage Trees that are likely to be endangered by construction activity which might sever or compress the root zone, or otherwise threaten the health and life of the tree, as determined by a reasonable person. The City Council may grant removals under Section 7.8(7)c.i-3 (above) at its sole discretion. In considering whether to allow the removal of Heritage Trees, the City Council shall consider whether removal is absolutely necessary to allow the applicant to meet reasonable, investment-backed expectations for use of the property, and whether such use can be accomplished while preserving Heritage Trees.
- c. If any Heritage Tree removals are granted, the applicant shall meet all the mitigation and replacement conditions outlined in 7.8(6)a. (above), except that any decisions delegated to the City Manager in that paragraph shall be made by the City Council.
- d. Replacement trees shall not include more than 50% of the same species.

- e. The applicant may plant smaller trees to replace Heritage Trees, provided that no tree smaller than TCD 2.5 inches is planted.
- E. *Protected tree species classified.* The following tree species, if present on a property, shall be preserved as specified in this section, to mitigate the loss of any such trees:
- Shumard Red Oak - *Quercus shumardii*;
 - Burr Oak - *Quercus macrocarpa*;
 - Chinquapin Oak - *Quercus muehlenbergii*;
 - Post Oak - *Quercus stellata*;
 - Water Oak - *Quercus nigra*;
 - Willow Oak - *Quercus phellos*;
 - Bald Cypress - *Taxodium distichum*;
 - Tulip Tree (Yellow Poplar) - *Liriodendron tulipifera*;
 - American Elm - *Ulmus americana*;
 - Redbud - *Cercis canadensis*;
 - Dogwood - *Cornus florida*.
 - Trees listed in the large tree section of "Recommended Ornamental Plants for Southeast Texas Including Houston and Beaumont", by the Texas A&M Agri-Life Extension Service, with the exception of Hackberry and Arizona ash trees.
- F. *Exceptions.* The requirements of this section shall not be applicable when:
1. Plans or plats were approved prior to the adoption of the LDC;
 2. Property is zoned or used for agricultural purposes, which includes the harvesting of timber;
 3. For existing trees less than total caliper diameter ("TCD") of 10 inches, as per LGC Sec.212.905, on homestead properties containing single or two family dwelling.
 4. Damaged or diseased trees that are beyond the point of recovery, in danger of falling, or endangering public health, welfare, property, or safety, as determined by a certified arborist;
 5. Trees damaged from an act of nature that interrupts utility service. Removal shall be limited, if possible, to the portion of the tree reasonably necessary to re-establish utility service;
 6. Easements. Trees located within any public utility easement; and
 7. Existing protected trees proposed to be removed due to current and/or potential damage to a structure located within ten feet (10') of the structure's footprint.
- G. *Deferral.* The planning and zoning commission may, may:
1. Consider a request to remove a protected tree that would otherwise require mitigation under this section, when the literal enforcement of this requirement would result in the creation of an unnecessary hardship on impractical application of the plan considering the physical characteristics of the lot or parcel of land in question; and
 2. Consider a waiver or a deviation from any other development requirements in order to preserve a protected tree.

H. *Tree trunk measurement.* When documenting existing protected trees for mitigation purposes, the following criteria shall be applied:

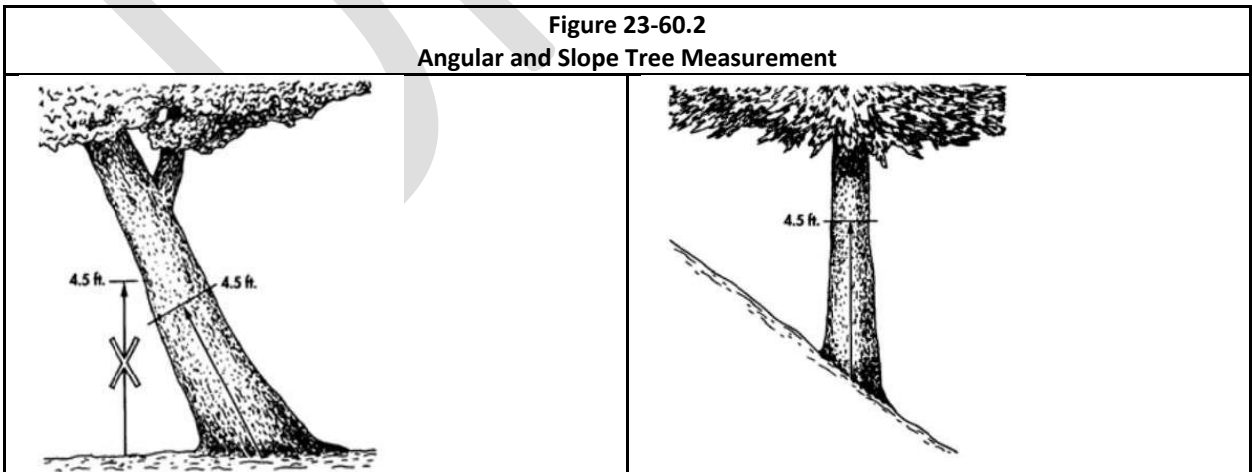
1. *Straight trunk:* Trees with fairly straight, upright trunks shall be measured 4.5 feet above the ground, as shown below:

Figure 23-60.1
Straight Tree Trunk Measurement



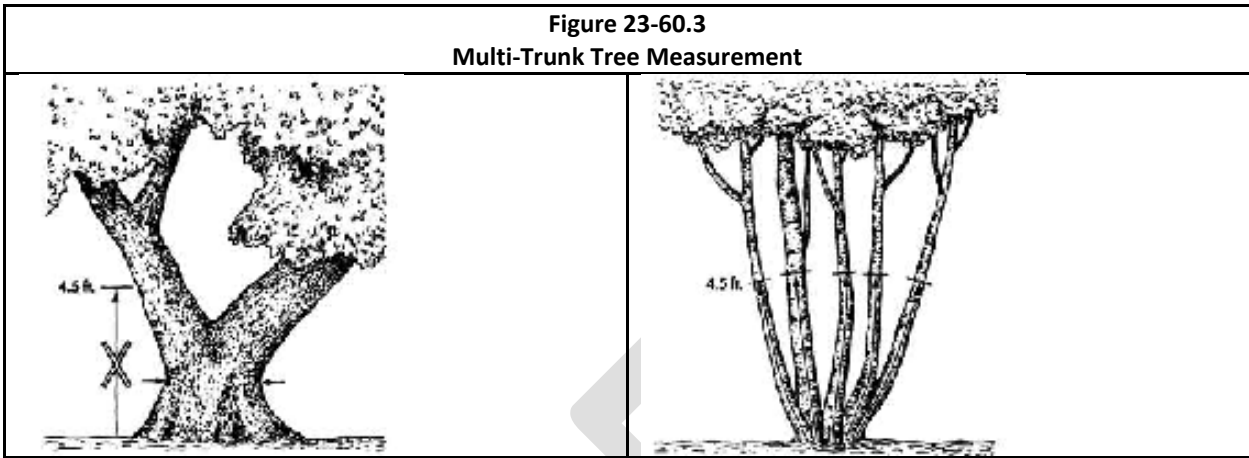
2. *Trunk on an angle or slope:* The trunk is measured at a right angle to the trunk 4.5 feet along the center of the trunk axis, so the height is the average of the shortest and the longest sides of the trunk, as shown below:

Figure 23-60.2
Angular and Slope Tree Measurement



3. *Multi-trunk trees.* To determine the diameter of a multi-trunk tree, measure each tree trunk larger than one inch. Determine the diameter of the largest tree trunk. The diameter of the multi-trunk tree is

then computed as the diameter of the largest tree trunk plus one-half of the composite diameters of each smaller tree trunk greater than one inch. A multi-trunked tree is differentiated from individual trees growing from a common root stock if there is a visible connection between the trunks above ground.

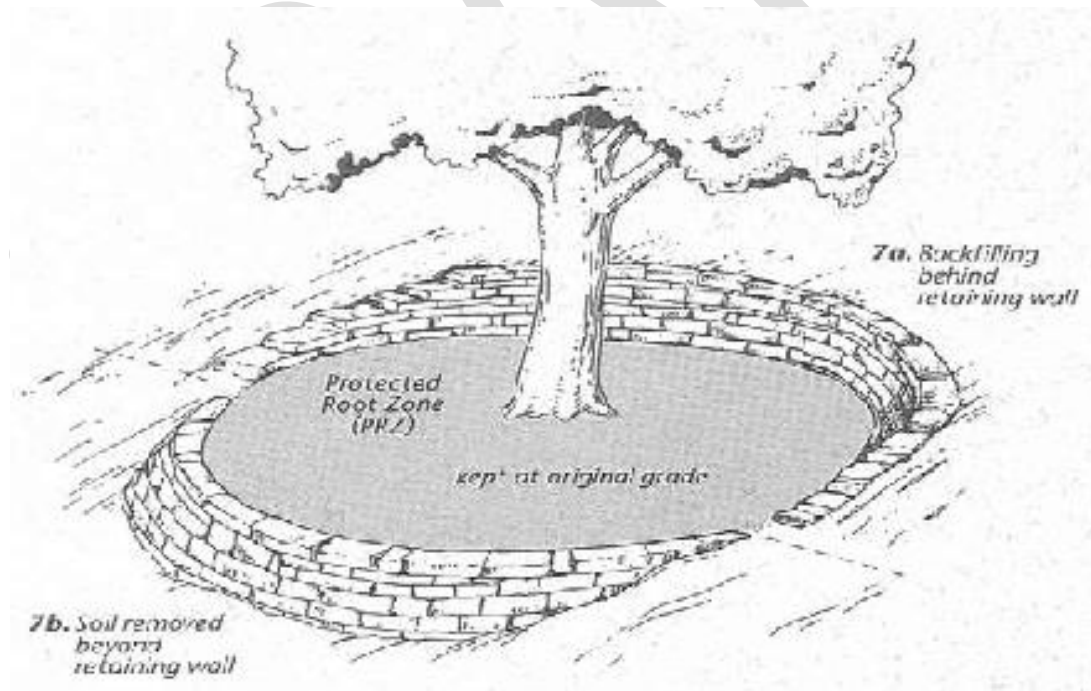


I. *Replacement and protection of protected trees.*

1. Developers and subdividers shall submit a tree preservation plan with plats and site plans that identifies the name, location, DBH at 4.5 feet above the natural grade of protected trees, and any significant tree species that will be preserved for credits against lost protected trees.
2. The developer or subdivider must identify the protected trees to be preserved or removed, and which existing significant tree species will be retained for credit for removed protected trees.
3. When a protected tree is proposed to be removed, the City Council may up on recommendation by Planning and Zoning Commission relax any development requirement to preserve the tree, upon staff recommendation. Relaxed design solutions may only be approved the commission upon finding that the preservation of the tree is in the public interest and that the relaxed standard would not result in any health or safety issues.
4. In lieu of planting young trees to mitigate lost heritage trees, the applicant may also propose to preserve existing mature healthy trees not listed in protected tree species classified list, but that are listed in the large tree section of "Recommended Ornamental Plants for Southeast Texas Including Houston and Beaumont", by the Texas A&M Agri-Life Extension Service, with the exception of hackberry and Arizona ash trees.
5. For site plans, the aggregate caliper for replacement trees shall be in addition to the normal landscaping requirements of the zoning ordinance.
6. For residential subdivisions, the aggregate caliper of replacement trees shall be in addition to the normal requirement of this ordinance, which is two trees per residential lot. The locations of where replacement trees will be planted shall be identified in a tree replacement plan filed with the preliminary plat, final plat or site plan, with trees identified as an existing protected/significant tee species.
7. No person, directly or indirectly, shall cut down, destroy, remove or move, or effectively destroy through damaging, any protected tree located on property regulated by this section unless such removal is expressly "excepted" by this section.

8. When using a retaining wall where the natural grade must be raised or lowered, the tree well shall be designed in accordance with the design concepts depicted in Figure 23-60.4, Retaining Wall and Tree RPZ Protection.
- J. *Tree preservation plan required.* When protected trees are located on a property for which development is proposed, which shall include site clearing, grubbing, earth movement, or the removal of any vegetation, a tree preservation plan shall be submitted that demonstrates compliance with the all of the requirements set out in this section.
- K. *Tree protection and planting.*
1. Tree protection will be installed before any site work is initiated and maintained for the duration of the construction work. Tree protection will consist of the following:
 - a. It will consist of fencing (orange mesh or chain link) placed around the RPZ.
 - b. No vehicles or construction materials/debris will be allowed in the RPZ.
 - c. No equipment shall be cleaned or other liquids deposited within the limits of the dripline of any protected tree. This includes, but is not limited to, paint, oil, solvents, asphalt, concrete, mortar, or other materials;
 - d. No signs, wires, or other attachments, other than those of a protective nature, which have been approved in the tree disposition plan, shall be attached to any protected tree;
 - e. Trespassing or throwing trash into a protective fence area is prohibited.

Figure 23-60.4
Retaining Walls and Tree RPZ Protection



- f. Any damage done to tree crowns or roots will be repaired immediately and any wounds on live oaks will be painted with pruning paint within 60 minutes to prevent oak wilt.

- g. Wells or retaining walls around the RPZ will be used if proposed finished grades will raise or lower the natural RPZ grade by more than six inches.
 - h. The finished RPZ will be pervious.
 - i. Utility and flatwork per the original builder's plan are exempt for up to 45 percent of the RPZ.
2. New single-family residential lots shall have two trees per lot. These trees may be:
- a. A tree on the protected tree species list in Section 23-60. D; or
 - b. A tree listed in the "Recommended Ornamental Plants for Southeast Texas Including Houston and Beaumont", by the Texas A&M Agri-Life Extension Service, with the exception of hackberry and Arizona ash trees, provided that the tree, when mature, will have an average crown greater than 15 feet in diameter, have a three-inch DBH and height of ten feet at the time of planting;
 - c. If an existing protected trees species that was preserved to comply with this section is located on a residential building lot, it shall be designated on the plat, or another suitable document, to ensure that it is properly protected during construction and is not removed by the property owner, unless an exception listed in the section becomes applicable.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-75. Administrative permits and procedures.

- A. *Generally.* Administrative permits are those that are issued by the designated city staff without the requirement for a public meeting or hearing.
- B. *Administrative permits and procedures established.* Applications requiring administrative approval are set out in Table 23.75, Administrative Permits and Procedures, below.
- C. *Administrative rules authorized.* The city may establish administrative rules that stipulate administrative policies and guidelines, create filing schedules and deadlines and similar information to administer the LDC. The administrative rules may be amended, as necessary.

Table 23.75 Administrative Permits and Procedures				
Process	Purpose	Timing	Exceptions	Issued By
Administrative Plats	Minor Plats Amending Plats Development Plats	Prior to sale or construction	All other plats	City Manager or Designated City staff
Site Plans	Determine Code Compliance	Prior to permit issuance	None	City Manager or Designated City staff
Extensions	Extend the life of an approval	Prior to expiration	As specified in the LDC	City Manager or Designated City staff
Sketch Plans	Determine LDC Compliance	Prior to plan submittal	Optional	City Manager or Designated City staff
Permits, Certificates and Licenses	Authorization to build or to operate	Prior to construction or development	None	Building Official
Appeals	Challenge an administrative decision	Within 30 days of an administrative decision	Denied appeals can be appealed to City Council	City Manager or Designated City staff

Table 23.75 Administrative Permits and Procedures				
Process	Purpose	Timing	Exceptions	Issued By
Interpretations	LDC interpretations	Within 14 days of receipt of a complete application	None	City Manager or Designated City staff
Floodplain Development Permit	Development in a regulatory floodplain	Prior to beginning improvements in a floodplain	None	Floodplain Administrator
Construction of Public Improvements	Prior to site work	After approval of construction plans	None	City Manager or Designated City staff
Development Permit	Prior to site work	One week prior to the beginning site work	None	Building Official

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-76. Approvals and permits requiring public meetings.

- A. *Generally.* Applications requiring a public hearing or meetings are summarized in Table 23.76, Public Meetings: Permits and Procedures, below.
- B. *Public meetings and public hearings decisions.*
 - 1. A public hearing determination is issued by either the planning and zoning commission or city council during a public meeting.
 - 2. The planning and zoning commission, during a public meeting or public hearing, shall make a recommendation of approval, conditional approval, or denial to the city council, continue the application, or approve or deny those applications where it has final decision power.
 - 3. The city council, after concluding testimony, discussion, and deliberations, closing a public hearing, will approve, conditionally approve, continue, or deny the application.

Table 23.76 Public Meetings: Permits and Procedures				
Process	Purpose	Timing	Exceptions	Issued By
Public Improvement Acceptance	Public improvement acceptance	Prior to Final Plat recordation and building permit issuance	None	City Council
Appeals	Appeals from a staff determination	Within 30 days of the action being appealed	Administrative Appeals	City Council
Preliminary Plat	All major plats	Prior to Final Plat	Minor Plats	Council, upon Planning &

Table 23.76 Public Meetings: Permits and Procedures				
Process	Purpose	Timing	Exceptions	Issued By
				Commission recommendation
Final Plat	All major plats and any related platting variances	Prior to recordation and starting development	Minor Plats and Stale Plats	Council, upon Commission recommendation
Replat	Make changes to recorded plats	Prior to recordation and starting development	As per TXLGC XXXXX	Council, upon Commission recommendation
Vacation/Dedication of Easements	Easement dedicated or vacation	Prior to easement abandonment or conveyance	None	Council, upon Commission recommendation, if by plat, or by ordinance by Council
Floodplain Hazard Variance	Floodplain variances	Prior to permit issuance	Only pertains to Article V, Divisions 1 and 2	Council, upon City staff recommendation
LDC Variance	Variance from an LDC requirement	Prior to permit issuance	Flood Hazard Variances	Council, upon Commission recommendation
Text Amendment	Amendments to LDC text	Prior to amending the LDC	None	Council, upon Commission recommendation
Special Agreements	As set out in Article III, Division 3	Prior, or concurrent with, platting	None	City Council
Interpretations	Application of an LDC requirement	Prior to final action on a request	Designated City staff Interpretations	City Council
Site Plan Referral	Plans referred by the Designated City staff	Prior to site plan approval	Site plans approved by the Designated City staff	Planning and Zoning Commission
Concept Plan, Master Plan, or Land Study	"Conceptual" Project Direction and Approval	Prior to filing a plat or another development application	Voluntary for smaller projects, encouraged for large projects	Council, upon Commission recommendation
Vested Rights Petition	Expired Development Approval	Upon expiration of any Development Approval	None	City Council

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

DIVISION 3. PLATS AND PROCEDURES

Sec. 23-87. General procedures

- A. *Generally.* Subdivision-related procedures are necessary to establish how individual lots or projects may be developed. Subdivision and property development related activities and projects must be in compliance with this Code. Plats are classified under two types – Administrative Plats and Non-Administrative plats.
- B. *Administrative plats.*
1. **Amending Plat.** A plat that involves minor changes to a recorded plat. An amending plat will be filed in accordance with the procedures and requirements set forth in the TLGC §212.045. The City Manager or designee may approve and issue an amending plat, which may be recorded and control over the preceding plat without vacation of that plat and without notice and hearing.
 2. **Minor Plat.** A subdivision involving four (4) or fewer lots fronting on an existing street and not requiring the extension of municipal facilities;
 3. **Development Plat.** Required for any person proposing the development of previously unsubdivided or unplatted land that is not being divided into separate parcels, or land that was exempted from platting by TXLGC; and
- C. *Non-administrative plats.*
1. **Preliminary Plat.** A map or drawing of a proposed subdivision plan that, upon approval, establishes the approved layout. This approval includes the location and width of proposed streets, lots, blocks, floodplains, easements (utility, drainage, franchise utility, etc.), amenities, and other features required to ensure compliance with the requirements of this Code. . A Preliminary Plat approval is required prior to Final Plat approval, except under certain conditions described herein in **Section xxx**.
 2. **Final Plat.** A subdivision map or drawing intended for recordation in the plat records of the county in which the subdivision is located. A Final Plat requires approval of Preliminary Plat, construction plans for streets and infrastructure, , and other items from the Preliminary Plat in accordance with this Code.
 3. **Re-plat.** A new plat that changes the restrictions of a previously adopted Final Plat or results in a change in lot sizing that would affect water well or on-site sewage facility regulations, or that would affect compatibility with the City’s zoning code or Future Land Use Map.
- D. *Other Plat Related Approvals.*
1. **Concept Plan.** A map or plat designed to illustrate the general design features and street layout of a proposed subdivision development and platted in sections. A Concept Plan will be valid for one (1) year and will expire if a plat or a permit has not been approved or issued within the one (1) year time period. Subsequent approvals will automatically extend the approval of the Concept Plan for one (1) year following the last approval. (Refer to Table 3.2).
 2. **Construction Plans.** The maps, drawings, and specifications indicating the proposed location and design of improvements to be installed in a subdivision/Site Plan.

E. General Requirements

1. **Applicability.** Minor Plats, Amending Plats, and Development Plats may be approved by the City Manager (or designee) following an evaluation for plan compliance and technical compliance with this Code.
 - a. **Minor Plat.** A Minor Plat is any plat involving four (4) or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities.
 - b. **Amending Plat.** A plat that complies with LGC §212.016, as amended, which is generally submitted to correct errors and omissions, or make minor changes if the amending plat is signed by the applicants only and is solely for one or more of the following purposes:
 - i. Correct an error in a course or distance shown on the preceding plat;
 - ii. Add a course or distance that was omitted on the preceding plat;
 - iii. Correct an error in a real property description shown on the preceding plat;
 - iv. Indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
 - v. Show the location or character of a monument which has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
 - vi. Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
 - vii. Correct an error in courses and distances of lot lines between two (2) adjacent lots if:
 - Both lot owners join in the application for amending the plat;
 - Neither lot is abolished;
 - The amendment does not attempt to remove recorded covenants or restrictions; and
 - The amendment does not have a materially adverse effect on the property rights of the other owners in the subdivision;
 - viii. Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
 - ix. Relocate one or more lot lines between one or more adjacent lots if:
 - The owners of all those lots join in the application for amending the plat;
 - The amendment does not attempt to remove recorded covenants or restrictions; and
 - The amendment does not increase the number of lots;
 - The amendment does not render any resulting lot substandard for a required well, on-site sewage facility, or below minimum lot size requirements in existing deed restrictions on in the City's Future Land Use Map; or
 - x. 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:
 - The changes do not affect applicable zoning and other regulations of the municipality, including water and on-site sewage facility regulations;
 - The changes do not attempt to amend or remove any covenants or restrictions; and

- The area covered by the changes is located in an area that the Commission or City Council has approved, after a public hearing, as a residential improvement area; or
- xi. Replat one or more lots fronting on an existing street if:
- The owners of all those lots join in the application for amending the plat;
 - The amendment does not attempt to remove recorded covenants or restrictions;
 - The amendment does not increase the number of lots; and
 - The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities, or require a variance for water well lot sizing and setbacks or on-site sewage facility regulations.
- c. Development Plat:
- i. Development Plats are required for previously unsubdivided or unplatted land that is not being divided into separate parcels, as described in LGC §212.045.
 - ii. Any person who proposes the development of a tract of land within the City limits or the extraterritorial jurisdiction of the City must have a Development Plat of the tract prepared in accordance with this Section.
 - iii. No development will begin, nor any building permit, utility connection permit, or similar permit be issued until a development plat has been reviewed and approved.
 - iv. When an applicant is required to file a Preliminary Plat or Final Subdivision Plat by other requirements of this Section, a Development Plat is not required.
- d. City Manager Endorsement. It will be unlawful to offer and cause to be filed any plan, plat, or replat of land within the City limits or ETJ of City of record with the appropriate County Clerk unless the plan, plat or replat bears the endorsement and approval of the City Manager (or designee).
- e. Approval Criteria (Administrative Plat). All subdivisions and plats of land will be reviewed using the criteria in this Code. Infrastructure construction plans must be filed and be consistent with Chapter 8 Environmental Protection, if needed. Subdivisions, plats and construction plans must be reviewed and approved before any final action may be taken by the City Manager (or designee) or the developer. All plats shall be signed by all affected property owners prior to approval.
- f. Responsibility for Final Action. The City Manager (or designee) is responsible for final action on Administrative Plat Reviews. If the City Manager (or designee) determines the Administrative Plat does not meet the approval criteria, the City Manager shall forward the application to the to the Planning and Zoning Commission for its review and for its recommendation to City Council, which will take final action. The City Council, upon recommendation by Planning and Zoning Commission is responsible for final action on Administrative Plat Reviews.
- g. Action Following Plat Approval. After approval of an Administrative Plat, the Developer will notify the City Engineer within ten (10) days which of the following construction procedure(s) the Developer proposes to follow:
- i. The Developer may file a Construction Plan, and upon approval of the Construction Plan by the City Manager (or designee), proceed with construction of streets, alleys, sidewalks, and utilities that the Developer is required to install. The City will inspect the work as it progresses, and upon completion and final acceptance by the City, and upon written request of the Developer, the approved plat may be filed of record with the appropriate County Clerk; or
 - ii. The Developer may elect to post fiscal surety and assurance of construction, if required, as provided in Chapter xxxx, in which case the surety of assurance will be filed with the City,

together with a request that the plat be filed for record. In this case, the plat will be filed with the appropriate County Clerk. The City will inspect the construction work as it progresses and will make the final inspection to assure compliance with City requirements; and upon completion of construction, the Developer will deliver to the City a two (2) year guarantee of workmanship and materials as provided in **Chapter xxxx.**

- iii. The City Engineer shall issue letter accepting documents, providing the requisite authority for the Subdivider to proceed with the construction of streets and utilities.
 - h. Recordation. After the City Manager (or designee) or City Council has approved the plat, the City Engineer has approved the Construction Plan and the Subdivider has either posted fiscal surety and assurance of construction (see **Chapter xxxx**) or completed required provision of infrastructure and public improvements, the plat will be recorded in the Office of the appropriate County Clerk. The Developer will pay the record filing fee as provided for in the City's fee schedule..
 - i. Submittal requirements. All administrative plats shall require the submittal requirements as set out in section 23-A.1., Submittal requirements checklists.
- F. *Administrative plat review procedures.*
- 1. All administrative plats set out above, or that are provided for in TLGC Ch. 212, are subject to designated City staff review and approval.
 - 2. The designated City staff shall:
 - a. Determine if the proposed plat complies with the criteria of this section;
 - b. Confirm that:
 - i. The administrative plat, if approved, will control over the preceding recorded final plat without the vacation of that plat; and
 - ii. That the administrative plat is signed by all affected property owners.
- G. *Approval by the city manager.* Upon the completion of review by the designated City staff, the plat is referred to the city manager. The city manager shall:
- 1. Approve the administrative plat if all requirements of the LDC are satisfied; or
 - 2. Refer the plat to the commission and city council, as set out in section **xxxx**, Final plats, if all requirements for administrative plat approval are not satisfied and the plat is not approved administratively.
- H. *Subdivisions outside the corporate limits of the city.* The City of Angleton has final authority on development plats in the ETJ.
- I. *Action following approval.*
- 1. *Certification of approval and surveyor certification.* City manager approval of the administrative plat shall be evidenced by the execution of a certificate of approval and a P.E. or R.P.L.S. seal on the plat, as set out in section 23-A-2, Standardized city forms and certification language.
 - 2. *Recordation of plat.* The plat shall be recorded in the plat records of Brazoria County, with all recording fees and any other applicable fees paid by the owner/applicant.
 - 3. *Expiration.* If for any reason the plat has not been recorded within six months of approval, the approving actions shall be deemed void.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-88. Non- Administrative plats.

A. *Non-administrative plats include the following*

1. Preliminary plat;
2. Final plat; and
3. Replat plat.
 - a. Applicability. Preliminary plat, Final plat, and Replat plat Plats require approval by the City Council, upon a recommendation from the Planning and Zoning Commission, following an evaluation for plan compliance and technical compliance with this Code. Except for certain types of replats, as per TXLGC XXXX, a public hearing is not required for approval of these plats.

See **Sections xxxx**, for additional details on non-administrative plats.

Table XX Review Authority and Expiration of Plats

Type of Plat	Applicability	Approving Body/Official	Expiration
Minor Plat	Creation of four (4) or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities.	Designated City Staff (Administrative)	Must be filed with the county clerk within 12 months following the date of approval
Amending Plat	A plat that complies with LGC §212.016 and generally submitted to correct errors and omissions or make minor changes.	Designated City Staff (Administrative)	Must be filed with the county clerk within 12 months following the date of approval
Development Plat	Required for previously unsubdivided or unplatted land that is not being divided into separate parcels, as described in LGC §212.045.	Designated City Staff (Administrative)	Must be filed with the county clerk within 12 months following the date of approval
Preliminary Plat	Required for land being divided into separate parcels, plats with five or more lots, and any plats that require public improvements that will be dedicated to the City.	City Council	Must submit a Final Plat within 6 12 months following the date of approval
Final Plat	<ul style="list-style-type: none"> • Required for land being divided into separate parcels, plats with five or more lots, and any plats that require public improvements that will be dedicated to the City. • Required to ensure that a final recorded plat conforms to the Preliminary Plat as approved by the City Council and to the Construction Plans as approved by the Mayor or designee. 	City Council	Must be filed with the county clerk within 12 months following the date of approval

Type of Plat	Applicability	Approving Body/Official	Expiration
Replat	To replat a subdivision or part of a subdivision without vacation of the original plat. Applies to certain type of replats as per TXLGC XXX	City Council	Must be filed with the county clerk within 12 months following the date of approval
Extension of All Plat Approvals	To extend expiration date of a plat approval and extend the recordation time.	Approving body	If no development has occurred within 12 months following the date of approval, the expiration date may be extended by an additional 12 months

Sec. 23-89. Preliminary plats.

- A. *Pre-application conference.* The applicant or their duly authorized agent, is required to schedule a pre-application conference, as set out in section 23-77, Pre-application conference.
- B. *Preliminary plat and plat submittal contents.* Preliminary plats shall include all relevant information set out in appendix A, subappendix 2, for preliminary plats and any other submittal checklists that are applicable.
- C. *Application review process.*
 - 1. *Complete application required.* The submittal will be considered filed when all requirements set out in section 23-79, Complete applications required are provided. The date in which the application is determined to be "complete" is the official filing date.
 - 2. *Thirty-day filing deadline.* Applications shall be acted on within 30 days after the plat filing date, as set out in section 23-80, Application review.
 - 3. *Incomplete applications.* If an applicant chooses to proceed to the commission and council with an incomplete application, as set out in subsection 23-79.B.
 - 4. *Written report.*
 - a. The recommendations from each referral agency, official, and department shall be provided to the applicant; and
 - b. A written report from the designated City staff, distributed to the commission and council, will provide a staff recommendation.
- D. *Planning and zoning commission action.*
 - 1. *Review criteria.* The commission shall utilize the following criteria:
 - a. Consistency with any approved concept plan, master plan, or land study, as set out in section 23-104, Concept plans, master plans, and land studies.
 - b. Physical arrangement of the subdivision;
 - c. Adequacy of street rights-of-way, alignment, and connectivity;
 - d. Compliance with the LDC;
 - e. Compliance with the Angleton Future Thoroughfare Plan;
 - f. Compliance with and the master drainage plan and all other city plans; and
 - g. Adequacy of proposed utility services.

2. *Commission action.*
 - a. The commission will recommend approval, approval subject to conditions, or denial.
 - b. The commission shall adopt findings of fact for a recommendation to deny the plat.
- E. *City council action.*
 1. *Review criteria.* The city council shall follow all processes set out in subsection G, above.
 2. *Council action.*
 - a. The council will approve, approve subject to conditions, or deny the application.
 - b. The commission shall adopt findings of fact and rationale for any plat denial.
- F. *Subdivisions outside the corporate limits of the city.* Final action on all preliminary plats, regardless of the location of a plat in the ETJ, is the city council, following review and a recommendation by the planning and zoning commission.
- G. *Effect of preliminary plat approval.*
 1. Approval of a preliminary plat shall not constitute approval of the final plat.
 2. Approval of the preliminary plat should be deemed an expression of approval to the proposed layout submitted on the preliminary plat as a guide to the preparation of the final plat.
 3. The final plat shall be subject to fulfilling all requirements of this LDC, the master drainage plan.
- H. *Lapse of approval.*
 1. Preliminary plat approval shall be valid for 12 months from the date of council approval, during which time all general terms and conditions under which the preliminary plat was approved shall not be changed;
 2. The council approval of the preliminary plat shall be deemed void unless a final plat is submitted within the 12-month period, or unless the 12-month period is extended by the council for a term not to exceed 12 months at the request of the subdivider; and
 3. As a condition of granting an extension of the preliminary plat, the council may require the plat to comply with any new development requirements adopted after the plat was approved.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-90. Final plats.

- A. *General.* A final plat may not be recorded until a preliminary plat and final plat have been approved, as set out in section 23-94, Preliminary plat, and this section.
- B. *Final plat and plat submittal contents.* Final plats shall include all relevant information set out in appendix A, subappendix 2, for final plats and any other submittal checklists that are applicable.
- C. *Application review process.* A final plats shall be filed within 12 months of the approval of a preliminary plat, and shall be reviewed as set out in section 23-94, Preliminary plat, subsection C, Application review, and the additional requirements set out below:
 1. *Final plat conformance with the approved preliminary plat.* The final plat shall conform substantially to the approved preliminary plat and phasing plan and any conditions imposed.

2. *Approval of construction plans and construction of public improvements.* The final plat shall be filed for review and approval upon acceptance of all public improvements or after provision of surety as required. .
- D. *Plat action.* Action on the final plat will be taken by the planning and zoning commission and city council as set out in section 23-94, Preliminary plat, subsection G., Planning and zoning commission action, and subsection H., City council action.
- E. *Subdivisions outside corporate limits of the city.* Final action on all final plats, regardless of the location of a plat in the ETJ, is the city council, following review and a recommendation by the planning and zoning commission.
- F. *Actions following final plat approval.*
1. *Certification of approval.* City council approval shall authorize the planning and zoning commission chairman and mayor to execute the certificates of approval on the final plat.
 2. *Final plat modifications.* In no case shall additions, corrections, or modifications of any kind be made to the final plat administratively, other than signatures required after the final plat has been approved by the city council, except those set out in section 23-87. .
 3. *Recordation of plats.* The recordation of all subdivisions inside the corporate limits of the city and the ETJ shall then be filed and recorded in the plat records of Brazoria County after:
 - a. City Manager or designee has approved the Construction Plan.
 - b. The city council has officially acted upon the final plat with respect to public improvements, dedications and utilities, as set out in **article III, division 4**, Public Acceptance and Permitting;
 - c. The final plat has been fully certified and executed by all property owners comprising the plat and agencies with plat certification jurisdiction; and
 - d. All fees, including recording, application, staff review fees, fees in lieu of parkland dedication, if applicable, have been paid in full.
 - e. The Subdivider has either posted fiscal surety and assurance of construction (see **Chapter xxxx**) or completed required provision of infrastructure and public improvements.
- G. *Review in phases.*
1. An owner or subdivider may pursue final plat approval of a portion or a section of a development included in an approved preliminary plat, as set out in section 23-18, Development phasing;
 2. The final plat of each phase, shall carry the name of the entire subdivision and a unique phase number;
 3. Block numbers within the entire development shall run consecutively throughout the entire subdivision; and
 4. By completing a development in phases, the original preliminary plat shall not lapse or expire.
- H. *Lapse of approval.*
1. Final plat approval is valid for 12 months from the date of approval by the city council or Brazoria County, during which time all general terms and conditions under which the final plat was approved will not be changed;
 2. City council approval of the final plat shall be voided if a final plat is not recorded within the 12-month period, or unless the council approves an extension not to exceed six months at the request of the subdivider; and

3. The council, as a condition of granting an extension, may require the plat to comply with any new development requirements adopted after the plat was approved.
- I. *Standardized surveyor, planning and zoning commission, and city council certificate language.* Final plats shall include required certifications, as set out in section 23-A.2, Standardized city forms and certification language.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-91. Replats.

A. *Replats.*

1. A replat may be filed to initiate, a change to a previously recorded plat, without vacating an existing recorded plat, for any of the following purposes:
 - i. Correct an error in any course or distance shown on the prior recorded plat;
 - ii. Add any course or distance that was omitted on the prior recorded plat;
 - iii. Correct an error in the description of the real property shown on the prior recorded plat;
 - iv. Indicate monuments set after death, disability, or retirement from practice of the engineer responsible for setting the monuments;
 - v. Indicate the proper location or character of any monument that has been changed in location or character or that originally was shown at the wrong location or incorrect character on the prior recorded plat;
 - vi. Correct any other type of clerical error, scrivener's error, or omission in the previously approved recorded plat;
 - vii. Correct an error in courses and distances of lot lines between two adjacent lots where both lot owners join in the plat application and neither recorded lot is abolished, provided that:
 - Such amendment does not have a material adverse effect on the property rights of the owners in the plat;
 - Such an amendment is acceptable to any utility providers that may be affected by the amendment; and
 - Each resulting lot complies with all requirements of the LDC.
 - viii. Relocate a lot line in order to cure an inadvertent encroachment of a building or improvement on a lot line or on an easement; or to
 - ix. Relocate or vacate one or more lot lines, easements, or rights-of-way between, or along, one or more adjacent platted lots where the owner or owners of all such property join in the application for the plat amendment; provided that easement or right-of-way vacation is agreeable to all utility providers and jurisdictions that may have services and easements/right-of-way on the affected properties.
2. A replat may be recorded and is controlling over the preceding plat without vacating the original plat if the replat is:
 - i. Signed and acknowledged by only the owners of the property being replatted;
 - ii. Approved after a public hearing; and
 - iii. Does not attempt to amend or remove any covenants or restrictions of the original plat.

3. *Public hearing required.* In the event that a replat requires a public hearing, notice of the public hearing shall be provided as set out in TLGC § 212.014 and § 212.015, with notice of the public hearing being mailed, published, and posted at the City Hall, as set out in section 23-82, Public notice.
- B. *Nonconforming lots.* If the lots proposed to be consolidated exist as legal nonconforming lots, the new lots should comply with the criteria set out in section 23-5, Applicability, subsection E, Nonconforming lots.
- C. *Processes and procedures.* Replats shall be subject to all LDC processes and procedures set out in subsection 23-95.C, Final plats. The applicant is also required to schedule a pre-application conference, as set out in section 23-77, Pre-application conference.
- D. *Action following approval.* Replats shall be subject to the "action following approval" requirements set out in subsection 23-95.F, Final plats.
- E. *Lapse of approval.* Replats shall be subject to the "lapse of approval" requirements set out in subsection 23-95.H, Final plats.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-92. Site plan.

- A. *Generally.* Site plans are required to ensure that:
 1. Adequate public services and facilities are available;
 2. Public health and safety precautions from natural and man-made hazards are provided; and
 3. The project will comply with the LDC and Code of Ordinances, chapter 28, Zoning.
- B. *Applicability.*
 1. A site plan is required for:
 - a. All new development, redevelopment, and substantial improvement or expansion of:
 - i. Multi-family residential;
 - ii. Manufactured home parks;
 - iii. Non-residential; and
 - iv. Mixed-use developments.
 - b. Proposed variances;
 - c. The expansion of a building or the intensification of a use; and
 - d. Where necessary to demonstrate compliance with the requirements of the LDC.
 2. Non-residential and mixed-use development requires site plan review and approval prior to the issuance of permits that allow land clearing, site grading, and construction.
 3. The term "site plan" shall be synonymous with any and all plans required by the LDC and any other development requirements of the city, such as, but not limited to, landscape plans, grading plans, tree preservation plans, and drainage plans.
- C. *Site plan preparation.* Site plans may only be prepared, signed, and sealed by a State of Texas licensed engineer, architect, or a registered professional land surveyor.
- D. *Review authority.* Site plans are subject to review and approval by the designated City staff, and when required, by the DRC, as set out in section 23-69, Development review committee.

- E. *Submittal requirements.* Site plans shall be prepared as set out in section 23-A.1, Submittal requirement checklists.
- F. *Public improvements may be required.* Public improvements, as set out in article II, division 1, Transportation Responsibilities, and division 4, Utility Responsibilities, may be required as a condition of site plan approval.
- G. *Administrative approval process.*
1. Upon submitting a complete application, city staff and referral agencies shall have 20 working days to provide the designated City staff with review comments;
 2. The designated City staff shall provide the applicant a copy of all review comments and may convene a DRC meeting; and
 3. The process shall be completed when all review comments have been addressed.
- H. *Prohibited actions.*
1. A site plan may not be approved if platting is required to create a legal building site. A final, or minor plat, may be submitted simultaneously with a site plan; at the applicant's risk, and approved conditionally upon the approval and recordation of the plat.
 2. A building permit or land development permit may not be issued for development without first obtaining site plan approval.
 3. No lot grading, drainage work, or other site improvements may commence without obtaining site plan approval.
 4. A certificate of occupancy may not be issued until all improvements depicted with the approved site plan are completed.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-93. Extensions.

- A. *General.*
1. Various sections in article VII, division 3, Administrative Approvals, and division 4, Public Meeting Approvals, stipulate a specific time period in which the approval of a plan, plat, or other approval is valid before it expires, and allow the designated City staff, to consider an extension of time within a specific period of time.
 2. The designated City staff, and other specified staff members, are not obligated to grant a request for an extension.
- B. *Considerations.* When considering a request for an extension, the following factors should be considered:
1. Was the extension requested prior to the expiration, or within **45 days after the expiration**;
 2. Did the applicant demonstrate cause for the expiration, or the eminent expiration, and demonstrate that factors beyond the control of applicant delayed the project;
 3. Has the city adopted new codes, standards, or any other requirement that would have a bearing on the of the project that will has expired, or where expiration is eminent, if the project was filed at the present time; and
 4. Would the project, if refiled, comply with all applicable city codes and ordinances.

5. If an extension is requested after 45 days of its expiration, would an extension satisfy the other considerations in this subsection and has the expiration reached a point where city council action is required, or a time frame where the LDC does not expressly allow an extension.
- C. *Information required.* The applicant shall provide the designated City staff with written documentation that addresses each of the considerations listed in subsection B, above. which any watercourse or natural drainage is proposed to be altered or relocated.
- D. *Approval criteria.* Action on an extension shall be based on an affirmative finding by the designated City staff, or other specified staff, that an extension would satisfy the considerations set out in subsection B, above.
- E. *Records.* An extension, if granted, shall be maintained in the offices of the City of Angleton open for public review and inspection for all information required by this section and the LDC.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-113. Definitions.

City manager: The Chief Administrative Official of the City of Angleton, as designated by the city council.

City engineer: The official or entity, as designated by the city manager.

Commissioners: The Angleton Planning and Zoning Commission.

Common open space: A parcel of land designated for the private use residents, occupants and owners of within a development.

2007 Comprehensive Plan : The comprehensive plan of the City of Angleton, including all amendments.

Connector: A party seeking to connect to the city infrastructure who would benefit from infrastructure constructed by an initial developer eligible for fair share reimbursement.

Council: The Angleton City Council.

County: Brazoria County.

Density: The maximum number of dwelling units per gross acre of land permitted in a zone district.

Developer: Any public or private person, partnership, association or agency that prepares raw land for development.

Development: The physical extension or construction of urban land uses and infrastructure.

Designated City staff: The duly-authorized representative designated by the city manager to administer the LDC.

Lot lines: Refers to the property lines that bound each lot or parcel to a defined legal space.

Lot of record: A lot that is part of a subdivision recorded in the office of the County Recorder of Brazoria County, or a parcel of land with a deed recorded in the office of the County Recorder of Brazoria County, and that complied with the subdivision requirements at the time they were created.

ORDINANCE NO. 2023-_____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ANGLETON AMENDING THE CODE OF ORDINANCES OF THE CITY OF ANGLETON, TEXAS, BY AMENDING AND REVISING CHAPTER 23, LAND DEVELOPMENT CODE IN GENERAL, 23-5; SECTION 23.10; SECTION 23-12; SECTION 23-14; SECTION 23-88; SUBDIVISION, SECTION 23.75; SECTION 23-87; SEQUENCE OF APPROVALS OF PLATS AND PUBLIC IMPROVEMENTS, SECTION 23.95; SECTION: 23-98; INCREASE OF PERFORMANCE BOND AND SURETY AMOUNT, SECTION 23-37; SECTION 23-38; STANDARDIZE PLAT TIMELINES AND EXPIRATIONS, SECTION 23.37; SECTION 23-81; SECTION 23-94 THROUGH SECTION 23-98; HERITAGE TREE REVISIONS, SECTION 23-60; PROVIDING A PENALTY; PROVIDING FOR SEVERABILITY; PROVIDING FOR REPEAL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council for the City of Angleton (“City Council”) is authorized by Chapter 54 of the Texas Local Government Code to enforce rules, ordinances and police regulation of the municipality by fine or penalty; and,

WHEREAS, as authorized under law and in the best interest of the residents, citizens and inhabitants of the City of Angleton, the City Council deems it expedient and necessary to amend and modify various subsections of the City of Angleton Code of Ordinances, Chapter 23, Land Development Code. In addition to other minor changes to the chapter pertaining to cross references, duplications, clarifications, terminologies, reorganizations, and similar, the following sections are proposed to be amended: Sec. 23-5; Sec-23.10; Sec. 23-12; Sec. 23-14; Sec. 23.37; Sec. 23-38; Sec. 23-60; Sec. 23.75; Sec. 23-81; Sec. 23-87; Sec. 23.95; Sec. 23-94 through Sec. 23-98. and adopt the amended ordinances as contained in “Exhibit A”; and

WHEREAS, the City of Angleton is a home rule city acting pursuant to its charter and City Council now finds the need to amend and revise Chapter 23 to promote the public health, safety and welfare of its citizens; and

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

SECTION 1. All 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. The City of Angleton, Code of Ordinances, Chapter 23, Land Development Code; in addition to other minor changes to the chapter pertaining to cross references, duplications, clarifications, terminologies, reorganizations, and similar, as included in Sec. 23-5; Sec-23.10; Sec.

23-12; Sec. 23-14; Sec. 23.37; Sec. 23-38; Sec. 23-60; Sec. 23.75; Sec. 23-81; Sec. 23-87; Sec. 23.95; and Sec. 23-94 through Sec. 23-98, are hereby amended and revised to read as contained in “Exhibit A”.

SECTION 3. 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 4. 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 5. 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 this declared to be invalid or unconstitutional, or whether there be one or more parts.

SECTION 6. That this Ordinance shall be effective and in full force immediately upon its adoption.

PASSED AND APPROVED THIS THE 15TH DAY OF FEBRUARY, 2023.

CITY OF ANGLETON, TEXAS

Jason Perez
Mayor

ATTEST:

Michelle Perez, TRMC City Secretary

Part II - CODE OF ORDINANCES – AMENDED SECTIONS ONLY
Chapter 23 LAND DEVELOPMENT CODE

12/22/22 with planning staff comments incorporated

General notes:

Will be finalized after all ongoing reviews.

To be reviewed by the Parks Director and HDR

Legal review of the final draft prior to adoption.

Update the revision date for each section prior to adoption.

Remove the Appendix and move that to the Administrative Procedures Manual. Add this reference in the LDC.

Adopt standards relevant to the City of Angleton, as indicated. ~~E.g.~~ require green street signs with white lettering, not blue like Sugarland.FUTURE.

Chapter 23 LAND DEVELOPMENT CODE¹

ARTICLE I. IN GENERAL

¹Editor's note(s)—Ord. No. 1-12-2018, § 1(Exh. A), adopted Dec. 11, 2018, repealed the former Ch. 23Editor's note(s)—, §§ 23-1Editor's note(s)—23-43, and enacted a new Ch. 23Editor's note(s)— as set out herein. The former Ch. 23Editor's note(s)— was entitled "Subdivisions," and derived from: Ord. No. 2325, § 1, adopted Apr. 19, 1994; Ord. No. 2457, §§ 1—3, adopted Dec. 21, 1999; Ord. No. 1-02-2018, § 2(Exh. A), adopted Feb. 13, 2018; and Ord. No. 1-06-2018, § 2(Exh. A), adopted June 12, 2018.

Cross reference(s)—Alcoholic beverages, Ch. 3Cross reference(s)—; location of alcoholic beverage establishments restricted, § 3-5Cross reference(s)—; limitation on the number of livestock per dwelling, § 4-5Cross reference(s)—; buildings and building regulations, Ch. 5Cross reference(s)—; fire limits established, § 5-46Cross reference(s)—; code for the elimination or repair of unsafe buildings adopted, § 5-511Cross reference(s)— et seq.; fire marshal authorized to order repair, etc., of dilapidated and unsafe buildings or other property, § 7-44Cross reference(s)—; housing, Ch. 11Cross reference(s)—; junked, abandoned, wrecked property, Ch. 12Cross reference(s)—; manufactured homes and manufactured home parks, Ch. 14Cross reference(s)—; parks and recreation, Ch. 17Cross reference(s)—; peddlers, itinerant merchants and solicitors, Ch. 18Cross reference(s)—; public amusements, Ch. 21Cross reference(s)—; streets, sidewalks and other public places, Ch. 22Cross reference(s)—; permit required for excavation in streets, § 22-2Cross reference(s)— et seq.; utilities, Ch. 26Cross reference(s)—; traffic and motor vehicles, Ch. 25Cross reference(s)—; zoning, Ch. 28Cross reference(s)—; zoning district regulations, § 28-61Cross reference(s)— et seq.

State law reference(s)—Regulation of subdivisions, V.T.C.A., Local Government Code TLGC § 212.001 et seq; authority to adopted subdivision regulations, V.T.C.A., Local Government Code TLGC § 212.002.

Sec. 23-5. Applicability.

Commented [LK1]: Needs legal review on the jurisdiction and powers in the ETJ

- A. *Generally.* No land shall be developed, redeveloped, or substantially improved, except in accordance with this Code. The following actions are considered to be "development" and subject to the LDC:
 - 1. *Use of land.* The use of any building, structure, or land, including new uses, expansion, and ~~material substantial changes~~ substantial changes to the ~~operational characteristics of~~ existing uses within the city;
 - 2. *Grading of land.* Any ~~nonagricultural~~ disturbance of land, soil, vegetation, or drainage ways, ~~excluding landscaping~~, shall conform to the LDC for all properties in the city and the ETJ; and
 - 3. *Subdivision.* Any division of land within the City limits and the ETJ for development, sale, or lease, whether by metes and bounds, subdivision, or other technique, shall comply with the LDC. Deed divisions of land that result in parcels where all resulting tracts have a lot area of five acres or more are exempt from the subdivision requirements of the LDC, but may be required to file a development plat, as set out in section 23-87, Administrative plats.
 - 4. *Site development.* Site development, ~~excluding all land use requirements in the ETJ~~, is subject to all requirements of the Angleton Code of Ordinances to the full extent allowed by V.T.C.A., ~~Local Government Code~~ TLGC Ch. 212.
 - 5. *ETJ development.* The city reserves the right to require the approval of a ~~development~~ plat and site plan for property in the ETJ ~~to ensure that development complies with all applicable LDC requirements and any other ordinances whereas allowed by~~ TLGC Ch. 212-42, is cited as an "authority".
- B. *Applicability to publicly owned property.* The LDC is applicable to all public agencies and organizations to the full extent allowed under the U.S. and Texas Constitutions, and the laws of each.
- C. *Pending applications.* Development applications shall be governed by the laws and regulations in effect when they were ~~submitted~~ deemed as complete submittals.
- D. *Creation of a building site and issuance of a permit* ~~permitting~~.
 - 1. Construction or building permits may not be issued unless the parcel, lot, or tract:
 - a. Is part of a plat of record, approved by the city council, or Brazoria County, and is filed in the plat records of Brazoria County, Texas;
 - b. Was created prior to the adoption of Ordinance No. 333 on February 11, 1964;
 - c. Was created by a deed division prior to being subject to requirements that required subdivision approval;
 - d. Was lawfully created prior to being annexed into the city or added to city's ETJ;
 - e. Was lawfully created by the action by a court of competent jurisdiction or by the dedication of easements or right-of-way; or
 - f. Was created through a lawful deed division that created parcels that were each five acres in area, or larger.
 - g. Is a result of a change in ownership of a property through inheritance or the probate of an estate.
 - h. Is used as a cemetery complying with all state and local laws and regulations.
 - i. Is exempted as per LGC §212.004.

2. If any of the conditions for the creation of a building site exists and changes are not proposed to the property configuration, the property is a legal building site and a building permit may be issued without additional platting being required, unless a development plat is required, as set out in section 23-87, Administrative plats.

E. *Nonconforming lots.*

1. *Standards.* Existing nonconforming lots may be combined to increase conformity as follows:

- a. Where a landowner owns several abutting lots that do not conform to the LDC, they may be consolidated or replatted as a conforming lot, or lots, or to a design that reduces the degree of the nonconformity.
- b. A proposed combination or replat of nonconforming lots may not meet all the requirements of the LDC.
 - i. ~~Materially disrupt the lotting pattern of the street, for example, by creating a through lot or a lot with an inconsistent orientation to a street;~~
 - ii. ~~Result in regularly shaped lots being combined into a single lot with an irregular shape; or~~
 - iii. ~~Result in a lot that does not have direct access to a public right of way or access to utility services, unless such a lot is intended to be used for a purpose where public access and utility service is not required.~~

2. *Prohibited actions.*

- a. Nonconforming lots, or interest therein, may not be transferred, conveyed, sold, or subdivided to create a new nonconforming lot, to avoid, circumvent or subvert any provision of this LDC, or to leave remaining lots in violation of the LDC;
- ~~b. No lot, or portion of a lot, required as a building site by this LDC, may be used as a portion of a lot for another structure without adhering to all platting requirements of the LDC;~~
- ~~b.e.~~ No building permit may be issued for any lot or parcel of land which has been illegally created, conveyed, sold, or subdivided in violation of the LDC, ~~and~~
- ~~d. Any transferee who acquires a lot in violation of this section, without knowledge of such violation, and any subsequent transferee, may have the right pursuant to Texas law to rescind and/or receive damages from any transferor who violates the provisions of the LDC, and the city may take appropriate actions as set out in this chapter.~~

Commented [LK2]: This language is confusing, see recommended addition of "created" below.

Commented [LK3]: Not needed.

3. *Construction on substandard lots.* A legal lot, defined as a lot that meets the requirements of Section 23-5.D, that does not meet zoning district requirements with respect to lot area or lot width may be built upon if:

Commented [LK4]: Added a definition of legal lot.

Commented [LK5R4]: Added reference.

- a. The use is permitted in the zoning district in which the lot is located;
- b. The lot has sufficient frontage on a public street to provide access that is appropriate for the proposed use as required by the zoning designation; and
- c. The proposed development will comply with all applicable development standards of the LDC.

F. *Vested rights "issuance of local permits".* Property owners who have filed a completed application or have obtained approval of any project or permit prior to the effective date of this LDC that has not expired, ~~shall expired, shall~~ be considered in compliance with TLGC Ch. 245.

G. *Applicability of certain chapter of the Angleton Code of Ordinances in the ETJ.* Under the authority of TLGC Ch. 212, Municipal Authority of Subdivision and Property Development, the following chapters of the City of Angleton Code of Ordinances are expressly incorporated by reference into the LDC and are in full force and

effect in the ETJ and shall be regulated by the city by the submittal of construction plans, a site plan, design drawings, development plat, or plat; as is determined to be appropriate, by the type of development that being requested:

1. Chapter 14: Manufactured Homes and Manufactured Home Parks (design standards only);
2. Chapter 16: Oil, Gas, and Minerals;
3. Chapter 21.5: Signs;
4. Chapter 30: Special Districts; and
5. All environmental management requirements set out in article V of this LDC.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018, xxx)

Sec. 23-6. Consistency with plans, Reserved

The LDC implements the following existing plans and all additional plans that will be formally adopted by the city council after the adoption date of this Code:

- ~~2018 Angleton Strategic Plan;~~
- ~~2007 Angleton Comprehensive Plan;~~
- ~~2011 Downtown District Vision;~~
- ~~Brazoria County Stormwater Quality Coalition MS4 Construction Guidance Document, as amended;~~
- ~~2007 TXDOT State Highway 35 Major Corridor Feasibility Study Final Report;~~
- ~~2015 SH 288 Development and Land Use Assumption Study;~~
- ~~2016 CR 220 Development Capital Improvements and Land Use Assumptions Study;~~
- ~~2008 Master Drainage Plan;~~
- ~~2008 Angleton Drainage District Flood Protection Plan;~~
- ~~2001 Parks and Recreation Comprehensive Master Plan and Open Space Plan, as amended;~~
- ~~The Angleton Capital Improvement Program, as amended; and~~
- ~~Applicable Houston-Galveston Area Council of Governments and TXDOT Regional Mobility Plans.~~

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018, xxx)

Sec. 23-7. Enactment, repeal, and effective date.

- A. *Enactment and effective date.* The enactment of this ordinance shall repeal Ordinance No. 1-06-2018, adopted on June 12, 2018, and shall repeal chapter 8, "Flood Damage Prevention" of the Code of Ordinances of the City of Angleton, in its entirety, replaced by Ordinance No. 1-12-2018, hereafter titled the Land Development Code (LDC), adopted by the city council on the effective date of December 11, 2018 and amended subsequently; incorporated into the Code of Ordinances of the City of Angleton as chapter 23, "Land Development Code".
- B. *Existing ordinances and regulations.* Any other ordinance, resolution, or regulations not expressly cited in this section that are inconsistent with the LDC shall be considered to be superseded by the adoption of the

Commented [LK6]: List all the relevant standards and plans in the appendix.

Commented [LK7]: Needs to be updated, prior to adoption of any amendments

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LDC. Specific regulations of any such ordinance that were not affected by this LDC shall remain in full force and effect.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018, [xxxx](#))

Sec. 23-8. Abrogation and greater restrictions.

- A. The LDC establishes minimum standards necessary to accomplish the purposes set out in section 23-2, Purpose.
- B. It is not the intent of the LDC to interfere with, abrogate, or annul any easement, covenant, deed restriction, or other executed agreement between private parties, including development agreements.
- C. When the provisions of this LDC impose a greater restriction than those restrictions imposed by private agreements, the provisions of the LDC shall control.
- D. ~~When private agreements impose a greater restriction than the restrictions imposed by the LDC, the private agreements shall control.~~ The city has no duty to search for the existence of private restrictions, or to administer, or enforce, any private restriction.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018, [xxxx](#))

~~**Sec. 23-9. Severability.**~~

~~All sections, paragraphs, sentences, clauses, and phrases of the LDC are severable, and if any such section, paragraph, sentence, clause or phrase is declared unconstitutional or otherwise invalid in any court of competent jurisdiction in a valid judgment or decree, such unconstitutionality or invalidity shall not cause any remaining section, paragraph, sentence, clause, or phrase of the LDC to fail or become invalid.~~

~~(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)~~

ARTICLE II. SUBDIVISION AND DEVELOPMENT DESIGN

Sec. 23-10. General design principals and requirements.

- A. *Generally.* The purpose of this article is to establish minimum design requirements to create a quality development design that relates to existing and future surrounding development.
- B. *Design principles.* The following design principles shall be implemented into plat design:
 - 1. *Compatibility and connectivity.* Proposed developments shall be designed to:
 - a. Provide appropriate buffers and transitions between different land uses;
 - b. Improve mobility across the city and the ETJ; and
 - c. Provide vehicle and pedestrian connections to neighboring properties.
 - 2. *Neighborhoods.* Neighborhoods will be designed:
 - a. In a context sensitive manner to ensure long-term neighborhood viability;
 - b. In a manner that will conserve wetlands, bayous, and other natural features;

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-
- c. With well-managed stormwater runoff that is conveyed in storm sewers, streets, and other methods to phase out the use of steep slope deep bar ditches, where practical;
 - d. With usable open space to provide recreation, use buffers, safe distances from natural hazards, and to maintain mature tree stands, water quality, and environmental integrity;
 - e. With drainage improvements that serve additional purposes, such as recreation, usable open space, wetland and habitat preservation, or as buffer or amenity; and
 - f. In a manner that is compatible with adjoining uses and neighborhoods.
3. *Aesthetic and environmental considerations.* Development will be:
- a. Shaped and guided by natural contours and drainage patterns to avoid natural hazards and blend into natural environmental elements;
 - b. Context sensitive, without compromising public health or safety;
 - c. Open to design options that may result in the need for variances from rigid design standards to preserve wetlands, floodplains, heritageprotected trees, or mature habitat areas; and
 - d. Encouraged to use lot clustering to maintain environmental assets as common space amenities, linear parks, use buffers, and other purposes that create community character.
4. *Transportation and mobility.*
- a. ADA compliant sidewalks will-shall be provided on all streets and into all parks;
 - b. Sidewalks will-shall be required to provide access to all building sites and amenities;
 - c. Street type, location, and functional classification will be guided by the Angleton Future Thoroughfare Plan (FTP);
 - d. Neighborhoods shall have multiple means of access to public streets and surrounding development to minimize congestion and maximize public safety;
 - e. Streets are a primary element of the drainage conveyance system and shall be designed to maximize their full drainage conveyance capacity to enhance public safety; and
 - f. Streets shall not be "forced" into locations where they are not cost-effective, practical, result in public capital expenditures that are not warranted, or where an acceptable design alternative is available.
5. *Floodplains, wetlands, and drainage.*
- a. Regulatory floodplains shall be protected from development by:
 - 1. Maintaining floodplains as open space, passive recreation, and drainage;
 - 2. Implementing all best management practices set out by the Texas Commission on Environmental Quality (TCEQ) and incorporated by reference into the City's Code of Ordinances Angleton Construction Manual (ACM);
 - 3. Adhering to all drainage requirements of the City's Code of Ordinances Angleton Construction Manual (ACM) to help ensure that the amount of property located in a floodplain is not increased; and
 - 4. Pursuing all opportunities for regional detention on projects of all sizes and where appropriate, and in coordination with the Angleton Drainage District.
 - b. Drainage easements shall have a minimum width as determined to be necessary by the City of Angleton, and the Angleton Drainage District, and other appropriate entities, and shall be:

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1. Retained as right-of-way where they cross existing or proposed public roads; and
 2. ~~Platted in common ownership~~M-maintained by a property owners' association or when appropriate under the authority of the city or ~~Angleton Drainage District~~other entities; and
 3. Shall be designed in a manner that allows routine maintenance ~~and are "green"~~ to the greatest extent practicable and feasible.
- c. Easement alignment shall follow the approximate line of the channel on maximum 50-foot chords and when possible shall be located on lot or property lines; and
- d. Existing steep sloped roadside ditches should be eliminated when adjoining properties are developed and redeveloped ~~and in conjunction with capital improvement projects because:~~
1. The lack of curbs and gutters does not maximize the ability of streets to be used for drainage conveyance;
 2. Such ditches are a traffic hazard, prevent sidewalks and street parking, impede trash pick-up and delivery services, often result in heavy sheet flow from the street to the opposite side of the street directly toward homes and other buildings, and results in road, utility, and ditch maintenance issues.
6. *Utilities.*
- a. Utilities will be extended in a conservation-minded and efficient manner to provide for the expansion utility service in a manner that ~~is~~ environmentally and economically sound; and
 - b. Utility improvements will be coordinated with the recommendations of the ~~comprehensive plan most recent version of the Comprehensive Plan and Plan and~~ all other utility plans of the city and its utility franchises.
7. *Public safety.*
- a. The city and the ETJ include potential natural and man-made threats to public health and safety. Among these are railroads, regional pipelines, floodplains, and protected wetlands. It is essential that these areas are identified and projects designed in a manner to maximize public safety to the greatest extent practical;
 - b. Infrastructure should be designed to maximize public safety and mitigate existing public safety issues, ~~such as, but not limited to, bar ditches.~~ Standards should be updated, ~~within a reasonable time, to adopt as soon as~~ new technologies ~~are~~ proven to improve public health and safety. ~~The use of fire hydrants with fittings that allow universal connectivity is an example;~~
 - c. Projects shall be developed to provide as much separation as practicable between potential threats and vulnerable uses; and
 - d. City codes should be proactively updated to address threats to public safety ~~as soon as~~ threats, and potential solutions, are identified.
- C. Consistency with ~~subdivision and development regulations as contained in the City's Code of Ordinances: Angleton Construction Manual (ACM). Public improvements shall be designed in accordance with the following specifications and criteria, which collectively are the ACM. The ACM shall automatically be amended without formal action required to amend the LDC or the ACM when any criteria set out below are updated by the jurisdiction cited for each:~~
1. ~~City of Sugar Land~~Angleton-Construction specifications, as ~~amended;~~
 2. ~~City of Sugar Land~~Angleton-Design standards and appendices, as amended;
 3. ~~City of Sugar Land~~Angleton-Construction details, as amended;

Commented [LK8]: Needs a definition of what "green" entails.

Commented [LK9]: Update the manual to be tailored to Angleton and refer to the latest version.

Commented [KR10R9]: Replaced ACM with City's Code of Ordinances as proposed by staff. To be verified with HDR.

- 4. ~~City of Sugar Land~~ ~~Angleton~~ Approved products list and product application, as amended; and
- 5. ~~City of Sugar Land~~ ~~Angleton~~ Traffic impact analysis guidelines and worksheet, as amended
- 6. ~~City of McKinney~~ ~~Angleton~~ Sediment and Erosion Control Manual, as amended;
- 7. Brazoria County Stormwater Quality Coalition MS4 Construction Guidance Document, as amended;
- 8. 2008 Angleton Drainage District rules, regulations, and guidelines, as amended; and
- 9. Brazoria County Drainage Manual, as amended.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 234-11. Lots and blocks.

A. Lots generally.

- 1. New lots will shall comply with applicable requirements set out in Code of Ordinances Chapter 28 - Zoning;
- ~~2. Lot size, area, shape, and orientation shall be appropriate to the location and the use;~~
- 23. No parcel or lot shall be created that does not meet the minimum requirements of the LDC and the zoning requirements; and
- 34. Undevelopable remnant properties that do not conform to the LDC or the zoning requirements shall not be created through the subdivision process.

Commented [LK11]: This sentence is not needed since the City has zoning requirements.

B. Lot shape.

- 1. Side lot lines shall generally be at approximate right angles, or radial to, ~~street lines~~ right of way; and
- 2. Alternative configurations may be approved as variances during the platting process by the City Council upon recommendation from the Planning and Zoning Commission to accomplish the purposes of the LDC, such as preserving natural resources or dedicating right-of-way.

Commented [LK12]: Added language to clarify that any deviations or variances will need approval.

C. Lot frontage.

- 1. *Required frontage.* Each lot or building tract shall front on a public street, in accordance with applicable lot width requirements.
- 2. *Residential lots.*
 - a. New residential lots shall only front on local and minor collector streets, and shall not front on major collector, ~~or~~ arterial streets, or highways;
 - b. The ~~development~~ City Council upon recommendation from the Planning and Zoning Commission administrator may ~~administratively~~ approve minor deviations from the lot design requirements during the platting process when terrain or property constraints limit design alternatives or when such deviations result in the preservation of a heritageprotected tree, as set out in section 23-60, HeritageProtected Tree Protection; and
 - c. Lots shall be platted in a manner that does not result in landlocked properties or without any means providing public access to properties that currently do not have frontage.
- 3. *Nonresidential lots.* Nonresidential lots shall be designed in a manner that allows development ~~designed in manner~~ that complies with all applicable requirements.

Commented [LK13]: Approving authority

Add specifications for double frontage lots.

D. Through lots. Through lots, or double frontage lots, shall be avoided, except:

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1. Where a development is sufficiently large, with a lot area that equals twice the minimum lot area required for the zone that the lot is located in, to require two frontages;
2. When necessary to overcome topographic or environmental issues; or
3. Where deemed to be appropriate by the city engineer in accordance with generally accepted engineering practices.

Commented [LK14]: Specify min. lot area = twice the required lot area for the zone.

E. *Corner lots.* Corner lots intended for residential use shall have additional width to allow appropriate building setback and orientation to both streets, a driveway, and provide adequate corner visibility.

~~F. *Lot orientation to T intersections.* The building envelope of lots at the terminal end of a "T" intersection shall be offset from the centerline of the terminated street in order to mitigate the impacts of oncoming traffic on the use of the lots.~~

Not required

~~GF. *Width of irregular lots.* Cul-de-sac lots or irregular shaped lots shall have sufficient the required width at the front building line to meet minimum lot frontage requirements.~~

Specify the width required

~~HG. *Drainage ways.*~~

1. Buildable lots shall not encroach into a regulatory floodplain or floodway.
2. Floodplains may be platted as open space, common area, a drainage easement, and for essential services that are required to be located in close proximity to regulatory floodplains.

~~4H. *Adequate and safe access.*~~

Commented [LK15]: Repeated under subdivision requirements. Sec. 23-12. I. Streets and driveways

~~Refer to Section 24-12.1.~~

~~1. All subdivisions containing 30 or more lots must have at least two points of 100-year storm compliant public access constructed to ACM standards, that connect to paved public streets.~~

~~2. The city council may approve subdivisions that have more than 30 lots, but fewer than 50 lots, with a single entrance to a paved public street provided that such a connection to an existing paved public street is designed as a boulevard with a width sufficient on each driving lane for fire truck access, with an unbroken median length of 100 feet, unless left turn lanes and median breaks, designed to ACM standards, are installed at any crossing streets.~~

~~3. The city council may approve subdivisions that have more than 50 lots, with a single entrance to a paved public street subject to the entrance to the development being designed as a boulevard with a width sufficient on each driving lane for fire truck access, with an unbroken median length of 150 feet, unless left turn lanes and median breaks, designed to ACM standards, are installed at any crossing streets, subject to a phasing plan that stipulates when the second access will be provided and the developer or subdivider posts surety for the second access point. The council may defer plat recordation until adequate access is provided.~~

Commented [LK16]: Safety issue. Not supported by Fire Marshal

~~4. Where more than one street connection to paved public streets are required, both connections, when located in close proximity to creeks, bayous, and flooding hazards shall be designed so that each street is accessible in a 100-year storm to prevent water from over-topping each road. Only one street may not be located over a potential hazard, such as a high pressure pipeline, unless such a connection is required by the FTP and the utility provider consents to such a crossing.~~

Commented [LK17R16]:

~~5. When more than one connection is required, the city may consider an all weather remote emergency access where development phasing or land constraints will delay the provision of an additional access ways.~~

Commented [LK18]: Issues with connectivity and ingress/access issues for residents if the one access is blocked.

~~6. When a required second access to a paved public street is required, the paved public street to be accessed shall be considered a boundary street. As such, the subdivider or developer shall be required to provide~~

improvements to the boundary street to improve such road to current ACM standards in accordance with article III division 1, Transportation Responsibilities.

Commented [LK19]: Repeated under subdivision requirements.

K.I. Blocks generally.

1. *Length.* Block length shall be provided based on the following guidelines:
 - a. Block shall generally have sufficient width and depth ~~for to~~ provide two tiers of lots with the required lots depths. Exceptions may be made when property is adjacent to arterial streets, railways, waterways, wetlands, or other elements;
 - b. Blocks shall generally not exceed a length of 1,000 feet, ~~unless density is in length nor be less than 300 feet in length unless an alternative length is approved as a variance~~ ~~variation~~ by the City Council upon recommendation from the Planning and Zoning Commission, and ~~unless an alternative length~~ will not result in public health or safety issue, connect streets, is necessary for drainage or environmental considerations, or based on site constraints;
 - c. The provision of adequate building sites suitable to the special needs of the type of use;
 - d. The required lot widths and lot areas of the applicable zoning district; and
 - e. The need for convenient access, circulation, traffic control, and safety of street traffic.
2. *Shape.*
 - a. Blocks shall be generally rectangular but may have curves or bends that correspond with the natural terrain.
 - b. Irregularly shaped blocks which contain interior parks or playgrounds, parking areas, wetlands, or drainage improvements shall be permitted.
 - c. Blocks shall be shaped in a manner that will provide safe pedestrian and vehicular circulation; efficient utility delivery; and adequate access for emergency service providers.
3. *Relationship of blocks to streets.*
 - a. Intersecting streets shall be used to determine block length, width, and shape;
 - ~~b. Streets shall be provided at intervals that adequately serve cross traffic, conform to existing street patterns, and customary subdivision practices; and~~
 - ~~b.c.~~ Block and street design can vary to facilitate development and street connections and adjust to natural and man-made barriers, property lines, adjacent development, or other unique conditions provided that safe pedestrian and vehicular circulation is the end result.

Commented [KR20]: Changed to variation. To be verified by legal.

K.J. Relationship to major streets. New residential lots shall not back up to highways, arterials, and major collector streets and shall take access from local or minor collector streets.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-12. Streets and driveways.

- A. *Conformity to the future thoroughfare plan.* The general location, alignment, and functional classification of all streets and roads shall conform to the most recently adopted Angleton ~~Future Thoroughfares Plan (FTP)-~~Mobility Plan ~~dated XXXX.~~
- B. *Street classifications.* Streets shall be classified according to the following functional classifications, as set out on the ~~Mobility Plan~~ ~~dated XXXX.~~ ~~Angleton FTP:~~
 1. Highway

Commented [KR21]: Year to be added

Commented [KR22]: Year to be added

2. ~~M/~~major arterial;
- ~~3.~~ ~~—~~Minor arterial
4. ~~M/~~major collector
5. ~~M-~~and
- ~~3.~~Minor collector;
6. ~~L~~local street and
7. ~~C~~cul-de-sacs.

C. *Coordination with Texas Department of Transportation (TXDOT) and Brazoria County required.*

1. For projects adjoining, or accessing TXDOT right-of-way, the ~~engineer applicant will~~ shall contact the TXDOT to determine all TXDOT requirements and copy the city on all correspondence.
2. For plats in the ETJ, the ~~engineer applicant~~ shall contact the Brazoria County engineer to determine the requirements of Brazoria County and copy the city on all correspondence.

D. *Acceptance of streets.* Required city street improvements shall be dedicated to the city, as set out in article III, division 4, Public Acceptance and Permitting.

E. *General location standards.*

1. *Minimum design standards.* Required city street improvements shall be designed and constructed in accordance with ~~the City's Code of Ordinances the ACM~~ and the design principles set out in article II, Subdivision and Development Design.
2. *Layout and connectivity.* Streets and alleys shall:
 - a. Be extended and located in accordance with the FTP in terms of street classification, right-of-way, ~~and~~ pavement width, and alignment; and
 - b. Bear a logical relationship to existing topography and existing or proposed street locations, and the development of adjacent developed and undeveloped properties

~~c. Any deviation from the FTP shall be approved by the City Council with a recommendation from the Planning and Zoning Commission, and shall not be forced by the strict adherence to the FTP into locations that are not suitable for road construction, the extension of roads, are not practical for development, may result in the need for long term improvements that are cost prohibitive, such as the building of a bridge, or result in undesirable environmental impacts.~~

 - c. Where not shown on the FTP, street layout will:
 - i. Provide continuity and connectivity between existing and proposed streets;
 - ii. Conform to generally accepted transportation planning principals for street hierarchy, spacing, and location, with due consideration to topography, environmental considerations, and natural hazard avoidance; and
 - iii. Provide connections to existing streets in a manner that will not change the functional classification of existing streets and will provide safe access to all lots.
3. *Excess right-of-way.* Right-of-way in excess of the standards of the LDC may be required where topography results in the need for additional right-of-way to provide slopes that do not exceed a ratio of three to one or in order to provide street connectivity.

F. *Design standards.* Streets shall be designed per ~~the City's Code of Ordinances the ACM~~ and the following standards:

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1. *Street grade and curves.*
 - a. Streets may have a maximum grade of seven percent; and
 - b. Centerline grade changes shall be designed in accordance with all AASHTO standards. Where there is a difference of more than two percent, the vertical curves shall be connected with a curve of sufficient length to provide a minimum 200 feet of sight distance.
2. *Street intersections.* Streets shall be designed to intersect as close as possible to right angles. The city engineer may consider an angle not less than 80 degrees where necessary to connect streets or avoid natural or man-made impediments.
3. *Intersections.*
 - a. All arterial and collector street intersections shall be at 90 degrees, or within five degrees of that standard.
 - b. The curb radius at street intersections shall conform to the specifications in the [City's Code of Ordinances ACM](#).
 - c. Deviations from these requirements can be considered, [as per section 22-12.F.2.c.](#) when streets are realigned to comply with the FTP or to avoid natural, or man-made features, such as, but not limited to, protected wetlands, bogs, floodplains, a stand of [heritage protected](#) trees, artifact areas, historic buildings or sites, pipelines, easements or existing development.
4. *Street jogs (off-sets).* Street off-sets less than 150 feet, measured centerline to centerline, are prohibited. A jog of not less than 100 feet may be approved only when necessary to connect streets in adjoining developments where both streets are local streets.
5. *Off-site improvements.* Off-site traffic improvements, as determined by the recommendations of a traffic impact analysis, as set out in section 23-25, [Traffic impact analysis](#), or by TXDOT, may be required to mitigate the impact of development on existing transportation networks.
6. *Design.* City streets shall be designed as set out in Table 23-12.1, Street Design Standards.

Table 23-12.1 Street Dimension Standards					
Design Features	Road Classifications				
	Major Arterial	Minor Arterial	Major Collector	Minor Collector	Local Street
Right-of-Way Width	100'—120'	80'—100'	70'—80'	60'—70'	60'
Pavement Width	48' to 60'	36' to 48'	36'	32'	28'
Number of Lanes	4—6	3 or 4	2 or 3	2	2
Lane Width (ft.)	12'—14'	12'	12'	12'	12'
Design Speed	45—55+ mph	35—45 mph	30—35 mph	30 mph	30 mph
Width of Sidewalks	Min. 6'	Min. 6'	Min. 6'	Min. 6'	Min. 5'

Add width of sidewalk.

- G. *Partial streets, cul-de-sacs, and dead-end streets.*
 1. *Cul-de-sacs.* Cul-de-sacs shall not exceed a length of:
 - a. Four hundred fifty feet in office and general commercial developments;

-
- b. Six hundred feet in business park and industrial developments;
 - c. One thousand feet for suburban residential developments with densities greater than three dwelling units per acre; and
 - d. One thousand five hundred feet for rural and estate developments with densities less than three d.u. per acre.
 - e. All cul-de-sac streets shall have a turnaround, with a paved surface diameter of no less than 110 feet and a right-of-way diameter of no less than 130 feet. A greater diameter pavement and right-of-way may be required by the city to accommodate oversized vehicle traffic and to provide adequate fire protection.
2. *Partial streets.* The use of a partial, or half street, is generally prohibited unless:
- a. A half street is proposed to increase the width of an inadequate existing right-of-way or where the construction of a half-street results in a fully functional two-way road. The construction of two lanes of a proposed four-lane arterial street; where a half street would be a fair share improvement is permitted;
 - b. A street stub is provided to facilitate the connection of a street to a future phase of development or a future adjoining development. In these circumstances, the city engineer and fire department may require a temporary cul-de-sac, or an alternative turnaround design, or a maintenance bond; or
 - c. An existing half street exists adjacent to an area to be subdivided, in which case the subdivider must dedicate the remaining right-of-way and construct the half street as a fair share improvement or may defer the construction of the half-street in accordance with the requirements of article V, division 1, Transportation Responsibilities.
3. *Dead end streets* are prohibited unless they are designed as a short stub, or as a temporary all-weather turnaround, with a length not to exceed 100 feet.
- H. *New boundary streets.* For new boundary streets that will form part of a subdivision boundary, the following standards shall apply:
- 1. *Local streets.*
 - a. Where a local street forms part of a development or subdivision boundary, the developer or subdivider shall dedicate right-of-way sufficient to make such street conform to requirements of the city.
 - b. The developer or subdivider shall also improve such street in conformance with all standards and specifications of the City of Angleton, including installation of curbs on both sides of the street and enter into a reimbursement agreement with the city or enter into a deferral agreement with the city, as set out in section 23-38, Deferral and Permitting.
 - 2. *Collector and arterial streets.*
 - a. Where a proposed collector or arterial street forms part of a development or subdivision boundary, the subdivider shall dedicate a minimum of one-half of the additional right-of-way necessary to comprise the full street width.
 - b. Dedication of more than half this additional increment may be required, to maximize the use of existing streets; to provide access and connectivity, to meet the requirements of the traffic impact study, and/or to ensure consistent street alignment or curvature.
 - c. The developer or subdivider shall either:

Commented [LK23]: Not needed, as ALL requirements would need to be met.

- i. Construct the required street or pave one half of the required street in accordance with the traffic study or the City's Code of Ordinances~~ACM~~; or
~~Pave one half~~construct ~~of the proposed required street in accordance with the ACM~~; or
- ii. If approved by the city, contribute to the city an amount of money equal to 125% of amount that necessary to complete the design and construction of the street, curb, and sidewalk required by the LDC and the City's Code of Ordinances~~ACM~~.

Commented [LK24]: This is typically 110 to 150% . City policy is 125%.

I. Public access to subdivisions.

Commented [LK25]: Conflicts with 24 11 I

1. Subdivisions containing 30 or more lots, or multi-family developments with 50 or more units, shall have a minimum of two points of public vehicular access, 100-year storm compliant, and constructed to standards outlined in the City's Code of Ordinances~~ACM standards, vehicular access~~ to an existing public right-of-way separated as far apart as practical in accordance with the fire code; or
2. The city council may approve subdivisions that have more than 30 lots, but fewer than 50 lots, with a single entrance to an existing paved public street ~~consider a boulevard style entrance~~ with the following design elements:
 - a. A boulevard entrance with a median that has a minimum width of six feet;
 - b. Extension of the median into the subdivision an unbroken distance of at least with an unbroken median length of 100 feet, unless left-turn lanes and median breaks, designed to ACM standards outlined in the City's Code of Ordinances, are installed at any crossing streets; 75 feet to the first intersecting interior street; and
 - c. Boulevard lanes with an adequate pavement for emergency access into the development.

Commented [LK26]: Is IFC adopted? An appeal process through IFC is different than City Council

~~3. The city may approve a phasing plan, as set out in section 23-18, Development Phasing, specifying where and how many lots may be platted before a second access shall be provided and may require a performance bond equal to the cost of proving a second access point.~~

Commented [LK27]: Safety, connectivity, and access issues.

3. The city council may approve a variation to allow subdivisions that have more than 50 lots, with a single entrance to a paved public street as part of subdivisions approval process, subject to:
 - a. the entrance to the development being designed as a boulevard with a width sufficient on each driving lane for fire truck access;
 - b. with an unbroken median length of 150 feet, unless left-turn lanes and median breaks, designed to ACM standards outlined in the City's Code of Ordinances, are installed at any crossing streets,
 - c. subject to a phasing plan that stipulates when the second access will be provided and the developer or subdivider posts surety for the second access point.
 - d. The council may defer plat recordation until adequate access is provided.

Commented [KR28]: Changed to variation. To be verified by legal.

~~4. An emergency access easement may be considered as a temporary second access point until a permanent second access is provided, or may be considered as a permanent solution in any instance that additional options for a second access point are not available.~~

Commented [LK29]: Safety issue. Not supported by Fire Marshal

4. ~~5.~~ A one-foot, non-access easement shall be provided along the rear property lines of residential lots that back up to arterial streets and TXDOT highways to prevent access.

- 5. Where more than one street connection to paved public streets are required, both connections, when located in close proximity to creeks, bayous, and flooding hazards shall be designed so that each street is accessible in a 100-year storm to prevent water from over-topping each road. Only one street may not be located over a potential hazard, such as a high-pressure pipeline, unless such a connection is required by the FTP and the utility provider consents to such a crossing.
- 6. For subdivisions containing 30 or more lots, or multi-family developments with 50 or more ~~units,~~ ~~when units,~~ when more than one connection is required, the city may consider an all-weather remote emergency access where development phasing or land constraints will delay the provision of an additional access ~~ways.~~
- 7. When a required second access to a paved public street is required, the paved public street to be accessed shall be considered a boundary street. As such, the subdivider or developer shall be required to provide improvements to the boundary street to improve such road to current ~~ACM~~ standards in accordance with article III division 1, Transportation Responsibilities.

Commented [LK30]: Issues with connectivity and ingress/access issues for residents if the one access is blocked.

Commented [LK31]: Repeated under subdivision requirements.

~~J. Street drainage.~~

- 1. ~~The storm drainage for all local streets shall be designed to a 10-year storm capacity curb face to curb face and to a 25-year flood frequency within the rights-of-way of each local street.~~
- 2. ~~All arterial and collector streets designated as such on the FTP shall be designed to a 20-year storm event curb face to curb face and to a 25-year flood frequency within right-of-way of each collector and arterial street.~~
- 3. ~~Runoff rates shall be computed on the basis of ultimate development of the entire watershed contributing runoff water to the proposed subdivision or development based on the design of the channels and streets that convey stormwater in to, and out of, the contributing area.~~
- 4. ~~The creation of a new bar ditch for street drainage shall be prohibited, except for all residential minor plats and residential development where the proposed density minimum lot size will be equals to one acre, or less than, 1.0 dwelling unit per acre. The City may require additional ten foot wide right of way for such streets to accommodate drainage ditches.~~
- 5. ~~In locations where bar ditches exist, when adjoining properties are developed, or redeveloped, the existing bar ditches shall be replaced with stormwater management facilities; such as, but limited to a storm sewer or a stormwater detention facility, that will convey the stormwater to City of Angleton or Angleton Drainage District drainage infrastructure, in which case, subsection K below, Curb and gutter, shall not be applicable.~~

Commented [LK32]: Density calculations are confusing and one acre lot density may not equate to minimum lot size of one acre.

~~K. Curb and gutter.~~

- 1. ~~Curb and gutter shall be installed by the developer or subdivider on both sides of all streets within or forming part of the boundary of the subdivision in accordance with the ACM.~~
- 2. ~~The city engineer may vary the curb and gutter requirements, or approve an alternative design if legitimate professional engineering standards and practices, local conditions, environmental, or factors related to stormwater management warrant a deviation.~~
- 3. ~~The use of laydown curbs shall be prohibited unless some practical, site specific, or engineering consideration may necessitate the use of laydown curbing.~~
- 4. ~~The only exceptions to these requirements are all minor plats and developments where the proposed density minimum lot size is equal, or less than one acre, 1.0 dwelling unit per acre.~~

Commented [LK33]: May want to reconsider as it limits pavement cuts and repairs. The driveways tie directly into the curb with no curb cuts.

~~L. Existing bar ditches and roughly proportional responsibility.~~

1. ~~Except for residential minor plats and residential development that will shall have a density minimum lot size equal to, or lower of than of one acre, 1.0 dwelling unit per acre, and TXDOT system highways, the continued use of existing bar ditches is prohibited.~~
2. ~~When new development, or redevelopment, is proposed along a street that has an existing bar ditch, the subdivider or developer may not continue to use the existing bar ditch unless the existing bar ditch:

 - a. ~~Has a slope of 3:1 or less;~~
 - b. ~~Will allow the installation of a sidewalk if one doesn't exist;~~
 - c. ~~Allow adequate area for the installation of required utilities and drainage easements; or~~
 - d. ~~Can be relocated or redesigned to satisfy all of the above design criteria.~~~~
3. ~~If an existing bar ditch does not, or cannot, satisfy all of the above criteria, the existing bar ditch shall be replaced with underground drainage infrastructure covered within by a drainage easement to convey stormwater a detention facility maintained by a property owners' association and/or to stormwater management facilities that have adequate capacity that are maintained by either the City of Angleton, Brazoria County, or Angleton Drainage District.~~
4. ~~The roughly proportional share of the developer or subdivider to make drainage improvements upstream, or downstream, to convey stormwater through, across, or adjoining the subject development, is the total cost of all required improvements; designed in accordance with the ACM and subject to the approval of the city and the drainage authority that would be accepting stormwater conveyance from the development.~~
5. ~~When a proposed subdivision or development backs up to, or sides on an existing street right-of-way with an existing bar ditch that cannot satisfy the above criteria, the fair share responsibility of the subdivider or developer shall also include a street design with curb and gutter, and sidewalk, each designed in accordance with the ACM.~~

JAA. Street names, addresses, posts, signs, and markers.

1. Street names shall not duplicate the names of existing streets in the city or the city ETJ;
2. Address numbers shall be assigned and displayed, in accordance with city, and in the ETJ, Brazoria County, standards in the size, color, contrast, to ensure right-of-way number visibility;
3. The developer shall be required to install all required signage and markers, consistent with city standards, and when applicable TXDOT and Brazoria County standards; and
4. Signs shall be installed per AASHTO standards, the Uniform Traffic Code, and the City's Code of OrdinancesACM.
5. Steet signs shall have white lettering on green background in conformance with the requirements of the City's Code of OrdinancesACM.

What is an acceptable proof? It should be clarified in the submittal checklist?[A](#)

Commented [LK34]: Require green street signs with white lettering, not blue like Sugarland.

N. Driveways and access.

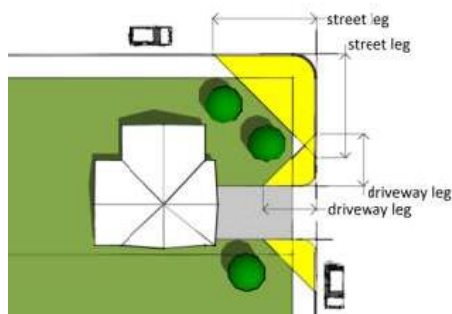
1. *Cross-access.* Parcels proposed for development that front on arterial and collector streets shall provide cross-access to abutting parcels unless cross-access is unfeasible. Cross-access easements may be required for other parcels, based on the location, traffic conditions, and surroundings.
2. *Alternatives.* Where connections to abutting parcels are possible, but not currently provided:
 - a. The parcel being developed shall include a stub-out or cross-connection easement at locations that allow reasonable connections to the abutting parcel; and

- b. Said connections shall be depicted on a recorded plat or by separate instrument.
3. *Driveway width.* Driveways, on non-TXDOT system roads, that provide property access shall be:
- At least 25 feet wide, but not more than 45 feet wide at the property line and configured to direct traffic safely to lots and may include medians between ingress and egress lanes.
 - Designed with a wider width as necessary to provide adequate width for trucks, emergency vehicles, or an adequate number of drive lanes to enter and exit a development.
4. *Number of driveways.* Lots with frontage on more than one street may have a second driveway, with one driveway on each street. "Right-in" and "right-out" driveway pairs shall be considered to be one driveway.
- Lots with frontage less than 250 feet, shall be limited to one driveway.
 - Lots with frontage on multiple streets may have an additional driveway on each street.
 - "Right-in" and "right-out" driveway pairs shall be considered to be one driveway.
 - An additional driveway for lots wider than 250 feet that have multiple uses, are larger than five acres, may be approved if additional driveways would be considered if they comply with AASHTO standards or are necessary based on the recommendations of an approved TIA.
5. Driveway spacing and proximity to arterial streets and highways. Driveway spacing on the same side of the street and proximity to arterial streets and highways shall be as follows:
- Driveway spacing on the same side of arterial street or highway shall be a minimum of 250 feet between driveways, measured from the centerlines of driveways.
 - Driveways shall not be located closer than 150 feet from a street intersection, measured from the edge of pavement of the driveway to the right-of-way.
 - Deviations from the strict driveway spacing and location may be approved by the city engineer based on the location of existing or proposed driveways on the opposite side of streets and the location of existing or proposed street improvements, such as medians and turn lanes. Acceptable deviations must adhere to AASHTO standards, generally accepted traffic engineering practices, and the recommendations of an approved TIA.
 - For legally nonconforming lots, the driveway spacing and proximity requirements of this subsection may be administratively waived to allow the construction of a driveway to every lot after determining that shared access is not possible and that the driveway will be the greatest distance practical from the arterial street or highway, and any adjoining driveway.
6. *Driveway spacing and proximity to major collector streets.*
- Driveway spacing on the same side of a major collector street shall be a minimum of 150 feet between driveways, measured from the centerlines of driveways.
 - Driveways shall not be located closer than 75 feet from a street intersection, measured from the edge of pavement of the driveway to the right-of-way.
 - Deviations from the strict driveway spacing and location may be approved by the city engineer as set out in subsection 5.c, above.
 - For legally nonconforming lots, the driveway spacing and proximity requirements of this subsection may be administratively waived as set out in subsection 5.d above.
 - Driveway access to residential lots shall be limited to the greatest extent practical.
7. *Driveway spacing and proximity to minor collector streets.*

Commented [LK35]: TXDOT complies with AASHTO standards

- a. Driveway spacing on the same side of a minor collector street for non-residential uses shall be a minimum of 100 feet between driveways, measured from the centerlines of driveways.
 - b. Driveways for non-residential and apartments shall be a minimum of 50 feet from a street intersection, measured from the edge of pavement of the driveway to the right-of-way.
 - c. For legally nonconforming lots, the driveway spacing and proximity requirements of this subsection may be administratively as set out in subsection 5.d above.
 - d. Driveway access to residential lots from minor collectors is permitted, but shall be limited to the greatest extent practical.
8. *Driveway proximity to local streets.*
- a. There is no minimum distance separation between driveways, but driveways on corner lots abutting a local street shall be as far from the intersection as practical.
 - b. For corner lots where a local street intersects an arterial or any type of collector street, access to the lot shall be provided from the local street.
9. *Driveway radius.*
- a. Driveway approaches shall be constructed with either flared side slopes or with return curbs with a rolled face disappearing at the sidewalks and joining the street curb with a radius. Flared side slopes shall be used whenever a curb return may present an architectural barrier within a pedestrian path.
 - b. Driveway flares shall not extend across any property line except for a shared driveway.
 - c. The radius shall continue beyond the sidewalk to the end of the required dimension.
10. *Existing sidewalks, curb and gutter, and ramps.* When a driveway crosses an existing curb and gutter or sidewalk, the driveway will be designed in accordance with the ACM and shall be jointed per the ACM and TAS regulations.
11. *Visibility requirements.* A triangle formed by the intersection of curb lines and a line connecting street legs 25 feet from intersections, as shown in Figure 23-12.1, Sight Distance Triangle Requirements, shall have clear visibility between two feet and eight feet of the road surface. The same standard shall apply to driveway legs.

**Figure 23-12.1
Sight Distance Triangle Requirements**



(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

(Supp. No. 19)

Created: 2021-03-10 16:12:29 [EST]

Sec. 23-14. Sidewalks and accessibility.

A. Sidewalks.

1. *Required.*
 - a. Sidewalks shall be required in all locations that adjoin public and private streets on both sides of streets in all new plats, excluding minor plats, in the city and the ETJ as part of the development.
 - ~~b. Sidewalks shall be required to be constructed as a requirement of site plan approval for new developments along all public streets.~~
 - b. For an existing development that does not have sidewalks along adjoining public streets and is proposed to be expanded, sidewalks shall only be required for the entire length of the property along the street portion of the property where the expansion is proposed. The city council may consider a variance when there are significant engineering constraints that result in practical difficulties from locating or extending a sidewalk or when a sidewalk should not be extended for other practical considerations.
2. *Construction standards.*
 - a. The construction specification of sidewalks shall conform to ~~ACM~~ specifications for sidewalks and all accessibility standards outlined in the City's Code of Ordinances.
 - b. Residential sidewalks shall have a minimum width of five feet and shall be setback two feet from the back of the curb.
 - c. Sidewalks for non-residential uses shall have a minimum width of six feet.
 - d. If a required sidewalk will connect to a substandard sidewalk, the city engineer may allow the tapering of the required sidewalk to provide a seamless connection.
3. *Sidewalk obstructions.*
 - a. When existing or required development improvements, such as a fire hydrant or a group mailbox, are in path of a sidewalk, the sidewalk shall be offset around the obstacle at its full required width.
 - b. If the right-of-way is insufficient to off-set the sidewalk around an obstruction, the city engineer may approve an alternative solution, in the form of requiring additional right-of-way or dedication of a "pedestrian or sidewalk easement".
 - c. In avoiding an obstruction, the sidewalk shall comply with all ADA-TAS requirements.
4. *Corner lots.* Where sidewalks are required on corner lots, they shall be installed along both frontages and extended to the curb with handicapped access ramps in accordance with the City's Code of Ordinances~~ACM~~ and all TAS requirements.
5. *Timing of construction.* Sidewalks shall be constructed as set out below:
 - a. Sidewalks shall be installed concurrent with the construction of the adjoining street or concurrent with site development along existing streets.
 - b. Where a sidewalk will adjoin a common area or a designated open space, the sidewalk will be constructed concurrent with the adjoining street.

Commented [LK36]: Clarification that sidewalks are required for all developments.

- c. All public sidewalks proposed to be dedicated to the city shall obtain TDLR certification of compliance with Texas Accessibility Standards prior to city acceptance.
- 6. *Waivers, deferrals, and variances from sidewalk installation.*
 - a. During platting, the city engineer may recommend that the installation of certain sidewalk sections be deferred to a future date when a unique condition exists that may preclude the immediate construction of a sidewalk.
 - b. If the city council accepts the city engineer's recommendation, council may stipulate conditions and the timing when sidewalks must be completed and may require that the subdivider enter into an agreement guaranteeing the installation of sidewalks as each residential lot is constructed and may preclude additional platting or public improvement acceptance until sidewalks required in earlier phases of a project are installed.
 - c. During platting, the city engineer may recommend that the sidewalk requirement be waived, or reduced, where it is not practical due to specific circumstances, such as soil suitability, or the extension of a sidewalk into, or beyond, a floodplain, bayou, or ditch or that pose a significant safety risk that cannot be mitigated.
 - d. Concurrent with the site plan process, the city council, after receiving a recommendation from the planning and zoning commission, may approve a variance from the sidewalk requirements when engineering constraints or local conditions result in practical difficulties in the construction or extension of a sidewalk.

B. *Curb ramps.*

- 1. Curb ramps are required at all street intersections at the time of construction or reconstruction per all ADA/TAS requirements and the City's Code of Ordinances ~~ACM~~.
- 2. ADA/TAS compliant curb ramp providing access to sidewalks, parking spaces shall be provided, including access to common open space and any required public improvements, such as parks, greenways, and recreation areas, where public access is permitted.

(Ord. No. 1-12-2018, § 1(Ex. A), 12-11-2018)

DIVISION 3. GENERAL ENVIRONMENTAL STANDARDS

Sec. 23-60. ~~Heritage~~ Tree protection.

- A. *Authority.* Based on the authority of TLGC Ch. 212, the requirements of this section shall apply to all plats and site plans proposing new development in the corporate limits of the city and the ETJ.
- B. *Purpose and intent.* The purpose of this section is to require subdividers and developers identify and document the location of heritageprotected trees on properties where development for the following purposes:

Commented [KR37]: To be reviewed by the Parks Director.

(Supp. No. 19)

Created: 2021-03-10 16:12:29 [EST]

- Promote responsible design decisions that will preserve as many [heritageprotected](#) trees as possible;
- Prohibit the indiscriminate clearing of property;
- Preserve protected trees during construction;
- Protect and increase the value of properties by preserving those trees that help to define the character of the city and region;
- Maintain a positive image of the city as a place to live and locate a business;
- Protect the natural ecological environmental and aesthetic qualities of the city; and
- Provide shade to provide relief from the heat by reducing the ambient temperature.

C. [Heritage trees classified](#)

1. [Type of trees and Mitigation Requirement.](#) ~~following~~The following [type of trees](#) are considered as [protected trees](#):-

- ~~Standard Tree~~ - A [Standard Tree](#) is defined as a tree that belongs to the [Significant tree species listed in Section 23-60. D, with minimum TCD \(total caliper diameter\) of eight \(8\) inches and a maximum TCD of 11.9 inches.](#)
- [Significant Tree](#) - A [Significant Tree](#) is defined as a tree that belongs to the [protected tree species listed in Section 23-60. D, with minimum TCD \(total caliper diameter\) of 12 inches and a maximum TCD of 23.9 inches.](#)
- [Heritage Tree](#) - A [Heritage Tree](#) is defined as a tree that belongs to the [Significant tree species listed in Section 23-60. D, ith minimum TCD \(total caliper diameter\) of 24 inches and a maximum TCD of 47.9 inches.](#)
- ~~Trees listed in Section 23-60. D, with a TCD of 48 inches, or larger shall not be removed.~~
~~live oak - *Quercus virginiana*;~~

~~Pecan - *Carya illinoensis*.~~

D. [Removal and Mitigation Criteria](#)

1a. [Replacement Criteria.](#)

[Developers of land are encouraged to preserve protected trees whenever possible. An applicant may remove Standard, Significant, and Heritage Trees if approved mitigation is provided.](#)

[The mitigation required shall be required at the following ratios:](#)

- [Standard Trees- 1:1 ratio for TCD \(total caliper diameter\) inches to be removed](#)
- [Significant Trees - 1.5:1 ratio for TCD \(total caliper diameter\) inches to be removed](#)
- [Heritage Trees - 3:1 ratio for TCD \(total caliper diameter\) inches to be removed](#)

2b. [Tree Mitigation Plan.](#)

[Any Protected Trees are planned for removal and trees plated to meet the mitigation requirement, must be identified and clearly marked on the \[Tree Mitigation Plan.\]\(#\)](#)

3. [Removal and Mitigation of Standard and Significant Trees.](#)

a.i. The applicant may plant smaller trees to replace protected Trees, provided that no tree smaller than TCD 2.5 inches is planted. In cases where soil, slope, lot size, or other natural constraints make replacing the required number of TCD inches unfeasible, the City Manager (or his designee), may, at their sole discretion, allow some or all of the mitigation to take place on a separate, public site within the City, or on lands owned by an association that operates and maintains trails, open space, or parkland within the City and that are usable by residents of the general area where the applicant's land is located. In addition, the City Manager (or designee) may allow mitigation by payment of fee for some or all of the Standard and Significant Trees to be moved, if the City's fee schedule includes a provision for Fee In Lieu of Replacement Trees. Unless otherwise specified in the fee schedule, the fees for Standard and Significant mitigation shall be the same.

b.ii. Replacement trees shall not include more than 50% of the same species.

4e. Removal and Mitigation of Heritage Trees.

ia. Heritage Trees may not be removed during construction, except under certain specific circumstances:

- i. ~~1.~~ If the tree is sick or diseased and meets the criteria laid out in Section 23-60.E; or
- ii. ~~2.~~ If the tree is within the footprint as described in Section 23-60.E; or
- iii. ~~3.~~ If the removal is approved by the City Council after consideration by the P&Z, with a formal recommendation from the P&Z to the City Council

b.ii. If any Heritage Trees are planned for removal, they must be identified and clearly marked on the Heritage Tree Plan. The Heritage Plan must also identify any Heritage Trees that are likely to be endangered by construction activity which might sever or compress the root zone, or otherwise threaten the health and life of the tree, as determined by a reasonable person. The City Council may grant removals under Section 7.8(7)c.i-3 (above) at its sole discretion. In considering whether to allow the removal of Heritage Trees, the City Council shall consider whether removal is absolutely necessary to allow the applicant to meet reasonable, investment-backed expectations for use of the property, and whether such use can be accomplished while preserving Heritage Trees.

c.iii. If any Heritage Tree removals are granted, the applicant shall meet all the mitigation and replacement conditions outlined in 7.8(6)a. (above), except that any decisions delegated to the City Manager in that paragraph shall be made by the City Council.

d.iv. Replacement trees shall not include more than 50% of the same species.

e.v. The applicant may plant smaller trees to replace Heritage Trees, provided that no tree smaller than TCD 2.5 inches is planted.

E. ~~Significant Protected tree species classified. In the event that all heritage trees cannot be preserved, the~~ following tree species, if present on a property, ~~may shall be preserved as be preserved and credits awarded,~~ as specified in this section, to mitigate the loss of any ~~heritage-such~~ trees:

- Shumard Red Oak - *Quercus shumardii*;
- Burr Oak - *Quercus macrocarpa*;
- Chinquapin Oak - *Quercus muehlenbergii*;
- Post Oak - *Quercus stellata*;
- Water Oak - *Quercus nigra*;

- Willow Oak - *Quercus phellos*;
- Bald Cypress - *Taxodium distichum*;
- Tulip Tree (Yellow Poplar) - *Liriodendron tulipifera*;
- American Elm - *Ulmus americana*;
- Redbud - *Cercis canadensis*;
- Dogwood - *Cornus florida*.
- [Trees listed in the large tree section of "Recommended Ornamental Plants for Southeast Texas Including Houston and Beaumont", by the Texas A&M Agri-Life Extension Service, with the exception of Hackberry and Arizona ash trees.](#)

E. Exceptions. The requirements of this section shall not be applicable when:

1. Plans or plats were approved prior to the adoption of the LDC;
2. Property is zoned or used for agricultural purposes, which includes the harvesting of timber;
3. ~~The owner of any residence used as a homestead~~ For existing trees less than total caliper diameter ("TCD") of 10 inches, as per LGC Sec.212.905, on homestead properties containing single or two family dwelling.
4. Damaged or diseased trees that are beyond the point of recovery, in danger of falling, or endangering public health, welfare, property, or safety, as determined by a certified arborist;
5. Trees damaged from an act of nature that interrupts utility service. Removal shall be limited, if possible, to the portion of the tree reasonably necessary to re-establish utility service;
6. Easements. Trees located within any public utility easement; and
7. Existing protected trees proposed to be removed due to current and/or potential damage to a structure located within ten feet (10') of the structure's footprint.

and

~~6. Golf courses to the extent necessary to accommodate the golf course improvements.~~

FG. Deferral. ~~The planning and zoning commission may~~ The development administrator designated City staff city manager of designee, or upon appeal the planning and zoning commission, may:

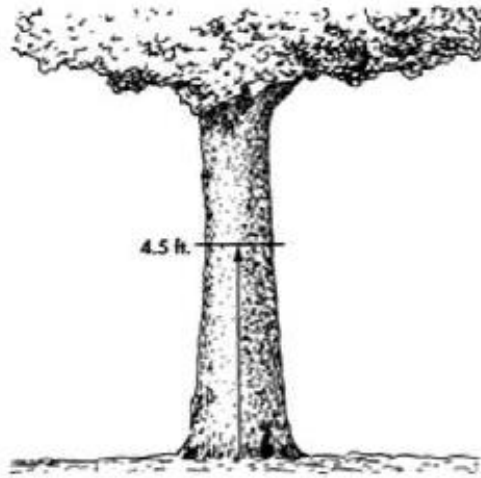
1. Consider a ~~deferral~~ request to ~~maintain or remove a heritage protected tree that would otherwise require mitigation under this section.~~ when the literal enforcement of this requirement would result in the creation of an unnecessary hardship on impractical application of the plan considering the physical characteristics of the lot or parcel of land in question; and
2. Consider a waiver or a deviation from any other development requirements in order to preserve a protected heritage tree.

Commented [LK38]: Reconsider, unless it is statutory, especially for large lots. The owner get the land cleared when it is a homestead, prior to zone change or plat to circumvent the mitigation.

H. *Tree trunk measurement.* When documenting existing [heritage trees, or existing protected trees that may be used to mitigate the loss of heritage trees for mitigation purposes](#), the following criteria shall be applied:

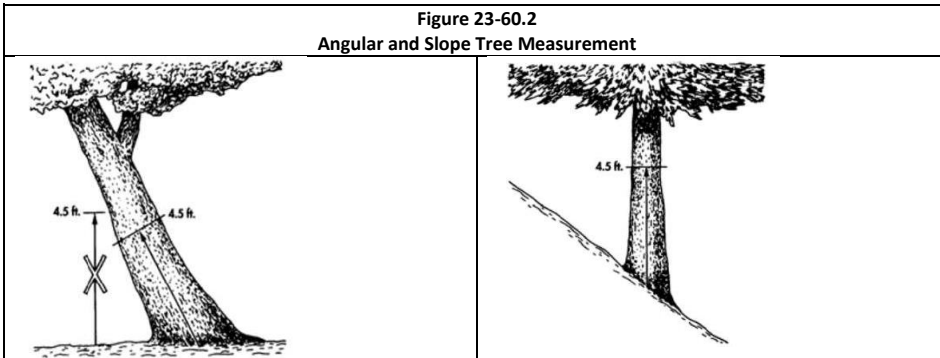
1. *Straight trunk:* Trees with fairly straight, upright trunks shall be measured 4.5 feet above the ground, as shown below:

Figure 23-60.1
Straight Tree Trunk Measurement

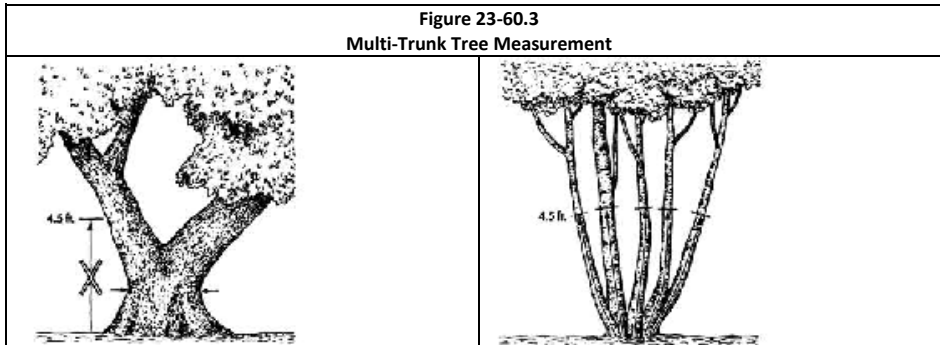


2. *Trunk on an angle or slope:* The trunk is measured at a right angle to the trunk 4.5 feet along the center of the trunk axis, so the height is the average of the shortest and the longest sides of the trunk, as shown below:

Figure 23-60.2
Angular and Slope Tree Measurement



3. *Multi-trunk trees.* To determine the diameter of a multi-trunk tree, measure each tree trunk larger than one inch. Determine the diameter of the largest tree trunk. The diameter of the multi-trunk tree is then computed as the diameter of the largest tree trunk plus one-half of the composite diameters of each smaller tree trunk greater than one inch. A multi-trunked tree is differentiated from individual trees growing from a common root stock if there is a visible connection between the trunks above ground.

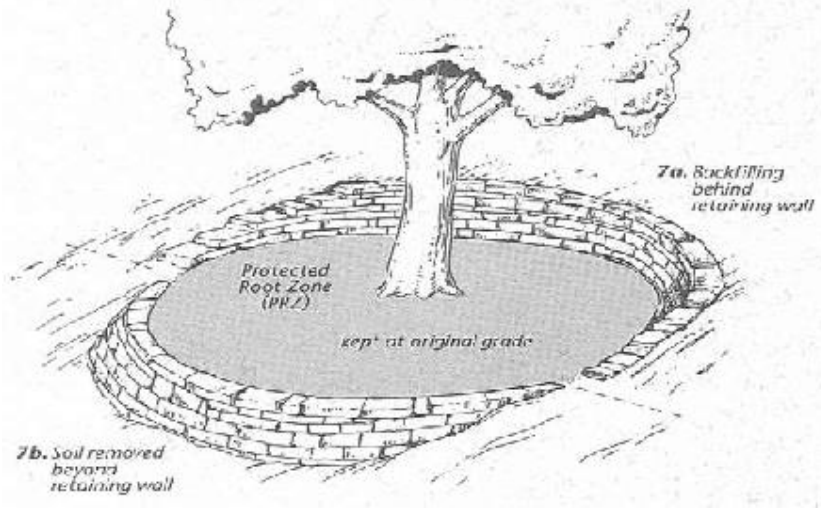


1. Replacement and protection of [heritageprotected](#) trees.
1. Developers and subdividers shall submit a tree preservation plan with plats and site plans that identifies the name, location, DBH at 4.5 feet above the natural grade of [heritage-protected](#) trees, and any significant tree species that will be preserved for credits against lost [heritage-protected](#) trees.
 2. The developer or subdivider must identify the [heritage-protected](#) trees to be preserved or removed, and which existing significant tree species will be retained for credit for removed [heritageprotected](#) trees.
 3. When a [heritage-protected](#) tree is proposed to be removed, [the City Council Planning and Zoning Commission may staff may up on recommendation by Planning and Zoning Commission](#) relax any development requirement to preserve the tree, [upon staff recommendation. Staff reserves the right to refer a relaxed design solution to the planning and zoning commission for approval.](#) Relaxed design solutions may only be approved [by staff or](#) the commission upon finding that the preservation of the tree is in the public interest and that the relaxed standard would not result in any health or safety issues.
 - ~~4. If design solutions are not available to preserve heritage trees, the developer shall be required to determine the collective caliper of the heritage trees proposed to be removed and multiply that figure by three, to determine the aggregate amount of tree caliper that must be provided to replace removed heritage trees. Heritage trees may be replaced with another heritage tree or a tree on the significant tree species classified list. This requirement can be satisfied with the planting of many trees, a few trees, or one tree; provided that the aggregate replacement caliper is equal the existing aggregate proposed to be replaced times three.~~
 5. In lieu of planting young trees to mitigate lost heritage trees, the applicant may also propose to preserve existing mature healthy trees not listed in [significant-protected](#) tree species classified list, but that are listed in the large tree section of "Recommended Ornamental Plants for Southeast Texas Including Houston and Beaumont", by the Texas A&M Agri-Life Extension Service, with the exception of hackberry and Arizona ash trees.

Commented [KR39]: Changed to CC

56. For site plans, the aggregate caliper for replacement trees shall be in addition to the normal landscaping requirements of the zoning ordinance.
67. For residential subdivisions, the aggregate caliper of replacement ~~protected~~ trees shall be in addition to the normal requirement of this ordinance, which is two trees per residential lot. The locations of where replacement trees will be planted shall be identified in a tree replacement plan filed with the preliminary plat, final plat or site plan, with trees identified as an existing ~~heritageprotected~~/significant tree species.
78. No person, directly or indirectly, shall cut down, destroy, remove or move, or effectively destroy through damaging, any ~~protectedheritage~~ tree located on property regulated by this section unless such removal is expressly "excepted" by this section.
98. When using a retaining wall where the natural grade must be raised or lowered, the tree well shall be designed in accordance with the design concepts depicted in Figure 23-60.4, Retaining Wall and Tree RPZ Protection.
- J. *Tree preservation plan required.* When ~~heritage protectedtreesprotected trees~~ are located on a property for which development is proposed, which shall include site clearing, grubbing, earth movement, or the removal of any vegetation, a tree preservation plan shall be submitted that demonstrates compliance with the all of the requirements set out in this section.
- K. *Tree protection and planting.*
1. Tree protection will be installed before any site work is initiated and maintained for the duration of the construction work. Tree protection will consist of the following:
 - a. It will consist of fencing (orange mesh or chain link) placed around the RPZ.
 - b. No vehicles or construction materials/debris will be allowed in the RPZ.
 - c. No equipment shall be cleaned or other liquids deposited within the limits of the dripline of any protected tree. This includes, but is not limited to, paint, oil, solvents, asphalt, concrete, mortar, or other materials;
 - d. No signs, wires, or other attachments, other than those of a protective nature, which have been approved in the tree disposition plan, shall be attached to any protected tree;
 - e. Trespassing or throwing trash into a protective fence area is prohibited.

Figure 23-60.4
Retaining Walls and Tree RPZ Protection



- f. Any damage done to tree crowns or roots will be repaired immediately and any wounds on live oaks will be painted with pruning paint within 60 minutes to prevent oak wilt.
 - g. Wells or retaining walls around the RPZ will be used if proposed finished grades will raise or lower the natural RPZ grade by more than six inches.
 - h. The finished RPZ will be pervious.
 - ~~i. For commercial, multifamily and other developments; a minimum of 25 percent of the total DBH must be preserved.~~
 - ~~j. For single family residential development of single or contiguous lots; contiguous lots include three or more lots, a minimum of 50 percent of total DBH must be preserved.~~
 - ~~k. For individual lots, 45 percent of total DBH must be preserved.~~
 - l. Utility and flatwork per the original builder's plan are exempt for up to 45 percent of the RPZ.
2. New single-family residential lots shall have two trees per lot. These trees may be:
- ~~a. A preserved heritage tree;~~
 - ~~ab. A tree on the specific trees species/protected tree species list in ~~list~~ Section 23-60. D that is replacing a heritage tree that was removed;~~ or
 - ~~be. A tree listed in the "Recommended Ornamental Plants for Southeast Texas Including Houston and Beaumont", by the Texas A&M Agri-Life Extension Service, with the exception of hackberry and Arizona ash trees, provided that the tree, when mature, will have an average crown greater than 15 feet in diameter, have a three-inch DBH and height of ten feet at the time of planting;~~
 - ~~cd. If an existing heritage tree or a specific/protected trees species that was preserved to comply with this section is located on a residential building lot, it shall be designated on the plat, or another suitable document, to ensure that it is properly protected during construction and is not removed by the property owner, unless an exception listed in the section becomes applicable.~~

~~e. Existing heritage trees preserved specific trees species may be located in the public right of way and may not be removed by the property owner.~~

~~3. New single family residential lots shall have two trees per lot. These trees may be:~~

~~a. A preserved heritage tree;~~

~~b. A tree on the specific trees species List that is replacing a heritage tree that was removed; or~~

~~c. A tree listed in the "Recommended Ornamental Plants for Southeast Texas Including Houston and Beaumont", by the Texas A&M Agri Life Extension Service, with the exception of hackberry and Arizona ash trees, provided that the tree, when mature, will have an average crown greater than 15 feet in diameter, have a three-inch DBH and height of ten feet at the time of planting;~~

~~d. If an existing heritage tree or a specific trees species that was preserved to comply with this section is located on a residential building lot. It shall be designated as such to ensure that it is properly protected during construction and is not removed by the property owner, unless one of the exceptions listed in the section should become applicable.~~

~~e. Existing heritage trees preserved specific trees species may be located in the public right of way and may not be removed by the property owner.~~

Commented [LK40]: Duplicated – see above.

(Ord. No. 1-12-2018, § 1(Ex. A), 12-11-2018)

Sec. 23-75. Administrative permits and procedures.

- A. *Generally.* Administrative permits are those that are issued by [the designated](#) city staff without the requirement for a public meeting or hearing.
- B. *Administrative permits and procedures established.* Applications requiring administrative approval are set out in Table 23.75, Administrative Permits and Procedures, below.
- C. *Administrative rules authorized.* The city may establish administrative rules that stipulate administrative policies and guidelines, create filing schedules and deadlines and similar information to administer the LDC. The administrative rules may be amended, as necessary.

Table 23.75 Administrative Permits and Procedures				
Process	Purpose	Timing	Exceptions	Issued By
Administrative Plats	Minor Plats Amending Plats Amending Plats Development Plats	Prior to sale or construction	All other plats	City Manager or Designated City staff Development Administrator
Site Plans	Determine Code Compliance	Prior to permit issuance	None	City Manager or Designated City staff Development Administrator
Extensions	Extend the life of an approval	Prior to expiration	As specified in the LDC	City Manager or Designated City staff Development Administrator

Commented [LK41]: As currently written. Recommending changes to permit administrivia approval of certain plats.

(Supp. No. 19)

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Table 23.75 Administrative Permits and Procedures				
Process	Purpose	Timing	Exceptions	Issued By
Sketch Plans	Determine LDC Compliance	Prior to plan submittal	Optional	City Manager or Designated City staff Development Administrator
Permits, Certificates and Licenses	Authorization to build or to operate	Prior to construction or development	None	Building Official
Appeals	Challenge an administrative decision	Within 30 days of an administrative decision	Denied appeals can be appealed to City Council	City Manager or Designated City staff Development Administrator
Interpretations	LDC interpretations	Within 14 days of receipt of a complete application	None	City Manager or Designated City staff Development Administrator
Floodplain Development Permit	Development in a regulatory floodplain	Prior to beginning improvements in a floodplain	None	Floodplain Administrator
Construction of Public Improvements	Prior to site work	After approval of construction plans	None	City Manager or Designated City staff
Development Permit	Prior to site work	One week prior to the beginning site work	None	Building Official

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-76. Approvals and permits requiring public meetings.

- A. *Generally.* Applications requiring a public hearing or meetings are summarized in Table 23.76, Public Meetings: Permits and Procedures, below.
- B. *Public meetings and public hearings decisions.*
 1. A public hearing determination is issued by either the planning and zoning commission or city council during a public meeting.
 2. The planning and zoning commission, during a public meeting or public hearing, shall make a recommendation of approval, conditional approval, or denial to the city council, continue the application, or approve or deny those applications where it has final decision power.
 3. The city council, after concluding testimony, discussion, and deliberations, closing a public hearing, will approve, conditionally approve, continue, or deny the application.

Table 23.76 Public Meetings: Permits and Procedures				
Process	Purpose	Timing	Exceptions	Issued By
Public Improvement Acceptance	Public improvement acceptance	Prior to Final Plat	None	City Council

(Supp. No. 19)

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Table 23.76 Public Meetings: Permits and Procedures				
Process	Purpose	Timing	Exceptions	Issued By
		recordation and building permit issuance		
Appeals	Appeals from a staff determination	Within 30 days of the action being appealed	Administrative Appeals	City Council
Preliminary Plat	All major plats	Prior to Final Plat	Minor Plats	Council, upon Planning & Commission recommendation
Final Plat	All major plats and any related platting variances	Prior to recordation and starting development	Minor Plats and Stale Plats	Council, upon Commission recommendation
Replat	Make changes to recorded plats	Prior to recordation and starting development	As per TXLGC XXXXX	Council, upon Commission recommendation
Vacation/Dedication of Easements	Easement dedicated or vacation	Prior to easement abandonment or conveyance	None	Council, upon Commission recommendation, if by plat, or by ordinance by Council
Floodplain Hazard Variance	Floodplain variances	Prior to permit issuance of a permit	Only pertains to Article V, Divisions 1 and 2	Council, upon City Engineer-staff recommendation
LDC Variance	Variance from an LDC requirement	Prior to permit issuance	Flood Hazard Variances	Council, upon Commission recommendation
Text Amendment	Amendments to LDC text	Prior to amending the LDC	None	Council, upon Commission recommendation
Special Agreements	As set out in Article III, Division 3	Prior, or concurrent with, platting	None	City Council
Interpretations	Application of an LDC requirement	Prior to final action on a request	Development Administrator Designated City staff Interpretations	City Council
Site Plan Referral	Plans referred by the Development Administrator Designated City staff	Prior to site plan approval	Site plans approved by the Development Administrator Designated City staff	Planning and Zoning Commission

Commented [LK42]: Add - Planning &
Commented [LK43]: List all plats, ROW dedication or abandonment, BOA, zone changes.

Table 23.76 Public Meetings: Permits and Procedures				
Process	Purpose	Timing	Exceptions	Issued By
Concept Plan, Master Plan, or Land Study	"Conceptual" Project Direction and Approval	Prior to filing a plat or another development application	Voluntary for smaller projects, encouraged for large projects	Council, upon Commission recommendation
Vested Rights Petition	Expired Development Approval	Upon expiration of any Development Approval	None	City Council

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

DIVISION 3. ADMINISTRATIVE PLATS ; PERMITS AND PROCEDURES

Sec. 23-87. General procedures

A. Generally. Subdivision-related procedures are necessary to establish how individual lots or projects may be developed. Subdivision and property development related activities and projects must be in compliance with this Code. Plats are classified under two types – Administrative Plats and Non-Administrative plats.

B. Administrative plats.

1. Amending Plat. A plat that involves minor changes to a recorded plat. An amending plat will be filed in accordance with the procedures and requirements set forth in the TLGC §212.045. The City Manager or designee may approve and issue an amending plat, which may be recorded and control over the preceding plat without vacation of that plat and without notice and hearing.
2. Minor Plat. A subdivision involving four (4) or fewer lots fronting on an existing street and not requiring the extension of municipal facilities;
3. Development Plat. Required for any person proposing the development of previously unsubdivided or unplatted land that is not being divided into separate parcels, or land that was exempted from platting by TXLGC; and

C. Non-administrative pPlats.

1. Preliminary Plat. A map or drawing of a proposed subdivision plan that, upon approval, establishes the approved layout. This approval includes the location and width of proposed streets, lots, blocks, floodplains, easements (utility, drainage, franchise utility, etc.), amenities, and other features required to ensure compliance with the requirements of this Code. . A Preliminary Plat approval is required prior to Final Plat approval, except under certain conditions described herein in [Section xxx](#).

Is there an option to combine all types of replats?

- 2. Final Plat. A subdivision map or drawing intended for recordation in the plat records of the county in which the subdivision is located. A Final Plat requires approval of Preliminary Plat, construction plans for streets and infrastructure, and other items from the Preliminary Plat in accordance with this Code.
- 3. Re-plat. A new plat that changes the restrictions of a previously adopted Final Plat or results in a change in lot sizing that would affect water well or on-site sewage facility regulations, or that would affect compatibility with the City's zoning code or Future Land Use Map.

D. Other Plat Related Approvals.

- 1. Concept Plan. A map or plat designed to illustrate the general design features and street layout of a proposed subdivision development and platted in sections. A Concept Plan will be valid for one (1) year and will expire if a plat or a permit has not been approved or issued within the one (1) year time period. Subsequent approvals will automatically extend the approval of the Concept Plan for one (1) year following the last approval. (Refer to Table 3.2).
- 2. Construction Plans. The maps, drawings, and specifications indicating the proposed location and design of improvements to be installed in a subdivision/Site Plan.

E. ~~E Administrative Plats, General Requirements~~

A. General. Administrative plats include the following:

- 1. Consolidation plat or replat, minor;
- 2. Amending plat, minor;
- 3. Minor plat; and
- 4. Development plat.

- 1a. Applicability. Minor Plats, Amending Plats, and Development Plats may be approved by the City Manager (or designee) following an evaluation for plan compliance and technical compliance with this Code.
- a. Minor Plat. A Minor Plat is any plat involving four (4) or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities.
- b. Amending Plat. A plat that complies with LGC §212.016, as amended, which is generally submitted to correct errors and omissions, or make minor changes if the amending plat is signed by the applicants only and is solely for one or more of the following purposes:
 - i. 1. Correct an error in a course or distance shown on the preceding plat;
 - ii. 2. Add a course or distance that was omitted on the preceding plat;
 - iii. 3. Correct an error in a real property description shown on the preceding plat;
 - iv. 4. Indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
 - v. 5. Show the location or character of a monument which has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;

- vi. ~~6.~~ Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;
- vii. ~~7.~~ Correct an error in courses and distances of lot lines between two (2) adjacent lots if:
- Both lot owners join in the application for amending the plat;
 - Neither lot is abolished;
 - The amendment does not attempt to remove recorded covenants or restrictions; and
 - The amendment does not have a materially adverse effect on the property rights of the other owners in the subdivision;
- viii. ~~8.~~ Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
- ix. ~~9.~~ Relocate one or more lot lines between one or more adjacent lots if:
- The owners of all those lots join in the application for amending the plat;
 - The amendment does not attempt to remove recorded covenants or restrictions; and
 - The amendment does not increase the number of lots;
 - The amendment does not render any resulting lot substandard for a required well, on-site sewage facility, or below minimum lot size requirements in existing deed restrictions on in the City's Future Land Use Map; or
- x. ~~10.~~ 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:
- The changes do not affect applicable zoning and other regulations of the municipality, including water and on-site sewage facility regulations;
 - The changes do not attempt to amend or remove any covenants or restrictions; and
 - The area covered by the changes is located in an area that the Commission or City Council has approved, after a public hearing, as a residential improvement area; or
- xi. ~~11.~~ Replat one or more lots fronting on an existing street if:
- The owners of all those lots join in the application for amending the plat;
 - The amendment does not attempt to remove recorded covenants or restrictions;
 - The amendment does not increase the number of lots; and
 - The amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities, or require a variance for water well lot sizing and setbacks or on-site sewage facility regulations.
- ~~ciii.~~ Development Plat:
- i. ~~1.~~ Development Plats are required for previously unsubdivided or unplatted land that is not being divided into separate parcels, as described in LGC §212.045.
- ii. ~~2.~~ Any person who proposes the development of a tract of land within the City limits or the extraterritorial jurisdiction of the City must have a Development Plat of the tract prepared in accordance with this Section.

- iii. ~~3~~—No development will begin, nor any building permit, utility connection permit, or similar permit be issued until a development plat has been reviewed and approved.
- iv. ~~4~~—When an applicant is required to file a Preliminary Plat or Final Subdivision Plat by other requirements of this Section, a Development Plat is not required.
- ~~d.iv.~~ —City Manager Endorsement. It will be unlawful to offer and cause to be filed any plan, plat, or replat of land within the City limits or ETJ of City of record with the appropriate County Clerk unless the plan, plat or replat bears the endorsement and approval of the City Manager (or designee).
- ~~eb.~~ Approval Criteria (Administrative Plat). All subdivisions and plats of land will be reviewed using the criteria in this Code. Infrastructure construction plans must be filed and be consistent with Chapter 8 Environmental Protection, if needed. Subdivisions, plats and construction plans must be reviewed and approved before any final action may be taken by the City Manager (or designee) or the developer. All plats shall be signed by all affected property owners prior to approval.
- ~~fe.~~ Responsibility for Final Action. The City Manager (or designee) is responsible for final action on Administrative Plat Reviews. If the City Manager (or designee) determines the Administrative Plat does not meet the approval criteria, the City Manager shall forward the application to the to the Planning and Zoning Commission for its review and for its recommendation to City Council, which will take final action. The City Council, upon recommendation by Planning and Zoning Commission is responsible for final action on Administrative Plat Reviews.
- ~~ge.~~ Action Following Plat Approval. After approval of an Administrative Plat, the Developer will notify the City Engineer within ten (10) days which of the following construction procedure(s) the Developer proposes to follow:
 - i. The Developer may file a Construction Plan, and upon approval of the Construction Plan by the City Manager (or designee), proceed with construction of streets, alleys, sidewalks, and utilities that the Developer is required to install. The City will inspect the work as it progresses, and upon completion and final acceptance by the City, and upon written request of the Developer, the approved plat may be filed of record with the appropriate County Clerk; or
 - ii. The Developer may elect to post fiscal surety and assurance of construction, if ~~required~~, ~~as required~~, as provided in Chapter xxx, in which case the surety of assurance will be filed with the City, together with a request that the plat be filed for record. In this case, the plat will be filed with the appropriate County Clerk. The City will inspect the construction work as it progresses and will make the final inspection to assure compliance with City requirements; and upon completion of construction, the Developer will deliver to the City a two (2) year guarantee of workmanship and materials as provided in Chapter xxx.
 - iii. The City Engineer shall issue letter accepting documents, providing the requisite authority for the Subdivider to proceed with the construction of streets and utilities.
- ~~he.~~ Recordation. After the City Manager (or designee) or City Council has approved the plat, the City Engineer has approved the Construction Plan and the Subdivider has either posted fiscal surety and assurance of construction (see Chapter xxx) or completed required provision of infrastructure and public improvements, the plat will be recorded in the Office of the appropriate County Clerk. The Developer will pay the record filing fee as provided for in the City's fee schedule.
- ~~ib.~~ ~~B.~~ Submittal requirements. All administrative plats (minor consolidation plats, minor amending plats, minor subdivision plats, and development plats) shall require the submittal requirements as set out in section 23-A.1., Submittal requirements checklists.

- Commented [LK44]: Current TXLGC requirement.
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~~C.—Consolidation plat or replat, minor.~~

- ~~1.—Purpose. A consolidation plat, minor may be filed to combine six or fewer recorded lots or unplatted parcels into a lesser number of platted lots that conform to the LDC to create buildable lots;~~
- ~~2.—Prohibited actions. A consolidation plat, minor, may not:

 - ~~a.—Remove or modify a recorded covenant, restriction, general plat note, or easement;~~
 - ~~b.—Have a material adverse effect on the property rights of other owners in the subdivision;~~
 - ~~c.—Relocate one or more lot lines between one or more adjacent lots unless all owners affected by the change join in the application for the consolidation plat;~~
 - ~~d.—Result in an increase in the number of buildable lots;~~
 - ~~e.—Result in the extension of public utility service lines;~~
 - ~~f.—Result in the creation of a new street or the abandonment of an easement containing existing utility service without the consent of all utility providers;~~
 - ~~g.—Create a lot, or lots, that do not comply with applicable zoning requirements; or~~
 - ~~h.—Involve more than ten acres of property or six lots (parcels). Consolidated plats that exceed those parameters are subject to section 23-97, Replats and consolidated plats, major.~~~~
- ~~3.—Rights of way and easements. A consolidation plat, minor allows the following actions:

 - ~~a.—The dedication of additional right of way to an existing street right of way;~~
 - ~~b.—The dedication of new easements and the relocation of existing easements; and~~
 - ~~c.—The abandonment or relocation of utility easements subject to the consent of all affected utility providers.~~~~

~~D.—Amending plats, minor.~~

- ~~1.—Purpose. An amending plat, minor, may be filed for the following purposes:

 - ~~a.—Correct an error in a course or distance shown on the preceding plat;~~
 - ~~b.—Add a course or distance that was omitted on the preceding plat;~~
 - ~~c.—Correct an error in a real property description shown on the preceding plat;~~
 - ~~d.—Indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;~~
 - ~~e.—Identify the changed location, changed character, or incorrect location of a monument on the preceding plat;~~
 - ~~f.—Correct any other type of scrivener or clerical error or omission previously approved by the municipal authority responsible for approving plats, including lot numbers, acreage, street names, and identification of adjacent recorded plats;~~
 - ~~g.—Correct an error in courses or distances of lot lines between two adjacent lots if:

 - ~~i.—Both lot owners join in the application for amending the plat;~~
 - ~~ii.—Neither lot is abolished; and~~
 - ~~iii.—Any affected utility providers consent to proposed amendment.~~~~
 - ~~h.—Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement into a required setback or easement only if:~~~~

Commented [LK46]: Minor plat

- i. ~~The owners of all affected lots join in the application for the amending plat, minor; and~~
- ii. ~~If an easement would be affected, all affected utility providers shall consent to the proposed amendment in writing.~~

~~2. Limitations.~~

- a. ~~An amending plat, minor may be filed if:~~
 - i. ~~A parcel of land is subdivided into no more than four parcels;~~
 - ii. ~~No new streets, roads, extensions or access easements are proposed to be developed;~~
 - iii. ~~No utilities, other than individual service lines, need to be extended to serve the parcels and the necessary utilities are in place immediately adjacent to the parcels;~~
 - iv. ~~The resulting lots will be in compliance with all LDC provisions; and~~
 - v. ~~There are no other problems of public concern.~~
- b. ~~Amending plats that exceed the limitations in subsection a, are considered to be major and shall meet all final plat requirements, as set out in section 23.95, Final plats.~~

~~3. Submittal requirements. Amending plat, minor submittals are subject to the submittal requirements set out in subsection B above.~~

~~E. Minor subdivision plats. Minor subdivision plats or replats may be filed if:~~

- 1. ~~Property is proposed to be subdivided into no more than four lots;~~
- 2. ~~The resulting lots comply with all LDC and applicable zoning requirements;~~
- 3. ~~No utilities, other than service lines, are required to be extended to serve the lots and utilities are available on or immediately adjacent to the parcel; and~~
- 4. ~~The resulting lots would all front on a public street and not require the creation of a new street.~~

~~F. Development plats.~~

- 1. ~~Applicability. As provided by V.T.C.A., Local Government Code Ch. 212, Subch. B, the city shall require the filing of a development plat to establish any non-residential and non-agricultural uses to ensure that the proposed use will be compliant with:~~
 - a. ~~All adopted, and future, plans and studies of the city, and those plans of any other state or regional entity with jurisdiction, as set out in section 23-6, Consistency with plans;~~
 - b. ~~The LDC for non-residential and non-agricultural development in the ETJ only when a site plan and development plat are required to ensure compliance with the LDC, public health and safety, and the dedication of right-of-way and easements for:~~
 - i. ~~Non-residential construction on a property that was not lawfully subdivided prior to the effective date of the LDC;~~
 - ii. ~~Property that is not subject to the preliminary and final plat requirements of the LDC;~~
 - iii. ~~Development where the only access is a private easement or private street; and~~
 - iv. ~~Developments where easements or right-of-way must be provided.~~
- 2. ~~Exceptions. A development plat may not be filed when:~~
 - a. ~~A tract has received final plat approval or was lawfully created prior to the effective date of the LDC; or~~

Are 23.116 submittal requirements for administrative plats applicable?

https://library.municode.com/tx/angleton/codes/code_of_ordinances?nodeId=

Minor Plat?

~~b. Public improvements are required to be constructed by the developer or subdivider.~~

~~3. Issuance of permits and utility service. No development may commence and no permits or utility connections issued until the development plat has been recorded and the associated site plan approved.~~

FG. Administrative plat review procedures.

1. All administrative plats set out above, or that are provided for in TLGC Ch. 212, are subject to ~~development administrator~~designated City staff review and approval.
2. The ~~development administrator~~designated City staff shall:
 - a. Determine if the proposed plat complies with the criteria of this section;
 - b. Confirm that:
 - i. The administrative plat, if approved, will control over the preceding recorded final plat without the vacation of that plat; and
 - ii. That the administrative plat is signed by all affected property owners.

GH. Approval by the city manager. Upon the completion of ~~review by the development administrator~~designated City staff review, the plat is referred to the city manager. The city manager shall:

1. Approve the administrative plat if all requirements of the LDC are satisfied; or
2. Refer the plat to the commission and city council, as set out in section ~~23-95xxx~~, Final plats, if all requirements for administrative plat approval are not satisfied and the plat is not approved administratively.

H. Subdivisions outside the corporate limits of the city. The City of Angleton has final authority on development plats in the ETJ.

I. Action following approval.

1. *Certification of approval and surveyor certification.* City manager approval of the administrative plat shall be evidenced by the execution of a certificate of approval and a P.E. or R.P.L.S. seal on the plat, as set out in section 23-A-2, Standardized city forms and certification language.
2. *Recordation of plat.* The plat shall be recorded in the plat records of Brazoria County, with all recording fees and any other applicable fees paid by the owner/applicant.
3. *Expiration.* If for any reason the plat has not been recorded within six months of approval, the approving actions shall be deemed void.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-889. Non- Administrative plats.

A. Non-administrative plats include the following

~~1. Preliminary plat;~~

~~23. Final plat~~Final plat; and

~~34. Replat plat.~~

a. Applicability. Preliminary plat, Final plat, and Replat plat Plats require approval by the City Council, upon a recommendation from the Planning and Zoning Commission, following an evaluation for plan

[compliance and technical compliance with this Code. Except for certain types of replats, as per TXLGC XXXX, a public hearing is not required for approval of these plats.](#)

See [Sections xxxx](#), for additional details on non-administrative plats.

Table XX Review Authority and Expiration of Plats

Type of Plat	Applicability	Approving Body/Official	Expiration
Minor Plat	Creation of four (4) or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities.	Designated City Staff (Administrative)	Must be filed with the county clerk within 12 months following the date of approval
Amending Plat	A plat that complies with LGC §212.016 and generally submitted to correct errors and omissions or make minor changes.	Designated City Staff (Administrative)	Must be filed with the county clerk within 12 months following the date of approval
Development Plat	Required for previously unsubdivided or unplatted land that is not being divided into separate parcels, as described in LGC §212.045.	Designated City Staff (Administrative)	Must be filed with the county clerk within 12 months following the date of approval
Preliminary Plat	Required for land being divided into separate parcels, plats with five or more lots, and any plats that require public improvements that will be dedicated to the City.	City Council	Must submit a Final Plat within 6 12 months following the date of approval
Final Plat	<ul style="list-style-type: none"> Required for land being divided into separate parcels, plats with five or more lots, and any plats that require public improvements that will be dedicated to the City. Required to ensure that a final recorded plat conforms to the Preliminary Plat as approved by the City Council and to the Construction Plans as approved by the Mayor or designee. 	City Council	Must be filed with the county clerk within 12 months following the date of approval
Replat	To replat a subdivision or part of a subdivision without vacation of the original plat. Applies to certain type of replats as per TXLGC XXX	City Council	Must be filed with the county clerk within 12 months following the date of approval
Extension of All Plat Approvals	To extend expiration date of a plat approval and extend the recordation time.	Approving body	If no development has occurred within 12 months following the date of approval, the expiration date may be extended by an additional 12 months

Sec. 23-8994. Preliminary plats.

- A. *Pre-application conference.* The applicant or their duly authorized agent, is required to schedule a pre-application conference, as set out in section 23-77, Pre-application conference.
- B. *Preliminary plat and plat submittal contents.* Preliminary plats shall include all relevant information set out in appendix A, subappendix 2, for preliminary plats and any other submittal checklists that are applicable.
- C. *Application review process.*
1. *Complete application required.* The submittal will be considered filed when all requirements set out in section 23-79, Complete applications required are provided. The date in which the application is determined to be "complete" is the official filing date.
 2. *Thirty-day filing deadline.* Applications shall be acted on within 30 days after the plat filing date, as set out in section 23-80, Application review.
 3. *Incomplete applications.* If an applicant chooses to proceed to the commission and council with an incomplete application, as set out in subsection 23-79.B.
 4. *Written report.*
 - a. The recommendations from each referral agency, official, and department shall be provided to the applicant; and
 - b. A written report from the designated City staff, distributed to the commission and council, will provide a staff recommendation.
- D. *Planning and zoning commission action.*
1. *Review criteria.* The commission shall utilize the following criteria:
 - a. Consistency with any approved concept plan, master plan, or land study, as set out in section 23-104, Concept plans, master plans, and land studies.
 - b. Physical arrangement of the subdivision;
 - c. Adequacy of street rights-of-way, alignment, and connectivity;
 - d. Compliance with the LDC;
 - e. Compliance with the Angleton Future Thoroughfare Plan;
 - f. Compliance with and the master drainage plan and all other city plans; and
 - g. Adequacy of proposed utility services.
 2. *Commission action.*
 - a. The commission will recommend approval, approval subject to conditions, or denial.
 - b. The commission shall adopt findings of fact for a recommendation to deny the plat.
- E. *City council action.*
1. *Review criteria.* The city council shall follow all processes set out in subsection G, above.
 2. *Council action.*
 - a. The council will approve, approve subject to conditions, or deny the application.
 - b. The commission shall adopt findings of fact and rationale for any plat denial.

F. *Subdivisions outside the corporate limits of the city.* Final action on all preliminary plats, regardless of the location of a plat in the ETJ, is the city council, following review and a recommendation by the planning and zoning commission.

G. *Effect of preliminary plat approval.*

1. Approval of a preliminary plat shall not constitute approval of the final plat.
2. Approval of the preliminary plat should be deemed an expression of approval to the proposed layout submitted on the preliminary plat as a guide to the preparation of the final plat.
3. The final plat shall be subject to fulfilling all requirements of this LDC, the master drainage plan.

H. *Lapse of approval.*

1. Preliminary plat approval shall be valid for 12 months from the date of council approval, during which time all general terms and conditions under which the preliminary plat was approved shall not be changed;
2. The council approval of the preliminary plat shall be deemed void unless a final plat is submitted within the 12-month period, or unless the 12-month period is extended by the council for a term not to exceed 12 months at the request of the subdivider; and
3. As a condition of granting an extension of the preliminary plat, the council may require the plat to comply with any new development requirements adopted after the plat was approved.

~~I. *Combination plat.* A combined preliminary/final plat may be filed for a development where no public improvements are required and four or fewer lots are proposed.~~

~~1. Applicants are responsible for demonstrating compliance with all preliminary and final plat requirements and the application fee for a both the preliminary and final plat.~~

~~2. A site plan may be submitted concurrently to facilitate plat review.~~

~~3. A combined plat would be submitted in the form of a final plat, as set out in section 23-95, Final plat; and be labeled "Preliminary/Final Plat", subject to the payment of all application fees for a preliminary plat and a final plat.~~

~~4. The commission and council will each make a single motion for action on the combined plat.~~

~~5. The mylar for recordation will be labeled as "Final Plat".~~

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-905. Final plats.

A. *General.* A final plat may not be recorded until a preliminary plat and final plat have been approved, as set out in section 23-94, Preliminary plat, and this section.

B. *Final plat and plat submittal contents.* Final plats shall include all relevant information set out in appendix A, subappendix 2, for final plats and any other submittal checklists that are applicable.

C. *Application review process.* A final plats shall be filed within 12 months of the approval of a preliminary plat, and shall be reviewed as set out in section 23-94, Preliminary plat, subsection C, Application review, and the additional requirements set out below:

1. *Final plat conformance with the approved preliminary plat.* The final plat shall conform substantially to the approved preliminary plat and phasing plan and any conditions imposed.

Commented [LK47]: This would be a minor plat.

2. *Approval of construction plans and construction of public improvements.* The final plat shall be filed for review and approval upon acceptance of all public improvements or after provision of surety as required. .

D. *Plat action.* Action on the final plat will be taken by the planning and zoning commission and city council as set out in section 23-94, Preliminary plat, subsection G., Planning and zoning commission action, and subsection H., City council action.

E. *Subdivisions outside corporate limits of the city.* Final action on all final plats, regardless of the location of a plat in the ETJ, is the city council, following review and a recommendation by the planning and zoning commission.

F. Actions following final plat approval.

Actions following final plat approval.

- 1. *Certification of approval.* City council approval shall authorize the planning and zoning commission chairman and mayor to execute the certificates of approval on the final plat.
- 2. *Final plat modifications.* In no case shall additions, corrections, or modifications of any kind be made to the final plat administratively, other than signatures required after the final plat has been approved by the city council, except those set out in section 23-87, Administrative plats, subsection D, Amended plats, minor. ~~Any other amendment to the final plat shall only be permitted as set out in section 23-96, Amended plats, major.~~

~~3. Recordation of plats. The recordation of all subdivisions inside the corporate limits of the city and the ETJ shall then be filed and recorded in the plat records of Brazoria County after:~~

- ~~a. The city council has officially acted upon the final plat with respect to public improvements, dedications and utilities, as set out in article III, division 4, Public Acceptance and Permitting;~~
- ~~b. The final plat has been fully certified and executed by all property owners comprising the plat and agencies with plat certification jurisdiction; and~~
- ~~c. All fees, including recording, application, staff review fees, fees in lieu of parkland dedication, if applicable, have been paid in full.~~

3. Recordation of plats. The recordation of all subdivisions inside the corporate limits of the city and the ETJ shall then be filed and recorded in the plat records of Brazoria County after:

- a. City Manager or designee has approved the Construction Plan.
- b. The city council has officially acted upon the final plat with respect to public improvements, dedications and utilities, as set out in article III, division 4, Public Acceptance and Permitting.
- c. The final plat has been fully certified and executed by all property owners comprising the plat and agencies with plat certification jurisdiction; and
- d. All fees, including recording, application, staff review fees, fees in lieu of parkland dedication, if applicable, have been paid in full.
- e. The Subdivider has either posted fiscal surety and assurance of construction (see Chapter xxx) or completed required provision of infrastructure and public improvements.

Commented [LK48]: Confirm new procedures

Commented [LK49]: Confirm new procedures

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G. *Review in phases.*

- 1. An owner or subdivider may pursue final plat approval of a portion or a section of a development included in an approved preliminary plat, as set out in section 23-18, Development phasing;
- 2. The final plat of each phase, shall carry the name of the entire subdivision and a unique phase number;

- 3. Block numbers within the entire development shall run consecutively throughout the entire subdivision; and
- 4. By completing a development in phases, the original preliminary plat shall not lapse or expire.

H. *Lapse of approval.*

- 1. Final plat approval is valid for 12 months from the date of approval by the city council or Brazoria County, during which time all general terms and conditions under which the final plat was approved will not be changed;
- 2. City council approval of the final plat shall be voided if a final plat is not ~~submitted~~ recorded within the 12-month period, or unless the council approves an extension not to exceed six months at the request of the subdivider; and
- 3. The council, as a condition of granting an extension, may require the plat to comply with any new development requirements adopted after the plat was approved.

Commented [LK50]: Construction plans?

- I. *Standardized surveyor, planning and zoning commission, and city council certificate language.* Final plats shall include required certifications, as set out in section 23-A.2, Standardized city forms and certification language.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

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~~DIVISION 4. PUBLIC MEETINGS, PERMITS AND PROCEDURES~~

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Sec. 23-9~~17~~. ~~Replats and consolidation plats, major.~~

A. *Replats.*

- 1. A replat may be filed to initiate, a change to a previously recorded plat, without vacating an existing recorded plat, for any of the following purposes:
 - i. ~~a.~~ Correct an error in any course or distance shown on the prior recorded plat;
 - ii. ~~b.~~ Add any course or distance that was omitted on the prior recorded plat;
 - iii. ~~c.~~ Correct an error in the description of the real property shown on the prior recorded plat;
 - iv. ~~d.~~ Indicate monuments set after death, disability, or retirement from practice of the engineer responsible for setting the monuments;
 - v. ~~e.~~ Indicate the proper location or character of any monument that has been changed in location or character or that originally was shown at the wrong location or incorrect character on the prior recorded plat;
 - vi. ~~f.~~ Correct any other type of clerical error, scrivener's error, or omission in the previously approved recorded plat;
 - vii. ~~g.~~ Correct an error in courses and distances of lot lines between two adjacent lots where both lot owners join in the plat application and neither recorded lot is abolished, provided that:

- ~~i.~~—Such amendment does not have a material adverse effect on the property rights of the owners in the plat;
 - ~~ii.~~—Such an amendment is acceptable to any utility providers that may be affected by the amendment; and
 - ~~iii.~~—Each resulting lot complies with all requirements of the LDC.
- viii. ~~h.~~—Relocate a lot line in order to cure an inadvertent encroachment of a building or improvement on a lot line or on an easement; or to
- ix. ~~i.~~—Relocate or vacate one or more lot lines, easements, or rights-of-way between, or along, one or more adjacent platted lots where the owner or owners of all such property join in the application for the plat amendment; provided that easement or right-of-way vacation is agreeable to all utility providers and jurisdictions that may have services and easements/right-of-way on the affected properties.
2. A replat may be recorded and is controlling over the preceding plat without vacating the original plat if the replat is:
- i. ~~a.~~—Signed and acknowledged by only the owners of the property being replatted;
 - ii. ~~b.~~—Approved after a public hearing; and
 - iii. ~~c.~~—Does not attempt to amend or remove any covenants or restrictions of the original plat.
3. *Public hearing required.* In the event that a replat requires a public hearing, notice of the public hearing shall be provided as set out in TLGC § 212.014 and § 212.015, with notice of the public hearing being mailed, published, and posted at the City Hall, as set out in section 23-82, Public notice.

Clarify who will hold this public hearing.

~~B.~~ Consolidation plats, major

- ~~1.~~ Section 23-87, Administrative plats, subsection C, establishes criteria for consolidated plats, minor. Any consolidated plat that does not meet the criteria for a consolidated plat, minor, shall automatically be considered to be a consolidated plat, major.
- ~~2.~~ Consolidated plats, major may be filed to relocate or vacate one or more lot lines between one or more adjacent platted lots where the owner or owners of all such property join in the application for the plat amendment; provided that such vacations are agreeable to all utility providers that may have services and/or easements on the affected lots that track with existing lot lines.
- ~~3.~~ Consolidation plats, major that propose to allow a use of the effected property not allowed by the original plat, or a use other than those uses allowed by the zoning of property, shall be subject to a public hearing, as set out in subsection A.3. above.
- ~~EB.~~ Nonconforming lots. If the lots proposed to be consolidated exist as legal nonconforming lots, the new lots consolidation plat process should comply with the criteria set out in section 23-5, Applicability, subsection E, Nonconforming lots.
- ~~CD.~~ Processes and procedures. Replats and consolidation plats, major, shall be subject to all LDC processes and procedures set out in subsection 23-95.C, Final plats. The applicant is also required to schedule a pre-application conference, as set out in section 23-77, Pre-application conference.
- ~~DE.~~ Action following approval. Replats and consolidation plats, major shall be subject to the "action following approval" requirements set out in subsection 23-95.F, Final plats.
- ~~FE.~~ Lapse of approval. Replats and consolidated plats, major shall be subject to the "lapse of approval" requirements set out in subsection 23-95.H, Final plats.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Created: 2021-03-10 16:12:31 [EST]

(Supp. No. 19)

Sec. 23-9288. Site plan.

- A. *Generally.* Site plans are required to ensure that:
 - 1. Adequate public services and facilities are available;
 - 2. Public health and safety precautions from natural and man-made hazards are provided; and
 - 3. The project will comply with the LDC and Code of Ordinances, chapter 28, Zoning.
- B. *Applicability.*
 - 1. A site plan is required for:
 - a. All new development, redevelopment, and substantial improvement or expansion of:
 - i. Multi-family residential;
 - ii. Manufactured home parks;
 - iii. Non-residential; and
 - iv. Mixed-use developments.
 - b. Proposed variances;
 - c. The expansion of a building or the intensification of a use; and
 - d. Where necessary to demonstrate compliance with the requirements of the LDC.
 - 2. Non-residential and mixed-use development requires site plan review and approval prior to the issuance of permits that allow land clearing, site grading, and construction.
 - 3. The term "site plan" shall be synonymous with any and all plans required by the LDC and any other development requirements of the city, such as, but not limited to, landscape plans, grading plans, tree preservation plans, and drainage plans.
- C. *Site plan preparation.* Site plans may only be prepared, signed, and sealed by a State of Texas licensed engineer, architect, or a registered professional land surveyor.
- D. *Review authority.* Site plans are subject to review and approval by the [development administrator/designated City staff](#), and when required, by the DRC, as set out in section 23-69, Development review committee.
- E. *Submittal requirements.* Site plans shall be prepared as set out in section 23-A.1, Submittal requirement checklists.
- F. *Public improvements may be required.* Public improvements, as set out in article II, division 1, Transportation Responsibilities, and division 4, Utility Responsibilities, may be required as a condition of site plan approval.
- G. *Administrative approval process.*
 - 1. Upon submitting a complete application, city staff and referral agencies shall have 20 working days to provide the [development administrator/designated City staff](#) with review comments;
 - 2. The [development administrator/designated City staff](#) shall provide the applicant a copy of all review comments and may convene a DRC meeting; and
 - 3. The process shall be completed when all review comments have been addressed.

~~H. *Referral of site plan to planning and zoning commission.* The site plan may be referred to the planning and zoning commission by the [development administrator/designated City staff](#).~~

23-A.2 is Site Plans
<https://library.municod e.com/tx/angleton/cod>

Commented [LK51]: Consider removing the need for referral of a site plan to the Planning and Zoning Commission. This is not required.

- ~~1. Review is required to determine if the application appropriately conforms to the LDC;~~
- ~~2. An applicant proposes an alternative method to comply with the LDC; or~~
- ~~3. The applicant appeals a decision to deny the site plan; in which case the matter shall be heard by the commission.~~
- ~~1. *Planning and zoning commission action.* Upon referral of a site plan application, the commission shall:~~
 - ~~1. Seek input and recommendations from city staff and all referral agencies;~~
 - ~~2. Base decisions in the interest of promoting the public health, safety, order, convenience, prosperity and general welfare; and~~
 - ~~3. Approve, conditionally approve, or deny the application.~~

H.J. *Prohibited actions.*

- 1. A site plan may not be approved if platting is required to create a legal building site. A final, or minor plat, may be submitted simultaneously with a site plan; at the applicant's risk, and approved conditionally upon the approval and recordation of the plat.
- 2. A building permit or land development permit may not be issued for development without first obtaining site plan approval.
- 3. No lot grading, drainage work, or other site improvements may commence without obtaining site plan approval.
- 4. A certificate of occupancy may not be issued until all improvements depicted with the approved site plan are completed.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-9389. Extensions.

A. *General.*

- 1. Various sections in article VII, division 3, Administrative Approvals, and division 4, Public Meeting Approvals, stipulate a specific time period in which the approval of a plan, plat, or other approval is valid before it expires, and allow the ~~development administrator~~designated City staff, ~~or other specified staff members~~, to consider an extension of time within a specific period of time.
- 2. The ~~development administrator~~designated City staff, and other specified staff members, are not obligated to grant a request for an extension.

B. *Considerations.* When considering a request for an extension, the following factors should be considered:

- 1. Was the extension requested prior to the expiration, or within **45 days after the expiration**;
- 2. Did the applicant demonstrate cause for the expiration, or the eminent expiration, and demonstrate that factors beyond the control of applicant delayed the project;
- 3. Has the city adopted new codes, standards, or any other requirement that would have a bearing on the of the project that will have expired, or where expiration is eminent, if the project was filed at the present time; and
- 4. Would the project, if refiled, comply with all applicable city codes and ordinances.

Created: 2021-03-10 16:12:31 [EST]

(Supp. No. 19)

- 5. If an extension is requested after 45 days of its expiration, would an extension satisfy the other considerations in this subsection and has the expiration reached a point where city council action is required, or a time frame where the LDC does not expressly allow an extension.
- C. *Information required.* The applicant shall provide the ~~development administrator~~ designated City staff with written documentation that addresses each of the considerations listed in subsection B, above. which any watercourse or natural drainage is proposed to be altered or relocated.
- D. *Approval criteria.* Action on an extension shall be based on an affirmative finding by the ~~development administrator~~ designated City staff, or other specified staff, that an extension would satisfy the considerations set out in subsection B, above.
- E. *Records.* An extension, if granted, shall be maintained in the offices of the City of Angleton open for public review and inspection for all information required by this section and the LDC.

(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-113. Definitions.

City manager: The Chief Administrative Official of the City of Angleton, as designated by the city council.

City engineer: The official or entity, as designated by the city manager.

Commissioners: The Angleton Planning and Zoning Commission.

Common open space: A parcel of land designated for the private use residents, occupants and owners of within a development.

Comprehensive plan ~~2007 Comprehensive Plan~~: The comprehensive plan of the City of Angleton, including all amendments.

Connector: A party seeking to connect to the city infrastructure who would benefit from infrastructure constructed by an initial developer eligible for fair share reimbursement.

Council: The Angleton City Council.

County: Brazoria County.

D

Density: The maximum number of dwelling units per gross acre of land permitted in a zone district.

Developer: Any public or private person, partnership, association or agency that prepares raw land for development.

Development: The physical extension or construction of urban land uses and infrastructure.

~~Development administrator~~ *Designated City staff*: The duly-authorized representative designated by the city manager to administer the LDC.

Lot lines: Refers to the property lines that bound each lot or parcel to a defined legal space.

Lot of record: A lot that is part of a subdivision recorded in the office of the County Recorder of Brazoria County, or a parcel of land with a deed recorded in the office of the County Recorder of Brazoria County, and that complied with the subdivision requirements at the time they were created.

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Part II - CODE OF ORDINANCES
Chapter 23 - LAND DEVELOPMENT CODE
APPENDIX C. ANGLETON CONSTRUCTION MANUAL (ACM)

APPENDIX C. ANGLETON CONSTRUCTION MANUAL (ACM)

Sec. 23-129. Design guidelines.

Consistency with Angleton Construction Manual (ACM) required. Public improvements shall be designed in accordance with the following specifications and criteria, which collectively are the ACM. The ACM shall automatically be amended in this LDC without formal action required to amend the LDC when any criteria set out below are updated by the jurisdiction cited:

1. ~~City of Sugar Land Construction Specifications, as amended;~~
 2. ~~City of Sugar Land Design Standards and Appendices, as amended;~~
 3. ~~City of Sugar Land Construction Details, as amended;~~
 4. ~~City of Sugar Land Approved Products List and Product Application, as amended;~~
 5. ~~City of Sugar Land Traffic Impact Analysis Guidelines and Worksheet, as amended;~~
 6. ~~City of McKinney Sediment and Erosion Control Manual, as amended;~~
 7. ~~Brazoria County Stormwater Quality Coalition MS4 Construction Guidance Document, as amended;~~
 8. ~~City of Phoenix Knox Box, Key Switch, Automatic Gate, Manual Vehicle Gate/Pedestrian Gate Criteria, as amended;~~
 9. ~~2008 Angleton Drainage District Rules, Regulations, and Guidelines, as amended; and~~
 10. ~~Brazoria County Drainage Manual, as amended.~~
- ~~(Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)~~

Commented [LS52]: Considering developing standard details and specifications for the City.A

Commented [KR53R52]: Removed Appendix C

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AGENDA ITEM SUMMARY FORM

MEETING DATE: March 1, 2023

PREPARED BY: Otis T. Spriggs, AICP, Development Services Director

AGENDA CONTENT: Discussion and possible action on a request for approval of a waiver of the sidewalk requirement of Chapter 23, Section 23-14.A. Sidewalks, for Titan Snow Crush Food Truck Park located on SH35, South of Hospital Drive.

AGENDA ITEM SECTION: Regular Agenda

BUDGETED AMOUNT: None **FUNDS REQUESTED:** None

FUND: None

EXECUTIVE SUMMARY:

The subject property consists of an approximate 1.268-acre lot in the Commercial General (C-G) zoning district. Jose Calzada, developer, is requesting a waiver of Section 23-14.A. Sidewalks for the subject property per subsection 6.d. 6. *Waivers, deferrals, and variances from sidewalk installation.*

Pursuant to Section 23-102 B. *Variance approval standards:* Variances may be granted when:

1. There are circumstances specific to the property that create an undue hardship that generally do not apply to surrounding properties; such as, but not limited to, its shape, or topography;

The property is generally flat with an open ditch along the frontage of the property. While there is appears to be room behind the open ditch to install a sidewalk the no sidewalks exist along SH 35. Sidewalks exist west on Hospital Drive, but not east on Hospital Drive.

2. Special consideration is necessary to allow an applicant the same right of use enjoyed under the LDC by surrounding properties.

Again, no sidewalks exist along SH 35 in the general vicinity; sidewalks do exist west on Hospital Drive, but not east on Hospital Drive.

3. Consideration is unique to the subject property and would not generally set an adverse precedent for other applications.

The consideration is unique to the subject property. A variance would not generally set an adverse precedent for other applications.

4. The hardship was not created by the applicant; and the hardship is not created by the applicant.
5. A variance would not be detrimental to any adjacent properties or to public health and safety.

It is hard to imagine how a variance would be detrimental to any adjacent properties or to public health and safety as there are no sidewalks along the respective streets in this area. Any work that is performed to improve SH 35 would trigger removing of any sidewalks installed at this time.

The City Engineer has reported no objection to this request.

Note that development staff is currently working on a policy to deal with the sidewalk requirements that may cause a hardship in particular sections of the City. The new policy, if adopted will cause developers and owners in this instance, to be allowed a waiver of the sidewalk requirement in lieu of contribution towards a designated sidewalk fund that will be a financial resource to improve areas of the city are a priority for connectivity, due to safety of pedestrians. We anticipate that such a policy will be introduced for action within the next 3-4 months.

RECOMMENDATION:

Staff recommends approval of the variance to Section 23-14.A Sidewalks for the Titan Snow Crush Food Truck Park subdivision plat and site plan.

SUGGESTED MOTION:

I move we approve the variance to Section 23-14.A Sidewalks for the Titan Snow Crush Food Truck Park subdivision plat and site plan.



February 9th, 2023

Mr. Otis Spriggs
Director of Development Services
City of Angleton
121 S. Velasco Street
Angleton, Texas 77515

Re: Snow Crush and More - Food Trucks - Waiver Request
SH 35, Angleton, TX

Dear Mr. Spriggs;

I, Jose Calzada, am the developer of the referenced project. I am requesting a Waiver for the following item addressed in HDR's review of plans for the development:

Site Plan (C.2)

1. Sidewalk is required to be constructed per Angleton LDC Sec. 23-14, A.1.b.

Sec. 23-14, A.1.b Sidewalks and Accessibility.

b. Sidewalks shall be required to be constructed as a requirement of site plan approval for new developments along all public streets.

Waiver Request:

I am requesting a Waiver to not construct a section of sidewalk along the 251' frontage of my property (1.269 acres) on Sh 35.

I have attached an aerial location of the site. The site is located on the east side of SH 35 and south of Hospital drive.

1. SH 35 is an open ditch roadway.
2. There are no sidewalks along either side of SH 35 on the easterly side of Angleton.
3. Future widening of SH 35 (if this ever happens) would require removal of this short section of Sidewalk.

- 4. Constructing the sidewalk provides no continuity for pedestrian travel with grassed areas north and south of the tract's property lines.

If you have any questions or require further information, please let us know.

Sincerely,









 2/9/23

Jose Calzada

Map

Information for your map.

Legend

-  An Item 3. bury M
-  Feature 1
-  Feature 2
-  Feature 3
-  Terry-Jo's Enterpris
-  The Medicine Shop
-  Untitled Path
-  Untitled Path



Hospital Dr

Buccees

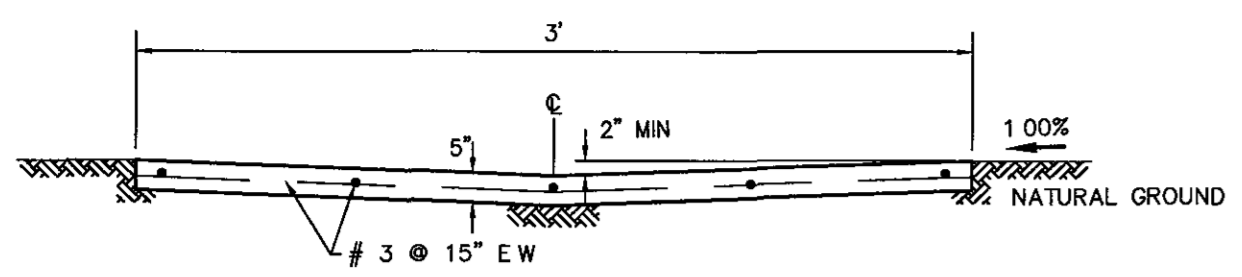
Titan Snow Crush - 14688

E Hospital Dr

443

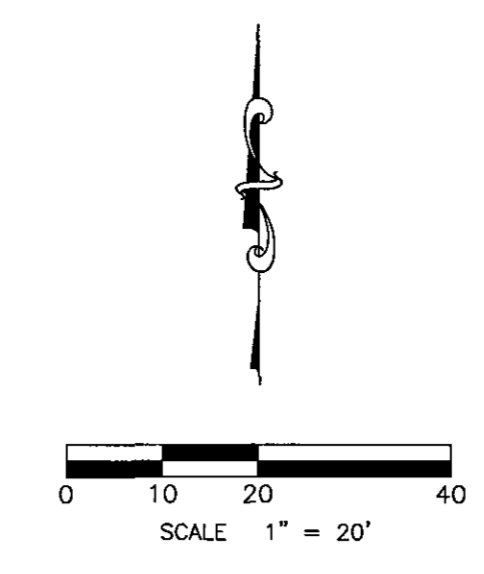
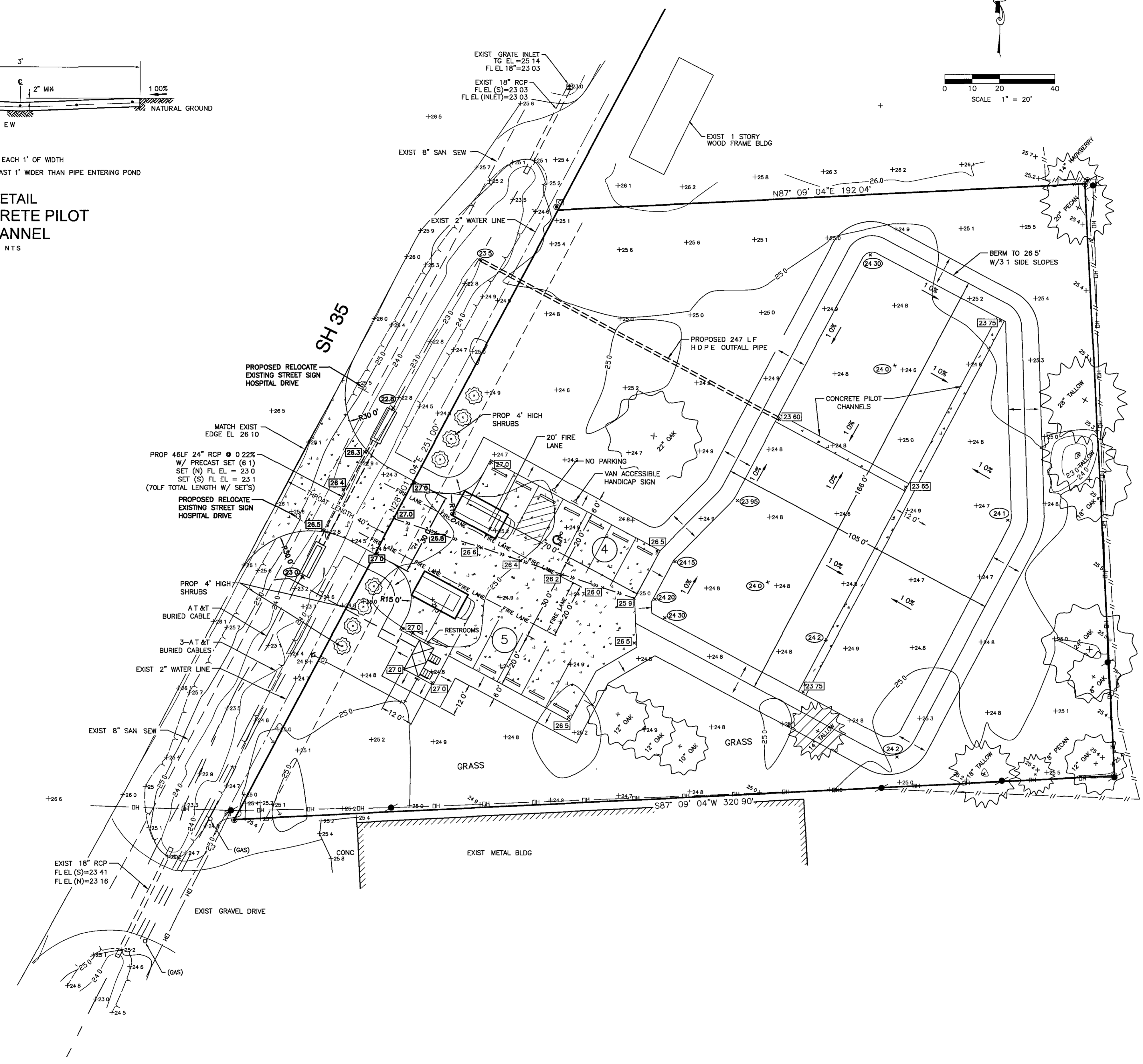
Deborah Dr

Embury St



- NOTES**
- 1" DEPRESSION FOR EACH 1' OF WIDTH
 - WIDTH TO BE AT LEAST 1" WIDER THAN PIPE ENTERING POND

**DETAIL
4" CONCRETE PILOT
CHANNEL**
NTS



DETENTION CALCULATIONS

PREDEVELOPMENT FLOW RATE CALCULATION (2-YEAR STORM)
 $Q2 = CIA \times 1.00 \text{ PK}$
 $C = 0.65$
 $TC = 10 \text{ MIN}$
 $A = \text{FRONTAGE} \times 150 \text{ FT} = 0.8643 \text{ AC}$
 $I2 = 5.358 \text{ IN/HR}$
 $Q2 = 0.65 \times 5.358 \times 0.8643 \times 1.00 \text{ PK} = 3.01 \text{ CFS (RESTRICTOR FLOW)}$

PROPOSED CONDITION 100-YEAR STORM
 $\text{AREA DEVELOPED} = 1.268 \text{ ACRES}$
 $Q = CIA$
 $C = 0.45$
 $TC = 10 \text{ MIN (SEE NCRS EQUATION)}$
 $I100 = 12.357 \text{ IN/HR}$
 $Q100 = 0.45 \times 12.357 \times 1.2685 = 7.051 \text{ CFS}$

DETENTION REQUIRED = 15,202.44 CF = 0.349 AC-FT

DETENTION POND INFORMATION

POND (GRAVITY POND)
 TOP OF BANK ELEV = 26.5'
 AREA @ 100-YEAR WSEL = 25.1' = 14,740.12 SF
 FREEBOARD = 1.40'
 TOP OF BANK ELEV = 24.0'
 AREA AT TOE OF BANK = 13,476.06 SF
 AVERAGE AREA = 14,108.12 SF
 DEPTH = 1.10'
 STORAGE = 15,518.93 CF = 0.356 AC-FT
 DETENTION PROVIDED = 15,518.93 CF = 0.356 AC-FT

10-YEAR STORAGE CALCULATIONS

PREDEVELOPMENT FLOW RATE CALCULATION (2-YEAR STORM)
 $Q2 = CIA \times 1.00 \text{ PK}$
 $C = 0.65$
 $TC = 10 \text{ MIN}$
 $A = \text{LF FRONTAGE} \times 150 \text{ FT} = 0.8643 \text{ AC}$
 $I2 = 5.358 \text{ IN/HR}$
 $Q2 = 0.65 \times 5.358 \times 0.8643 \times 1.00 \text{ PK} = 3.01 \text{ CFS (RESTRICTOR FLOW)}$

PROPOSED CONDITION 10-YEAR STORM
 $Q = CIA$
 $C = 0.45$
 $TC = 10 \text{ MIN (SEE NCRS EQUATION)}$
 $I10 = 8.123 \text{ IN/HR}$
 $A = 1.2685 \text{ ACRES}$
 $Q10 = 0.45 \times 8.123 \times 1.2685 = 4.637 \text{ CFS}$

10-YR VOLUME = 5,052.96 CF = 0.116 AC-FT

NO	DATE	DESCRIPTION	APPROVED
REVISIONS			

DESIGNED DR
 DRAWN CAP
 CHECKED _____
 DATE 10/28/2022

B & L
BAKER & LAWSON, INC
 ENGINEERS • PLANNERS • SURVEYORS
 300 E CEDAR ST. ANGLETON, TEXAS 77515
 PHONE (979) 849-6681 FAX (979) 849-4689
 REG NO F-825

STATE OF TEXAS
 REGISTERED PROFESSIONAL ENGINEER
 DOUGLAS B ROESLER
 56739

The seal appearing on this document was authorized by Douglas B Roesler P.E. 56739
 Date 10-28-22

OWNER
Mr. JOSE CALZADA
TITAN CONTROLS
 20042 FM 523
 ANGLETON, TEXAS 77515
 jose.calzada@titan-controls.com

PLAN 1" = 20'
 PROFILE _____
 HORIZONTAL _____
 VERTICAL _____

TITAN SNOW CRUSH/FOOD TRUCK
EAST MULBERRY (SH 35)
ANGLETON, TEXAS
(1.268 Acre Tract)

GRADING PLAN
 &
 DETENTION POND DETAILS
 PROJECT NO 14688
 14688 Sheet Set.dwg





AGENDA ITEM SUMMARY FORM

MEETING DATE: March 1, 2023

PREPARED BY: Otis T. Spriggs, AICP, Director of Development Services

AGENDA CONTENT: Discussion and possible action on the preliminary plat of the Ashland Project Street Dedication #3.

AGENDA ITEM SECTION: Regular Agenda

BUDGETED AMOUNT: N/A

FUNDS REQUESTED: N/A

FUND: N/A

EXECUTIVE SUMMARY. This is a request for approval of the Ashland Project Street Dedication #3 Preliminary Plat (Attachment 1). The subject property is located within the City of Angleton ETJ between SH 521 and SH 288 and north of SH 523. The development agreement is still pending, which will establish standards for the Ashland Project as well as Park Dedication requirements.

City Engineer comments are provided in Attachment 2. Pursuant to Section II County Regulatory Authority of the existing interlocal agreement between the City of Angleton and Brazoria County, the County shall have exclusive jurisdiction in the following matters: Subsection (b): Regulate the construction of any and all roads located within a subdivision of property that will be located within the City's ETJ, including but not limited to, planning, review, construction, bonding, inspection and acceptance of any newly constructed road or street. County authority shall also apply to the improvement, removal, relocation, or abandonment of any existing road or streets in City's ETJ. County's oversight of roads shall be performed using the most current and applicable construction standards adopted by County. For roads, the construction of which are governed by a development agreement between City and developer, County and City shall jointly coordinate and cross-reference construction standards to verify that the roads are constructed to meet or exceed County standards.

At the time of preparation of this agenda summary, no response to comments had been received; However, Staff will inform the Commission of any and all cleared comments before taking action.

Recommendation. The planning and zoning commission as asked to approve this plat application conditioned on Staff/Engineer's comments with the assumption that the details of this project can be ironed out possibly through the execution of a development agreement and recommend it to City Council for final action.

February 23, 2023

Mr. Otis Spriggs
Director of Development Services
City of Angleton
121 S. Velasco
Angleton, TX 77515

Re: On-Going Services
Ashland Subdivision – Street Dedication 3 Preliminary Plat – 1st Submittal Review
Angleton, Texas
HDR Job No. 10361761

Dear Mr. Spriggs:

HDR Engineering, Inc. (HDR) has reviewed the plat for the above referenced subdivision and offers the following comments:

Sheet 1 of 2

1. Update or remove TBPE Firm information shown under “Surveyor” plat heading.
2. Verify the aerial utility easement information shown is referenced on the plat drawing.
3. Update the surveyor and engineer certification blocks to match language used in the Angleton LDC Sec. 23-115
4. Plat Note #11, verify statement is intended to state "incorporated areas" or "unincorporated areas".
5. Pending Developer's Agreement, these certificates may not be required (Dedication Statement and Drainage). Additionally, determination of drainage district will need to be made.
6. Show the information provided in paragraph two of the metes and bounds on the plat drawing
7. Update bearing information shown on metes and bounds note 16 and 19 to match the line and curve tables.
8. Update or remove duplicate tables shown on Sheet 1 of 2.

Sheet 2 of 2

1. Label all contour elevations shown on the plat.
2. Verify if the detention areas be interconnected and crossing Almadine Dr. If yes, consideration for an easement across Almadine Dr. shall be provided.
3. Notate and dimension the 100-ft drainage easement along the curve shown.
4. Additional drainage easements shall be considered for storm outfalls from adjacent street (as shown in utility one-line drawing pdf).

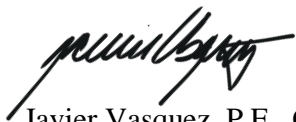
5. Proposed uses for Reserve 2 shown on the plat shall be consistent . Appears to be primarily used for drainage/detention.
6. Verify if the drainage easement be private and interconnected crossing under Almadine Dr. If yes, consideration for an easement across Almadine Dr. shall be provided.
7. Verify and update corner tied to abstract survey. The line shown is not tied to the corner of the proposed subdivision.
8. Reference full platted subdivision names and filing information on the plat drawing.
9. Verify and update plat to show one point of beginning that matches the metes and bounds field notes. The actual P.O.B. is not notated on the plat.
10. Verify and submit information from pipeline owner for pipeline abandonment shown.
11. Show L5, C6 and C8 labels clearly on the plat.
12. Update Reserve formatting on the plat. Areas show both numbering and lettering on the plat drawing and lettering in the land use table.
13. Update curve table to show information for central angles and to show exact values (e.g. including decimals) found in the metes and bounds description
14. Verify where building line requirements are being taken from and if they are applicable on this plat since these are reserves/easements and not lots
15. Show C3 label clearly on the plat.
16. Update line table to show exact values (e.g. including decimals) found in the metes and bounds description.
17. Update line table bearings noted match those found in the metes and bounds description.

The proposed plat is incomplete. We are unable to complete the review until the recommended corrections/changes are made and the additional information requested is submitted. HDR recommends that the Ashland Subdivision – Street Dedication 3 Preliminary Plat be Revised and Resubmitted.

If you have any questions, please feel free to contact us at our office (713)-622-9264.

Sincerely,

HDR Engineering, Inc.



Javier Vasquez, P.E., CFM
Civil Engineer

cc: Files (10361761)

Attachments

STATE OF TEXAS §
COUNTY OF BRAZORIA §

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

THAT ANCHOR HOLDINGS MP, LLC acting herein by and through its duly authorized officers, does hereby adopt this plat designating the hereinabove described property as _____ a subdivision in the jurisdiction of the City of Angleton, Texas, and does hereby dedicate, in fee simple, to the public use forever, the streets, alleys and public parkland shown thereon. The streets, alleys and parkland are dedicated for street purposes. The easements and public use areas, as shown, are dedicated for the public use forever, for the purposes indicated on this plat. No buildings, fences, trees, shrubs, or other improvements or growths shall be constructed or placed upon, over, or across the easements as shown, except that landscape improvements may be placed in landscape easements, if approved by the City of Angleton. In addition, utility easements may also be used for the mutual use and accommodation of all public utilities desiring to use or using the same unless the easement limits the use to particular utilities, said use by public utilities being subordinate to the public's and City of Angleton's use thereof. The City of Angleton and public utility entities shall have the right to remove and keep removed all or parts of any buildings, fences, trees, shrubs, or other improvements or growths which may in any way endanger or interfere with the construction, maintenance, or efficiency of their respective systems in said easements. The City of Angleton and public utility entities shall at all times have the full right of ingress and egress to or from their respective easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, reading meters, and adding to or removing all or parts of their respective systems without the necessity at any time of procuring permission from anyone.

STATE OF TEXAS §
COUNTY OF BRAZORIA §

This plat is hereby adopted by the owners (called "Owners") and approved by the City of Angleton, ("City") subject to the following conditions which shall be binding upon the Owners, their heirs, grantees, successors, and assigns:

"Drainage Easements" shown on the plat are reserved for drainage purposes forever, and the maintenance of the drainage easements shall be provided by all of the owners of lots in the subdivision. All Owner documents shall specify, confirm and bind the Owner(s) to continuously maintain all Drainage Easements and shall relieve the City of Angleton of the responsibility to maintain any Drainage Easement. The fee simple title to the Drainage and Floodway Easement shall always remain in the Owner(s).

The City and Angleton Drainage District will not be responsible for the maintenance and operation of easement or for any damage or injury to private property or person that results from the flow of water along said easement or for the control of erosion, but reserves the right to use enforcement powers to ensure that drainage easements are properly functioning in the manner in which they were designed and approved.

The Owners shall keep all Drainage Easements clean and free of debris, silt, and any substance which would result in unsanitary conditions or obstruct the flow of water, and the City of Angleton or Angleton Drainage District shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance work by the Owners to alleviate any public health or safety issues. The Association hereby agrees to indemnify and hold harmless the City from any such damages and injuries.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purpose forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional eleven feet, six inches (11' 6") for ten feet (10' 0") perimeter ground easements or seven feet, six inches (7' 6") for fourteen feet (14' 0") perimeter ground easements or five feet, six inches (5' 6") for sixteen feet (16' 0") perimeter ground easements, from a plane sixteen feet (16' 0") above the ground level upward, located adjacent to and adjoining said public utility easements that are designated with aerial easements (U.E. and A.E.) as indicated and depicted hereon, whereby the aerial easement totals twenty one feet, six inches (21' 6") in width.

FURTHER, Owners have dedicated and by these presents do dedicate to the use of the public for public utility purpose forever unobstructed aerial easements. The aerial easements shall extend horizontally an additional ten feet (10' 0") for ten feet (10' 0") back-to-back ground easements, or eight feet (8' 0") for fourteen feet (14' 0") back-to-back ground easements or seven feet (7' 0") for sixteen feet (16' 0") back-to-back ground easements, from a plane sixteen feet (16' 0") above ground level upward, located adjacent to both sides and adjoining said public utility easements that are designated with aerial easements (U.E. and A.E.) as indicated and depicted hereon, whereby the aerial easement totals thirty feet (30' 0") in width.

STATE OF TEXAS §
COUNTY OF BRAZORIA §

The owner of land shown on this plat, in person or through a duly authorized agent, dedicates to the use of the public forever all streets, alleys, parks, watercourses, drains, easements and public places thereon shown for the purpose and consideration therein expressed.

Owner

Duly Authorized Agent

STATE OF TEXAS §
COUNTY OF BRAZORIA §

Before me, the undersigned, personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he/she executed the same for the purposes and considerations therein expressed and, in the capacity, therein stated. Given under my hand and seal of office this ____ day of _____

Notary Public
State of Texas

STATE OF TEXAS §
COUNTY OF BRAZORIA §
KNOW ALL MEN BY THESE PRESENTS:

I, Steve Jares, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that META Planning + Design LLC has prepared this preliminary plat based on information furnished by Quiddity Engineering.

Steve Jares
Registered Professional Land Surveyor
No. 5317

STATE OF TEXAS §
COUNTY OF BRAZORIA §
KNOW ALL MEN BY THESE PRESENTS:

That I, William A.C. McAshon, do hereby certify that proper engineering consideration has been provided in this plat. To the best of my knowledge, this plat conforms to all requirements of the Angleton LDC, except for any variances that were expressly granted by the City Council.

William A.C. McAshon, P.E.
Professional Engineer

DISCLAIMER AND LIMITED WARRANTY

THIS PRELIMINARY SUBDIVISION PLAT HAS BEEN PREPARED IN ACCORDANCE WITH THE PROVISIONS OF THE CITY OF ANGLETON SUBDIVISION ORDINANCES IN EFFECT AT THE TIME THIS PLAT WAS PREPARED ALONG WITH ANY VARIANCE OR VARIANCES TO THE PROVISIONS OF THE AFOREMENTIONED ORDINANCE WHICH ARE SUBSEQUENTLY GRANTED BY THE CITY OF ANGLETON PLANNING & ZONING COMMISSION AND/OR CITY COUNCIL. THIS PRELIMINARY PLAT WAS PREPARED FOR THE LIMITED PURPOSE OF GUIDANCE IN THE PREPARATION OF ACTUAL ENGINEERING AND DEVELOPMENT PLANS. THIS LIMITED WARRANTY IS MADE IN VIEW OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, AND NEITHER META PLANNING + DESIGN LLC NOR ANY OF ITS OFFICERS, OR DIRECTORS, OR EMPLOYEES MAKES ANY OTHER WARRANTIES OR REPRESENTATIONS, EXPRESS OR IMPLIED CONCERNING THE DESIGN, LOCATION, QUALITY, CHARACTER OF ACTUAL UTILITIES OR OTHER FACILITIES IN, ON, OVER, OR UNDER THE PREMISES INDICATED IN THE PRELIMINARY SUBDIVISION PLAT.

Pending Developer's Agreement, these certificates may not be required (Dedication Statement and Drainage). Additionally, determination of drainage district will need to be made.

APPROVED this _____ day of _____, 20____ by the Planning and Zoning Commission,
City of Angleton, Texas.

Chairman, Planning and Zoning Commission

City Secretary

APPROVED this _____ day of _____, 20____ by the City Council, City of Angleton,
Texas.

Mayor

City Secretary

STATE OF TEXAS §
COUNTY OF BRAZORIA §

This instrument was acknowledged before me on the ____ day of _____, 20____, by _____, City Secretary, City of Angleton, on behalf of the City.

Notary Public
State of Texas

GENERAL NOTE:

- 1.) "U.E." INDICATES UTILITY EASEMENT.
- 2.) "1' RES." INDICATES ONE FOOT RESERVE.
dedicated to the public in fee as a buffer separation between the side or end of streets where such streets abut adjacent acreage tracts, the condition of such dedication being that when the adjacent property is subdivided in a recorded plat, the one foot reserve shall thereupon become vested in the public for street right-of-way purposes and the fee title thereto shall revert to and revest in the dedicator, his heirs assigns, or successors.
- 3.) ALL PROPERTY LINE DIMENSIONS ARE APPROXIMATE.
- 4.) NOTICE: SELLING A PORTION OF THIS ADDITION BY METES AND BOUNDS IS A VIOLATION OF THE UNIFIED DEVELOPMENT CODE OF THE CITY OF ANGLETON AND STATE PLATING STATUTES AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
- 5.) NOTICE: PLAT APPROVAL SHALL NOT BE DEEMED TO OR PRESUMED TO GIVE AUTHORITY TO VIOLATE, NULLIFY, VOID, OR CANCEL ANY PROVISIONS OF LOCAL, STATE, OR FEDERAL LAWS, ORDINANCES, OR CODES.
- 6.) NOTICE: THE APPLICANT IS RESPONSIBLE FOR SECURING ANY FEDERAL PERMITS THAT MAY BE NECESSARY AS THE RESULT OF PROPOSED DEVELOPMENT ACTIVITY. THE CITY OF ANGLETON IS NOT RESPONSIBLE FOR DETERMINING THE NEED FOR, OR ENSURING COMPLIANCE WITH ANY FEDERAL PERMIT.
- 7.) NOTICE: APPROVAL OF THIS PLAT DOES NOT CONSTITUTE A VERIFICATION OF ALL DATA, INFORMATION AND CALCULATIONS SUPPLIED BY THE APPLICANT. THE ENGINEER OF RECORD OR REGISTERED PUBLIC LAND SURVEYOR IS SOLELY RESPONSIBLE FOR THE COMPLETENESS, ACCURACY AND ADEQUACY OF HIS/HER SUBMITTAL WHETHER OR NOT THE APPLICATION IS REVIEWED FOR CODE COMPLIANCE BY THE CITY ENGINEER.
- 8.) NOTICE: ALL RESPONSIBILITY FOR THE ADEQUACY OF THIS PLAT REMAINS WITH THE ENGINEER OR SURVEYOR WHO PREPARED THEM. IN APPROVING THESE PLANS, THE CITY OF ANGLETON MUST RELY ON THE ADEQUACY OF THE WORK OF THE ENGINEER AND/OR SURVEYOR OF RECORD.
- 9.) ALL RESERVES SHALL BE OWNED AND MAINTAINED BY HOMEOWNER'S ASSOCIATION OR MUD.
- 10.) HORIZONTAL DATUM:
ALL BEARINGS ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM, NORTH AMERICAN DATUM OF 1983 (NAD83), SOUTH CENTRAL ZONE.
VERTICAL DATUM:
ALL ELEVATIONS ARE REFERENCED TO THE NORTH AMERICAN VERTICAL DATUM OF 1988 (NAVD88), GEOID 12B, BASED ON ALLTERRA'S RTK NETWORK, STATIONS HAGS_1012 AND HCOG_14012.
- 11.) THESE TRACTS LIE WITHIN ZONE "X" AND ZONE "X-SHADED" OF THE FLOOD INSURANCE RATE MAP, COMMUNITY NO. 485458, MAP NUMBER 48039C0430K, PANEL 430, SUFFIX "K" DATED DECEMBER 30, 2020, FOR BRAZORIA COUNTY, TEXAS AND INCORPORATED AREAS.
- 12.) THIS PRELIMINARY PLAT HAS BEEN PREPARED BY META PLANNING + DESIGN LLC, WITH THE AID OF INFORMATION PROVIDED BY QUIDDITY ENGINEERING, LLC.
- 13.) QUIDDITY ENGINEERING, LLC, TBPE FIRM REGISTRATION NO. F-23290, TBPLS FIRM REGISTRATION NO. 10046100, IS A SUBCONSULTANT ONLY AND HAS NOT PREPARED THIS PRELIMINARY PLAT.
● PROPOSED MONUMENTS TO BE SET BY QUIDDITY ENGINEERING, LLC, UPON RECORDATION OF A FINAL PLAT.
- 14.) LOTS WITHIN THIS SUBDIVISION SHALL BE SERVICED BY THE FOLLOWING PROVIDERS: BRAZORIA COUNTY MUD #82, CENTERPOINT, TEXAS NEW MEXICO POWER, AND CENTRIC GAS & FIBER.

Show the information in paragraph two of the metes and bounds on the plat drawing

STATE OF TEXAS §

COUNTY OF BRAZORIA §

A METES & BOUNDS description of a certain 24.91 acre tract of land situated in Shubael Marsh Surveys, Abstract Nos. 81 & 82 in Brazoria County, Texas, being out of a called 469.08 acre tract conveyed to Anchor Holdings MP, LLC by Special Warranty Deed recorded in Clerk's File No. 01-008055 of the Official Public Records of Brazoria County (OPRC), being in the east line of F.M. Highway 521 recorded in Volume P, Page 201;

COMMENCING at a found concrete monument for the northwest corner of said 469.08 acre tract, common with the southwest corner of a called 2.97 acre tract of land conveyed to James W. Northrup & Deborah Northrup by Warranty Deed with Vendor's Lien recorded in Clerk's File No. 002108145 of the Official Public Records of Brazoria County (OPRC), said 24.91 acre tract being more particularly described as follows with all bearings being based on the Texas Coordinate System of 1983, South Central Zone;

1. South 65°37'39" East, 1741.98 feet to the POINT OF BEGINNING of the herein described subject tract;

- 2. South 06°52'05" East, 70.00 feet to a point for corner marking the beginning of a non-tangent curve to the right;
- 3. Along the arc of said non-tangent curve to the right, having a radius of 715.00 feet, a central angle of 36°53'55", an arc length of 460.46 feet, and a long chord bearing South 78°25'07" East, with a chord length of 452.54 feet to a point for corner marking the beginning of a compound curve to the right;
- 4. Along the arc of said compound curve to the right, having a radius of 25.00 feet, a central angle of 93°33'50", an arc length of 40.82 feet, and a long chord bearing South 13°11'15" East, with a chord length of 36.44 feet to a point for corner marking the beginning of a reverse curve to the left;
- 5. Along the arc of said reverse curve to the left, having a radius of 430.00 feet, a central angle of 34°03'55", an arc length of 33.91 feet, and a long chord bearing South 38°23'15" West, with a chord length of 31.37 feet to a point for corner marking the beginning of a reverse curve to the left;
- 6. Along the arc of said reverse curve to the right, having a radius of 25.00 feet, a central angle of 77°42'59", an arc length of 33.91 feet, and a long chord bearing South 38°23'15" West, with a chord length of 31.37 feet to a point for corner marking the beginning of a reverse curve to the left;
- 7. Along the arc of said reverse curve to the left, having a radius of 320.00 feet, a central angle of 01°16'31", an arc length of 7.12 feet, and a long chord bearing South 76°36'28" West, with a chord length of 7.12 feet to a point for corner;
- 8. North 14°01'46" West, 125.00 feet to a point for corner;
- 9. South 70°08'52" West, 90.29 feet to a point for corner;
- 10. South 58°30'09" West, 91.70 feet to a point for corner;
- 11. South 47°48'28" West, 178.80 feet to a point for corner;
- 12. South 63°17'42" West, 570.00 feet to a point for corner;
- 13. South 44°34'38" West, 455.00 feet to a point for corner;
- 14. South 36°12'11" West, 190.26 feet to a point for corner;
- 15. South 21°46'37" West, 66.45 feet to a point for corner;
- 16. South 16°30'19" East, 324.58 feet to a point for corner;
- 17. South 74°29'44" West, 383.33 feet to a point for corner;
- 18. North 15°30'16" West, 60.00 feet to a point for corner marking the beginning of a non-tangent curve to the left;
- 19. Along the arc of said non-tangent curve to the left, having a radius of 630.00 feet, a central angle of 02°19'43", an arc length of 25.61 feet, and a long chord bearing South 73°19'52" West, with a chord length of 25.60 feet to a point for corner marking the beginning of a reverse curve to the right;
- 20. Along the arc of said reverse curve to the right, having a radius of 25.00 feet, a central angle of 87°16'51", an arc length of 38.08 feet, and a long chord bearing North 64°11'34" West, with a chord length of 34.51 feet to a point for corner marking the beginning of a compound curve to the right;
- 21. Along the arc of said compound curve to the right, having a radius of 745.00 feet, a central angle of 37°04'06", an arc length of 481.99 feet, and a long chord bearing North 02°01'06" West, with a chord length of 473.62 feet to a point for corner;
- 22. North 73°29'03" West, 70.00 feet to a point for corner marking the beginning of a non-tangent curve to the right;
- 23. Along the arc of said non-tangent curve to the right, having a radius of 815.00 feet, a central angle of 26°23'37", an arc length of 375.44 feet, and a long chord bearing North 29°42'46" East, with a chord length of 372.12 feet to a point for corner;
- 24. North 42°54'34" East, 314.82 feet to a point for corner marking the beginning of a curve to the right;
- 25. Along the arc of said curve to the right, having a radius of 3035.00 feet, a central angle of 15°53'23", an arc length of 841.69 feet, and a long chord bearing North 50°51'16" East, with a chord length of 839.00 feet to a point for corner marking the beginning of a compound curve to the right;
- 26. Along the arc of said compound curve to the right, having a radius of 785.00 feet, a central angle of 24°19'58", an arc length of 333.38 feet, and a long chord bearing North 70°57'56" East, with a chord length of 330.88 feet to the POINT OF BEGINNING, CONTAINING 24.91 acres of land in Brazoria County, Texas.

Update bearing information shown on note 16 and 19 to match the line and curve tables.

Verify the aerial utility easement information is referenced on the plat drawing

Plat Note #11, verify statement is intended to state "incorporated areas" or "unincorporated areas".

Update the surveyor and engineer certification blocks to match language used in the Angleton LDC Sec. 23-115

Update or remove duplicate tables shown on Sheet 1 of 2

LINE	DISTANCE	BEARING
L1	352	N 74°29'44" E
L2	60	N 19°30'16" W
L3	70	N 73°29'03" W
L4	319	S 42°42'46" E
L5	70	S 60°52'05" E
L6	8	S 69°58'41" E
L7	125	N 14°01'46" W
L8	90	S 70°08'52" W
L9	92	S 58°30'09" W
L10	179	S 47°48'28" W
L11	570	S 63°17'42" W
L12	455	S 44°34'38" W
L13	190	S 36°12'11" W
L14	66	N 21°46'37" E
L15	325	N 16°30'19" W
L16	35	N 59°54'12" W
L17	10	S 50°58'41" E
L18	312	N 45°27'46" E
L19	45	S 82°23'46" W
L20	65	S 79°21'09" E
L21	191	N 62°04'06" E

CURVE	RADIUS	ASC	TANGENT	BEARING	CHORD
C1	530	20	13	N 73°19'52" E	20
C2	25	38	24	N 64°11'34" W	35
C3	740	482	250	N 02°01'06" W	474
C4	815	379	191	N 26°23'37" E	372
C5	3035	842	424	N 60°51'16" E	839
C6	785	333	169	N 70°57'56" E	331
C7	715	460	239	S 78°29'03" E	452
C8	25	41	27	S 13°11'15" E	36
C9	430	259	132	S 16°30'16" W	262
C10	20	34	22	S 38°23'15" W	31
C11	320	7	4	S 76°36'28" W	7
C12	780	888	499	S 10°18'54" W	840
C13	3000	832	419	N 02°01'06" E	829
C14	750	940	543	S 85°18'54" E	880
C15	740	343	175	S 29°42'46" W	340
C16	2960	822	414	S 50°51'16" W	820
C17	715	304	154	S 70°57'56" W	301
C18	908	11	6	N 44°48'09" E	11
C19	500	148	74	S 52°46'40" W	147
C20	2078	417	208	S 69°49'29" W	417
C21	7960	195	98	N 63°52'19" E	195
C22	14342	72	37	N 63°58'14" E	72
C23	49907	10	6	S 63°48'42" W	10
C24	98789	74	37	N 63°48'02" E	74
C25	7999	64	32	S 63°32'11" W	64
C26	18635	78	39	N 63°23'38" E	78
C27	402	106	54	N 55°52'30" E	107
C28	1139	42	21	S 48°01'38" W	42
C29	1500	42	21	N 46°01'38" E	42
C30	1464	39	20	N 44°01'40" E	39

ASHLAND STREET DEDICATION 3 BEING 24.90 ACRES OF LAND CONTAINING THREE RESERVES IN TWO BLOCKS.

OUT OF THE SHUBAEL MARSH SURVEYS, A-81 & A-82 BRAZORIA COUNTY, TEXAS

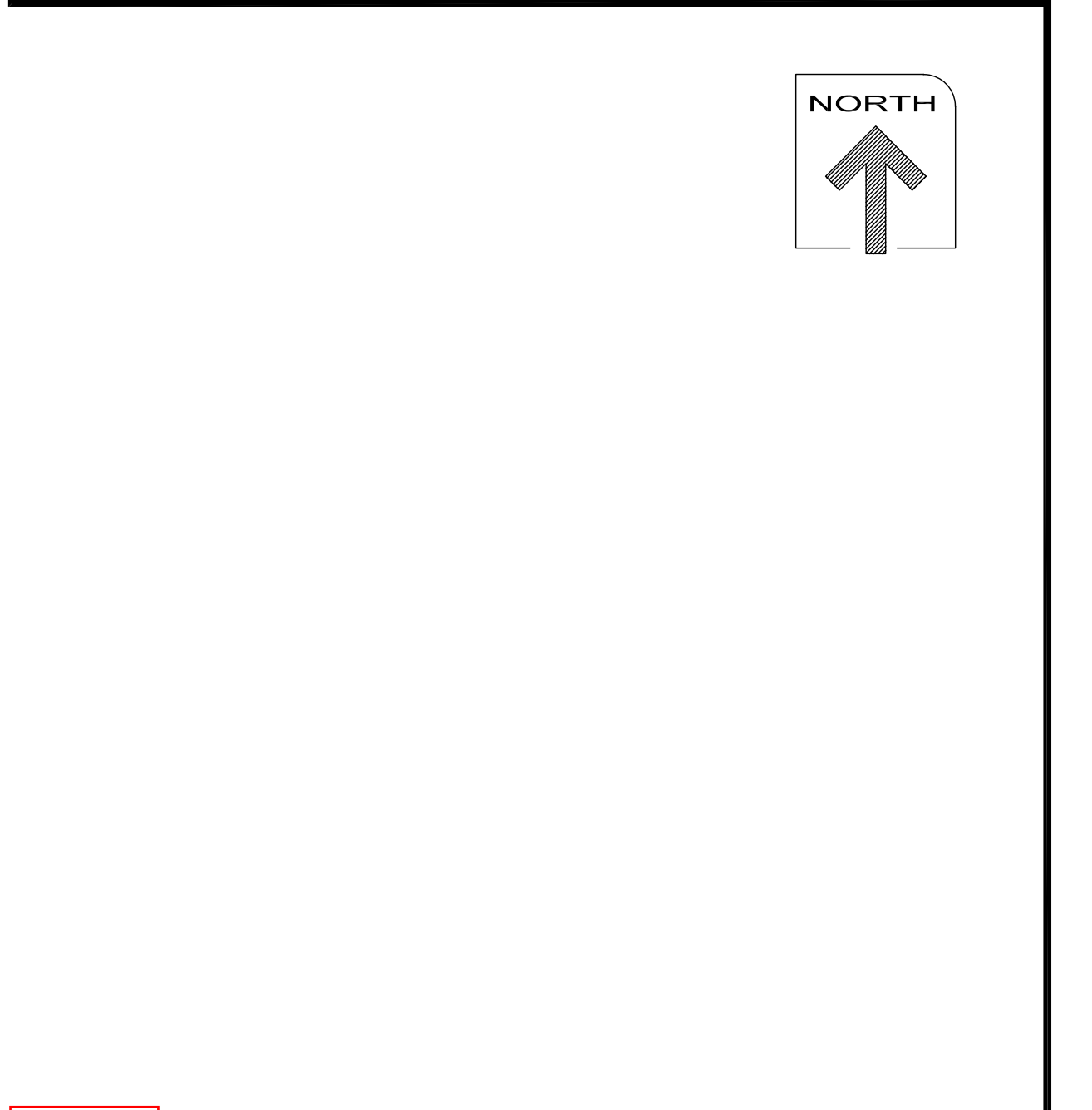
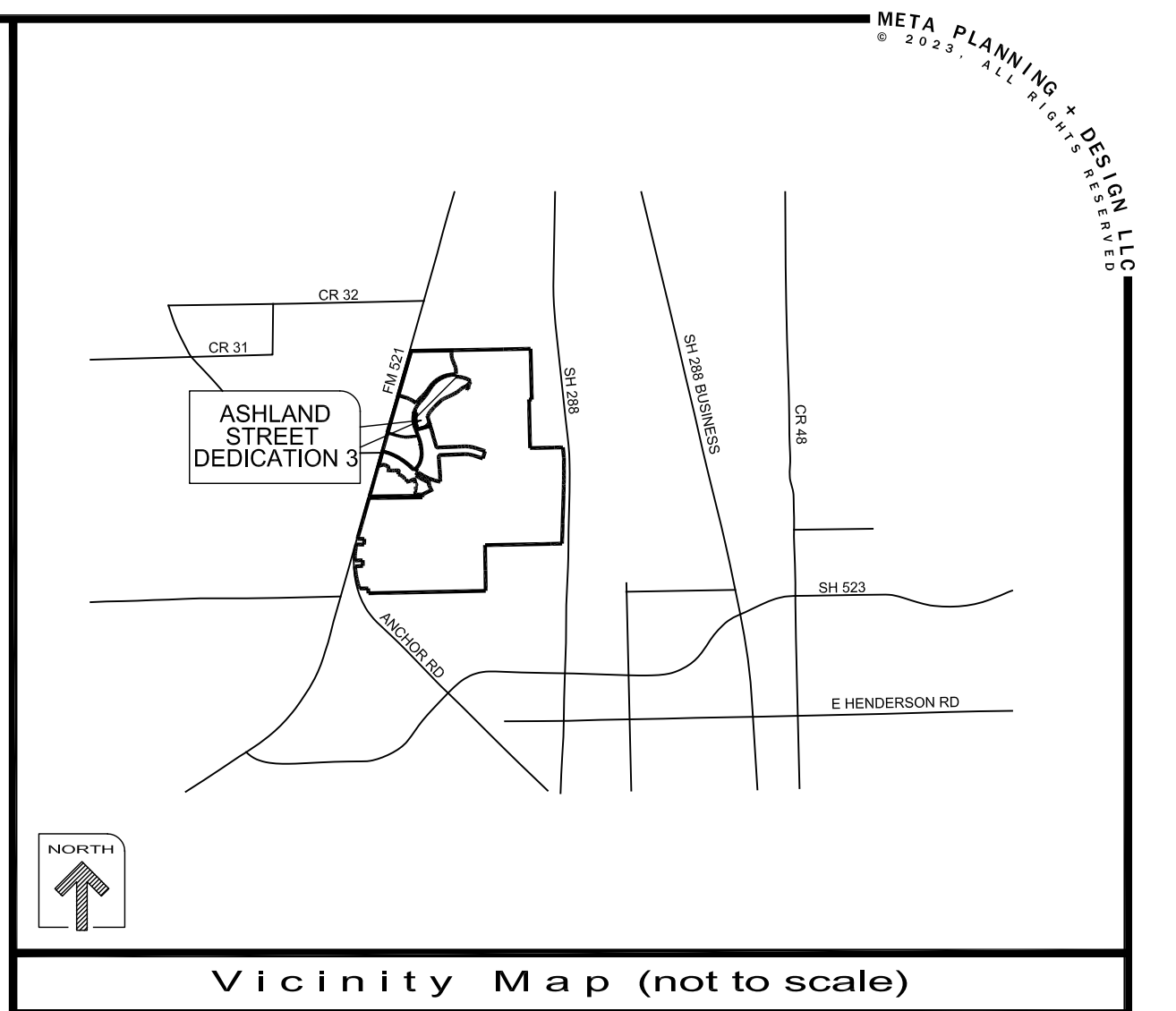
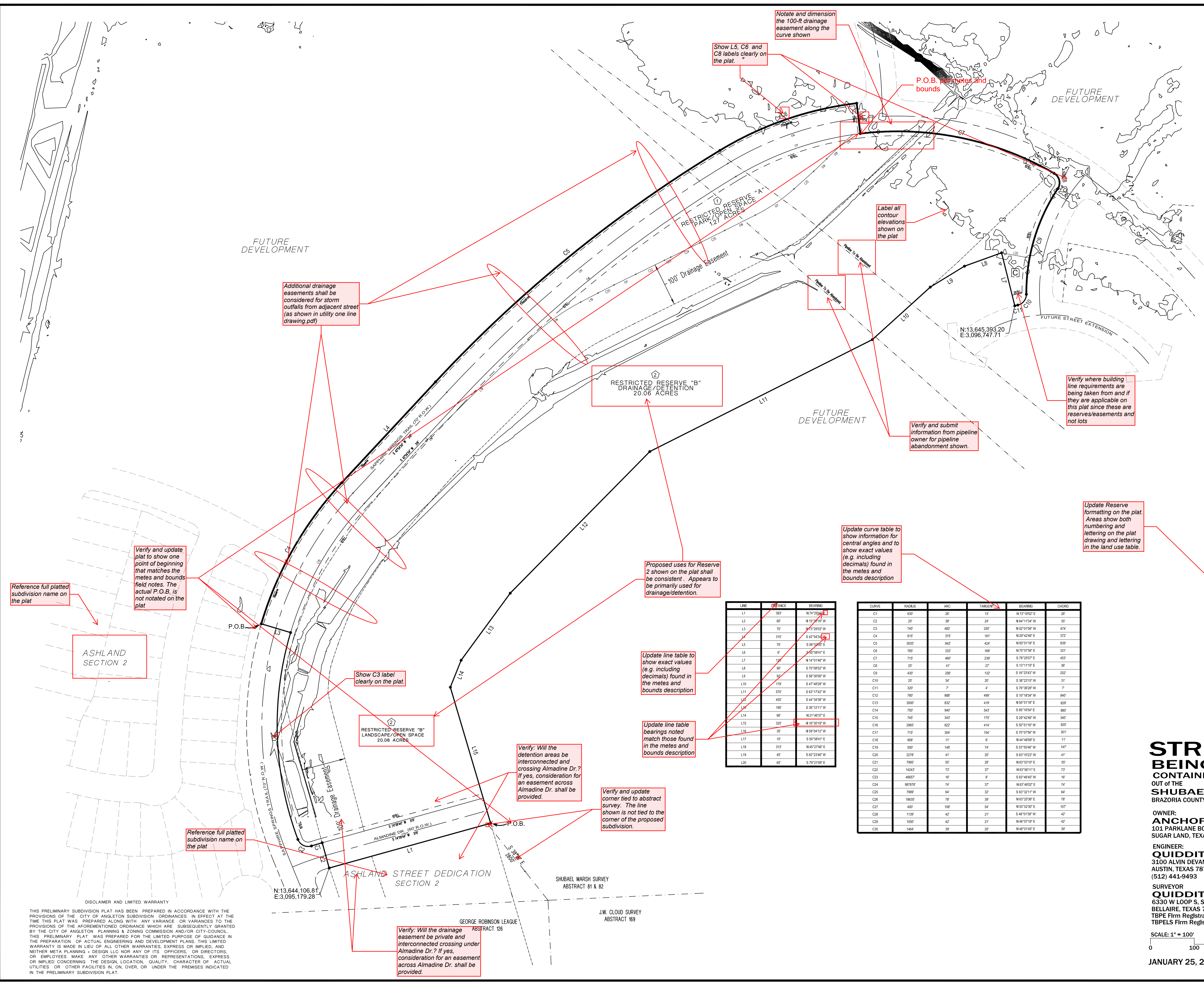
OWNER:
ANCHOR HOLDINGS MP LLC
101 PARKLANE BOULEVARD, SUITE 102
SUGAR LAND, TEXAS 77478

ENGINEER:
QUIDDITY ENGINEERING, LLC
3100 ALVIN DEVANE BLVD #150
AUSTIN, TEXAS 78741
(512) 441-9493

SURVEYOR:
QUIDDITY ENGINEERING, LLC
6330 W LOOP S, SUITE 150
BELLAIRE, TEXAS 77401
TBPE Firm Registration No. _____
TBPELS Firm Registration No. 10046104



SCALE: 1" = 100'
0 100 200
JANUARY 25, 2023 PAGE: 1 OF 2 MTA# 78006



RESERVE	ACREAGE	SQ. FT.	LAND USE
A	±1.27	55,499	PARK/ OPEN SPACE
B	±20.06	874,084	DRAINAGE/ DEFENTION
C	±0.10	4,778	LANDSCAPE/ OPEN SPACE

LINE	LENGTH	BEARING
L1	357	N 74° 20' 00" W
L2	62	N 15° 20' 00" W
L3	72	N 15° 20' 00" W
L4	315	S 42° 54' 00" E
L5	72	S 08° 54' 00" E
L6	6'	S 57° 58' 41" E
L7	172	N 14° 11' 00" W
L8	92	S 70° 28' 52" W
L9	82	S 58° 30' 00" W
L10	172	S 47° 48' 28" W
L11	572	S 63° 17' 42" W
L12	452	S 44° 34' 38" W
L13	192	S 58° 42' 11" W
L14	82	N 61° 48' 52" E
L15	322	N 69° 54' 12" E
L16	28	S 89° 58' 41" E
L17	12	S 89° 58' 41" E
L18	312	N 48° 21' 48" E
L19	42	S 82° 23' 42" W
L20	62	S 70° 21' 00" E

CURVE	RADIUS	ARC	TANGENT	BEARING	CHORD
C1	637	20'	13'	N 73° 19' 52" E	20'
C2	27	38'	24'	N 64° 11' 34" W	38'
C3	745	482'	250'	N 62° 01' 50" W	474'
C4	815	372'	191'	N 20° 42' 40" E	372'
C5	3035	842'	424'	N 52° 51' 10" E	839'
C6	785	333'	169'	N 70° 21' 50" E	331'
C7	715	460'	239'	S 70° 20' 00" E	437'
C8	25	41'	27'	S 10° 11' 10" E	38'
C9	432	256'	132'	S 18° 23' 47" W	252'
C10	25	34'	20'	S 38° 22' 10" W	31'
C11	322	7'	4'	S 70° 30' 28" W	7'
C12	782	888'	456'	S 10° 18' 54" W	847'
C13	3002	832'	419'	N 50° 51' 58" E	829'
C14	752	842'	543'	S 81° 18' 54" E	889'
C15	745	343'	172'	S 22° 42' 40" W	342'
C16	2665	822'	414'	S 52° 51' 10" W	820'
C17	715	304'	154'	S 70° 21' 50" W	301'
C18	162	11'	6'	N 42° 48' 00" E	11'
C19	502	148'	74'	S 52° 58' 00" W	147'
C20	2272	41'	20'	S 62° 10' 23" W	41'
C21	7662	55'	28'	N 62° 33' 10" E	55'
C22	14242	73'	37'	N 63° 58' 11" E	73'
C23	4855'	16'	8'	S 82° 46' 42" W	16'
C24	98782	74'	37'	N 63° 48' 02" E	74'
C25	7662	64'	32'	S 61° 32' 11" E	64'
C26	18632	78'	39'	N 62° 23' 38" E	78'
C27	402	108'	54'	N 52° 52' 00" E	107'
C28	1132	42'	21'	S 48° 01' 30" W	42'
C29	1622	42'	21'	N 48° 01' 30" E	42'
C30	1442	38'	19'	N 48° 01' 30" E	38'

ASHLAND STREET DEDICATION 3

BEING 24.90 ACRES OF LAND CONTAINING THREE RESERVES IN TWO BLOCKS.

OUT OF THE SHUBAEL MARSH SURVEYS, A-81 & A-82 BRAZORIA COUNTY, TEXAS

OWNER:
ANCHOR HOLDINGS MP LLC
101 PARKLANE BOULEVARD, SUITE 102
SUGAR LAND, TEXAS 77478

ENGINEER:
QUIDDITY ENGINEERING, LLC
3100 ALVIN DEVANE BLVD #150
AUSTIN, TEXAS 78741
(512) 441-9493

SURVEYOR:
QUIDDITY ENGINEERING, LLC
6330 W LOOP S, SUITE 150
BELLAIRE, TEXAS 77401
TBPE Firm Registration No. _____
TBPELS Firm Registration No. 10046104



SCALE: 1" = 100'

JANUARY 25, 2023

PAGE: 2 OF 2

MTA# 78006

DISCLAIMER AND LIMITED WARRANTY
THIS PRELIMINARY SUBDIVISION PLAT HAS BEEN PREPARED IN ACCORDANCE WITH THE PROVISIONS OF THE CITY OF ANGLETON SUBDIVISION ORDINANCES IN EFFECT AT THE TIME THIS PLAT WAS PREPARED ALONG WITH ANY VARIANCE OR VARIANCES TO THE PROVISIONS OF THE AFORESAID ORDINANCE WHICH ARE SUBSEQUENTLY GRANTED BY THE CITY OF ANGLETON PLANNING & ZONING COMMISSION AND/OR CITY-COUNCIL. THIS PRELIMINARY PLAT WAS PREPARED FOR THE LIMITED PURPOSE OF GUIDANCE IN THE PREPARATION OF ACTUAL ENGINEERING AND DEVELOPMENT PLANS. THIS LIMITED WARRANTY IS MADE IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, AND NEITHER META PLANNING + DESIGN LLC NOR ANY OF ITS OFFICERS, OR DIRECTORS OR EMPLOYEES MAKE ANY OTHER WARRANTIES OR REPRESENTATIONS, EXPRESS OR IMPLIED CONCERNING THE DESIGN, LOCATION, QUALITY, CHARACTER OF ACTUAL UTILITIES OR OTHER FACILITIES IN, ON, OVER, OR UNDER THE PREMISES INDICATED IN THE PRELIMINARY SUBDIVISION PLAT.

Verify: Will the drainage easement be private and interconnected crossing under Almadine Dr.? If yes, consideration for an easement across Almadine Dr. shall be provided.

Verify: Will the detention areas be interconnected and crossing Almadine Dr.? If yes, consideration for an easement across Almadine Dr. shall be provided.

Verify and update corner tied to abstract survey. The line shown is not tied to the corner of the proposed subdivision.

Update line table to show exact values (e.g. including decimals) found in the metes and bounds description

Update line table bearings noted match those found in the metes and bounds description

Proposed uses for Reserve 2 shown on the plat shall be consistent. Appears to be primarily used for drainage/detention.

Update curve table to show information for central angles and to show exact values (e.g. including decimals) found in the metes and bounds description

Update Reserve formatting on the plat. Areas show both numbering and lettering on the plat drawing and lettering in the land use table.

Verify where building line requirements are being taken from and if they are applicable on this plat since these are reserves/easements and not lots

Verify and submit information from pipeline owner for pipeline abandonment shown.

Label all contour elevations shown on the plat

Show L5, C6 and C8 labels clearly on the plat.

Note and dimension the 100-ft drainage easement along the curve shown

Additional drainage easements shall be considered for storm outfalls from adjacent street (as shown in utility one line drawing.pdf)

Verify and update plat to show one point of beginning that matches the metes and bounds field notes. The actual P.O.B. is not notated on the plat

Reference full platted subdivision name on the plat

ASHLAND SECTION 2



APPLICATION FOR PLAT REVIEW/APPROVAL

Date: 11/18/2022

TYPE OF PLAT APPLICATION

ADMINISTRATIVE	PRELIMINARY	FINAL
MINOR <input type="checkbox"/>	RESIDENTIAL <input checked="" type="checkbox"/>	RESIDENTIAL <input type="checkbox"/>
AMENDING/REPLAT <input type="checkbox"/>	COMMERCIAL <input type="checkbox"/>	COMMERCIAL <input type="checkbox"/>

Address of property: _____

Name of Applicant: Caitlin King Phone: 281-810-7228

Name of Company: META Planning + Design Phone: 281-810-1442

E-mail: cking@meta-pd.com

Name of Owner of Property: Ashton Gray Development

Address: 101 Parklane Blvd, Suite 102, Sugar Land, Texas, 77478

Phone: 281-810-7228 E-mail: cking@meta-pd.com


I HEREBY REQUEST approval of the preliminary and final plat of the subject property according to the plans which are submitted as a part of this application. I HEREBY AUTHORIZE the staff of the City of Angleton to inspect the premises of the subject property. I HEREBY SWEAR AND AFFIRM that all statements contained herein and attached hereto are true and correct to the best of my knowledge and belief.

Signature of Owner or Agent for Owner (Applicant) 

NOTARIAL STATEMENT FOR APPLICANT:

Sworn to and subscribed before me this 18 day of November, 2022.




Notary Public for the State of Texas
Commission Expires: 01/18/2025

APPLICATION AND ALL REQUIRED DOCUMENTATION MUST BE SUBMITTED FOR REVIEW A MINIMUM OF 35 DAYS PRIOR TO THE NEXT PLANNING & ZONING COMMISSION MEETING. INCOMPLETE FORMS MAY BE DELAYED, DENIED, RETURNED TO THE APPLICANT; PLANNING & ZONING COMMISSION MEETS ON THE FIRST THURSDAY OF THE MONTH.

AFFIDAVIT OF AUTHORIZATION BY PROPERTY OWNER

I swear that I am the owner of (indicate address and/or legal description) see attached metes and bounds descriptions

which is the subject of the attached application for land platting and is shown in the records of Brazoria County, Texas.

I authorize the person named below to act as my agent in the pursuit of this application for the platting of the subject property.

NAME OF APPLICANT: Caitlin King

ADDRESS: 24275 Katy Freeway, Suite 200, Katy, Texas, 77494

APPLICANT PHONE # 281-810-7228 E-MAIL: cking@meta-pd.com

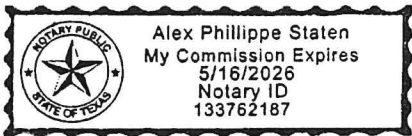
PRINTED NAME OF OWNER: Sudharschan Vembetty

SIGNATURE OF OWNER: [Signature] DATE: 7/19/2022

NOTARIAL STATEMENT FOR PROPERTY OWNER:

Sworn to and subscribed before me this 19 day of July, 2022.

(SEAL)



[Signature] Notary Public for the State of Texas Commission Expires: 5/16/2026

PROJECT SUMMARY FORM

Address of property _____

The subject property fronts _____ feet on the east _____ side of FM 521

Depth: _____ Area: 24.90 _____ Acres: 1,084,644 _____ square feet

INDICATE THE PURPOSE OF THE REQUESTED PLAT APPROVAL (BE SPECIFIC):

The purpose of the requested plat is to continue the dedication of ROW and detention reserves within the Ashland Development.

Is this platting a requirement for obtaining a building permit? _____ YES _____ NO

INDICATE ADDITIONAL INFORMATION THAT WILL ASSIST WITH THE REVIEW OF THIS APPLICATION.

Name: Caitlin King

Date: 01/24/2023

DRILL SITE
(±5.0 Ac.)

PROPOSED
JR HIGH
SCHOOL SITE
±32.3 Ac.

POTENTIAL
FUTURE ROAD
(PROPOSE ROW DEDICATION ONLY)




PARK
±1.3 AC.

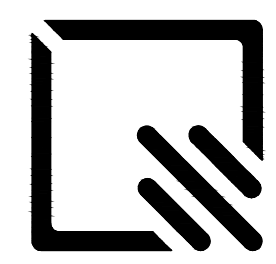
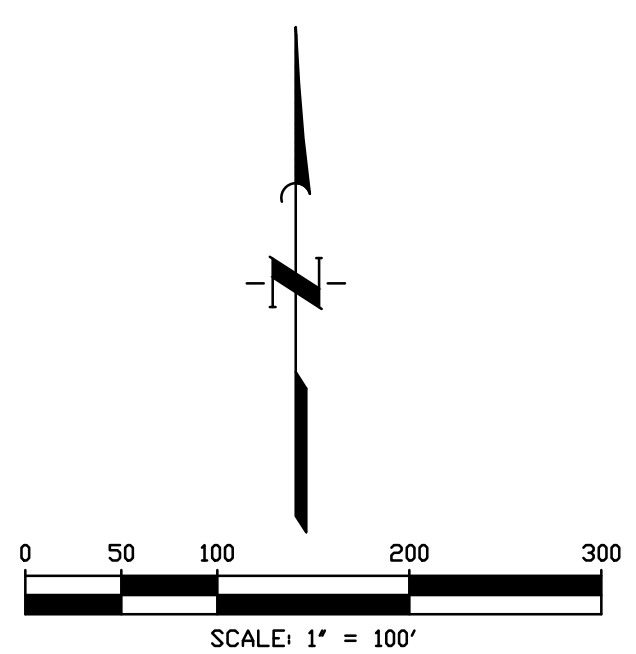
PROPOSED
ELEM
SCHOOL SITE
±15.9 Ac.

ASHLAND STREET
DEDICATION 3

ASHLAND
STREET DEDICATION 3
PRELIMINARY DESIGN
UTILITY ONE-LINES
01/24/23

LEGEND

-  PLAT BOUNDARY
-  STORM SEWER LINE W/ MANHOLE
-  WASTEWATER LINE W/ MANHOLE
-  WATER LINE W/ HYDRANT



QUIDDITY

Texas Board of Professional Engineers and Land Surveyors Registration Nos. F-23290 & 10046100
3100 Alvin Devane Boulevard, Suite 150 • Austin, Texas 78741 • 512.441.9493

January 25, 2023

Otis Spriggs
Director of Development Services
City of Angleton
121 S. Velasco Street,
Angleton, Texas, 77515

Re: ASHLAND STREET DEDICATION 3 PRELIMINARY PLAT SUBMISSION

Dear Otis,

On behalf of Ashton Gray Development., we META Planning + Design LLC respectfully submit the preliminary plat application for the above listed plat. See the below list of submittal requirements and our response:

- 1) Preliminary plat application
 - a. Has been provided.
- 2) Preliminary plat submittal fee
 - a. Has been provided.
- 3) One (1) 24" x 36" paper prints of preliminary plat
 - a. Has been provided.
- 4) Electronic format of preliminary plat drawing
 - a. Has been provided.
- 5) Utility one-lines
 - a. Has been provided.
- 6) TIA
 - a. Has been provided with previous submissions.
- 7) Utility and drainage report
 - a. Has been provided with previous submissions.
- 8) Geotechnical report
 - a. Has been provided with previous submissions.
- 9) Heritage tree survey
 - a. N/A

Please contact me if you need any additional information.

Sincerely,



Caitlin King
Enclosure