



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

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

#### 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.
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.
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.
5. 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

6. 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.

## ADJOURNMENT

## CERTIFICATION

I, Otis T. Spriggs, AICP, 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](http://www.angleton.tx.us), in compliance with Chapter 551, Texas Government Code. The said Notice was posted on the following date and time: Monday, January 30, 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](mailto:cmartin@angleton.tx.us).*



# AGENDA ITEM SUMMARY FORM

**MEETING DATE:** February 2, 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 January 5, 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 January 5, 2023.

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



Draft

CITY OF ANGLETON  
 PLANNING AND ZONING  
 COMMISSION  
 120 S. CHENANGO STREET,  
 ANGLETON, TEXAS 77515  
 THURSDAY, JANUARY 5, 2023 AT  
 12:00 PM

## MINUTES

THE FOLLOWING REPRESENTS THE ACTIONS TAKEN BY THE ANGLETON PLANNING AND ZONING COMMISSION IN THE ORDER THEY OCCURRED DURING THE MEETING. THE PLANNING AND ZONING COMMISSION OF ANGLETON, TEXAS CONVENED IN A REGULAR MEETING ON THURSDAY, JANUARY 5, 2023 AT 12:00 PM, IN THE ANGLETON CITY HALL COUNCIL CHAMBERS, 120 S. CHENANGO, ANGLETON, TEXAS.

### 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 Ellen Eby  
 Commission Member Deborah Spoor  
 Commission Member Michelle Townsend  
 Commission Member Regina Bieri  
 Commission Member Bonnie McDaniel

#### 1. Approval of Meeting Minutes for December 1, 2022

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, 7-0 vote.

2. Discussion and possible action to approve the P&Z 2023 Meeting Calendar; an optional date for March 2023 is requested of the Planning and Zoning Commission, due to a City Holiday.

### PUBLIC HEARINGS AND ACTION ITEMS

3. Conduct a public hearing, discussion, and take possible action on a request for approval of an ordinance rezoning 15.895 acres from the Planned District to the Light Industrial (LI), for property located on the north side of CR220, 237 ft. East of the intersection of Shanks Rd., Angleton, TX.

**Staff Presentation:** Mr. Otis Spriggs introduced the case and presented the staff report findings.

This item came before the P&Z Commission about a month ago with the concept as a potential petition to rezone 15.895 acres from the planned district, which is our holding district to light industrial which would accommodate a future use as a metal fabrication, small instrument type business that would like to locate on that large site.

Photos were shown of the site being adjacent to the mobile home park to the north. They would access off County Road 220. The city limits would be along the frontage of CR220. Staff weighed in the criteria of findings of fact. The mobile home category is on the land use map, as a recommended use, and this is something that staff felt wasn't a great use for the property; the land use plan needs to be reconsidered.

The added density on that particular tract is not feasible. From County Road 220, there is probably about 400 feet setback from the rear of the property. There would be no negative impact on the area. It would be fitting in the area from a light industrial perspective, because we're seeing a demand for commercialization along the major arterials in the area. Staff is recommending an *approval* be sent to Council for final adoption; the draft ordinance is provided.

**Chair Garwood** opened the Public Hearing, with no objection.

**Applicant Mr. Robert Campbell** appeared before the P&Z Commission:

Mr. Campbell stated that he is the operations manager and works for the company that owns the property and is here to represent them. We are looking to rezone this from planned development to light industrial as Mr. Spriggs stated so that we construct a building on there for our company. We are building towards County Road 220, like what's going on right now. Kind of on the West side and want to stay in line with that but. It is a metal fabrication company, and it would be a good addition to what's going on down there.

**Chair William Garwood:** Recognized a person in the audience: Miss Rhonda Sollock, who is also in favor of the proposal; she didn't want to speak.

**Public Hearing** was closed with no objections.

**Commission Member Bonnie McDaniel:** Noted that a concern recently has been, having access to utilities, water and sewer. She asked will there be enough availability; Is this going to be low impact? She mentioned that the owner said he was willing to do a well and septic. She noted that there was a city policy that we didn't do those; but typically, they are supposed to tie in.

**DS Director Otis Spriggs:** Noted that is correct, if it's within a certain distance; otherwise, they may have to request a variance through proper procedures; if the variance is needed, due to lack of utilities and connections in the area, it could be justified.

**Commission Action:**

**Commission Member Michelle Townsend** made a motion that we approve the ordinance and recommend approval of the rezoning to Light Industrial for council's approval and consideration; 2<sup>nd</sup> by Commission member Bieri.

**Roll Call Vote: (7-0 Vote).**

Commission Member Henry Munson- Aye; Commission Member Ellen Eby- 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 a request for approval of an ordinance rezoning 0.4213 acres from Commercial Office-Retail District (C-OR) to 2F, Two-Family Residential District (duplex homes), for property located at 425 N. Walker St. at the SW corner of W. Live Oak St., Tract 163A20 Jose De Jesus Valderas Survey, A-380, City of Angleton, TX, Brazoria County.**

**Staff Presentation:** Mr. Otis Spriggs introduced the case and presented the staff report findings.

This is a request to rezone from the Commercial Office-retail District to convert an existing structure to a duplex. The property is located at 425 N Walker Street, and is surrounded by a well-established single family subdivision which probably has existed there for 30 to 40 years. However, this building has been in transition. It's what we would consider spot zoning in the middle of a residential area as commercial. Potentially, the owner could come in and do those things as allowed within the Commercial Code, as listed under the Commercial- Office Retail District. Staff feels that would be not fitting within the core residential area.

The overall future plan (land use) recommends the property as multifamily. The request would be consistent with our master land use and comprehensive plan. To the south is the power plant and the proposed use would provide a buffer to the neighborhood. Staff listed that point in the criteria section, justifying why this request makes practical sense. The duplex would probably be more compatible than commercial. The potential owner of the property would like to do some upgrades to the façade and provide a cover for the parking- with a carport option. Note that there is some existing vegetation in the rear of the property in which we made some suggestions that the landscaped area be manicured.

In terms of the previous uses of the property, we were told that at one time it was a laundry or washeteria. An individual later lived there and used the adjacent unit for storage. They later gutted the structure completely; and it is now vacant.

Typically, the SF-2 District requires 5,000 square foot area of lot per unit; so this would fall within those parameters in terms of density and will accommodate the required parking/2 spaces per units. Staff recommends approval and entertains any questions of the Commission.

**Chair Garwood opened the Public Hearing, with no objection.**

**Resident Patricia Milligan** appeared before the P&Z Commission:

Ms. Milligan stated that she has a problem with this. They have tried to use this as a residence before it brought bad company into the neighborhood. It was unsafe to the neighborhood; as well as I think it would devalue our property.

**Resident Iva Robinson** appeared before the P&Z Commission:

She stated that she is requesting that P&Z does not approve it, because of the things that have happened in the past. This is already a low-income area. And we would request that you please do not bring anything else into our area. It seems like our area gets everything that no one else wants and you just keep approving everything that comes along, gets dumped on us. Please do not do this for the safety of our children, and like she said, it devalues our property.

**Applicants:**

Laura Cooper approached the mic and stated she is Mr. Warren's real estate agent. She stated she is a local real estate agent and she has worked in the area frequently. She has absolutely respect for the neighborhood and the feelings of the neighborhood. And whenever she first approached the property to show it, the property was unlocked, it was unsecured and there had been some property damage. You could tell that people were able to come in and out of the property without any security to the building.

She has shown the property to two or three real estate investors. And Mr. Morris was the most promising and he's just a regular individual who wants to make the area nicer. He has really great plans. She met with his contractor on several occasions, and he wants to make the property nice and he wants to bring higher value to the area and build nice units that bring decent rent, and he is not looking to bring low income, and low rental units to the property.

Resident Patricia Milligan gave a rebuttal: My question is, what's going to happen 10 years from now? Two years from now, when he decides he no longer wants to rent, he no longer wants the property and it gets sold. Same thing that happens to all the other low-income properties in town. It's going to happen. Someone else is going to purchase the property someone else is going to move people in. There's no homeowners association, there's nothing to stop people from destroying the property. What's going to happen then? He may fix it up now, but it's not going to stay that way.

**Commission Member Bonnie McDaniel**, asked under commercial office retail somebody could put in a bar?

**DS Director Otis Spriggs** noted that you can place a beauty shop or barber shop; laundry facility, financial institution bank; other retail types of service-oriented businesses including medical.

**Commission Member Bonnie McDaniel** noted that she understands their concerns, but then on the other hand, just knowing how real estate is developing at this point, this is probably as good a time as any for it to go into a state of improvement. She commented that she thinks the change will actually do the neighbor's a favor by allowing some improvement to the property. By changing the zoning, you are having a nice duplex for somebody to occupy, who can afford to pay the rent.

**Chair William Garwood** asked about the surrounding properties and uses; are the mostly residential?

**DS Director Otis Spriggs** noted that there was a petition for some form of daycare facility SUP, which is no longer across the street. The property has since been redeveloped as a single-family home on the corner.

The applicant **Mr. Morris** added that he is going to have strict guidelines.

**Commission Action:****Commission Member Bonnie McDaniel**

Made a motion that we accept the staff recommendation adopting this as the final report and recommend approval of the ordinance, rezoning these 0.4213 acres from commercial office retail district to 2F, Duplex homes for property located at 425 N Walker St. and forward it to the City Council for final consideration and approval.

**Commission Member Regina Bieri** seconded the motion .

**Roll Call Vote: (7-0 Vote).**

Commission Member Henry Munson- Aye; Commission Member Ellen Eby- 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.

5. **Conduct a public hearing, discussion, and take possible action on a request for approval of an ordinance amending the PD Planned Development Overlay District Three (3), ORD\_20220222-016 for Austin Colony Subdivision, rezoning 164.50 acres, for property located on the northside of Anchor Rd, East of Carr Rd., West of the terminus of Tigner St.**

**DS Director Otis Spriggs:** Presented this being brought as a request to amend what we call planned development district #3, which is further known as Austin Colony. This plan district development was approved in previous ordinances in 2021 amended in 2022 as noted in the report. Basically, the lot arrangements that you see there before you are what triggered this particular request and amendment. Austin Colony Blvd., one of the original arterial roads that extended into the planned community, was basically a street that had no lots fronting on it and it served as a major connection through the subdivision. Because of safety reasons and costs, the developer needed to redesign that area to have the houses front on Austin Colony Blvd., but to continue to utilize Tigner St. the major arterial that would provide us with the needed east/west connection from Walmart to County Road 44. As stated, this triggered and affected the lot layout changes.

Mr. Spriggs further illustrated the changes on the revised land plan. He noted that there is a development agreement tied to this; a Public Improvement District (PID); and, the C.A.F. analysis would have to be recalculated, due to the lot changes. The minimum 50' wide foot lots having a 100 quantity of the original PD remains; no additional 50' foot lots are added and we noted 26 lots are added, which would go into that 60 foot lot category.

**Public Input: None.**

**Commission Member Ellen Eby:** Referring to the Detention area, asked if they are planning on removing those trees and what is the vision for Section 9 commercial?

**Doug Roesling, Baker Lawson** explained that there are no heritage oak trees in that area. A tree survey was done. Trees will be removed for the detention area, and we will comply with the ordinance.

**Wayne "Sandy" Rea:** Council member Wright and I think the rest of Council insisted from the very beginning that there be an opportunity to have some commercial development within this subdivision. And we have agreed to not develop this in the single-family residential homes for seven years after the first home was built. If it doesn't sell and it's not developed as commercial, then we will build some houses. The commercial zoning would be mainly retail and office.

**Commission Action:**

**Commission Member Bonnie McDaniel:** Made a motion that we accept the staff recommendations and conditions and recommend approval of the amendment of PD. #3 plan development district, and forward it to City Council and final consideration.



**Commission Member Deborah Spoor** seconded the motion.

**Roll Call Vote: (7-0 Vote).**

Commission Member Henry Munson- Aye; Commission Member Ellen Eby- 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.

6. **Conduct a public hearing, discussion, and take possible action on a request by R.B. Stewart Petroleum on an ordinance rezoning approximately 1.925 acres from the Central Business District (CBD) to Planned Development Overlay District No. 4, for property located within the city block bound by W. Peach St. to the South, S. Velasco St. to the East, W. Orange St. to the North and S. Front Street to the West, R.B. Stewart Petroleum.**

**Mr. Spriggs** presented the request noting the location as in our central downtown district. The R.B. Stewart Petroleum business is a non-conforming use that has been here for a long time and has been a great company in terms of services to the area. They approached the city prior to his arrival, attempting to deal with the nonconforming use regulations. They proposed to bring some of the structures up-to-code and provide for a space that will provide building coverage to maintain their fleet services. The company is majorly, a fleet maintenance or management type company that has a petroleum vehicles; this location serves as their headquarters. Offices are on-site as mentioned in the staff report. The difficulty of the non-conforming use code is you can only do a 10% increase to the site or increase to the area in which you operate. That led to some difficulty for staff in reviewing and approving a minor addition to one of the structures to provide that coverage.

**Mr. Spriggs** added that during the D.A.W.G., working group meeting the original request was for industrial zoning. In which we raised the red flag and noting it probably isn't a good idea, due to the I-Industrial District regulations. We recommended that the Planned District would be the better approach to make it a specific or particular use. R. B. Petroleum doesn't do any major industrial type activities onsite that would be detrimental to the area. In the keeping with the downtown recommendations of the Comprehensive Plan this would be a better fit. Staff further analyzed the criteria for approval and felt that based on the above the petition it met the criteria.

**Public Input:**

**Randy Stroud:** My office is right across the highway from this property. I've been there for 28 years, and they've been there forever. They've been nothing but great neighbors. There's nothing they've ever done that was not top class, so I'm strongly in favor of this recommendation.

**Commission Action:**

**Commission Member Henry Munson** made a motion that we accept staff recommendations and approve the ordinance adopting this as the final report and recommend forwarding the rezoning with 1.925 acres from the Central Business District (CBD) to Plan Development Overlay District #4 to the City Council for final approval.

**Commission Member Regina Bieri** seconded the motion.

**Roll Call Vote: (7-0 Vote).**

Commission Member Henry Munson- Aye; Commission Member Ellen Eby- 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.

- 7. Conduct a public hearing discussion and take possible action on the request for approval of an ordinance rezoning approximately 10.12 acres from the planned development district to agricultural districts for property located on the east side of Shanks Rd., North of County Road 220, Angleton TX, Brazoria County.**

**Staff Presentation:** Mr. Otis Spriggs presented the Staff Report stating this request is to rezone the property from our holding zone PD. This is a PD plan district that does not have an ordinance attached in terms of proposed or allowed uses. The applicant Mr. Roderick Williams would like to utilize the property for agricultural use, allowing for a single-family estate and some small farm animals with a small accessory barn.

The Comprehensive/Land Use plan recommends mobile homes for this tract. He added that with a high level of density on this large acreage, it would not be within the direction of what's happening in the area and along Shanks Rd., which basically is a major pass-through for most of the residential homes in the area. Mr. Spriggs discussed the approval criteria and noted Staff felt that it would be in keeping and spirit and the intent of the land development code as well as the zoning ordinance. Staff is recommending that you would forward this to Council for consideration and approval with a positive recommendation.

**Chair Garwood opened the Public Hearing, with no objection.**

**Robert Williams**, applicant, appeared before the Commission stated that he purchased the property build a house and have an area for his kids to show animals.

**Chair Garwood opened the Public Hearing, with no objection.**

**Commission Action:**

**Commission Member Michelle Townsend** made a motion to approve the ordinance adopting this as the final report. Recommended approval of the ordinance rezoning 10.12 acres from PD District to AG, Agricultural Zoning District, and that we send it to City Council for consideration and approval. The motion was seconded by **Commission Member Regina Bieri**

**Roll Call Vote: (7-0 Vote).**

Commission Member Henry Munson- Aye; Commission Member Ellen Eby- 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.

- 8. Discussion and possible action on a Final Plat for De La Garza Subdivision, 3.996 Acres, 2- Lots, 1 Block, located on the south side of Kiber Rd., just west of Sims Drive**

**Motion was made by Commission Member Bonnie McDaniel; Motion Seconded by Commission Member Michelle Townsend to approve the Final Plat and forward it to City Council for final action.**

**Roll Call Vote: (7-0 Vote).**

Commission Member Henry Munson- Aye; Commission Member Ellen Eby- 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

**9. Discussion and possible action on a proposed Concept Plan for Whispering Oaks Subdivision, for 49 lots, 2 Blocks, on 28.203 acres located north of Western Avenue and east of Heritage Oaks Drive.**

**Motion** was made by **Commission Member Bonnie McDaniel**; seconded by **Commission Member Michelle Townsend** to approve the motion.

**Commission Member Henry Munson** stated that he appreciates the applicant's willingness to continue to try to get this done and he is very much in favor of the subdivision; they have good sized lots and nice houses that are going to be there for 50 years. The entrance to it will have to be worked out, but I think you're doing everything you can to try to make it right, and I hope it works because I'd much rather see this type of subdivision than those with a 50 foot, 45 foot, 60 foot lots.

**Mr. Spriggs** reiterated that this is a Concept Plan. The Preliminary plan will come next.

**Roll Call Vote: (7-0 Vote).**

Commission Member Henry Munson- Aye; Commission Member Ellen Eby- 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

**10. Discussion and possible action on a Preliminary Plat for Ashland Development Wastewater Treatment Plant, for 14.44 acres of land, containing four reserves in three blocks out of the George Robinson League, A-126, Brazoria County, Texas as submitted by Ashton Gray Development.**

**Motion** was made by **Commission Member Ellen Eby** and a second by **Commission Member Bonnie McDaniel**, to approve.

**Roll Call Vote: (7-0 Vote).**

Commission Member Henry Munson- Aye; Commission Member Ellen Eby- 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

**11. Discussion and possible action on a Preliminary Plat for Ashland Development Water Treatment Plant, for 2.09 acres of land, containing one reserve in one block, Shubael Marsh Surveys A-81 & A-82, Brazoria County, Texas as submitted by Ashton Gray Development.**

**Motion** was made by **Commission Member Ellen Eby** and seconded by **Commission Member Bonnie McDaniel** to approve.

**Roll Call Vote: (7-0 Vote).**

Commission Member Henry Munson- Aye; Commission Member Ellen Eby- 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.

**12. Discussion and possible action on a Final replat for PT Patrick Thomas Estate, for a 7.732 -acre subdivision, 1-Block, 2 Lots, 1 Reserve.**

Mr. Spriggs presented the preliminary plat as described with the 2 tracts, one that's zoned commercial and one zoned residential. He noted staff conditions on properly labeling the reserves on the plan; the city engineer did forward some comments noted in the report.

**Motion was made by Commission Member Bonnie McDaniel; and a second by Commission Member Ellen Eby, to approve.**

**Roll Call Vote: (7-0 Vote).**

Commission Member Henry Munson- Aye; Commission Member Ellen Eby- 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.

**13. Discussion the Short Term Text Amendment Changes to the City's Land Development Code, Zoning Ordinance and other development regulations. No action required.**

Mr. Spriggs introduced an outline of the Text Amendment Changes and asked that the Commission would take the item home and review the changes and come back the next meeting for a public hearing, discussion and possible action.

**ADJOURNMENT**

Planning and Zoning Commission Chair Bill Garwood adjourned the meeting at 1:10 P.M.

These minutes were approved by Angleton Planning and Zoning Commission on this the \_\_\_day of January \_\_\_\_ 2023, upon a motion by Commission Member XX, seconded by Commission Member XX. The motion passed on X-X vote.

**CITY OF ANGLETON, TEXAS**

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**William Garwood**  
**Chair**

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**Otis T. Spriggs, AICP**  
**Director of Development Services**



## AGENDA ITEM SUMMARY REPORT

(Revised 1/31/2023)

**MEETING DATE:** February 2, 2023

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

**AGENDA CONTENT:** 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.

**AGENDA ITEM SECTION:** Public Hearing and Action Item

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

**FUND:** N/A

### EXECUTIVE SUMMARY:

This is a request from Nina Vrazel to rezone 3.35 acres from PD District to the C-G, Commercial General Zoning District. The applicant's primary purpose is to develop the vacant property in the future for commercial uses that would be in-line with the Commercial General zoning district.

**Property Location/Legal Description:** A0134 E WALLER BLOCK 5 TRACT 5A-5B-5C (SD E/2) ACRES 3.2008, Undivided Interest 50.0000000000% .

### Review Criteria and Findings of Fact:

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

- a. Whether the uses permitted by the proposed change will be appropriate in the immediate area concerned, and their relationship to the general area and to the city as a whole. ***(Staff concurs the property is more appropriate for commercial use, as opposed to manufactured housing use on the Land Use Plan; Tract fronts on CR220, a major arterial).***
- b. Whether the proposed change is in accord with any existing or proposed plans for providing public schools, streets, water supply, sanitary sewers, and other utilities to the area; ***(There will be no negative impact on said capacity of public improvements).***
- c. The amount of vacant land currently classified for similar development in the vicinity and elsewhere in the city, and any special circumstances which may make a substantial part of such vacant land unavailable for development; ***(Opportunities for infill commercial***

*development are adequate in the surrounding Business 288/CR220 area; developing the property as manufactured housing is not feasible and would have a negative impact on public services and infrastructure).*

- d. The recent rate at which land is being developed in the same zoning classification as the request, particularly in the vicinity of the proposed change (**Area is at the most southern boundary next to the ETJ, other commercial uses are likely to occur along the major corridors.**
- e. How other areas designated for similar development will be, or are likely to be, affected if the proposed amendment is approved. (**This rezoning will provide for infill commercial reinvestment, and pose no negative impact on the surrounding area.**)
- f. Any other factors that will substantially affect the public health, safety, morals, or general welfare. (**No factors will negatively affect the public health, safety, morals or general welfare if developed as proposed.**)

### Surrounding Conditions:

#### Existing Land Use and Zoning

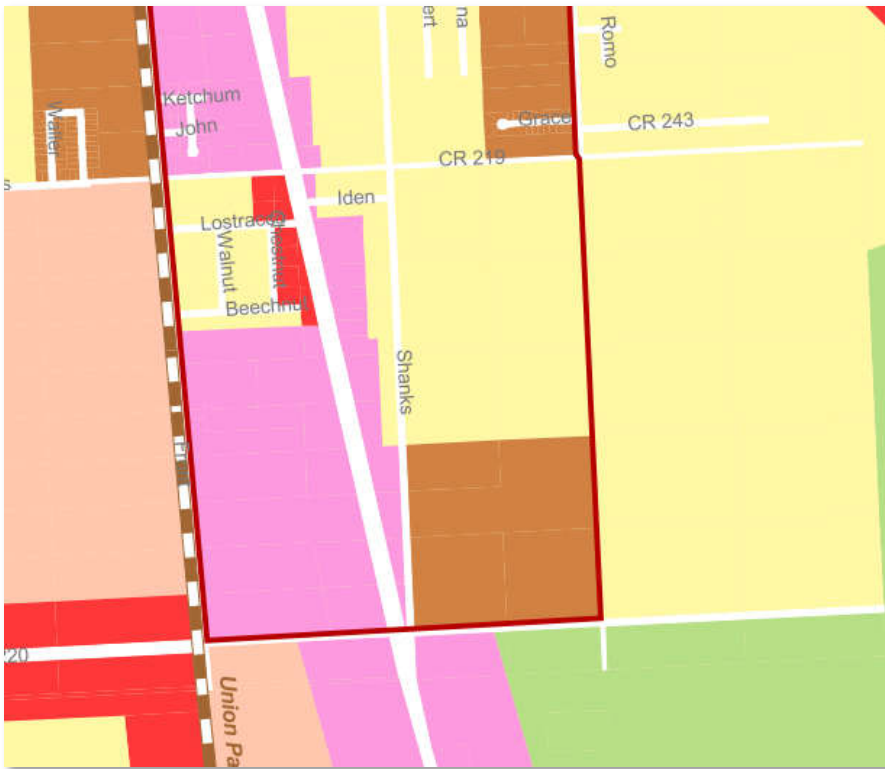
**North:** Shanks Road Residential/Manufactured Homes (MH) District.

**East:** AG, Light Industrial recently zoned; Planned District, Holding Zone

**West:** Light Industrial District and PD, Planned District, Holding Zone

**South:** City Limits Line, CR 220, ETJ /AG/Rural Residential area

#### Future Land Use Map



The Future Land Use Plan from the City of Angleton Comprehensive Plan Update designates the subject property as **Manufactured Housing Category**. The general vicinity of Shanks Road has primarily single-family housing, with a number of Manufactured Housing units situated adjacent to the project site. Staff supports that a change to the future Land Use Map is advisable due to the impact on utility and infrastructure, if the site were utilized as Manufactured Housing. Note that most of the commercial uses abut the major arterials.



### ZONING MAP- Shanks Rd. Rezoning



**STAFF REVIEW:**

The applicant proposes to utilize the property in the future as commercial. No particular plan or details have been submitted at this time. Any proposal would have to meet all requirements of the City of Angleton, Code of Ordinances, Land Development and Zoning and all applicable standards for Sec. 28-57. - C-G—Commercial-general district, including the listed standards below. Any permitted access to and from CR 220 would need to be coordinated with Brazoria County as well.

**General Bulk Requirements for C-G Commercial are as follows:****Size of lot:**

- *Minimum lot area:* 10,000 square feet;
- *Minimum lot width:* 75 feet.
- *Minimum lot depth:* 100 feet.

**Size of yards:**

- *Minimum front yard:* 20 feet. All yards adjacent to a street shall be considered a front yard (see [section 28-106](#) for additional setback requirements).
- *Minimum side and rear yard:* 15 feet unless adjacent to a residentially zoned property (see below).
- *Interior side yards:* When retail uses are platted adjacent to other retail uses and integrated into an overall shopping center site (i.e., lots/lease spaces abutting one another), no side yard is required provided it complies with the city's building code.
- *Minimum side or rear yard adjacent to a residential district:* 20 feet for one-story building, and an additional 20 feet for every story (or fraction thereof) above one-story in height.
- **Maximum lot coverage:** Maximum 80 percent impervious coverage (including all buildings, parking areas, sidewalks, etc.).
- **Parking requirements:** As established by [section 28-101](#), off-street parking and loading requirements.
- **Driveway spacing** (i.e., distance between driveways, measured edge-to-edge):
- **Landscaping requirements:** See [section 28-102](#).
- **Screening requirements:** See [section 28-104](#).

**P&Z RECOMMENDATION:**

The Planning and Zoning Commission should adopt this as its final report and recommend approval of the ordinance rezoning 3.35 acres from PD District to the Commercial General (C-G) District.

**SUGGESTED MOTION:**

I move we approve the ordinance adopting this as the final report and recommend approval of an ordinance rezoning 3.35 acres from PD District to the Commercial General (C-G) District to the City Council for final consideration and approval.

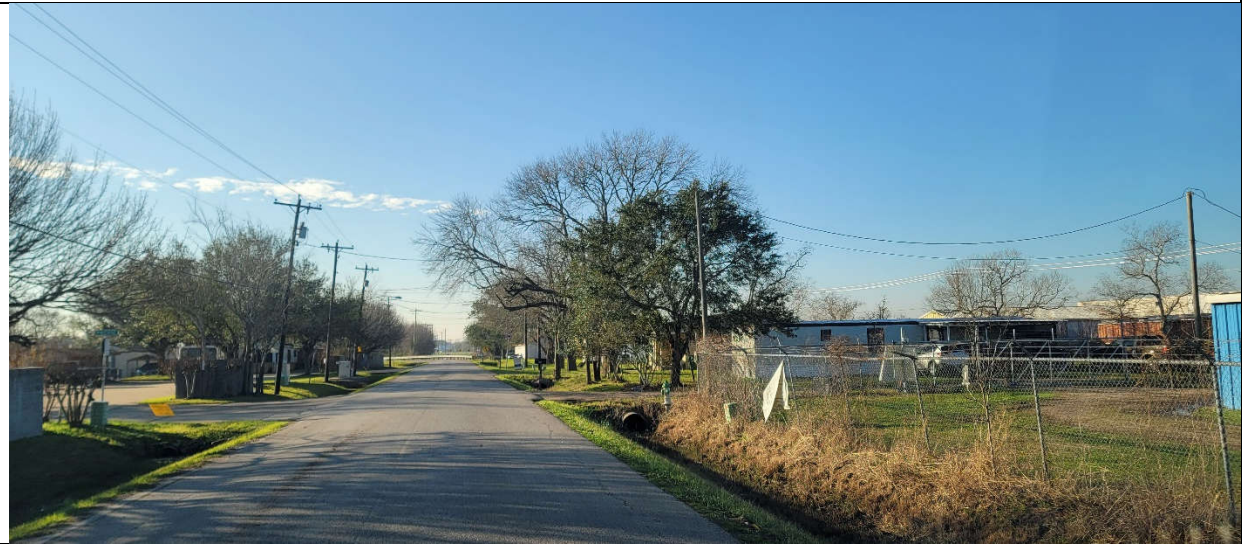


# PHOTOS

Item 2.



**View looking south on Shanks Rd.**



**View looking south on Shanks Rd.**



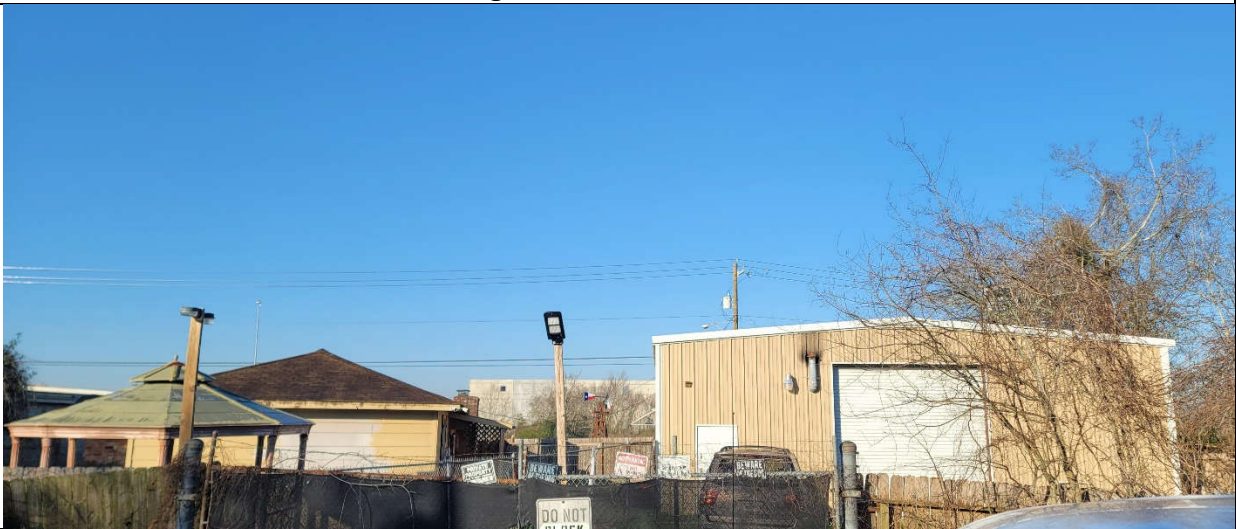
# PHOTOS

Item 2.

**View looking south on Shanks Rd.**



**View looking south on vacated Shanks Rd.**



**View from vacated Shank at properties fronting Bus. 288**

# PHOTOS

Item 2.



**View looking north on Shanks Rd. at CR220, Site on left**



**View looking northwest on Shanks Rd. , site on left**

# PHOTOS

Item 2.



**View looking northwest on Shanks Rd. @ point of road extension**



**View looking south on Shanks Rd. @ point of road extension**

# PHOTOS

Item 2.



**View looking west on CR 220, from Shanks Rd. looking at Subject Property frontage**



**View looking west on CR 220, from Shanks Rd. looking at Subject Property frontage**

# PHOTOS

Item 2.



**View looking south along the Shanks Rd. extension, Site on Right**



**View from Shanks Rd. looking West toward Bus. 288.**

**ORDINANCE NO. 2023\_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, TO AMEND THE ZONING MAP OF THE CITY OF ANGLETON BY CHANGING THE ZONING MAP DISTRICT DESIGNATION OF 10.12 ACRES FROM THE PLANNED DEVELOPMENT DISTRICT (PD) TO COMMERCIAL-GENERAL (C-G) DISTRICT, FOR PROPERTY LOCATED ON THE WEST SIDE OF SHANKS ROAD, AT THE INTERSECTION OF CR220, ANGLETON, TX, BRAZORIA COUNTY; PROVIDING FOR A PENALTY; PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR AN OPEN MEETINGS CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Planning and Zoning Commission conducted a public hearing on February 2, 2023; and

**WHEREAS**, the City Council conducted a public hearing on February 15, 2023; and

**WHEREAS**, notice of the public hearings was published in *The Facts* and mailed to property owners within 200 feet of the zoning request; and

**WHEREAS**, the Planning and Zoning Commission, on February 2, 2023, made findings of fact that rezoning 3.35 acres from PD District to Commercial - General District (C-G), for property located on the west side of Shanks Road, at the intersection of CR220 would be consistent with the adjacent property in the area with generally accepted urban planning principals; and

**WHEREAS**, the City Council, on February 15, 2023, adopted by reference the findings of fact made by the Planning and Zoning Commission.

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

**SECTION 1.** That the foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part of this Ordinance for all purposes as findings of fact.

**SECTION 2.** The Property is more fully described in Exhibit “A,” and depicted on the Rezoning Plat, Exhibit “B”, attached hereto and made a part hereof for all purposes be rezoned from the Planned District to the Commercial - General (C-G) District.

**SECTION 3.** That the Official Zoning Map of the City of Angleton is hereby amended in accordance with the provisions of this Ordinance to show the change in zoning district classification.

**SECTION 4.** That any person or corporation violating any of the provisions of this Ordinance shall upon conviction be fined any sum not exceeding \$2,000 and each and every day that the provisions of this Ordinance are violated shall constitute a separate and distinct offense.

**SECTION 5.** That should any section or part of this Ordinance be held unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity of such section, or part shall in no way affect, impair or invalidate the remaining portion thereof, but as to such remaining portion, the same shall remain in full force and effect.

**SECTION 6.** That it is hereby found and determined that the meetings at which this Ordinance is considered are open to the public and that notice of the time, place and purpose thereof was given in accordance with the provisions of the Texas Government Code - Chapter 551, as amended, and that a quorum of the City Council was present.

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

**PASSED AND APPROVED THIS 15<sup>th</sup> DAY OF February, 2023.**

CITY OF ANGLETON, TEXAS

\_\_\_\_\_  
Jason Perez  
Mayor

ATTEST:

\_\_\_\_\_  
Michelle Perez, TRMC  
City Secretary



**EXHIBIT A**

**RANDY L. STROUD, P. E.**  
**CIVIL ENGINEER AND LAND SURVEYOR**  
**201 SOUTH VELASCO**  
**ANGLETON, TEXAS 77515**

979-849-3141  
 PE #050839

FIRM NO. 10020500

r\_stroud@sbcglobal.net  
 RPLS #2112

FIELD NOTES OF A 3.35 ACRE TRACT OUT OF LOT 5, BLOCK 5 OF THE SUBDIVISION OF THE EAST ONE-HALF OF THE EDWIN WALLER LEAGUE, ABSTRACT 134, BRAZORIA COUNTY, TEXAS, ACCORDING TO THE RECORDED MAP OR PLAT THEREOF IN VOLUME 26, PAGE 210 OF THE DEED RECORDS OF BRAZORIA COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a mag nail found in concrete in the East right-of-way line of Shanks Road (City of Angleton, 60 feet wide); said nail marking the Northwest corner of Lot 5, Block 5 of the Subdivision of the East one-half of the Edwin Waller League, Abstract 134, Brazoria County, Texas;

- THENCE; South 2° 56' 53" East (Reference Bearing) 275.83 feet, along the East right-of-way line of Shanks Road, to a 5/8" iron rod found, with plastic cap stamped "Baker and Lawson",
- THENCE; North 52° 07' 25" East 26.78 feet to a 5/8" iron rod, with plastic cap stamped "Baker and Lawson", found for angle point in the Southwest right-of-way line of the relocated Shanks Road;
- THENCE; In a southeasterly direction, along the Southwest right-of-way line of Shanks Road, around a non-tangent curve to the left having a radius of 455.00 feet, through a chord which bears South 47° 59' 56" East 160.74 feet to a 1/2" iron rod found for the place of beginning of the herein described tract;
- THENCE; In a southeasterly direction, along the Southwest right-of-way line of Shanks Road around said non-tangent curve to the left having a radius of 455.00 feet, through a chord which bears South 67° 08' 41" East 140.51 feet to a 5/8" iron rod, with plastic cap stamped "Baker and Lawson", found at the end of said curve;
- THENCE; South 75° 54' 10" East 175.69 feet, along the Southwest right-of-way line of Shanks Road, to a 5/8" iron rod, with plastic cap stamped "Baker and Lawson", found at the beginning of a curve to the right having a radius of 380.93 feet;
- THENCE; In a southeasterly direction, along the Southwest right-of-way line of Shanks Road, around said curve to the right through a chord which bears South 46° 33' 44" East 374.83 feet to a 5/8" iron rod found for corner in the North right-of-way line of County Road 220;

FIELD NOTES OF A 3.35 ACRE TRACT CONTINUED.....PAGE 2 OF 2

THENCE; South 85° 22' 49" West 130.10 feet, along the North right-of-way line of County Road 220, to a 5/8" iron rod, with plastic cap stamped "Weisser", found at the beginning of a curve to the right having a radius of 6162.00 feet;

THENCE; Along the North right-of-way line of County Road 220, around said curve to the right through a chord which bears South 85° 48' 54" West 222.70 feet to a 5/8" iron rod, with plastic cap stamped "Weisser", found at the end of said curve;

THENCE; South 84° 52' 17" West 27.37 feet, along the North right-of-way line of County Road 220, to a 5/8" iron rod, with plastic cap stamped "Weisser", found at the beginning of a curve to the left having a radius of 5898.00 feet;

THENCE; In a westerly direction, along the North right-of-way line of County Road 220, around said curve to the left, through a chord which bears South 84° 09' 17" West 172.87 feet to a 1/2" iron rod found for corner at the Southeast corner of a 1.25 acre tract;

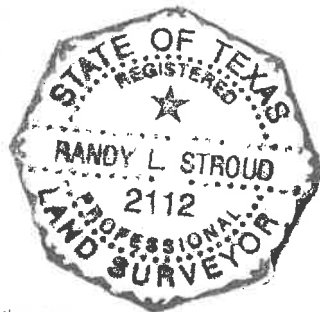
THENCE; North 2° 57' 01" West 402.09 feet, along the East line of said 1.25 acre tract, to the place of beginning.

Said tract therein containing 3.35 acres of land.

CERTIFIED: Randy L. Stroud  
Randy L. Stroud, P. E. Registered Professional Land Surveyor #2112

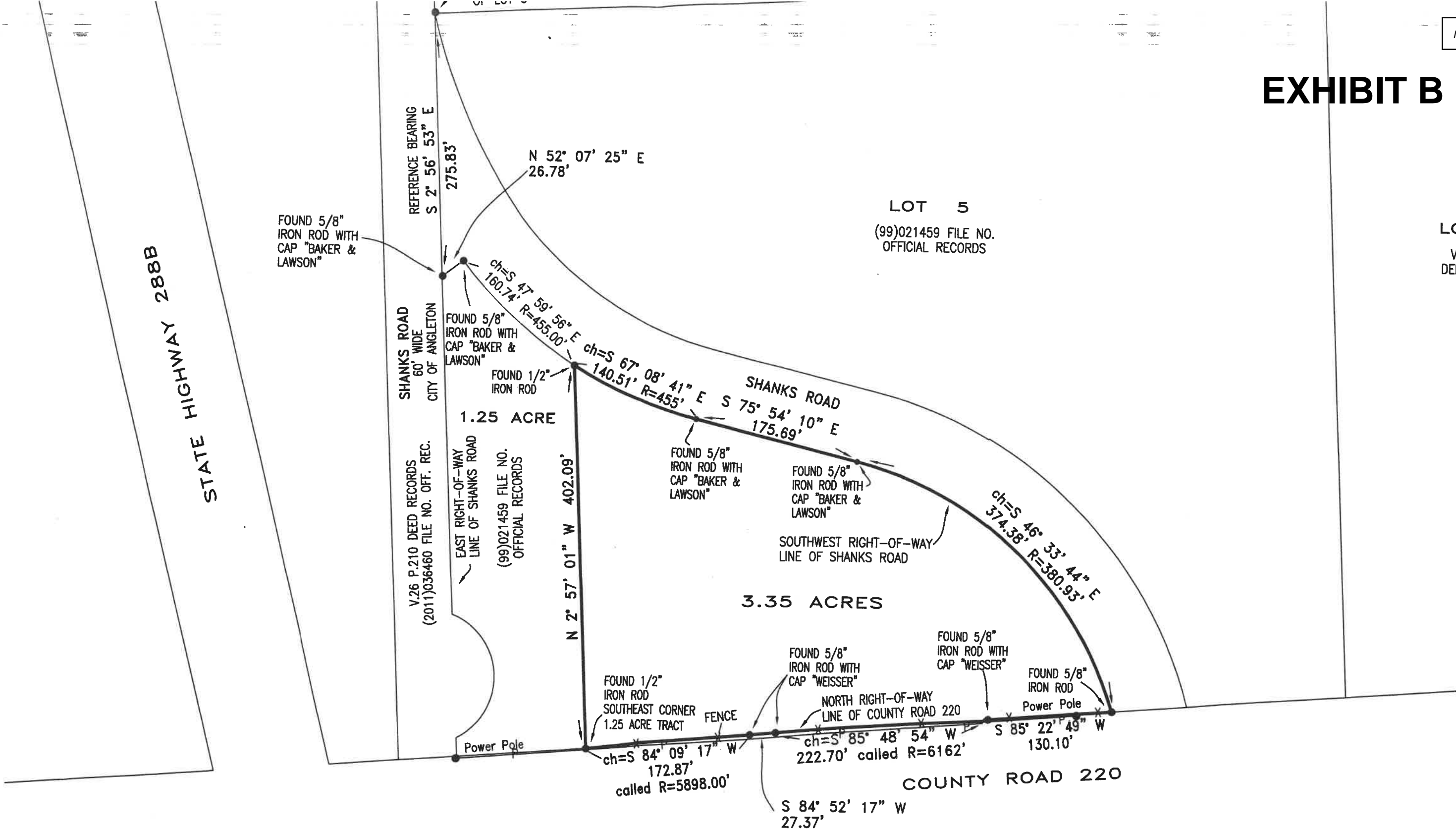
\*See attached plat.

4T27677B  
September 8, 2022



# EXHIBIT B

LOT  
V.943 P.7  
DEED RECOI



A PLAT OF A 3.35 ACRE TRACT OUT OF LOT 5, BLOCK 5 OF THE SUBDIVISION OF THE EAST ONE-HALF OF THE EDWIN WALLER LEAGUE, ABSTRACT 134, BRAZORIA COUNTY, TEXAS, ACCORDING TO THE RECORDED MAP OR PLAT THEREOF IN VOLUME 26, PAGE 210 OF THE DEED RECORDS OF BRAZORIA COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS ATTACHED.



PER: MAD  
REF#: 1009

TRAN: 900.1180 CONSULTANT/PLAN/REV  
CONSULTANT REVENUE 150.00CR

TENDERED: 150.00 CHECK  
APPLIED: 150.00-

OFFICE USE ONLY	
Date received: <u>8/5/22</u>	Fee: \$ <u>150.00</u>
P&Z Public Hearing date: _____	
Date to send cert. letters: _____	
Date to publish: _____	
Proof of taxes paid: _____	date verified: _____

### CITY OF ANGLETON RE-ZONE APPLICATION

Name(s) of Property Owner: KENNETH BARCHAK Nina Vraze!  
 Current Address: 1915 CR660 Email: ninavrazel@yahoo.com  
 City: DANBURY State: TX Zip: 77534  
 Home Phone: — Business Phone: — Cell: 979-583-3610

**ATTACH PROOF THAT ALL TAXES, FEES AND OBLIGATIONS HAVE BEEN PAID TO THE CITY OF ANGLETON.**

Name of Applicant: KENNETH BARCHAK Nina Vraze!  
 (If different than Property Owner)  
 Address: ~~Shanks Road~~ <sup>NSV</sup> 1915 CR660 Email: ninavrazel@yahoo.com  
 City: Danbury State: TX Zip: 77534  
 Home Phone: \_\_\_\_\_ Business Phone: \_\_\_\_\_ Cell: 979-583-3610

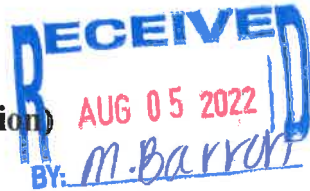
Address/Location of Property to be Re-zoned: Shanks Rd metes & bounds attached

Legal Description: 3.35 Undivided A0134E Blot Tracts S-5A-5B-5C  
 Metes & Bounds Lot(s) Block Subdivision

#### ATTACH MAP/SURVEY OF PROPERTY

Has the property been platted? YES NO  
 Current Zoning: PD Current Use: undeveloped  
 Proposed Zoning: CG Proposed Use: commercial

Application Fee: \$150.00 (must be submitted with application)





### CITY OF ANGLETON APPOINTMENT OF AGENT

As owner of the property described as \_\_\_\_\_  
I hereby appoint the person designated below to act for me, as my agent in this request.

Name of Agent: Nina VRAZEL

Mailing Address: 1915 CR 660 Email: ninavrazel@yahoo.com

City: Danbury State: TX Zip: 77534

Home Phone: (979) 583-3610 Business Phone: ( )

I verify that I am the legal owner of the subject property and I acknowledge and affirm that I will be legally bound by the words and acts of my agent, and by my signature below, I fully authorize my agent to:

**be the point of contact between myself and the City; make legally binding representations of fact and commitments of every kind on my behalf; grant legally binding waivers of rights and releases of liabilities of every kind on my behalf; to consent to legally binding modifications, conditions, and exceptions on my behalf; and, to execute documents on my behalf which are legally binding on me.**

I understand that the City will deal only with a fully authorized agent. At any time it should appear that my agent has less than full authority to act, then the application may be suspended and I will have to personally participate in the disposition of the application. I understand that all communications related to this application are part of an official proceeding of City government and, that the City will rely upon statements made by my agent. Therefore, I agree to hold harmless and indemnify the City of Angleton, its officers, agents, employees, and third parties who act in reliance upon my agent's words and actions from all damages, attorney fees, interest and costs arising from this matter. If my property is owned by a corporation, partnership, venture, or other legal entity, then I certify that I have legal authority to make this binding appointment on behalf of the entity, and every reference herein to 'I', 'my', or 'me' is a reference to the entity.

Signature of owner Kenneth Barchak Title \_\_\_\_\_

Printed/Typed Name of owner KENNETH BARCHAK Date 7-2-22

\*Application must be signed by the individual applicant, by each partner of a partnership, or by an officer of a corporation or association.

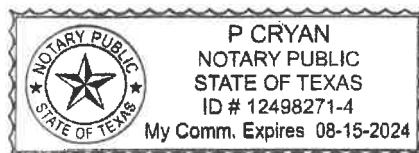
STATE OF TEXAS §

COUNTY OF Brazoria §

Before me, PCryan, on this day personally appeared Kenneth Barchak known to me (or proved to me on the oath of \_\_\_\_\_ or through TXDL) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office this 2 day of August, 2022

(SEAL)



Notary Public Signature

15 Aug 24  
Commission Expires

TAX CERTIFICATE



KRISTIN R. BULANEK
BRAZORIA COUNTY TAX ASSESSOR-COLLECTOR
111 E. LOCUST
ANGLETON, TEXAS 77515

979.864.1320
979.388.1320
281.756.1320

Issued To:

VRAZEL NINA
1915 CR 660
DANBURY, TX 77534

Legal Description

A0134 E WALLER BLOCK 5 TRACT 5-5A-5B-5C
(SD E/2) ACRES 13.3208, UNDIVIDED
INTEREST 50.000000000000%

Fiduciary Number: 31435404

Parcel Address: SHANKS RD

Legal Acres: 13.3208

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Account Number: 0134-0353-002

Print Date: 08/02/2022 11:25:48 AM

Certificate No: 247678653

Paid Date: 08/02/2022

Certificate Fee: \$10.00

CHECK NO. 1008

Issue Date: 08/02/2022

Parent No. 6903-40

Operator ID: YSENIAR

TAX CERTIFICATES ARE ISSUED WITH THE MOST CURRENT INFORMATION AVAILABLE. ALL ACCOUNTS ARE SUBJECT TO CHANGE PER SECTION 26.15 AND 11.43(i) OF THE TEXAS PROPERTY TAX CODE. THIS IS TO CERTIFY THAT ALL TAXES DUE ON THE ABOVE DESCRIBED PROPERTY HAVE BEEN EXAMINED, UP TO AND INCLUDING THE YEAR 2021. TAXES THRU 2021 ARE PAID IN FULL. TAXES HAVE NOT BEEN CREATED FOR YEAR(S): 2022.

Exemptions:

Certified Owner:

VRAZEL NINA JOY
1915 COUNTY ROAD 660
DANBURY, TX 77534-9754

Table with 2 columns: Description and Amount. Rows include 2021 Value (\$180,000), 2021 Levy (\$4,698.41), 2021 Levy Balance (\$0.00), Prior Year Levy Balance (\$0.00), Total Levy Due (\$0.00), P&I + Attorney Fee (\$0.00), and Total Amount Due (\$0.00).

Certified Tax Unit(s):

- 1 BRAZORIA COUNTY
9 SPECIAL ROAD & BRIDGE
21 ANGLETON ISD
32 ANGLETON - DANBURY HOSPITAL
41 PORT FREEPORT
51 ANGLETON DRAINAGE DIST. NO 1
88 CITY OF ANGLETON

DUE TO ITS ASSIGNED USAGE, THE ABOVE LEGAL PROPERTY MAY HAVE RECEIVED SPECIAL VALUATION, AND ADDITIONAL ROLLBACK TAXES MAY BECOME DUE BASED ON THE PROVISIONS OF THE SPECIAL VALUATION.

Reference (GF) No: N/A

Issued By: [Signature]

KRISTIN R. BULANEK
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
(979) 864-1320, (979) 388-1320, (281) 756-1320

**TAX CERTIFICATE**



**KRISTIN R. BULANEK**  
BRAZORIA COUNTY TAX ASSESSOR-COLLECTOR  
111 E. LOCUST  
ANGLETON, TEXAS 77515

979.864.1320  
979.388.1320  
281.756.1320

**Account Number:** 0134-0353-002  
**Certificate No:** 247678653

<b>Account Number</b>	<b>Year(s)</b>	<b>Amount Due</b>	<b>Cause Number</b>
6903-40	No Years	0.00	

TAX CERTIFICATE



KRISTIN R. BULANEK
BRAZORIA COUNTY TAX ASSESSOR-COLLECTOR
111 E. LOCUST
ANGLETON, TEXAS 77515

979.864.1320
979.388.1320
281.756.1320

Issued To:

VRAZEL NINA
1915 CR 660
DANBURY, TX 77534

Legal Description

A0134 E WALLER BLOCK 5 TRACT 5-5A-5B-5C
(SD E/2) ACRES 13.3208, UNDIVIDED
INTEREST 50.0000000000%

Fiduciary Number: 31435404

Parcel Address: SHANKS RD

Legal Acres: 13.3208

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Account Number: 0134-0353-001

Print Date: 08/02/2022 11:24:58 AM

Certificate No: 247678651

Paid Date: 08/02/2022

Certificate Fee: \$10.00

CHECK NO. 1008

Issue Date: 08/02/2022

Parent No. 6903-40

Operator ID: YSENIAR

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Exemptions:

Certified Owner:

BARCHAK KENNETH CHARLES
3618 SHASTA CT
PEARLAND, TX 77584-5506

Table with 2 columns: Description and Amount. Rows include 2021 Value (180,000), 2021 Levy (\$4,698.41), 2021 Levy Balance (\$0.00), Prior Year Levy Balance (\$0.00), Total Levy Due (\$0.00), P&I + Attorney Fee (\$0.00), and Total Amount Due (\$0.00).

Certified Tax Unit(s):

- 1 BRAZORIA COUNTY
9 SPECIAL ROAD & BRIDGE
21 ANGLETON ISD
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41 PORT FREEPORT
51 ANGLETON DRAINAGE DIST. NO 1
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DUE TO ITS ASSIGNED USAGE, THE ABOVE LEGAL PROPERTY MAY HAVE RECEIVED SPECIAL VALUATION, AND ADDITIONAL ROLLBACK TAXES MAY BECOME DUE BASED ON THE PROVISIONS OF THE SPECIAL VALUATION.

Reference (GF) No: N/A

Issued By: [Signature]

KRISTIN R. BULANEK
BRAZORIA COUNTY TAX ASSESSOR - COLLECTOR
(979) 864-1320, (979) 388-1320, (281) 756-1320



**TAX CERTIFICATE**



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BRAZORIA COUNTY TAX ASSESSOR-COLLECTOR  
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ANGLETON, TEXAS 77515

979.864.1320  
979.388.1320  
281.756.1320

**Account Number:** 0134-0353-001

**Certificate No:** 247678651

<b>Account Number</b>	<b>Year(s)</b>	<b>Amount Due</b>	<b>Cause Number</b>
6903-40	No Years	0.00	



# PLANNING AND ZONING COMMISSION AGENDA SUMMARY/STAFF REPORT

**MEETING DATE:** February 2, 2023

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

**AGENDA CONTENT:** 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.

**AGENDA ITEM SECTION:** Public Hearing and Action Item

**BUDGETED AMOUNT:** N/A

**FUNDS REQUESTED:** N/A

**FUND:** N/A

**EXECUTIVE SUMMARY:** Adam Wise, Why Not Bingo, LLC is requesting consideration of a Specific Use Permit for a Bingo Hall at the property located at 1040 S. Velasco St., Angleton, TX., within the Light Industrial District (LI).

**PROPERTY HISTORY:**

The subject property was annexed into the city limits on November 5, 1976, as part of a mass annexation, inclusive of 911.55+/- acres. The facilities was formally known as Angleton Lanes filed under Brazosport Bowl LTD as early as 1986. Later it was known as Angleton Lanes Amen Billiards. The bowling alley and accessory uses are now operating under Ten Pin Entertainment since 2019.



Aerial View of Site



*View looking northwest at Subject property*

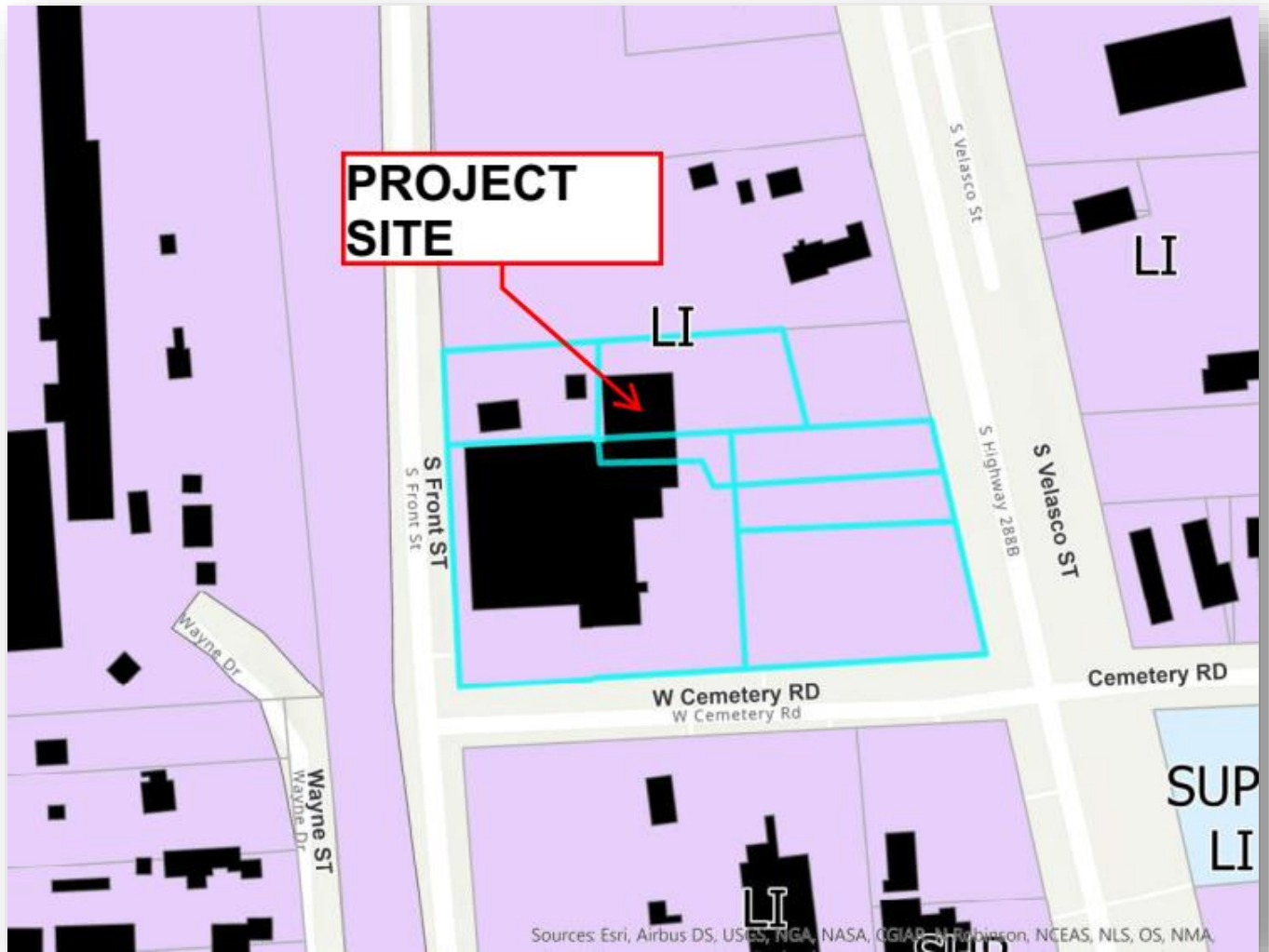


*View from Cemetery Road looking north at the Subject property*



*View from Business 288 looking west at neighboring business to the North*

A D.A.W.G. working group meeting was held on January 4, 2023. The applicant described the space as 7,500 sq. ft. in area. Business hours will be from 4:00 PM to 11 PM, 6 days per week; Sundays hours will be from 10:00 AM to 3:00 PM. The space was previously used as a ballroom. There will be some lighting upgrades. The owner will utilize the food service that is already present.



**Zoning & Vicinity Map**

## STAFF ANALYSIS:

Bingo Hall/Facility use is allowed within the C-G, Commercial General or the Light Industrial (LI) District as a Specific Use Permit, if approved by City Council.

Section 28-63, 5 (e); SUP- Specific use permits, outlines the requirements and factors for consideration:

***When considering applications for a specific use permit, the planning and zoning commission in making its recommendation and the city council in rendering its decision on the application shall, on the basis of the site plan and other information submitted, evaluate the impact of the specific use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. The planning and zoning commission and the city council shall specifically consider the extent to which:***

- a. The proposed use at the specified location is consistent with the goals, objectives and policies contained in the adopted comprehensive plan;
- b. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
- c. The proposed use meets all supplemental standards specifically applicable to the use as set forth in this chapter;
- d. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances, includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts, including but not limited to:
  - Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire;
  - Off-street parking and loading areas;
  - Refuse and service areas;
  - Utilities with reference to location, availability, and compatibility;
  - Screening and buffering, features to minimize visual impacts, and/or setbacks from adjacent uses;
  - Control of signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
  - Required yards and open space;
  - Height and bulk of structures;
  - Hours of operation;
  - Exterior construction material and building design; and
  - Roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets.
- e. The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.

Staff has taken the above criteria into consideration when reviewing the proposed assembly type use for the bingo facility. The space adequately provides for the use and if approved, it will not be in conflict with the Zoning Resolution nor the Comprehensive Plan. The use is compatible with the overall character of the area. The parking lot will adequately accommodate the proposed bingo and existing bowling alley use. The owner intends to do some upgrades to the parking surfacing including restriping. Refuse and service areas are currently being serviced by the overall facility management. Signage will be provided as a re-face to the existing pole sign onsite.

Within the current adopted Zoning Code under Sec. 10, Bingo facility is defined as a “premises used primarily for the purpose of conducting games of chance:”.

Bingo is one of the few forms of legal gambling in the state of Texas. State law only allows for certain organizations to conduct bingo games and the proceeds are only to be used for charitable purposes. Local elections, either in the county, justice of the peace precinct or municipality, must also be held in order to approve the use of bingo games in the area.

The applicants currently hold a license within the state of Texas and are applying for a transfer of said license to operate at 1040 S. Velasco St., Angleton, TX, subject to this approval. Note that *Bingo halls* and *Bowling alleys* are exempt from the provisions of Code Section 10-45 for smoking prohibited uses. The owner stated that smoking will only be allowed outside in this establishment.

### **Public Notification**

Staff sent public notices to the local newspaper, and to the property owners within 200 feet of the subject property under consideration for the SUP application.

### **Opposition to or Support of Proposed Request**

To-date, Staff has not received any notices in support or in opposition of the proposed SUP request.

### **Recommended Action:**

The Planning and Zoning Commission should adopt this as its Final Report, forward it to City Council with a positive recommendation of this Specific Use Permit (S.U.P.) application for a Bingo facility in the Light Industrial District, (LI), to the city council for approval consideration and appropriate action.

**Staff Recommendation.** The planning and zoning commission should forward this Specific Use Permit (S.U.P.) application at 1040 S. Velasco St., for a “bingo facility” to the city council for approval consideration and appropriate action, and there are findings of fact of no negative impact to the surrounding properties.



CITY OF ANGLETON  
SPECIFIC USE PERMIT APPLICATION

PROPERTY ADDRESS: 1040 S Velasco st Angleton, Tx 77515

PROPERTY DESCRIPTION (Legal description): Ten Pin Entertainment - (Why Not Bingo)

RECORD PROPERTY OWNER NAME, ADDRESS AND PHONE NUMBER:  
Ten Pin Entertainment LLC

DESIGNATED REPRESENTATIVE, ADDRESS AND PHONE NUMBER:  
WHY NOT Bingo LLC 1040 S Velasco 979.583.4870

PROPOSED USE FOR THE PROPERTY ADDRESS INDICATED ABOVE:  
this property will be used for special use, Bingo Hall (charitable)

A site plan (prepared and approved) in accordance with Section 35.4 of the City of Angleton Code of Ordinances (City Code) must be attached to the application. If a base requested, such rezoning application shall accompany the application use requires a division of land, an application for subdivision approval for a Specific Use Permit.

#: 02194945 12/27/2022 12:05  
ER: 1A3 TERM: 105  
F#:

SIGNATURE: *Clemwise*  
DATE: 12-27-2022

R#N: 300.1190 ZONING VAR/PLATTING  
ZC VING/VARIANCE/PLA 150.00

PLEASE PROVIDE PROOF OF TAXES PAID ON THIS PROPERTY

TENDERED: 150.00 CASH  
APPLIED: 150.00-

ATTACHMENT: SECTION 35 SUP – SPECIFIC USE PERMIT

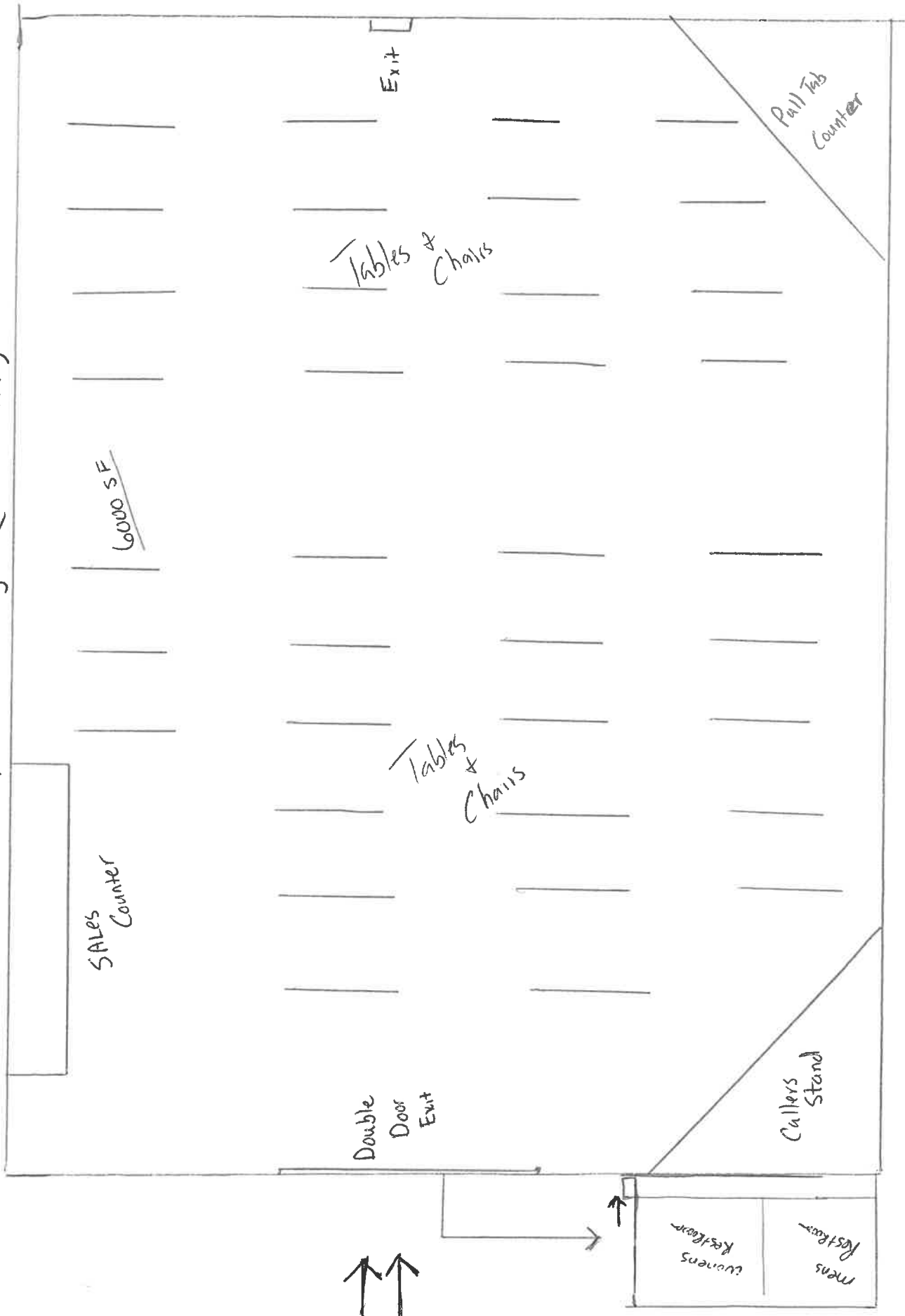
CHANGE: 0.00

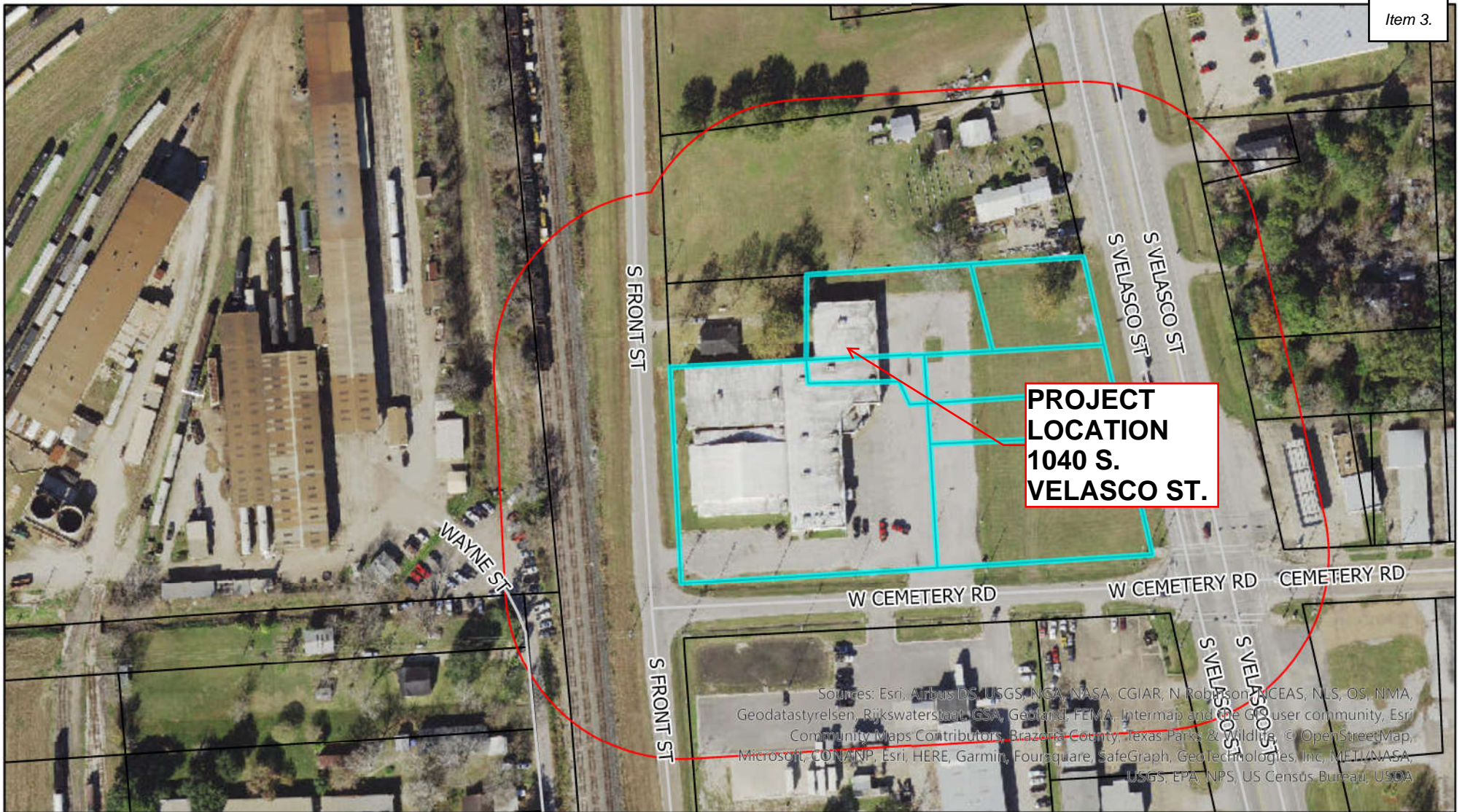
APPLICATION FEE: \$150.00 due upon submittal

OFFICE USE ONLY	
Date received: <u>12/27/2022</u>	Admin Fee Received: <u>12/27/22</u>
P&Z Public Hearing date: _____	
Date to send cert. letters: _____	Date to publish: _____
Site Plan submitted: Yes _____ No _____	
Site Plan received & evaluated by City Staff: Yes _____ No _____	
Proof of taxes paid: _____	Date verified: _____



# WHY NOT Bingo (Ten Pin)





Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NLS, OS, NMA, Geodatastyrelsen, Rijkswaterstaat, GSA, Geoland, FEMA, Intermap and the GIS user community, Esri Community Maps Contributors, Brazoria County, Texas Parks & Wildlife, © OpenStreetMap, Microsoft, CONANP, Esri, HERE, Garmin, Foursquare, SafeGraph, GeoTechnologies, Inc, METI, NASA, USGS, EPA, NPS, US Census Bureau, USDA

# Location Map 1040 S. Velasco St. Bingo Hall, S.U.P.

**ORDINANCE NO. 2023XXXXXXXXXXXXXX**

**AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, APPROVING SPECIFIC USE PERMIT TO ALLOW FOR A BINGO FACILITY AT 1040 S. VELASCO ST., ANGLETON, TX, BRAZORIA COUNTY, TEXAS, PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND PROVIDING FOR REPEAL AND EFFECTIVE DATE, AND FINDINGS OF FACT.**

**WHEREAS**, On February 2, 2023, the City of Angleton Planning & Zoning Commission held a public hearing and approved the Specific Use Permit (SUP) 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; and

**WHEREAS**, on February 2, 2023, the City of Angleton Planning & Zoning Commission, after conducting a public hearing, discussed and considered the written recommendation of staff, responses to questions of the applicant regarding the proposed bingo facility; and

**WHEREAS**, on February 15, 2023, the City of Angleton City Council conducted a public hearing, discussed and considered the written recommendation of staff, responses to questions of the applicant regarding the proposed tattoo and body piercing studio; and

**WHEREAS**, the City considered the factors and provisions set forth in the City of Angleton Code of Ordinances, Chapter 28 Zoning, Sec. 28-63 Specific Use Permits, and considered the proposed bingo facility to be located at 117 W. Myrtle Street, Angleton, TX.;

**WHEREAS**, the City Council desires to grant the Specific Use Permit (SUP) submitted by Seven Souls Tattoo Studio, at 1040 S. Velasco Street, to allow for a bingo facility.

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

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

**Section 2.** City Council approves the Specific Use Permit in accordance with City of Angleton Code of Ordinances Sec. 28-63 Specific Use Permits (SUP),

**Section 3. Repeal.** All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

**Section 4. Severability.** In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be

adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Angleton, Texas declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

**Section 4. Effective date.** That this Ordinance shall be effective and in full force immediately upon its adoption.

**Section 5: Proper Notice & Meeting.** It is hereby officially found and determined that the meeting at which this Ordinance was passed and was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**PASSED, APPROVED and ADOPTED** this 15th day of February, 2023.

\_\_\_\_\_  
Jason Perez, Mayor

**ATTEST:**

\_\_\_\_\_  
Michelle Perez, TRMC



# PLANNING AND ZONING COMMISSION AGENDA SUMMARY REVISED 1/31/2023

**MEETING DATE:** February 2, 2023

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

**AGENDA CONTENT:** 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.

**AGENDA ITEM SECTION:** Public Hearing and Action Item

**BUDGETED AMOUNT:**N/A

**FUNDS REQUESTED:** N/A

**FUND:** N/A

**EXECUTIVE SUMMARY:** Alejandro Daniel Cantu, Seven Souls Tattoo Studio is requesting consideration of a Specific Use Permit for a Tattoo Studio at the property located at 117 West Myrtle Street, Angleton, TX., within the Commercial General Zoning District (CG). ARTICLE IV. - USE REGULATIONS, Sec. 28-81.b. - Use regulations (Charts) permits the Studio, Tattoo and Body piercing use only by a Specific Permit approval within the Commercial General, C-G and or Light Industrial (LI) Districts.

(See map to the right of Aerial View of subject property).



View of 117 West Myrtle Street, Looking at Subject property, and site

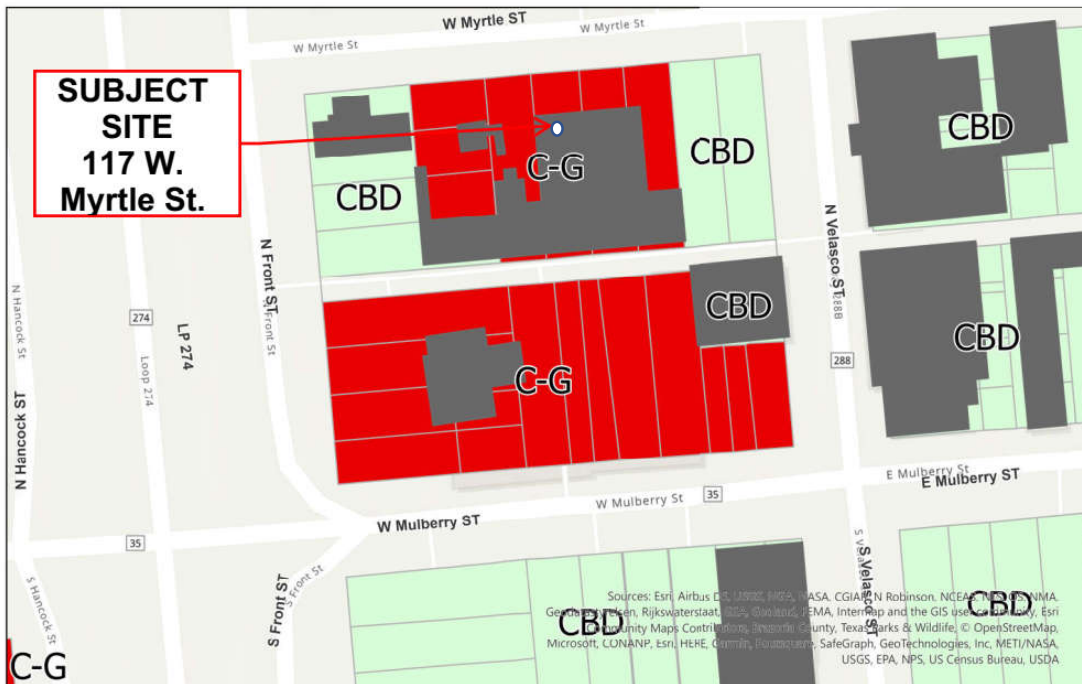


View of 117 West Myrtle Street, Looking at subject property, and site





View of 117 West Myrtle Street on right



### ZONING MAP- SEVEN SOULS TATTOO- SUP

## STAFF ANALYSIS:

### Licensing: General Tattoo and Body Piercing Studio Requirements

Texas Department of State Health Services (DSHS) requires any business in the practice of producing an indelible mark or figure on the human body by scarring or inserting pigments under the skin using needles, scalpels or other related equipment to license with the Department of State Health Services. This includes studios that perform traditional tattooing, permanent cosmetics and scarification. An artist may not tattoo a person younger than 18 without meeting the requirements of 25 Texas Administrative Code, §229.406(c), whose parent or guardian determines it to be in the best interest of the minor child to cover an existing tattoo.

The Drugs and Medical Devices Group is responsible for conducting on-site inspections of tattoo and body piercing studios. During these inspections, the department ensures the studios comply with state and local laws and regulations.

#### DSHS ensures:

- The building is well maintained and clean.
- The artist practices universal precautions to prevent the spread of infection, such as:
  - Washes hands with a germicidal soap.
  - Wears clean clothing and single-use gloves.
  - Uses personal protective equipment.
  - Uses instruments that are either disposable or are routinely sterilized.
  - Follows proper handling and disposal of waste.
- There are sterilization records showing routine sterilization practices.
- The artist prohibits the tattooing or body piercing of minors (unless above mentioned conditions are met).
- The artist prohibits the tattooing or body piercing of people under the influence of drugs or alcohol.
- The tattooist maintains records for each person receiving a tattoo or body piercing.
- The tattooist reports any infection or adverse reaction to the Texas Department of State Health Services.

### Zoning Code: Current Related Regulations

The current adopted Zoning Code under Sec. 28-112. – Definitions, defines **Studio, tattoo or body piercing** as “ a building or portion of a building used for selling and/or applying tattoos (by injecting dyes/inks into the skin), and/or for piercing the skin with needles, jewelry or other paraphernalia, primarily for the purpose of ornamentation of the human body.

Section 28-63, 5 (e); SUP- Specific use permits, outlines the requirements and *factors for consideration*:



***When considering applications for a specific use permit, the planning and zoning commission in making its recommendation and the city council in rendering its decision on the application shall, on the basis of the site plan and other information submitted, evaluate the impact of the specific use on, and the compatibility of the use with, surrounding properties and neighborhoods to ensure the appropriateness of the use at a particular location. The planning and zoning commission and the city council shall specifically consider the extent to which:***

- a. The proposed use at the specified location is consistent with the goals, objectives and policies contained in the adopted comprehensive plan;
- b. The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations;
- c. The proposed use meets all supplemental standards specifically applicable to the use as set forth in this chapter;
- d. The proposed use is compatible with and preserves the character and integrity of adjacent development and neighborhoods and, as required by the particular circumstances, includes improvements or modifications either on-site or within the public rights-of-way to mitigate development-related adverse impacts, including but not limited to:
  - Adequate ingress and egress to property and proposed structures thereon with particular reference to vehicular and pedestrian safety and convenience, and access in case of fire;
  - Off-street parking and loading areas;
  - Refuse and service areas;
  - Utilities with reference to location, availability, and compatibility;
  - Screening and buffering, features to minimize visual impacts, and/or setbacks from adjacent uses;
  - Control of signs, if any, and proposed exterior lighting with reference to glare, traffic safety, economic effect, and compatibility and harmony with properties in the district;
  - Required yards and open space;
  - Height and bulk of structures;
  - Hours of operation;
  - Exterior construction material and building design; and
  - Roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development-generated traffic on neighborhood streets.
- e. The proposed use is not materially detrimental to the public health, safety, convenience and welfare, or results in material damage or prejudice to other property in the vicinity.

Staff has taken the above criteria into consideration when reviewing the application for the tattoo and body piercing studio at 117 W. Myrtle Street within the C-G, Commercial General District. The studio owners will be converting the space with four stations within the 1,366 sq. ft. usable area.

### **Impact on Existing and Future Development:**

This development will have minimal to no negative impact to the surrounding properties. The service-oriented retail should have minimum impact on the traffic, due to appointments of 4 patrons at a time. Parking should be more than sufficient onsite and offsite for the customers.

The State of Texas excludes certain services from taxation. These include professional services, such as those offered by physicians, attorneys, accountants, barbers and hairdressers, interior designers, and automobile repair services.

The planning and zoning commission should conduct the public hearing on the SUP application and related site plan in order to formulate its recommendations to the city council. The commission shall then recommend to the city council that the SUP application and related site plan be approved, approved subject to certain conditions, or denied. If the planning and zoning commission recommends denial of the site plan, it shall provide reasons to the applicant for the denial, if requested by the applicant.

### **Public Notification**

Staff sent public notices to the local newspaper, and a vicinity map to the property owners within 200 feet of the subject property under consideration for the SUP application.

### **Opposition to or Support of Proposed Request**

To-date, Staff has not received one notice in support of the proposed SUP request that was sent front Gerald Roznovsky, Mayor, for City of Lake Jackson.

### **Recommended Action:**

The Planning and Zoning Commission should adopt this as its Final Report, forward to City Council with a positive recommendation of this Specific Use Permit (S.U.P.) application for a tattoo and body piercing studio in the Commercial-General (C-G), to the city council for approval consideration and appropriate action. This approval is subject to the following conditions:

- 1.) Hours of Operation for the Tattoo Studio and Body Piercing Studio shall be 8: 00 a. m. to 2:00 a. m., Monday through Saturday;
- 2.) Revocation of the Specific Use Permit may occur at any time if one or more of the conditions set forth in this Ordinance have not been met or are violated;
- 3.) Specific Use Permit is conditioned upon a valid lease -hold interest being held by the business granted the Specific Use Permit; and
- 4.) The term of the granting of this SUP shall be temporary, expiring one year from date of the approval of this SUP is granted, to allow the applicant, Seven Souls, to demonstrate compliance with of the above cited terms and conditions of the SUP and all City Codes of Ordinances. Upon it' s one- year review, the Council may extend the approval of the SUP

for an additional temporary term, or may revoke the approval of the SUP immediately, or after the one- year original SUP term lapses.

5.) Commencement of the use shall not be carried out until the applicant has secured all the permits and approvals required by these zoning regulations, the city's Code of Ordinances, and any permits that may be required by regional, state or federal agencies.

**Staff Recommendation.** The planning and zoning commission should forward this Specific Use Permit (S.U.P.) application at 117 W. Myrtle St., for a tattoo and body piercing studio to the city council for approval consideration and appropriate action subject to the noted conditions.

**ORDINANCE NO. 2023XXXXXXXXXXXXXX**

**AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, APPROVING SPECIFIC USE PERMIT TO ALLOW FOR A TATTOO AND BODY PIERCING STUDIO AT 117 W. MYRTLE STREET, ANGLETON, TX, BRAZORIA COUNTY, TEXAS, PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND PROVIDING FOR REPEAL AND EFFECTIVE DATE, AND FINDINGS OF FACT.**

**WHEREAS**, On February 2, 2023, the City of Angleton Planning & Zoning Commission held a public hearing and approved the Specific Use Permit (SUP) submitted by Seven Souls, for a Tattoo and Body Piercing Studio to be located in the Commercial- General District (C-G), at 117 W. Myrtle Street, Angleton, TX.; and

**WHEREAS**, on February 2, 2023, the City of Angleton Planning & Zoning Commission, after conducting a public hearing, discussed and considered the written recommendation of staff, responses to questions of the applicant regarding the proposed tattoo and body piercing studio; and

**WHEREAS**, on February 15, 2023, the City of Angleton City Council conducted a public hearing, discussed and considered the written recommendation of staff, responses to questions of the applicant regarding the proposed tattoo and body piercing studio; and

**WHEREAS**, the City considered the factors and provisions set forth in the City of Angleton Code of Ordinances, Chapter 28 Zoning, Sec. 28-63 Specific Use Permits, and considered the proposed tattoo and body piercing studio to be located at 117 W. Myrtle Street, Angleton, TX., as shown on Exhibit “A”;

**WHEREAS**, the City Council desires to grant the Specific Use Permit (SUP) submitted by Seven Souls Tattoo Studio, at 117 W. Myrtle Street, to allow a tattoo and body piercing studio.

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

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

**Section 2.** City Council approves the Specific Use Permit in accordance with City of Angleton Code of Ordinances Sec. 28-63 Specific Use Permits (SUP), subject to the following conditions:

- 1.) Hours of Operation for the Tattoo Studio and Body Piercing Studio shall be 8:00 a. m. to 2:00 a. m., Monday through Saturday;
- 2.) Revocation of the Specific Use Permit may occur at any time if one or more of the conditions set forth in this Ordinance have not been met or are violated;

3.) Specific Use Permit is conditioned upon a valid lease -hold interest being held by the business granted the Specific Use Permit; and

4.) The term of the granting of this SUP shall be temporary, expiring one year from date of the approval of this SUP is granted, to allow the applicant, Seven Souls, to demonstrate compliance with of the above cited terms and conditions of the SUP and all City Codes of Ordinances. Upon it' s one- year review, the Council may extend the approval of the SUP for an additional temporary term, or may revoke the approval of the SUP immediately, or after the one- year original SUP term lapses.

5.) Commencement of the use shall not be carried out until the applicant has secured all the permits and approvals required by these zoning regulations, the city's Code of Ordinances, and any permits that may be required by regional, state or federal agencies.

**Section 3. Repeal.** All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

**Section 4. Severability.** In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Angleton, Texas declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

**Section 4. Effective date.** That this Ordinance shall be effective and in full force immediately upon its adoption.

**Section 5: Proper Notice & Meeting.** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**PASSED, APPROVED and ADOPTED this 15th day of February, 2023.**

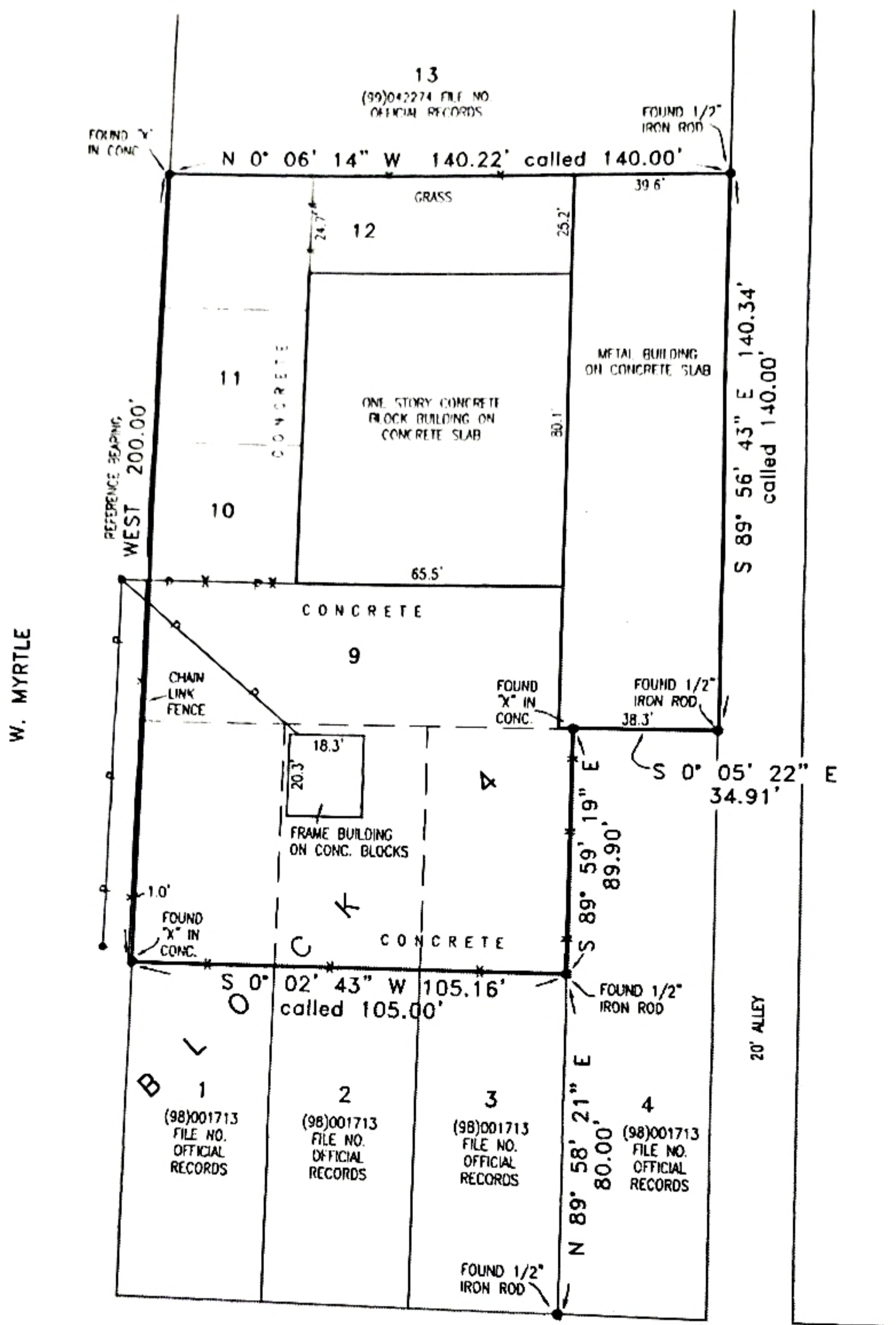
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Jason Perez, Mayor

**ATTEST:**

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Michelle Perez, TRMC



NOTE:  
HOUSTON NATURAL GAS COMPANY  
RIGHT-OF-WAY RECORDED IN  
V.220, P.385 OF THE DEED  
RECORDS DOES NOT AFFECT  
THIS PROPERTY.

FRONT STREET

125 W. MYRTLE - - - ANGLETON, TEXAS 77515

A PLAT OF LOTS 9, 10, 11, AND 12, AND THE EAST 60 FEET OF LOTS 1, 2, AND 3, BLOCK 4, CITY OF ANGLETON, BRAZORIA COUNTY, TEXAS, ACCORDING TO  
PLAT RECORDED IN VOLUME 34, PAGE 2 OF THE DEED RECORDS OF BRAZORIA COUNTY, TEXAS.

SCALE: 1" = 30'

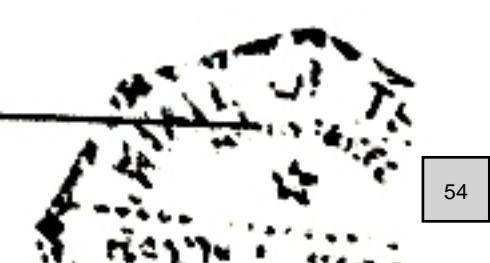
4T 13,363

12-12-05

THE PLAT HEREON IS A REPRESENTATION OF THE PROPERTY AS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER  
MY SUPERVISION IN DECEMBER, 2005. THE LINES AND DIMENSIONS OF SAID PROPERTY ARE AS INDICATED. THE SIZE,  
LOCATION AND TYPE OF BUILDINGS ARE AS SHOWN. ALL IMPROVEMENTS, BEING WITHIN THE BOUNDARIES OF THE PROPERTY,  
LINES THE DISTANCES INDICATED. I HAVE LOCATED THE APPARENT ENCROACHMENTS SHOWN ON THE PLAT HEREON.

CERTIFIED CORRECT: *Randy L. Stroud*  
RANDY L. STROUD, REGISTERED PROFESSIONAL LAND SURVEYOR  
LICENSE #2112

FROM THE OFFICE OF:  
RANDY L. STROUD, P.E.  
201 SOUTH VELASCO



**ORDINANCE NO. 2023XXXXXXXXXXXX**

**AN ORDINANCE OF THE CITY OF ANGLETON, TEXAS, APPROVING SPECIFIC USE PERMIT TO ALLOW FOR A TATTOO AND BODY PIERCING STUDIO AT 117 W. MYRTLE STREET, ANGLETON, TX, BRAZORIA COUNTY, TEXAS, PROVIDING A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY; AND PROVIDING FOR REPEAL AND EFFECTIVE DATE, AND FINDINGS OF FACT.**

**WHEREAS**, On February 2, 2023, the City of Angleton Planning & Zoning Commission held a public hearing and approved the Specific Use Permit (SUP) submitted by Seven Souls, for a Tattoo and Body Piercing Studio to be located in the Commercial- General District (C-G), at 117 W. Myrtle Street, Angleton, TX.; and

**WHEREAS**, on February 2, 2023, the City of Angleton Planning & Zoning Commission, after conducting a public hearing, discussed and considered the written recommendation of staff, responses to questions of the applicant regarding the proposed tattoo and body piercing studio; and

**WHEREAS**, on February 15, 2023, the City of Angleton City Council conducted a public hearing, discussed and considered the written recommendation of staff, responses to questions of the applicant regarding the proposed tattoo and body piercing studio; and

**WHEREAS**, the City considered the factors and provisions set forth in the City of Angleton Code of Ordinances, Chapter 28 Zoning, Sec. 28-63 Specific Use Permits, and considered the proposed tattoo and body piercing studio to be located at 117 W. Myrtle Street, Angleton, TX., as shown on Exhibit "A";

**WHEREAS**, the City Council desires to grant the Specific Use Permit (SUP) submitted by Seven Souls Tattoo Studio, at 117 W. Myrtle Street, to allow a tattoo and body piercing studio.

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

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

**Section 2.** City Council approves the Specific Use Permit in accordance with City of Angleton Code of Ordinances Sec. 28-63 Specific Use Permits (SUP), subject to the following conditions:

- 1.) Hours of Operation for the Tattoo Studio and Body Piercing Studio shall be 8:00 a. m. to 2:00 a. m., Monday through Saturday;
- 2.) Revocation of the Specific Use Permit may occur at any time if one or more of the conditions set forth in this Ordinance have not been met or are violated;

- 3.) Specific Use Permit is conditioned upon a valid lease -hold interest being held by the business granted the Specific Use Permit; and
- 4.) The term of the granting of this SUP shall be temporary, expiring one year from date of the approval of this SUP is granted, to allow the applicant, Seven Souls, to demonstrate compliance with of the above cited terms and conditions of the SUP and all City Codes of Ordinances. Upon it' s one- year review, the Council may extend the approval of the SUP for an additional temporary term, or may revoke the approval of the SUP immediately, or after the one- year original SUP term lapses.
- 5.) Commencement of the use shall not be carried out until the applicant has secured all the permits and approvals required by these zoning regulations, the city's Code of Ordinances, and any permits that may be required by regional, state or federal agencies.

**Section 3. Repeal.** All ordinances or parts of ordinances inconsistent with the terms of this ordinance are hereby repealed; provided, however, that such repeal shall be only to the extent of such inconsistency and in all other respects this ordinance shall be cumulative of other ordinances regulating and governing the subject matter covered by this ordinance.

**Section 4. Severability.** In the event any clause, phrase, provision, sentence or part of this Ordinance or the application of the same to any person or circumstances shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Angleton, Texas declares that it would have passed each and every part of the same notwithstanding the omission of any part thus declared to be invalid or unconstitutional, or whether there be one or more parts.

**Section 4. Effective date.** That this Ordinance shall be effective and in full force immediately upon its adoption.

**Section 5: Proper Notice & Meeting.** It is hereby officially found and determined that the meeting at which this Ordinance was passed was open to the public, and that public notice of the time, place and purpose of said meeting was given as required by the Open Meetings Act, Texas Government Code, Chapter 551. Notice was also provided as required by Chapter 52 of the Texas Local Government Code.

**PASSED, APPROVED and ADOPTED this 15th day of February, 2023.**

---

Jason Perez, Mayor

**ATTEST:**

---

Michelle Perez, TRMC





**CITY OF ANGLETON  
SPECIFIC USE PERMIT APPLICATION**

**PROPERTY ADDRESS:** Unit #117 West Myrtle Street Angleton, TX  
77515

**PROPERTY DESCRIPTION** (Legal description): Attached picture + map  
provided of location

**RECORD PROPERTY OWNER NAME, ADDRESS AND PHONE NUMBER:**  
Santana Vasque (239) 287-3442

**DESIGNATED REPRESENTATIVE, ADDRESS AND PHONE NUMBER:** Alejandro Daniel Cantu (713) 530 3730

**PROPOSED USE FOR THE PROPERTY ADDRESS INDICATED ABOVE:** Seven Souls Tattoo Studio  
Tattoo Studio and Body Piercing Studio

A site plan (prepared and approved) in accordance with Section 35.4 of the City Code must be attached to the application. If a base zoning requested, such rezoning application shall accompany the application for a Specific Use Permit. If a zoning use requires a division of land, an application for subdivision approval must be submitted for a Specific Use Permit.

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

T/B ZONING VAR/PLATTING  
VARIANCE/PLA 150.00CR

T/A 150.00 CREDIT CARD  
150.00-

**PLEASE PROVIDE PROOF OF TAXES PAID ON THIS PROPERTY.** CHA

**ATTACHMENT: SECTION 35 SUP - SPECIFIC USE PERMIT**

**APPLICATION FEE: \$150.00 due upon submittal**

OFFICE USE ONLY	
Date received: _____	Admin Fee Received: _____
P&Z Public Hearing date: _____	
Date to send cert. letters: _____	Date to publish: _____
Site Plan submitted: Yes _____ No _____	
Site Plan received & evaluated by City Staff: Yes _____ No _____	
Proof of taxes paid: _____	Date verified: _____



OFFICE USE ONLY	
Date received: _____	Fee: \$ _____
P&Z Public Hearing date: _____	
Date to send cert. letters: _____	
Date to publish: _____	
Proof of taxes paid: _____	date verified: _____

**CITY OF ANGLETON  
RE-ZONE APPLICATION**

Name(s) of Property Owner: P&P Freeport Properties, LLC  
 Current Address: 4005 Technology Dr. Email: \_\_\_\_\_  
 City: Angleton State: Texas Zip: 77515  
 Home Phone: \_\_\_\_\_ Business Phone: \_\_\_\_\_ Cell: \_\_\_\_\_

**ATTACH PROOF THAT ALL TAXES, FEES AND OBLIGATIONS HAVE BEEN PAID TO THE CITY OF ANGLETON.**

Name of Applicant: Alejandro D. Cantu Jr.  
 (If different than Property Owner)

Address: 1201 Brazosport Blvd Email: sevensouls.tattoo.studio.075@gmail.com  
 City: Richwood State: Tx Zip: 77531  
 Home Phone: \_\_\_\_\_ Business Phone: 979 716 7453 Cell: 713 530 3736

Address/Location of Property to be Re-zoned: 117 West Myrtle  
Angleton, Tx. 77515

Legal Description: \_\_\_\_\_ 1, 2, 3 4 \_\_\_\_\_  
 Metes & Bounds Lot(s) Block Subdivision

**ATTACH MAP/SURVEY OF PROPERTY**

Has the property been platted?  YES  NO  
 Current Zoning: CG Current Use: Not in use / War room

Proposed Zoning: S.U.P. / Proposed Use: Tattoo studio

**Application Fee: \$150.00 (must be submitted with application)**



### CITY OF ANGLETON APPOINTMENT OF AGENT

As owner of the property described as Seven Souls Tattoo Studio,  
I hereby appoint the person designated below to act for me, as my agent in this request.

Name of Agent: Alejandro Cortez Jr.

Mailing Address: 20 Circle Way Email: sevensouls.tattoo.studio.75@gmail.com

City: Lake Jackson State: TX Zip: 77566

Home Phone: (979) 871-9115 Business Phone: ( )

I verify that I am the legal owner of the subject property and I acknowledge and affirm that I will be legally bound by the words and acts of my agent, and by my signature below, I fully authorize my agent to:

**be the point of contact between myself and the City; make legally binding representations of fact and commitments of every kind on my behalf; grant legally binding waivers of rights and releases of liabilities of every kind on my behalf; to consent to legally binding modifications, conditions, and exceptions on my behalf; and, to execute documents on my behalf which are legally binding on me.**

I understand that the City will deal only with a fully authorized agent. At any time it should appear that my agent has less than full authority to act, then the application may be suspended and I will have to personally participate in the disposition of the application. I understand that all communications related to this application are part of an official proceeding of City government and, that the City will rely upon statements made by my agent. Therefore, I agree to hold harmless and indemnify the City of Angleton, its officers, agents, employees, and third parties who act in reliance upon my agent's words and actions from all damages, attorney fees, interest and costs arising from this matter. If my property is owned by a corporation, partnership, venture, or other legal entity, then I certify that I have legal authority to make this binding appointment on behalf of the entity, and every reference herein to 'I', 'my', or 'me' is a reference to the entity.

Signature of owner [Signature] Title Manager

Printed/Typed Name of owner P&P Fracport Proptm Date 12/8/22

\*Application must be signed by the individual applicant, by each partner of a partnership, or by an officer of a corporation or association.

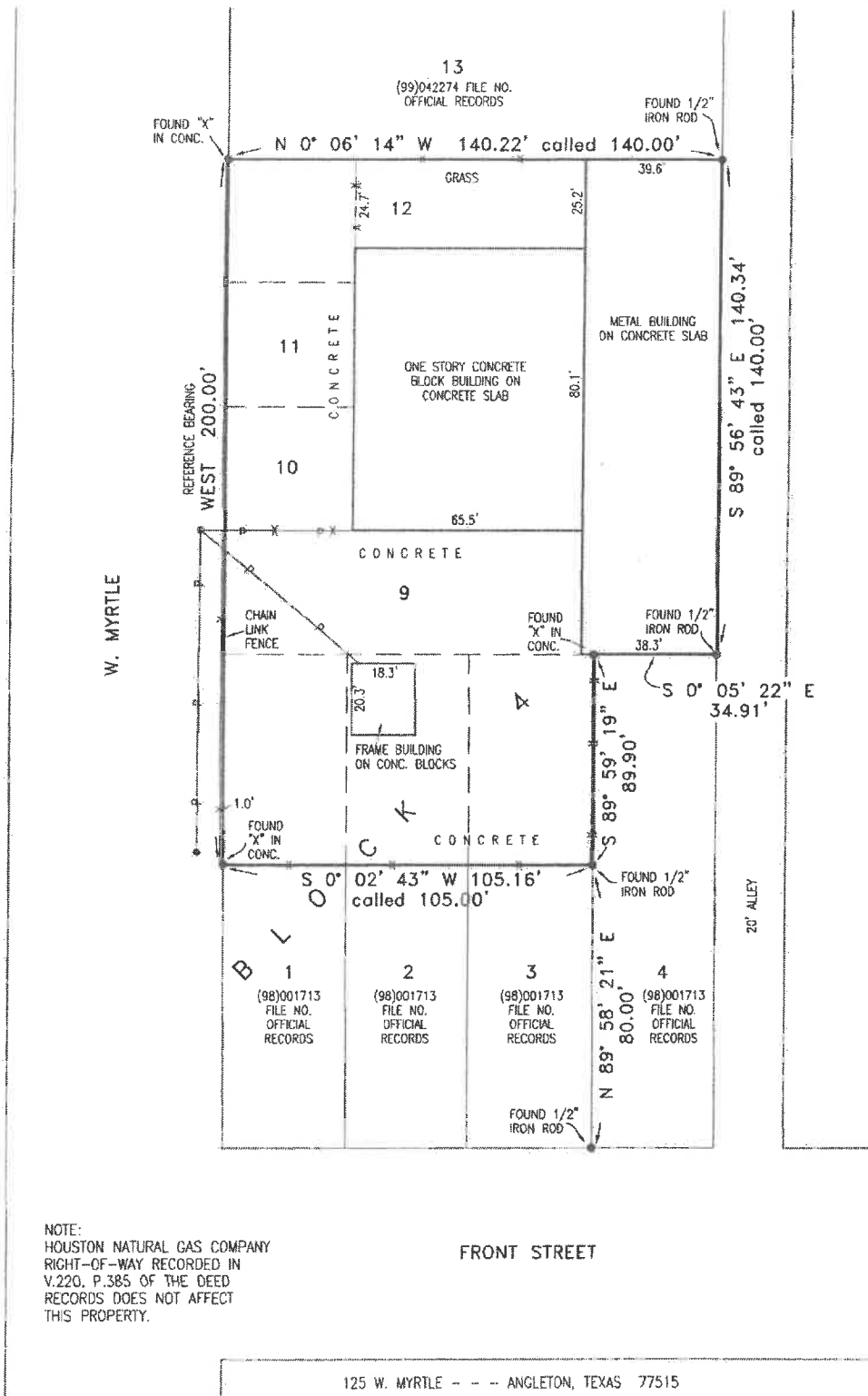
STATE OF TEXAS §  
COUNTY OF Brazoria §

Before me, Cyndi Russell, on this day personally appeared Chad W. Peltier, known to me (or proved to me on the oath of \_\_\_\_\_ or through personal knowledge) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office this 8th day of December, 2022



[Signature]  
Notary Public Signature  
9/13/2026  
Commission Expires



NOTE:  
HOUSTON NATURAL GAS COMPANY  
RIGHT-OF-WAY RECORDED IN  
V.220, P.385 OF THE DEED  
RECORDS DOES NOT AFFECT  
THIS PROPERTY.

FRONT STREET

125 W. MYRTLE - - - ANGLETON, TEXAS 77515

A PLAT OF LOTS 9, 10, 11, AND 12, AND THE EAST 60 FEET OF LOTS 1, 2, AND 3, BLOCK 4, CITY OF ANGLETON, BRAZORIA COUNTY, TEXAS, ACCORDING TO PLAT RECORDED IN VOLUME 34, PAGE 2 OF THE DEED RECORDS OF BRAZORIA COUNTY, TEXAS.

SCALE: 1" = 30'

41 13,363

12-12-05

THE PLAT HEREON IS A REPRESENTATION OF THE PROPERTY AS DETERMINED BY A SURVEY MADE ON THE GROUND UNDER MY SUPERVISION IN DECEMBER, 2005. THE LINES AND DIMENSIONS OF SAID PROPERTY ARE AS INDICATED. THE SIZE, LOCATION AND TYPE OF BUILDINGS ARE AS SHOWN. ALL IMPROVEMENTS, BEING WITHIN THE BOUNDARIES OF THE PROPERTY, LINES THE DISTANCES INDICATED. I HAVE LOCATED THE APPARENT ENCROACHMENTS SHOWN ON THE PLAT HEREON.

CERTIFIED CORRECT:

*Randy L. Stroud*  
RANDY L. STROUD, REGISTERED PROFESSIONAL LAND SURVEYOR  
LICENSE #2112

FROM THE OFFICE OF:  
RANDY L. STROUD, P.E.  
201 SOUTH VELASCO



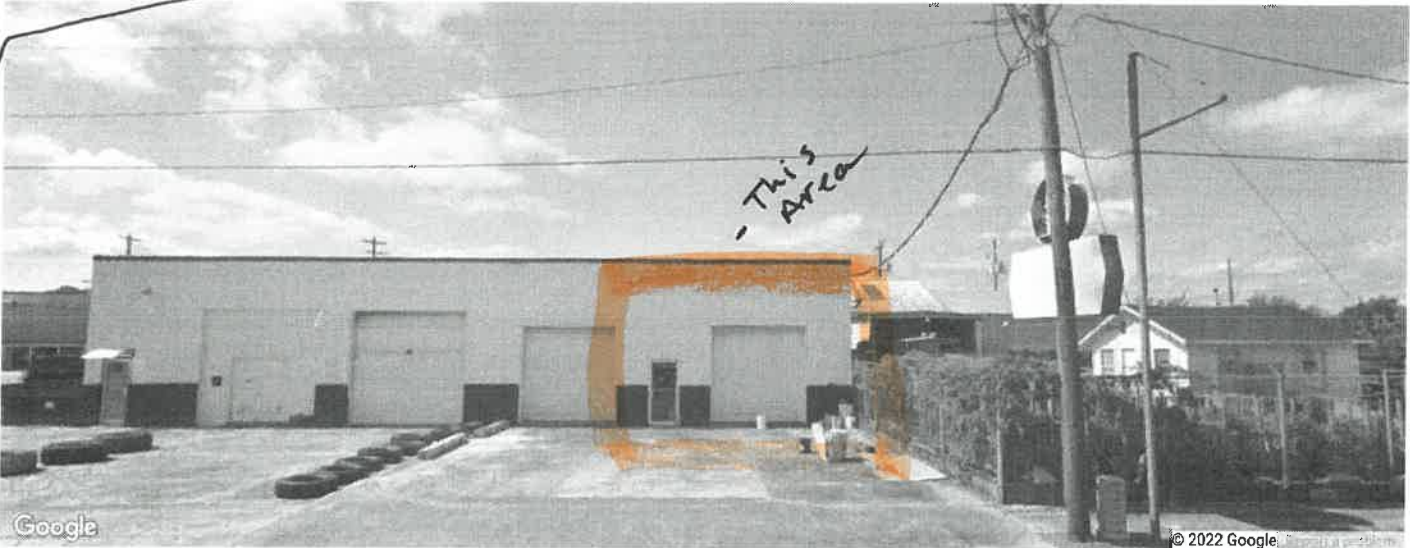
## Seven Souls Tattoo Studio



20 Circle Way St.  
Lake Jackson, Tx 77566  
(979) 871-9115



Picture #3



Picture #4



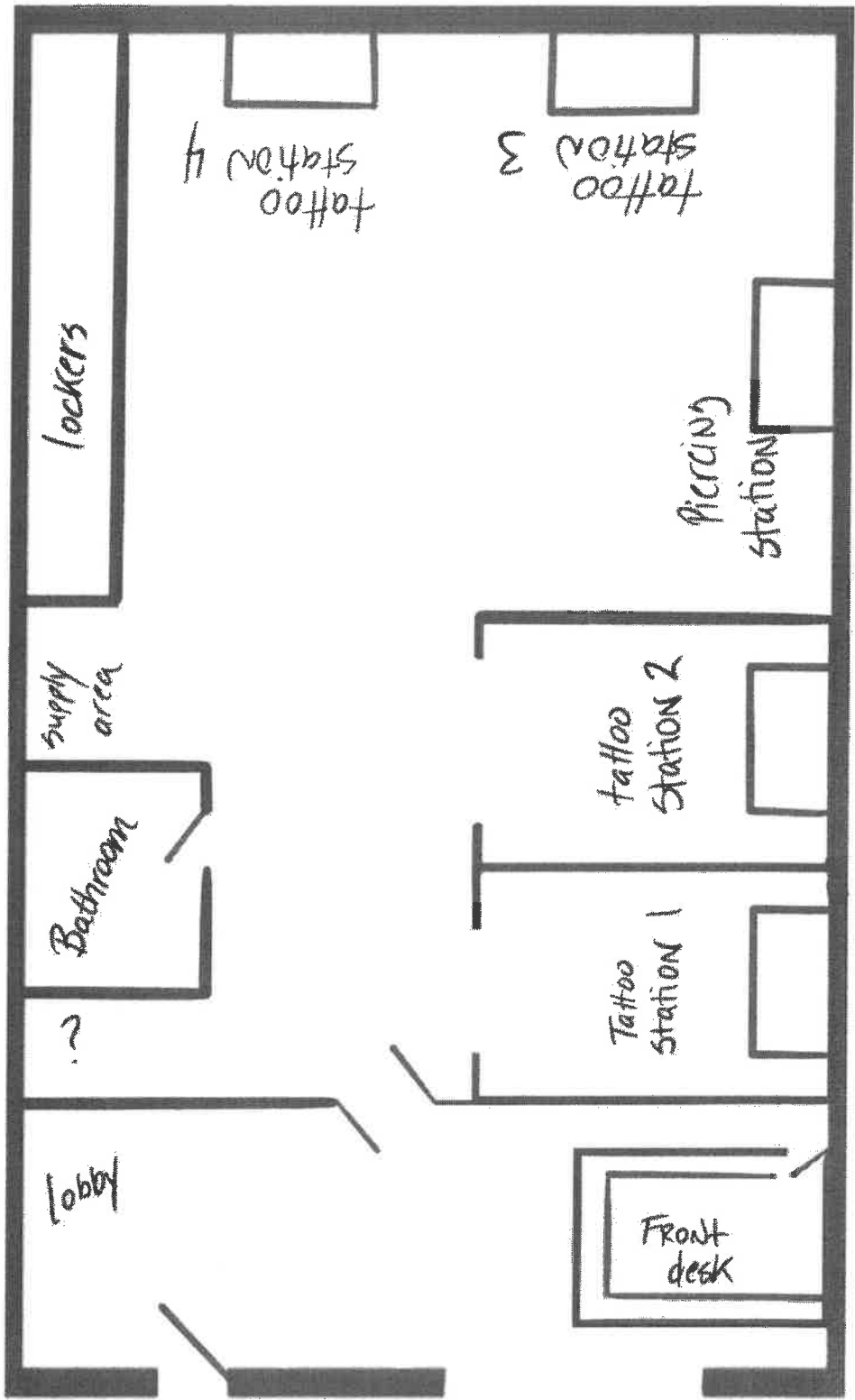
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Satellite Map of 117 West Myrtle Angleton, Tx on different mapping services (e.g. using Mapbox)

Also see static maps of Texas

Pictures of 117 West Myrtle Angleton, Tx

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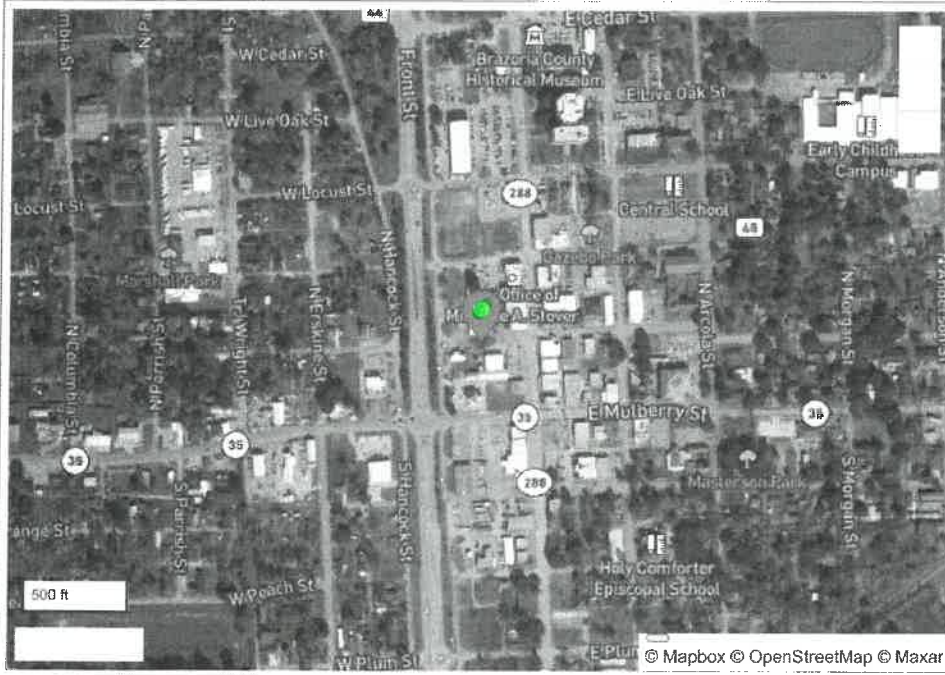
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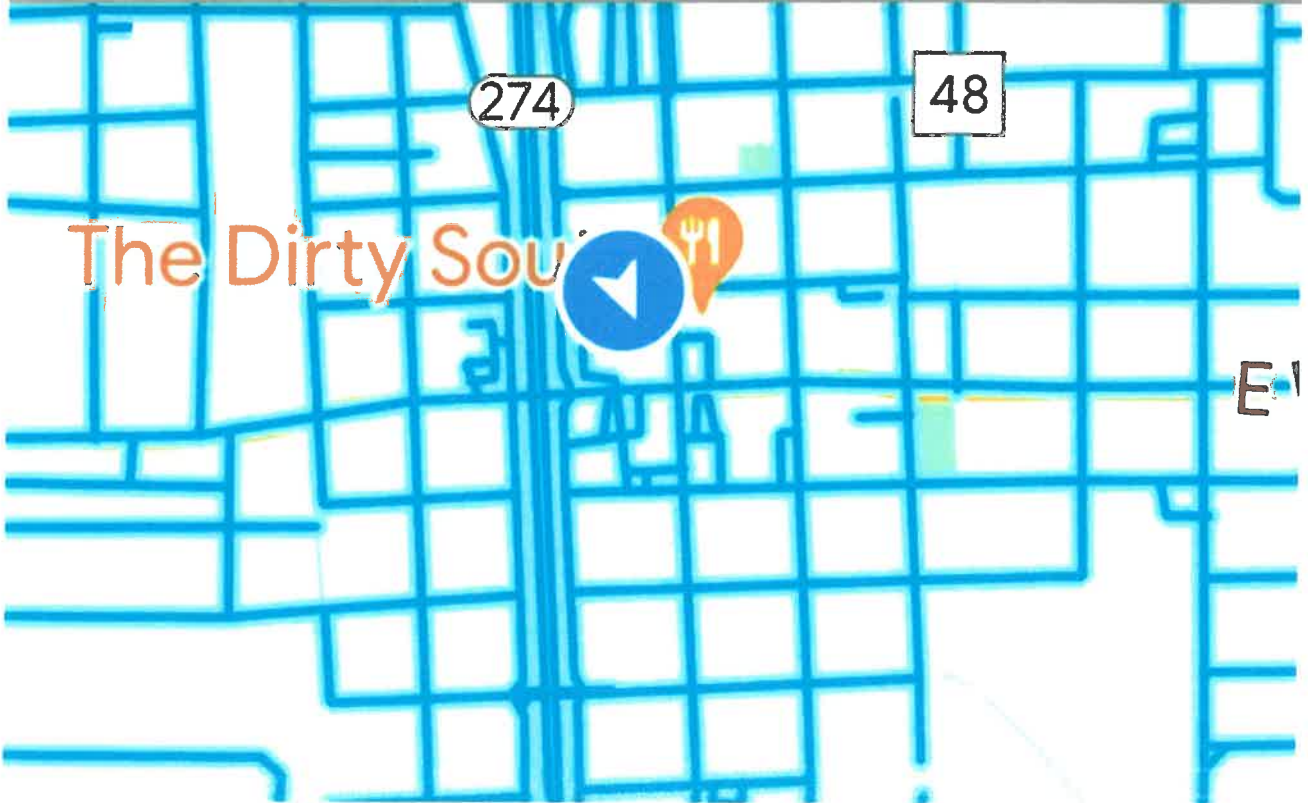
Switch now to lightning-fast Gig speeds.

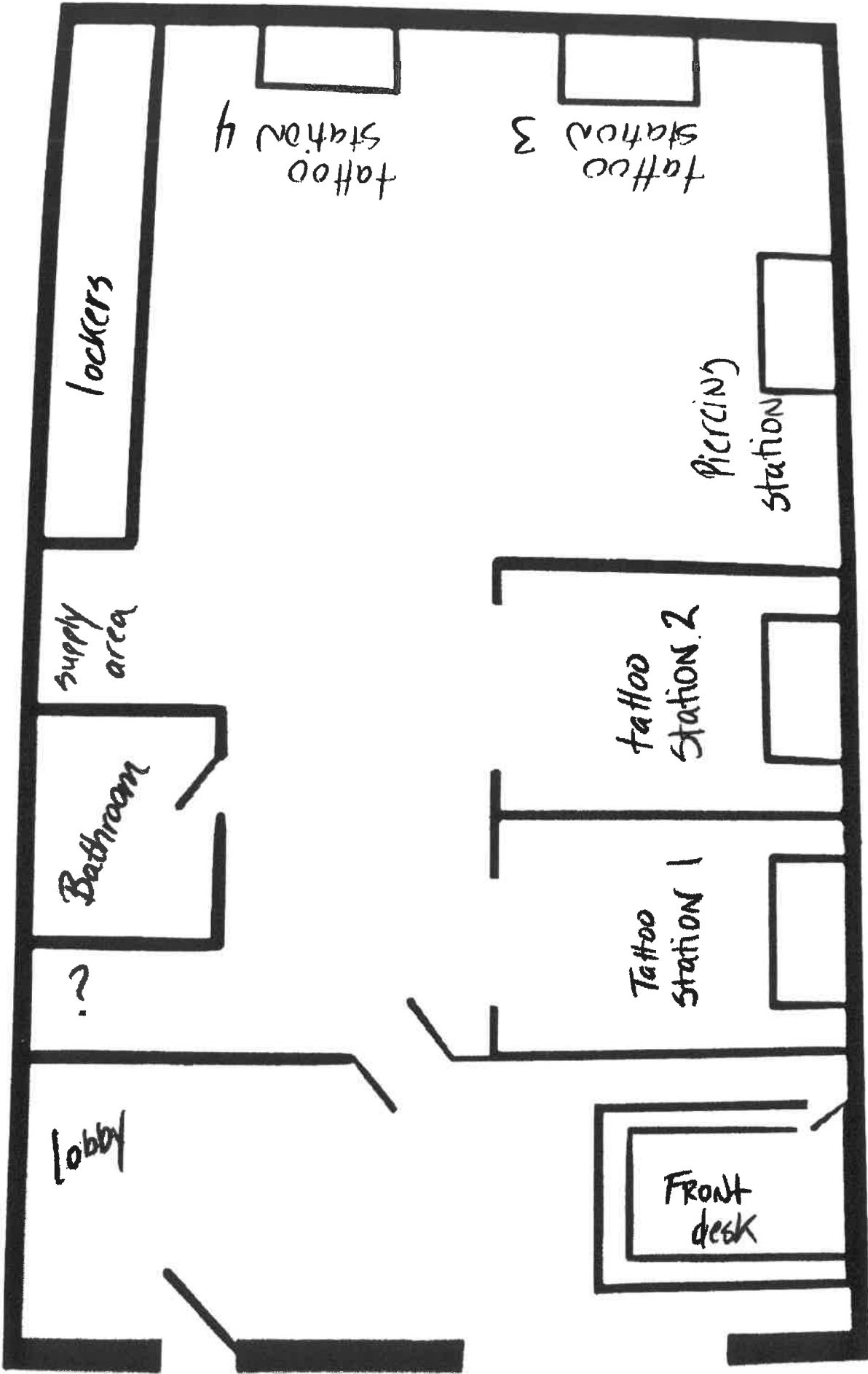
### Maps & Driving Directions

Enter Your Directions To Start drivingdirectionsab.com









**Otis Spriggs**

---

**Subject:** FW: [EXTERNAL] Fwd: Seven Souls Tattoo Salon - Angleton

----- Forwarded message -----

From: **Gerald Roznovsky** <[groznovsky@lakejacksontx.gov](mailto:groznovsky@lakejacksontx.gov)>

Date: Mon, Jan 2, 2023 at 11:55 AM

Subject: Seven Souls Tattoo Salon - Angleton

To: [perez@angleton.tx.us](mailto:perez@angleton.tx.us) <[perez@angleton.tx.us](mailto:perez@angleton.tx.us)>, [cdaniel@angleton.tx.us](mailto:cdaniel@angleton.tx.us) <[cdaniel@angleton.tx.us](mailto:cdaniel@angleton.tx.us)>, [ttownsend@angleton.tx.us](mailto:ttownsend@angleton.tx.us) <[ttownsend@angleton.tx.us](mailto:ttownsend@angleton.tx.us)>, [wright@angleton.tx.us](mailto:wright@angleton.tx.us) <[wright@angleton.tx.us](mailto:wright@angleton.tx.us)>, [Booth@angleton.tx.us](mailto:Booth@angleton.tx.us) <[Booth@angleton.tx.us](mailto:Booth@angleton.tx.us)>, [mgongora@angleton.tx.us](mailto:mgongora@angleton.tx.us) <[mgongora@angleton.tx.us](mailto:mgongora@angleton.tx.us)>

Cc: Modesto Mundo <[mmundo@lakejacksontx.gov](mailto:mmundo@lakejacksontx.gov)>, [cwhittaker@angleton.tx.us](mailto:cwhittaker@angleton.tx.us) <[cwhittaker@angleton.tx.us](mailto:cwhittaker@angleton.tx.us)>, [sevensoulstattoostudio7s@gmail.com](mailto:sevensoulstattoostudio7s@gmail.com) <[sevensoulstattoostudio7s@gmail.com](mailto:sevensoulstattoostudio7s@gmail.com)>

Mayor Jason Perez, Members of the Angleton City Council

121 S Velasco

Angleton, Texas 77515

Dear Mayor Jason Perez, Members of the Angleton City Council:

I hope you had an enjoyable Christmas and holiday season with family and friends. We should all make spending time with family a priority.

During the holiday break, Dee Cantu, the owner of Seven Souls Tattoo Salon, contacted me to tell me that their business continues to do well and that he is looking to expand to Angleton. When I first met Dee, we discussed his plans to start a salon in Lake Jackson, and I was impressed with his professional personality.

Tattoo Salons were not listed as approved businesses in our business zones. Dee took the time to explain to our City Council and Planning Commission how the industry of tattoo salons has drastically changed and is a regulated licensed business. Through the discussions, members of the City Council and the Planning Commission were able to look beyond their personal opinions and see there was no viable reason not to include tattoo salons in the list of approved businesses.

Seven Souls Tattoo Salon has become a valued business in our downtown area. The business is kept clean and well maintained inside and out, actually better than many downtown businesses. Dee kept the signage on the exterior of the building to a minimum to blend into the business area. Seven Souls Tattoo Salon has successfully integrated into our business community, showing that many of our concerns with accepting change can be managed, and by allowing Seven Souls Tattoo Salon to open in our business zone, our City has gained a valued business.

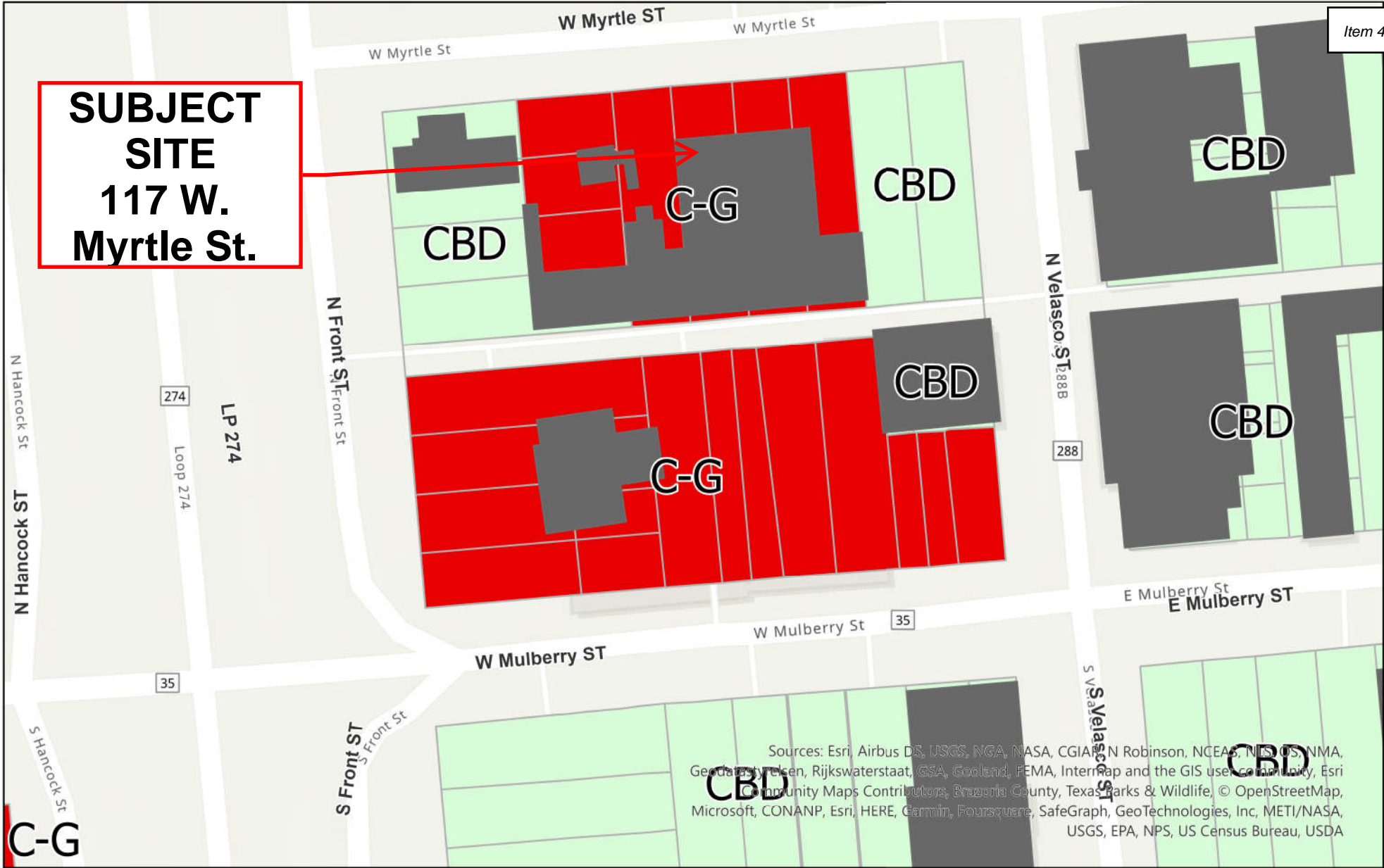
I hope you can also see the value in enabling a business like Seven Souls Tattoo Salon into your business community. I am available to answer any questions you may have.

Sincerely,

**Gerald Roznovsky, Mayor**  
**The City of Lake Jackson**

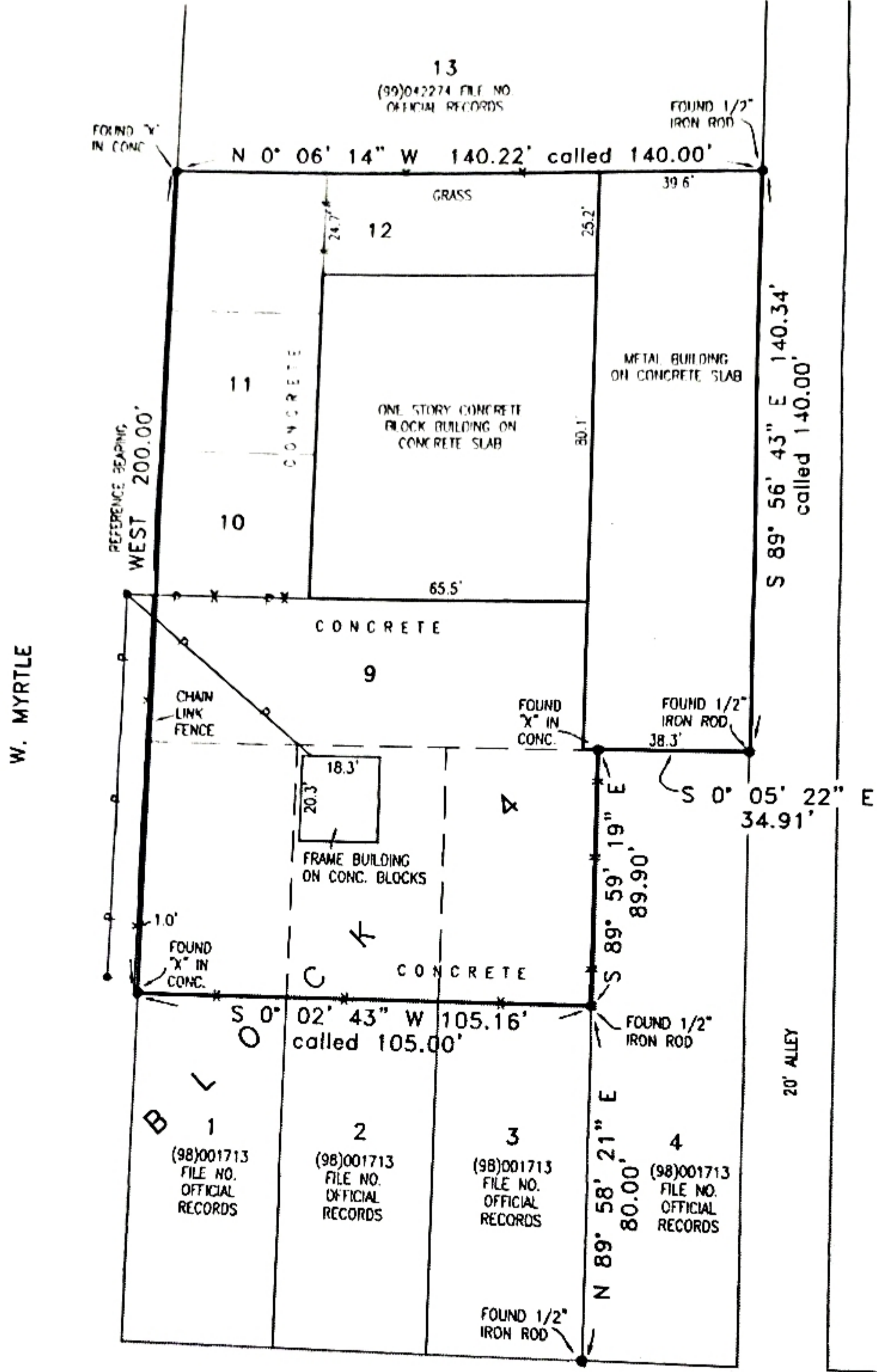
Office: 979.415.2500  
Mobile: 979.292.4711  
[groznovsky@lakejacksontx.gov](mailto:groznovsky@lakejacksontx.gov)

**SUBJECT SITE**  
**117 W. Myrtle St.**



Sources: Esri, Airbus DS, USGS, NGA, NASA, CGIAR, N Robinson, NCEAS, NIS, US, NMA, Geodan, Nielsen, Rijkswaterstaat, GSA, Gooland, FEMA, Internap and the GIS user community, Esri Community Maps Contributors, Brazoria County, Texas Parks & Wildlife, © OpenStreetMap, Microsoft, CONANP, Esri, HERE, Garmin, Foursquare, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

# ZONING MAP- SEVEN SOULS TATTOO- SUP



NOTE:  
 HOUSTON NATURAL GAS COMPANY  
 RIGHT-OF-WAY RECORDED IN  
 V.220, P.385 OF THE DEED  
 RECORDS DOES NOT AFFECT  
 THIS PROPERTY.

125 W. MYRTLE - - - ANGLETON, TEXAS 77515

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SCALE: 1" = 30'

4T 13,363

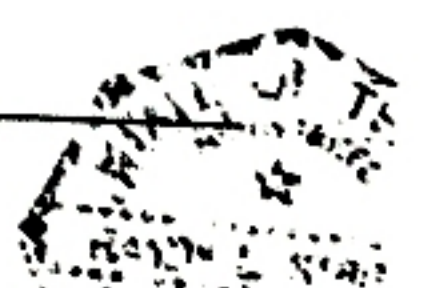
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 LINES THE DISTANCES INDICATED. I HAVE LOCATED THE APPARENT ENCROACHMENTS SHOWN ON THE PLAT HEREON.

CERTIFIED CORRECT:

*Randy L. Stroud*  
 RANDY L. STROUD, REGISTERED PROFESSIONAL LAND SURVEYOR  
 LICENSE #2112

FROM THE OFFICE OF:  
 RANDY L. STROUD, P.E.  
 201 SOUTH VELASCO





## AGENDA ITEM SUMMARY FORM

---

**MEETING DATE:** January 5, 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:** Regular Agenda

---

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

**FUND:** N/A

**EXECUTIVE SUMMARY:**

Staff requests that the Planning and Zoning Commission hold a 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.

Future hearings and formal possible actions will be taken a future meetings, 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.

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 CODE<sup>1</sup>

### ARTICLE I. IN GENERAL

<sup>1</sup>Editor'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~~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

(Supp. No. 19)

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

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

~~G. *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

~~H. *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.

~~I. *Adequate and safe access.*~~

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

~~Refer to Section 24-12.I.~~

~~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~~eu-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 OrdinancesACM](#).
  - 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 [heritageprotected](#) 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
<a href="#">Width of Sidewalks</a>	<a href="#">Min. 6'</a>	<a href="#">Min. 6'</a>	<a href="#">Min. 6'</a>	<a href="#">Min. 6'</a>	<a href="#">Min. 5'</a>

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

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

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.

~~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:

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

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

~~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.~~

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.**

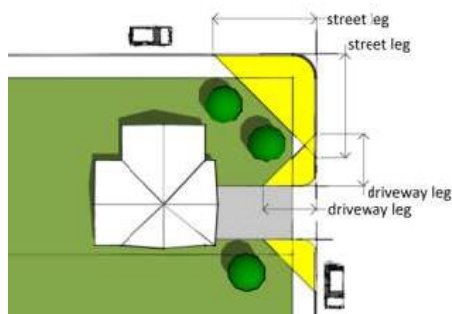
1. *Cross-access.* Parcels proposed for development that front on arterial and collector streets shall provide cross-access to abutting parcels unless cross-access is unfeasible. Cross-access easements may be required for other parcels, based on the location, traffic conditions, and surroundings.
2. *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.

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

#### 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.

- 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(Exh. 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.~~

**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.

and

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

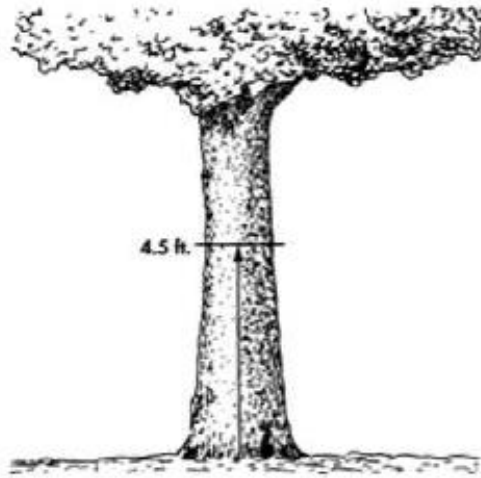
**FG. Deferral.** ~~The planning and zoning commission may~~ [The development administrator designated City staff city manager of designee, or upon appeal the planning and zoning commission](#), may:

1. Consider a ~~deferral~~ request to ~~maintain a~~ [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.](#)

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:

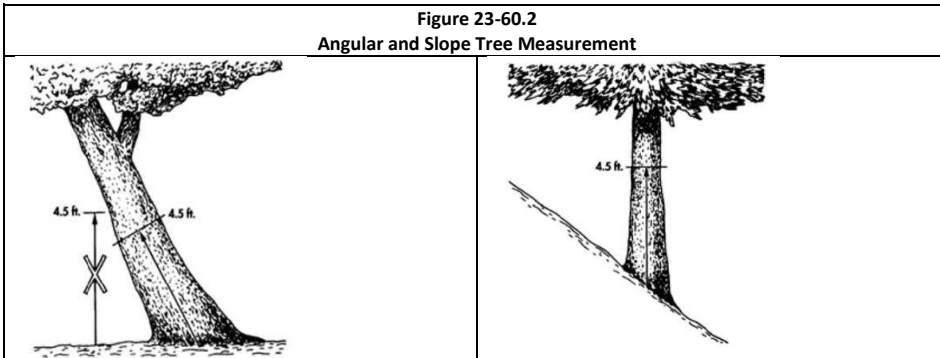
1. *Straight trunk:* Trees with fairly straight, upright trunks shall be measured 4.5 feet above the ground, as shown below:

Figure 23-60.1  
Straight Tree Trunk Measurement

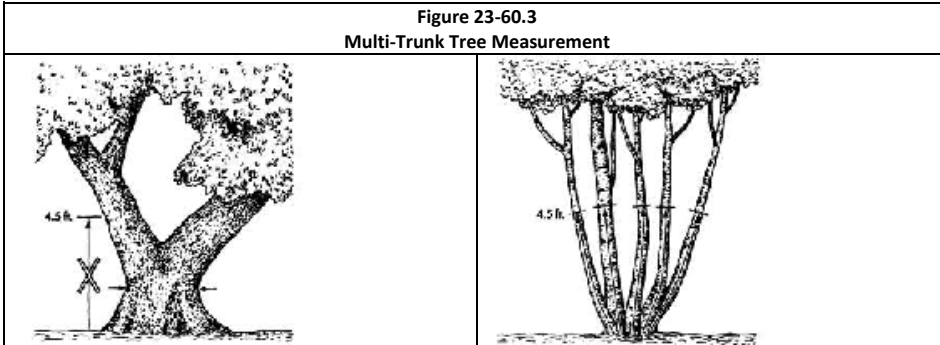


2. *Trunk on an angle or slope:* The trunk is measured at a right angle to the trunk 4.5 feet along the center of the trunk axis, so the height is the average of the shortest and the longest sides of the trunk, as shown below:

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.



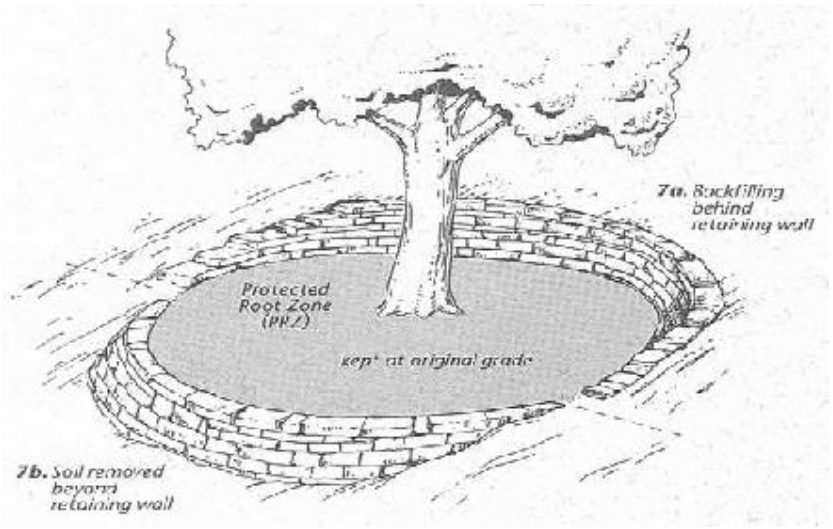
1. Replacement and protection of [heritageprotected](#) trees.
  1. Developers and subdividers shall submit a tree preservation plan with plats and site plans that identifies the name, location, DBH at 4.5 feet above the natural grade of [heritage-protected](#) trees, and any significant tree species 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 tee 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 <del>Amending Plats</del> <del>Amending Plats</del> Development Plats	Prior to sale or construction	All other plats	<a href="#">City Manager or Designated City staff</a> <del>Development Administrator</del>
Site Plans	Determine Code Compliance	Prior to permit issuance	None	<a href="#">City Manager or Designated City staff</a> <del>Development Administrator</del>
Extensions	Extend the life of an approval	Prior to expiration	As specified in the LDC	<a href="#">City Manager or Designated City staff</a> <del>Development Administrator</del>

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	<a href="#">City Manager or Designated City staff</a> <a href="#">Development Administrator</a>
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	<a href="#">City Manager or Designated City staff</a> <a href="#">Development Administrator</a>
Interpretations	LDC interpretations	Within 14 days of receipt of a complete application	None	<a href="#">City Manager or Designated City staff</a> <a href="#">Development Administrator</a>
Floodplain Development Permit	Development in a regulatory floodplain	Prior to beginning improvements in a floodplain	None	Floodplain Administrator
<a href="#">Construction of Public Improvements</a>	<a href="#">Prior to site work</a>	<a href="#">After approval of construction plans</a>	<a href="#">None</a>	<a href="#">City Manager or Designated City staff</a>
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 <a href="#">building permit</a> 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 <a href="#">Planning &amp; Commission recommendation</a>
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
<a href="#">Replat</a>	<a href="#">Make changes to recorded plats</a>	<a href="#">Prior to recordation and starting development</a>	<a href="#">As per TXLGC XXXXX</a>	<a href="#">Council, upon Commission recommendation</a>
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 <del>of a permit</del>	Only pertains to Article V, Divisions 1 and 2	Council, upon <a href="#">City Engineer staff</a> 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	<del>Development Administrator</del> <a href="#">Designated City staff</a> Interpretations	City Council
Site Plan Referral	Plans referred by the <del>Development Administrator</del> <a href="#">Designated City staff</a>	Prior to site plan approval	Site plans approved by the <del>Development Administrator</del> <a href="#">Designated City staff</a>	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;

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(Supp. No. 19)

- 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.
- ~~cii.~~ 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.~~ 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.

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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=](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"> <li>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.</li> <li>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.</li> </ul>	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

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**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.~~

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;

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- 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.
- ~~E.B.~~ *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.
- ~~C.D.~~ *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.
- ~~D.E.~~ *Action following approval.* Replats ~~and consolidated plats, major~~ shall be subject to the "action following approval" requirements set out in subsection 23-95.F, Final plats.
- ~~F.E.~~ *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)

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(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.

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(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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# " Exhibit A "

Item 5.

## 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 CODE<sup>1</sup>

### ARTICLE I. IN GENERAL

<sup>1</sup>Editor'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.*
- All arterial and collector street intersections shall be at 90 degrees, or within five degrees of that standard.
  - The curb radius at street intersections shall conform to the specifications in the City's Code of Ordinances.
  - 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.

<b>Table 23-12.1 Street Dimension Standards</b>					
<b>Design Features</b>	<b>Road Classifications</b>				
	<b>Major Arterial</b>	<b>Minor Arterial</b>	<b>Major Collector</b>	<b>Minor Collector</b>	<b>Local Street</b>
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.*

- Cul-de-sacs.* Cul-de-sacs shall not exceed a length of:
  - Four hundred fifty feet in office and general commercial developments;
  - 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.

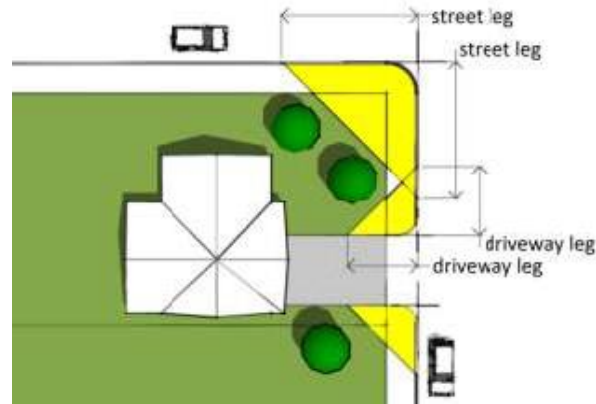
N. *Driveways and access.*

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.

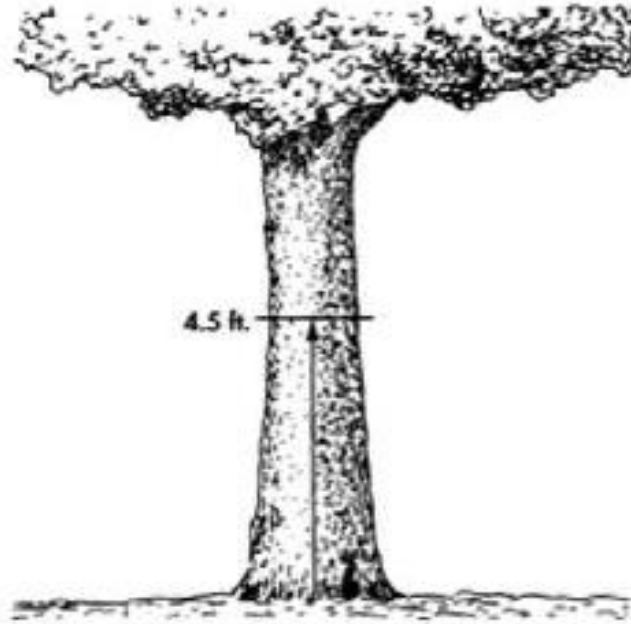
- e. The applicant may plant smaller trees to replace Heritage Trees, provided that no tree smaller than TCD 2.5 inches is planted.
- E. *Protected tree species classified.* The following tree species, if present on a property, shall be preserved as specified in this section, to mitigate the loss of 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:

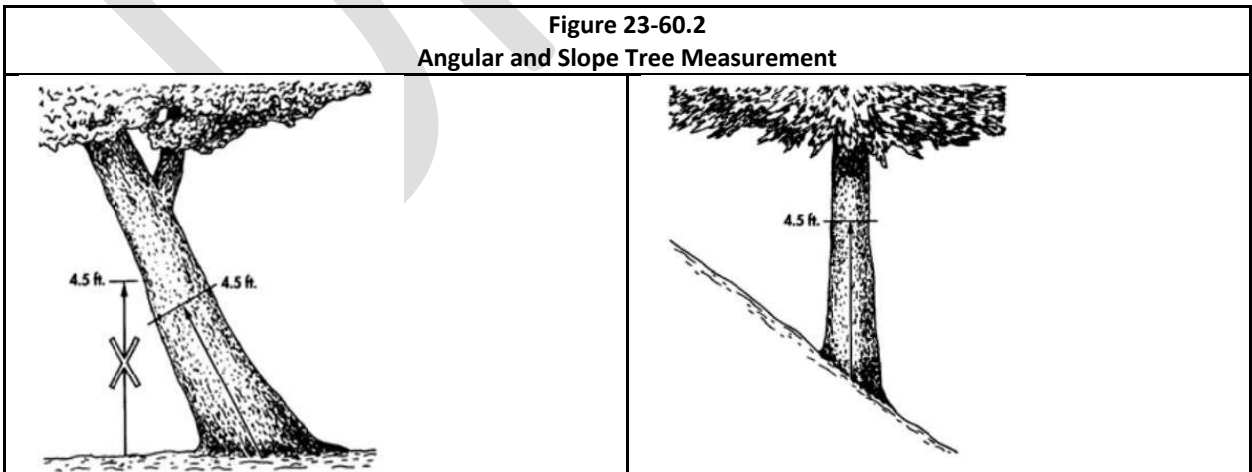
1. *Straight trunk:* Trees with fairly straight, upright trunks shall be measured 4.5 feet above the ground, as shown below:

**Figure 23-60.1**  
**Straight Tree Trunk Measurement**



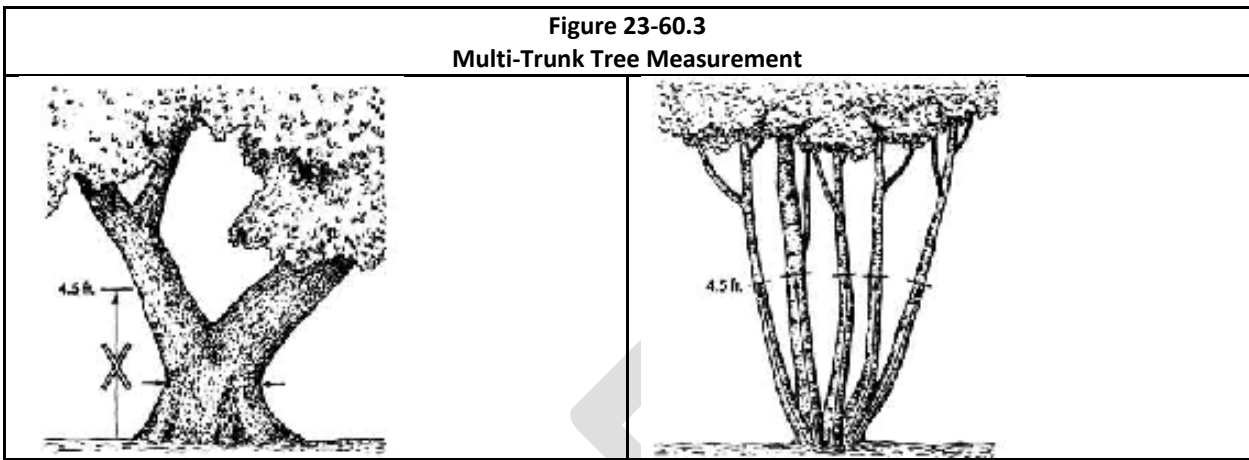
2. *Trunk on an angle or slope:* The trunk is measured at a right angle to the trunk 4.5 feet along the center of the trunk axis, so the height is the average of the shortest and the longest sides of the trunk, as shown below:

**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.

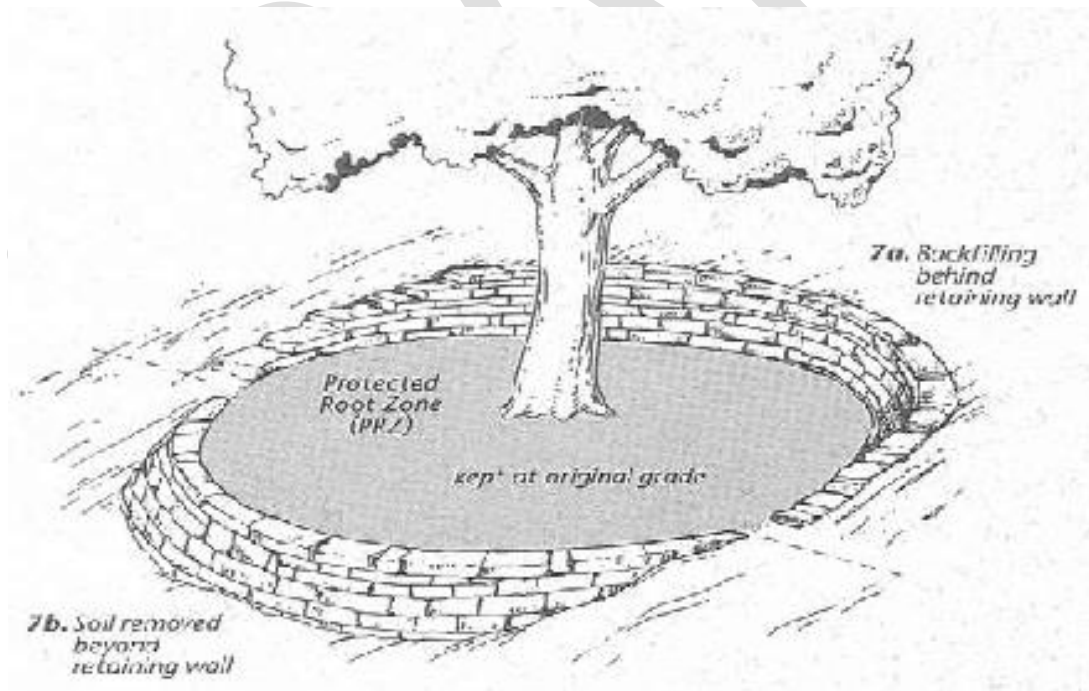


I. *Replacement and protection of protected trees.*

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"> <li>• 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.</li> <li>• 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.</li> </ul>	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

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Jason Perez  
Mayor

ATTEST:

Michelle Perez, TRMC City Secretary

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## AGENDA ITEM SUMMARY FORM

**MEETING DATE:** February 2, 2023

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

**AGENDA CONTENT:** 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.

**AGENDA ITEM SECTION:** Public Hearing

**BUDGETED AMOUNT:** N/A

**FUNDS REQUESTED:** N/A

**FUND:** N/A

**EXECUTIVE SUMMARY:**

The subject property consists of approximately 35.6 acres, is a Planned Development, (PD) district, and is located generally north of Hospital Drive situated between N. Downing Street to the west and Buchta Road to the east. The proposed preliminary replat is to subdivide the property into 144 single family residential lots. As the Commission will recall, Riverwood Ranch Section 3 consisted of 4 blocks, 73 Single family residential lots, and Riverwood Ranch Section 4 consisted of 4 blocks, 72 single family residential lots; total of 145 lots; 7 reserves on 35.620 acres.

Attached is the city engineer's memo containing comments. The permitted lot sizes and density for the Riverwood Ranch project were established as part of an ordinance (ORD. 20200609-006) approving the Planned Development zoning on the property. That ordinance was subsequently amended by ORD. 20200112-014. To include agricultural uses to allow the property owner to obtain an agricultural exemption on the undeveloped portion of the property.

Note that City Council waived the Traffic Impact Analysis (TIA) and the Geotechnical report requirements of the City of Angleton Code of Ordinances – Land Development Code on May 24, 2022, during the approval of the preliminary plats for the earlier phases and sections.

**RECOMMENDATION:**

The Planning and Zoning Commission should approve the Final Plat for Riverwood Ranch Subdivision, Sections 3 and 4, all staff and city engineer comments were submitted, cleared, and accepted from December 2, 2022.



### APPLICATION FOR PLAT REVIEW/APPROVAL

Date: 12/5/2022

TYPE OF PLAT APPLICATION

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

Address of property: Riverwood Ranch, Sections 3 & 4

Name of Applicant: Douglas B. Roesler Phone: 979-849-6681

Name of Company: Baker & Lawson, Inc. Phone: \_\_\_\_\_

E-mail: drosler@bakerlawson.com

Name of Owner of Property: Riverwood Ranch Land Holdings LLC

Address: 1027 Yale, Houston, Texas 77008

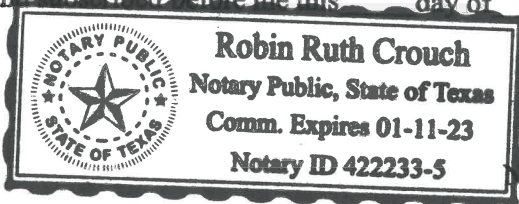
Phone: 713-621-6111 E-mail: john@rivewayproperties.com

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 5th day of December, 2022.



(SEAL)

  
Notary Public for the State of Texas  
Commission Expires: 1-11-23

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)  
Tracts 2-2A-2B-3-3A-14 15 - Riverway Ranch Sections 3 & 4

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: Riverway Ranch Land Holdings LLC

ADDRESS: 1027 Yale Street

APPLICANT PHONE # 713-621-6111 E-MAIL: john@riverwayproperties.com

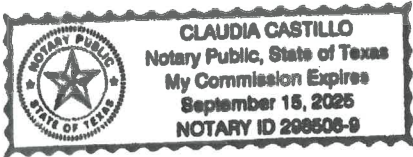
PRINTED NAME OF OWNER: Michael Foley

SIGNATURE OF OWNER:  DATE: 4/5/22

*NOTARIAL STATEMENT FOR PROPERTY OWNER:*

Sworn to and subscribed before me this 5 day of April, 2022.

(SEAL)



  
Notary Public for the State of Texas  
Commission Expires: \_\_\_\_\_



PROJECT SUMMARY FORM

Address of property NW corner of Hospital Drive and Buckta Road Intersection

The subject property fronts 1,290 feet on the West side of Buchta Road

Depth: 1,318 feet (max) Area: 35.6 Acres: 1,550,736 square feet

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

**Final Two Sections of the Riverwood Ranch Development located between Downing Road, Hospital Drive and Buchta Road Sections 3 & 4 are the Easterly half of the 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.

**1. See Final Plat for Sections 3 and 4**

**2. See Drawings for Sections 3 and 4**

Name: Douglas Roester

Date: 12/05/2022

**PLAT FEES:**

**ADMINISTRATIVE PLAT**

\$250.00 Plus Review Expense

**REGULAR PLAT SUBMITTAL:**

**\*RESIDENTIAL** (Preliminary and Final Plat Fees are separate and calculated as detailed herein)

200 Lots or less	\$800.00 plus \$6.00 per lot
More than 200 Lots	\$4.00 per additional lot over 200
Plan Review Fee by City Engineer	\$1,000.00

deposit (If cost of review exceeds deposit amount,  
balance of cost will be billed at a later time).

**\*COMMERCIAL** (Preliminary and Final Plat Fees are separate and calculated as detailed herein)

Less than two acres	\$1,000.00
More than Two Acres	\$1,000.00 plus 25.00/additional acre
Plan Review Fee by City Engineer	\$1,000.00

deposit (If cost of review exceeds deposit amount,  
balance of cost will be billed at a later time)

**OFFICE USE ONLY:**

Date received: \_\_\_\_\_ By: \_\_\_\_\_

Type of Plat: \_\_\_\_\_

Description of individual charges:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Total Fee Received: \_\_\_\_\_ By: \_\_\_\_\_

Proof of taxes received: \_\_\_\_\_ Yes If no, explain: \_\_\_\_\_

**PRELIMINARY PLAT MEETINGS:**

Pre-submission conference/meeting date: \_\_\_\_\_

Received Preliminary Plat on: \_\_\_\_\_ by \_\_\_\_\_

Preliminary plat staff meeting date: \_\_\_\_\_

Planning & Zoning meeting date: \_\_\_\_\_

City Council meeting date: \_\_\_\_\_

**FINAL PLAT MEETINGS:**

Received final plat on \_\_\_\_\_ by \_\_\_\_\_

Reviewed by Staff on \_\_\_\_\_ by \_\_\_\_\_

Planning & Zoning meeting date: \_\_\_\_\_

City Council meeting date: \_\_\_\_\_

Filed with County Clerk on: \_\_\_\_\_

File-stamped copy to owner/developer on: \_\_\_\_\_



### CITY OF ANGLETON APPOINTMENT OF AGENT

As owner of the property described as Riverway Ranch Land Holdings LLC,  
I hereby appoint the person designated below to act for me, as my agent in this request.

Name of Agent: Douglas B. Roesler, P.E

Mailing Address: 4005 Technology Drive, Suite 1530 Email: droesler@bakerlawson.com

City: Angleton State: Texas Zip: 77515

Home Phone: (\_\_\_\_) \_\_\_\_\_ Business Phone: ( 979 ) 849-6681

I verify that I am the legal owner of the subject property and I acknowledge and affirm that I will be legally bound by the words and acts of my agent, and by my signature below, I fully authorize my agent to:

**be the point of contact between myself and the City; make legally binding representations of fact and commitments of every kind on my behalf; grant legally binding waivers of rights and releases of liabilities of every kind on my behalf; to consent to legally binding modifications, conditions, and exceptions on my behalf; and, to execute documents on my behalf which are legally binding on me.**

**I understand that the City will deal only with a fully authorized agent. At any time it should appear that my agent has less than full authority to act, then the application may be suspended and I will have to personally participate in the disposition of the application. I understand that all communications related to this application are part of an official proceeding of City government and, that the City will rely upon statements made by my agent. Therefore, I agree to hold harmless and indemnify the City of Angleton, its officers, agents, employees, and third parties who act in reliance upon my agent's words and actions from all damages, attorney fees, interest and costs arising from this matter. If my property is owned by a corporation, partnership, venture, or other legal entity, then I certify that I have legal authority to make this binding appointment on behalf of the entity, and every reference herein to 'I', 'my', or 'me' is a reference to the entity.**

Signature of owner [Signature] Title \_\_\_\_\_

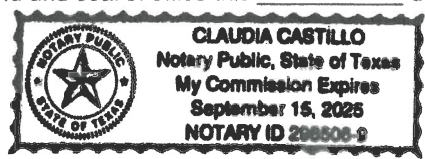
Printed/Typed Name of owner Michael Foley Date 4/5/22

\*Application must be signed by the individual applicant, by each partner of a partnership, or by an officer of a corporation or association.

STATE OF TEXAS §  
COUNTY OF Harris §

Before me, Claudia Castillo, on this day personally appeared Michael Foley, known to me (or proved to me on the oath of \_\_\_\_\_ or through (Drivers License)) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purpose and consideration therein expressed.

Given under my hand and seal of office this 5 day of April, 2022



[Signature]  
Notary Public Signature

(SEAL)

Commission Expires \_\_\_\_\_



December 2, 2022

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

Subject: Engineer's Summary Letter  
Riverwood Ranch Sections 3 and 4 – 35.6 Acres

Dear Mr. Spriggs:

We are pleased to prepare this Engineer's Summary report for the subject tract of land for Riverwood Ranch Land Holdings, LLC. The 35.6 acre tract is in the East area of the Riverwood Ranch development. For surrounding developments, the tract is adjacent to residential tract Colony Square Subdivision (SF-7.2) to the north, Buchta Road to the east with a multifamily apartment/townhomes development on the east side of Buchta Road, Hospital Drive to the south with rental duplex community on the south side of Hospital Drive and Riverwood Ranch Sections 1 and 2 development to the west.

General Information:

The Riverwood Ranch Sections 3 and 4 will be 145 residential lots with a usual widths of 50' or 60'. Section 3 of the development will contain a detention reserve in the middle of the two sections and a 20' drainage reserve along the north property line. The drainage reserve will provide rear lot drainage for Section 4 and the adjoining Colony Square subdivision to the north.

Parks:

The Parkland Dedication/Fees for this subdivision was initially discussed at the March 31, 2021 Council Meeting with the Developers. The payment for park fees in lieu fo land donations are spelled out in the Developer's Agreement.

Storm Drainage:

Storm water is conveyed in the detention pond by flow in concrete roadway gutters, curb inlets and storm sewer. Our detention design is restricted to the existing condition flow rate within Brazoria County Master Drainage Study for the Bastrop Bayou watersheds. Our project is within drainage basins BB 35 and BB 36, which requires an existing condition 100-year release rate of 0.80 cfs/acre. Based on this information, the project will require 19.253 ac-ft of detention. The volume includes calculated mitigation runoff from 4.58 acres in Section 2 which was allowed to free drain into the Hospital Drive storm sewer system The detention pond will

DOUGLAS B. ROESLER, P.E. - Principal Engineer  
4005 TECHNOLOGY DRIVE, SUITE 1530, ANGLETON, TEXAS 77515  
(979) 849-6681 • Fax (979) 849-4689

outfall to a storm sewer stub out provided in the northeast area of the Riverwood Ranch Development at Buchta Road. This will also be the outfall for the 20' drainage reserve along the north property line. The master drainage plan has been approved by the Angleton Drainage District.

Utility - Sanitary Sewer:

Riverwood Ranch Subdivision will have two sanitary sewer ties to serve the community Sections 1, 2 and the southern portion of 3 will flow to an existing 12-inch sanitary sewer in Hospital Drive. The north portion of Section 3 and Section 4 will flow to a 12-inch sanitary sewer in Buchta Road.

Utility - Waterline:

Riverwood Ranch Subdivision will have three waterline ties to serve the community Sections 1, 2 will have two ties to a 12-inch waterline in Hospital Drive. Sections 3 and 4 will have three interconnections with Section 1 and 2 waterline loop and also another tie to an 10-inch waterline in Buchta Road.. Please see the Preliminary Utility and Storm Sewer Layout provided for Sections 3 and 4.

Geotechnical Analysis:

The owner contracted Intertek PSI to perform a geotechnical analysis of the site in late 2019. Their report, Intertek PSI - Go report 286-2139, is on file at the office of Baker & Lawson, Inc

Heritage Tree:

Topographic, elevation and tree survey of the site indicated that there are no Heritage Trees on site. This site has been a grazing pasture for many years prior to its being purchased for development. The site is covered with pasture grass and scrub growth with no tree growth. We have provided Sheet 26 in the plan set for a Heritage Tree Preservation Plan.

Traffic Impact Analysis:

A TIA is not required for Sections 1, 2 and 3 based on my interpretation of the requirements of Section 23-25. B. Applicability.

The Riverwood Ranch Development of Sections 1, 2, 3 and 4 will have access to 3 major roadways (Downing, Hospital and Buchta) which were all constructed with 41' roadways consisting of one lane in each direction with a continuous turn lane. Traffic engineering standards generally consider 18,300 vehicles per day for 2 lanes (w/ left turn lanes).

The 3 access points consist of a boulevard section at Downing and a proposed boulevard section at Buchta with 2 lanes exiting and two lane entering and a three lane section onto Hospital with 2 lanes exiting and one lane entering.

- B.1 We expect to develop 349 lots with 3 access points. Section B.1 discusses generating more than 100 Peak Hour Trips (PHT) as a threshold. Traffic engineering standards generally consider 1 PHT per home in subdivisions. With 349 Lots \* 1.00 = 349 PHT. This equates to 118 PHT at each access point. With multiple lanes exiting, the PHT reduces to 80 PHT (assumed 67% predominant exit movement) at each access point.

- B.2 Section B.2 discusses 5,000 vehicle trips per day as a threshold. Traffic engineering standards generally use 10 trips per house per day. This equates to 3,490 vehicle trips per day.
- B.3 Section B.3 discusses 25 acre developments as a threshold. The total Riverwood ranch Development is 78 acres with 3 access points. This equates to 256 acres per access point. Though this does not qualify, the access points consist of multiple lanes exiting and entering as noted above.
- B.4 Section B.4 discusses oversized/slow moving vehicles which are not a part of residential development.
- B.5 Section B.5 addresses impact to the Future Thoroughfare Plan (FTP). There are no proposed thoroughfares through this development.
- B.6 Section B.6 discusses infill tracts which may affect existing adjoining development. The completed Riverwood Ranch Development will not affect adjoining development or thru traffic because of the 41' wide receiving roadway sections as noted above..

Please contact me if you have any questions or need to discuss any aspect of this Engineer's Summary Letter.

Respectfully submitted,



Douglas B. Roesler, P.E.  
President, Principal Engineer

(File:14396 / 14396 Engineers Letter)

**FIELD NOTES FOR 35.620 ACRE TRACT**

BEING A 35.620 ACRE TRACT OF LAND, LOCATED IN THE T.S. LEE SURVEY, ABSTRACT NO. 318, IN BRAZORIA COUNTY, TEXAS, BEING A PORTION OF A CALLED 73.74 ACRE TRACT IN THE NAME RIVERWOOD RANCH LAND HOLDINGS, LLC, A TEXAS LIMITED LIABILITY COMPANY, AS RECORDED IN COUNTY CLERKS FILE NO. (C.C.F.N.) 2020043779 OF THE OFFICIAL PUBLIC RECORDS BRAZORIA COUNTY TEXAS (O.P.R.B.C.T.), BEING REFERRED TO HEREIN AFTER AS THE ABOVE REFERENCED TRACT OF LAND, SAID 35.620 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS (BEARINGS ARE BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, (NAD83) SOUTH CENTRAL ZONE, PER GPS OBSERVATIONS):

BEGINNING AT 5/8-INCH CAPPED IRON ROD, STAMPED "BAKER & LAWSON" (CAPPED B.&L.), FOUND ON THE SOUTH LINE OF THE ABOVE REFERENCED TRACT, SAME BEING THE NORTH RIGHT-OF-WAY LINE OF HOSPITAL DRIVE (60' WIDE);

THENCE NORTHWESTERLY, OVER AND ACROSS SAID 73.74 ACRE TRACT, SAME BEING THE EAST LINE OF RIVERWOOD RANCH SUBDIVISION SECTION 2 (RIVERWOOD S/D SEC 2), THE FOLLOWING COURSES AND DISTANCES:

NORTH 47°52'30" WEST, A DISTANCE OF 28.28 FEET TO A 5/8-INCH IRON ROD CAPPED "B & L" FOUND FOR CORNER;

NORTH 02°52'30" WEST, A DISTANCE OF 80.00 FEET TO A 5/8-INCH IRON ROD CAPPED "B & L" FOUND FOR CORNER, SAID POINT BEING IN THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 20.00 FEET;

NORTHEASTERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 90°00'00" (THE CHORD BEARS NORTH 42°07'30" EAST, A DISTANCE OF 28.28 FEET) AN ARC DISTANCE OF 31.42 FEET TO A 5/8-INCH IRON ROD CAPPED "B & L" FOUND FOR CORNER;

NORTH 87°07'30" EAST, A DISTANCE OF 11.50 FEET TO A 5/8-INCH IRON ROD CAPPED "B & L" FOUND FOR CORNER;

NORTH 02°52'30" WEST, A DISTANCE OF 60.00 FEET TO A 5/8-INCH IRON ROD CAPPED "B & L" FOUND FOR CORNER;

SOUTH 87°07'30" WEST, A DISTANCE OF 250.98 FEET TO A 5/8-INCH IRON ROD CAPPED "B & L" FOUND FOR CORNER, SAID POINT BEING IN THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 20.00 FEET;

NORTHWESTERLY, ALONG THE ARC OF SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 90°00'00" (THE CHORD BEARS NORTH 47°52'30" WEST, A DISTANCE OF 28.28 FEET) AN ARC DISTANCE OF 31.42 FEET TO A 5/8-INCH IRON ROD CAPPED "B & L" FOUND FOR CORNER;

NORTH 02°52'30" WEST, A DISTANCE OF 405.00 FEET TO A 5/8-INCH IRON ROD CAPPED "B & L" FOUND FOR CORNER;

SOUTH 87°07'30" WEST, A DISTANCE OF 170.00 FEET TO A 5/8-INCH IRON ROD CAPPED "B & L" FOUND FOR CORNER;

THENCE NORTH 02°52'31" WEST, CONTINUING OVER AND ACROSS SAID 73.74 ACRE TRACT, SAME BEING THE EAST LINE OF SAID RIVERWOOD S/D SEC 2 AND THE EAST LINE OF RIVERWOOD RANCH SUBDIVISION SECTION 1 (RIVERWOOD S/D SEC 1) AS RECORDED IN C.C.F.N. 2021015058 OF THE O.P.R.B.C.T., PASSING AT A DISTANCE OF 55.00 FEET THE SOUTHEAST CORNER OF SAID RIVERWOOD S/D SEC 1, CONTINUING A TOTAL DISTANCE OF 685.00 FEET TO A 5/8-INCH IRON ROD CAPPED B.&L. FOUND FOR THE NORTHWEST CORNER OF SAID 35.620 ACRE TRACT, SAME BEING ON THE NORTH LINE OF THE ABOVE REFERENCED TRACT, THE SOUTH LINE OF COLONY SQUARE SUBDIVISION, AS RECORDED IN VOLUME 16, PAGE 321 OF THE BRAZORIA COUNTY PLAT RECORDS AND THE NORTHEAST CORNER OF SAID RIVERWOOD S/D SEC 1;

THENCE NORTH 87°07'30" EAST, ALONG THE NORTH LINE OF THE ABOVE REFERENCED TRACT OF LAND, SAME BEING THE SOUTH LINE OF SAID COLONY SQUARE SUBDIVISION, A DISTANCE OF 1,317.70 FEET TO A 1/2 INCH IRON ROD WITH CAP STAMPED "PINPOINT" FOUND FOR THE NORTHEAST CORNER OF THE ABOVE REFERENCED TRACT OF LAND, SAME BEING ON THE WEST RIGHT-OF-WAY LINE OF BUCHTA ROAD (60' WIDE);

THENCE SOUTH 02°52'30" EAST, ALONG THE EAST LINE OF THE ABOVE REFERENCED TRACT OF LAND, SAME BEING THE EAST RIGHT-OF-WAY LINE OF SAID BUCHTA ROAD, A DISTANCE OF 1,290.00 FEET TO A 5/8-INCH CAPPED IRON ROD, CAPPED B.&L. SET FOR THE SOUTHEAST CORNER OF THE ABOVE REFERENCED TRACT, SAME BEING ON SAID NORTH RIGHT OF WAY LINE OF HOSPITAL DRIVE;

THENCE SOUTH 87°07'30" WEST, ALONG THE SOUTH LINE OF THE ABOVE REFERENCED TRACT OF LAND, SAME BEING THE NORTH RIGHT-OF-WAY LINE OF SAID HOSPITAL DRIVE, A DISTANCE OF 888.21 FEET TO THE POINT OF BEGINNING OF THE HERIN DESCRIBED TRACT, CONTAINING 35.620 ACRES OF LAND, MORE OR LESS.

Curve No.	Length	Radius	Delta	Chord Bearing	Chord Distance
C1	31.42	20.00	90°00'00"	N42°07'30"E	28.28'
C2	31.42	20.00	90°00'00"	N47°52'30"W	28.28'
C3	78.54	50.00	90°00'00"	N47°52'30"W	70.71'
C4	78.54	50.00	90°00'00"	S47°52'30"E	70.71'
C5	78.54	50.00	90°00'04"	N42°07'32"E	70.71'
C6	78.54	50.00	90°00'00"	S42°07'30"W	70.71'
C7	47.12	30.00	90°00'00"	S42°07'30"W	42.43'
C8	15.50	20.00	44°24'55"	S29°04'58"E	15.12'
C9	234.60	50.00	288°49'50"	N87°07'30"E	71.43'
C10	15.50	20.00	44°24'55"	N19°19'57"E	15.12'
C11	44.63	30.00	85°14'11"	N49°29'36"W	40.63'
C12	31.42	20.00	90°00'00"	S42°07'30"W	28.28'
C13	10.48	20.00	37°01'29"	S17°53'15"E	10.36'
C14	130.94	50.00	150°02'59"	N42°07'30"E	96.60'
C15	10.48	20.00	37°01'29"	N77°51'46"W	10.36'
C16	31.42	20.00	90°00'00"	N42°07'30"E	28.28'
C17	31.42	20.00	90°00'00"	N47°52'30"W	28.28'
C18	10.48	20.00	37°01'29"	S72°06'45"W	10.36'
C19	130.94	50.00	150°02'59"	S47°52'30"E	96.60'
C20	10.48	20.00	37°01'29"	N12°08'14"E	10.36'
C21	31.42	20.00	90°00'00"	N47°52'30"W	28.28'
C22	31.42	20.00	90°00'00"	S42°07'30"W	28.28'
C23	10.48	20.00	37°01'29"	N17°53'15"W	10.36'
C24	130.94	50.00	150°02'59"	S42°07'30"W	96.60'
C25	10.48	20.00	37°01'29"	S77°51'46"E	10.36'
C26	31.42	20.00	90°00'00"	N42°07'30"E	28.28'
C27	31.42	20.00	90°00'00"	N47°52'30"W	28.28'
C28	15.50	20.00	44°24'55"	S64°55'02"W	15.12'
C29	234.60	50.00	288°49'50"	S02°52'30"E	71.43'
C30	15.50	20.00	44°24'55"	S70°40'03"E	15.12'
C31	10.48	20.00	37°01'29"	N72°06'45"E	10.36'
C32	131.22	50.00	150°21'52"	N47°52'30"E	96.67'
C33	10.54	20.00	37°05'56"	S12°12'58"W	10.41'
C34	47.12	30.00	90°00'00"	S47°52'30"E	42.43'
C35	44.63	30.00	85°14'11"	N39°44'35"E	40.63'

Curve No.	Length	Radius	Delta	Chord Bearing	Chord Distance
C36	31.42	20.00	90°00'00"	S47°52'30"E	28.28'
C37	31.42	20.00	90°00'00"	S42°07'30"W	28.28'
C38	31.42	20.00	90°00'00"	N47°52'30"W	28.28'
C39	19.28	20.00	22°05'39"	S53°45'24"W	19.16'
C40	50.03	50.00	57°02'30"	N86°31'44"W	47.97'
C41	44.29	50.00	50°45'14"	N32°29'08"W	42.86'
C42	44.29	50.00	50°45'14"	N18°16'08"E	42.86'
C43	48.00	50.00	55°00'15"	N71°08'53"E	46.18'
C44	28.70	50.00	32°53'25"	S64°54'18"E	28.31'
C45	8.24	20.00	23°36'06"	N75°19'27"E	8.18'
C46	2.30	20.00	6°34'50"	N60°13'59"E	2.30'
C47	50.70	50.00	58°05'56"	N85°59'32"E	48.56'
C48	40.18	50.00	46°02'50"	S41°56'06"E	39.11'
C49	39.59	50.00	49°21'48"	S03°46'14"W	38.56'
C50	0.75	50.00	0°51'18"	S26°52'47"W	0.75'
C51	1.50	50.00	1°43'01"	S46°25'55"E	1.50'
C52	47.20	50.00	54°08'28"	S18°31'40"E	45.47'
C53	40.91	50.00	46°52'37"	S31°57'22"W	39.78'
C54	43.04	50.00	49°19'18"	S87°03'20"W	41.72'
C55	46.58	50.00	53°22'52"	N48°35'35"W	44.92'
C56	53.27	50.00	61°02'25"	N08°37'03"E	50.78'
C57	2.10	20.00	2°24'09"	N40°20'30"E	2.10'
C58	2.35	50.00	2°41'52"	S31°33'04"E	2.35'
C59	41.46	50.00	47°30'51"	S06°26'42"E	40.29'
C60	34.74	50.00	39°48'52"	S37°13'10"W	34.05'
C61	47.75	50.00	54°43'17"	S84°29'15"W	45.96'
C62	4.63	50.00	5°18'06"	N65°30'04"W	4.62'
C63	23.81	50.00	27°16'52"	S70°44'26"W	23.58'
C64	46.08	50.00	52°46'37"	N69°13'49"W	44.45'
C65	50.53	50.00	57°53'51"	N15°53'35"W	48.40'
C66	10.55	50.00	12°09'39"	N21°06'10"E	10.53'
C67	29.72	50.00	34°03'12"	N15°52'24"W	29.28'
C68	37.36	50.00	42°48'24"	N22°33'24"E	36.40'
C69	36.06	50.00	41°19'24"	N64°37'19"E	35.28'
C70	27.81	50.00	31°51'58"	S78°47'00"E	27.45'
C71	120.00	50.00	502°52'30"E	S02°52'30"E	120.00'

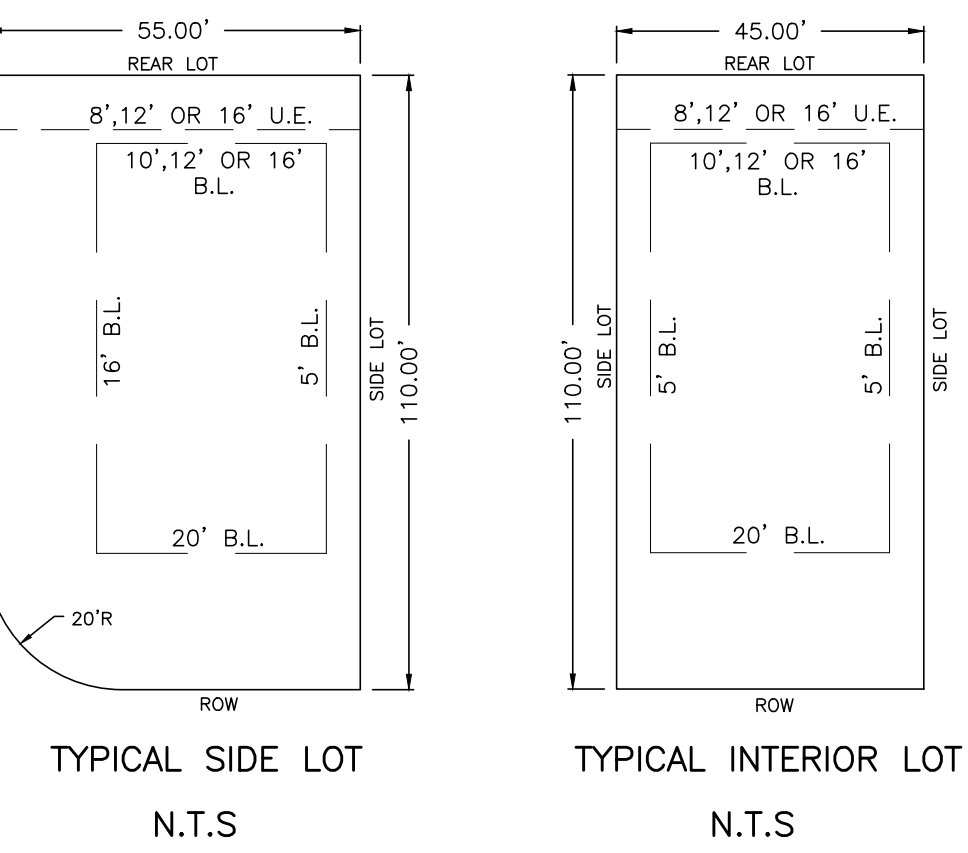
Line No.	Length	Direction
L1	28.28	N47°52'30"W
L2	80.00	N02°52'30"W
L3	11.50	N87°07'30"E
L4	28.28	S47°52'30"E
L5	70.00	N87°07'30"E
L6	70.00	S87°07'29"W
L7	28.28	S42°07'31"W
L8	101.01	N02°52'30"W
L9	110.66	N02°52'30"W
L10	100.98	S88°50'48"E
L11	110.63	N02°52'30"W
L12	103.75	N02°52'30"W
L13	112.25	S87°07'30"W
L14	107.17	N71°46'32"W
L15	116.19	S87°07'30"W
L16	28.28	N42°07'31"E
L17	17.37	S87°07'30"W
L18	26.00	N02°52'30"W
L19	60.00	N02°52'30"W
L20	120.00	S87°07'30"W
L21	118.33	N02°52'30"W
L22	120.00	S02°52'30"E

PARCEL TABLE	LOT NO.	AREA S.F.
1	7,112	1,616.0
2	5,950	2,500.0
3	5,950	3,500.0
4	5,950	4,515.1
5	5,950	5,103.61
6	5,950	6,109.75
7	5,950	7,579.6
8	5,926	8,600.0
9	6,668	9,600.0
10	14,121	10,600.0
11	7,786	11,723.4
12	7,184	12,360.0
13	6,000	13,600.0
14	6,000	14,600.0
15	8,910	15,600.0
16	6,000	16,600.0
17	6,000	17,600.0
18	6,000	18,600.0
19	7,200	19,200.0
20	8,434	20,834.0

PARCEL TABLE	LOT NO.	AREA S.F.
1	7,234	1,723.4
2	6,000	2,600.0
3	6,000	3,600.0
4	6,000	4,600.0
5	6,000	5,600.0
6	6,000	6,600.0
7	6,000	7,600.0
8	6,000	8,600.0
9	6,000	9,600.0
10	6,000	10,600.0
11	6,000	11,600.0
12	6,000	12,600.0
13	6,000	13,600.0
14	6,000	14,600.0
15	6,000	15,600.0
16	6,000	16,600.0
17	6,000	17,600.0
18	6,000	18,600.0
19	6,000	19,600.0
20	6,000	20,600.0

PARCEL TABLE	LOT NO.	AREA S.F.
1	8,649	1,723.4
2	6,735	2,600.0
3	6,735	3,600.0
4	6,700	4,600.0
5	9,001	5,600.0
6	13,258	6,600.0
7	11,247	7,600.0
8	13,375	8,600.0
9	6,407	9,600.0
10	5,918	10,600.0
11	5,950	11,600.0
12	5,950	12,600.0
13	6,885	13,600.0
14	9,291	14,600.0
15	7,196	15,600.0
16	7,200	16,600.0
17	7,200	17,600.0
18	7,200	18,600.0
19	7,200	19,600.0
20	8,434	20,834.0

PARCEL TABLE	LOT NO.	AREA S.F.
1	7,200	1,720.0
2	6,434	2,590.0
3	6,434	3,590.0
4	7,200	4,590.0
5	7,200	5,590.0
6	7,200	6,590.0
7	7,200	7,590.0
8	7,200	8,590.0
9	7,200	9,590.0
10	7,200	10,590.0
11	6,827	11,590.0
12	6,040	12,590.0
13	14,116	13,927.0
14	9,291	15,439.0
15	7,196	16,940.0
16	7,200	17,940.0
17	7,200	18,940.0
18	7,200	19,940.0
19	7,200	20,940.0
20	8,434	22,474.0



STREET NAME	R.O.W. WIDTH	TOTAL LENGTH
EMMA STREET	60' TO 90'	1,523.24
ROBIN STREET	60'	1,673.23
ROBIN COURT	60'	289.91
AMY STREET	60'	1,185.60

SYMBOL	DESCRIPTION	RESERVE USE	AREA
(A)	DRAINAGE RESERVE "A"	RESTRICTED TO DRAINAGE USE	4.270 AC.
(B)	DRAINAGE RESERVE "B"	RESTRICTED TO DRAINAGE USE	0.751 AC.
(C)	LANDSCAPE RESERVE "C"	RESTRICTED TO LANDSCAPE USE	0.046 AC.
(D)	LANDSCAPE RESERVE "D"	RESTRICTED TO LANDSCAPE USE	0.013 AC.
(E)	LANDSCAPE RESERVE "E"	RESTRICTED TO LANDSCAPE USE	0.007 AC.
(F)	LANDSCAPE RESERVE "F"	RESTRICTED TO LANDSCAPE USE	0.008 AC.
(G)	LANDSCAPE RESERVE "G"	RESTRICTED TO LANDSCAPE USE	0.017 AC.

## FINAL PLAT

### RIVERWOOD RANCH SUBDIVISION

### SECTIONS 3 & 4

A 35.620 ACRES  
 145 LOTS 7 RESERVE SUBDIVISION  
 SECTION 3 - (4 BLOCKS, 73 LOTS 3 RESERVES)  
 SECTION 4 - (4 BLOCKS, 72 LOTS 4 RESERVES)

BEING A PORTION OF A CALLED 73.74 ACRE TRACT AS RECORDED IN C.C.F.N. 2020043779 OF THE O.P.R.B.C.T.

LOCATED IN THE THEODORE S. LEE SURVEY ABSTRACT NO. 318 CITY OF ANGLETON BRAZORIA COUNTY, TEXAS

**B&L** ENGINEERS • PLANNERS • SURVEYORS  
 4005 TECHNOLOGY DR., SUITE 1530 ANGLETON, TEXAS 77515  
 OFFICE



OWNER'S ACKNOWLEDGEMENT:

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS: THAT JOHN SANTASIERO, PRESIDENT OF RIVERWOOD RANCH LLC, A TEXAS LIMITED LIABILITY COMPANY, ACTING HEREIN BY AND THROUGH ITS DULY AUTHORIZED OFFICERS, DOES HEREBY ADOPT THIS PLAT DESIGNATING THE HEREINAFOVE DESCRIBED PROPERTY AS RIVERWOOD RANCH, SECTIONS 3 & 4, 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.

OWNER'S ACKNOWLEDGEMENT:

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.

\_\_\_\_\_  
JOHN SANTASIERO, PRESIDENT  
RIVERWOOD RANCH LLC, A TEXAS LIMITED LIABILITY COMPANY

STATE OF TEXAS §  
COUNTY OF BRAZORIA §

BEFORE ME THE UNDERSIGNED AUTHORITY ON THIS DAY PERSONALLY APPEARED JOHN SANTASIERO, KNOWN TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED TO ME THAT THE SAME WAS THE ACTING OWNER FOR THE PURPOSES AND CONSIDERATION THEREIN EXPRESSED AND IN THE CAPACITY THEREIN STATED.

GIVEN UNDER MY HAND AND SEAL OF OFFICE THIS THE \_\_\_\_ DAY OF \_\_\_\_\_,  
20\_\_\_\_

\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

\_\_\_\_\_  
MY COMMISSION EXPIRES

PLANNING AND ZONING COMMISSION AND CITY COUNCIL:

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY THE PLANNING AND ZONING COMMISSION, CITY OF ANGLETON, TEXAS.

\_\_\_\_\_  
BILL GARWOOD, CHAIRMAN, PLANNING AND ZONING COMMISSION

\_\_\_\_\_  
MICHELLE PEREZ CITY SECRETARY

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY THE CITY COUNCIL, CITY OF ANGLETON, TEXAS.

\_\_\_\_\_  
JASON PEREZ, MAYOR

\_\_\_\_\_  
MICHELLE PEREZ CITY SECRETARY

STATE OF TEXAS §  
COUNTY OF BRAZORIA §

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE \_\_\_\_ DAY OF \_\_\_\_\_,  
20\_\_\_\_

MICHELLE PEREZ BY CITY SECRETARY, CITY OF ANGLETON, ON BEHALF OF THE CITY.

\_\_\_\_\_  
NOTARY PUBLIC  
STATE OF TEXAS

DRAINAGE AND DETENTION EASEMENT

THIS PLAT IS HEREBY ADOPTED BY THE OWNERS AND APPROVED BY THE CITY OF ANGLETON (CALLED "CITY") SUBJECT TO THE FOLLOWING CONDITIONS WHICH SHALL BE BINDING UPON THE OWNERS, THEIR HEIRS, GRANTEEES AND SUCCESSORS: THE PORTION OF BLOCK 1, AS SHOWN ON THE PLAT IS CALLED "DRAINAGE AND DETENTION EASEMENT." THE DRAINAGE AND DETENTION EASEMENT WITHIN THE LIMITS OF THIS ADDITION, WILL REMAIN OPEN AT ALL TIMES AND WILL BE MAINTAINED IN A SAFE AND SANITARY CONDITION BY THE OWNERS OF THE LOT OR LOTS THAT ARE TRAVERSED BY OR ADJACENT TO THE DRAINAGE AND DETENTION EASEMENT. THE CITY WILL NOT BE RESPONSIBLE FOR THE MAINTENANCE AND OPERATION OF SAID EASEMENT OR FOR ANY DAMAGE TO PRIVATE PROPERTY OR PERSON THAT RESULTS FROM CONDITIONS IN THE EASEMENT, OR FOR THE CONTROL OF EROSION. NO OBSTRUCTION TO THE NATURAL FLOW OF STORMWATER RUN-OFF SHALL BE PERMITTED BY CONSTRUCTION OF ANY TYPE OF BUILDING, FENCE, OR ANY OTHER STRUCTURE WITHIN THE DRAINAGE AND DETENTION EASEMENT AS HEREINAFOVE DEFINED, UNLESS APPROVED BY THE CITY ENGINEER. PROVIDED, HOWEVER, IT IS UNDERSTOOD THAT IN THE EVENT IT BECOMES NECESSARY FOR THE CITY TO ERRECT OR CONSIDER ERRECTING ANY TYPE OF DRAINAGE STRUCTURE IN ORDER TO IMPROVE THE STORM DRAINAGE THAT MAY BE OCCASIONED BY THE CITY SHALL HAVE THE RIGHT TO ENTER UPON THE DRAINAGE AND DETENTION EASEMENT AT ANY POINT, OR POINTS, TO INVESTIGATE, SURVEY OR TO ERRECT, CONSTRUCT AND MAINTAIN ANY DRAINAGE FACILITY DEEMED NECESSARY FOR DRAINAGE PURPOSES. EACH PROPERTY OWNER SHALL KEEP THE DRAINAGE AND DETENTION EASEMENT CLEAN AND FREE OF DEBRIS, SLT, AND ANY SUBSTANCE WHICH WOULD RESULT IN UNSANITARY CONDITIONS OR OBSTRUCT THE FLOW OF WATER, AND THE CITY SHALL HAVE THE RIGHT OF INGRESS AND EGRESS FOR THE PURPOSE OF INSPECTION AND SUPERVISION OF MAINTENANCE WORK BY THE PROPERTY OWNER TO ALLEVATE ANY UNDESIRABLE CONDITIONS WHICH MAY OCCUR. THE NATURAL DRAINAGE THROUGH THE DRAINAGE AND DETENTION EASEMENT IS SUBJECT TO STORM WATER OVERFLOW AND NATURAL BANK EROSION TO AN EXTENT WHICH CANNOT BE DEFINITELY DEFINED. THE CITY SHALL NOT BE HELD LIABLE FOR ANY DAMAGES OF ANY NATURE RESULTING FROM THE OCCURRENCE OF THESE NATURAL PHENOMENA, OR RESULTING FROM THE FAILURE OF ANY STRUCTURE, OR STRUCTURES, WITHIN THE EASEMENT.

ANGLETON DRAINAGE DISTRICT

ACCEPTED THIS THE \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_, BY THE ANGLETON DRAINAGE DISTRICT.

THE BOARD OF SUPERVISORS OF THE ANGLETON DRAINAGE DISTRICT DOES NOT WARRANT, REPRESENT OR GUARANTEE:

1. THAT DRAINAGE FACILITIES OUTSIDE THE BOUNDARIES OF THE SUBDIVISION PLAT ARE AVAILABLE TO RECEIVE RUNOFF FROM THE FACILITIES DESCRIBED IN THIS PLAT.
2. THAT DRAINAGE FACILITIES DESCRIBED IN THIS PLAT ARE ADEQUATE FOR RAINFALL IN EXCESS OF ANGLETON DRAINAGE DISTRICT MINIMUM REQUIREMENTS.
3. THAT BUILDING ELEVATION REQUIREMENTS HAVE BEEN DETERMINED BY THE ANGLETON DRAINAGE DISTRICT.
4. THAT THE DISTRICT ASSUMES ANY RESPONSIBILITY FOR CONSTRUCTION, OPERATION OR MAINTENANCE OF SUBDIVISION DRAINAGE FACILITIES.

THE DISTRICT'S REVIEW IS BASED SOLELY ON THE DOCUMENTATION SUBMITTED FOR REVIEW, AND ON THE RELIANCE ON THE REPORT SUBMITTED BY THE TEXAS REGISTERED PROFESSIONAL ENGINEER.

THE DISTRICT'S REVIEW IS NOT INTENDED NOR WILL SERVE AS A SUBSTITUTION OF THE OVERALL RESPONSIBILITY AND/OR DECISION MAKING POWER OF THE PARTY SUBMITTING THE PLAT OR PLAN HEREIN, THEIR OR ITS PRINCIPALS OR AGENTS.

\_\_\_\_\_  
CHAIRMAN, BOARD OF SUPERVISORS

\_\_\_\_\_  
BOARD MEMBER

\_\_\_\_\_  
BOARD MEMBER

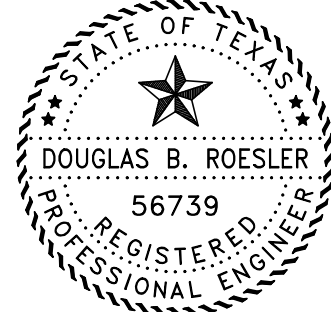
STATE OF TEXAS §  
COUNTY OF BRAZORIA §

KNOW ALL MEN BY THESE PRESENTS:

THAT I, DOUGLAS B. ROESLER, 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.

SIGNED:

\_\_\_\_\_  
DOUGLAS B. ROESLER DATE  
PROFESSIONAL ENGINEER  
TEXAS REGISTRATION NO. 56739



KNOW ALL MEN BY THESE PRESENTS:

THAT I, DARREL HEIDRICH, DO HEREBY CERTIFY THAT I PREPARED THIS PLAT FROM AN ACTUAL AND ACCURATE SURVEY OF THE LAND AND THAT THE CORNER MONUMENTS SHOWN THEREON WERE PROPERLY PLACED UNDER MY SUPERVISION.

SIGNED:

\_\_\_\_\_  
DARREL HEIDRICH DATE  
REGISTERED PROFESSIONAL LAND SURVEYOR  
TEXAS REGISTRATION NO. 5378

NOTES:

1. THE PURPOSE OF THIS PLAT IS TO PLAT THE 35.620 ACRES INTO 145 LOT 7 RESERVE SUBDIVISION.
2. ALL BEARINGS AND DISTANCES ARE REFERENCED TO THE TEXAS COORDINATE SYSTEM, SOUTH CENTRAL ZONE, NAD-83, U.S. SURVEY FEET.
3. FLOOD ZONE STATEMENT: ACCORDING TO THE FEDERAL EMERGENCY MANAGEMENT AGENCY FLOOD INSURANCE RATE MAP FOR BRAZORIA COUNTY, MAP NUMBER 48039C0435K AND 48039C0445K, WITH EFFECTIVE DATE OF DECEMBER 30, 2020, THE PROPERTY SURVEYED LIES WITHIN ZONE "X" (UNSHADED), AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOOD-PLAIN. WARNING: THIS FLOOD STATEMENT DOES NOT IMPLY THAT THE PROPERTY AND/OR STRUCTURES WILL BE FREE FROM FLOODING OR FLOOD DAMAGE, AND WILL NOT CREATE LIABILITY ON THE PART OF THE SURVEYOR.
4. REFERENCE BENCHMARK:  
NGS MONUMENT R1182 (PID AW1171)  
A BRASS DISK STAMPED R1182, ON THE NORTH LINE OF CR 171, ON THE CURB OF A BRIDGE, APPROXIMATELY 275 SOUTHWEST OF INTERSECTION WITH CR 428.  
ELEVATION = 26.31 FEET NGVD29
5. THE POSSIBLE EXISTENCE OF UNDERGROUND FACILITIES OR SUBSURFACE CONDITIONS OTHER THAN THOSE SHOWN MAY AFFECT THE USE AND DEVELOPMENT OF THE SUBJECT PROPERTY SHOWN HEREON.
6. 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 PLATTING STATUTES AND IS SUBJECT TO FINES AND WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
7. 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.
8. 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.
9. 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.
10. 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.
11. IT SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION TO MAINTAIN LANDSCAPE RESERVE.
12. IT SHALL BE THE RESPONSIBILITY OF THE HOMEOWNERS ASSOCIATION TO MAINTAIN DRAINAGE RESERVES A & B.
13. THE PURPOSE OF THE 1' WIDE RESERVE IS TO RESTRICT DRIVEWAY ACCESS TO BUCHTA ROAD AND HOSPITAL DRIVE. THE CITY OF ANGLETON WILL MAINTAIN THE 1' WIDE RESERVE.

SHEET 2 OF 2

## FINAL PLAT

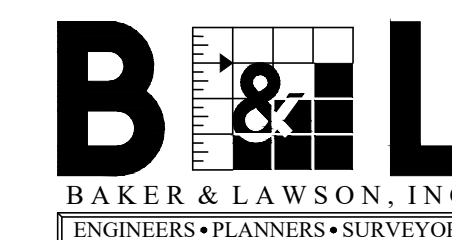
### RIVERWOOD RANCH SUBDIVISION

### SECTIONS 3 & 4

**A 35.620 ACRES**  
**145 LOTS 7 RESERVE SUBDIVISION**  
**SECTION 3 - (4 BLOCKS, 73 LOTS 3 RESERVES)**  
**SECTION 4 - (4 BLOCKS, 72 LOTS 4 RESERVES)**

**BEING A PORTION OF A CALLED 73.74 ACRE TRACT AS**  
**RECORDED IN C.C.F.N. 2020043779**  
**OF THE O.P.R.B.C.T.**

LOCATED IN THE  
THEODORE S. LEE SURVEY  
ABSTRACT NO. 318  
CITY OF ANGLETON  
BRAZORIA COUNTY, TEXAS



4005 TECHNOLOGY DR., SUITE 1530  
ANGLETON, TEXAS 77515  
OFFICE: (979) 849-6681  
TBPELS No. 10052500 REG. NO. F-825

OWNERS:  
JOHN SANTASIERO  
RIVERWOOD RANCH LLC  
1027 YALE STREET  
HOUSTON, TEXAS 77008

PROJECT NO.: 14396	SCALE: 1" = 100'	DRAWN BY: BT
DRAWING NO.: 14396 SEC 3-4 FINAL PLAT	DATE: 12/02/2022	CHECKED BY: DH