

Appendix C

Part II - CODE OF ORDINANCES Chapter 23 LAND DEVELOPMENT CODE

Chapter 23 LAND DEVELOPMENT CODE¹

ARTICLE I. IN GENERAL

Sec. 23-1. Title.

Chapter 23 of the Code of Ordinances of the City of Angleton, shall be known and may be cited as the Land Development Code, the LDC, or "this code".

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

Sec. 23-2. Purpose.

The primary purposes of the LDC ~~are-is~~ to:

- A. Implement the ~~comprehensive plan~~ 2007 Comprehensive Plan and other adopted plans, as set out in section 23-6, consistency with plans;
- B. Preserve and improve public health, safety, and general welfare of citizens and businesses; and

General notes:

Legal review of the final drat 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.

Formatted: Highlight

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 A), adopted Dec. 11, 2018, repealed the former Ch. 23Editor's note(s)—, §§ 23-1Editor's note(s)—23-43, and enacted a new Ch. 23Editor's note(s)— as set out herein.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

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

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

- C. Provide reasonable development restrictions without infringing rights guaranteed by the United States Constitution, the Texas Constitutions, or the laws of the United States or State of Texas.

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

Sec. 23-3. Authority.

Texas Statutes. The provisions of the LDC are adopted pursuant to the authority granted by the Constitution and laws of the State of Texas, including:

- TLGC Ch. 42, Extraterritorial Jurisdiction of Municipalities;
- TLGC Ch. 212, Municipal Regulation of Subdivision and Property Development;
- TLGC Ch. 245, Issuance of Local Permits; and
- TWC §§ 16.311—16.319, Flood Insurance.

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

Sec. 23-4. Jurisdiction.

- A. *City.* The LDC regulations are minimum standards applicable to all property in the corporate boundaries of the City of Angleton.
- B. *ETJ.* Development in the extraterritorial jurisdiction (ETJ) is subject to the LDC to the full extent allowed by V.T.C.A., Local Government Code Ch. 42 and all sections and subarticles of V.T.C.A., Local Government Code Ch. 212, and any other sections of the TLGC that may be, or become, relevant and pertinent to the ETJ.

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

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 ~~material 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 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 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 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 where as allowed by~~ TLGC Ch. ~~212-42~~. ~~is cited as an "authority".~~

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

-
- 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.
 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.~~

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

- c. 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.~~
3. *Construction on substandard lots.* A legal lot 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; and
 - c. The proposed development will comply with all applicable development standards of the LDC, including lot width.
- 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)

Sec. 23-6. Consistency with plans.

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;~~

Commented [LK3]: Not needed.

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

Commented [LK5]: List all the relevant standards and plans in the appendix.

- ~~• 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)

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; 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)

Commented [LK6]: Needs to be updated, prior to adoption of any amendments

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)

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;
 - 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, heritage 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 [Angleton Construction Manual \(ACM\)](#);
 3. Adhering to all drainage requirements of the [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:
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 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;

Commented [LK7]: Needs a definition of what "green" entails.

- 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 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;
 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. 24-11. 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;~~
3. No parcel or lot shall be created that does not meet the minimum requirements of the LDC and the zoning requirements; and
4. 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, street lines right of way; and
2. Alternative configurations may be approved the platting process by the Planning and Zoning Commission and City Council to accomplish the purposes of the LDC, such as preserving natural resources or dedicating right-of-way.

C. Lot frontage.

Commented [LK8]: Update the manual to be tailored to Angleton and refer to the latest version.

Commented [LK9]: This sentence is not needed since the City has zoning requirements.

Commented [LK10]: Added language to clarify that any deviations or variances will need approval.

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 administrator~~ Planning and Zoning Commission ~~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 heritage tree, as set out in section 23-60, Heritage Tree Protection; and

Commented [LK11]: Approving authority

c. Platted lots shall touch a right-of-way and not block access to be platted in a manner that does not result in landlocked properties or without any not provide means providing public access to properties that currently do not have frontage.

Add specifications for double frontage lots.

3. *Nonresidential lots.* Nonresidential lots shall be designed in manner that allows development designed in manner 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;

Commented [LK12]: Specify min. lot area = twice the required lot area for the zone.

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. ~~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.*

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.

Commented [LK13]: Repeated under subdivision requirements. Sec. 23-12. I. Streets and driveways

~~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 [LK14]: 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 FIP and the utility provider consents to such a crossing.

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 way.

Commented [LK15]: 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 [LK16]: Repeated under subdivision requirements.

J. Blocks generally.

1. *Length.* Block length shall be provided based on the following guidelines:

- Block shall generally have sufficient width and depth ~~for to~~ provide two tiers of lots with required lots depths. Exceptions may be made when property is adjacent to arterial streets, railways, waterways, wetlands, or other elements;
- 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 will not result in public health or safety issue, connect streets, is necessary for drainage or environmental considerations, or based on site constraints;
- The provision of adequate building sites suitable to the special needs of the type of use;
- The required lot widths and lot areas of the applicable zoning district; and
- The need for convenient access, circulation, traffic control, and safety of street traffic.

2. *Shape.*

- Blocks shall be generally rectangular but may have curves or bends that correspond with the natural terrain.
- Irregularly shaped blocks which contain interior parks or playgrounds, parking areas, wetlands, or drainage improvements shall be permitted.
- 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.*

- Intersecting streets shall be used to determine block length, width, and shape;
- ~~Streets shall be provided at intervals that adequately serve cross traffic, conform to existing street patterns, and customary subdivision practices; and~~
- 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.

- K. *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).
- B. *Street classifications.* Streets shall be classified according to the following functional classifications, as set out on the Angleton FTP:
1. Highway
 2. M/major arterial;
 23. Minor arterial
 4. M/major collector
 5. M/and
 3. Minor collector;
 6. Local street and
 7. Ceul-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 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 ACM and the following standards:
1. *Street grade and curves.*
 - a. Streets may have a maximum grade of seven percent; and
 - b. Centerline grade changes shall be designed in accordance with all AASHTO standards. Where there is a difference of more than two percent, the vertical curves shall be connected with a curve of sufficient length to provide a minimum 200 feet of sight distance.
 2. *Street intersections.* Streets shall be designed to intersect as close as possible to right angles. The city engineer may consider an angle not less than 80 degrees where necessary to connect streets or avoid natural or man-made impediments.
 3. *Intersections.*
 - a. All arterial and collector street intersections shall be at 90 degrees, or within five degrees of that standard.
 - b. The curb radius at street intersections shall conform to the specifications in the ACM.
 - c. Deviations from these requirements can be considered when streets are realigned to comply with the FTP or to avoid natural, or man-made features, such as, but not limited to, protected wetlands, bogs, floodplains, a stand of heritage 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'

Formatted Table

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
<u>Width of Sidewalks</u>	<u>Min. 6'</u>	<u>Min. 6'</u>	<u>Min. 6'</u>	<u>Min. 6'</u>	<u>Min. 5'</u>

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.~~

Commented [LK17]: Not needed, as ALL requirements would need to be met.

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:
 - i. ~~Pave one-half construct of the proposed required~~ street in accordance with the ACM; or
 - ii. ~~If approved by the city, c~~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 ACM.

Commented [LK18]: This is typically 110 to 150% . City policy is 125%.

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 vehicular~~ access to an existing public right-of-way separated as far apart as practical ~~in accordance with the fire code; or~~
2. The city council may 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 75 feet to the first intersecting interior street; and
 - c. Boulevard lanes with an adequate pavement for emergency access into the development.

~~In case of a deviation from the adopted fire codes, an approval of a deviation from the the Board of XXXXXXXXX may be required.~~
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.~~
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.~~
5. A ~~one~~10-foot, non-access ~~landscaped~~ easement shall be provided along the rear property lines of residential lots that back up to arterial streets and TXDOT highways to prevent access.

Commented [LK19]: Conflicts with 24 11 I

Commented [LK20]: Is IFC adopted? An appeal process through IFC is different than City Council

Commented [LK21]: Safety, connectivity, and access issues.

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 equal 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 [LK22]: 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 residential minor plats and residential development 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 [LK23]: 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.

M. *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 ACM.

5. Street signs shall have white lettering on green background in conformance with the requirements of the CM.

What is an acceptable proof? It should be clarified in the submittal checklist?

Formatted: Indent: Left: 0.33", Hanging: 0.17"

Commented [LK24]: Require green street signs with white lettering, not blue like Sugarland.

N. *Driveways and access.*

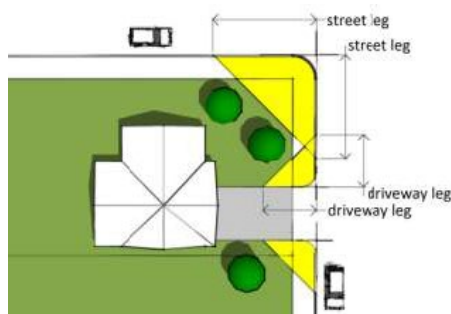
1. *Cross-access.* Parcels proposed for development that front on arterial and collector streets shall provide cross-access to abutting parcels unless cross-access is unfeasible. Cross-access easements may be required for other parcels, based on the location, traffic conditions, and surroundings.
2.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

Commented [LK25]: TXDOT complies with AASHTO standards

- 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. 23-13. Street lights, conduit, and traffic control.

- A. *Responsibility.* The subdivider or developer is responsible for the purchase and installation of street lights.
- B. *Minimum standards.* The type of equipment, method of installation, and location of the wiring and light poles shall meet the minimum standards and requirements of the ACM and the electric utility.
- C. *Traffic signs.*
 1. The developer shall pay the cost of purchasing and installing street posts and markers at each street intersection, which posts and markers shall be the same type as used throughout the city.
 2. The cost of such street posts and markers shall be paid to the city upon final approval of construction plans for the subdivision.

Commented [LK26]: *Traffic signs-* Does the city provide the costs as they say it has to be paid to the city? Is the developer installing or the city?

3. No subdivision construction, including but not limited to, street grading, street paving, storm sewer installation, curb and gutter work, or sanitary sewer and water main installation, can begin until the cost of purchasing and installing such street posts and markers is paid to the city.
- D. *Crosswalks.* Crosswalks and required signage and pavement markings, shall be installed in accordance with the Manual on Uniform Traffic Control Devices (MUTCD) [and Texas Accessibility Standards \(TAS\)](#).
- E. *Fair share expenses.* The subdivider or developer is responsible for all "fair share" expenses, as set out in section 23-21, Developer Responsibilities, for the purchase and installation of traffic signs and any other required traffic control improvements that may be required by the LDC and the ACM.
- F. *Electric and traffic signal conduit.*
 1. Conduit systems shall be installed for future franchise utilities, irrigation, traffic signals, traffic signal communication, and roadway lighting.
 2. Traffic signal conduit and ground boxes for future traffic signals shall be installed at all arterial to arterial intersections and all arterial to major collector intersections in accordance with the ACM.
- G. *Street lights required.* Subdividers shall install street lights at the subdivider's expense as set out below:
 1. *Location.* Street lights shall be placed at the following locations:
 - a. One light at, or near, the end of every cul-de-sac or required public turn-around areas;
 - b. One light at every street intersection;
 - c. One light for approximately every 300 feet along all streets; and
 - d. Within a public right-of-way or easement.
 2. *Design.* Street lights shall be:
 - a. Designed and constructed in accordance with all ~~power company owner's Texas New Mexico Power Company~~ standards and specifications; and
 - b. Shall be erected on steel poles, or an equivalent material, light the bottom of the lighting fixture located approximately 30 feet above the surface grade of the light standard.
 3. *Dedication.* Street lights shall be dedicated to the city or the entity responsible for maintenance and ownership, at the same time that other public improvements are accepted by the city.
 4. *Placement relative to electric service.* Street lights and electrical service shall be installed as set out in section 23-133, Street Lights and Electric Service.

(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 ~~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.~~
 - c. 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

Commented [LK27]: Clarification that sidewalks are required for all developments.

along the street portion of the property where the expansion is proposed. The city council may consider a variance when there are significant engineering constraints that result in practical difficulties from locating or extending a sidewalk or when a sidewalk should not be extended for other practical considerations.

2. *Construction standards.*

- a. The construction specification of sidewalks shall conform to ACM specifications for sidewalks and all accessibility standards.
- 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 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 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)

Sec. 23-15. Drainage and utilities.

A. Drainage and stormwater.

1. *Drainage/stormwater management plans and reports.* The subdivider shall provide proposed drainage, grading, and stormwater management plans, supporting reports and studies, and construction drawings, as set out in ~~appendix~~ Appendix A.
2. *Generally.*
 - a. Habitable lots shall not encroach into a regulatory floodplain;
 - b. Lots adjoining a regulatory floodplain shall show the minimum finished floor elevation (FFE) of each lot adjoining the floodplain on the final plat, which shall be a minimum of one foot above the regulatory flood elevation, except where the building code, FEMA, or another agency with jurisdiction requires a greater finished floor elevation;
 - c. The city will only maintain drainage improvements constructed by the city or formally accepted by the city; and
 - d. The city is not responsible for the day-to-day maintenance of any grass lined drainage easement.
3. *Required review and approval.* Drainage plans are subject to review and approval by the city engineer. Should specific site conditions warrant a deviation from the above criteria or the ACM, those considerations may be reviewed and approved by the city engineer, as set out below:
 - a. Requests for deviations shall be made in writing with supporting documentation and rationale; and
 - b. Cost alone is not sufficient grounds for approval of a deviation.
4. *Improvement standards.* Drainage improvements are required to comply with the ACM and the ~~2008~~ Master Drainage Plan, as amended.
5. *Water quality.* In addition to the provision for drainage to convey stormwater safely through the city and to avoid flooding damage or safety risks, stormwater management is subject to compliance with the Brazoria County Stormwater Quality Coalition MS4 Construction Guidance Document, as amended, the ACM, and all BMP standards of the National Pollution Discharge Elimination System (NPDES) and

Commented [LS28]: Regulatory implies 1% and 0.5% floodplains. Should this be floodway?

Commented [LS29]: This needs to be defined for floodway, 1% or 0.5 %.

Commented [LK30]: Verify that Master Drainage Plan is the document that contains the requiremnts for drainage improvements.

[Texas Pollution Discharge Elimination System \(TPDES\)](#). The National Menu of BMPs for Stormwater Management is incorporated by reference into the LDC and the ACM.

Commented [LK31]: Confirm the relevant documents and amend if required.

6. *Lot grading.*

- a. Lots shall be laid out ~~so as~~ to provide positive drainage away from all buildings. Individual lot drainage shall be coordinated with the general storm drainage for the area. Drainage shall be designed to avoid the concentration of storm drainage water from each lot to adjacent developable lots. A subdivision grading plan shall be provided with the construction documents.
- b. A general drainage pattern that meets all applicable rules and regulations shall be provided for each proposed block and lot. Subsequent permits for each lot shall comply with the approved grading plan.
- c. All single-family residential lots ~~must~~ [shall](#) be graded to meet the elevation of adjoining property with positive drainage. Multi-family and non-residential lots shall be graded to match elevations at adjoining properties to provide good access and to minimize the use of retaining walls.

B. *Water supply and fire protection.*

1. *General.*

- a. Water supply for new parcels proposed for development shall be provided by the city in accordance with the ACM, to provide adequate supply for potable water demand, irrigation, and fire protection.
- b. Water shall be supplied using fire-rated lines acceptable to the fire department and shall be installed to the specifications of the ACM, compliant with all applicable building, fire, and life safety codes, as amended.
- c. Applicants proposing new development, or redevelopment, shall consult with city to determine if adequate water supply and pressure is available.
- d. Hydrants and other water improvements shall be constructed in accordance with the ACM and all adopted fire and life safety codes to satisfy fire flow and pressure requirements.
- e. Water and fire protection improvements shall be designed and constructed at the expense of the ~~subdivider~~ [developer](#), as set out in section 23-28, Responsibilities of the subdivider or developer, in a manner to facilitate the extension of utilities to adjoining properties.
- f. Fire hydrants and all other fire protection improvements shall be provided in accordance with Angleton Fire Department standards.
- g. All fire hydrants, public and private, shall be manufactured by Mueller or EJ, with Storz manufactured universal fittings and hydrant posts, as set out in appendix C.
- h. Fire hydrants shall generally be located in a public utility easement or public street right-of-way. Private hydrants, when approved, shall comply with the ACM and all adopted fire and life safety codes, satisfy fire flow and pressure requirements, and are subject to periodic tests and inspections by the Angleton Fire Department.
- i. Backflow ~~and double check~~ preventers shall be provided where required by the city and building and fire codes to ensure the safety of the city water supply.

2. *Request to connect to City of Angleton utilities required.*

- a. It shall be the policy of the city council to require that all developments located within the city and its ETJ to request city water and sanitary sewer service.

-
- b. If a development is located in the CCN of any other utility purveyor, the applicant shall invoke applicable state statutes, as amended, and formally request city utility services.
 - c. The city shall determine, upon receiving a formal request in writing prior to plat submittal if the city can provide utility services to the development or would be willing to allow the formation of a special district to provide such services, as set out in chapter 30, Special Districts, of the Code of Ordinances.
3. *Compliance with fire and building codes required.*
- a. It shall be the policy of the city to require that all utility purveyors providing utility service within the city or its ETJ comply with all applicable fire and building codes, as amended, by the day in which a service connection is requested.
 - b. If a utility provider cannot supply utility services in accordance with applicable fire and building codes, as amended, on the date in which said utility service is requested, the city reserves the right to provide said utility service if the city has the ability to provide said service in accordance with all said codes, as amended.
4. *Alternative water sources.* The following alternative water supply options are available until the City of Angleton is able to completely serve the City of Angleton service area:
- a. *Alternative retail utility.* Subdividers who propose to supply drinking water by connecting to an alternative water system other than the City of Angleton, must provide a written agreement with the city that stipulates:
 - i. A retail public utility has, or will have, the ability to supply the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of 30 years; and
 - ii. The subdivider has paid the cost of water meters and other necessary connection equipment, membership fees, water rights acquisition costs, or other fees associated with the connection to the public water system so that service is immediately available to each lot.
 - b. *Wells and non-public utility providers.* Where individual wells or a non-public water system is proposed for the supply of drinking water to residential establishments:
 - i. A test well, or wells, shall be located so as to be representative of the quality of water generally available for the supplying aquifer shall be drilled by the subdivider and the produced waters sampled and submitted to a private laboratory for a complete chemical and bacteriological analysis of the parameters on which there are drinking water standards.
 - ii. The water quality of the water produced from the test well must meet TCEQ standards of water quality required for community water systems either with, or without, treatment to the water.
 - iii. The subdivider shall have prepared and provide a copy of groundwater availability study which shall include an analysis of the 30-year quantity of the available groundwater supplies relative to the ultimate needs of the subdivision.
 - c. *Establishment of a retail public utility.* Where there is no existing retail public utility to construct and maintain the proposed water facilities, the subdivider may establish a retail public utility and obtain a certificate of convenience and necessity from TCEQ if:
 - i. If surface water is the source of supply, the subdivider shall have provided evidence that sufficient water rights have been obtained and dedicated either through acquisition or

-
- wholesale supply agreement that will provide a sufficient supply to serve the needs of the subdivision for a term of not less than 30 years;
- ii. If groundwater is the source of the water, the subdivider shall have prepared and provided a copy of a groundwater availability study which shall include an analysis of the 30-year quantity and quality of the available groundwater supplies relative to the ultimate needs of the subdivision;
 - iii. The public water system, the water quality and system design, construction and operation meet the minimum criteria set forth by TCEQ;
 - iv. The retail public utility has, or will have, the ability to supply the total flow anticipated from the ultimate development and occupancy of the proposed subdivision for a minimum of 30 years; and
 - v. The subdivider or developer has paid the cost of water meters and other necessary connection equipment, membership fees, water rights acquisition costs, or other fees associated with the connection to the public water system so that service is immediately available to each lot.
5. Alternative water source approval and compliance required. The creation of any alternative method to provide water service is subject to:
- a. Approval of the city council and TCEQ;
 - b. Compliance with the ACM;
 - c. Compliance with Code of Ordinances chapter 30, Special Districts, when applicable; and
 - d. Compliance with all applicable construction codes, fire, and life safety codes of the city.
- C. *Sanitary sewer.*
1. Sanitary sewer service for new parcels proposed for development shall be provided by the City of Angleton in accordance with the ACM to provide adequate service for the development's demand for such service.
 2. Sanitary sewer lines shall be installed to facilitate connections to adjoining undeveloped properties.
 3. Applicants proposing new development, or redevelopment, shall consult with the City of Angleton to determine if adequate sanitary sewer capacity is available.
 4. Sanitary sewer facilities shall be provided to meet all requirements of the City of Angleton.
- D. *On-site sewerage facilities (OSSF).*
1. *General.* Existing OSSF systems shall continue to be permitted, as set out below:
 - a. The use of OSSF for the treatment and disposal of wastewater shall be subject to by Brazoria County.
 - b. The minimum lot area for residential subdivisions shall be in accordance with the requirements of Brazoria County; and
 - c. The OSSF shall conform in all respects to the standards and specifications of Brazoria County and the State of Texas.
 2. *New/replacement OSSF systems limited.* Sanitary sewer service shall be provided to all properties unless one of the following circumstances is applicable:

- a. *New OSSF service.* The city will allow the issuance of a permit for a new OSSF only if the following criteria are met:
 - i. Public sanitary sewer service is not available to the property;
 - ii. The property is not included in a public or privately funded project where sanitary sewer service is proposed to be extended to the property;
 - iii. An existing, or proposed, sanitary sewer service main is located more than 200 feet from the front of any lot proposing a new OSSF; and
 - iv. The proposed OSSF is approved by Brazoria County.
- b. *Maintenance or replacement of an existing OSS within City limits or annexed Areas.*
 - i. Maintenance of an existing OSSF systems is permitted.
 - ii. Replacement of an existing failed, or failing, OSSF system is not permitted if any one of the following criteria is met:
 - (a) Public sanitary sewer service is available to the property;
 - (b) The property is included in a public or privately funded project where sanitary sewer service is proposed to be extended to the property; or
 - (c) An existing, or proposed, sanitary sewer service main is located less than 200 feet from the front of any lot proposing a new OSSF.
 - (d) The city council may consider a waiver from this requirement when practical engineering considerations or other site-specific consideration would result in a hardship.
 - iii. ~~For existing OSSF systems annexed into the city, those systems are entitled to continue to use those systems provided that they comply with all applicable county and state standards until such time as when the OSSF needs to be refurbished or replaced. If the OSSF is located within 200 feet an existing or proposed sanitary sewer main, the property owner shall be required to connect to the existing or proposed sanitary sewer main, at the property owners' expense, if the cost of replacing or refurbishing the OSSF exceeds the cost of tying on to the sanitary sewer main. The city council may consider a waiver from this requirement when practical engineering considerations or other site-specific consideration would result in a hardship.~~
- c. Pit privies, portable toilets, on-site sewerage facilities that do not meet the requirements set out by TCEQ and are strictly prohibited.
- 3. *Alternative organized sewerage facilities.* Subdividers who propose the development of an organized wastewater collection facilities must obtain a permit from TCEQ and approval from the city council.
- 4. *Alternative connection to organized sewerage treatment facilities.* Subdividers who propose to dispose of wastewater by connection to an organized wastewater treatment system must obtain approval from the city council and provide the city with a written agreement with the retail entity that stipulates that:
 - a. Engineering plans comply with all TCEQ permitting requirements;
 - b. The subdivider has paid all of cost of all fees associated with the connection to the wastewater collection and treatment system so that service is immediately available to each lot; and

Commented [LK32]: Since annexation is voluntary, why do the requirements not reflect what is required within the City? They should not be different for annexed properties.

-
- c. The public or private entity has the ability to treat the total flow anticipated from the ultimate development and occupancy of the subdivision for a minimum of 30 years.

E. *Extension of water and sewer mains.*

1. Except when expressly stipulated in an annexation service plan, the city is not obligated to extend water or sanitary sewer lines to provide utilities at the expense of the city.
2. The city is obligated to allow owners to tie into existing utilities when capacity is available and the owner bears the expense of extending utilities to a property.
3. Requests for such an extension must be provided to the city manager.
4. Appeals from the decision of the city manager for such an extension may be considered by the city council.
5. The city shall not extend water or sanitary sewer service outside the city unless the extension is:
 - a. Expressly authorized by the city council, at the full expense of the subdivider or developer;
 - b. Subject to the execution of a development agreement where the applicant voluntarily consents to annexation and agrees to any terms of service required by the city council; and
 - c. Subject to Code of Ordinances, chapter 30, Special Districts, when applicable.

F. *Greywater systems for reuse of treated water.*

1. *Organized or municipal sewerage systems.* Any proposal for sewage collection, treatment, and disposal which includes greywater reuse shall meet minimum TCEQ criteria.
2. *On-site sewerage facilities.* Any proposal for on-site sewage disposal which includes provisions for greywater use shall meet the minimum criteria of TCEQ and those promulgated by the Texas Department of Health.

G. *Sludge disposal.* Sludge disposal from any utility treatment facility shall meet all TCEQ criteria.

H. *Gas utility.* The subdivider is responsible for provision of gas for the subdivision from the nearest gas system available, at the subdivider's expense and installed to the specifications of the gas utility provider and the city engineer, and shall be extended to allow connections to adjoining properties.

I. *Electric utilities.* The subdivider is responsible for the provision of electrical connections to the subdivision from the nearest available ~~Texas New Mexico Power (TNMP)~~electric facility, at the subdivider's expense and installed to the specifications listed below and those of TNMP. The point of service for TNMP shall be near the property line of the premises to be served. Services and facilities shall be extended to facilitate connections to adjoining properties. The following standards shall apply to all new electricity services:

1. Electric facility design shall comply with the LDC, the ACM, and the requirements of TNMP.
2. Electricity shall be provided to all buildable lots in subdivisions and those common area lots, and properties dedicated as parkland where power will be required.
3. All electric utility service shall be installed underground. All lateral electric and service lines providing power, and lighting equipment, excluding light poles, shall be placed underground, except for rural residential subdivisions.
4. Rural residential subdivisions may have lateral and service lines placed overhead.
5. Overhead service lines are only permitted if:
 - a. The technological requirements of the service line necessitates an overhead placement; or
 - b. Local constraints prevent the underground placement of the utility.

6. When overhead utility is necessary, it shall be installed as set out below:
 - a. Along the perimeter of a platted subdivision or development and not located within any residential lots;
 - b. Adjacent to or within only one side of a right-of-way of a road identified on the FTP; and
 - c. In alleys or easements designated for aerial utilities on an approved plat or site plan.
7. The subdivider or developer shall dedicate public utility easements for the installation of electric utilities. All liens and ownership interests shall be subordinate to the easement use.
8. Where electric service is placed underground, all auxiliary equipment, including but not limited to, transformers, junction enclosures and switching devices, shall be pad-mounted on grade or shall be placed underground in accordance with the requirements of the electric utility.
9. The installation of street lights is the responsibility of subdividers and developers when property is developed as a fair share street improvement.
10. The city and the electric utility are not be required to retrofit street lights in existing developments where they were not installed.
11. If decorative street lights are installed, it shall be the responsibility of the property owners' association to maintain the aesthetic appearance of the lights.
12. The electric utility shall be responsible to maintain street lights in working order.
13. Electric lights located on private property are the responsibility of the property owner, unless the property owner and electric utility negotiate a contract to maintain such lights, such as, but not limited to, along private streets or major driveways.
14. The subdivider or developer shall be responsible for the costs and installation of all conduit needed for an underground feeder, lateral, and service lines utilized to provide electric utility service to all new subdivisions and new lots, subject to:
 - a. The conduit specifications of the electric utility; and
 - b. Inspections by the utility and city prior to acceptance for conformity to specifications.
15. Temporary utility service may be provided by overhead line extension.
16. Street lights and electrical service shall be installed as set out in section 23-133, Street lights and electric service.
- J. *Communication utilities.* The subdivider or developer is responsible for provision of cable, fiber lines, and phone services to the subdivision, at the subdivider's expense and installed to the specifications of the utilities. Services and facilities shall be extended to facilitate connections to adjoining undeveloped properties.

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

Sec. 23-16. Easements.

- A. *General.* The subdivider shall dedicate utility easements as follows:
 1. Utility easements shall be provided in all developments, as stipulated in this section, the ACM, and where required by any utility provider.
 2. All utilities shall be located underground in a utility easement or within a right-of-way.

Commented [LK33]: Need consistency regarding the location of utility lines – within ROW or in UE located outside the ROW. Other sections allow utilities to be located within the ROW.

3. Any utility required to be placed above ground due to the nature or scale of the utility or the technology involved, such as primary electrical service, shall:

a. Be placed on a steel pole or another material with comparable strength and durability, ~~wooden poles are prohibited~~; and

b. Be approved by the city engineer and the affected utility provider.

Commented [LK34]: Exceptions of when the utility can be place above ground should be listed.

Commented [LS35]: With the word "shall" exceptions should be written.

B. Minimum design standards.

1. **Easements required.** When any water body, watercourse, or drainage channel is located in an area being subdivided:

a. The subdivider shall dedicate drainage easements sufficient to provide for maintenance of the drainage facility or to encompass the regulatory floodplain;

b. A drainage easement is not considered to be a part of a street right-of-way, except if required by TXDOT; and

~~c. Habitable lots shall not encroach upon or into a regulatory floodplain.~~

Commented [LS36]: Why is this under the easement section?

~~2. **Finished floor elevations required.** Lots adjoining a regulatory floodplain shall show the minimum required finished floor elevation (FFE) of each lot on the final plat, a minimum of one foot above the regulatory flood elevation, except where the building code, FEMA, or another agency with jurisdiction requires a greater FFE.~~

~~3. **Water quality.** Stormwater management is subject to compliance with the ACM and the BMP standards of the National Pollution Discharge Elimination System (NPDES), TCEQ, and the Angleton Drainage District.~~

~~2.4.~~ The scope of the drainage easement must be supported by an approved drainage plan designed in accordance with the ACM and Angleton Drainage District requirements.

Commented [LS37]: This is all drainage related. Why is it here, when there is a drainage section.

C. Minimum width and location.

1. ~~Should E~~ easements ~~be placed shall not be required~~ along all rear and side property lines. ~~However, where easements are required,~~ the following minimum standards are applicable:

a. Five feet along side and rear lot lines abutting other side and rear lot line with a five-foot easement; or

b. Ten feet along side and rear lot lines that adjoins undeveloped ~~or developed~~ **property without a utility easement.**

2. Utility easements may be required to have a greater width than the minimum standards set out above based on the location, size, number, extent, type and degree of utility improvements, the needs of the utility for service and maintenance, and health and safety considerations;

3. Where a side lot line abuts a property outside of a subdivision on which there is no rear or side lot line easement of at least five feet in width, the side lot line utility easement will be a minimum of ten feet in width; and

4. The city, and any utility, reserves the right to require easements with great widths, different locations, and for multiple purposes, as necessary to adequately serve a development and the city at large.

~~5. **Minimum required lot dimensions shall be met, exclusive of the utility easements.**~~

Specify Confirm the minimum width of easements.

D. *Drainage easements.*

1. Natural waterways and channels should be used wherever practical to convey stormwater runoff. Such waterways or channels should be located within a designated drainage easement, within a public right-of-way, or within a ditch or natural waterway administered by ADD.
2. Any modifications to existing waterways and channels, owned and/or maintained by ADD, must be approved by the ADD, and where necessary by the city engineer.
3. Where a subdivision is traversed by a watercourse, drainageway, natural channel or stream, an easement shall be provided that substantially conforms with the 100-year floodway or channel limits of such watercourse, plus additional width to accommodate future needs and maintenance.
4. Drainage ditches along proposed or existing open channels shall provide sufficient width for the required channel and such additional width as may be required to provide:
 - a. Ingress and egress of maintenance equipment;
 - b. Clearance from fences;
 - c. A public sidewalk or trails when adjoining a right-of-way, drainage areas, and channels;
 - d. Adequate space for utilities;
 - e. Adequate space to allow maintenance of the channel bank; and
 - f. Adequate slopes along the bank.
5. For open channels, the minimum easement width shall be the width of the channel plus 15 feet on one side; 20 feet with utilities, and two feet on the opposite side unless approved by the city engineer and ADD. The channel top width is determined by the locations where the channel side slopes intersect with adjacent grade with cross slopes less than ten percent.
6. For enclosed systems, the easement width shall be centered on the system, with the width being a minimum of ten feet. Additional drainage easement width may be required based on the formula of:

Easement Width = $5' + 2H + D$ (H = Depth of Soil Over Pipe/Box; D = Diameter/Width of the pipe or box).

- E. *Potable water and sanitary sewer easements.* Public or private water and sanitary sewer lines that are not located in public rights-of-way shall be located in a public utility easement having a minimum width of 20 feet. It is recommended that the water and sanitary lines be located on the opposite sides of the ROW.
- F. *"T" intersections and cul-de-sacs.* A minimum easement width of 20 feet is required at the terminus of all "T" intersections and cul-de-sacs to allow for the continuation of utilities, if necessary. The city may administratively waive this requirement when there is no potential to extend utilities from their termination point.
- G. *Fire lanes and emergency access easements.*
1. Fire lanes and emergency access easements shall be provided in accordance with the requirements of the Angleton Fire Department and applicable fire and life safety codes; and
 2. Additional fire lane or emergency access easement widths may be required, based on the nature of the development proposed.
- H. *Adjoining areas.* When drainage or utility easements are required in areas adjoining a proposed subdivision in order to provide adequate area for drainage or utilities, the subdivider is required to obtain such easements at the expense of the subdivider.

Commented [LK38]: Clarify who the drainage easement is dedicated to?

Commented [LK39]: Recommend water and sanitary on opposites of a ROW.

I. *Maintenance of easements.*

1. Easements, ~~except for utility easement~~, are considered a part of the lot area ~~and~~, for purposes of minimum lot size requirements, ~~and for purposes of property maintenance.~~
2. All weeds, grass, debris, and landscaping within the easement is the responsibility of the property owner, or a property owner association.

Commented [LK40]:

J. *Improvements in easements.* Buildings, signs, masonry walls, and other vertical structures that require a building permit are not permitted within utility easements. Landowners may place a fence in a utility easement if unlocked gates are provided to allow free movement of excavating machines, maintenance equipment, and personnel throughout the full length of the easement. Temporary portable buildings may be located in utility easements, but not drainage easements, and are subject to removal or relocation at the owner's expense by a utility provider.

K. *Petroleum and natural gas lines.*

1. *Identification.* High-pressure flammable gas or petroleum lines are defined as those which are operated or may be expected to operate at a pressure of over 60 pounds per square inch. High-pressure flammable gas or fuel lines, installed on public property, shall be buried with a minimum cover of 30 inches, and shall be marked by an all-weather typed sign, installed at each crossing and at intervals of not more than 300 feet. The signs shall be installed by the utility provider, state that the line is high pressure, identify the utility name, an emergency phone number, and state the type of product or products transported therein.
2. *Notification to utility company.* The subdivider or developer shall provide written notification to the utility company regarding any proposed construction over an existing facility or within a utility's easement and provide proof of such notification, and consent by the utility for said improvements, to the city engineer.

Commented [LK41]: Width of easements for pipelines need to be addressed.

L. *Required special easements.* The city reserves the right to require subdividers or developers to provide any of the following private easements on a case-by-case basis for the purposes stated for each type of special easement:

1. *Access and shared access easements.*

- a. An access easement or a shared access easement may be required to provide access to property that does not have direct frontage to a public right-of-way. A shared access easement may also be required when necessary to meet driveway spacing requirements along a public street or public right-of-way to minimize congestion and to optimize the level of service of a public street. Access or shared access easements may be conveyed during platting or a separate instrument during site planning. When private access easements are provided, construction and maintenance responsibilities shall be assigned and noted on the plat or specified in the recorded instrument establishing the easement.
- b. Shared access agreements shall be required for all non-residential development that have multiple uses that share a common point(s) of access and for out lots that are located in developments that have multiple uses, multiple buildings, share common access, and that share the common need to provide safe egress and to minimize congestion on public streets.

2. *Off-site easements.* Compliance with the requirements of article III, Public Improvement Responsibilities, may require the subdivider or developer, or the city, to obtain easements outside of the boundaries of a plat to install public infrastructure to serve the subdivision or development. The recording information of off-site easements shall be denoted on the plat of the development or on the site plan of the development.

Commented [LK42]: Confirm that the requirements of article III, Public Improvement Responsibilities, are applicable.

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

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

(Supp. No. 19)

Sec. 23-17. Planned and in-fill developments.

A. Purpose.

1. The requirements of this section shall apply to the following residential subdivisions:
 - a. Developments proposed to include two or more housing types, or other uses that are compatible with residential development; variable allowances for residential density, building heights, and lot dimensions, while maintaining a consistent design character that would function in a single cohesive manner throughout the development;
 - b. Developments that preserve meaningful open space and natural resources buffers streams, such as wetlands and floodplains, to maintain surface water quality and minimize flood risk or provide corridors for parks, buffer different use types, provide recreation opportunities to provide cluster development or reductions in the lot size standards;
 - c. Developments that are constrained by existing development patterns and/or natural physical features, such as a floodplain or a regional drainage ditch; and
 - d. Developments where the creation of a development framework is established to provide the developer or subdivider and the city with appropriate flexibility within predetermined and codified parameters, with appropriate commission and council oversight.
2. Developments that propose specific deviations from the typical design requirements for lot design when a developer or subdivider proposes a specific and detailed group of amenities that are of a nature that would ~~favorable~~ favorably enhance the quality of life and neighborhood character in a manner that could not generally be achieved through the conventional application of the development regulations of the city.
 - a. Such amenities may include, but are not limited to, the provision of parks that have park improvements, a unified and attractive subdivision perimeter design along external streets adjoining the development by the use of brick, masonry, or Fencecrete located in landscaped strips, resource preservation, enhanced buffering of adjoining developments, boulevard entrances, aerated retention ponds surrounded with trails or sidewalks, multi-purpose dry detention that can function as a recreation area, hike and bike trails that link to other like improvements.
 - b. The amenity program that is proposed by the developer or subdivider must be equal, or greater than variations and other considerations being proposed by the developer or subdivider and shall be specifically detailed to allow the city to fully determine the merits of the development and shall be tied to a phasing schedule that fully describes the timing and sequencing for the installation of each of the amenities.
3. Developments specifically designed to satisfy the goals and objectives of the ~~comprehensive plan~~ 2007 Comprehensive Plan and to develop, or redevelop, interior portions of the city and its ETJ, that were by-passed during previous development cycles of the city, to utilize existing city services.
4. It is not the purpose of these requirement to maximize lot yield or to deviate from any development standards without clear benefits to the city.
5. The city will only consider the approval of such a development when the warrants listed below will result from the approval of the development.

- B. *Implementation.* The purposes of this section would require the developer or subdivider to coordinate the application of a subdivision plat with:

1. The approval of ~~planned~~ **Planned development-Development** (PD) rezoning application for properties located in the city, as set out in chapter 28, Zoning, of the Angleton Code of Ordinances; and
2. The approval of a development agreement by the city council for ETJ planned development.
3. The overriding considerations in the review of **Planned Development (PD)**, ~~planned~~ and in-fill developments are set out below in subsection D, Warrants, subsection E, Standards, subsection F, Burden of proof.

C. *Approval process.*

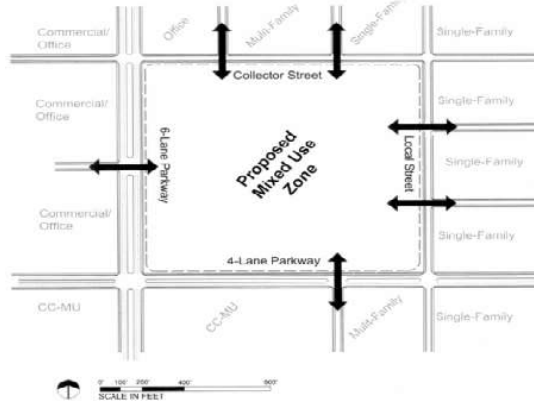
1. The approval process for a development where a subdivider or developer seeks special design consideration will vary based on the location of the property in the city Limits or the ETJ.
2. In addition to the approval process prescribed below, developments in the city will be required to comply with the rezoning and PD processes procedures set out in chapter 28, Zoning, of the Code of Ordinances and the general subdivision and site plan processes prescribed in the LDC.
3. The approval process shall be comprised of the following steps:
 - a. Approval of a contextual plan, concept plan, and drainage context assessment by city council after receiving a recommendation from the planning and zoning commission;
 - b. Approval of a preliminary development plan, concurrent with a preliminary plat, by city council after receiving a recommendation from the planning and zoning commission; and
 - c. Approval of a final development plan, concurrent with a final plat, by the ~~development administrator~~ **designated City staff**, or upon appeal by the city council, after receiving a recommendation from the planning and zoning commission.

D. *Warrants.*

1. To obtain approval of a **Planned Development (PD)**, ~~planned development~~, the subdivider or developer shall submit documentation demonstrating that the development will be of a higher quality than a standard development and yield a substantial community benefit.
2. Documentation that may be submitted includes, but is not limited to, a development plan, concept plan, plat, park and recreation schematic plan, **landscape and** amenity plans, building design elevations, a written narrative proposing development standards to govern the development.
3. Examples of warrants that demonstrate that the public will benefit from the approval of the development include, but are not limited to:
 - a. An efficient provision of infrastructure that sustains the natural environment;
 - b. Continuity of the roadway system that effectively distributes and calms traffic both within and through the development;
 - c. Pedestrian systems via on-street bicycle lanes or off-street bicycle trails and sidewalks that improve pedestrian and bicycle circulation;
 - d. Good transitioning of housing types within the development and adjoining development;
 - e. Protection and preservation of natural resources and valued or sensitive land features; and
 - f. Improved development quality that includes landscape **buffers, enhanced fencing,** and other decorative treatments along perimeter collector and arterial streets and the perimeter of the development.

-
4. The greater the flexibility that is afforded the subdivider or developer to best utilize the physical features of the site shall require a commensurate exchange of greater public benefits than would otherwise be achieved through conventional development processes.
- E. *Standards.* Each development proposal has unique circumstances. The development standards that are appropriate for each shall be derived by analyzing the following factors:
1. *Context sensitivity.* Plans shall be submitted that identify the existing uses and streets that adjoin the development or that are proposed to adjoin the development. The future land use map and future thoroughfare plan shall also be consulted for context and factored into the design.
 2. *Site sensitivities and constraints.* Plans shall also identify development constraints on the property where the development is proposed, and on adjoining sites. Examples of constraints include uneven terrain, slopes, bayous, wetlands, floodplains, or dense tree cover. These features affect development decisions and provide an opportunity to provide meaningful open space, greenbelts, buffers, or a focal point.
 3. *Development linkage.* Plans shall show appropriate auto, pedestrian, bicycle and utility linkage to existing and future development. A site constraint that extends onto an adjoining property, such a greenbelt, can be combined into a larger park or open space.
 4. *Site visibility.* To create community character, it is imperative that the perimeter of the development, particularly along highways, arterials, and collector streets, be designed with greenbelts, landscaping, or decorative walls.
 5. *Drainage context assessment.* Plans shall be submitted that show the location of existing major drainage features, such as drainage easements and outfall areas from adjoining properties and existing drainage flow lines across the site. Preliminary drainage concepts to accept stormwater from adjoining development and to direct that stormwater to proposed drainage detention areas, and downstream, shall be depicted. Spot elevations at key drainage outfall areas on adjoining properties and conceptual fill plan showing a preliminary earth shaping plan shall be provided to show how existing sheet flow patterns are proposed to be changed to avoid adverse impacts on adjacent properties require the development to do is to confirm and verify in their engineering plans that the proposed rise in ground elevations will not negatively affect adjacent property owners. Drainage features such as detention ponds shall be designed as an amenities incorporating elements such as water features, fountains, trials, and enhanced landscaping.
- F. *Burden of proof.*
1. The burden of proof to demonstrate that a proposed subdivision or development will result in a public benefit that is warranted and superior to the development outcome using the standard development regulations of the city rests with the subdivider or developer.
 2. The subdivider or developer shall demonstrate that the burden of proof has been demonstrated by the submittal of the following information:
 - a. *Contextual plan.* A contextual plan shall be developed that depicts the adjoining traffic and land use patterns because most critical design decisions will be derived from this information. A sample conceptual plan is depicted in Figure 23-17.1, Contextual Plan Example.

Figure 23-17.1
Contextual Plan Example



- b. **Concept plan.** Proposed development shall be illustrated in a concept plan that shows where each use will be located, proposed acreage of each, and proposed density of each residential use (gross units per acre), and proposed intensity of any nonresidential use (ratio of floor area to site area). Densities and intensities shall be indicated by pod within the development and by overall development calculations. The concept plan shall show how open space is proposed to be used as buffers, preserved as common open space, or used for recreational purposes. The concept plan shall demonstrate how the project will "fit" with the contextual plan by addressing each of the following design and development elements:
- i. **Proposed uses, density, and design.** The subdivider or developer may propose one or more uses, expressly prohibit certain uses, or itemize the list of proposed uses or densities in the development. Uses and densities shall be proposed in logical locations based on the contextual plan to ensure development compatibility.
 - ii. **Conceptual design narrative.** Proposed development standards to direct the development shall be provided, including different densities or intensities of use for particular sections of the project. This may be accomplished in narrative or graphic form, but shall outline an architectural design palette, sign program, amenity program, and specify how open space, common areas, and amenities will be designed, landscaped, and maintained.
 - iii. **Conceptual utility and drainage context assessment.** A conceptual utility and drainage context assessment shall be provided to illustrate how these essential facilities will be located, sized, and designed to ensure critical linkage to existing facilities and will be designed to mitigate any existing drainage issues and not result in new drainage issues. Conceptual drainage designs may show how dry ponds may be designed as a usable recreation or amenity area.
 - iv. **Preferred design and amenity elements.** Following is a representative list of design elements that are encouraged by the city when subdivider or developer seeks special design considerations:
 - Aerated ponds surrounded by trails and other amenities;
 - Dry detention areas with appropriate slopes to allow active recreation;
 - Wider sidewalks to accommodate pedestrians and bicycles;

- Linear parks or trails that can connect to other local and regional trails and adjoining developments;
- The use of unified design elements, such as materials, colors, and design, for building elevations, perimeter walls or fencing, primary road frontage, entry signs, and amenities in the development;
- Open space designated for trails, playgrounds, active or passive recreation, and as water quality buffer areas with enhanced landscaping;
- Preservation of trees and sensitive areas to enhance the appearance of the perimeter of the development, provide buffers between uses, and enhance livability; and
- Other design elements that create neighborhood character and livability.

G. *Administration.*

1. *Covenants.* Covenants, conditions, and restrictions (CCRs) ~~CCRs~~ shall be recorded to stipulate the ownership and maintenance responsibilities of common open space and to reasonably ensure its continuity and conservation after being reviewed by the city for form.
2. *Building permits.* Upon the recordation and filing of an approved final plat, acceptance of any required public improvements, the execution of a development agreement and any other agreements, building permits may be issued in accordance with the approved plat and development plans.
3. *Amendments.* Minor and major amendments ~~may be considered~~ may be considered in accordance with the processes set out in section 23-87, Administrative plats and section 23-96, Amended plats, major.
4. *Abandonment.*
 - a. Abandonment of a PD district or a development agreement is subject to city council approval, after receiving a recommendation by the planning and zoning commission.
 - b. If a PD is abandoned, the zoning of the subject property shall automatically revert to the zoning classification that existed prior to the establishment of the PD and shall be so noted on the official zoning map as a minor map amendment that may be completed administratively.

Commented [LK43]: Expand

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

Sec. 23-18. Development phasing.

- A. *Phasing plan.* When a property is subdivided into multiple sections, or phases, over an extended period of time, the city ~~can~~ shall require that the subdivider or developer submit a phasing plan with the preliminary plat.
- B. *Boundaries.* To establish phasing boundaries, the preliminary plat would:
 1. Show the entirety of the development project, as required in section 23.94, Preliminary plats;
 2. Proposed d contemplated phasing lines;
 3. Indicate when required public improvements will be constructed; and
 4. Demonstrate how the proposed phasing boundaries relate to implementation of each of the subdivision design standards, as set out in this division.
- C. *Conditions of approval.* The city may impose conditions of approval such as, but not limited to:

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

(Supp. No. 19)

-
1. Sequencing the order of the proposed phases; and
 2. The timing of when final plats of phases must be filed, approved, and recorded in order to provide required essential public improvements, such as:
 - a. Development entrances;
 - b. Drainage improvements;
 - c. Utility improvements; or
 - d. Required parks or open space and other amenities.
- D. The intent of a phasing plan is to provide for orderly development, equitable phasing of amenities, and a logical timeframe to complete the development. It is subject to change as the project progresses, as set out below:
1. Minor changes to the phasing plan, such as a boundary line between phases or any change recommended by the city for the benefit of the public, may be approved administratively; and
 2. Major changes, such as the sequencing or timing of phases that would affect when public improvements are required to be completed, are subject to planning and zoning commission review and city council approval.
- E. When a required public improvement, such as a second entrance to a development, is deferred, the city may require a maintenance bond equal to the cost of providing the required public improvements, as set out in division 4, Public Acceptance and Permitting.

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

Sec. 23-19. Reservations.

A. General.

1. Unplatted or platted acreage may be designated as a "Reserve" on a plat to reserve acreage for:
 - a. A future use, such as a school, church, park, or commercial development, provided that such uses are permitted by the zoning ordinance if the plat is located in the city;
 - b. Open space for the preservation of wetlands, floodplains, tree stands, or other land conservation purposes;
 - c. Common space that is actively managed by a property owners' association for recreational purposes or an amenity area; or
 - d. A utility or drainage easement.
2. If the plat is located in the ETJ, land designated as a "Reserve" must follow the regulations of the LDC, adopted building and fire codes adopted by the city and any other regulations of the city adopted under the authority of TLGC Ch. 212.
3. Any property designated on a recorded plat as a reserve shall be subject to the filing of an amended plat if the reserve is proposed to be utilized for any purpose other than what was originally platted or sold in total, and shall be replatted if the reserve in total, or in part, is proposed to be conveyed to another owner or entity for a purpose that differs from the original reservation, in conformance with the requirements of the TLGC.

B. Plat designation.

1. The specific use for which each piece of land is to be reserved must be shown by appropriate label or description on the subdivision plat.
2. Provision for future abandonment or platting of a reserve, as may be appropriate, be designated on said plat.

C. *Minimum size and maintenance.*

1. Reserve tracts shall have a minimum area as necessary to satisfy the purposes of the reserve;
2. In all instances where reserve tracts are designated, the plat shall include a general note stating that it shall be responsibility of the developer, or a property owner association, to maintain the reserve tract;
3. When new development occurs, a reasonable contribution is required to be made for parkland from those persons generating the demand for more parkland in accordance with the Parkland Dedication ordinance and other applicable approvals and requirements; and
4. In some instances, the need for parks and improvements may be addressed most effectively through the development of community parks serving several neighborhoods or by adding improvements to existing parks in close proximity to the new development, or by providing usable open space as development bonuses with new development.

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

Sec. 23-20. Park dedication and recreation improvements.

A. *Purposes.* The purposes of this section are to recognize that:

1. The provision of parks and open space will consider the 2001-most recent Parks and Recreation Comprehensive Master Plan and Open Space Plan and the comprehensive-plan Comprehensive Plan;
2. The need for parkland generated by new development should be proportionate to the scale of the development that created the demand;
3. A combination of coordinated public and private solutions can preserve usable space for parks and recreation opportunities by preserving wetlands, floodplains, mature tree stands, and wildlife habitat; use of se-BMP practices to maintain ing vegetation around water features to improve water quality; design of stormwater areas to allow multiple uses; and using easement corridors;
4. All land is not suitable for public parkland but may be ideal for smaller scale private parks and recreation facilities maintained by a property owner association; and
5. The need for parkland can addressed by:
 - a. A community parks that serve several neighborhoods;
 - b. Adding new improvements to existing parks located in close proximity to new development;
 - c. Providing usable open space in exchange for development density bonuses for new development to provide recreation areas for the residents of that development;
 - d. Allowing developers to propose usable open space that can be used for recreation with recreation improvements that result in a fully improved private park that is maintained by a private property owners' association to sufficiently addresses the need for parkland generated by that development; and
 - e. Allowing developers to enter into improvement agreements with the city and Angleton Drainage District to provide regional detention areas with parks and recreation improvements.

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

(Supp. No. 19)

-
6. The ~~decision options and designs~~ selected should be based on the considerations of each new development, the area of the city where development is proposed, and the constraints and opportunities of each site.

B. *Policy.* The parkland policies of the city are:

1. Parks and recreation opportunities shall be distributed equitably across the city;
2. Underserved areas will be given the highest priority for new parks and recreation facilities;
3. It is desirable to provide a variety of park sizes and improvements and essential that all parks and improvement comply with all ADA/TAS standards;
4. It is essential to update the fee in lieu of parkland dedication regularly so that it reflects the current cost of obtaining parkland;
5. The city shall map and annotate developments where fees in lieu of parkland are collected to ensure that parkland is obtained within the vicinity of each development, in accordance with TLGC requirements, and shall track the dates on which fees are collected to ensure that fees are utilized before they expire and are required to be refunded, in accordance with the TLGC;
6. It is desirable to consider a variety of public or private park alternatives as parks and usable open space in the areas where the residents who would use these spaces reside;
7. It is desirable that park improvement fees, if collected, are based on a rational study of the actual expenses associated with providing improvements within each of park type in the city and that this fee, if collected, be regularly updated to reflect current expenses;
8. All fees in lieu of parkland dedication, and park improvement fee, if collected, shall be applied equitably and proportionately to the immediate area where each fee is collected and equitably across the city to the greatest degree practical; and
9. Development incentives that encourage public park dedication with public park improvements, clustering to preserve open space, and private recreation spaces with active or passive recreation or park improvements are desirable and may be considered as alternatives.

C. *Considerations and residential development characteristics.*

1. The city is:
 - a. Traversed by ditches, bayous, streams, wetlands, and areas subject to periodic inundation that should remain in a natural condition;
 - b. Underdeveloped in many areas that are readily accessible by regional highways and that can be provided utility services by the city;
 - c. Highly developed in its central core, with many residential areas that are underserved with parks and recreation facilities and are suitable for in-fill and redevelopment; and
 - d. Located within an area that may experience rapid growth and development due to its proximity to Houston, Galveston, and Port Freeport.
2. Based on those considerations, residential development of all types will:
 - a. Be common on tracts of all sizes as in-fill development, with the redevelopment of older sections of the city, and as tract home development on large acreage tracts around the periphery of the city and the ETJ;
 - b. Need to be clustered in some areas, or have a higher density, to avoid natural hazards and maximize utility service to ensure that projects are economically viable;

-
- c. Trend toward higher density development in some areas to compensate for development feasibility issues.

- 3. As a result of these considerations, the city, may find it desirable to accept fees in lieu of parkland ~~with a size or location that does suit the needs of the city,~~ or may accept usable open space, with or without park improvements, as a common recreation or conservation area maintained by a property owners' association. It ~~is~~ appropriate, and often desirable, to allow developers to provide and maintain such areas to provide park and recreation space and opportunities to the residents that are generating the demand to allow the city to focus on underserved areas and concentrate operations and maintenance funding on other parks. Each project shall be reviewed on a case-by-case basis, subject to recommendations by the parks and recreation director and the decision of the city council.

D. *Parkland dedication requirements.*

- 1. *Exemptions.* This section shall not apply to the following:
 - a. Any subdivision for which a preliminary plat or application was filed prior to the effective date of this LDC;
 - b. Alterations or expansion of an existing residential unit or a building of multiple units where no additional residential units are created and where the use is not changed;
 - c. The construction of accessory buildings or structures, including an accessory dwelling unit;
 - d. The replacement an existing manufactured home;
 - e. The replacement of a destroyed or partially destroyed residence; and
 - f. Replats or amending plats where the development density will not increase.
- 2. *Size.* Parks smaller than one acre may be approved if the city council finds that:
 - a. A public benefit would be derived;
 - b. The park is located in any underserved area; or
 - c. The park would address a public need or goal identified in the 2001 Parks and Recreation Comprehensive Master Plan and Open Space Plan or the 2007 Comprehensive Plan.
- 3. *Location.* Where practical, parklands shall be located adjacent to:
 - a. Schools to allow shared facilities;
 - b. Ponds and drainage improvements that have usable space for recreation; and
 - c. In proximity to an easement that can be used to install or bike path to link parks across the city into a linear park network.
- 4. *Park improvement standards.*
 - a. Park improvements shall be designed and installed to meet the minimum standards of the ACM, Americans With Disabilities Act (ADA), and U.S. Consumer Protection Report 325;
 - b. Where possible, parklands shall be designed and located to allow for an extension or connection to other park and recreational facility that abut the subdivision; and
 - c. Water and sewer stub outs shall be provided to all parkland conveyed to the city.
- 5. *Public improvements required.* Parkland conveyed to the city shall be improved as follows:
 - a. Park frontage shall be paved, and include curb and gutter, sidewalks, and utility stub outs the extension of all utilities extensions for all park frontage abutting a right-of-way;

- b. Accessible parking spaces and routes shall be provided for all parkland, with an accessible route into the park interior, compliant with all ADA/TAS construction standards; and
- c. Grading, erosion control, irrigation, landscape plans shall indicate where existing vegetation will be preserved in an undisturbed condition and where natural vegetation will be preserved to satisfy BMP standards for TCEQ MS4 water quality purposes.

6. *Dedication requirements.*

- a. The subdivider or developer shall dedicate a site, or sites, to the public for parkland at a ratio of one-half acre of parkland for every ~~100-30 residential dwelling units in a development, persons in the City of Angleton.~~
- b. ~~Population shall be derived at a rate of 3.3 persons per single family residence or 2.8 persons per multi-family living unit. For the purpose of administering these requirements, duplex, multiplex, and townhome development shall use the 3.3 persons per residence.~~
- c. The planning and zoning commission and city council shall approve the site(s) selected during the platting process. The following definitions and conditions shall apply if there is a site dedication for park purposes:
 - i. The area of the parkland to be dedicated shall be clearly defined. Where streets, ditches or easements infringe on or are part of the area to be dedicated and adversely affect the usability, the planning commission ~~must may not~~ agree to the acceptance of those areas.
 - ii. When a subdivision or residential development will be developed in phases or units, the platting, or dedication, of the parkland area by the subdivider or developer shall be completed and delivered to the city with the final plat of the first phase or unit of said subdivision, or in accordance with an approved phasing plan, as set out in section 23-18, Development phasing, terms of a development or public improvement agreement, as set out in section 23-35, Development and public improvement agreements, or as set out in section 23-37, Deferral and permitting.
 - iii. Subsections 6.c.i and ii above, shall not apply in the case of a replat of a plat, subdivision or addition that has previously met park requirements or the re-subdividing of existing single lots, unless the replatting results in an increase in park requirements.
 - iv. Each park shall have access to a public street, with exceptions permitted to preserve wetlands, riverine land, mature tree stands, and similar conservation areas in a natural condition, and in the case of linear parks, all of which shall be made accessible by pedestrian access easements or other appropriate alternatives.
 - vi. Public parking may be required in close proximity to parks, to provide convenient access.
 - v. Final acceptance and approval of parklands and any improvements to be dedicated to the public shall be made by the city council.
- d. The city council, at its discretion, upon determining that an area proposed to be dedicated as parkland is not suitable or desirable, for any reason, may elect to accept fees in lieu of the dedication.
- e. A subdivider or developer may make request with a plat or site plan application for paying a fee in lieu of dedication ~~with a written statement of intent to deposit money in the city's park and recreation development fund in a manner and amount, at the initial rate of \$575.00 per lot in a single-family residential subdivision and \$475.00 per dwelling unit in a duplex, townhouse, apartment or other multi-family development approved by the City.~~

-
- f. The amount of money in lieu of park acres shall be set by the city council and shall be reviewed annually and adjusted as market values warrant.
 - g. After approval of the application of the city council, the subdivider or developer shall make payment of the approved amount of money to the city prior to plat recordation.

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

Sec. 23-21. Property owners' associations.

A. *Property owners' association required.*

1. When a subdivision includes areas held in common for the welfare of a subdivision and its owners or occupants, which will not be maintained by the city or another public agency, the establishment of a mandatory property owners' association (association) shall be required.
2. Such common areas shall be designated on plats in an adequate form to dedicate to an association. This dedication form shall save the title to common area properties for the benefit of the association; express the purpose of the subdivider to convey common property to the association; and tie the covenants responsibilities to the association and the recorded plat.
3. Prior to plat recordation, the subdivider or developer shall create an incorporated nonprofit association, record covenants that automatically make every lot owner a mandatory member of the association, give owners the right to use the common property, establish their voting rights, and obligations to pay annual assessments, and be in a legal form that ensures that the association will function properly after the subdivider is not active in the subdivision.
4. All common use improvements shall be fully maintained in operational working order in perpetuity by the subdivider or developer until an association is legally constituted and empowered to provide perpetual maintenance.
5. Covenants establishing the association shall specify that if the association defaults, the city has the right to file a lien or assess property owners within the subdivision for all common areas.
6. Restrictive covenants shall ensure ~~for~~ continuous maintenance and control of the common areas by a responsible body, in perpetuity, for the benefit of the owners, without using public funds; and require that membership in the association shall run with the title to each lot, is mandatory, that its primary source of operating funds is an annual assessment levied against each lot, incorporated into each deed, binding on each owner, and enforceable as a lien.
7. The requirements of this section apply to all plats recorded prior to the adoption of this LDC where a final plat was recorded with a stipulation that common areas would be maintained by an association. Failure to maintain such improvements shall be considered a public nuisance and be subject to the public nuisance provisions in the Code of Ordinances.

B. *Approval.* The final covenants, conditions, and restrictions (CCRs) establishing the association, once approved by the city attorney, shall be recorded with the final plat, which identifies all facilities, structures, improvements, systems, and areas to be maintained or supervised by the association.

C. *Responsibilities.* The association shall be responsible for the continuous and perpetual operation, maintenance, and supervision of commonly held landscape systems, improvements, features, or elements located in parkways, medians, and common areas, adjacent to drainage ways or drainage structures, and at subdivision entryways.

-
- D. *Dedications to association.* All facilities, structures, improvements, systems, areas, or grounds operated, maintained, or supervised by the association, other than those located in public easements or rights-of-way, shall be dedicated by easement or fee simple deed to the association.
- E. *Enforcement and indemnification.*
1. CCRs are private restrictions not enforceable by the city. The city will only review CCRs for "legal form" to ensure that restrictions comply with the requirements of this section and ordinance.
 2. CCRs shall not abrogate the subdivision or development from any minimum requirements of this LDC. The minimum LDC requirements shall abrogate the minimum standards of any CCR.
 3. In the event that the city is required to invoke enforcement options to remove or maintain any improvements in a public right-of-way or easement that is the responsibility of an association, the city is indemnified and shall be held harmless from any and all costs, expenses, suits, demands, liabilities, or damages, including attorney's fees and costs of suit, that may be incurred or result.

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

ARTICLE III. PUBLIC IMPROVEMENT RESPONSIBILITIES

DIVISION 1. TRANSPORTATION RESPONSIBILITIES

Sec. 23-22. Responsibilities of the subdivider or developer.

- A. *Generally.* The subdivider or developer is responsible for all design, engineering, labor, and construction expenses for transportation-related improvements required by:
1. The Angleton Construction Manual (ACM) and the LDC;
 2. The Angleton Future Thoroughfare Plan (Angleton FTP); and
 3. The need for transportation improvements resulting from ~~the from~~ a site plan, plat, or any other development process regulated by the LDC.
- B. *Limitation.* The subdivider or developer is not responsible for improvements to the extent that this division specifically requires full or partial payment for transportation improvements by the city.
- C. *Transportation improvements required.* Except where limited in this division, the subdivider or developer, during the platting and site planning processes, is responsible for:
1. Providing public streets, sidewalks, curb and gutter, and roadway drainage that complies with all ACM and LDC design criteria and requirements, and Brazoria County Drainage Manual Criteria;
 2. Extending and connecting existing public streets, sidewalks, and, where applicable, trails, with existing or proposed streets, sidewalks, and trails;
 3. Providing all necessary property interests, including rights-of-way, and where necessary, easements, drainage ways, for proposed public streets, sidewalks, and trails;
 4. Removing existing roadside bar ditches in accordance with the requirements of section 23-12, Streets and driveways, subsection L, and replacing such ditches with underground stormwater conveyance improvements, a street section that includes a curb and gutter, sidewalk, and adequate area for utilities, all designed in accordance with the LDC and ACM;

-
5. Drainage improvements, easements, or right-of-way, as appropriate, to properly drain all streets, street right-of-way, and all other drainage improvements associated with streets;
 6. Providing reports and inspection results showing that proposed public streets, sidewalks, and trails will be, and were, constructed in accordance with all ACM and LDC design criteria and requirements;
 7. Providing the expansion or extension of public streets, sidewalks, and trails, as shown on approved city plans, particularly the Angleton FTP, to serve future development;
 8. Providing for the initial operation, maintenance, and warranty of public streets, sidewalks, and trails;
 9. Providing fiscal security required to warranty the construction of the public streets, sidewalks, and trails; and
 10. Complying with all requirements of the utility providers with respect to utilities located adjacent to, or within, the public right-of-way.
- D. *No other dedication or construction required.* Nothing in this division shall be construed to require any dedication or construction that is not explicitly required by the standards of this division, the ACM, the Angleton FTP, or any regional transportation plans.
- E. *Off-site/perimeter road improvements.*
1. When a subdivision or development is proposed to be located adjacent to, or served by, a street that does not meet the minimum standards of the city for roadway construction, pavement design, pavement width, street drainage, or right-of-way width:
 - a. The subdivider or developer shall provide improvements to the substandard street or intersections, as necessary to mitigate traffic impacts generated by the subdivision or proposed development, as set out in section 23-24, Improvements required. Required street improvements shall be established through the completion of a traffic impact analysis (TIA) that meets the minimum standards specified in section 23-25, Traffic impact analysis.
 - b. The city may, at its discretion, participate in the costs to oversize improvements by executing a development or public improvement agreement with the subdivider or developer.
 2. Where a subdivision is adjacent to or served by a TXDOT highway, the city, in collaboration with TXDOT, shall determine whether developer participation in the "fair share" cost of any improvements, or if the dedication of right-of-way or any other improvements, such as, but not limited to, drainage or utility relocation, is required.

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

Sec. 23-23. Essential nexus.

- A. *Support for new development.*
1. New development must be supported by adequate levels of transportation services, as required and defined in division 1, Transportation Responsibilities, and as limited by section 23-27, Mitigation limitations and exemptions.
 2. It is necessary and desirable to provide for the dedication of rights-of-way and easements for capital improvements, as limited by section 23-27, Mitigation limitations and exemptions, to support new development at the earliest stage of the development process.
- B. *Essential nexus.* There is an essential nexus between the demand on public facility systems created by a new development and the requirement to dedicate rights-of-way and easements and to construct capital improvements to offset such impacts.

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

(Supp. No. 19)

-
- C. *Developer obligations; dedication and construction of improvements.* The developer shall dedicate all rights-of-way and easements necessary for public streets, sidewalks necessary to adequately serve a proposed development and link to adjoining future development, consistent with the Angleton FTP and ACM, as limited by section 23-27, Mitigation limitations and exemptions.
- D. *Timing of dedication and construction.*
1. *Initial provision for dedication or construction.*
 - a. The city shall require the submittal of a preliminary traffic impact analysis (TIA) to demonstrate if a proposed development would be adequately served by existing public facilities and services, as limited by section 23-22, Responsibilities of the subdivider or developer or if off-site improvements, such as, but not limited to, a traffic signal or turn lane, is required to serve the development at an acceptable level of service, as set out in section 23-25, Traffic impact analysis.
 - b. As a condition of approval, the city may require the dedication of rights-of-way or easements and the construction of on- of off-site capital improvements to serve the proposed development, consistent with the LDC, Angleton FTP, ACM and approved TIA recommendations.
 2. *Deferral of obligation.*
 - a. The obligation to dedicate rights-of-way or to construct improvements to serve a new development may be deferred until approval of a subsequent phase of development at the sole discretion of the city, upon written request of the developer or at the city's initiative.
 - b. As a condition of deferring the obligations, the city may require that the developer enter into a deferral agreement, as set out in section 23-38, Deferral and permitting, and section 23-18, Development phasing.
 - c. The city council reserves the right to specify the timing and sequencing or any other aspect of the deferred improvement, as a condition of the deferral of obligation.
- E. *Relief from obligations for substandard boundary streets.*
1. In order to achieve proportionality between the demands created by a proposed development on existing transportation facilities and the obligation of the developer to provide adequate transportation facilities, as limited by section 23-27, Mitigation limitations and exceptions, the city council may elect to participate in the cost of improving an existing substandard street.
 2. At the discretion of the council, the city may agree to relieve the developer of some portion of the obligations of improving the substandard boundary street in response to a petition for relief from a dedication or construction requirements by the subdivider or developer, as set out in section 23-24, Improvements required.
 3. Consideration for relief from the obligations of the subdivider or developer shall be assessed by the city in accordance with the criteria set out in section 23-27, Mitigation limitations and exemptions.
- F. *Reimbursement agreement.* If public street improvements are designed and constructed by the initial subdivider or developer in accordance with the ACM, Angleton FTP, LDC, or any applicable regional transportation plan, the subdivider or developer may:
1. Be eligible for reimbursement by adjoining owners connecting to the public street improvements based on the ratio of the connector's linear front footage to the total linear footage of the public street infrastructure if a connecting property:
 - a. Fronts on, or is contiguous on only one side of the public street, the connecting property may be responsible for up to a 50 percent reimbursement of the construction cost for that frontage, or

-
- b. Fronts on or is contiguous on both sides of the public street, the connecting property may be responsible for up to a 100 percent reimbursement of the construction cost for that frontage.
 - 2. In order to be eligible for reimbursement for transportation improvements, subdividers or developers must execute a reimbursement agreement, as set out in section 23-34, Reimbursement agreement.
 - G. *Development and public improvement agreements.* The city council, at its discretion, may approve a public/private partnership, as set out in section 23-36, Development and public improvement agreements to share in the expense of essential public transportation improvements when the future needs of the public exceed the fair share requirements to provide public improvements to a specific development.

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

Sec. 23-24. Improvements required.

- A. *Improvements required.* When a proposed site plan or plat or other development application regulated by the LDC abuts one side of an existing substandard street, or a future street designated on the Angleton FTP, the subdivider or developer is required to:
 - 1. Dedicate adequate rights-of-way;
 - 2. Improve the street, including appurtenant sidewalks, paths, bikeways, barrier-free ramps, storm drainage facilities, median openings, turn lanes, and water quality by providing temporary (during construction) and permanent erosion control improvements, and utilities to city and utility provider standards; and
 - 3. Construct or replace the street and appurtenant improvements to ACM standards at no expense to the city.
- B. *Calculation of cost.*
 - 1. The subdivider share of the improvement to a substandard boundary street or a proposed street designated on the Angleton FTP is one-half of the pavement and right-of-way width of the street. The substandard street shall be designed in accordance with the ACM, Angleton FTP, LDC requirements for the length of frontage adjoining the subdivision or development.
 - 2. The subdivider share for physical improvements to a substandard street or a proposed street designated on the Angleton FTP, where a subdivision or development will be on each side of a substandard or a future street, is the full pavement and right-of-way width. The street shall be designed in accordance with the ACM where each side of the street adjoins both sides of the subdivision or development.
 - 3. The city may elect to participate in the cost of improving the substandard perimeter road or proposed road in excess of the developer's fair share obligations where such costs are not borne by another public entity, and in cases where the application of the standards of this division may result in a disproportional burden on the subdivision or developer, as determined by the city engineer and approved by the city council.
 - 4. The city council may defer the initiation of required improvements, as set out in section 23-38, Deferral and permitting and section 23-18, Development phasing.
- C. *Improvements to substandard streets.*
 - 1. All substandard streets that border a subdivision or development shall be improved, or provisions shall be established for their eventual improvement to city standards.

-
2. If a subdivider or developer elects to widen the pavement of an existing street, the existing pavement shall be cut back a distance required by the city engineer to assure adequate sub-base and pavement joint before additional paving material is installed.
 3. If a subdivider or developer elects to improve the pavement of an existing street to meet current standards, the subdivider or developer shall be required to submit construction plans for such improvements and provide evidence demonstrate that the street meets city standards before the city can accept the improvements.
 4. When a proposed subdivision abuts both sides of an existing substandard street, or a future street designated on the Angleton FTP, the subdivider or developer is required to complete all of the requirements listed above for each side of the street.
- D. *Existing boundary street minimum requirements.* For existing boundary streets, regardless of their existing condition, the following minimum standards shall apply:
1. The subdivider or developer shall dedicate additional rights-of-way as necessary to complete the desired street width from the desired street centerline to the final edge of right-of-way. Dedication of more than half this additional increment may be required, in some instances, to maximize use of the existing roadway or to ensure a consistent street alignment with a minimum of undesirable curvature.
 2. If a subdivision or development includes no more than four single-family residential lots, the subdivider or developer is only required to dedicate an amount of right-of-way necessary to improve the street to city standards but is not required to improve the street.

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

Sec. 23-25. Traffic impact analysis (TIA).

- A. *Purpose.* The purpose of a TIA is to:
1. Assess the effects of a proposed development on the existing and planned city road systems that are not the responsibility of TXDOT;
 2. Determine improvements necessary to mitigate negative traffic impacts from development;
 3. Determine roughly proportionate responsibilities for sharing of traffic mitigation expenses by the city and the subdivider; and
 4. Ensure that the major street network for the city and its ETJ is based on the operational values of level of service category D, or better, as a minimum criterion for design purpose. Level of service D is the industry standard for traffic operations that balances vehicle movement, impacts on neighborhoods, and expenses to developers and the public.
- B. *Applicability.* A TIA is required to be submitted at the time of platting or site plan review only for developments that exceed any thresholds described below. The city reserves the right to require a TIA for land developments that do not meet the threshold requirements but may impact a sensitive area with traffic issues or be a known public concern.
1. Development that generates more than 100 peak hour trips (PHT).
 2. Development that generates more than 5,000 vehicle trips per day (VTD).
 3. Development where more than 25.0 acres of property are involved. Minor subdivisions or low-intensity development on larger parcels do not require a TIA.
 4. Development that involve special traffic design considerations, such as oversized or slow-moving vehicles, that require special traffic geometry and traffic control needs.

Plat or site plan?

-
5. Development that would result in an amendment to the Angleton FTP.
 6. In-fill developments on properties greater than ten acres in area or where proposed streets will connect to and extend existing or proposed stub streets to ensure that the in-fill development will not adversely affect existing adjoining development.
- C. *TIA criteria.* TIA's, when required, shall conform to all requirements of the ACM, the future thoroughfare plan (FTP), and generally accepted traffic engineering practices and standards, such as, but limited to those promulgated by the Institute of Transportation Engineers (ITE) and the American Association of State Highway Officials (AASHTO).
- D. *Required findings of a TIA.* For purposes of enforcing the requirements in this section, the TIA shall identify the following:
1. The existing, and known proposed, background traffic, not created or associated with traffic that would be generated by the proposed development;
 2. The projected traffic volumes calculated to be present after a project is completed in the TIA study area;
 3. Existing and anticipated traffic queues of vehicles stacking to make traffic movements in the TIA study area;
 4. Existing and anticipated trip distribution of the percentage estimates per turning movement from the proposed development; and
 5. A trip generation summary that summarizes existing and anticipated trip generation characteristics an entire day; including A.M. and P.M. peak periods, rates, and all assumptions used to calculate the number of anticipated trips.
- E. *TIA responsibility.* The primary responsibility for assessing the traffic impacts associated with a proposed development rests with the applicant. The city serves in a review capacity. Both the city and the subdivider or developer share responsibility to consider all reasonable solutions to mitigate problems identified through the study process. The TIA must be prepared and sealed by a professional traffic engineer licensed to practice in Texas, with experience sufficient to assess traffic impacts.
- F. *TIA scope assessment.*
1. Prior to the submittal of a TIA, the subdivider or developer, and the representing engineer, shall meet with the city engineer to formally determine the scope of the TIA. The TIA scope will be sufficiently scaled to reflect the traffic impacts of the proposed use causing the TIA and shall include pedestrian and bicycle analysis.
 2. Once the scope of the TIA is established, the city engineer will formally stipulate the scope in writing.
 3. The city engineer reserves the right to expand or contract the TIA scope as additional details about the proposed use are ascertained, based on generally accepted traffic engineering practices.
 4. If TXDOT system highways are affected by the proposed development, TXDOT shall be included in the scope assessment to coordinate the TXDOT and city TIA review processes and to avoid duplication and inconsistencies.
- G. *TIA review.* The TIA shall be reviewed by the city engineer and any other necessary review authorities, including TXDOT and Brazoria County, when applicable. Review comments shall be provided to the applicant and other reviewing agencies for response and coordination.
- H. ~~*City assistance in development.* During the course of making required traffic improvements, the city may elect to partner with the subdivider in the use of its governmental powers to assist in the timely and cost-~~

Commented [LS44]: What type of scope is meant? If the TIA meets the requirements, then what could be included?

Commented [LS45]: The TIA should meet TxDOT requirements and shall be approved by TxDOT for their facilities.

Commented [LK46]: The section on City assistance in development is not pertinent to the TIA requiremnts. Recommend that this be removed.

effective implementation of improvements. The city may agree to provide any of the following forms of assistance:

- ~~1. Acquisition of necessary rights of way and easements;~~
- ~~2. Relocation of utilities;~~
- ~~3. Obtaining approvals from Brazoria County, TXDOT, or other applicable entities; or~~
- ~~4. Enter into a development or public improvement agreement or any other legal agreement permitted by the State of Texas.~~

Formatted: List 1

- I. *TIA revisions.* Periodic updates or revisions to the TIA may be required to address issues and identify changes to the level of service at study intersections and streets. These updates shall address modifications to the magnitude and timing of improvements. Any amendments must be acceptable to the city and TXDOT, when applicable.
- J. *Off-site improvements.*
 1. Based on the TIA recommendations and other instances where the city finds that public safety is at risk, the subdivider or developer may be required to make off-site improvements to streets and intersections to mitigate traffic impacts generated by development.
 2. When off-site improvements are required, they shall be roughly proportional to the impact of the proposed subdivision or development.
 3. The city may participate in the costs of oversizing public improvements with the subdivider or developer, subject to the city's cost participation policies and procedures.
- K. *Construction maintenance easements.* Temporary construction maintenance easements, in addition to right-of-way, may be required when adequate width for street and/or utility construction staging is not available. The subdivider or developer is responsible for obtaining any required temporary construction maintenance easements.

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

Sec. 23-26. Mitigation and rough proportionality.

- A. *Purposes.* A primary purpose of section 23-25, Traffic impact analysis (TIA), is to determine the roughly proportionate responsibilities for the sharing of traffic mitigation expenses to be borne by the city and the developer, to implement:
 1. The Angleton FTP, applicable regional transportation plans;
 2. The ACM; and
 3. The funding of the required transportation improvements identified in section 23-25, Traffic impact analysis (TIA).
 - a. Right-of-way dedication for adjacent exterior streets;
 - b. Improvements to substandard transportation facilities;
 - c. Projecting and aligning streets to provide mobility and reduce traffic congestion;
 - d. Right-of-way dedication and the construction of streets identified in the Angleton FTP and any applicable regional transportation plans;
 - e. Upgrading existing traffic signals, installing new traffic signals, or other traffic control devices to accommodate the growth of the city and the impacts attributable to new development;

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

(Supp. No. 19)

- f. Adding acceleration, deceleration, or turn lanes where necessary, to achieve the required level of service for new and existing development;
- g. Any other improvements identified in the traffic impact analysis (TIA); and
- h. Identify the roughly proportionate costs of transportation improvements to be borne by the subdivider or developer and the city.

B. *Phased development.* For phased development projects:

- 1. Implementation of the mitigation improvements must be completed no later than the completion of the project phase for which the TIA shows it was required.
- 2. Plats for project phases subsequent to a phase for which a mitigation improvement is required may be approved only if the mitigation improvements are completed or bonded by the subdivider or developer.

~~C. *Upon completion.* At the conclusion of the TIA:~~

- ~~1. The applicant shall summarize all mitigation improvements identified in the TIA and the approximate cost of all mitigation improvements including design, engineering, and construction.~~
- ~~2. Mitigation improvements that only serve the proposed development, such as turn lanes into and out of a development, that provide minimal benefits to the study area roadway network, shall not be included in the cost of the mitigation improvements.~~

Commented [LK47]: TIA recommendations – remove duplication. This is a repetition of the next section.

D. *TIA recommendations.* At the conclusion of the TIA, the report shall:

- 1. Summarize all mitigation improvements identified in the TIA and the approximate cost of all mitigation improvements including design, engineering and construction; and
- 2. Detail those mitigation improvements that only serve the proposed development, such as, but not limited to, turn lanes or a traffic signal that facilitates egress into and out of a subdivision or development, but provide minimal or no benefit to the study area roadway network, in which case shall not be included in the cost of the mitigation improvements potentially eligible for mitigation, as set out in section 23-27, Mitigation limitations and exemptions.

E. *Methodology.* The methodology to be utilized to complete the TIA and to utilize its findings and recommendations, shall be as follows:

- 1. The maximum amount of improvements attributable to a development is roughly proportional to the demand created by a development. This value is determined by multiplying the following values:
 - a. Intensity of the development; using the independent variable identified in the ITE Trip Generation Manual, such as, but not limited to, the number of dwelling units in large residential developments, the peak average trips generated per 1,000 square feet of leasable floor area for larger scale developments that collectively have high traffic generating characteristics, such as a shopping center or large-scale retail business, or large-scale industrial or heavy commercial developments that typically utilize oversized vehicles and/or semi-tractor trailers on a daily basis;
 - b. Number of vehicles; using the peak hour trip generation rate for the applicable peak hour, from the most current version of the ITE Trip Generation Manual;
 - c. Length of the trip; the anticipated trip length to and from the development on the city's major street network, with a minimum value of one [\(1\)](#) mile and a maximum value of [one and one-half \(1.5\)](#) miles being applicable;
 - d. Special traffic characteristics; such an operation that require a significant number of slow-turning traffic movements by semi-trucks or other over-sized vehicles, and therefore require special road

geometry and traffic signal consideration, such as, but not limited to, oil-field service vehicles or fleet semi-tractor trailer service; and

- e. Cost per vehicle-mile; using the average cost per vehicle-mile for the city to deliver a typical roadway capacity improvement project based on the current city engineer estimates.
- 2. The average unit price list and methodology shall be reviewed by the city engineer annually to ensure that the average unit price list and methodologies are consistent with current costs and engineering assumptions.

F. *Determining value of improvements.* The subdivider or developer shall:

- 1. Utilize a methodology preapproved by the city engineer to determine the maximum valuation of improvements that may be attributable to the proposed development; and
- 2. The engineer shall then compare the cost of the mitigation improvements to the maximum probable amount of improvements attributable to the development.

Commented [LK48]: Is this information to determine the maximum valuation of improvements available?

G. *Less than or equal.* If the cost of the mitigation improvements is less than or equal to the maximum amount of improvements attributable to the development, then the mitigation improvements identified in the traffic impact analysis are said to be roughly proportionate to the impact of the development.

H. *Greater than.* If the valuation of the mitigation improvements is greater than the maximum amount of improvements attributable to the development, then the mitigation improvements identified in the traffic impact analysis is limited to an amount roughly equal to the maximum valuation of improvements attributable to the development.

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

Sec. 23-27. Mitigation limitations and exemptions.

A. *Limitations.* Limitations on traffic impact mitigation requirements include those improvements that have been identified by the TIA and that have been planned and funded through a capital improvement project that exceeds the proposed traffic mitigation measures recommended in the TIA. In this case, such mitigation improvements are not required. To qualify for this exemption:

- 1. The capital improvement project must be planned to be awarded to a contractor for construction within one year following the completion of the development approval that required the improvement as a traffic mitigation improvement; and
- 2. Credit may only be provided for improvements that directly correlate to a proportionate percentage of the capital improvement.

B. *Determination of waivers.* Traffic mitigation improvements may be waived if the city council makes one of the following determinations:

- 1. A development proposes an interconnected street system or a mixed-use development, and includes pedestrian facilities that will result in fewer trips than isolated, low-density subdivisions; or
- 2. A development is proposed that will produce fewer and shorter trips than developments subject to conventional zoning.

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

DIVISION 2. UTILITY RESPONSIBILITIES

Sec. 23-28. Responsibilities of the subdivider or developer.

- A. The roughly proportionate fair share utility obligations of the subdivider or developer are:
 - 1. The cost of design, engineering, labor, and construction roughly proportional to the utility improvements required by the ACM; and
 - 2. The provisions of utility services to all developments, subdivisions, and resubdivisions.
- B. Nothing in this section shall be construed to require any dedication or construction that is not explicitly required by the LDC, ACM, and applicable building, fire, and life safety codes and the requirements of each utility.
- C. The subdivider or developer is responsible for the rough proportional cost of:
 - 1. Phased development improvements to provide adequate utilities and levels of service;
 - 2. Extension of public facilities, including necessary on- or off-site facilities, to connect to existing and/or proposed utility facilities;
 - 3. Providing and/or procuring all necessary property interests, including rights-of-way and easements, for the utility facilities, whether on- or off-site;
 - 4. Providing proof to the city of adequate utility facilities;
 - 5. Providing fiscal security required for the construction of the utility facilities;
 - 6. Providing for the operation and maintenance of the utilities, or providing proof that a separate entity will be responsible for the operations and maintenance of the utilities;
 - 7. Obtaining approvals from applicable utility providers and the city; and
 - 8. Providing levels of utility services that meet all minimum utility and construction code standards roughly proportional to the demand generated by the development.
- D. All utility services shall be extended by the subdivider or developer as set out below:
 - 1. Extension of all utility lines shall be made along the entire frontage of the subdivision adjacent to a street or right-of-way, per the ACM, the LDC, or the criteria of the affected utility.
 - 2. If natural or man-made constraints preclude the extension of utilities along public rights-of-way, the subdivider or developer, in consultation with the city engineer, or an agent from the affected utility, and may consider an alternative location for utilities, provided that the alternative method will facilitate the future extension of the utilities and development of all adjoining properties.
 - 3. If natural or man-made constraints, or other engineering considerations, prevent the extension of utilities to adjoining properties, the ~~development administrator~~ designated City staff, in consultation with the city engineer or agent from the affected utility, may waive the requirement to extend utilities to such a property, and may dead-end a utility in accordance with generally accepted engineering and utility practices and all applicable building, fire, and life safety codes.

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

Sec. 23-29. City utility and connection responsibilities.

~~The roughly proportionate fair share utility responsibilities of the city are:~~

-
- A. Except when expressly stipulated in conjunction with an annexation, the city or any utility provider is not obligated to extend water or sanitary sewer lines to provide services at the expense of the city or utility.
 - B. The city and utility providers may allow subdividers, developers, or owners to tie onto existing water and sanitary sewer mains when they bear the expense of extending the service line to the property.
 - C. Requests for a utility connection shall be made to the public works director, who will consult with the city engineer and any affected utility providers to assess the feasibility and practicality of the request. Requests that are denied may be appealed to the city council.
 - D. The city shall not require any use, lot, or acreage, in existence prior to their annexation into the city to connect to a public or private water system unless the city determines that a connection is necessary to:
 - 1. Prevent destruction of property or injury to persons.
 - 2. Remove or mitigate a public nuisance.
 - 3. Satisfy applicable building, fire, or life safety codes related to the storage or use of hazardous substances or processes.
 - E. If the city determines that a utility connection is necessary, the city shall:
 - 1. Provide due notice to the affected property owner; and
 - 2. Allow the owner up to one year from the date of the mailing of the due notice by the city to complete the requested utility service connection.

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

Sec. 23-30. Essential nexus.

There is an essential nexus between the demand on public utility systems created by a new development and the requirement to dedicate rights-of-way and easements and to construct capital improvements to offset such impacts.

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

Sec. 23-31. Timing of required improvements.

- A. *Initial provision for dedication or construction.*
 - 1. The city shall require an initial demonstration that a proposed development shall be adequately served by public facilities and services at the time for approval of the initial development application that portrays a specific plan of development.
 - 2. As a condition of approval, the city may require the provision for the dedication of easements or rights-of-way for, and construction of, capital improvements to serve the proposed development, as required by the ACM and all applicable building, fire, and life safety codes.
- B. *Deferral of obligation.*
 - 1. The obligation to construct one or more capital improvements to serve a new development may be deferred.

-
2. As a condition of deferral of obligations, the city may require the subdivider or developer to enter into a deferral agreement, as set out in section 23-38, Deferral and permitting, and section 23-18, Development phasing.
 3. The city council reserves the right to specify the timing and sequencing or any other aspect of the deferred improvement.

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

Sec. 23-32. Rough proportionality.

- A. *Roughly proportionate fair share responsibility when adjoining substandard or nonexistent utilities.*
 1. When a proposed development abuts property with existing substandard utilities, or no utilities, the subdivider is required to provide a roughly proportional share of the utility facilities to adequately serve the proposed development in accordance with the ACM and all applicable building, fire and life safety codes, at no expense to the city.
 2. If an adjoining property with substandard or nonexistent utilities is identified as a utility capital improvements project, the roughly proportionate responsibilities of the subdivider or developer may be affected, as set out below in section 23-33, Mitigation and relief from obligations.
- B. *Calculation of cost.* The subdivider's responsibility to improve any substandard utilities or to extend utilities may, to achieve a level of service to adequately serve the proposed development to the standards and requirements of the LDC and the ACM, is the complete cost of the required improvements.

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

Sec. 23-33. Mitigation and relief from obligations.

- A. *Relief from obligations.*
 1. The city council, at its complete discretion, may grant relief from the roughly proportionate fair share utility obligations and responsibilities of a subdivider or developer upon finding that the required improvements:
 - a. Would result in the subdivider or developer paying more than a roughly proportional share of the cost of the improvements;
 - b. Are necessary to address a significant public health, safety, or economic development issue;
 - c. Are specified in a city five-year capital improvements program; or
 - d. Would complete, or facilitate the completion, of a capital improvement project that is:
 - i. Under construction; or
 - ii. Has been funded by the city or utility provider.
 2. If the council determines that relief is warranted, the council and the subdivider or developer may enter into a development or public improvement agreement, as set out in section 23-36, Development and public improvement agreements.
- B. *Reimbursement agreement.* If water and/or sanitary sewer infrastructure will be constructed by the initial developer in accordance with the ACM:

Commented [LK49]: Need to clarify the policy on utility extension - Is there a distance for extension of utilities to the development? If the property is within 2,000 ft all utilities will be extended at the developers expense.

1. The developer may be eligible for reimbursement by adjoining owners connecting to the public utilities based on the ratio of a connector's linear front footage to the total linear footage of the infrastructure. If a connecting property:
 - a. Fronts on, or is contiguous on only one side of the subject infrastructure, the connecting property may be responsible for up to 50 percent reimbursement of the construction cost for that frontage; or
 - b. Fronts on, or contiguous on both sides of the subject infrastructure, the connecting property may be responsible for up to 100 percent reimbursement of the construction cost for that frontage.
2. In the event that a connecting property desires to connect to utility infrastructure that is not contiguous or front on right-of-way or an easement where water and/or sanitary sewer infrastructure was constructed by the initial developer:
 - a. The city engineer must determine if the subdivision plat for the initial developer would require less capacity than projected in the initial developer's reimbursement agreement.
 - b. If the city engineer determines that less capacity is required, then the construction cost to be reimbursed to the initial subdivider shall be adjusted based on the projected capacity required by the connecting subdivision plats, excluding the property that did not connect to the utility. The reimbursement amount for the remaining properties not yet connected shall not be changed from the amounts shown in the reimbursement agreement.
3. In order to be eligible for reimbursement for connections to public water and/or sanitary sewer improvements, subdividers and developers must execute a reimbursement agreement, as set out in section 23-34, Reimbursement agreements.

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

DIVISION 3. SPECIAL AGREEMENTS

Commented [LK50]: Consider making Division 3: Special Agreement a separate policy document and not part of the Subdivision Regulations.

Sec. 23-34. Reimbursement agreement.

- A. *General.* The responsibilities of the subdivider or developer and the city for required public improvements are set out in:
 1. [Division 1](#), Section 23-22, Responsibilities of the subdivider or developer; and
 2. [Division 2](#), Section 23-28, Responsibilities of the subdivider or developer.
- B. *Subdivider reimbursement for excess capacity.*
 1. The subdivider or developer may be entitled to relief upon determination of the city engineer [and approval by City Council](#) that improvements proposed by the subdivider or developer would provide excess capacity above and beyond the fair share of the cost of providing an adequate level of service to the proposed subdivision.
 2. Criteria for determining if the subdivider or developer is entitled to relief from their obligations are set out in:
 - a. [Section 23-30, Essential nexus](#);
 - b. [Section 23-28, Responsibilities of the subdivider or developer, subsection F, Relief from obligations](#); and
 - c. [Section 23-33, Mitigation and relief from obligations](#).

Commented [LS51]: Not in order and don't address both Divisions

3. The process and procedures for city consideration of a reimbursement agreement set out in this section shall be executed by the city manager, upon approval of the city council.

C. *Calculation of excess capacity provided.*

1. Upon approval of construction drawings by the city engineer, the initial subdivider who constructed the street or utility infrastructure improvements accepted by the city may file an application for a reimbursement agreement that includes:
 - a. An itemized good faith engineering estimate of the total cost to complete the subject public improvement;
 - b. An engineering report and the methodology used to determine the fair share responsibility of the subdivider or developer to provide the subject improvement;
 - c. A determination of the excess capacity that would be derived by the public upon construction of the subject improvement; and
 - d. The basis in which the subdivider or developer would submit a reimbursement connection fee and the rationale used to derive the proposed fee, to be assessed on a per lot or per acre basis as properties are developed and connect to the subject public improvement.

2. Upon the city finding the reimbursement application is satisfactory, the subdivider shall draft a reimbursement agreement for city attorney review and city council approval.

3. Upon the approval of a reimbursement agreement, the city shall require connectors to pay the prescribed reimbursement amounts. The reimbursement agreement shall not be executed until after the time in which an appeal, and resulting public hearing, has expired, or that any public hearings, if an appeal was filed, are completed.

4. The initial subdivider or developer must apply for a reimbursement agreement within 120 days of initial acceptance of the infrastructure.

- D. *Appeals.* Any person may file an appeal where it is alleged there was an error in any order, decision, or requirement made in the enforcement of this section, pursuant to section 23-101, Subdivision variances, interpretations, and appeals.

E. *Reimbursement agreement administration.* The reimbursement fee shall be:

1. Assessed and collected by the city at such time as any connection to the improvement is requested, unless otherwise prescribed in the agreement; and
2. Refunded to the subdivider or developer in the method prescribed in the agreement.

F. *Connector obligations.*

1. Persons who connect to the subject public improvement are required to pay the entire reimbursement amount applicable to the entire property that is subject to a reimbursement agreement regardless of whether the property is subdivided.
2. Payment shall be made upon execution of a reimbursement agreement or at time of connection, whichever occurs first.
3. If prior to payment of the reimbursement amount, the subdivider or developer has subdivided the property and sold a portion to other owners, the connector shall be required to pay only their pro rata reimbursement amount for their entire remaining property.
4. Notwithstanding the foregoing, payment by individual residential lots is not allowed unless the individual lot existed and was occupied but not connected to the infrastructure at the time the reimbursement agreement was executed.

Commented [LS52]: City should develop a standardize agreement for the developer to fill-in. This will help limit attorney fees and stream line the process for City Council.

Commented [LS53]: It is not clear what this means? Why is a public hearing required for a reimbursement agreement?

Commented [LS54]: Is this to apply for reimbursement?

Commented [LS55]: This is confusing as to the timing and who is paying. If the agreement is for upsizing to serve the system the City should reimburse and the tap and or impact fees should pay for the upsizing.

5. Refunds or credits of reimbursement amounts shall not be made as a result of reducing the number of lots in a subdivision plat.

G. **Reimbursement agreement limitations.** Time limitation, interest, and depreciation shall be applied as follows:

1. Interest and depreciation shall be applied the following rates:
 - a. A set annual interest rate of three percent appreciation for years one through ten; and
 - b. A set annual depreciation rate of three percent for years 11 through 15.
2. There shall be no reimbursement payments on or after the expiration of 15 years from the date of initial acceptance of the water, wastewater, drainage or street infrastructure eligible for reimbursement.
3. After the agreement expires, connectors have no obligation to make reimbursement payments.

H. **City obligations.**

1. The city specifically shall not guarantee payment of any portion of the reimbursable amount.
2. Nothing shall be deemed or construed to be a pledge of the city's faith and credit in facilitating the equitable apportionment of the construction cost of the infrastructure.
3. It shall be the initial subdivider's or developer's obligation to be aware of the city's development process and to make a timely application for a reimbursement agreement.

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

Sec. 23-35. Requirement for required excess capacity.

- A. Where the size of a utility line required to meet the ultimate requirements of the city is larger than the minimum size of line needed to comply with subdivider or developer obligations, the city may enter into a contract with the subdivider or developer for excess capacity.
- B. The city shall provide reimbursement to the subdivider or developer for required excess capacity based on the difference between the cost of the minimum line required to be installed and the cost of installing the line size requested by the city.

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

Sec. 23-36. Development and public improvement agreements.

A. **Development and public improvement agreements.**

1. **Generally.**
 - a. The city may enter into a development agreement with a developer or subdivider for development in the ETJ to provide the public improvements required by article III, division 1, Transportation Responsibilities and division 2, Utility Responsibilities.
 - b. The city may enter into a public improvement agreement with a developer or subdivider in association with development in the corporate limits of the city to provide for the public improvements required by article III division 1, Transportation Responsibilities and division 2, Utility Responsibilities.
2. **Negotiation and execution.**

Commented [LS56]: Who is the connector? Is this just the fair share connect?

Commented [LS57]: Is this like a Public Improvement District. The reimbursement language is confusing.

Commented [LS58]: This should have an agreement title as it is under Division 3, Special Agreements or combine with another section.

Commented [LS59]: Does the City want to do this without annexation being required?

-
- a. The general terms of any special agreement are established by the city council during the development approval process.
 - b. The specific language of a development or public improvement agreement is subject to negotiation between the subdivider or developer and the city manager and is subject to city council approval.
- B. *Public improvements determination.* The city engineer shall determine if:
- 1. The dedication, acquisition, relocation, installation, or construction of public improvements, in conjunction with a subdivision plat or site plan, is required, and the proportional share of the subdivider or developer and the city;
 - 2. The public could benefit by participating with the subdivider or developer to make public improvements greater than the fair share responsibilities of the subdivider or developer to address the needs of the city; and
 - 3. The engineer representing the subdivider or developer should prepare a "good faith engineers estimate" of the developer's fair share cost to complete improvements and the additional cost of the improvements that the city may consider funding by a special agreement.
- C. *Public participation and establishment of public interest.*
- 1. The city may enter into a special agreement if the city council determines that such an agreement would be in the interest of the public to provide for the long-term growth and development of the city.
 - 2. The following criteria should be used as the basis for determining if the public good would be served by public participation in a special agreement:
 - a. Streets.
 - i. If a portion of a collector or arterial street designated on the Angleton FTP, and any associated traffic improvements, such as, but not limited to, traffic signals or turn lanes, are determined to be in the interest of the community in general, the city may participate in cost-sharing.
 - ii. In no case will the city participate in an agreement if an improvement is determined to be necessary solely for the accommodation of the proposed development.
 - 3. *Water and wastewater utilities.*
 - a. If oversizing of a portion of a water and/or sewer system is determined to be in the interest of, and used by, the community in general, the city may participate in cost-sharing.
 - b. In no case will the city participate if such oversizing is determined to be necessary solely for the proposed development.
 - 4. *General terms.*
 - a. No agreement shall be approved or recorded until it is approved by the city council.
 - b. The agreement shall specify the amount of the participation to which the city has agreed.
 - c. The subdivider or developer will fully account for all costs incurred in the construction or installation of improvements. The records relating to these improvements shall be open to the city at all reasonable times for auditing or cost verification purposes.
 - 5. City participation may include engineering, site preparation, right-of-way or easement acquisition; or any other element that directly relates to the proposed agreement.

D. *Agreement content.* If a special agreement is warranted, the agreement shall be in the general form set out in subappendix 23-A.2, Standard City Forms and Certification Language, executed by the city manager, upon city council approval. Agreements shall contain the following details:

1. *Release of security.* As improvements are completed, the developer may apply to the city engineer for a release of part or all of the guarantee. Inspection and approval of those improvements shall be in accordance with section 23-98, Public improvements acceptance.
2. *Security.*
 - a. The agreement shall require the subdivider to provide financial security for the required public improvements in accordance with the provisions of the agreement in an amount and form sufficient to ensure timely completion of the improvements in accordance with the city standard of 125 percent of the cost of the improvements.
 - b. The proposed security shall be sufficient in the judgment of the city engineer and city administrator to provide for the construction and/or installation of all required improvements as listed in the agreement.
 - c. The city will add an administrative fee of five percent of the project cost, up to \$10,000.00, to oversee construction should the subdivider or developer fail to complete any improvements.
 - d. Financial security shall be provided to the city prior to and as a condition of the issuance of a permit to commence development, which shall be prior to final plat approval in the case of subdivision, prior to building permit issuance in the case of site plan approval, or prior to the installation of new utility service or repair of existing public improvements or utilities.
 - e. Any security furnished shall not expire for a period of 14 months, or some other term agreeable to the city and applicant, after the date of the agreement being executed.
3. *Phasing.*
 - a. Agreement may prescribe the timing, order, and deadlines for the installation, construction, or reconstruction of public improvements in phases.
 - b. Any phase of development approved through the agreement must be an integrated, self-contained project consisting of all public improvements necessary to serve the portion of property to be developed as part of such phase.
 - c. The city may impose reasonable conditions on the phasing of development to preserve the integrity of the development or the public health, and safety.
4. *Responsible parties.* The parties who are responsible for all aspects of the project, from design to construction, of each improvement shall be identified.
5. *Costs.* The construction data and good faith estimates must be acceptable to the city engineer prior to the submittal of financial security.
6. *Construction data.* Itemized construction data prepared by the developer's engineer, subject to approval by the city engineer, showing:
 - a. A "good faith" engineering estimate of the project costs if public improvements were constructed by the developer without any public participation; and
 - b. A "good faith" engineering estimate of the project costs designed with public participation.
7. *Terms.* The agreement shall identify the public improvements required to be constructed and provide assurances that the improvements will be constructed to the city's standards in a timely manner and subject to applicable warranty.

Add all the forms.

E. *Completion of public improvements.*

1. *Generally.* Following construction, installation, inspection, and approval by the city engineer of all, or a portion of, the required public improvements, the developer may submit a written request that the approved portion be accepted for maintenance by the city.
2. *Guarantee.* The developer's limits of responsibility for the improvements shall be in accordance with section 23-98, Public improvements acceptance.
3. *Release of development and public improvements agreement guarantee.*
 - a. The developer shall submit a written request for a release from the agreement for that portion of improvements which has been accepted for maintenance by the city as set out in section 23-98, Public improvements acceptance. This request shall be accompanied by proof that there are no outstanding judgments or liens against the improvements within the public rights-of-way, or against property on which easements contain public improvements, as required by the agreement.
 - b. The city engineer and city manager shall review the request and:
 - i. Determine if the requirements of the agreement concerning that portion requested for release have been complied with and if the city has accepted the improvements and a warranty bond, as set out in section 23-98, Public improvements acceptance.
 - ii. Upon making affirmative findings, the appropriate guarantee document may be released by the city manager.
 - iii. If the city engineer determines that any of the agreed-to improvements are not constructed or were not installed in accordance with approved requirements, plans, standards, or specifications, a written list of specific deficiencies shall be prepared by the city engineer and forwarded to the subdivider or developer and the city manager.
 - iv. The city manager shall be entitled to withhold a security amount sufficient, including the entire amount of the guarantee, to ensure compliance.
 - v. If the city manager determines that the subdivider or developer will not construct or install any or all of the improvements in accordance with the approved agreement, the city manager shall draw and expend from the deposit of collateral adequate funds necessary to complete the improvements.

F. *Stop work order authorized.*

1. *Authority.* Whenever any duly authorized agent of the city determines that any work regulated by this ordinance is being installed or completed in a manner contrary to the provisions of the LDC or the ACM, contrary to applicable codes or to approved construction plans, or in a dangerous or unsafe manner, the city is authorized to issue a stop work order immediately and to not allow work to progress until the issues that resulted in the stop work are remediated at the expense of the developer.
2. *Issuance.* The stop work order shall be in writing and shall be given to the owner of the property involved; or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.
3. *Order.* When any issue is discovered, the city is authorized to issue a stop work order.
4. *Emergencies.* When an emergency exists, the city shall not be required to give a written notice prior to stopping the work.

-
5. *Failure to comply.* Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, is operating in violation of this Code.

G. *Certificate of completion and release of responsibility.*

1. Upon expiration of the limits of responsibility established in any agreement, the developer may request a letter of acceptance and release of responsibility.
2. Upon issuance of the letter of acceptance and the release of responsibility, all responsibility for the improvements shall be assumed by the city.

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

DIVISION 4. PUBLIC ACCEPTANCE AND PERMITTING

Sec. 23-37. Public acceptance.

A. *Construction plan expiration.*

1. If construction has not commenced within a year of the approval of construction plans, the construction plans are null and void.
2. If good cause is shown and proof provided to demonstrate the approved construction plans will continue to comply with all standards and ordinances in effect when they were approved, the city manager can grant a six-month unconditional administrative extension, effective from the original plan approval date.
3. If an unconditional administrative extension expires, the city manager may approve a one-time 12-month conditional extension and shall require:
 - a. That the construction plans, and approved plat, if necessary, be revised to comply with any new plans, studies, requirements, or standards adopted by the city or any referral agency since the original plat was approved;
 - b. Review and approval by the planning and zoning commission and city council, respectively, if the original plat must be revised to comply current requirements;
 - c. Payment of construction plan review fees and plat review fees if the plat is revised; and
 - d. The issuance of staff comments for construction plans within 30 days of their resubmittal and adhere to the city plat schedule if the plat needs to be revised.
4. If required public improvements are not initiated, completed, or accepted by the city within 30 months of the date in which the corresponding final plat was approved and the final plat was recorded, the city shall:
 - a. Consider the said plat and the approved construction plans to be null and void and to be deemed to have been vacated, without further action by the city. The city may elect to approve a resolution that establishes formal findings and rationale for a plat vacation and record the said resolution in the official records of Brazoria County to officially vacate the plat from the plat records.
 - b. In lieu of nullifying the construction plans or to vacate the plat, the city council, at its discretion, may authorize the use of any performance bonds or other deferral collateral posted by the developer to complete all, or a portion, of the required public improvements and is authorized to

Commented [LK60]: If the new process recommended by staff, that would require construction of public improvements and acceptance prior to final plat acceptance, is adopted, then this will be redundant.

use any and all lawful means available to recover any expenses incurred by the city in the completion of the required public improvements on behalf of the developer or subdivider.

B. *Final plat expiration and effect on construction plans.*

1. If an approved, but unrecorded final plat, for which construction plans were approved, exceeds the time frame in which the city can consider an extension, the approved construction plans shall ~~be~~ automatically be considered ~~to be~~ dormant and ~~void~~.

Commented [LK61]: If the proposed process is adopted, then this section will need to be rewritten.

2. The city shall withhold any improvements, permits, and services of any nature, for any development where a final plat or construction plans has expired and is not eligible for an extension.

C. *Guarantee for construction of public improvements.* Approval of a final plat does not impose any duty upon the city concerning the maintenance of improvements of any such dedicated parts all required public improvements have been inspected and accepted.

D. *Construction plan acceptance process.* Construction plans are required to be formally accepted by the city in accordance with the procedures and processes set out in section 23-98, Public improvements acceptance.

E. *Staking and monumentation.* Staking and monumentation shall be required as set out below:

1. *Size and construction.*

- a. A city survey monument shall be set in a poured-in-place, truncated concrete cone of eight inches minimum diameter at the top, 18 inches minimum diameter at the bottom and shall be a minimum of 36 inches in depth; and
- b. The monument shall be covered with a steel or cast-iron box and cover, per the ACM.

2. *Monument location.*

- a. Monuments shall be installed so that the front property corners of all lots are within line of sight of a monument, or within sight of a line between two adjacent monuments;
- b. Each monument shall be located within the line of sight of another monument;
- c. Monuments shall be located no farther than 2,000 feet apart;
- d. At least one monument shall be placed on each horizontal curve. Two shall be required if the point of intersection of the tangents leading to the curve is out of the right-of-way; and
- e. No fewer than two monuments shall be placed in single street subdivisions.

3. *Perimeter monuments.*

- a. The perimeter boundaries of a subdivision shall be monumented in the field by monuments of two-inch galvanized pipe, not less than 24 inches in length. These monuments shall be placed at all corners, except that when any such corners or points fall within a street or proposed future street, the monuments shall be placed in the site line of the street.
- b. Lot lines that extend to bayous or streams shall be monumented in the field by iron pipes at least 30 inches long and 7/8 inches in diameter, or by round or square iron bars, at least 30 inches long. Monuments shall be placed at the point of intersection of waterways with a meander line not less than 20 feet back from the bank of the waterway.
- c. All corner monuments shall be properly set in the ground and approved by a registered land surveyor prior to filing of the final plat.
- d. All street monuments shall be properly set within two years of filing of final plat.

F. *Inspections and testing.*

1. *Start of construction notice.* The city shall be notified one week before any construction begins in order that proper supervision and inspection may be provided.
2. *Pre-construction meeting.* The developer, engineer, and contractor shall request and attend a pre-construction meeting with the city engineer and all utility providers. Schedule of construction and frequency and type of field inspections and source and number of field tests shall be determined at this meeting. If on-site or local unprocessed base material is proposed, and/or if "density control" is specified, a representative of the subdivider's and/or contractor's field control lab shall also attend the pre-construction meeting.
3. *Development permit required.* Prior to commencing construction, a development permit, as set out in section 23-93, Development permit, shall be obtained.
4. *Field inspections.* All construction work, such as street grading, street paving, storm sewers, curb and gutter work, sanitary sewers, or water mains performed by the developer or their contractor, shall be subject to inspection during construction by the proper authorities of the city and utility providers to ensure construction compliance with the ACM and utility standards.
5. *Field control tests.* The following field control tests shall include, but are not limited to:
 - a. Utility installation backfill and density tests, as required;
 - b. Bedding and backfill of culverts and storms drains, and density tests, as required;
 - c. Pre-construction inspection of any on-site or local sources of base material; and if directed by the city engineer, the testing laboratory shall make a site investigation to determine that quantity of material expected to be produced from the sources ~~or sources or sources~~ meets gradation and Atterberg specifications;
 - d. Density tests are required for subgrade preparation, including any fill, cuts and, ditch excavation and any other areas that the city engineer determines to be necessary. Approval of tests is required prior to base placement;
 - e. Placement and compaction of base material, when "density control" is required:
 - i. At a minimum of every five stations of the final lift and at least five additional locations per mile of road for each lift place;
 - ii. To be performed by an approved testing laboratory with copies furnished to the city engineer prior to paving; and
 - iii. After the contractor provides at least a five-day notice to the city engineer for approval of base to allow time for any city tests of density and/or thickness.
 - f. Approval can be obtained in 24 hours if:
 - i. The contractor has notified the city engineer at start of base placement;
 - ii. Provided the city engineer with a schedule for completion; and
 - iii. Corrected any deficiencies.
6. *Pavement of streets.* The contractor shall notify the city engineer at least 24 hours prior to start of paving after bases are approved and provide any required data on pavement mixes, tests to be performed, or other quality control assurances as necessary, at least five days prior to start of paving. Pavement placement and consolidation may be inspected by the city engineer.
7. *Final inspections.*
 - a. The contractor or subdivider shall request final inspection in writing.

Commented [LK62]: Confirm

-
- b. The city engineer and affected utility providers shall make the requested inspection no later than five days following the receipt of the written request.
 - c. A written "punch list" listing all deficiencies noted on the final inspection and uncorrected deficiencies from previous field inspections, shall be provided to the contractor within five days following the final inspection.
 - d. Utility providers may require additional testing methods, such as camera scoping of utilities to inspect improvements and if any repairs are necessary prior to final acceptance.
8. *Partial completion.* Unless prior arrangement has been made with the City Engineer, no partial completion will be inspected or approved. Partial completions shall be allowed only after consideration of access, drainage, and other matters related to the well-being and safety of future residents. The city engineer shall make the requested inspection no later than ten days following the written request.
9. *Correction of defects.* Defects noted during final inspection shall be corrected within 30 days. Written request for re-inspection for correction of defects will be required unless specifically waived by the city engineer.
10. *Full completion required for release.* Release from the full obligation of construction bond or other construction security shall not be granted until:
- a. The entire development has been inspected and found acceptable by the city engineer and all utility providers and has been approved for release by the city council.
 - b. The city shall have full rights to require maintenance under the terms of the maintenance bond obligation for any portion of streets, or drainage facilities accepted under partial completion, but the period of the maintenance bond obligation shall not start until the city council has authorized full release of construction obligation for work completed.
 - c. The city engineer shall make written notice to the city council of satisfactory construction and satisfactory maintenance. Provided that the city council finds all conditions of release to have been satisfactorily met, the city council shall authorize acceptance and shall cause to be issued a release statement, signed by the mayor releasing the owner and surety from further obligation under the construction bond.
- G. *As-built plans.* Prior to the acceptance of public improvements, the developer's engineer shall submit a complete set of drawings of the paving, drainage, water, and sewer improvements showing all changes made in the plans during construction with each stamped "as-built", with the signature and seal of the P.E. and the date. Electronic sets of approved construction plans with as "as-built" information, shall be submitted to the city in the electronic formats required by the city.
- H. *Maintenance/warranty bond.* Prior to the acceptance of a subdivision and its associated public improvements by the city, the developer shall furnish a good and sufficient maintenance bond in the amount of 125 percent of the contract price with a reputable and solvent corporate surety in favor of the city, and to indemnify the city against any repairs that may become necessary to any part of the construction work performed in connection with the development arising from defective workmanship or materials used, for a full period of two years from the date of the final acceptance.
- I. *State highway improvements.* No permits shall be issued on property in a subdivision abutting a state highway until TXDOT affirms that the developer has obtained approval of construction plans for any required public improvements and has completed the improvements.

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

Commented [LS63]: Typical payment and performance bonds transfer into maintenance bonds at the same amount. 100% -125% of project cost.

Sec. 23-38. Deferral and permitting.

- A. *Building permits.* The building official shall not issue any permits for development where public improvements are required prior to the approval and acceptance of the required improvements.
- B. *Deferral of public improvements.* The construction and completion of public improvements required by the LDC and ACM may only be deferred by the city council, upon favorable recommendation by the city engineer and city manager upon determining that:
1. Such improvements are not possible or practical to begin or to be completed at the time where they are required to be constructed and completed;
 2. The improvements cost estimate prepared by the developer is acceptable to the city engineer;
 3. The developer shall enter into an agreement, subject to city council approval, for the deposit of funds equal to the cost of completing the required public improvements into escrow, with the agreement stipulating all terms, conditions, and timing under which construction shall be accomplished. In accordance with the agreement execution, the subdivider or developer would have no further liability for the immediate construction of the required public improvements; or
 4. In lieu of depositing such funds into escrow, the developer may file an irrevocable letter of credit or other security to the city in an amount equal to 125 percent of the estimated cost of the completion of the public improvements in a form acceptable to the city attorney, and approved council, stipulating the terms, conditions, and timing under which construction shall be accomplished. If the agreement and security are approved, upon executing the agreement, permits may be issued by the building official.
- C. *Conditional building permits for model homes.* The building official may allow the issuance of conditional permits for four model homes prior to the acceptance of improvements upon:
1. Favorable recommendation by the city engineer of timely progress and an expedient completion date to complete required public improvements;
 2. Finding that all utility providers are able to provide services; and
 3. The applicant affirming, in writing, that the permits are:
 - a. Conditional, at risk, and contingent on city acceptance of required public improvements;
 - b. Limited to a period to six months from date of issuance; and
 - c. Do not constitute grounds to obligate the city to accept public improvements that do not meet the requirements of the LDC and ACM.
 4. Upon the acceptance of all required public improvements, the conditional permits shall automatically convert to regular permit.

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

ARTICLE IV. DEVELOPMENT STANDARDS

Secs. 23-39—23-48. Reserved.

ARTICLE V. ENVIRONMENTAL MANAGEMENT

Part II - CODE OF ORDINANCES
Chapter 23 - LAND DEVELOPMENT CODE
ARTICLE V. - ENVIRONMENTAL MANAGEMENT
DIVISION 1. FLOOD DAMAGE PREVENTION

DIVISION 1. FLOOD DAMAGE PREVENTION

Commented [LS64]: Flood Damage Prevention section should be revised based on Atlas 14 precipitation data. So the elevation above BFE may increase to 2-3 feet or be 1-ft above 500 yr floodplain. The entire section should be reviewed and revised. It was not done at this time.

Sec. 23-49. Authority.

Texas Water Code § 16.315 (Flood Control Insurance Act) delegated the responsibility of local governmental units to adopt regulations designed to minimize flood losses.

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

Sec. 23-50. Findings of fact.

- A. *Impacts of flood hazards.* The flood hazard areas of the City of Angleton are subject to periodic inundation, which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief, all of which adversely affect the public health, safety and general welfare.
- B. *Losses caused by flooding.* These flood losses are created by the cumulative effect of obstructions in floodplains which cause an increase in flood heights and velocities and by occupancy of flood hazard areas by uses vulnerable to floods and hazardous to other lands because they are inadequately elevated, floodproofed or otherwise protected from flood damage.

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

Sec. 23-51. Purpose.

The purposes of this division are to:

- Promote human life, public health, safety and general welfare;
- Minimize public and private losses due to flood conditions in specific areas;
- Minimize expenditure of public money for costly flood control projects;
- Minimize the need for rescue and relief efforts associated with flooding that are generally undertaken at the expense of the general public;
- Minimize prolonged business interruptions and damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges in floodplains;
- Maintain a stable tax base by providing for the sound use and development of flood-prone areas and to avoid flood blighted areas; and
- Ensure that potential buyers are aware when properties are in a flood area.

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

Sec. 23-52. Interpretation.

In the interpretation and application of this division all provisions shall be:

-
- Considered as minimum requirements;
 - Liberally construed in favor of the governing body; and
 - Deemed neither to limit nor repeal any other powers granted under state statutes.

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

Sec. 23-53. Methods of reducing flood loss.

In order to accomplish the purposes of this division, the LDC uses the following methods:

- A. Restrict or prohibit uses that are dangerous to health, safety or property in times of flood, or cause excessive increases in flood heights or velocities;
- B. Require that uses vulnerable to floods, including critical facilities, are protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers that are involved in the management of floodwater;
- D. Control filling, grading dredging and other development, which may increase flood damage; and
- E. Prevent or regulate the construction of flood barriers that would unnaturally divert floodwaters or increase flood hazards to other lands.

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

Sec. 23-54. General provisions.

- A. *Applicability.* This division shall apply to all areas of special flood hazard with the jurisdiction of the City of Angleton and the Angleton ETJ.
- B. *Basis for establishing the areas of special flood hazard.* The areas of special flood hazard identified by the Federal Emergency Management Agency in the Flood Hazard Boundary Map (FHBM), Community Number 480064, dated June 5, 1989, and any revisions thereto approved by FEMA, are hereby adopted by reference and declared to be a part of this LDC.
- C. *Establishment of development.* A floodplain development permit shall be required to ensure conformance with the provisions of this division.
- D. *Compliance.* No structure or land shall hereafter be located, altered, or have its use changed without full compliance with the terms of this division and other applicable regulations.
- E. *Abrogation and greater restrictions.* This division is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where the LDC or any other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restriction shall prevail.
- F. *Warning and disclaimer of liability.*
 - 1. The degree of flood protection required by this division is considered reasonable for regulatory purposes and is based on scientific and engineering considerations;
 - 2. On rare occasions greater floods can and will occur and flood heights may be increased by man-made or natural causes;

(Supp. No. 19)

Created: 2021-03-10 16:12:30 [EST]

-
3. This division is not intended to imply that land outside the areas of special flood hazards, or uses permitted within such areas, will be free from flooding or flood damage; and
 4. This division shall not create liability on the part of the community or any official or employee thereof for any flood damages that result from reliance on this division or any administrative decision lawfully made hereunder.

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

DIVISION 2. FLOOD HAZARD REDUCTION

Sec. 23-55. Administration.

- A. *Floodplain development permit required.* Properties subject to requirements of article V, division 1, Flood Damage Prevention, and this division, must obtain a flood prevention permit prior to the commencement of any site alterations, including, but not limited to, fill or any development.
- B. *Floodplain administrator.* Applications for a floodplain development permit shall be submitted to the floodplain administrator. Applications must be filed and will be reviewed in accordance with the requirements set out in section 23-92, Floodplain development permit.

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

Sec. 23-56. General provisions.

- A. *Generally.* This division sets out general and specific standards for flood hazard reduction.
- B. *General standards for flood hazard reduction.*
 1. *Generally.* The requirements of this subsection apply to all new construction and substantial improvements in areas of special flood hazard.
 2. *Resistance to hydrodynamic and hydrostatic loads.* All new construction or substantial improvements shall be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 3. *Construction to minimize flood damage.* All new construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
 4. *Flood damage resistant materials.* All new construction or substantial improvements shall be constructed with materials resistant to flood damage.
 5. *Protection of building service facilities.* All new construction or substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
 6. *Protection of water supply systems.* All new and replacement water supply systems shall be designed to minimize, or eliminate, infiltration of floodwaters into the system.
 7. *Protection of sanitary sewer systems.* New and replacement sanitary sewage systems, including septic systems, shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from the systems into floodwaters.

(Supp. No. 19)

Created: 2021-03-10 16:12:30 [EST]

-
8. *Location of on-site waste disposal systems.* On-lot sanitary sewage disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
 9. *Limitations on fill.*
 - a. No fill shall be placed within a special flood hazard area unless the effect of the fill on water storage and water quality is fully mitigated in one or more of the following ways:
 - i. Excavation of a volume of soil comparable to the volume that was filled to bring the surface of the land to the base flood elevation. However, excavation is prohibited at depths that would be likely to:
 - (a) Increase the velocity of stormwater flows;
 - (b) Cause significant new erosion; or
 - (c) Expose groundwater to contamination by pollutants which may be present in stormwater runoff.
 - ii. A stormwater management system is provided in a manner and location that compensates for the removal of the filled area from the floodplain; or
 - iii. If the compensatory storage is provided in the floodplain, the combination of filling, compensatory storage, and detention is intended to lower the flood elevation by increasing channel capacity.
 - b. If fill is placed, the applicant shall provide a hydraulics and hydrology study, which shall verify full mitigation, or, alternatively, support a letter of map revision (LOMR) from the Federal Emergency Management Agency (FEMA).

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

Sec. 23-57. Specific standards for flood hazard reduction.

- A. *Generally.* The requirements of this subsection apply to all areas of special flood hazards where base flood elevation data has been provided as set forth in:
 1. Determination by the floodplain administrator;
 2. Section 23-58, Standards for subdivisions and site plans, subsection C, Generation of base flood elevation data; and
 3. Section 23-54, subsection B, Basis for establishing the areas of special flood hazard.
- B. *Residential construction.* New construction and substantial improvement of any residential structure shall have the lowest floor (including basement), duct work, exposed plumbing, and electrical components elevated at least one foot above the base flood elevation. A registered professional engineer, architect, or land surveyor shall submit a certification to the floodplain administrator that the standard of this subsection is satisfied, as set out in section 23-89, Floodplain development permit.
- C. *Nonresidential construction.*
 1. New construction and substantial improvements of any commercial, industrial or other nonresidential structure shall either:
 - a. Have the lowest floor (including basement) elevated at least one foot above the base flood elevation; or

-
- b. Together with attendant utility and sanitary facilities, be designed so that below an elevation that is two feet above the base flood elevation, the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. This option is only allowed if the floodplain administrator finds that the criteria for a floodplain variance that are set out in section 23-92, Floodplain development variance, are met.
- 2. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice as outlined in this subsection.
 - 3. A record of such certification which includes, if applicable, the specific elevation (in relation to mean sea level) to which such structures are floodproofed shall be maintained by the floodplain administrator.
 - a. *Enclosures.* New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:
 - i. A minimum of two openings on separate walls having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;
 - ii. The bottom of all openings shall be no higher than one foot above grade; and
 - iii. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
 - b. *Manufactured homes.*
 - i. *Manufactured homes in Zone A.* All manufactured homes to be placed within special flood hazard area Zone A, shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.
 - ii. *Manufactured homes in Zones A1-30, AH, and AE.* All manufactured homes that are placed or substantially improved within special flood hazard area Zones A1-30, AH, and AE, on sites:
 - (a) Outside of a manufactured home park or subdivision;
 - (b) In a new manufactured home park or subdivision; and
 - (c) In an expansion to an existing manufactured home park or subdivision; or
 - (d) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as a result of a flood, shall be:
 - A. Elevated on a permanent foundation such that the lowest structural member of the manufactured home is elevated at least one foot above the base flood elevation; and

-
- B. Securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - iii. *Manufactured homes in Zones A1-30, AH, and AE (existing manufactured home parks and subdivisions).* All manufactured homes be placed or substantially improved on sites in an existing manufactured home park or subdivision with Zones A1-30, AH and AE that are not subject to the provisions of subsection C.5.b., of this subsection be elevated so that either:
 - (a) The lowest structural member of the manufactured home is at least one foot above the base flood elevation; or
 - (b) The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are:
 - A. No less than 36 inches in height above grade; and
 - B. Securely anchored to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
 - c. *Recreational vehicles.*
 - i. Recreational vehicles that are placed on sites within Zones A1-30, AH, and AE shall:
 - (a) Be on the site for fewer than 180 consecutive days;
 - (b) Be fully licensed and ready for highway use; or
 - (c) Meet the permit requirements set out in section 23-92, Floodplain development permit, and the elevation and anchoring requirements for "manufactured homes", as set out above in this subsection.
 - ii. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect type utilities and security devices and has no permanently attached additions.

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

Sec. 23-58. Standards for subdivisions and site plans.

The following standards for subdivision site plan proposals shall be applicable:

- A. *Generally.* All subdivision and site plan proposals (including the placement of manufactured home parks and subdivisions) shall be designed in light of the findings of fact contained in section 23-51, Findings of fact, and in a manner consistent with section 23-52, Purpose, and section 23-53, Methods of reducing flood loss.
- B. *Permit requirements.* All proposals for the development of subdivisions (including the placement of manufactured home parks and subdivisions) shall meet floodplain development permit requirements set out in section 23-92, Floodplain development permit, and this section.
- C. *Generation of base flood elevation data.* Base flood elevation data shall be generated for subdivision and site plan proposals and other proposed development (including the placement of manufactured home parks and subdivisions) which is greater than 50 lots or five acres, whichever is lesser, if not otherwise provided pursuant to section 23-57, Specific standards for flood hazard reduction.
- D. *Adequate drainage required.* All subdivision and site plan proposals (including the placement of manufactured home parks and subdivisions) shall have adequate drainage to reduce exposure to flood hazards.

Created: 2021-03-10 16:12:30 [EST]

(Supp. No. 19)

-
- E. *Arrangement of development.* The development standards of the Code of Ordinances, as set out in chapter 23, Subdivision, and chapter 28, Zoning, allow for the use of varied lot sizes and/or housing types in order to achieve the permitted density and protect the required amount of open space. In the application of these standards, parcels proposed for development shall be located outside of special flood hazard areas.
 - F. *Elevated primary access required.* The primary access drives to a development or subdivision (the access that connects to the highest order street or that provides the most direct route to the largest number of lots in the subdivision, as determined by the city engineer) shall be elevated to or above the base flood elevation to allow access by emergency vehicles.
 - G. *Location of public utilities and facilities.* All subdivision proposals (including the placement of manufactured home parks and subdivisions) shall have public utilities and facilities such as sewer, gas, electrical and water distribution systems located and constructed to minimize or eliminate flood damage.

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

Sec. 23-59. Areas of shallow flooding and floodways.

A. Standards for areas of shallow flooding (AO/AH Zones).

- 1. *Generally.* Located within the areas of special flood hazard established in section 23-57, Specific standards for flood hazard reduction, are areas designated as areas of shallow flooding. These areas have special flood hazards associated with flood depths of one to three feet, where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the provisions of this subsection shall apply.
- 2. *Elevation of new construction and substantial improvements (residential).* All new construction and substantial improvements of residential structures shall have the lowest floor (including basement) elevated to the highest of the following:
 - a. One foot above the depth number specified on the applicable FIRM;
 - b. One foot above the highest adjacent grade; or
 - c. One foot above the highest abutting curb elevation.
- 3. *Elevation of new construction and substantial improvements (nonresidential).*
 - a. All new construction and substantial improvements of nonresidential structures shall have the lowest floor (including basement) elevated to the highest of the following:
 - i. One foot above the depth number specified on the applicable FIRM;
 - ii. One foot above the highest adjacent grade; or
 - iii. One foot above the highest abutting curb elevation.
 - b. In the alternative to elevating the building, the building may be floodproofed such that, together with attendant utility and sanitary facilities, it is designed so that below an elevation that is one foot above the depth number specified for the AO Zone, or below an elevation that is one foot above the base flood elevation in an AH Zone, the structure is watertight, with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads of effects of buoyancy. This option is allowed only if

the floodplain administrator finds that the criteria for a floodplain variance that are set out in section 23-100, Floodplain management variances are met.

4. *Certification required.* A registered professional engineer, architect (for floodproofing options only), or registered professional land surveyor (for building elevation options only) licensed in the State of Texas shall submit a sealed certification to the floodplain administrator attesting that the standards of this subsection are satisfied. Upon submittal of such documentation, a floodplain development permit, as set out in section 23-92, Floodplain development permit, may be issued.
5. *Drainage paths.* Within Zones AH and AO, adequate drainage paths around structures shall be provided on slopes, to guide floodwaters around and away from proposed structures.

B. *Floodways.*

1. *Generally.* Located within areas of special flood hazard, as set out in section 23.57, Specific standards for flood hazard reduction, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the provisions of this subsection shall apply.
2. *Encroachments prohibited.* Encroachments are prohibited, including fill, new construction, substantial improvements and other development within the adopted regulatory floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
3. *Permitted exceptions.*
 - a. If all requirements of subsection B of this section, Floodways, are satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of section 23-54, General provisions, and this section; and
 - b. Under the provisions of 44 CFR Chapter 1, § 65.12, of the National Flood Insurance Program Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first completes all of the provisions required by 44 CFR Chapter 1 § 65.12.

(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 heritage trees on properties where development for the following purposes:
 - Promote responsible design decisions that will preserve as many heritage 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;

Created: 2021-03-10 16:12:30 [EST]

(Supp. No. 19)

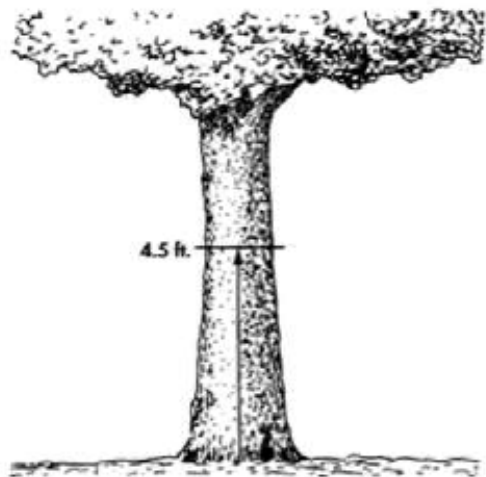
-
- Maintain a positive image of the city as a place to live and locate a business;
 - Protect the natural ecological environmental and aesthetic qualities of the city; and
 - Provide shade to provide relief from the heat by reducing the ambient temperature.
- C. *Heritage trees classified.* The following tree species shall be designated as heritage trees:
- Live oak - *Quercus virginiana*;
 - Pecan - *Carya illinoensis*.
- D. *Significant tree species classified.* In the event that all heritage trees cannot be preserved, the following tree species, if present on a property, may be preserved and credits awarded, as specified in this section, to mitigate the loss of any heritage 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*.
- E. *Exceptions.* The requirements of this section shall not be applicable when:
1. Plans or plats 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;
 4. Damaged or diseased trees that are beyond the point of recovery, in danger of falling, or endangering public health, welfare, property, or safety;
 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; and
 6. ~~Golf courses to the extent necessary to accommodate the golf course improvements.~~
- F. *Deferral.* 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 heritage tree 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 heritage tree.

Commented [LK65]: 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.

G. Tree trunk measurement. When documenting existing heritage trees, or existing protected trees that may be used to mitigate the loss of heritage trees, the following criteria shall be applied:

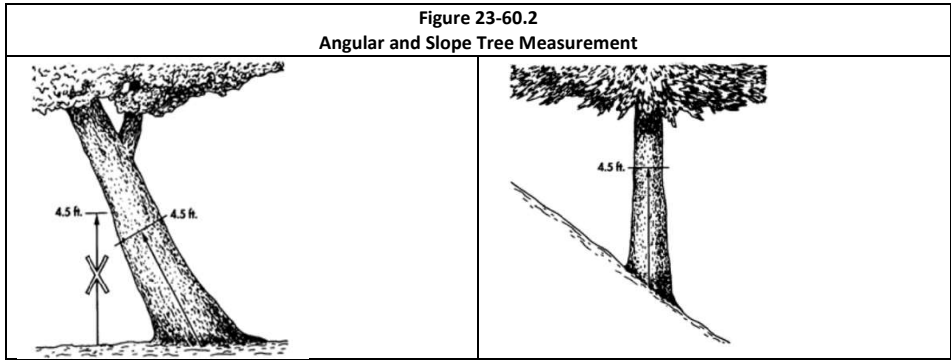
1. *Straight trunk:* Trees with fairly straight, upright trunks shall be measured 4.5 feet above the ground, as shown below:

Figure 23-60.1
Straight Tree Trunk Measurement



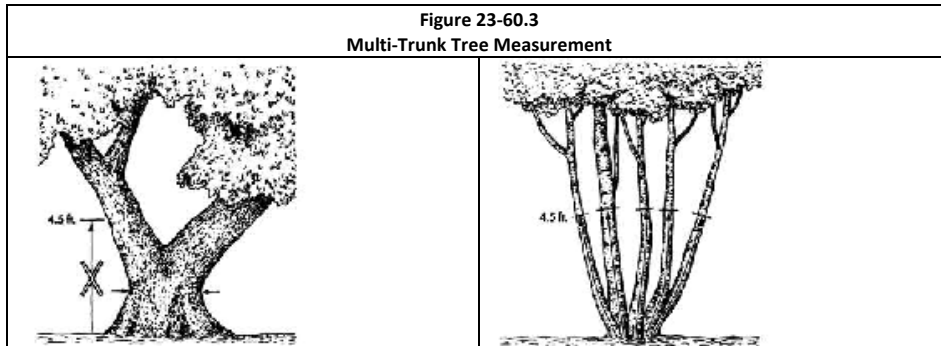
2. *Trunk on an angle or slope:* The trunk is measured at a right angle to the trunk 4.5 feet along the center of the trunk axis, so the height is the average of the shortest and the longest sides of the trunk, as shown below:

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.

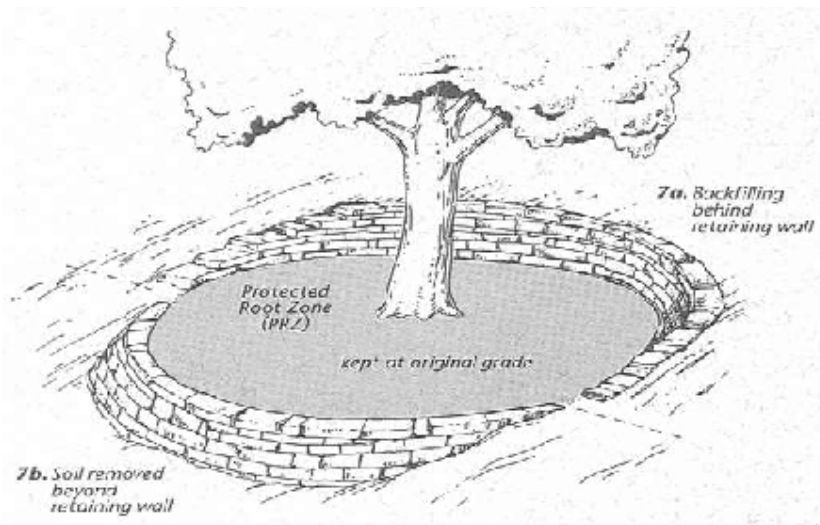


H. *Replacement and protection of heritage trees.*

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 trees, and any significant tree species that will be preserved for credits against lost heritage trees.
2. The developer or subdivider must identify the heritage trees to be preserved or removed, and which existing significant tree species will be retained for credit for removed heritage trees.
3. When a heritage tree is proposed to be removed, staff may relax any development requirement to preserve the tree. 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 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.
6. For site plans, the aggregate caliper for replacement trees shall be in addition to the normal landscaping requirements of the zoning ordinance.
7. 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 heritage/significant tree species.

8. No person, directly or indirectly, shall cut down, destroy, remove or move, or effectively destroy through damaging, any heritage tree located on property regulated by this section unless such removal is expressly "excepted" by this section.
9. 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.
- I. *Tree preservation plan required.* When heritage 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.
- J. 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;
 - 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 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 [LK66]: Duplicated – see above.

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

Sec. 23-61. Land clearing, fill, geotech reports, and on-ground foundations.**A. Land clearing.**

1. No clear-cutting or rough-cutting of land shall be permitted except for limited clearing and rough-cutting necessary for soil testing and surveying, until:
 - a. A construction sequencing and erosion control plan has been approved by the city engineer;
 - b. A tree preservation plan, as required by as required by section 23-60, Heritage tree protection, has been approved;
 - c. Grading and stormwater pollution prevention plans have been approved by the city engineer, in accordance with this LDC and the ACM;
 - d. Submittal of the issuance of an NOI for projects greater than one acre; and
 - e. A development permit shall be obtained from the city.
2. No other clearing or rough-cutting shall be permitted, except as necessary for the construction of temporary erosion and sedimentation controls.
3. A development permit may not be issued by the city until all required temporary erosion and sedimentation controls are in place and approved by the city engineer and until the SWPPP permit is clearly posted on the site in accordance with all TCEQ requirements.
4. Areas proposed to be cleared for the temporary storage of spoil or construction equipment, the permanent disposal of fill material or spoils, and tire and concrete wash areas, shall be shown on the construction plans submitted to the city.
5. If a subdivider does not comply fully with an approved erosion control and construction sequencing plan, or violates the restrictions on land clearance in the preceding subsection, the city shall notify the subdivider in writing that the city may correct the violation and revegetate the disturbed area at the subdivider's expense unless, within 30 days after the date of the notice, the subdivider complies, corrects the violation, provides the required erosion and sedimentation controls and provides continuing maintenance thereof acceptable to the city.

B. Fill, generally.

1. *Generally.* Fill, when deposited on property outside of a regulatory floodplain, is generally permitted in all instances as a top-dressing for lawns, landscaping, lot leveling, and construction.
2. *Burden of proof.*
 - a. Whenever fill is used, the burden of proof is always on the property owner to ensure that the fill will not raise the elevation of the property or alter the existing sheet flow patterns in any manner that negatively affects adjacent properties.
 - b. If fill adversely affects an adjoining property or any improvement maintained by the public, including roads, such action constitutes a public nuisance and is subject enforcement action by the city as set out in article IX, Enforcement and Remedies, of the LDC or any other applicable city Code.
 - c. Persons proposing to utilize fill should first consult with the building official and provide information about the site location and the amount of fill that is proposed. Small amounts of fill do not require a permit and can be quickly authorized. Larger amounts, depending the location of the site, will require the issuance of a development permit, as set out in section 23-93, Development permit.

-
- d. When a development permit is required, a grading plan shall be submitted for approval to demonstrate that the fill will not result in a rise in the ground elevations or alter the existing sheet flow pattern in a manner that negatively affects adjacent properties and where appropriate is only deposited after stormwater pollution prevention silt fences are installed.
- C. *Construction fill requirements for fill type.* Fill is divided into engineered fill, forming fill, and uncontrolled fill. Each fill type is regulated as set out below:
1. *Engineered fill.* Engineered fill is designed by an engineer to act as a structural element of a constructed work and is installed under engineering supervision, inspection, and density testing. Engineered fill may be embankment fill, composed of the material randomly found on the site, or imported to no particular specification, other than that it be free of debris and trash or may be select fill. Embankment fill can be used many situations if it is properly placed and compacted. The term "select" simply means that the material meets specification as to gradation and P.I. (stabilization/performance) and other material specifications. If engineered fill is proposed, a fill report shall be submitted that addresses:
 - a. Fill composition report and fill design specifications;
 - b. Proposed density inspection and testing schedule;
 - c. Fill compaction detail showing lift depths and proposed densities;
 - d. Gradation requirements;
 - e. Underslab details, if applicable; and
 - f. List requirements for fill placement, geometry, material, compaction and quality control.
 2. *Forming fill.* Forming fill is that which is typically used under residential foundation slabs and is variously known as sandy loam, river loam or fill dirt. Forming fill is normally not expected to be heavily compacted, and a designer should not rely on this material for support. The only requirements are that this material be non-expansive, clean, and that it works easily and stands when cut. If forming fill happened to be properly compacted and inspected in accordance with an engineering specification it could be engineered fill.
 3. *Uncontrolled fill.* Uncontrolled fill is fill that has been determined to be unsuitable (or has not been proven suitable) to support a slab-on-ground foundation. Any fill that has not been approved by a qualified geotechnical engineer in writing shall be considered uncontrolled fill. Uncontrolled fill may contain undesirable materials and/or has not been placed under compaction control. Some problems resulting from uncontrolled fill include gradual settlement, sudden collapse, attraction of wood ants and termites, corrosion of metallic plumbing pipes, and in some rare cases, site contamination with toxic or hazardous wastes.
- D. *Building on non-engineered fill (forming or uncontrolled).*
1. Foundations shall not be supported by non-engineered fill.
 2. To establish soil supported foundations on non-engineered fill, the typical grid beam stiffened slab foundation must penetrate the non-engineered fill, with perimeter and interior beam bottoms forming footings to foundations below the unreliable fill.
 3. Penetration can be accomplished by deepened beams, spread footings or piers depending on the depth and the economics of the situation.
 4. Piers or piles may be used if the fill to be penetrated exceeds three feet, based on the recommendations of a foundation engineer and local conditions.

-
5. Floor systems shall be designed to span between structurally supported foundation elements. Such construction is only permitted upon the submittal of technical analysis and a report and plans sealed by a structural foundation engineer licensed by the State of Texas.
 6. Pre-existing fill may be classified as engineered fill after investigation by the geotechnical engineer. The approval may depend on the fill thickness, existence of trash and debris, the age of the fill, and the results of testing and proof rolling. The geotechnical engineer must be able to expressly state after investigation that the fill is capable of supporting a residential slab-on-ground foundation.
- E. *Identification of existing/proposed fill during platting.* Fill is frequently a factor in the construction of public improvements and foundation construction. Fill may be placed on a site at various times. As a requirement of the platting process:
1. Construction plans shall be submitted that clearly indicate which lots will be filled and which lots have existing fill.
 2. The type(s) of existing fill and proposed fill shall be identified on all preliminary and final plats.
 3. Construction plans shall propose and develop a strategy for dealing with fills early on in the construction process.
- F. *Geotechnical report required for new residential and non-residential development.*
1. Since fill may exist between borings or be undetected during the geotechnical investigation, a soil investigation is more accurate if borings are more closely spaced. Consequently:
 - a. A geotechnical report prepared by a professional engineer licensed in Texas and qualified to practice geotechnical engineering is required as the basis for all on-ground foundations, including single-family residential in new developments.
 - b. This requirement does not pertain to existing lots, lots created by a minor plat, or foundations not located on the ground.
 - c. Concurrent with the public acceptance process, developers may submit a master geotechnical boring plan for borings at a minimum of a separation of one per every 200 feet to facilitate proper on-ground foundation design. All new residential lots shall be located within 200 feet test bore for which a geotechnical report was prepared. The implementation and life of the plan is subject extreme weather conditions, such as drought or excessive rainfall, and amount of time that lapses between to report and the actual pouring of slabs.
 - d. If a master geotechnical plan is submitted, it shall be subject to approval by the city engineer and the final plan and reports filed with the building official and ~~development administrator~~designated City staff in an electronic format.
 - e. Failure to submit an overall boring plan may result in the need for separate borings for each lot, or group of lots.
 2. For all development, all on-ground foundations shall be designed in accordance with "Recommended Practice for the Design of Residential Foundations," Version 2, as may be amended, by the Texas American Society of Civil Engineers, and in accordance with the Angleton Building Code, as amended.

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

Sec. 23-62. Dust and particulate matter.

- A. *Dust.* Dust and other types of particulates borne by the wind from sources such as storage areas, yards, roads, bulk materials, conveying equipment and the like within lot boundaries shall be kept to a minimum by

Created: 2021-03-10 16:12:30 [EST]

(Supp. No. 19)

appropriate landscaping, screening, sheltering, paving, fencing, wetting, collecting, or other acceptable means.

- B. *Fugitive particulate matter.* No person shall cause or allow the emission or movement of fugitive particulate matter or dust across a lot line onto an adjoining lot. This requirement shall not apply when the wind speed is greater than 25 mph. Fugitive particulate matter is defined as any solid particulate matter that becomes airborne, other than that emitted from an exhaust stack, directly or indirectly as a result of the activities of any person. The city may require a fugitive dust control plan to ensure compliance with these standards.
- C. *Smoke.* In all districts, unless otherwise covered by a specific visible emission limiting standard by the State of Texas or Federal EPA, every use shall be operated so as to prevent the emission of smoke from any source whatever, the density of which is equal to or greater than that designated as Number 1 on the Ringlemann Chart, or the opacity of which is equal to or greater than 20 percent. For the purpose of grading the density of smoke, the Ringlemann Chart, as published and used by the United States Bureau of Mines, or Method 9, as published in Chapter 17-2 F.A.C. is incorporated herein by reference. All measurements shall be at the point of emission.
- D. *Dust and particulates.* Every use shall be operated to prevent the emission into the air of dust or other solid particulate matter which may cause danger to land and the health of persons or animals at or beyond the lot line of the premises on which the use is located.
- E. *Exemptions.* The following uses shall be exempt from the fugitive particulate matter requirements: agricultural plowing and tilling, demolition activities, earth moving activities necessary to the initial preparation of a site for new construction, including new streets, new subdivisions, commercial developments and public works related projects.
- F. *Dust control plan required.* Any use that will be of a nature that will store stockpiled materials, dirt, sand, fill or like materials, or have unpaved storage, shall submit a dust control plan approved with a plat, site plan, building permit, or prior to the issuance of a certificate of occupancy.

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

Sec. 23-63. Stormwater management.

- A. *Authority.* Angleton Drainage District (ADD) and the City of Angleton share the responsibility of stormwater management in the review of plats and site development plans. Specifically:
 - 1. ADD is the regional stormwater authority designated by Brazoria County to maintain and regulate drainage ditches, bayous, streams, and other drainage infrastructure to convey stormwater across the city and the ETJ in accordance with the Brazoria County Drainage Manual;
 - 2. The city, in coordination with ADD, reviews proposed stormwater management improvements proposed in connection with land development on private property, and plans proposing public improvements, such as streets, that will retain, detain, and convey stormwater into ADD drainage facilities for compliance with the Brazoria County Drainage Manual;
 - 3. All plats, site plans, development plans, and construction plans are subject to approval by ADD and city;
 - 4. The city retains the authority to exceed the minimum standards of the Brazoria County Drainage Manual where necessary to ensure public health and safety.
- B. *Detention and drainage facilities required.* On-site stormwater detention shall be required for all new developments to offset increased runoff that results from new developments, except for:
 - 1. Development for where regional detention facilities are established and adequate capacity exists;

-
2. Developments where an "alternate drainage solution", as set out in subsection E below, has been approved by the city engineer and ADD;
 3. An area expressly designated by ADD as "detention free";
 4. Replats where the density of the development is not materially affected; and
 5. All minor plats.

C. *Stormwater quality.*

1. The Brazoria County Stormwater Quality Coalition MS4 Construction Guidance document and the ACM are both adopted by reference to ensure that stormwater entering the navigable waters of the United States from the city's municipal separate storm sewer system does not violate the terms of the city's stormwater [Texas National](#)-Pollution Discharge Elimination System (NPDES) permit.
2. All requirements set out in City of Angleton Code of Ordinances chapter 29 - Stormwater Management, are incorporated by reference into the LDC.
3. All best management practices (BMP's) referenced in each are incorporated by reference as a part of the LDC as if they were expressly codified by the LDC to help control and reduce pollutants that are transported by stormwaters and technical guidance related to erosion and sediment controls and other measures to reduce pollutants from new construction projects.

D. *Drainage study required.*

1. Required stormwater management improvements shall be based on a drainage study that demonstrates that the proposed development will not result in adverse up-stream or down-stream conditions from development site.
2. Adverse conditions shall be construed to include increases in peak flows, increases water surface elevations, increases in flow velocity, or any unauthorized modification of the routing of stormwater from its predevelopment condition.
3. The drainage study shall be subject to review and approved by the city engineer and ADD. The study shall address existing and proposed peak flows and any increases, existing/proposed water surface elevations, flow velocity, and mitigation measures to comply with the ACM and the requirements of Angleton Drainage District.
4. The drainage report shall show that mitigation of the impacts of development on the drainage system will be provided as part of the development.
5. Mitigation may include detention, retention, infiltration, channel improvements, and other means acceptable to the city engineer and to ADD, and when necessary, to the Federal Emergency Management Agency (FEMA).
6. The study shall demonstrate that all required drainage improvements to drainage facilities that are not regulated by ADD are designed to reduce post-development peak flow rates of discharge to pre-development rates for 10-, 25-, and 100-year storm events at all points of discharge.

E. *Title ownership and maintenance.*

1. Detention and drainage facilities that are integral to the regional stormwater management shall be subject to the public acceptance procedures set out in section 23-37, Public acceptance, and shall be dedicated to the public and maintained by the public by the recordation of a plat or another legal instrument.

-
2. Detention and drainage facilities that are integral and usable as a part of the development shall be retained by the subdivider or developer and shall be maintained by the subdivider, developer, or assigned to a property owner association, as set out in section 23-21, Property owners' associations.
 3. Detention and drainage facilities retained by the subdivider or developer, or their assigns, shall be maintained in a manner that will allow them to perpetually function as designed, and shall be so designated on the recorded plat, approved site plan, and in the CCRs submitted to the city, as set out in section 23-21, Property owners' associations.
 4. Any detention or drainage facilities expressly purposed for regional detention shall be dedicated to ADD, or when appropriate to the city.
 5. ADD and city may enter into an agreement with each other, or with an adjoining subdivider or developer, to utilize the area surrounding the regional detention facility as a park, green space, wildlife habitat, or other purpose, subject to the recordation of a maintenance agreement specifying the responsibilities are the parties involved and approval by ADD and the city.

F. *Alternative design standards.*

1. *Purpose.* The purpose of this subsection is to allow ADD and city the ability to consider alternative detention and drainage facility designs which differ from the conventional design standards but which are based on sound engineering principals and satisfy the Brazoria County Drainage Manual, the ACM, and the LDC.
2. *Criteria.* Alternative designs shall meet the purposes and intent of the standard being varied. In this context, detention and drainage facilities shall mean physical improvements such as detention ponds, retention ponds, drainage swales, underground storage, off-site regional detention, off-site drainage improvements, or any other element of a proposed development.
3. *Amenities and neighborhood character.* When considering the design of drainage and detention facilities and any alternative design, the city would encourage "green" drainage solutions that maintain usable open space, provide recreation opportunities, create neighborhood character, and serve as an amenity, as an alternative to concrete and rip rap design. Green designs can be considered by the city as a credit toward fulfilling the requirements set out in section 23-20, Park dedication and recreation improvements.
4. *Approval based on engineering.* Decisions regarding design of such alternative design methods shall be based on generally accepted engineering practices and the recommendations of a drainage study prepared by a professional engineer that specializes in hydrology and that is licensed to practice in the State of Texas.
5. *Drainage plan required.* Drainage plans for alternative designs shall be subject to the same criteria set out in subsection D, Drainage study required, set out above in this section.
6. *Maintenance.* An additional criterion for the approval of an alternative design is the ability of the subdivider, developer, property owner association, and their assigns to maintain the alternative design and the long-term durability and sustainability of the alternative design.
7. *Relationship to Brazoria County drainage criteria, ACM, and LDC.* If the proposed alternative design is approved by the ADD and the city engineer, then the drainage requirements of this LDC and ACM shall be deemed to have been met. If proposed alternative design standards are not approved by ADD and/or the city, the standards in this LDC and the ACM shall apply.

G. *Construction sequencing and erosion controls.*

1. The drainage study shall be accompanied by a comprehensive and detailed report and plan for the control of erosion and sedimentation and mud mitigation and removal from public streets.

-
2. The report shall include a construction sequencing plan which details the proposed placement, maintenance and removal of temporary erosion controls, the slope stabilization techniques which are to be employed and the restoration measures, including vegetative types, which are to be employed as part of the process of subdivision development.
 3. The report shall list and show the location of temporary erosion controls, show the physical details of the controls, and include a construction sequencing list which will govern the timing of the use of various controls in relation to distinct steps in subdivision construction.
 4. Proposed erosion and sedimentation control shall comply with all ACM design requirements.
 5. Developers are responsible for the removal of mud on city streets from construction sites.

H. *Foundation drainage.*

1. *Generally.*
 - a. Drainage shall be diverted from home foundations into a drainage collection system as quickly as possible for the long-term life and preservation of building foundations.
 - b. Stormwater ponding is a concern for single-family residences built with on-ground foundations located ten feet or less from other foundations because stormwater ponding between slabs is attributed to slab failures and the need to remediate damage.
 - c. To avoid the blight that can result from on-ground foundation failures, foundation drainage criteria are established.
 - d. The necessity for such criteria is critical in an area subject to periodic heavy downpours and sustained storm events.
2. *Foundation drainage criteria.*
 - a. Lots shall be graded to drain surface water away from the foundation at a minimum slope of six inches within the first ten feet.
 - b. Where lot lines or other physical barriers prohibit such a slope, French drains, swales, or other improvements shall be constructed to ensure drainage away from the structure.
 - c. Gutters are required on all roof lines to prevent the ponding of water between slabs. Gutters shall slope one inch for every 20 linear feet with downspouts installed at a minimum every 40 feet, or as determined to be structurally appropriate by the builder or the gutter contractor.
 - d. Downspouts shall discharge water at least five feet from the from foundations and should connect into a drain system to convey stormwater away from the foundation into a neighborhood drainage network and shall not discharge onto adjacent properties.
 - e. Plats shall include general notes stipulating to the requirements of this Section and include a "typical" lot drainage plan, with flow lines to drain foundations and gutters, into the proposed drainage network.
 - f. Fencing shall be installed in a manner that will not create a dam impeding the flow of water in accordance with the approved drainage plan or that ponds or pools on any adjoining property.
 - g. HVAC pads shall be installed in a location that will not create a dam that impedes the flow of water in accordance with the approved drainage plan or that ponds or pools water onto any adjoining property.

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

Sec. 23-64. Drilling, mining, excavation, and performance standards.

The following Code of Ordinances requirements are applicable in the ETJ, per TLGC Ch. 212.

1. Chapter 16, Oil, Gas and Minerals;
2. Chapter 22, Article III, Excavations;
3. Chapter 28, Zoning, section 47.3, Extraction of materials (development standards only); and
4. Chapter 28, Zoning, section 44, Performance standards.

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

Sec. 23-65. Reserved.

ARTICLE VI. ADMINISTRATIVE BODIES

DIVISION 1. PUBLIC MEETING BODIES

Sec. 23-66. Purpose and applicability.

A. *Purpose.* The purposes of this chapter are to describe:

1. The administrative roles of city staff under the LDC;
2. The role and responsibilities of the planning and zoning commission; and
3. The scope of authority retained by the city council.

B. *Applicability.*

1. *City staff.* The administrative duties of city staff are described in:
 - a. Article VI, division 1, Administrative Review Staff; and
 - b. Article VII, division 3, Administrative Approvals.
 - c. When a requirement of the LDC specifies a particular department head or officer to perform an act or duty, the city manager is authorized to designate another official to perform the required act or duty.
2. *City council and the planning and zoning commission.* The duties and functions of the city council and the planning and zoning commission are described in:
 - a. Article VI, division 1, Public Meeting Bodies; and
 - b. Article VII, division 4, Public Meeting Approvals.

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

Sec. 23-67. City council.

- A. *Powers and duties.* The city council reserves to itself all of the powers and duties prescribed in the City of Angleton Code of Ordinances, and with respect to the administration of the LDC, those powers and duties that are not expressly delegated to:
1. City staff by article VI, division 2, Administrative Review Staff or article VII, division 3, Administrative Approvals; or
 2. Any advisory board or commission designated by the LDC or created by the city council.
- B. *Review of plats.* In accordance with TLGC Ch. 212, the city council, upon receiving a recommendation from the planning and zoning commission, shall act on the plats prescribed by article VII, division 4, Public Meeting Approvals.
- C. *Decisions.* The city council makes all final decisions on all special agreements set out in article III, division 3, Special Agreements, and other permits and procedures set out in article VII, division 4, Public Meeting Approvals.

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

Sec. 23-68. Planning and zoning commission.

- A. *General.* The eCity Charter designates an advisory body known as the planning and zoning commission (commission) to monitor and implement the land development regulations of the city.
- B. *Powers and duties.* All of the powers and duties of the commission shall be as prescribed in the city-City Charter, this LDC, and any other duties assigned by the city council.
- C. *Meetings, officers, and procedures.* The commission may:
1. Establish by-laws to govern its operations and consult with Robert's Rules of Order to resolve any procedural questions;
 2. Conduct meetings if a majority of its appointed members are present to constitute a quorum;
 3. By a majority vote of the commissioners present, pass any motion, except where the LDC or TLGC requires a greater majority;
 4. Cancel regular monthly meetings if no business requiring commission action is necessary; and
 5. Conduct special meetings or joint meetings with city council or another advisory board.
- D. *Open meetings.* All business shall be conducted in accordance with the State of Texas Open Meetings Act and other laws applicable to local public bodies.
- E. *Powers and duties.* The commission shall have the powers and duty to:
1. Formulate recommendations to the city council on the applications set out in the LDC in article VII, division 4, Public Meeting Approvals;
 2. Take final action on any request where the commission is designated by article VII, division 4, Public Meeting Approvals as the final approval authority;
 3. Make studies and recommendations to the council regarding planning, land use, growth, and city development that affect the LDC; and
 4. Perform other duties assigned by the city council or as prescribed in the Code of Ordinances.

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

DIVISION 2. ADMINISTRATIVE REVIEW STAFF

Sec. 23-69. Development review committee (DRC).

- A. *Generally.* A regulatory body to be known as the development review committee (DRC) is hereby established for the purpose of:
1. Administering the requirements of this LDC;
 2. Ensuring compliance with city codes and ordinances;
 3. Formulating staff recommendations;
 4. Rectifying review comments between city departments and referral agencies; and
 5. Providing cohesive and timely review of development applications.
- B. *Membership.* The DRC shall be comprised of the staff and consultants designated by the city manager, representatives from referral agencies, and any other person who may be relevant.
- C. *Powers.* The DRC shall have the role to review and provide technical recommendations concerning any application specified in this LDC or on any other matter related to the development of the city.
- D. *Meetings.*
1. DRC meetings shall be convened by the city, as necessary.
 2. A standing monthly meeting date may be established to facilitate the timely review of subdivision plats or other development applications and approvals.
 3. DRC meetings can be limited to the staff and agencies affected by the by the development or expanded to include additional agencies or staff with review responsibilities.

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

Sec. 23-70. Floodplain administrator.

- A. *Generally.* The ~~development administrator~~ designated City staff is designated as the floodplain administrator to administer and implement the provisions of this LDC and 44 CFR (Emergency Management and Assistance National Flood Insurance Program Regulations) pertaining to floodplain management.
- B. *Duties and responsibilities.* Duties and responsibilities of the floodplain administrator shall include, but not be limited to the following:
1. *Permit review.* Review applications to:
 - a. Determine whether proposed building sites will be reasonably safe from flooding based on the current Flood Insurance Rate Map, 44 CFR, elevation surveys prepared and sealed by a registered professional land surveyor (RPLS), proposed finished floor elevations, generally accepted engineering practices, historic archives, and any additional information available.
 - b. Approve or deny all applications for floodplain development permits; and

- c. Assure that all necessary permits have been obtained from those federal, state or local governmental agencies (including section 404 of the Federal Water Pollution Control Act amendments of 1972, 33 U.S.C. § 1334) from which prior approval is required.
2. *Recordkeeping.* Maintain and hold open for public inspection at the City Hall, all records pertaining to the provisions of division 6.200, Floodplain Management and Flood Damage Prevention.
3. *Interpretations of SFHA boundaries.* Make interpretations, where needed, as to the exact location of the boundaries of special flood hazards areas (e.g., where there appears to be a conflict between a mapped boundary and actual field conditions).
4. *Responsibilities with regard to alterations of watercourses.*
 - a. Notify adjacent communities and the state coordinating agency, which is Texas Water Development Board and Texas Commission for Environmental Quality (TCEQ), in riverine situations, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
 - b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished.
5. *Floodplain information and determination.*
 - a. When base flood elevation data has not been provided in accordance with section 6.202B., Basis for Establishing the Areas of Special Flood Hazard, the floodplain administrator shall obtain, review and reasonably utilize any base flood elevation data and floodway data available from federal, state or other sources, in order to administer the provision of division 6.200, Floodplain Management and Flood Damage Prevention. If adequate data is not available, the floodplain administrator may require the applicant to provide additional data, information and/or studies for review.
 - b. When a regulatory floodway has not been designated, the floodplain administrator shall not permit new construction, substantial improvements, or other development (including fill) within zones A1-30 on the applicable FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.
6. *Required map revisions.* Under provisions of 44 CFR, Part 65, Section 12 of the National Flood Insurance Program regulations, the city is authorized to approve certain development in the SFHA (A Zones) on the applicable FIRM maps which increases the water surface elevation of the base flood by more than one foot. However, the city must first apply for a conditional FIRM revision through FEMA (conditional letter of map revision).
7. *Enforcement.* The floodplain administrator shall enforce the floodplain management and flood hazard reduction standards of this LDC.

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

Sec. 23-71. ~~Development administrator~~Designated City staff.

- A. *Generally.* The ~~development administrator~~designated City staff shall be that person, or persons, designated by the city manager, to administer the processes and procedures of the LDC.
- B. *Authority and responsibilities.*

Obtain name and title from the City; Add to contacts/appendix in the [Administrative Procedures Manual](#)

1. *Standards of operation and procedures.* The ~~development administrator~~designated City staff is authorized to establish standards of operation and procedures consistent with the purpose and requirements of this LDC, which may include, but is not limited to, internal review and referral procedures, submittal content checklists, and submittal calendars.
 2. *Maintenance of LDC.* The ~~development administrator~~designated City staff is authorized to maintain the LDC.
 3. *Inspections.* The ~~development administrator~~designated City staff is empowered to enter any building, structure, or premises in the city upon which a development or land use is located, as follows:
 - a. Entry shall be for the purpose of inspection to ensure LDC compliance;
 - b. Inspection shall be performed during business hours, unless an emergency exists; and
 - c. Inspection shall be made only after:
 - i. Contact and permission granted by the owner or tenant; or
 - ii. An order from a court of competent jurisdiction.
 4. *Recommendations and decisions.* The ~~development administrator~~designated City staff is responsible for providing recommendations and decisions with respect to all applications set out in article VII, division 4, Public Meeting Approvals.
- C. *Recommendations.* The ~~development administrator~~designated City staff shall make a report and recommendations with regard to all applications for development approval, except those which are decided by the city manager or other members of staff.
- D. *Decisions.* The ~~development administrator~~designated City staff shall decide the administrative processes set out in article VII, division 3, Administrative Approvals.

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

Sec. 23-72. City engineer.

- A. *Generally.* The city engineer is the lead technical advisor to ensure compliance with all of the technical requirements of the LDC and to make recommendations with respect to development applications, construction plan review, and the implementation and maintenance of the ACM.
- B. *Duties and responsibilities.* The city engineer is responsible for following type of applications:
1. Review of plats, site plans, drainage plans, traffic plans, and construction plans, including all engineering plans and related construction tasks, including approval of contracts for public improvements, to ensure compliance with all of the requirements of this LDC, the ACM, and the capital improvements program;
 2. Requests seeking extensions for plats or construction plans that have lapsed;
 3. Public improvement plan review, construction review, field compliance, public acceptance of improvements, and the release of warranty bonds;
 4. Coordination with the city manager for any special development agreement, including, but not limited to, special districts, public or development improvement agreements;
 5. Coordination with the public works director with respect to the existing needs of the city with respect to streets, drainage, water, and sanitary sewer, MS4 compliances, and the short- and long-term impact of new development on existing and future conditions of the city;

Formatted: Not Highlight

-
6. Any appeal related to an application for which city engineer is the responsible official;
 7. Site specific ACM waivers, deferrals, or modification of standards, based on generally accepted engineering practice, where this LDC specifies that such latitude may be exercised;
 8. Updates to the LDC or ACM as may be necessary to update city standards or address any regulatory or design deficiencies in the city standards and criteria;
 9. Vested rights petitions for an application for which the city engineering is required to make a determination; and
 10. Petitions for a proportionality appeal or determination.
- C. *Special review.* If a development project is of a sufficient size, complexity, or requires outside engineering consultants to address special regulatory issues, the city engineer has the right, in consultation with the city manager and ~~development administrator~~designated City staff, to retain additional support in order to make appropriate recommendations to the city.
 - D. *Recommendations.* The city engineer shall make a report and recommendations for all applications for development approval where city engineer review and recommendations are required.
 - E. *Decisions.* The city engineer shall make determinations and decisions, or recommendations to other staff or city council, for those matters where this LDC requires a city engineer recommendation.

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

Sec. 23-73. Referral agencies.

- A. *Generally.*
 1. Angleton Drainage District is a referral agency for all development in the city and the ETJ.
 2. Based on project location, additional referral agencies may include, but are not limited to, TXDOT, Brazoria County, and public and private utilities that providers.
- B. *Duties and responsibilities.* Each referral agency is responsible for the enforcement and implementation of the requirements and standards of each agency. The requirements and standards of each referral agency are incorporated by reference into the LDC.
- C. *Recommendations.* Referral agency will provide review and recommendations to the ~~development administrator~~designated City staff.
- D. *Decisions.* Decisions and determinations made by the city in the review and decision of projects in the city and the ETJ shall be made with full consideration provided to the recommendations and direction of all referral agency having jurisdiction.

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

ARTICLE VII. PERMITS AND PROCEDURES

DIVISION 1. GENERALLY

Sec. 23-74. Purpose and application.

- A. *Purpose.* The purpose of this article is to consolidate and standardize all development application procedures and processes to be undertaken in sequence until an application is considered and decided by the decision-maker identified in this article.
- B. *Application.* Each division of this article shall apply as follows:
1. *Division 2, Standardized Development Approval Procedures*, establishes standardized procedures that apply to all development applications.
 2. *Division 3, Administrative Permits and Procedures*, sets out the standardized procedural requirements for development applications that require administrative approval.
 3. *Division 4, Public Meeting: Permits and Procedures*, sets out the standardized procedural requirements for development applications that require review and approval by the planning and zoning commission and the city council, respectively.

(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 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	Prior to sale or construction	All other plats	<u>City Manager or Designated City staff</u> Development Administrator
Site Plans	Determine Code Compliance	Prior to permit issuance	None	<u>City Manager or Designated City staff</u> Development Administrator
Extensions	Extend the life of an approval	Prior to expiration	As specified in the LDC	<u>City Manager or Designated City staff</u> Development Administrator
Sketch Plans	Determine LDC Compliance	Prior to plan submittal	Optional	<u>City Manager or Designated City staff</u> Development Administrator

Commented [LK67]: As currently written. Recommending changes to permit administrative approval of certain plats.

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	<u>City Manager or Designated City staff</u> Development Administrator
Interpretations	LDC interpretations	Within 14 days of receipt of a complete application	None	<u>City Manager or Designated City staff</u> Development Administrator
Floodplain Development Permit	Development in a regulatory floodplain	Prior to beginning improvements in a floodplain	None	Floodplain Administrator
<u>Construction of Public Improvements</u>	<u>Prior to site work</u>	<u>After approval of construction plans</u>	<u>None</u>	<u>City Manager or Designated City staff</u>
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 <u>building</u> permit issuance	None	City Council
Appeals	Appeals from a staff determination	Within 30 days of the	Administrative Appeals	City Council

		action being appealed		
Preliminary Plat	All major plats	Prior to Final Plat	Minor Plats	Council, upon 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
Vacation/Dedication of Easements	Easement dedicated or vacation	Prior to easement abandonment or conveyance	None	Council, upon Commission recommendation, if by plat, or by ordinance by Council
Floodplain Hazard Variance	Floodplain variances	Prior to permit issuance of a permit	Only pertains to Article V, Divisions 1 and 2	Council, upon City Engineer recommendation
LDC Variance	Variance from an LDC requirement	Prior to permit issuance	Flood Hazard Variances	Council, upon Commission recommendation
Text Amendment	Amendments to LDC text	Prior to amending the LDC	None	Council, upon Commission recommendation
Special Agreements	As set out in Article III, Division 3	Prior, or concurrent with, platting	None	City Council
Interpretations	Application of an LDC requirement	Prior to final action on a request	Development Administrator Designated City staff Interpretations	City Council
Site Plan Referral	Plans referred by the Development Administrator Designated City staff	Prior to site plan approval	Site plans approved by the Development Administrator Designated City staff	Planning and Zoning Commission
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

Commented [LK68]: List all plats, ROW dedication or abandonment, BOA, zone changes.

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

DIVISION 2. STANDARDIZED DEVELOPMENT PROCEDURES

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

(Supp. No. 19)

Sec. 23-77. Pre-application conference.

- A. A pre-application conference is required for all applications prior to submittal to identify issues and determine all applications and approvals that are required.
- B. Informal meetings may be scheduled prior to a pre-application conference, at the discretion of the applicant and city staff. Such meetings are recommended prior to preparing plats and site plans or requesting a zoning change or a special use permit.

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

Sec. 23-78. Filing of application.

- A. *Generally.* Every process established by the LDC shall be submitted on a form approved by the city with the appropriate application fee.
- B. *Forms.* The city shall promulgate and periodically revise application forms, checklists, and submittal requirements to implement the LDC.
- C. *Schedules.* The city is authorized to establish regular submittal deadlines for applications.

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

Sec. 23-79. Application completeness check.

A. *Generally.*

1. Development applications may not be processed until a complete submittal is filed.
2. Application completeness shall be determined within ~~five ten (10)~~ business days of application submittal.
3. ~~Complete~~ plat application must be provided ~~30 days prior to in accordance with the schedule set by the City, a commission meeting~~ to allow adequate review time.
4. A plat that is substantively complete but does not comply with all applicable city requirements of the LDC or any other applicable ordinance may only be continued at the written request of the applicant by the filing of the "30-day plat review waiver" form in appendix 23-A.2, Standardized City Forms and Certification Language, of the LDC. The commission and city council are each required to take formal action on request to continue the ~~plat~~.
5. If a "30-day plat review waiver" is not filed and granted as per the LDC, the commission and council must take action on all plats within 30 days of the filing date.
6. Plats that do not comply with the LDC and any other applicable ordinance requirement and that do not include a variance request, with a demonstrated hardship, and that do not include a request by the applicant for a waiver of the 30-day plat review shall be forwarded to the commission and council with a recommendation for plat denial.

B. *Incomplete applications.*

1. Incomplete applications shall be returned to the applicant.
2. An application that does not include the application fee is automatically incomplete.
3. Incomplete applications shall not be reviewed for LDC compliance prior to a complete filing.

Commented [LK69]: Allowed by statutes

Commented [LK70]: This is too long and the plats will be automatically approved per LGC. This does not meet LGC.

Commented [LK71]: This has changed. Amend language in accordance with the statutes.

-
- C. *Complete applications.* Complete applications shall be processed in accordance with the procedures set out in division 3, Administrative Approvals or in division 4, Public Meeting Approvals, and the procedural deadlines of the city.

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

Sec. 23-80. Application review.

- A. *Generally.* Upon receipt of a complete application, the city shall begin the review processes.
- B. *Plan and plats review and referral.* Plans and plats shall be referred to city staff, the city engineer, each utility provider, and Angleton Volunteer Fire Department for review and comment. Plats will also be referred to TXDOT and Brazoria County, or other agencies, when applicable.
- C. *Recommended revisions.*
1. The ~~development administrator~~ designated City staff shall provide review comments to the applicant and may schedule a DRC meeting;
 2. Resubmitted plans shall be reviewed for compliance with staff and referral agency comments; and
 3. Plats that do not comply with the LDC shall be designated as incomplete and an "inactive application", upon the written request of the owner, or forwarded to the commission and council with a staff recommendation for denial for failure to comply with the LDC.
- D. *Administrative recommendation or decision.* Upon successfully addressing all staff and referral agency comments:
1. Applications allowing administrative approval shall be approved or approved subject to conditions; and
 2. Applications requiring a public meeting or hearing shall be scheduled for meetings and a staff report and recommendation prepared.

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

Sec. 23-81. Inactive applications.

- A. *Generally.* Applications must be diligently pursued by the applicant. This section extinguishes applications that become stale due to applicant inaction.
- B. *Expiration of inactive applications.*
1. An application becomes an "inactive application" for failure to comply with all LDC requirements, preventing it from being docketed for action or approved.
 2. Inactive applications become "stale" after 90 days of the filing of the application if the applicant fails to address staff or referral agency review comments to allow further processing of an application, unless the applicant is actively pursuing action to address comments with staff, in which case the application shall become stale after 180 days of the date when commission action was originally requested.
 3. Stale applications are automatically voided six months after the original date when commission action was requested if the applicant fails to take action or request an extension of time for cause.
 4. If a plat becomes stale and is voided, application fees will not be refunded and a new application and fees are required to file a plat.
- C. *Extension of time.*

(Supp. No. 19)

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

-
1. Prior to the expiration of a stale plat, the application may be extended for up to six months upon written request of the applicant for due cause shown; and
 2. If the city amends the LDC or adopts other regulations during the period of time when the application was inactive or stale, the application shall:
 - a. Not be subject to compliance to the new regulations until the original application is considered to be voided; and
 - b. The application shall be subject to the new regulations and ordinances if the period of time to request an extension should lapse.
 3. A stale application shall expire after a six-month extension lapses and if an extension was not requested.
- D. *Effect of expiration.* Applications that expire pursuant to this section are automatically null and void without further notice or action by the city.

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

Sec. 23-82. Public notice.

A. Generally.

1. Public notice, if required, shall be provided in accordance with the requirements of the Texas Local Government Code (TLGC).
2. Written notice, when required, shall be provided to each owner, as indicated by the most recently approved municipal tax roll of real property.
3. Table 23.82, Required Notice, sets out the specific notice requirement for each type of application where notice is required.

B. Content of notice. Notice shall include:

1. The date, time, and place of the hearing;
2. Staff contact and phone number, a description, address, or location of the matter to be heard, and a statement that the public is invited to review and comment on the application.

C. Setting hearing. For all matters properly brought before the city council or the planning and zoning commission, the city shall determine a reasonable time and place for such hearing in compliance with all applicable TLGC requirements.

D. Computation of time. In computing the time periods for notice, the day of mailing, publication, or posting shall not be counted, but the day of the public hearing shall be counted.

E. Constructive notice.

1. Minor defects in any notice shall not impair the notice or invalidate proceedings pursuant to the notice in a bona fide attempt to comply with applicable notice requirements.
2. Minor defects in notice shall be limited to errors in a location map, typographic or grammatical errors, or errors of actual acreage that do not impede communication of the notice to affected parties.
3. Failure of a party to receive written notice shall not invalidate subsequent action.
4. If questions arise at the public hearing regarding the adequacy of notice, the administrative body shall direct city staff to make a formal finding as to whether there was substantial compliance with the

notice requirements of this LDC, and such findings shall be made available to the administrative body prior to final action on the request.

Table 23.82 Required Notice		
Type of Application	By Mail	Publication
Replats	Required (in accordance with TLGC § 212.015)	Required
Plats Associated with a Planned Development	Required, in accordance with TLGC § 211.006	Required
LDC Text Amendments	Not Required	Required

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

Sec. 23-83. Public meetings and hearings.

- A. *Generally.* All meetings of the appointed commission and council shall be open to the public except as otherwise provided by the Texas Open Meetings Act.
- B. *Joint meetings.* Any public hearing required by this LDC, or the laws of the State of Texas, may be held jointly with any public hearing required to be held by any other advisory board and the city council, subject to public notice as required by law.
- C. *Public hearings.*
 1. *Procedures.* All matters pertaining to the conduct of hearings shall be governed by the following procedures:
 - a. Any person may appear at a public hearing, submit evidence, and be heard;
 - b. If a speaker represents an organization, the commission or council may request evidence of that person's authority to speak on behalf of the group;
 - c. Persons appearing at a public hearing shall identify their name and address and similar information about any organization they represent;
 - d. Citizens, applicants, and city staff have the right to present expert witnesses; and
 - e. The chairperson may impose a reasonable time limit on speakers and may limit testimony that is irrelevant or redundant.
 2. *Prehearing examination.* At any time following public notice, any person may examine the application and all other documents on file with the city regarding the proposed application.
 3. *Right to submit written statements.* Any person may provide a written statement in support or opposition to the application. Such statements shall be made a part of the public record of the hearing.
 4. *Representation.* Any person may appear and testify at a public hearing, either in person or by a duly authorized agent or attorney and may submit documentary evidence.
 5. *Ex parte communication.* The hearing body and each of its member shall not:
 - a. Use or rely on any communication, reports, memoranda, or other materials prepared in connection with the particular case unless they are made a part of the record; nor
 - b. Inspect the site by prearrangement with any party to the proceedings, or their representative, unless other parties known to have an interest in the matter are allowed an opportunity to be present;

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

(Supp. No. 19)

-
- c. The conduct of any inspections in which interested parties were involved in any such communication shall be noted in the official record.
6. *Decisions.*
- a. Official action shall require the favorable vote of a majority of a quorum present; and
 - b. Voting shall be conducted in a manner where the public may know the vote of each person entitled to vote.
7. *Time limitation for decisions.* Decisions on applications shall be provided in accordance with each specific application set out in the applicable TLGC statute.
8. *Conditions of approval.*
- a. The procedures set out in this LDC authorize the decision-making body to impose such conditions upon the premises benefited by the approval as may be necessary to reduce, minimize, or eliminate potential adverse impact upon other property in the area, or to carry out the general purpose and intent of the ~~comprehensive plan~~2007 Comprehensive Plan and the LDC.
 - b. In such cases, any conditions attached to approvals shall be directly related to the impacts of the proposed use or development and shall be roughly proportional in both extent and amount to the anticipated impacts of the proposed use or development or shall carry out the general purpose and intent of the ~~comprehensive plan~~2007 Comprehensive Plan and this LDC.
 - c. No conditions of approval, except for those attached to variance or minor modification approvals, shall be less restrictive than the requirements of this LDC.
9. *Adjournment of hearing.* The body conducting the hearing may at any time adjourn the hearing for a reasonable time, and to a fixed date, time and place, for the purpose of giving further notice, taking further evidence, gathering further information, or for such other reason as the body may find to be sufficient.

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

Sec. 23-84. Continuances and withdrawals.

- A. *Generally.* Consideration of applications may be continued, or applications withdrawn as provided in this section.
- B. *Continuances.*
- 1. *Request or motion to continue.* Consideration of an application may be continued upon motion of the commission or council, or upon request of the applicant, before a decision is made on the application.
 - 2. *Period of continuation.* Should any item before the commission or council be tabled in anticipation of information or events to occur prior to rendering a decision, such tabling shall be made to a specific date.
 - 3. *Subdivisions.*
 - a. Due to statutory requirements that require city action within prescribed time periods, subdivision plats may only be continued at the request of the applicant, in writing, by the filing of the "30-day plat review waiver" form in appendix 23-A.2, Standardized City Forms and Certification Language, of the LDC.
 - b. If a plat fails to demonstrate compliance with the LDC, staff shall recommend denial of the plat, and the applicant may request a continuance for a specific date.

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

(Supp. No. 19)

C. *Decision required.*

1. If an item before the commission or council includes an established statutory number of days within in which a decision must be made, the decision to approve or deny shall be made within the stated number of days, unless the applicant consents in writing to an extension of the statutory time limit; and
2. If at the conclusion of the continuation period the item under consideration remains in the same or unchanged state or condition as existed when the item was initially tabled, the item shall be removed from the table, and shall be approved or denied.

D. *Withdrawal.* Any application may be withdrawn in writing, or on the record, during the proceedings.

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

Sec. 23-85. Successive applications.

A. *Generally.* It is the policy of the city not to hear successive applications that are substantively identical after an initial application is denied.

B. *Time required between substantially similar applications.*

1. When any application set out in division 3 of this article is denied on its merits, a second application seeking essentially the same action shall not be brought unless new evidence is available showing that a mistake of law or facts significantly affected the prior denial.
2. When any application listed in division 4 of this article is denied on its merits:
 - a. A second application seeking essentially the same consideration in the same form, may not be accepted by the city for a period of 12 months after an original application was denied.
 - b. The 12-month rule may be waived by the body who rendered the final denial of the previous application only if a new application is substantially different from the original application, corrects any defects or addresses issues that were significant in denial of the original application, and if the applicant provides a detailed statement justifying consideration of the application.
 - c. A second application that is filed more than 12 months after the denial of a prior application shall be shall be heard on its merits, without prejudice, as though a prior application had not been filed and denied.
3. *Summary denial without hearing.* Successive applications filed inconsistent with the above requirements shall be denied summarily, without formal action, if the ~~development administrator~~designated City staff finds no grounds warrant a waiver of the 12-month rule, and the plat shall not be considered. Such a plat shall be docketed for commission and council action to formally deny the plat to ensure that a plat submittal is not deemed to have being approved under V.T.C.A., Local Government Code § 212.009.

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

Sec. 23-86. Fees.

A. *Generally.* The city council shall establish a fee schedule for the processing and review of the various applications described in the LDC, including fees for:

1. Application submittal/review;

2. The expenses of statutory legal notice, including publication expenses;
 3. Reimbursement for extraordinary costs to the city necessitated by an application for expert technical review or legal advice, such as, but not limited to, civil engineer review, TIA review, or the preparation of a legal instruments; and
 4. Any outstanding application or review fees or expenses incurred by the city.
- B. *Relationship to application.* No application shall be determined to be complete until all application fees are paid in full.
- C. *No refunds.* Once an application has been submitted and determined to be complete, pursuant to section 23-79, Application completeness check, the application fee, and any additional review fees incurred by the city in the review of the application, as set out in subsection A., above, are non-refundable.

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

DIVISION 3. ADMINISTRATIVE: PERMITS AND PROCEDURES

Sec. 23-87. Administrative plats.

A. *General.* Administrative plats include the following:

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

B. *Submittal requirements.* All administrative plats (minor consolidation plats, minor amending plats, minor subdivision plats, and development plats) shall require the submittal requirements as set out in section 23-A.1., Submittal requirements checklists.

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 plats, 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.

Is there an option to combine all types of replats?

Commented [LK72]: Minor plat

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:
 - 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
 - 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.

G. *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.

Formatted: Not Highlight
Plat?

-
- H. *Approval by the city manager.* Upon the completion of ~~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 23-95, Final plats, if all requirements for administrative plat approval are not satisfied.
- I. *Subdivisions outside the corporate limits of the city.* The City of Angleton has final authority on development plats in the ETJ.
- J. *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. 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.

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

(Supp. No. 19)

- 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.~~
- ~~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.~~
- ~~I. 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.~~
- 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.

Commented [LK73]: Consider removing the need for referral of a site plan to the Planning and Zoning Commission. This is not required.

Formatted: List 1

Formatted: List 1

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

Sec. 23-89. 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 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 ~~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. 23-90. Sketch plan.

- A. *General.* The sketch plan process is informal and highly encouraged to allow staff to convey how the LDC and other development codes and development processes would apply to a project to allow an applicant to determine project feasibility and an approval process time line.
- B. *Considerations.* When considering a sketch plan, the following assumptions should be considered:
1. The submittal of a sketch plan bestows no entitlement approval to any project that is reviewed and that the direction of staff is subject to change if new codes and ordinances are adopted prior to the submittal of a development application and subject to complete information about the project being submitted for review; and
 2. The sketch plan process is informal, does not constitute a complete and in-depth review of the project, and assumes that the applicant is only submitting a portion of the information necessary to obtain staff direction and input allow prior to the submittal of a development application.
- C. *Information required.* There is no minimum information requirement. However, the degree and detail of staff direction shall be limited to amount and quality of the information submitted.

Commented [LK74]: It is not clear when Sketch Plans are required.

-
- D. *Vesting.* The submittal, and staff review, of a sketch plan, shall not be deemed to have vested any development rights or a right to obtain a permit or any other form of approval under this LDC.
- E. *Records.* Sketch plans are not approved or denied, are not official, do not convey any development rights, and only constitute the voluntary exchange of information before the potential filing of an application. As such, sketch plan records shall only be maintained in the official records of the city if a formal application for a property that was the subject of the sketch plan review is filed.

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

Sec. 23-91. Building permits, certificates, and licenses.

- A. *Permits and licenses required.* The building official shall be responsible for the review of applications and plans seeking the permits, certificates, and licenses listed below:
1. *Building permits.*
 - a. No building shall be erected, constructed, altered, moved, converted, extended, or enlarged, without first obtaining a building permit.
 - b. Permits may not be issued until an applicant demonstrates compliance with applicable LDC requirements and all applicable construction codes adopted by the city.
 - c. When issued, permits shall be valid for a period of 12 months.
 2. *Placement permit.* No manufactured home or trailer for any purpose may be placed for occupancy at any location without the issuance of a placement permit.
 3. *Licenses.* Businesses requiring a license by the State of Texas or city shall said license prior to the establishment of any business in Angleton, including home occupations.
 4. *Trade permits.* Before plumbing, electric, HVAC, and mechanical improvements begin, the person/contractor proposing the improvement shall obtain permits from the building official.
- B. *Plans required.*
1. All applications for permits shall be accompanied by schematics or plans, drawn to scale, with dimensions, lot lines, the building or buildings, the location of buildings on the lot and such other information as may be necessary to provide for the enforcement of these regulations, including, if necessary and required in a specific case, a boundary survey and a staking of the lot by registered surveyor and complete construction plans.
 2. Prior to the issuance of a building and trade permits to authorize commencement of construction or continued construction, plans shall be submitted demonstrating compliance with all requirements of the LDC, zoning ordinance, all building, fire, and health code requirements and the requirements of any other applicable referral agency.
- C. *Certificate of occupancy (CO).*
1. No premises shall be used or occupied until a CO is issued.
 2. A CO shall be applied for coincidental with the application for a building permit and shall be issued by the building official upon the completion of the improvements in conformity with the provisions of the LDC and all other applicable regulations of the city or any referral agency.
 3. A CO may be issued for a part of a proposed building or development, or a section thereof, if completed in accord with the terms of all applicable ordinances and construction codes.

-
4. The building official may issue a temporary CO contingent upon specific conditions and terms of compliance, for a period not to exceed six months.

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

Sec. 23-92. Floodplain development permit.

- A. *General.* Floodplain development permit applications will be submitted to the floodplain administrator and will include:
 1. A site development plan drawn to an appropriate scale showing the locations, dimensions, and elevations of all existing and proposed structures; and
 2. All proposed grading site alterations, including fill, and the location of the foregoing in relation to the special flood hazard areas.
- B. *Information required.* The following information must be provided to the floodplain administrator:
 1. Elevation, in relation to mean sea level:
 - a. Of the lowest floor, including basements, of all new and substantially improved structures;
 - b. To which any nonresidential structure will be floodproofed;
 2. A certificate from a registered Texas professional engineer or architect attesting that the nonresidential floodproofed structure will meet the floodproofing criteria of article V, division 2, Flood Hazard Reduction; and
 3. Description of the extent to which any watercourse or natural drainage is proposed to be altered or relocated.
- C. *Approval criteria.* The approval or denial of a floodplain development permit will be based on all of the provisions of this division and the additional relevant factors:
 1. The availability of alternative locations, not subject to flooding or erosion damage, for the proposed use;
 2. The necessity of the facility to a waterfront location, if applicable;
 3. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site;
 4. The costs of providing government services during and after flood conditions, including the maintenance and repair of streets, bridges, and public utilities;
 5. Safe access to and from the property in times of flood for ordinary and emergency vehicles;
 6. Compatibility of the proposed use with existing and anticipated development;
 7. Danger that materials may be swept onto other lands to the injury of persons and property;
 8. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner; and
 9. Danger to life and property due to flooding or erosion damage.
- D. *Records.* The floodplain administrator shall maintain a record 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. 23-93. Development permit.

- A. *Purpose.* The purpose of this section is to ensure that grading will:
1. Create the least possible disturbance of terrain and natural drainage conveyance networks;
 2. Not result in flooding or erosion; and
 3. Be conducted in accordance with all stormwater pollution prevention plan (SWPPP) best management practices and Texas Commission on Environmental Quality (TCEQ) requirements.
- B. *Permit required.*
1. The following activities require a development permit:
 - a. Any excavation, fill, or land disturbing activity involving an earthwork volume greater than ten cubic yards;
 - b. Construction, paving, or re-paving of any multi-family residential, nonresidential, or mixed-use driveway, private street, parking lot, sidewalk, or path;
 - c. Construction of any paved or improved surface larger than 1,000 square feet in area; and
 - d. Construction or installation of any storm sewer, pipe, swale, or ditch for drainage purposes, except footing tiles or roof drainage interior to a structure.
 2. A copy of the development permit, **SWPPP permit**, NOI (when applicable), and an approved set of construction plans shall be on the site during the grading process.
 3. Work for which a development permit has been issued shall not be partially completed and abandoned. Failure to complete all approved grading improvements without just cause, leaving required improvements uncompleted and in a condition that could potentially result in life safety or health risks, as determined by the city engineer, shall constitute abandonment and a violation of this section.
- C. *Exceptions from development permits.* The following activities do not require the issuance of a development permit, but each activity does not exempt the property owner or contractor from complying with all requirements of this section:
1. Work performed in connection with the construction on a legally platted residential lot, or an unplatted residential tract not exceeding one acre in area, if the work is covered by a valid building permit;
 2. Where the work to be performed is routine agricultural or land management operations necessary for cultivation of the soil of a farm or ranch; and
 3. Where the work is a public works, or other government agency.
- D. **Information required.** The following plans shall be provided to the city and sealed by a professional engineer licensed to practice in Texas with information demonstrating compliance with all LDC and TCEQ requirements.
1. An approved grading plan;
 2. An approved drainage plan;
 3. SWPPP approval and "notice of intent" (NOI);
 4. Evidence that the proposed improvements will adhere to all applicable best management practices for erosion control; and

-
5. Description of the extent that improvements will be provided to ensure that discharge will not threaten to cause pollution, contamination, or degradation of any state waters or regulated wetlands.
- E. *Proposed subdivisions.* If a property is required to be subdivided by the LDC, a grading permit will not be issued until a preliminary subdivision plat has been approved by the city council and construction plans are approved by the city engineer.
- F. *Permit conditions.* A development permit may be issued when all of the following conditions are satisfied:
1. The applicant has notified the city engineer and building official at least five days before beginning any land disturbing activity and submitted a NOI from TCEQ;
 2. The applicant has installed and started to maintain all required erosion control measures;
 3. The applicant has started to maintain all road drainage systems, stormwater drainage systems and other facilities;
 4. The applicant has demonstrated how sediment resulting from land disturbing activities will be managed to avoid entry into adjacent surfaces and/or drainage courses;
 5. The applicant will allow the city engineer or their designees to enter the site to verify compliance or to require additional work to bring the site into compliance with approved permit; and
 6. The applicant agrees to submit revised plans and obtain a new permit if the nature of the project changes from that proposed under the approved permit.
- G. *Earthwork requirements.*
1. The requirements for earthwork are generally fulfilled through application of the requirements of good engineering practices.
 2. Earthwork shall be designed by a registered professional engineer licensed to practice in Texas and shall be subject to compliance with an approved grading plan signed and sealed by such a registered engineer, and approved by the city engineer, to govern all aspects of the earthwork.
 3. Significant earthwork includes, but is not limited to, the grading of large tracts of land, the installation of construction fill, excavations, and work on slopes.
 4. Earthwork is subject to compliance with a dust control plan and the implementation of methods to mitigate dust.
- H. *Liability insurance.*
1. General liability insurance shall be required as a condition for procurement of a grading permit. However, liability insurance shall not be required for projects less than one acre in size. Procurement and maintenance of such liability insurance policy shall be the sole responsibility of the applicant.
 2. The minimum limit of liability shall be \$300,000.00, combined, single limit. Such policy certificate shall provide that the insurance cannot be canceled or the limit of coverage reduced without 30 days prior written notice to the city engineer.

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

DIVISION 4. PUBLIC MEETINGS: PERMITS AND PROCEDURES

Sec. 23-94. 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 ~~development administrator~~**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".

Commented [LK75]: This would be a minor plat.

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

Sec. 23-95. 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. ~~Review-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. city engineer shall review the plans to ensure compliance with the LDC and Angleton Construction Manual.~~

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, 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.

G. *Review in phases.*

1. An owner or subdivider may pursue final plat approval of a portion or a section of a development included in an approved preliminary plat, as set out in section 23-18, Development phasing;
2. The final plat of each phase, shall carry the name of the entire subdivision and a unique phase number;
3. Block numbers within the entire development shall run consecutively throughout the entire subdivision; and
4. By completing a development in phases, the original preliminary plat shall not lapse or expire.

H. *Lapse of approval.*

1. Final plat approval is valid for 12 months from the date of approval by the city council or Brazoria County, during which time all general terms and conditions under which the final plat was approved will not be changed;
2. City council approval of the final plat shall be voided if a final plat is not submitted 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 [LK76]: Confirm new procedures

Commented [LK77]: 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)

Sec. 23-96. Amended plats, major.

- A. *General.* Any amended plat that does not qualify as amended plat, minor, under section 23-87, Administrative plats, subsection D, shall be classified as an amended plat, major.
- B. *Pre-application conference.* Prior to filing of an application, the applicant is required to schedule a pre-application conference, as set out in section 23-77, Pre-application conference, to determine if the proposed amendments are major or minor or result in any prohibited action set out in subsection C., below.
- C. *Prohibited actions.* Amending plats, major, may not:
1. Remove or modify a recorded covenant, restriction, general plat note, right-of-way, or easement;
 2. Have a material adverse effect on the property rights of the owners in the plat;
 3. Relocate one or more lot lines between one or more adjacent lots unless all of the owners affected by the change join in the application for the amending plat, major;
 4. Result in the increase in the number of lots;
 5. Result in a lots or improvements that would not conform to all requirements of this LDC or any other regulations of the city; or
 6. Create or modify street right-of-way or any other municipal or private facilities.
- D. *Submittal requirements.* The amended plats, major, shall;
1. Be labeled as an amended plat, major;
 2. Include a "purpose" statement for the amendment and describe exactly what has been changed on the plat since the original, or previous, plat was approved by the city and filed at the county;
 3. State the specific lots affected as a result of the amended plat and include the original subdivision plat boundary; and
 4. Meet all submittal requirements set out in appendix A, subappendix 2, for preliminary plats, and any other submittal checklists that are applicable.
- E. *Submittal at applicant's risk.* An applicant, at risk, may file a combined preliminary/final amended plat, major. The commission and council may only act on the final plat if the preliminary amending plat, major, is approved. The commission and council are not obligated to take favorable action on the final plat if there are issues with the preliminary amended plat, major.
- F. *Process and decision.* Amended plats, major, shall follow all procedural requirements set out in section 23-94, Preliminary plats and section 23-95, Final plats, respectively, depending on the plat type proposed to be amended.
- G. *Approval criteria.* Amended plats, major, shall be approved if the amendments:
1. Do not include a prohibited action, as listed in subsection C., above;
 2. Would not result in any nonconforming lot, block, structure, or other improvements;
 3. Are agreeable to all affected property owners, as attested to by their signatures on the plat;

Formatted: Not Highlight

-
4. Are agreeable to the affected utility provider(s); and
 5. Would comply with the LDC and not reverse any conditions imposed by the city council.
- H. *Actions following plat approval.* Upon approval of the amended plat, major, the plat shall follow all procedural requirements set out in section 23-94, Preliminary plats and section 23-95, Final plats, respectively, depending on the plat type proposed to be amended.
- I. *Lapse of approval.* Amending plats, major shall have the same life span as the plat which was amended, which shall be 12 months from the date in which amending plat, major is approved. An extension may be granted as set out in section 23-94, Preliminary plats and section 23-95, Final plats, respectively.

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

Sec. 23-97. 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:
 - a. Correct an error in any course or distance shown on the prior recorded plat;
 - b. Add any course or distance that was omitted on the prior recorded plat;
 - c. Correct an error in the description of the real property shown on the prior recorded plat;
 - d. Indicate monuments set after death, disability, or retirement from practice of the engineer responsible for setting the monuments;
 - 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;
 - f. Correct any other type of clerical error, scriveners' error, or omission in the previously approved recorded plat;
 - 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.
 - 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
 - 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:

-
- a. Signed and acknowledged by only the owners of the property being replatted;
 - b. Approved after a public hearing; and
 - 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.
- 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.
- C. *Nonconforming lots.* If the lots proposed to be consolidated exist as legal nonconforming lots, the consolidation plat process should comply with the criteria set out in section 23-5, Applicability, subsection E, Nonconforming lots.
- 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.
- E. *Action following approval.* Replats and consolidation plats, major shall be subject to the "action following approval" requirements set out in subsection 23-95.F, Final plats.
- F. *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)

Sec. 23-98. Public improvements acceptance.

- A. *Timing of required improvements.* Required public improvements may be completed:
1. *Prior to final plat recordation:*
 - a. After approval of a preliminary plat and prior to the recordation of an approved final plat, the installation of all public infrastructure improvements required to serve the subdivision, whether to be located off-site or on-site, including but not limited to, water, wastewater, drainage, road and park improvements, shall be completed:
 - i. In accordance with the approved public infrastructure construction plans; and
 - ii. The installation of improvements required for proper drainage and prevention of soil erosion on individual residential lots, and improvements on any common areas shall be completed prior to recordation of the final plat in accordance with the approved construction plans.

Clarify who
will hold this
public
hearing.

2. *After final plat approval:*

- a. The developer or applicant may request to defer the obligation to construct and install one or more public improvements to serve the subdivision until after final plat recordation, in accordance with section 23-38, Deferral and permitting, and upon the approval of construction plans by the city engineer;
- b. The deferral request shall be submitted with an application for preliminary plat approval to provide fair notice of the intent of the developer; and
- c. Deferral of the obligation to install public improvements shall be conditioned on execution of a subdivision improvement agreement and sufficient surety to secure the obligations defined in the agreement.

B. *Construction plan expiration.*

1. If construction has not been initiated within one year of the approval of construction plans, plan approval shall lapse.
2. The city engineer may:
 - a. Grant a one-time six-month extension of the plans upon determining that the plans continue to meet all current requirements; or
 - b. Require the submittal of revised construction plans if the plans don't comply with current requirement.
3. Revised construction plans shall be subject to review fees as if they were an original set of plans.

Commented [LS78]: Consider not extension and they have to turn it in again for review and permitting if no construction has taken place.

C. *Final plat expiration.*

1. If required public improvements for a subdivision have not been constructed and/or accepted by the city within 24-30 months from the date of the approval of the final plat, the final plat for a recorded subdivision shall be null and void and deemed to ~~have been~~ have been withdrawn without formal action by the city.
2. If required public improvements have not been constructed or accepted by the city:
 - a. The corresponding final plat for such subdivision shall be null and void and deemed to be withdrawn without formal action by the city.
 - b. An approved, unexpired final plat, may be extended once for a period not to exceed 24 months, pursuant to the following provisions:
 - i. A request for an extension of time to complete required public improvements shall be submitted prior to the date the in which final plat expires.
 - ii. The request shall be in writing, and the application shall state the reason and justification for the requested extension.
 - iii. The city council may:
 - (a) Extend the approval of the final plat, for good cause shown by the applicant, if there has been no significant change in development conditions affecting the subdivision plat; or
 - (b) Extend the plat subject to compliance with any new standards and regulations adopted since the plat was approved.

Commented [LS79]: If construction is not completed, a performance bond needs to be submitted. Another section stated 30 months. Not sure if this can be implemented. Confirm

-
- D. *Disclaimer.* Approval of a preliminary plat or a final plat shall not constitute the acceptance of any required public improvements or obligate the city to accept construction plans or public improvements that do not fully comply with all LDC or ACM requirements.
- E. *Inspection.*
1. The city and affected utility providers shall be notified three days prior to the commencement of any construction of public improvements to ensure that proper supervision and inspection is provided and to allow the city to determine if a predevelopment conference is required prior to the start of coordination.
 2. All construction shall be subject to inspection by the city and all utility providers.
- F. *Stop work order.* When any duly authorized agent of the city or utility provider determines work is being completed contrary to the requirements of the LDC, ACM, or approved construction plans, or in a dangerous or unsafe manner, the city may:
1. Issue a stop work order until all issues are remediated at the expense of the developer as set out below:
 - a. The stop work order shall be in writing and provided to the owner, the owner's agent, and the person doing the work;
 - b. Upon issuance of a stop work order, work shall immediately cease, except for work that will remediate the issue; and
 - c. The stop work order shall state the reason for the order and the conditions under which work can resume.
 2. Where a verifiable emergency exists, or is in danger of existing, written notice prior to stopping work shall not be required.
 3. Any person who continues work after having been served with a stop work order, except persons directed to remediate the violation or unsafe condition, may be liable to the penalties prescribed by article VIII, Enforcement and Remedies.
- G. *Building permit issuance prohibited.* Building permits for development to be served by public improvements may not be issued until:
1. *Acceptance required.* All required improvements have been completed and accepted by the city and any other affected utility or agency.
 2. *Deferral and posting of performance bonds.* Where the city engineer or another agency have determined that improvements are not possible or practical at the time or should be deferred, as set out in section 23-38, Deferral and permitting, permits may not be issued until deferral agreement instruments are executed and applicable, funds, escrow, or letters of credit posted.
 3. *Guarantee for construction or maintenance.* Approval of the final plat or construction plans shall not impose any duty upon the city, or any other utility or agency concerning the maintenance of dedicated improvements until improvements are accepted and the terms of warranties have been completed and the warranty period lapses.
- H. *As-built plan submittal requirements.*
1. Prior to accepting public improvements, the developer's engineer shall submit a complete set of drawings of the paving, drainage, water, and sewer improvements showing all changes made in the plans during construction and containing on each sheet an "as-built" stamp bearing the signature and seal of the engineer and the date.

2. As-built plan sets shall contain the following:

- a. Full size sets of "approved construction plans" and "as' built" plans;
- b. Electronic (digital) copies of all plans in GIS compatible format and .pdf format;
- c. Design engineer's seal and certificate of review;
- d. Public acceptance guaranties and costs of all infrastructure being dedicated to the city;
- e. Two true and correct copies of field density tests, material source tests, and geotechnical report; each certified by a recognized testing laboratory and .pdf files of each; and
- f. Acceptance letters from all utility providers.

I. *Public acceptance process.*

1. *Criteria.* The following criteria shall be used during the public acceptance process:

- a. The city engineer shall determine if the improvements are consistent with the final plat and the approved set of construction plans; and
- b. That the required public improvements conform to all LDC and ACM standards and specifications.

2. *Maintenance bond filed.* Prior to the acceptance of improvements, the subdivider shall:

- a. Furnish a good and sufficient maintenance (warranty) bond:
 - i. In the amount of ~~20-125~~ percent of the contract price;
 - ii. With a minimum bond amount of \$25,000.00; and
 - iii. With a reputable and solvent corporate surety in favor of the city.
 - b. Indemnify the city against any repairs that may become necessary to any part of the construction work performed in connection with the subdivision arising from defective workmanship or materials used therein; and
 - c. Post the maintenance bond for a period of one year from the date of final acceptance by the city council.
3. *Off-site easements.* Any necessary off-site easements required for installation of off-site public improvements to serve the subdivision or development shall be acquired by the subdivider and conveyed solely to the city by an instrument approved by the city attorney.
4. *Security for completion of improvements.*
- a. Whenever the obligation to install public improvements to serve a subdivision or development is deferred until after recordation of the final plat, the property owner shall provide sufficient security to ensure completion of the public improvements in a form acceptable to the city attorney; and
 - b. The security shall be issued in the amount of 125 percent of the good faith cost estimate approved by the city engineer for all public improvements associated with the subdivision. The terms of the security agreement shall be subject to the approval of the city attorney.

Commented [LS80]: Consider requiring a maintenance bond of 125%.

J. *Public acceptance standardized forms.* Section 23-A-2, Standardized city forms and certification language, includes standardized forms for public acceptance process set out in subsection K, below.

K. *Public acceptance process.*

1. *Preliminary acceptance (part I).*

- a. The applicant shall submit a preliminary acceptance and maintenance bond instruments, in formats acceptable to city attorney, with the as-built plan documentation, as set out in subsection H, As-built plan submittal requirements, above, to the city engineer;
- b. After recommendations by the city engineer:
 - i. The city engineer shall accept or reject the request for preliminary acceptance of public improvements;
 - ii. The city may provide conditional preliminary acceptance, provided that the applicant guarantees that all materials and workmanship are to be in accordance with the approved plans and specifications prescribed by the city, and to correct any and all deficiencies not in accordance with approved plans prior to a designated deadline;
 - iii. When the city engineer determines that public improvements are complete and in compliance with the approved construction plans, the developer may petition the city administrator for preliminary acceptance of public improvements by executing part I of the "developer petition for acceptance of public improvements"; and
 - iv. Preliminary acceptance of such improvements shall mean that the property owner has transferred all rights to all the public improvements to the city for use and maintenance and that the city may accept dedication of a portion of the required public improvements, provided adequate surety has been given for the completion of all of the other improvements.

2. *Final acceptance (parts II and III).*

- a. One year after the issuance of preliminary acceptance, the city engineer shall determine if the subdivider has:
 - i. Maintained all public improvements in good condition;
 - ii. Corrected any deficiencies specified in the preliminary acceptance procedure; and
 - iii. Corrected any other deficiencies that have arisen since the effective date of the preliminary acceptance process.
- b. The applicant shall request final acceptance by executing part II of the "developer petition for acceptance of public improvements", with:
 - i. A detailed list of all improvements being dedicated to the city itemized;
 - ii. The linear distance of each water and sanitary sewer listed;
 - iii. The acreage of all street and drainage improvements provided, and
 - iv. The valuation of each improvement itemized.
- c. Final acceptance of ~~the at all~~ public improvements is subject to city council approval, based on the favorable recommendations of the city administrator and city engineer and the assurance that the maintenance bond will extend for 365 days after final acceptance is granted.

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

23-99

Sec. . ~~Ldc~~ Land Development Code (LDC) text amendn

Clarify if an applicant can initiate

A. *Generally.* Requests for amendments to the text of the LDC may be initiated by the request of the planning and zoning commission, city council, or city manager to amend, supplement, change, modify, or repeal any portion of the LDC that is not expressly required by Texas or federal law.

Typo

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

(Supp. No. 19)

B. *Processing of application and decision.*

1. *Notice of public hearings.* The city shall comply with all notice requirements set out in section 23-82, Public notice.
2. *Planning and zoning commission recommendation.*
 - a. The planning and zoning commission shall hold a public hearing prior to acting on the proposed LDC amendment; and
 - b. The commission shall make a recommendation regarding the proposed amendment to the city council.
3. *Decision by city council.* The council shall:
 - a. Receive the written recommendation of the commission and staff regarding the proposed amendment;
 - b. Hold a public hearing prior to acting on the proposed amendment to the LDC; and
 - c. By majority vote, approve or deny the amendment, or continue the item to a future meeting.

C. *Criteria for approval.* The following criteria should be considered by the commission and council. The proposed amendment:

1. Promotes the health, safety, and general welfare of the city;
2. Promotes the safe, orderly, efficient and healthful development of the city;
3. Consistent with other policies of this LDC and the Angleton ~~Comprehensive Plan~~2007 Comprehensive Plan; and
4. Any other criteria which, at the discretion of the commission and council, are deemed relevant and important.

D. *Non-substantive amendments.*

1. Notwithstanding the other provisions of this section, the city council may, by resolution:
 - a. Correct spelling or punctuation errors;
 - b. Cross-reference errors or changes; and
 - c. Other matters herein determined by the city attorney to be non-substantive without complying with the foregoing notice and public hearing provisions of this section.
2. The resolution number and date of any such amendments shall be noted in the LDC.

E. *Nonconformities and retroactive cure of violations.*

1. The amendment of the text of this LDC may transform a legally non-conforming situation into a conforming one.
2. No petition for a text amendment shall be used expressly to cure, or to create, a violation of any part of this LDC.

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

Sec. 23-100. Interpretations.

- A. *General.* The ~~development administrator~~designated City staff is authorized to make LDC interpretations, or to refer such judgments to the city council.

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

(Supp. No. 19)

B. *Process.*

1. *Request for interpretation.*

- a. Interpretations of the LDC may be generated administratively by staff or by an applicant.
- b. When requested by an applicant, the application shall specify the section in question and the facts creating the need for an interpretation.

2. *Decision.*

- a. Before deciding, the ~~development administrator~~designated City staff may require additional facts and information to provide full and proper consideration request.
- b. Within ten business days of the receipt of a complete interpretation request, the ~~development administrator~~designated City staff will render a decision and cite the specific precedent, reasons, rationale, and analysis upon which such interpretation was based.

3. *Official record.* The ~~development administrator~~designated City staff will maintain an official record of all interpretations.

4. *Appeals of interpretations.* Appeals of a ~~development administrator~~designated City staff interpretation are to be considered by the city council.

5. *LDC amendment.* Based on the final determination, a text amendment to the LDC may be required to clarify the issue. If a recurrence of the issue arises prior to amending the LDC, a consistent interpretation shall be made if the circumstances are generally the same as any previous interpretation.

C. *Approval criteria.* Interpretations by the ~~development administrator~~designated City staff and the city council, upon appeal or staff request, shall be based on the following criteria:

1. The materials or scenario posed by an applicant, or staff;
2. The rules of construction within article IX, Rules of Construction, of the LDC;
3. The purpose statement for the applicable LDC section that is subject to interpretation; and
4. Pertinent administrative or legislative history.

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

Sec. 23-101. Appeals.

A. *Timing and process.* An appeal from the decision of the ~~development administrator~~designated City staff, or any other city official, in the administration of the LDC, may be filed with the ~~development administrator~~designated City staff as set out below:

1. Persons aggrieved by the decision of any officer or department in the application of the LDC may formally appeal such decision to the ~~development administrator~~designated City staff. The appeal shall specify the grounds or cause on which the appeal is made.
2. Upon receiving the formal appeal, the ~~development administrator~~designated City staff shall have ten business days to consider administrative action on the appeal. The ~~development administrator~~designated City staff may affirm, reverse, or modify the original decision(s) that relate to the appeal.
3. Upon completion of that review, the ~~development administrator~~designated City staff shall provide the appellant a letter, sent by certified mail, with a decision on the appeal.

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

(Supp. No. 19)

-
4. Within 30 calendar days of the date of the ~~development administrator~~designated City staff's decision, that decision may be appealed to the city council.
 5. The date that begins the 30-day clock for an appeal to the council is the is the postmark date of a certified letter mailed to the appellant.
 6. If such an appeal is filed, the ~~development administrator~~designated City staff shall provide to the council all pertinent information constituting the basis and official record upon which the action that is the subject of the appeal was taken.
- B. *Consideration.* The appeal will be considered by the city council within 45 days of its filing.
- C. *Action.* The city council may reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination that was the subject of the appeal and may make such order, requirement, decision or determination as appropriate, provided that such actions do not vary from any requirements of the LDC.

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

Sec. 23-102. Land ~~development~~Development code-Code variances.

- A. *Generally.*
1. Variances are authorizations to depart from the strict application of the LDC standards;
 2. LDC variances are only considered in conjunction with a plat application; and
 3. The requirements of this section do not apply to zoning variances, which are subject to the requirements of Code of Ordinances chapter 28, Zoning.
- B. *Variance approval standards.* Variances may be granted when:
1. There are circumstances specific to the property that create an undue hardship that generally do not apply to surrounding properties; such as, but not limited to, its shape, or topography;
 2. Special consideration is necessary to allow an applicant the same right of use enjoyed under the LDC by surrounding properties;
 3. Consideration is unique to the subject property and would not generally set an adverse precedent for other applications;
 4. The hardship was not created by the applicant; and
 5. A variance would not be detrimental to any adjacent properties or to public health and safety.
- C. Pre-application conference. Applicants shall schedule a pre-application conference, as set out in section 23-77, Pre-application conference, to determine if variance alternatives are available.
- D. *Submittal requirements.* In addition to an application and application fee, applicants shall provide:
1. A clear description of each variance requested and the applicable LDC requirement;
 2. A plat, site plan or survey depicting the nature of each proposed variances; and
 3. Findings of fact describing how a variance satisfies the standards set out in subsection B., above.
- E. *Planning and zoning commission and city council review and action.*
1. Upon due consideration and review, the planning and zoning commission will make a recommendation regarding the request to the city council;

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

(Supp. No. 19)

-
2. The city council will either approve, conditionally approve, deny, or continue the request;
 3. The council may establish conditions of approval that are deemed to be in the public interest or to assure compliance with other aspects of this, or any other, applicable city ordinance; and
 4. After acting on the matter, the council will adopt findings of fact for the council action.

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

Sec. 23-103. Flood hazard variances.

A. *Variance procedures.*

1. In the administration of article V, division 1, Flood Damage Prevention, and article V, division 2, Flood Hazard Reduction, the city council may hear and act on any:
 - a. Variance from said requirements set out in either division; and
 - b. Appeal when there is an alleged error in any requirement, decision, or determination made by the floodplain administrator.
2. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the state inventory of historic places, without regard to the procedures set forth in article V, division 1, Flood Damage Prevention, and article V, division 2, Flood Hazard Reduction.
3. Variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing the relevant factors in article V, division 2, Flood Hazard Reduction, have been fully considered. As the lot size decreases below one-half acre, the technical justification required for issuing the variance increases.
4. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
5. Variances shall not be granted within any designated floodway if any increase in flood levels during the base flood discharge would result.
6. Based on the purposes and intent of article V, division 1, Flood Damage Prevention, and article V, division 2, Flood Hazard Reduction, the city council may attach conditions to the granting of variance to further the purposes those divisions.
7. The floodplain administrator will maintain a record of all actions and report granted variances to FEMA upon request.
8. Any person or persons aggrieved by the decision of the city council may appeal such decision in a court of competent jurisdiction.

B. *Prerequisites for granting variances.*

1. Variances may only be issued upon a determination that a variance is the minimum necessary, considering the flood hazard, to afford relief.
2. Variances may only be issued when the council determines that:
 - a. Good and sufficient cause has been demonstrated; and

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

(Supp. No. 19)

- b. A variance will not result in increased flood heights, additional threat to public safety, any public expense, the creation of a nuisance, cause fraud upon the public, or conflict with existing city ordinances.
- 3. Applicant receiving variance approval shall be provided written notice stating that the subject structure is permitted to be built with the lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduction of the lowest floor elevation.
- 4. Variances may be granted for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use if:
 - a. The criteria outlined in article V, division 2, Flood Hazard Reduction, are satisfied; and
 - b. The structure, or other developments, are protected by methods that minimize flood damages during the base flood.

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

Sec. 23-104. Concept plans, master plans, and land studies.

- A. *General.* Any person desiring to subdivide or develop land may prepare and submit a concept plan, master plan, land study, or general plan in accordance with the plat application submittal schedule.
- B. *Purpose.* The purposes for filing a concept plan, master plan, or land study are:
 - 1. To introduce a new project to the city to obtain project direction and feedback;
 - 2. To take the initial step for development or a project that exceeds the normal scope and limitations of the city's development ordinances, such as a planned development;
 - 3. Obtain limited vested rights to proceed with development applications in accordance with the specific conditions of approval of the plan that is approved by the city;
 - 4. To fulfill the requirements of a development process; and
 - 5. As a prerequisite for any project that is 20 acres in area, or greater.
- C. *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 prior to applying.
- D. *Plan submittal contents.* The submittal requirements are variable. Applicants are encouraged to:
 - 1. Submit as much relevant information as necessary from the list in appendix A, Subappendix 2 for Concept Plans, Master Plans, and Land Studies;
 - 2. Submit adequate information to review the project to enable the city to vest more development rights to a project. Projects submitted with minimal information, if approved, will obtain vesting rights that are proportional to information that is submitted; and
 - 3. Cite any design deviations that are contemplated. Without such declarations, it is assumed that the project will comply with all applicable development requirements.
- E. *Planned and in-fill developments.*
 - 1. Concept plan applications for planned and in-fill developments shall be supplemented with the additional information set out in section 23-17, Planned and in-fill developments.

Commented [LK81]: Reconsider

-
2. Planned development applications that require rezoning shall be supplemented with all information required by chapter 28 - Zoning, and shall be subject to all rezoning processes and procedures prescribed by chapter 28.
- F. *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.
 2. *Written report.*
 - a. The recommendations from each referral agency, official, and department shall be provided to the applicant;
 - b. A written report from the ~~development administrator~~ *designated City staff*, distributed to the commission and council, will provide a staff recommendation and will provide a list of any proposed design deviations and any conditions of approval that will apply to the project as it is developed.
- G. *Planning and zoning commission action.*
1. *Review criteria.* The commission shall utilize the following criteria:
 - a. Compliance with the LDC and applicable zoning ordinance requirements;
 - b. Adequacy of street right-of-way, alignment, connectivity, and relationship with the future thoroughfare plan;
 - c. Compliance with all applicable city plans and studies; and
 - d. Adequacy of proposed utility services.
 2. *Commission action.*
 - a. The commission will recommend approval, approval with conditions, or denial.
 - b. The commission shall adopt findings of fact for any recommendation to deny the plan.
- H. *City council action.*
1. *Review criteria.* The council shall follow the process set out in subsection G, above.
 2. *Council action.*
 - a. The council will approve, approve subject to conditions, or deny the application.
 - b. The council shall adopt findings of fact and rationale for any plan that is denied.
- I. *Effect of approval.*
1. Approval of any concept plan, master plan, or land study does constitute approval of the preliminary plat or obligate the city to approve a preliminary plat.
 2. Approval of a concept plan, master plan, or land study shall be deemed to be an expression of approval to the proposed layout and any design considerations that were requested, subject to any conditions of approval, in the preparation of a preliminary plat and other applications.
 3. The preliminary plat shall be subject to fulfilling all requirements of the LDC and the ACM, with the exception of any regulations where special consideration was explicitly granted by the city.
- J. *Lapse of approval.* Approved concept plans are valid for 12 months from the date of council approval.

1. If new regulations are adopted prior the submittal of a preliminary plat, the essential design of the plan and any approved variances or other design considerations shall remain in effect if the basic design of the concept plan remains intact.
2. The city may implement any new regulation adopted after the concept plan was approved only if the new regulations will not nullify essential elements of the approved concept plan.
3. An amended concept plan may be submitted to rectify any issues that result from the adoption of any new regulations.

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

Sec. 23-105. Vested rights petition.

- A. *Interpretation, conflict, separability, and vested rights.* For purposes of determining a vested rights petition, no vested rights accrue solely from the filing of an application that has expired pursuant to this section, or from the filing of a complete application that is subsequently denied.
 1. *Interpretation.* In their interpretation and application, the provisions of these regulations shall be held to be the minimum requirements for the promotion of the public health, safety and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.
 2. *Conflict with other laws.* These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provision of law except as provided in these regulations. Where any provisions of these regulations impose restrictions different from those imposed by any other provision of these regulations, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.
 3. *Determination of vested rights.* Vested rights shall be determined through the filing and processing of a vested rights petition.
- B. *Vested rights petition.*
 1. *Filing.* A qualified party shall be required to file a vested rights petition to determine whether one or more standards of these subdivision and property development regulations should not be applied to a preliminary or final plat application by operation of state law, or whether certain plats are subject to expiration.
 2. *Applicability.* A vested rights petition may be filed with an application for a preliminary or final plat application. A vested rights petition also may be filed to prevent expiration of certain plats pursuant to this chapter.
 3. *Effect.* Upon granting of a vested rights petition in whole or in part, the plat application shall be decided in accordance with the standards specified in the relief order based on prior subdivision requirements or development standards, or the approved plat otherwise subject to expiration shall be extended.
- C. *Petition requirements.*
 1. A vested rights petition may be filed by a property owner or the owner's authorized agents, including the applicant, with a preliminary or final plat application, or by the holder of a plat subject to expiration pursuant to this section.
 2. *Form of petition.* The vested rights petition shall allege that the petitioner has a vested right for some or all of the land subject to the plat application under V.T.C.A., Local Government Code Ch. 245 or successor statute, or pursuant to V.T.C.A., Local Government Code § 43.002, or successor statute, that requires the city to review and decide the application under standards in effect prior to the effective

Addressed in the zoning section . List
submittal items are not the same

date of the currently applicable standards. The petition shall include the following information and documents:

- a. A narrative description of the grounds for the petition;
- b. A copy of each approved or pending development application which is the basis for the contention that the city may not apply current standards to the plat application which is the subject of the petition;
- c. The date of submittal of the plat application, or of a development plan pursuant to which the plat was subsequently filed, if different from the official filing date established under this section;
- d. The plat application date;
- e. Identification of all applicable standards to the plat application from which relief is sought;
- f. Identification of the standards which a petitioner contends applies to the plat application;
- g. Identification of any current standards which petitioner agrees can be applied to the plat application at issue;
- h. A copy of any prior vested rights determination by the city involving the same land; and
- i. Where the petitioner alleges that a plat subject to expiration under this chapter should not be terminated, a description of the events, including any plat or other development applications on file that should prevent such termination.

3. *Filing period.* A vested rights petition shall be filed with a plat application for which a vested right is claimed, except that the petition may be filed before the date of expiration of a plat subject to expiration as provided herein.

D. *Processing of petition and decision.*

1. *Responsible official.* The responsible official shall process the vested rights petition. A copy of the petition shall be forwarded to the city attorney following acceptance.
2. *Decision by commission and council.* On petition, the planning and zoning commission and city council shall render a decision on the vested rights petition in conjunction with its decision on the plat application, based upon the report and recommendation of the responsible official.
3. *Appeal of decision on petition.* The petitioner or any interested person may appeal the commission's decision on the vested rights petition within ten working days of the date of such decision to the city council. An appeal under this subsection stays acceptance of filing of any related development applications.
4. *Decision by city council.* The city council on appeal shall decide the vested rights petition. The request must be accompanied by a waiver of the time for decision on the plat application imposed under these subdivision and property development regulations pending decision by the council, which shall stay further proceedings on the application. The council shall decide the petition, after considering the responsible official's report and the decision by the planning and zoning commission within 30 calendar days of receipt of the notice of appeal.

E. *Action on petition and order.*

1. *Action on the petition.* The decision-maker on the vested rights petition may take any of the following actions:
 - a. Deny the relief requested in the petition, and direct that the plat application shall be reviewed and decided under currently applicable standards;

-
- b. Grant the relief requested in the petition, and direct that the plat application shall be reviewed and decided in accordance with the standards contained in identified prior subdivision and property development regulations; or
 - c. Grant the relief requested in part, and direct that certain identified current standards shall be applied to the plat application, while standards contained in identified prior subdivision and property development regulations also shall be applied;
 - d. For petitions filed pursuant to this section, determine whether the approved plat should be terminated, or specify the expiration date or the conditions of expiration for such plat.
2. *Order on petition.* The responsible official's report and each decision on the vested rights petition shall be memorialized in an order identifying the following:
- a. The nature of the relief granted, if any;
 - b. The approved or filed plat application(s) or other development application(s) upon which relief is premised under the petition;
 - c. Current standards which shall apply to the plat application for which relief is sought;
 - d. Prior standards which shall apply to the plat application for which relief is sought, including any procedural standards;
 - e. The statutory exception or other grounds upon which relief is denied in whole or in part on the petition; and
 - f. For petitions filed pursuant to this chapter, determine whether the approved plat should be terminated, and specify the expiration date or the conditions of expiration for the plat.
- F. *Criteria for approval.* The decision-maker shall decide the vested rights petition based upon the following factors:
- 1. The nature and extent of prior plat or other development applications filed or approved for the land subject to the petition;
 - 2. Whether any prior vested rights determinations have been made with respect to the property subject to the petition;
 - 3. Whether any prior approved applications for the property have expired or have been terminated in accordance with law;
 - 4. Whether any statutory exception applies to the standards in the current subdivision and property development regulations from which the applicant seeks relief;
 - 5. Whether any prior approved plat or other development applications relied upon by the petitioner has expired; and
 - 6. For petitions filed pursuant to this section, if any events preventing expiration has occurred.
- G. *Application following relief order.* Following the city's final decision on the vested rights petition, the property owner shall:
- 1. Conform the plat application for which relief is sought to such decision.
 - 2. If the plat application on file is consistent with the relief granted on the vested rights petition, no revisions are necessary.
 - 3. If proceedings have been stayed on the application pending referral of the vested rights petition, those proceedings shall resume after the city council decision on the vested rights petition.

-
- H. *Expiration.* Relief granted on a vested rights petition shall expire on occurrence of one of the following events:
1. The petitioner or property owner fails to submit a required revised plat application consistent with the relief granted within 30 days of the final decision on the petition;
 2. The plat application for which relief was granted on the vested rights petition is denied under the criteria made applicable through the relief granted on the petition; or
 3. The plat application for which relief was granted on the vested rights petition expires.

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

ARTICLE VIII. ENFORCEMENT AND REMEDIES

Sec. 23-106. Purpose and applicability.

- A. *Purpose.* The purpose of this article is to set out the procedures for enforcing the LDC and to outline legal remedies available to the city. Nothing in this article is intended to limit the remedies that are available to the city to abate violations.
- B. *Applicability.*
1. The remedies and enforcement powers set out in this article shall not be considered exclusive remedies, but rather are cumulative with all remedies provided in the LDC and other applicable ordinances and laws.
 2. All property in the jurisdiction of the City of Angleton, as set out in section 23-4, Jurisdiction, shall be developed, or have buildings or other structures erected, constructed, enlarged, altered, maintained, or moved or used in a manner that is not consistent with the LDC, the terms of any permit, development approval, or any development or public improvement agreement.
 3. Each calendar day of a continuing violation shall be counted as a separate violation of the LDC.
 4. This article provides general processes to enforce the LDC and is not intended to prescribe any particular remedy or enforcement procedure.

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

Sec. 23-107. Enforcement procedures.

- A. *Responsible official.* The building official and ~~development administrator~~designated City staff will administer and enforce the provisions of this LDC and maintain enforcement records.
- B. *Right to enter.* The building official or ~~development administrator~~designated City staff will investigate and determine if a violation of the LDC has occurred. The building official, or inspector, shall have the right to enter any premises at any reasonable time for the purpose of making inspections to enforce the LDC.
- C. *Filing a complaint.* Any person may allege a violation of this LDC by written and signed complaint filed with the building official or ~~development administrator~~designated City staff.
- D. *Notice of violation.* Upon investigation, with or without a complaint, the city may issue a written notice of violation alleging the existence of a violation of the LDC. At a minimum, the notice of violation will:
1. Specify the property where the violation is alleged;

-
2. Reference specific section(s) of the LDC or other requirements alleged to have been violated;
 3. State the citation that may be issued if the property is not brought into compliance;
 4. State the action(s) required to bring the property or use into compliance and a time frame, not to exceed 30 days;
 - a. An extension may be granted if the owner is diligently working towards a resolution; and
 - b. The city reserves the right to deny extensions to repeat violators.
 5. Notice shall be served to the owner, occupant, operator, lessee, agent or other responsible party in person and by certified mail. The postmark date of the certified letter constitutes the date on which notice of violation was served.

E. *Informal dispute resolution.*

1. *Generally.* Warnings and/or written directions ("written warnings") may be issued by building official to notify an owner or other relevant person of an alleged violation and the actions necessary to bring the property into compliance. Subject to the limitations of subsection E.2, below, warnings are the preferred method to attain compliance.
2. *Limitations.* A written warning shall not be necessary to resolve a code issue if, during the previous 24 months, the owner has been warned of, cited for, or summoned to court for the same violation, or when the violation may create an imminent hazard to life or property.

F. *Correction of violation.*

1. For a first violation, the person responsible for the violation shall have a minimum period of 30 days to correct the violation.
2. For a subsequent or continued violation, the responsible party shall correct the violation within 24 hours, unless the city prescribes additional time.
3. A violation that creates an immediate danger to the public safety or health shall be corrected immediately, regardless of whether it is a first, continuing, or subsequent violation.

G. *Further enforcement.* If the LDC violation is not corrected, the city may enforce the LDC as set out in section 23-109, Judicial remedies, or as otherwise authorized by law.

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

Sec. 23-108. Penalties and fines.

A. *Penalties.*

1. The penalties prescribed in this article may be imposed upon:
 - a. The owner of a building or premises in or upon which a violation of the LDC was committed;
 - b. The lessee or tenant of an entire building or entire premises, upon which a violation of the LDC was committed;
 - c. An agent, architect, building contractor, or any other person, firm or corporation who participated, facilitated, assisted, or taken any part any violation of the LDC; or
 - d. Any person, firm, or corporation who maintained any building or premises upon which a violation of the LDC was committed.

B. *Payment and collection of fines.*

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

(Supp. No. 19)

-
1. Fines that are imposed shall be payable to the city no later than 30 days after the date in which action affirming the violation of the LDC is concluded unless an alternative date is determined.
 2. Assessed fines may be collected by the city by any means allowed by law.

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

Sec. 23-109. Non-judicial remedies.

A. *Administrative remedies.* The city may enforce the LDC prior to, and without, judicial process by:

1. *Withholding permits.* The city may deny or withhold permits, approvals, or other forms of authorization for failure to comply with the requirements of the LDC or those of a referral agency.
2. *Temporary revocation of permits.* The city may temporarily revoke permits for due cause to address an imminent danger to public health, public safety, or public or private property or to prevent irreparable harm.
3. *Suspension of permits.* The city may suspend permits, including special use permits, to allow for the correction of a violation or in response to a judgment of a court of competent jurisdiction.
4. *Revocation of permits and approvals.*
 - a. Any permit, certificate of occupancy, or other approval required by this LDC may be revoked when it is determined that:
 - i. There is a violation of any provision of the LDC;
 - ii. The permit or approval was issued in error or based on false representation;
 - iii. Upon the request of a referral agency with jurisdiction and due cause; or
 - iv. There is a departure from approved plans required under the permit and the LDC and the construction.
 - b. *Notice.* Written notice of revocation shall state a time frame to correct the violation.
 - c. *Effect of notice.* No work or construction may proceed after service of the revocation notice except work necessary to correct a violation.
 - d. *Failure to correct.* After the period to correct the violation lapses, and arrangements acceptable to the city have not been made, the city may:
 - i. File litigation in a court of competent jurisdiction; and/or
 - ii. Remove or correct such violation and cause to be placed a lien upon the property or improvements to the property in an amount to cover all costs related to correction or abatement of the violation.
5. *Stopping work.* The building official and ~~development administrator~~ designated City staff shall have the authority to stop any or all construction activity necessary to halt, correct, or prevent a violation of this LDC by issuing a written stop work order.
 - a. The permittee and/or operator shall immediately stop all activity until authorized, in writing, by the city to proceed.
 - b. With or without revoking permits, the city may stop work on any building or structure in which there is an uncorrected violation of the LDC, a permit, or other form of authorization issued by the city.

-
- c. Stop work orders, when issued, will be executed in accordance with the procedures and authorities to stop work under the building, fire, and life safety codes, and under the authority of the LDC.
 - 6. *Cease and desist orders.* The city may issue a cease and desist order to close unlawful uses or to halt a violation of this LDC.

B. *Special enforcement remedies.*

- 1. *Floodplain remedies.* Violations of the Federal Emergency Management Agency (FEMA) floodplain regulations set forth in article V, division 1, Flood Damage Prevention, and division 2, Flood Hazard Reduction, are subject to the following, in addition to the remedies provided by other subsections of this section:
 - a. New or renewal National Flood Insurance may be denied for any structure remaining in violation or situated on property in violation of this LDC; and
 - b. FEMA and the Texas Water Development Board (TWDB) will be notified immediately in writing of any property or structure in violation of the floodplain section of this LDC.
- 2. *Environmental health.* All environmental health related approvals, permits, and inspections shall be subject to TCEQ review, approvals, inspection, and enforcement. Failure to comply with any TCEQ requirement shall constitute just cause for the city to initiate the enforcement procedures and remedies set out in this chapter.

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

Sec. 23-110. Judicial remedies.

The city may seek the following judicial remedies to enforce the LDC:

- A. *Injunctive relief.* The city may seek an injunction to stop any violation granted under the LDC. Such relief may include revocation or termination of permits, including conditional use permits. In any court proceedings in which the city seeks a preliminary injunction, it shall be presumed that a violation of the LDC is, or may be, an injury to the public health, safety or general welfare or that public health, safety or general welfare may be irreparably injured.
- B. *Abatement.* The city may seek a court order in the nature of mandamus, abatement, or other action to abate or remove a violation, or to otherwise restore the premises in question to the condition in which they existed prior to a violation.
- C. *Civil liability.* The building official, ~~development administrator~~ designated City staff, or their designees:
 - 1. Have the authority to issue citations and deliver it to a person believed to be committing a civil violation; and
 - 2. Is declared to be the official with the duty of enforcing this LDC with respect to:
 - a. Appearing and testifying in any trial held with respect to the citation;
 - b. Notifying the court of competent jurisdiction of any notice of intention to stand trial or any request for adjudication when a fine is not paid after formal notice has occurred;
 - c. Mailing formal notices of the violation to persons who do not give notice of intention to stand trial or pay the established fine within the time set in the citation; and
 - d. Receiving and filing a copy of each original citation and any fines or notices of intention to stand trial.

D. *Criminal liability.*

1. *Punishment.* Upon conviction, any person in violation of, or showing failure to comply with, any of the provisions of the LDC may be punished by fines and/or imprisonment, as prescribed by law, for each week or portion thereof, that the violation or noncompliance has continued.
2. *Responsible parties.* Every person concerned in the violation of, or showing failure to comply with the LDC, whether the person directly commits the act, or aids or abets.

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

ARTICLE IX. RULES OF CONSTRUCTION, ACRONYMS, DEFINITIONS

Sec. 23-111. Rules of construction.

A. *General.*

1. All provisions, terms, phrases, and expressions contained in this LDC will be construed in order to accomplish the purposes stated in section 23-2, Purpose, of the LDC; and
2. In case of any difference of meaning or implication between the text of this LDC and any illustration or figure, the text will control.

B. *Computation of time.* The time within which an act is to be completed will be computed by excluding the first and including the last day.

1. In the computation of time for public hearing notice, both the first day, the date of the advertisement, and the last day, the date of the hearing, will be excluded; and
2. If the last day is a Saturday, Sunday or legal holiday declared by the city, that day will be excluded;
3. The following time-related words will have the meanings set out below:
 - a. "Day" means a calendar day unless working day is expressly specified;
 - b. "Week" means seven calendar days;
 - c. "Month" means a calendar month; and
 - d. "Year" means a calendar year unless a fiscal year is specifically indicated.

C. *Word usage.* The rules of this LDC will be observed and applied as set out below:

1. Unless the context clearly indicates otherwise, words used or defined in one tense or form shall include other tenses or forms;
2. Unless the context clearly indicates otherwise, words in the singular number shall include the plural number, and words in the plural number shall include the singular number;
3. The masculine gender shall include the feminine. The feminine gender shall include the masculine;
4. The words "shall" and "will" are mandatory;
5. The words "may" and "should" are permissive; and
6. The word "person" includes individuals, partnerships, firms, corporations, associations, trusts, and any other similar entities or combination of individuals.

D. *Conjunctions.* Unless the context clearly indicates to the contrary, conjunctions shall be interpreted as follows:

Created: 2021-03-10 16:12:32 [EST]

(Supp. No. 19)

1. "And" indicates that all connected items, conditions, provisions or events shall apply; and
 2. "Or" indicates that one or more of the connected items, conditions, provisions or events shall apply.
- E. *Nontechnical and technical words.* Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.
- F. *Statutory and United States Code references.* References to the Texas Local Government Code (TLGC) or the United States Code (U.S.C.) shall be interpreted to mean the most current version of the referenced section at the time the reference is applied.

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

Sec. 23-112. Acronyms.

Table 23.131, Acronyms, sets out acronyms used in the LDC. This list may be updated as often as necessary without action by the city council to include new acronyms.

Commented [LS82]: Double check all acronyms are in this list. ADD isn't listed.

Table 23.131 Acronyms	
Acronym	Meaning
AASHTO	American Association of State Highway and Transportation Officials
ac.	Acre
ACM	Angleton Construction Manual
ADA	American's with Disabilities Act (1990)
ADAAG	ADA Accessibility Guidelines
BFE	Base Floor Elevation
BMP	Best Management Practice (MS4)
CIP	Capital Improvements Plan
CO	Certificate of Occupancy
dBA	Decibels
DBH	Diameter-at-breast-height (caliper)
DE	Drainage Easement
d.u.	Dwelling Unit
DRC	Design Review Committee
e.g.	"exempli gratia," which is translated to "for example"
ETJ	Extraterritorial Jurisdiction
FEMA	Federal Emergency Management Agency
FIA	Federal Insurance Administration
FIRM	Flood Insurance Rate Map
FIS	Flood Insurance Study
FLUP	Future Land Use Plan
FTP	Future Thoroughfare Plan
HUD	United States Department of Housing and Urban Development
ICC	International Code Council
i.e.	"id est," which is translated "that is"
LDC	Land Development Code
MS4	Municipal Separate Storm Sewer System
MUTCD	Manual on Uniform Traffic Control Devices
NFIP	National Flood Insurance Program

NFPA	National Fire Protection Association
NOI	Notice of Intent (SWPPP)
NPDES	National Pollutant Discharge Elimination System
OSSF	On-Site Sewage Facility (Septic System)
PE	Professional Engineer
PUE	Public Utility Easement
ROW	Right-of-Way
RPZ	Root Protection Zone
Sec.	Section
SFHA	Special Flood Hazard Area
SWMP	Stormwater Management Plan
SWPPP	Stormwater Pollution Prevention Plan
TAC	Texas Administrative Code
TAS	Texas Accessibility Code
TCEQ	Texas Commission on Environmental Quality
TDLR	Texas Department of Licensing and Regulation
TIA	Traffic Impact Analysis
TLGC	Texas Local Government Code
TWC	Texas Water Code
TWDB	Texas Water Development Board
TXDOT	Texas Department of Transportation

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

Sec. 23-113. Definitions.

A

Access: An area designated as a way for vehicles to enter or leave a property or lot to a street or alley.

Access easement: An easement for access across one lot or parcel to another.

Alluvial fan flooding: Flooding occurring on the surface of an alluvial fan or similar landform which originates at the apex and is characterized by high-velocity flows, active processes of erosion, sediment transport, and deposition, and unpredictable flow paths.

Apex: A point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

Area of shallow flooding: An area designated AO, AH, AR/AO, AR/AH, or VO zone on a flood insurance rate map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of special flood hazard: The land in the floodplain that is subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the flood hazard boundary map (FHBM). After detailed rate-making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, V1-30, VE, or V. The term "area of special flood hazard" is also referred to as "special flood hazard area."

As-built plans: A civil drawing, or set thereof, depicting the completed infrastructure improvements as they were constructed.

Created: 2021-03-10 16:12:32 [EST]

(Supp. No. 19)

B

Base flood: A flood having a one percent chance of being equaled or exceeded in any given year.

Base flood elevation: Also known as BFE, is the elevation shown on the flood insurance rate map (FIRM) and found in the accompanying flood insurance study (FIS) for Zones A, AE, AH, A1-A30, AR, V1-V30, or VE that indicates the water surface elevation resulting from the flood that has a one percent chance of equaling or exceeding that level in any given year (also called the base flood).

Building: Any structure built for the support, shelter and enclosure of persons, animals, or movable property.

Building footprint: The area on a lot that encompasses all development, including but not limited to, excavation, fill, grading, structures, building height, decks, roof overhangs, porches, driveways, access ways and parking.

Building official: The official responsible for issuing permits and enforcing all construction codes.

Building permit: A permit issued by the building official that allows for the improvement of land.

C

City: The City of Angleton, Texas.

City council: The governing and legislative body of the City of Angleton.

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

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.

Commented [LS83]: recommend leaving the year off, so you don't have to continually update.

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.

Diameter-at-breast-height (DBH/caliper): The tree trunk diameter measured in inches at a height of 4.5 feet above the ground. If a tree splits into multiple trunks below 4.5 feet, the tree shall be measured in two places, the narrowest point beneath the split and one-half the sum of the calipers of the trunks immediately above the split. Whichever measurement is greatest shall be the DBD. For multiple tree trunks, the DBH shall be the diameter of the main trunk and one-half the diameters of all other measured at the DBD height.

Drainage and development plans: Specialized construction plans required prior to the commencement of development to assess conformity with all drainage and stormwater management requirements.

Drip line: A vertical line run through the outermost portion of the canopy of a tree and extending to the ground.

E

Easement: A portion of a lot subject to an agreement between owner and another party to grant the other party the right to make limited use of a specific portion of the property, for a specified purpose.

Elevated building: A non-basement building, which has its lowest elevated floor, raised above the base flood elevation by foundation walls, shear walls, posts, piers, pilings, or columns to comply with local, state, and/federal floodplain management regulations.

Encroachment: The authorized or unauthorized placement of a building or part of a building upon the land or easement of another or a public right-of-way, easement, or building setback.

Existing manufactured home park or subdivision: Is a term used in the administration of flood hazard regulations to designate a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads, that was created or is completed before the effective date of the floodplain management regulations adopted by the city.

Existing structure: Structures for which the "start of construction" commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date.

Expansion to an existing manufactured home park or subdivision: Is a term used in the administration of flood hazard regulations to designate the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets or access ways, and either final site grading or the pouring of concrete pads.

Extraterritorial jurisdiction (ETJ): An unincorporated area contiguous to the corporate city boundary where the city has limited regulatory controls.

F

Fill: A deposit of materials of any kind placed by artificial means.

Finished grade: The elevation of the ground surface, following development, prior to placement of any fill material.

Floatable materials: Any material that is not secured in place or completely enclosed in a structure, so that it could float off-site during the occurrence of a flood and potentially cause harm to downstream property owners, or that could cause blockage of a culvert, bridge or other drainage facility. This includes, without limitation, lumber, vehicles, boats, equipment, trash dumpsters, tires, drums or other containers, pieces of metal, plastic or any other item or material likely to float.

Flood/flooding: A general and temporary condition of partial or complete inundation of normally dry lands areas from the overflow of waters; and/or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood elevation study: An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

Flood fringe: The portion of the floodplain outside of the floodway covered by floodwaters during the regulatory flood.

Flood insurance rate map (FIRM): An official map of a community on which the Federal Emergency Management Agency (FEMA) has delineated both the special flood hazard areas and the risk premium zones applicable to the community.

Flood insurance study: See the definition for "Flood elevation study."

Flood, 100-year: A flood having a recurrence interval that has a one-percent chance of being equaled or exceeded during any given year (one-percent-annual-chance flood). The terms "one-hundred-year flood" and "one percent chance flood" are synonymous with the term "100-year flood" but does not imply that a flood occur once every 100 years.

Floodplain/flood-prone area: Any and area susceptible to being inundated by water from any source. See also the definition of "flood or flooding."

Floodplain administrator: The official designated by the city manager to administer and enforce the floodplain management regulations.

Floodplain development permit: A permit required before construction or development begins within any special flood hazard area (SFHA). The city will require permits for all proposed construction or other development in the city, including the placement of manufactured homes, to determine if such construction or development is proposed in a flood-prone area. Permits are required to ensure that proposed development projects meet the requirements of the National Flood Insurance Program (NFIP) and the floodplain management requirements of the LDC.

Floodplain management: The operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain management regulations: Refers to zoning and subdivision regulations, building codes, health regulations, and other applications of police power used in any combination for flood damage prevention and reduction.

Floodproofing/floodproofed: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Floodway: Also referred to as "regulatory floodway," the floodway is the channel of a river, or other watercourse, and the adjacent land areas, that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.

Floor area: The total square foot floor space inside the dimensions of a building, including each floor level, but excluding cellars, carports or garages.

Functionally dependent use: A use, which cannot perform its intended purpose unless it is located or carried out in close proximity to water.

G

Currently "Reserved"

H

Highest adjacent grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

I

Initial developer: The party constructing or contracting for construction of infrastructure required by the city to provide service to a development.

Integrated: To combine things into a form so that they appear to become a whole. Where used architecturally, integrated requires building design or screening elements to create a unified building design. When

used in conjunction with site development, integrated includes parking, traffic circulation, landscaping, and other site elements to functions as a whole.

J, K

Currently "Reserved"

L

Land disturbing activity: Clearing, grading, excavating, filling, dumping, grubbing, stripping, or other alteration of the surface of land.

Lot: An undivided tract or parcel of land under one ownership with frontage on a public street.

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.

Lowest floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking or vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of applicable non-elevation design requirements of the National Flood Insurance Program.

M

Manufactured home: Also known as a "HUD-Code Manufactured Home", is structure constructed on or after June 15, 1976, according to the rules of the U.S. Department of Housing and Urban Development; built on a permanent chassis; designed for use as a dwelling with or without a permanent foundation when the structure is connected to the required utilities; transportable in one or more sections; and in the traveling mode, is at least eight body feet in width, or at least 40 body feet in length, or when erected on site at least 320 square feet in area; and includes the plumbing, heating, air conditioning, and electrical systems of the home; and does not include a recreational vehicle, as defined by 24 C.F.R. § 3282.8(g).

Manufactured home park or subdivision, new: A term used in the administration of the flood hazard regulations designating a new manufactured home park or subdivision for which the construction of facilities, including at a minimum, the installation of utilities, streets, driveways, site grading, and pad construction, is completed on or after the effective date of the floodplain management regulations.

Mayor: The chairperson of the city council.

Mean sea level: For purposes of the National Flood Insurance Program, the "North American Vertical Datum (NAVD) of 1988, as amended, or other datum, to which base flood elevations shown on a community's flood insurance rate map are referenced.

Mobile home: A structure constructed before June 15, 1976, built on a permanent chassis, designed for use as a dwelling, with, or without, a permanent foundation when the unit is connected to utilities, and is transportable in one or more sections. The unit is at least eight feet in wide, 40 body feet in length, and has at least 320 square feet in area.

Multi-trunk tree: A tree with more than one trunk arising at or near the ground.

N

Nonconforming lots. Lots that were lawfully created by plat or deed division before the effective date of this LDC, or amendments thereto, which do not comply with current requirements.

O

Obstruction: Any physical barrier, structure, material or impediment in, along, across or projecting into a watercourse that may alter, impede, retard or change the direction or velocity of the flow of water, or that may, due to its location, have a propensity to snare or collect debris carried by the flow of water or to be carried downstream. Obstruction shall include, but not be limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, and vegetation in, along, across, or projecting into a watercourse.

Open space: Area included in any required building setback on a lot that is open and unobstructed to the sky except for the ordinary projections of cornices, eaves, and plant material, or an area designated as open space for recreation, public use, or as an amenity.

Out-parcel (out lot): A building lot that is subdivided from a "parent" parcel that functions as an integrated development with shared access, driveways, signs, landscaping, and parking.

P

Parcel: Any quantity of land for which location and boundaries are established as a unit.

Park: Publicly owned land used for active or passive recreational purposes.

Permanent foundation: Permanent masonry, concrete, or a footing or foundation to which a manufactured home or industrialized housing, industrialized building, building, or structure is affixed.

Permit: One or more documents issued by the city to allowing a person to begin an activity allowed in this LDC or other codes, and ordinances.

Person: An individual, proprietorship, trust, partnership, corporation, association, or other legal entity.

Planned neighborhood: A subdivision with two or more housing types, or uses, that may be clustered around open space to preserve natural features, buffering, and recreation areas.

Planning and zoning commission: An advisory body that administers the LDC.

Plat, final: A final map of a plat showing an accurate survey by a registered surveyor, to be recorded.

Plat, preliminary: The plat of any lot, tract or parcel of land drawn and submitted in accordance with the requirements of the LDC.

Principal parcel: The principal parcel is the larger, original tract from which smaller tracts, or out-lots are subdivided from, where the primary use is located.

Projected traffic volumes: The number of vehicles that are calculated to be present after a project is completed within a study area.

Property: All real property subject to land use regulation by the city.

Public right-of-way: Any land unobstructed from the ground to the sky dedicated to the general public.

Public utility: The supply of power, transportation, water, sewer, or communication services.

Q

Currently "Reserved"

R

Retaining wall: A structure or structures designed to restrain soil to natural or unnatural slopes.

Riverine: A watercourse relating to, formed by, or resembling a river, stream, bayou and the like.

Root protection zone (RPZ): The area of undisturbed natural soil around a tree defined by a concentric circle with a radius equal to the distance from the trunk to the outermost portion of the drip line. As a practical matter, this is the acute portion of the tree's root system.

S

Sediment pollution: Infers the failure to use management (including stormwater management) or conservation practices to abate wind or water erosion of the soil or to abate the degradation of the waters of the state by soil sediment.

Septic tank (OSSF): A multiple compartment, watertight receptacle, referred to as an on-site sanitary facility, which is designed and constructed to permit settling of solids from the sewage, digestion of the organic matter, and discharge of the liquid portion into a disposal area.

Setback: Open space at grade between a structure and the property line of the lot on which the structure is located, or in some cases a line that specifies where a building must be located.

Site plan: A method showing proposed development improvements, required as part of an application to determine compliance with the requirements of the city.

Special flood hazard area (SFHA): See the definition of "area of special flood hazard".

Standard neighborhood: A subdivision with a conventional street and lot layout and a single housing type.

Start of construction: Denotes the first substantial improvements to commence construction, repair, reconstruction, rehabilitation, an addition, placement, or other improvement. The actual start is generally the first placement of permanent improvements on a structure or site, such as the pouring of slab or footings or any other work beyond the stage of excavation or clearing.

Street: A public way which affords the principal means of access to abutting property.

Street width: The dimension of the shortest distance between street rights-of-way.

Subdivider: Any owner or developer of land, or agent thereof, proposing to create a subdivision.

Subdivision: Any division, or combination, of land into lots, tracts, reserves for sale, or development.

T

Tree crown: Parts of the tree above the trunk including leaves, branches, limbs and scaffold: the uppermost part of a tree.

U

Currently "Reserved"

V

Variance: A grant of relief to a person from a requirement of the LDC based on hardship.

Violation: The failure of a structure or other development to fully comply with a specific regulation.

W

Water surface elevation: Refers to the height, in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Waterbody: Any watercourse, lake, or pond that is defined by a bank or shore, in which water can be found on a year-round basis.

Watercourse: A stream channel (perennial, intermittent, mapped, or unmapped) with banks and a bed within which water regularly flows.

Wetlands: Areas which are saturated or inundated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soils conditions. These areas can be man-made or natural and, in addition to the vegetation types, the soils must be hydric, organic or mineral, and be saturated for five percent or more of the growing season within 12 inches of the ground.

X—Z

Currently "Reserved"

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

APPENDIX A. PLAT LANGUAGE AND SUBMITTAL LISTS

Commented [LK84]: Recommend removing and adding it to the APM

SUBAPPENDIX A-1. PLAT CERTIFICATES

Sec. 23-114. Certification forms.

A. *Professional certificates of approval.* Below are the required professional certifications to be used on plats:

1. Surveyor Certification:

**STATE OF TEXAS §
COUNTY OF BRAZORIA §**

KNOW ALL MEN BY THESE PRESENTS:

That I, _____, 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.

Signature/Professional Seal

2. Professional Engineer Certification:

**STATE OF TEXAS §
COUNTY OF BRAZORIA §**

KNOW ALL MEN BY THESE PRESENTS:

That I, _____, 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 this plat from an actual and accurate survey of the land and that the corner monuments shown thereon were properly placed under my supervision.

Signature/Professional Seal

B. *Administrative plats.*

APPROVED this ____ day of _____, 20____.

City Manager

City Secretary

**STATE OF TEXAS §
COUNTY OF BRAZORIA §**

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

Notary Public
State of Texas

(Seal)

C. *Plats requiring planning and zoning commission and city council action.*

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

Chairman, Planning and Zoning Commission

City Secretary

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

Mayor

City Secretary

**STATE OF TEXAS §
COUNTY OF BRAZORIA §**

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

Notary Public
State of Texas

(Seal)

D. *Legal descriptions.*

1. A "short legal" may be used for replats when all of the lots are included in the replat, and exterior boundaries do not change.
2. A "long legal" is used when property has never been platted, or when establishing exterior boundaries.

E. *Owner's acknowledgment.*

**STATE OF TEXAS §
COUNTY OF BRAZORIA §**

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

Owner

Created: 2021-03-10 16:12:32 [EST]

Duly Authorized Agent

**STATE OF TEXAS §
COUNTY OF BRAZORIA §**

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

(SEAL)

Notary Public
State of Texas

- F. **Certificate of approval by city engineer.** On all documents submitted in conjunction with a plat that requires the approval of the city engineer, including, but not limited to construction plans, technical studies and analysis, or calculations, this certification shall be included on the cover page of such documents.

Approved on this the day of _____, 20__, by the City Engineer, City of Angleton, Texas.

City Engineer, City of Angleton (SEAL)

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

Sec. 23-115. Standard language for special plat elements.

- A. *Plat vacation instruments.* Below is the standard language to show on plat vacation instrument:

**STATE OF TEXAS §
COUNTY OF BRAZORIA §**

KNOW ALL MEN BY THESE PRESENTS

I/We, _____, being the sole owner /owners of the following described property in the City of Angleton, Brazoria County, Texas, to wit:

(Provide legal description of the property including, but not limited to, the acreage, the name of the recorded subdivision, the name of the Survey and Abstract Number, and recording references, attach a certified metes and bounds description.)

Do hereby desire and declare that said plat, subdivision and dedication thereon be vacated and canceled so as to convert all of said platted property to an acreage tract as same existed before such property was platted, subdivided and recorded.

(At this point any right-of-way, easements or any other feature established in the subdivision being vacated which will not be canceled as a result of this vacation action should be described.)

WITNESS MY (or our) hand in the City of Angleton, Texas this _____ day of _____, 20__.

Owner Signature

Printed Name

State of Texas County of _____

Before me, _____, on this day personally appeared _____, known to me (or proved to me on the oath of _____ or through (description of identity card or other document) to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this _____ day of _____, 20____.

(Seal)

Notary Public

This is to certify that the City of Angleton, Texas has approved this instrument and vacation of the subdivision plat entitled _____ in conformance with the laws of the State of Texas and the ordinances of the City of Angleton as shown hereon and authorized the recording of this instrument this day of _____, 20____.

BY: _____
Mayor, City of Angleton

STATE OF TEXAS §
COUNTY OF BRAZORIA §

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

Notary Public
State of Texas (Seal)

B. *Dedication statement.*

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS:

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

C. *Fire lanes and fire easements.*

Created: 2021-03-10 16:12:32 [EST]

(Supp. No. 19)

That the undersigned does hereby covenant and agree that they shall construct upon the fire lane easements, as dedicated and shown hereon, a hard, all-weather surface and that they shall maintain the same in a state of good repair at all times and keep the same free and clear of any structures, fences, trees, shrubs, or other improvements or obstruction, including but not limited to the parking of motor vehicles, trailers, boats, or other impediments to the access of fire apparatus. The maintenance of paving on the fire lane easements is the responsibility of the owner, and the owner shall post and maintain appropriate signs in conspicuous places along such fire lanes, stating: "Fire Lane, No Parking." The police or his duly authorized representative is hereby authorized to cause such fire lanes and utility easements to be maintained free and unobstructed at all times for fire department and emergency use.

D. *Access easements.*

The undersigned does covenant and agree that the access easement may be utilized by any person or the general public for ingress and egress to other real property, and for the purpose of general public vehicular and pedestrian use and access, and for fire department and emergency use, in, along, upon, and across said premises, with the right and privilege at all times of the City of Angleton, its agents, employees, workmen, and representatives having ingress, egress, and regress in, along, upon, and across said premises.

E. *Visibility, access, and maintenance easements (VAM).*

The area or areas shown on a plat as a "VAM" (visibility, access, and maintenance) easements are hereby given and granted to the property owners' association, its successors, and assigns, as an easement to provide visibility, right of access, and maintenance upon and across said VAM easement. The city shall have the right, but not the obligation, to prune any landscaping within the VAM easement in order to ensure visibility. Should the city exercise this maintenance right, it shall be permitted to remove and dispose of any and all landscaping improvements, including without limitation, any trees, shrubs, flowers, ground cover, and fixtures. The city may withdraw maintenance of the VAM easement at any time. The ultimate maintenance responsibility for the VAM easement shall rest with the owners. No building, fence, shrub, tree, or other improvements or growths, which in any way endanger or interfere with the visibility, shall be constructed in, on, over, or across the VAM easement. The city shall also have the right, but not the obligation, to add any landscape improvements to the VAM easement, to erect any traffic control devices or signs on the VAM easement, and to remove any obstruction thereon. The city, its successors, assigns, or agents, shall have the right and privilege at all times to enter upon the VAM easement or any part thereof for the purposes and with all rights and privileges set forth herein.

F. *Drainage easements for non-single-family residential subdivisions.*

**STATE OF TEXAS §
COUNTY OF BRAZORIA §**

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

All Drainage Easements shown on the plat are hereby reserved for drainage purposes forever, and the maintenance of the said drainage easements shall be the responsibility of the Owners, or their assigns, in perpetuity. The City, and Angleton Drainage District, are not responsible for the maintenance and operation of any drainage easement or responsible for any damage or injury to private property or person that results from the flow of water along said drainage easement, but reserve the right to use enforcement power to ensure that drainage easement is properly functioning in the manner in which it was designed and approved.

Created: 2021-03-10 16:12:32 [EST]

The construction of a fence, building, or any other structure in the drainage easement is prohibited without the expressed written consent of the City, subject to such an improvement not having a detrimental impact on the functionality of the drainage easement as it was designed and approved.

The City and Angleton Drainage District reserves the right, but not the obligation, to enter upon any Drainage Easement at any point, or points, with all rights of ingress and egress, to investigate, survey, erect, construct, or maintain any drainage facility deemed necessary by for drainage and safety purposes.

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

The Owners hereby agree to indemnify and hold harmless the City from any such damages and injuries.

G. *Drainage easements maintained by a homeowners' association.*

**STATE OF TEXAS §
COUNTY OF BRAZORIA §**

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

"Drainage Easements" shown on the plat are reserved for drainage purposes forever, and the maintenance of the drainage easements shall be provided by all of the owners of lots in the subdivision by and through a lawfully created homeowners association to be created by the Owners. The Owners covenant and agree that such a homeowners' association (called "Association") shall be created prior to the final acceptance of the City. All Association documents shall be subject to the approval of the City and shall specifically contain covenants binding the Association to continuously maintain all Drainage Easements. Such covenants shall not relieve the individual lot owners of the responsibility to maintain the Drainage Easements should the Association default in the performance of its maintenance responsibility. The Association documents shall also contain provisions that they may not be amended with regard to the Drainage Easement maintenance responsibilities without the approval of the City. The fee simple title to all Drainage Easements shall always remain in the Association.

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

The City and Angleton Drainage District reserves the right, but not the obligation, to enter upon any Drainage Easement at any point, or points, with all rights of ingress and egress, to investigate, survey, erect, construct, or maintain any drainage facility deemed necessary by the City for drainage and safety purposes.

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

The Association hereby agrees to indemnify and hold harmless the City from any such damages and injuries.

H. *Drainage and floodway easement for plats not governed by a homeowners association.*

Created: 2021-03-10 16:12:32 [EST]

STATE OF TEXAS §
COUNTY OF BRAZORIA §

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

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

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

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

The Association hereby agrees to indemnify and hold harmless the City from any such damages and injuries.

I. *Drainage and detention easement.*

STATE OF TEXAS §
COUNTY OF BRAZORIA §

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, grantees 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 hereinabove defined, unless approved by the City Engineer. Provided, however, it is understood that in the event it becomes necessary for the City to erect or consider erecting 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 erect, 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, silt, 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 alleviate 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

J. *Easement note for patio homes and single-family attached residences.*

An easement for the benefit of each lot is hereby reserved over, across, and upon each lot adjoining to such lot for roof overhangs not exceeding two feet in width, and brick ledges which support exterior veneer walls and associated brick and veneers not exceeding six inches in width.

K. *Conveyance plat note.*

All Conveyance plats must be titled "Conveyance Plat" and carry the following wording:

A conveyance plat is a record of property approved by the city for the purpose of sale or conveyance in its entirety or interests thereon defined. No building permit shall be issued, nor permanent public utility service provided, until a final plat is approved, filed of record, and public improvements accepted in accordance with the provisions of the Land Development Code of the City of Angleton. Selling a portion of this property by metes and bounds, except as shown on an approved, filed, and accepted conveyance plat, final plat, or replat is a violation of the LDC and State law.

L. *Standard notes for all plats.*

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.

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.

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."

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.

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.

M. *Deed restrictions statement for replats.*

To be processed as a replat "without property owner notification", and be controlling over the previous plat without vacating the previous plat the submittal must meet the following condition, and the following statement must be shown and certified to/by the property owner.

This statement is only used when replatting nonresidential zoned property. It should follow the dedication statement because the property owner is certifying to the statement.

BEING all of lots _____, Block _____, Section/Unit _____, Subdivision Addition Name _____, a subdivision in the City of Angleton, Brazoria County, Texas, according to the plat recorded in Volume _____, Page _____, of the Official Plat Records of the County Clerk of Brazoria County, Texas.

I, hereby certify that deed restrictions do not exist upon the property included within this Replat that limit said property to residential use for not more than two residential units per lot.

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

Sec. 23-116. Administrative plats.

- A. *Submittal requirements.* The consolidation plat, minor, shall be correctly labeled as the appropriate type of administrative plat and shall:
1. Be correctly labeled as the appropriate type of administrative plat;
 2. Include a "purpose" statement for the amendment and describe exactly what has been changed on the plat since the original plat was recorded;
 3. Depict the specific lots affected "as is" and "as proposed";
 4. Show all existing and proposed easements, existing and proposed utilities, and letters no objection, from affected utilities serving the subject lots; and
 5. Show the existing arrangement and dimensions of the existing lots, as platted and recorded, and the proposed consolidation, with new lots given new lot numbers to distinguish them the original lots.
- B. *Certificates of approval.* Plats shall show the certifications set out in subappendix A-1, Plat Certificates, for administrative plats and for the design professional who prepared the plat.

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

Sec. 23-117. Preliminary plats.

- A. *Submittal requirements.* The following information shall be filed:
1. A completed application form and filing fee;
 2. One full size, 24-inch × 36-inch, paper copy of the plat and a .pdf file of the same and one paper copy and electronic copy of all items submitted in support of the plat;
 3. A preliminary utility plan showing all existing and proposed utilities;
 4. A TIA, if the development meets the threshold requirements set out in section 23-24, Traffic impact analysis (TIA). If a TIA is required, the applicant shall meet with the city engineer and a TXDOT representative (if applicable) in advance of the submittal to define the TIA parameters. An incomplete or deficient TIA shall constitute grounds to find a plat to be incomplete, or to deny the plat;
 5. Utility and drainage reports with adequate information to determine conformity with the utility and drainage requirements of this LDC. Physical features, including the location and size of watercourses, 100-year floodplains per FIRM maps, proposed CLOMR boundaries, regulated wetlands and areas where water drains into and out of the subdivision;
 6. A drainage report, as set out in section 23-15, Drainage and utilities;
 7. A soil suitability report (geotechnical report), as set out in section 23-25, Drainage and utilities, subsection G., Soil suitability report;
 8. A current tax certificate, application form, and application fee;
 9. Construction plans may be submitted at the option of the applicant;
 10. A certification of approval of the plat by planning and zoning commission and city council, as shown in section 23-118, Final plats, subsection C;

Commented [LK85]: Recommend removing and adding it to the APM

-
11. A statement if a parkland will be dedicated or fees-in-lieu of parkland paid;
 12. Heritage tree survey and a tree preservation plan;
 13. All other information necessary to demonstrate compliance with all requirements of the LDC and all other development codes of the city; and
 14. Construction plans for any required public improvements may be submitted with the plat or after the approval of the plat but shall be filed and approved prior to the filing of a final plat.
- B. *Preliminary plat form and content.* Preliminary plats shall use a 24-inch × 36-inch format, a scale of one-inch equals 20 feet, provide a graphic scale, north arrow, and vicinity map and include the following information:
1. *Boundary lines and bearings.* The plat shall show:
 - a. Boundary lines and bearings sufficient to locate the exact area of the plat, with at least one corner referencing a survey (abstract) corner;
 - b. Plat area, in acres, area devoted to open space, common areas, parks, the number of lots and blocks, and project density;
 - c. City limits and ETJ boundaries and any other regulatory boundaries, such as a floodplain.
 2. *Adjacent property.* The plat shall show:
 - a. The name and location of any adjoining subdivision, including property lines, easements, rights-of-way, and how the proposed plat relates to an existing plat;
 - b. When adjacent area is not platted, the name and recording information shall be shown; and
 - c. Zoning districts and zoning boundaries.
 3. *Proposed plat.* The names, location, and width of proposed streets, alleys and easements;
 4. *Proposed blocks, lots and parks.* Proposed blocks, lots, parks, and open space shall be identified with a logical numbering and sequencing order;
 5. *Building lines.* Minimum front yard setbacks shall be shown. A "typical interior lot" and "corner lot" detail showing all setbacks and the building envelope;
 6. *Reserve strips.* A one-foot reserve strip shall be included along the rear and street side lot lines that back up to, or side on, arterial and major collector streets, as designated by the future thoroughfare plan (FTP), that are accessible from a minor collector or local street;
 7. *Contours.* Topographic contours at one-foot intervals;
 8. *Title and design professional.* The plat shall show the plat title, the name, license number, and seal of the design professional, and name and the license number of the design firm that prepared the plat;
 9. *Other requirements.* The city may require the submittal of additional information to ensure that the proposed development will comply with all LDC requirements;
 10. *Phasing plan.* If the tract will be platted in phases, a phasing plan, as set out in section 23-17, Development phasing, shall be submitted; and
 11. *Texas State Coordinate Plane.* X, Y coordinates projected to NAD 83 State Plane Texas South Central FIPS 4204 Parameter (NAD83 Datum).
- C. *Post approval submittal requirements.* One final paper copy and electronic copy of the final plans and documents that were approved by the city.

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

Sec. 23-118. Final plats.

- A. *Submittal requirement.* The preliminary plat submittal requirements are the same as those listed in section 23-117, Preliminary plats, [shall] be filed with all final plats.
- B. *Final plat content requirements.* In addition to the format and content for preliminary plats, as set out in section 23-117, Preliminary plats, the following additional information shall be provided:
1. *Final engineering reports and analysis.* Final geotechnical, drainage and utility reports, and a final TIA, if applicable.
 2. *Common area maintenance covenants.* If common areas are proposed for the exclusive interest of the property owners of the development, covenants shall be provided for review by the city attorney.
 3. *Legal description.* A legal description of the complete property comprising the plat and the surveyor's certificate and seal.
 4. *Dedication certificate.*
 - a. The property owner's certificate or deed of dedication shall be placed on the final plat.
 - b. The dedication deed or certificate of dedication shall be executed by all persons, firms or corporations owning an interest in the property subdivided and platted, and shall be acknowledged in the manner prescribed by the laws for the State of Texas for conveyances of real property, and shall include:
 - i. An accurate description of the tract of land subdivided;
 - ii. A statement and express representation that the parties joining in such dedication are the sole owners of such tract of land;
 - iii. An express dedication without reservation to the public for public use; the streets, alleys, rights-of-way, school site and any other public areas shown on the attached plat.
 5. Identification of the subdivision preparation date, the name, license number, and seal of the engineer or R.P.L.S., who prepared the plat and that of the design firm for each.
 6. *Tax certificates.* Tax certificates indicating that all taxes on the lands being subdivided have been paid to the current year.
 7. *Approved construction plans.*
 - a. Construction plans for required public improvements in a 24-inch x 36-inch format, along with all data and calculations related to utilities, drainage or other construction in the subdivision shall be submitted with the final plat. Electronic copies of all plans, data, calculations, and any other supporting information submitted with the construction plans shall be provided in a PDF format;
 - b. The construction plans shall conform to all requirements of the LDC and the ACM;
 - c. An applicant proposing a reimbursement agreement shall submit the agreement, as set out in section 23-33, Reimbursement agreement, with construction plans;
 - d. Once construction plans are approved, the applicant shall provide complete approved plans sets and electronic copies of the same in PDF format and in a GIS format. Shapefiles, geodatabase files, and CAD files are all acceptable GIS-based formats;
 - e. A filing fee shall be submitted to cover the cost of review and processing with the final plat in accordance with the fee schedule adopted by the city council, as amended; and
 - f. Final signed and sealed Mylar sheets.

-
8. Phasing plans, if the final plat is a section or subset of a larger development.
- C. *Post approval submittal requirements.* One final paper copy and electronic copy of the final plans and documents that were approved by the city.
- (Ord. No. 1-12-2018, § 1(Exh. A), 12-11-2018)

Sec. 23-119. Ownership and legal description.

- A. *Purpose.* The purpose of the ownership certificate is to identify the owner and provide the volume and page of deed records, verifying the ownership. When the property owner is a corporation, typically an agent is authorized to sign for the corporation, using the following format. When one property owner is an individual or several individuals, one of the following formats should be used.
- B. *Applicability.* The ownership certificates shown herein shall be applicable to all plats governed by this LDC.
- C. *Ownership certificates.* Plats shall show the certifications set out in subappendix A-1, Plat Certificates, for administrative plats and for the design professional who prepared the plat.
- D. *Legal description.* A "short legal" may be used for replats when all of the lots are included in the replat, and exterior boundaries do not change. A "long legal" is used when property has never been platted, or when establishing exterior boundaries.

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

SUBAPPENDIX A-2. PLAN AND PLAT SUBMITTAL REQUIREMENTS

Commented [LK86]: Recommend removing and adding it to the APM

Sec. 23-120. Concept plans, master plans, and land studies.

- A. *Generally.* This section describes the information that should be submitted with a concept plan, master plan, or land study. None of the information listed is mandatory, but the more information that is submitted allows the city to vest more development rights to approved applications. Every plan that is approved will obtain vested development rights that are proportional with the quantity and quality of the information submitted with the application.
- B. *Plan preparation.* A concept plan, master plan, or land study shall be prepared by a qualified professional engineer, a certified land planner, registered architect, or registered professional land surveyor at a scale no smaller than one inch equals 200 feet and on sheets no larger than 24 inches by 36 inches.
- C. *Recommended plan contents.*
1. Title block with the proposed name of the development, name and address of the owner, the person responsible for preparing the plan, and the date the plan was prepared;
 2. A written and graphic scale of the drawing and a north arrow;
 3. Location of the tract per the abstract and survey records of Brazoria County, Texas and the legal description;
 4. Vicinity map/location map showing the site in relation to the city limits, the ETJ, and roads;
 5. Boundaries of the subject tract in heavy lines, with the names of adjacent subdivisions and the owners for acreage tracts;
 6. Existing rights-of-way and easement locations and recording information;

-
7. Existing uses and buildings on the subject property and any significant tree stands;
 8. Depict the proposed land uses, densities and intensities of proposed uses. This information does not need to include a lot pattern or specify lot sizes or lot dimensions;
 9. Generalized vehicular and pedestrian circulation plan for the subject property;
 10. Existing zoning of the subject property and surrounding properties;
 11. Land uses of adjacent properties and the proximity of the footprint of any significant structures on adjoining properties;
 12. Existing/proposed driveways and median openings on the property and adjoining properties;
 13. The location, R.O.W. width, paving material, and names of existing streets and proposed;
 14. Existing easements located on, or within 100 feet of the subject property. This information shall include the type, dimension, ownership, and recording information, and may be provided on an ALTA survey, or comparable survey;
 15. Existing railroad rights-of-way located in close proximity to the site;
 16. Existing topography at two-foot intervals with existing drainage ditches, channels, and wetlands;
 17. Existing 100-year floodplain areas and floodways as shown on the federal insurance rate maps (FIRMs), or proposed CLOMR boundaries for the subject tract with a note on the drawing indicating the appropriate panel number;
 18. Size and location of existing water mains, wastewater mains, and lift stations adjoining the property;
 19. Proposed phasing plan;
 20. Depending upon the scope and nature of the development, the filing of a preliminary engineering report that provides a general and broad assessment of how the development will conform to the future land use map, future thoroughfare plan, master parks plan, and other applicable city plan or study and the provisions of this LDC and identify how the project will tie into existing and/or proposed drainage facilities and utilities and be compatible with surrounding development;
 21. The plan shall identify which level of traffic impact analysis will be required and a proposed scope of the TIA to be submitted with the preliminary plat;
 22. The plan shall indicate how the developer intends to comply with the parkland dedication requirements if residential development is proposed;
 23. List of alternative design requirements or special design considerations that are requested;
 24. Renderings of any proposed amenities, streetscape designs, building renderings, or other project details to demonstrate how the developer will mitigate any design compensation requested from the city to create a development with a superior design;
 25. The city may require additional information to determine if the development can comply with the development requirements of the city and any referral agency.

D. *Submittal requirements.*

1. One full-size paper hard copy and one .pdf copy of the plan and one paper and electronic copy of all other information submitted in support of the plan;
2. A completed application form, filing fee, and letter of authorization from the property owner authorizing the applicant to file the application; and
3. Legal description of the subject property.

Created: 2021-03-10 16:12:32 [EST]

(Supp. No. 19)

-
- E. *Post approval submittal requirements.* One final paper copy and electronic copy of the final plans and documents that were approved by the city.

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

Sec. 23-121. Site plans.

- A. *Generally.* This section describes the information required to be shown in a site plan, or civil construction plan, submittal.
- B. *Plan contents.* Site and civil construction plan submittals shall:
1. Be drawn to a scale not less than 1" = 50', be titled "Site Plan", and include space for revision numbers and dates.
 2. Include scale drawings, or supporting plan sheets, that contain, but are not be limited to, the following minimum information, and any other information necessary to demonstrate LDC compliance:
 - a. The name and contact information of the applicant, owner, and design professional representing the site plan;
 - b. A legal description;
 - c. Drainage, utility, fire, grading, landscape, and stormwater management plans;
 - d. Existing/proposed grading details, site clearing, temporary, and permanent SWMP details;
 - e. A traffic impact analysis if warranted;
 - f. Four-sided building elevations;
 - g. Required off-street parking, handicap parking, and parking stall specifications;
 - h. A sealed geotechnical report, as set out in section 23-15, Drainage and utilities;
 - i. Sufficient details to demonstrate compliance with the LDC, ACM, zoning ordinance and any other applicable ordinances;
 - j. Excavation and dirt removal plans;
 - k. Any and all information necessary to demonstrate compliance with all requirements of the LDC; and:
 - i. Applicable building, fire, life safety, electrical, accessibility codes and other applicable ordinances;
 - ii. Angleton and Angleton Drainage District Drainage and Flood Protection Plans;
 - iii. The plat if the property is required to be platted; and
 - iv. The requirements of any other necessary referral agency and utility provider.
- C. *Required plans to submit.* Site or civil construction plan submittals shall include:
1. A completed application with all necessary application contents as listed in subsection B, above;
 2. The required filing fee; and
 3. One paper plan set and an electronic copy of all submitted information.
- D. *Approved site plan submittal.* After site and civil construction plans are approved, the following shall be submitted to the ~~development administrator~~designated City staff:

-
1. One set of full size all approved plans;
 2. Electronic (digital) copies of all plans in GIS, CAD, .dxf or .dwg format and .pdf format;
 3. Design engineer's seal on all plan sheets; and
 4. Approval letters from all applicable utility providers.

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

Sec. 23-122. Drainage and development plans.

- A. *Generally.* Following is a list of general information required and is not intended to be comprehensive. The developer or subdivider is responsible for submitting drainage, grading, and stormwater management plans, sealed by a professional engineer licensed in Texas, that comply with the drainage criteria of the LDC, ACM, TCEQ, and Angleton Drainage District.
- B. *Minimum information required.* The following minimum information shall be provided:
 1. Existing and proposed drainage easements;
 2. Existing flood hazard boundaries and the locations of natural and manmade drainage channels;
 3. A stormwater management plan, grading plan, and sedimentation control plan;
 4. Any permanent or temporary erosion control structures;
 5. Existing/proposed grading details and site clearing plans;
 6. Excavation and dirt removal plans;
 7. The type, size, and location of existing and proposed drainage facilities and catch basins;
 8. Existing and proposed contours at two-foot intervals;
 9. Proposed drainage measures to perform in two-, five-, and 50-year storm events for a maximum period of intensity over the entire drainage basin where the subdivision is located, with assessments of up- and down-stream impacts;
 10. Locations where free-falling water exists or is proposed, with proposed improvements to prevent erosion, such as culverts, headwalls, or wing walls;
 11. Drainage structures and ditches sized and designed to carry the calculated stormwater conveyance based on accepted engineering principles; and
 12. Construction plans, reports, and calculations, as necessary to determine compliance with applicable LDC, Angleton Drainage District, TXDOT, and FEMA requirements.
- C. *Drainage study contents.* The subdivider or developers shall submit a drainage study with the final construction plans for developments wherever stormwater flow management facilities shall be regional, dedicated to the public, or flow to drainage facilities administered by Angleton Drainage District. The required drainage studies shall provide the following information, for both existing and fully developed conditions, for the entire watershed drainage area upstream of the lowest point(s) in the subdivision.
 1. The entire watershed drainage area(s) depicted on a 7.5-minute series U.S.G.S. map.
 2. The drainage area(s) within the subdivision, depicted on a topographic map with two-foot contour intervals.
 3. Composite runoff factors.

-
4. Times of concentration.
 5. Related rainfall intensity factors.
 6. Ten-, 25- and 100-year flood flow quantities with the 10-, 25- and 100-year floodplain limits for the existing and fully developed watershed shown on the preliminary plat.
 7. Preliminary street grades sufficient to determine high points, low points, and direction of runoff flows.
 8. Proposed locations of inlets, storm sewers and culverts.
 9. Proposed routing of drainage ways.
 10. All proposed drainage easements, including width of easement and configuration of channel.
 11. Calculations to determine the volume of proposed detention/retention/sedimentation ponds.
 12. Roads, measured curb to curb, shall be designed for 10-year storm event, and right-of-way to right-of-way for a 25-year storm event.
 13. Underground drainage facilities and all above ground channels shall be designed to a full-flow 25-year storm event. Regional stormwater pond and the 100-year floodplain shall be designed to 100-year storm events. Stormwater designs shall ensure proper conveyance of the one percent annual storm event.
 14. The above information shall be supplemented with narrative text describing the watershed and the subdivision, including their general soil conditions, downstream channel conditions, all-weather access, and the presence of special flood hazard areas within the subdivision. The study shall be prepared by a professional engineer registered in the State of Texas. The drainage study shall be submitted along with the preliminary plat. The city engineer shall review the submission and verify that all LDC, ACM, and ADD requirements have been met.
 15. Stormwater pollution prevention plans shall be submitted demonstrating compliance with all ACM requirements.
- D. *Required plans to submit.* Drainage and development permits plan submittals shall include:
1. A complete application with all necessary plans and reports are relevant to the application;
 2. The required filing fee; and
 3. One plan set and an electronic copy of submitted information.
- E. *Approved site plan submittal.* Site plan submittals shall include:
1. One set of full-size approved plans;
 2. Electronic (digital) copies of all plans in GIS, CAD, .dxf or .dwg format and .pdf format;
 3. Design engineer's seal; and
 4. Approval letters from any applicable utility provider.

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

Sec. 23-123. As-built plans.

- A. *Generally.* The city shall not accept dedication of required public improvements until the applicant's engineer has certified to city through submission of detailed "as-built" plans and any off-site easements, the location, dimensions, materials, and other information establishing that all public improvements have been built in accordance with the approved construction plans, the LDC, and ACM.

Created: 2021-03-10 16:12:32 [EST]

(Supp. No. 19)

-
- B. *Plan sheets.* Each "as-built" plan sheet shall show all changes made in the plans during construction. Each sheet shall include an "as-built" stamp bearing the signature of the engineer and date.
- C. *Information required to be submitted.* The developer or subdivider is responsible for submitting drainage, grading, and stormwater management plans, sealed by a professional engineer licensed in Texas, that comply with the drainage criteria of the LDC, ACM, TCEQ, and Angleton Drainage District. Information required to be submitted to demonstrate compliance will vary based on the scale and complexity of the project. Following is a list of general information that may be required, but the list is not intended to be comprehensive or necessary, for each development.
- D. *Approved "as-built plans" submitted.* The following information shall [be submitted:]
1. One set of full size all as-built approved plans;
 2. Electronic (digital) copies of all plans in GIS, CAD, .dxf or .dwg format and .pdf format;
 3. Design engineer's seal on all plan sheets; and
 4. Approval letters from all applicable utility providers.

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

Sec. 23-124. Construction plans (public improvements).

Where expressly required by the LDC to submit construction plans, plans shall be designed to provide the information set out in this section.

- A. *Submittal requirements.* A "complete" set of construction plans for improvements to be accepted by the public shall include all of the following items in the specified quantities:
1. *Completed application and review fee.* Construction plan review is subject to the submittal of an application the submittal and review fees set out on the City of Angleton Fee Schedule, as amended. stipulated in this LDC.
 2. *Engineer's summary letter* (one signed and sealed paper copy and one .pdf copy). Construction plans will not be accepted unless accompanied by a summary letter signed and sealed by the registered Texas professional engineer who sealed the construction plans. Summary letters for small projects do not require an engineer unless slopes or trenches exceed five feet in depth. The summary letter should describe the proposed development and might include, but not limited to, the following:
 - Acreage to be developed;
 - Watershed in which project is located;
 - Type of development;
 - Explanation of any proposed project phasing;
 - Methods to be used for handling stormwater runoff, i.e., drainage easements, channels, curb inlets, storm sewers, detention, sedimentation and filtration ponds, water quality control methods, etc.;
 - Effect the proposed development will have on existing and future drainage systems in the area and on the natural and traditional character of the land and waterways;
 - Itemize any requests to deviate from the strict interpretation of the LDC or ACM and any alternative engineering design solutions that are proposed and a description of the justification for each request.

-
3. *Geotechnical report* (one signed and sealed paper copy and one .pdf copy). Pavement design shall be based on ACM specifications for street pavement thickness and design and provide information regarding pavement structural design and other pertinent engineering design information. A legible P.E. seal and signature shall be provided. The city engineer has authority to follow the recommendations of the geotechnical report with respect to the provided engineering design and recommendations when the recommendations of the geotechnical report demonstrate that to do so would be in the general interest of the City of Angleton and be in accordance with generally accepted engineering practices.
4. *Construction plans* (one signed and sealed paper copy and a .pdf copy). Plans shall be submittal on 24-inch x 36-inch sheets. An additional plan set is required if the project is on a state highway. The construction plan set shall consist of the following information, in the following order:
- Cover sheet;
 - Preliminary plat;
 - Erosion and sedimentation controls;
 - Drainage and utility layout;
 - Street plan and profile;
 - Drainage plan and profile sheets;
 - Detention, filtration and/or sedimentation ponds;
 - Construction details;
 - Plan details shall incorporate all standard construction plan notes specified in the LDC, as amended, and the ACM, as amended.
- Note:** Once construction plans are approved, one full size "approved set" and one "approved half-sized set" and a .pdf file of the same shall be submitted before a development permit can be released.
5. *Traffic control plan* (one signed and sealed paper copy and one .pdf copy). A traffic control plan, or a final approved TIA, must be included if the construction is in an existing right-of-way. One additional plan is required if the project is on a state highway.
6. *Pavement striping plan* (if applicable, one signed and sealed paper copy and one .pdf copy). If pavement striping is proposed, one paper copy and a .pdf of the striping plan is required. One additional plan is required if the project is on a state highway.
7. *Drainage report* (one signed and sealed paper copy and one .pdf copy). The drainage report shall include the following information:
- Source of floodplain information (calculations where applicable);
 - Table of contents with index and tabbed appendices;
 - Calculations supporting adequacy of existing/proposed on-site channels, storm sewers, and drainage structures;
 - Calculations supporting adequacy of detention pond size;
 - Calculations for floodplain modifications and cross-sections;
 - Summary assessment of impact on adjacent properties and drainage structures and an assessment of impact to habitable structures and properties downstream of the development, as determined by the city engineer;

-
- Signature and seal of professional engineer on report;
 - Calculations of existing and fully developed flows;
 - Calculations of off-site flows; and
 - Calculations of capacity of drainage facilities on adjacent properties;
 - A final report reflecting all changes approved during design review must be submitted once all comments are addressed and approved.
8. *Acknowledgement form concerning plat notes and deed restrictions* (one paper copy and one .pdf copy). The applicant shall carefully check these records before signing the attached acknowledgment form.

**ACKNOWLEDGMENT FORM CONCERNING SUBDIVISION PLAT NOTES,
DEED RESTRICTIONS, OR RESTRICTIVE COVENANTS**

I, _____ have checked for subdivision plat notes, deed notes, deed restrictions, restrictive covenants and/or LDC conditions prohibiting certain uses and/or requiring certain development restrictions i.e., height, access, screening, etc., on this property, located at:

(Address or Legal Description or the Subdivision)

If a conflict should result with the request that I am submitting to the City of Angleton due to a subdivision plat note, deed restriction, or restrictive covenant, it will be my responsibility to resolve it. I also acknowledge that I understand the implications of use and/or development restrictions that are a result of a subdivision plat notes, deed restrictions, or restrictive covenants. I understand that if requested I must provide copies of any and all subdivision plat notes, deed restrictions, or restrictive covenant information which may apply to this property.

Applicant's Signature Date

B. *Construction plan requirements and general notes.*

1. *Cover sheet.* The cover sheet should include the below information:
 - Subdivision name on cover sheet in one-half-inch or larger letters (use same name as on the final plat);
 - Legal description of property (lots, block, subdivision name);
 - Name, address and telephone number of owner and engineering firm preparing plans;
 - Name of watershed;
 - Location map showing the precise location of the tract (four-inch × four-inch minimum) with north arrow;
 - TxDOT stationing, for streets intersecting or adjacent to state-maintained roadways;
 - Tabulation sheet index;
 - Legible professional engineer's seal, signature, license number and state firm number;
 - List granted or proposed variances/waivers from the LDC or the ACM; and
 - The following general notes:

"Release of this application does not constitute a verification of all data, information and calculations supplied by the applicant. The engineer of record is solely responsible for the completeness, accuracy and adequacy of their submittal, whether or not the application is reviewed for Code compliance by the City Engineer."

"All responsibility for the adequacy of these plans remains with the Engineer who prepared them. In approving these plans, the City of Angleton must rely on the adequacy of the work of the Design Engineer."

- Applicable City of Angleton general construction notes;
 - Tabulation of applicable special notes;
 - Construction sequencing;
 - Approval block for the city engineer;
 - A revision block showing the number and date of each revision.
2. *Approved preliminary plat and proposed final plat.* Following the cover sheet in the construction plan set should be the approved preliminary plat and proposed final plat. A copy of the recorded final plat should be included in the final plan set of the approved construction plans.
3. *General construction notes.*
- All construction shall be in accordance with the Angleton Construction Manual (ACM) and Land Development Code, hereafter referred to the ACM and the LDC.
 - Approval of these construction plans does not constitute a verification of all data, information and calculations supplied by the applicant. The engineer of record is solely responsible for the completeness, accuracy, adequacy, and compliance of the submitted plans.
 - All responsibility for the rests on design engineer who prepared them. In approving these plans, the city must rely on the adequacy and accuracy of the design engineer.
 - Designs shall be in complete compliance with the LDC and the ACM. Any waiver, deviation, variance, or exception from any specific requirement(s) of the LDC or ACM that were not expressly requested when plans are submitted, shall not be construed to have been granted if plans are approved. It is the responsibility of the engineer to make such a waiver proactively when plans are submitted.
 - A minimum of two existing benchmarks should be shown on the plans. In addition, two permanent benchmarks per subdivision shall be installed in each new subdivision to include description, location, and elevation and tie to city standards.
 - Cast bronze survey markers shall be placed in concrete in permanent, accessible locations at the time of construction. The locations of the markers shall be indicated on the construction plans. A minimum of one marker shall be placed for each 20 acres of the project.
 - Prior to beginning construction, the owner or his authorized representative shall convene a pre-construction conference with the city, the developer's consulting engineer, contractor, and any other affected parties. The city shall be notified at least 48 hours prior to the time of the conference and 48 hours prior to the beginning of construction.
 - The contractor shall provide the city a minimum of 48 hours' notice before beginning each phase of construction.

-
- Barricades, built to city specifications, shall be constructed on all dead-end streets and as necessary during construction to maintain job safety.
 - If blasting is planned, a blasting permit must be secured prior to commencement of any blasting.
 - Any existing pavement, curbs, and/or sidewalks damaged or removed will be repaired by the contractor at his expense before acceptance of the subdivision.
 - The location of any water or wastewater lines shown on the plans must be verified by the public works department.
 - Use one call utility system: Dial 1-800-344-8377, 48 hours BEFORE you dig.
 - All storm sewer pipes to be class III RCP unless noted otherwise.
4. *Special notes for plans, when applicable.*
- The subgrade material in (name of subdivision) was tested by (name of professional soil lab) on (date) and the street section designed according to the LDC and ACM.
 - Constructed street sections shall show the following:
 - ▷ Provide street names, width of R.O.W., or other methods to identify proposed design of different pavement thickness. In writing or graphically, describe the street section(s) to be constructed.
 - ▷ Manhole frames, covers, and water valve covers will be raised to finished pavement grade at the owner's expense by a qualified contractor with city inspection. All utility adjustments shall be completed prior to final paving construction.
 - ▷ Crowns of intersecting streets will culminate in a distance of 40 feet from the intersecting curb line unless otherwise noted. Inlets on the intersecting street shall not be constructed within 40 feet of the valley gutter, unless otherwise noted.
 - ▷ Prior to final acceptance of a street outside the city limits, street name signs conforming to county standards shall be installed by developer.
 - ▷ Sidewalk requirements (give street name and location of required sidewalk, i.e., north, south, east, or west side).
 - ▷ A curb lay down where required when all points of sidewalks intersects curbs.
 - ▷ Inside the city limits, sidewalks shall be completed prior to acceptance of any driveway approaches and/or issuance of a certificate of occupancy. When outside the city limits, a letter of credit may be posted or other suitable financial arrangements may be made to ensure construction of the sidewalks. In either case, sidewalks adjacent to "common areas", parkways, or other locations on which no building construction will take place, must be constructed prior to final acceptance of the subdivision.
 - ▷ A license agreement for landscaping maintenance and irrigation in street R.O.W. shall be executed by the developer in party with the city prior to final acceptance.
5. *Construction sequencing (list process on construction plan set).*

-
- Call the city 48 hours prior to beginning any work and schedule a preconstruction meeting with the city and all affected utility providers, the general contractor, the developer and the developer's engineer.
 - Obtain a development permit from the city.
 - Provide the city with evidence all TCEQ licenses and requirements are up to date.
 - Install temporary erosion controls and tree protection fencing prior to any clearing and grubbing. Notify the city when installed.
 - Rough-cut all required or necessary ponds. Either the permanent outlet structure or a temporary outlet must be constructed prior to development of any embankment or excavation that leads to ponding conditions. The outlet system must consist of a low-level outlet and an emergency overflow meeting the requirements of the LDC. The outlet system shall be protected from erosion and shall be maintained throughout the course of construction until final restoration is achieved.
 - Deliver approved rough-cut sheets to the city engineer prior to clearing and grubbing.
 - Rough grade streets. No development of embankment will be permitted at this time.
 - Install all utilities to be located under the proposed pavement or within the road right-of-way.
 - Deliver storm sewer cut sheets to the city engineer.
 - Begin installation of storm sewer lines. Upon completion, restore as much disturbed area as possible, particularly channels and large open areas.
 - Deliver final grade cut sheets to the city engineer.
 - Re-grade streets to sub-grade.
 - Ensure that underground utility crossings are completed. Lay 1st-course base material on streets.
 - Install curb and gutter.
 - Lay final base course on all streets.
 - Lay asphalt.
 - Complete final grading and restoration of detention, sedimentation/filtration ponds.
 - Complete permanent erosion control and restoration of site vegetation.
 - Remove and dispose of temporary erosion controls.
 - Complete any necessary final dress up of areas disturbed.
6. *Drainage layout sheets (show the following on construction plans and/or drainage report).*
- Drainage layout of subdivision (scale: 1" = 100') with north arrow to top or right of sheet and show limits of construction as a distinguishable line.
 - Existing adjoining street layout or other property adjacent to project (and plat names).
 - Street names lot and block numbers, and R.O.W. lines.
 - Location of all existing drainage structures on or adjacent to project.

- Existing contours at two-foot minimal intervals Individual drainage areas and upstream drainage areas based on improvements and final grading (distinguish these areas by heavy dashed lines).
- Size in acres, C, I, T, C and Q for 10-, 25- and 100-year storm events for each sub-drainage area.
- Arrows indicating flow direction for all streets and lots.
- Summation of Q's at pertinent points (street intersections, inlets, passing inlets, headwalls, channel outfalls, control outlet structures, etc.).
- All low and high points.
- All street and lot fill areas (usually done by shading).
- Proposed drainage facilities (including but not limited to: the layout of storm sewer with line designation, size of lines, pond(s) and pond designation, outfalls and Q10, 25 and 100 shown for outfalls).
- All existing and proposed drainage easements, as per final plat or by separate instrument, with all recording information provided.
- Q10, 25 and 100 leaving proposed streets onto surrounding property and Q10, 25 and 100 entering proposed streets from surrounding property.
- Existing and proposed 100-year floodplains for all waterways.
- Minimum building slab elevations for lots on which the 100-year floodplain encroaches (only if elevations are not shown on approved final plat included with plans).
- Provide the following for each drainage area:
 - a. Runoff calculations:
 - T.C. (time of concentration in minutes), A (drainage area); and
 - I10, C10, Q10, I25, C25, Q25, I100, C100, Q100.
 - b. For inlet design provide an inlet flow calculation table.
- For storm sewer design:
 - a. T.C.'s, areas; and
 - b. Composite "C" value (if a uniform time of concentration for the system is not used).
- Greenspace preservation and buffers and related drainage BMP water quality criteria described in the ACM shall be depicted.
- Clearly show limits of construction and match lines with station equations for storm sewer and channel "tie-ins" to existing or proposed.
- Legible professional engineer's seal, signature, and date of signing.
- All proposed waivers to the LDC or ACM.
- Include signature block on the right side of all plan sheets.

7. *Street plan and street profile sheets.*

Street plans must show the following:

-
- The street name and sheet number in the right corners.
 - North arrow to top and right of sheets.
 - Stationing south to north or west to east with street layout directly over the profile stationing.
 - Scale: 1" = 20', or 1" = 40' for very large projects.
 - R.O.W. and paving dimensions (face to face of curb).
 - Lot numbers, block numbers and frontage dimensions (dimensions required only if approved/released final plat is not included with the review plans).
 - Street names within respective R.O.W.
 - Existing or proposed easements (w/recording information) and intersecting R.O.W.).
 - Sidewalks and assignments as per city final plat requirements.
 - Centerline "TIC" marks, every 50 feet.
 - Drainage facilities within or intersecting R.O.W. and indicate stationing on both sides of inlets (show inlet type and label storm sewer lines, i.e., line "A", M.H., etc.).
 - Existing drainage facilities (w/pipe sizes and material indicated) as dashed lines.
 - Drainage flow arrows, high and low points.
 - Match lines on street plan sheets and storm sewer plans for continuation of streets on other sheets.
 - As a minimum, a 50-foot extension of proposed streets and show proposed tie-in to existing streets.
 - Sheet numbers for intersecting streets, show full intersection, provide dimensions and street names.
 - Stations equation along the CL (centerline) intersections of streets.
 - Barricades if required.
 - Plan view must transpose directly above profile stationing when possible (otherwise, center the midpoint of the curve on the sheet) (limits shown on the plan view must be the same as the limits shown on the profile).
 - Labeled asphalt valley gutter or concrete valley gutter (required if % grade <1.2%) at intersections where appropriate.
 - Clearly show the beginning and ending of project.
 - Limits of gutter depression by shading and showing stationing or dimensioning.
 - Clearly show all PC, PT, CC, or PRC stations.
 - Clearly show all fill areas and fill information to demonstrate compliance with the LDC.
 - Horizontal curves conforming to city standards.
 - Legible professional engineer's seal, signature, and date of signing.

Street profiles must show the following:

- Legend and scale (scale: H: 1" = 20' and V: 1" = 2').

- Heavyweight lines at every 100-foot station.
- Heavyweight lines at every two-foot vertical elevation line.
- Even elevation in right and left margins.
- Street profile for minimum of 150 feet beyond end of project, including property lines and proposed future grade and/or existing street grade.
- Existing centerline, left and right R.O.W. profiles.
- Proposed centerline profiles a minimum of two-line widths to stand out from other profile lines.
- Proposed TC elevations (clearly identify right and left for curb splits).
- Identify and give elevations at all PC, PT, PRC, PCC, PVC, PVI, or PVT stations by circle or heavy dot.
- Vertical curves with the following information: curve length, PVI stations and elevation, tangent intercept, tangents and tangent grades (show elevations every 25 feet maximum along vertical curves).
- Curb returns PC, MID PT, PT, with tangent and grade past point of return.
- Elevations every 50 feet (i.e., +00 and +50) along the street profile.
- Maximum curb split of two percent (30' street = 0.60', 44' street = 0.88') if applicable.
- Vertical curves conforming to the ACM.
- Submit letter of understanding for street lighting in sag curves and confirmation of availability of fixed source lighting when applicable.
- Show clear sight triangle at all subdivision or driveway entrances as required by the LDC. At the intersection of arterial streets, the city engineer may increase the clear site distance up to 50 feet for point C where necessary to ensure public health and safety.

8. *Drainage plan.*

Drainage plan and reports must show the following:

- Show contours, drainage features and street layout and name, lot layout and lot and block numbers (where storm drainage occurs).
- Indicate limits of 100-year floodplain for fully developed upstream conditions and denote FEMA 100-year floodplain if different from the fully developed condition.
- Drainage easements. Indicate recording information. (Show recording number or if by plat, indicate "by plat".)
- Storm drainage facilities. Label and give sizes (i.e., line "A-18" RCP, channel "B"-r' FB (flat bottom), 2-10' x 6' MBC, etc.
- All horizontal PI PC, PT, BEGIN and END stations and pipe and/or channel intersection equations.
- All inlets, Q at inlets, Q passing inlets, and flow lines.
- PI deflection angle in degrees.
- Excavation and dirt removal plan, dirt removal plans.

- North arrow to top or right of sheet and shows the drawing scale as: Scale: 1" = 50".
- Any storm sewer assignments off R.O.W. or centerline.
- Channel and/or pipe riprap and type of headwalls (show erosion control measures (dissipater blocks, rock riprap, etc.).
- Beginning, end stations, for erosion control material used for channels (label type of material to be used, i.e., dry stacked or mortared rock, etc.).
- Note 100-year overflow swales over pipe system (when used) and provide a typical detail.
- Open channels with a minimum flat bottom width of six feet.
- Greenspace preservation and buffers and related to BMP water quality criteria in the ACM.
- Legible professional engineer's seal and signature.
- Any waivers to the LDC or ACM, or any other city requirements or policy.
- Include room for a city engineer stamp or signature block on right-hand side of all inside sheets.

9. *Drainage profile.*

Drainage profiles on construction plans or drainage reports must show the following:

- Scales: horizontal (same as plan, vertical, 1/10th of horizontal scale).
- Stationing proceeding from low end to high end from left to right for channels or storm sewer lines.
- Existing ground profile at proposed channel locations.
- Top of bank left and right and fill areas for channels.
- All stations and elevations at points of intersecting drainage lines, grade breaks, riprap, drop sections, toe of splash pads, toe of slope, beginning of slope, and beginning of riprap.
- D10, Q10, V10, HGL10, D25, Q25, V25, HGL25, D100, Q100, V100, HGL100 and head losses (H), for each segment of channel.
- Channel bottom width, side slopes, concrete trickle or pilot channel, height of channel lining if used, maximum and minimum depth of channel, Manning's "n" value used, and typical channels cross-sections to scale.
- Clearly show the beginning and end of construction and show stations for channels.
- Flowline elevation every 50 feet maximum (i.e., 0+00, 0+50).
- T.C. elevations at inlets on storm sewer lines.
- Grade of flow line (in %), and pipe sizes (label all pipes as RCP/class for storm sewer lines).
- D10, Q10, V10, HGL10, D25, Q25, V25, HGL25, D100, Q100, V100, HGL100 and head losses (H), and df (when pipe is flowing full) for storm sewer lines.
- Stations and elevations at PI, PC, PT, grade breaks, intersecting lines, and beginning and end of construction for storm sewer lines.
- All riprap, headwalls, etc., at pipe ends.
- Full channel section at pipe ends when appropriate.

-
- Existing and finished ground line and fill areas at pipe centerline for storm sewer lines.

10. *Detention plan.*

Construction plans or a drainage report must show the following:

- Include drainage area map for detention ponds in plans.
- Typical cross-section(s) of ponds and section, through the inlet and outlet structures. Show the 10/25/100-year WSELs.
- Indicate pond bottom and side slopes and ramp slopes and top width of berms.
- Summary table of supportive calculations for hydrology, hydraulics, control outlet structures, etc.
- Stage/storage/discharge table (also indicate 10-, 25- and 100-year storm events).
- Indicate staging area, access drives, ramps, gates, fences, perimeter access strips, signs, setbacks, and setback easements.
- Construction details (including complete structural details) for the pond improvements.
- Excavation and dirt removal plan, dirt removal plan.
- Delineate easements with recording information.
- Show all trees and utilities and other improvements within the pond area.
- Add dam or pumping safety certification to cover improvements where applicable.
- Greenspace preservation and buffers to comply with BMP water quality criteria.

11. *Water quality plan.*

- Pond plans and appropriate cross sections with existing and proposed grading.
- Sizing of facility.
- Stage/storage for each chamber and total.
- Construction details including ACM details and criteria.
- Liner details (also show protective and planting layer when applicable).
- Provide complete QA/QC plans for pond liners when required.
- Irrigation field plans imposed on the tree plan for re-irrigation ponds.
- Vegetative bench planting sheet for wet ponds.
- Intake structure/wet wells and pump details and specs.
- Greenspace preservation and buffers and related the BMP water quality criteria.

12. *Pavement striping and signs plan.*

- Sheet to be reasonable scale, show curb and gutter, driveways, sidewalks and accessibility routes within 150 feet of the project.
- All pavement striping and sign plans shall be in accordance with the Texas Manual of Uniform Traffic Control Devices and City of Angleton standards.
- Sight distance analysis for stop signs.
- Stop signs, stop bars in relationship to sidewalk ramps.

- Assumption of any all way stop or signal locations needs to be supported by warrant study as per the Texas Manual of Uniform Traffic Control Devices.
- Include warning signs as needed with advisory speed plates.
- Show speed limit signs in accordance with the assumed design speeds, with exception of the local streets which should be designed at 30 MPH and shall be posted.
- Show any proposed parking restricted areas.
- Non-standard pavement striping and signs details will need to be approved by the city engineer.
- Show street name signs in accordance with all city and Brazoria County 911 naming standards.

13. *Construction details.*

- Use the ACM for all work in the right-of-way and easements.
- Show the following:
 - ▷ Manhole or junction box details;
 - ▷ Pipe end riprap or headwall details;
 - ▷ Channel lining;
 - ▷ Construction plans and details for proposed reinforced concrete box culverts, bridges and related structures may be adaptations of TxDOT standards;
 - ▷ Traffic/pedestrian railing and fencing details;
 - ▷ Retaining wall construction drawings in accordance with city standards;
 - ▷ Other details as needed for construction.

14. *Fill mangement details and report.*

- Construction plans, reports and analysis demonstrating compliance with the fill requirements of this LDC.

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

APPENDIX B. STANDARD FORMS

Commented [LK87]: Recommend removing and adding it to the APM

Sec. 23-125. Improvement acceptance forms.

A. *Part I. Preliminary acceptance form.*

**DEVELOPER PETITION FOR PRELIMINARY ACCEPTANCE OF PUBLIC
IMPROVEMENT(S)**

FOR: _____ (Name/Section of Development).

**STATE OF TEXAS §
COUNTY OF BRAZORIA §**

WHEREAS, _____, hereinafter called Owner, is the owner of the land described as _____ Subdivision, desires to file this Petition, with the City of Angleton. This petition is being filed in accordance with the terms and provisions of the LDC.

NOW THEREFORE, KNOW ALL MEN BY THOSE PRESENT THAT _____ (Owner), respectfully files this, a Petition with the City Council of the City of Angleton for Preliminary Acceptance of the following described public improvements (list each improvement, the length of each improvement and the valuation of each improvement):

Water: _____

Sanitary Sewer: _____

Drainage: _____

Streets: _____

Other: _____

OWNER, in filing this petition, sets forth the following information as required in current regulations. Attached hereto as Exhibit "A" is a true and correct copy of the itemized construction costs of the above described project (s). Construction was accomplished by:

Contractor Name: _____,

at a total cost of \$ _____.

Attached as Exhibit "B" are two true and correct copies of "as built" drawings certified to by a registered Professional Engineer.

OWNER GUARANTEES:

All materials and workmanship to be in accordance with approved plans and specifications prescribed by the City, and to correct any and all deficiencies not in accordance with approved plans and specifications until Final Acceptance by the City Engineer and City Council.

IN TESTIMONY WHEREOF, WITNESS OUR HANDS and seal this, the _____ Day of _____, 20____.

Subdivider and Principal

Surety By: _____
Attorney in Fact

APPROVED AND ACCEPTED, THIS THE _____ day of _____, 20____.

CITY OF ANGLETON

BY: _____

TITLE: _____

B. Part II. Final acceptance (developer).

DEVELOPER PETITION FOR FINAL ACCEPTANCE OF PUBLIC IMPROVEMENTS

For: _____ (Name/Section of Development).

WHEREAS, the City Council of the City of Angleton, Texas approved the Preliminary Acceptance of the improvements listed in Part I Petition for:

_____ Subdivision; and

WHEREAS, the owner has maintained such improvements in good condition for at least one year from date of acceptance by the City Council; and

WHEREAS, the owner has corrected all deficiencies reported by the City of Angleton;

It is therefore requested that final inspection be made of said improvements, that Final Acceptance be approved by the Angleton City Council, and that the Owners be relieved of any further obligation to maintain or cause to maintain such improvements.

By: _____
Owner

Date: _____

C. *Part III. Final acceptance (city).*

The above improvements listed in the petition have been inspected as required by current regulations, all required maintenance has been performed, and all noted deficiencies have been corrected. I recommend that the improvements described in the petition be accepted by the City of Angleton and all maintenance on said improvements be assumed by the City.

_____	_____	_____
Date	City Engineer, City of Angleton	(Engineer Seal)
APPROVED AND ACCEPTED BY THE CITY COUNCIL OF THE CITY OF ANGLETON, TEXAS, ON THIS, THE _____ DAY OF _____, 20____.		

	Mayor	

	City Secretary	

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

Sec. 23-126. Performance and maintenance bonds.

A. PERFORMANCE BOND

THE STATE OF TEXAS §

§ KNOW ALL MEN BY THESE PRESENTS:

THE COUNTY OF BRAZORIA §

THAT WE, _____, as Principal, hereinafter called the "Developer" and the other subscriber hereto, as Surety, do hereby acknowledge ourselves to be held and firmly bound to the City of Angleton, a municipal corporation, in the sum of _____ Dollars (\$) for the payment of which sum, well and truly to be made to the City of Angleton and its successors, the said Developer for and Surety do bind themselves, their heirs, executors, administrators, successors, and assigns, jointly and severally.

THE CONDITIONS OF THIS OBLIGATION ARE SUCH THAT:

WHEREAS, the Developer has on or about this day executed a Contract in writing with the City of Angleton for all of such work to be done as set out in full in said Contract Documents therein referred to and adopted

by the City Council, all of which are made a part of this instrument as fully and completely as if set out in full herein.

NOW THEREFORE, if the said Developer shall faithfully and strictly perform Contract in all its terms, provisions, and stipulations in accordance with its true meaning and effect, and in accordance with the Contract Documents referred to therein and shall comply strictly with each and every provision of Contract and with this bond, then this obligation shall become null and void and shall have no further force and effect; otherwise the same is to remain in full force and effect.

It is further understood and agreed that the Surety does hereby relieve the City of Angleton or its representatives, from the exercise of any diligence whatever in securing compliance on the part of the Developer with the terms of the Contract, and the Surety hereby waives any notice to it of any default, or delay by the Developer in the performance of his Contract and agrees that it, the Surety, shall be bound to take notice of and shall be held to have knowledge of all acts or omissions of the Developer in all matters pertaining to the Contract. The Surety understands and agrees that the provision in the Contract that the City of Angleton shall retain certain amounts due the Developer until the expiration of thirty days from the acceptance of the Work is intended for the City's benefit, and the City of Angleton shall have the right to pay or withhold such retained amounts or any other amount owing under the Contract without changing or affecting the liability of the Surety hereon in any degree.

It is further expressly agreed by Surety that the City is at liberty at any time, without notice to the Surety, to make any change in the Contract Documents and in the work to be done thereunder, as provided in the Contract, and in the terms and conditions thereof, or to make any change in, addition to, or deduction from the work to be done thereunder, and such changes shall not in any way vitiate the obligations in this bond or release the Surety therefrom.

It is further expressly agreed and understood that the Developer and Surety will fully indemnify and save harmless the City of Angleton from any liability, loss, cost, expense, or damage arising out of or in connection with the work done by the Developer under the Contract.

If the Contract Price is greater than \$1.20 million and in the event that the City may bring any suit or other proceeding at law on the Contract or this bond or both, the Developer and Surety agree to pay to the City the sum of 10 percent of whatever amount may be recovered by the City in suit or legal proceeding, which sum of 10 percent is agreed by all parties to be indemnity to the City for the expense consumed by its City Attorney, and office force, and other costs or damages occasioned to the City. This amount of 10 percent is fixed and liquidated by the parties, it being agreed by them that the exact damage to the City would be difficult to ascertain.

This bond and all obligations created hereunder shall be performable in Brazoria County, Texas. This bond is given in compliance with the provisions of Article 5160, Revised Civil Statutes of Texas, as amended, which is incorporated herein by this reference. However, all of the express provisions hereof shall be applicable whether or not within the scope of said statute.

Notices required or permitted hereunder shall be in writing and shall be deemed delivered when actually received or, if earlier, on the third day following deposit in a United States Postal Service post office or receptacle, with proper postage affixed (certified mail, return receipt requested), addressed to the respective other party at the address prescribed in the Contract Documents, or at such other address as the receiving party may hereafter prescribe by written notice to the sending party.

IN WITNESS THEREOF, the said Developer and Surety have signed and sealed this instrument on the respective dates written below their signatures and have attached current Power of Attorney.

ATTEST, SEAL: (if a corporation)	<div></div> <div>(Name of Developer)</div>
----------------------------------	--

WITNESS: (if not a corporation)	
By:	
Name: _____	
Title: _____	
Date: _____	
ATTEST/WITNESS: (SEAL)	_____
	(Full Name of Surety)
By: _____	
Name: _____	
Title: _____	
Date: _____	
Original - City	
Duplicate - Owner	
Triplicate - City	

B. *Maintenance/Warranty Bond.*

STATE OF TEXAS §
COUNTY OF BRAZORIA §

KNOW ALL MEN BY THESE PRESENTS:

That we, _____ the undersigned subdivider, as Principal, and _____, as Surety, do hereby acknowledge ourselves to be held and firmly bound unto the City of Angleton, a municipal corporation of the County of Brazoria and State of Texas, in the full and just sum of \$_____ (being ten (10%) percent of the estimated cost of the hereinafter enumerated site improvements) for the payment of which well and truly to be made, we hereby bind ourselves and our respective heirs, administrators, executors and assigns, jointly and severally, firmly by these presents.

WHEREAS, the Principal has petitioned the City Council for permission to develop a subdivision within the jurisdiction of the City of Angleton, named _____, approved by the City Council on _____ 20____; and

WHEREAS, under the provisions of the LDC, the City Council requires, as a condition precedent to the granting of such petition, that the Principal provide a guarantee that he will maintain and cause to be maintained, in good condition according to the requirements of such LDC, and to correct any and all deficiencies not in accordance with the approved plans and specifications as may be noted, the following site improvements for a period of one year after acceptance of the construction thereof by the City Council or until such time as such improvements receive final acceptance by the City, whichever is the latter;

NOW, THEREFORE, the condition of this obligation is such that if the Principal shall maintain or correct, and cause to be maintained or corrected, the above mentioned improvements in accordance with the requirements of the City of Angleton LDC and ACM, for the period of one (1) year after the acceptance of the construction thereof by the City Council, or until said improvements have received Final Acceptance by the City Council, then this obligation shall be void; otherwise, the obligations made under this bond will remain in full force and effect.

IN TESTIMONY WHEREOF, WITNESS OUR HANDS and seal, this the _____ Day of _____, 20____.

Created: 2021-03-10 16:12:32 [EST]

(Supp. No. 19)

Subdivider and Principal

Surety By:

Attorney in Fact

APPROVED AND ACCEPTED, THIS THE ____ DAY OF _____, 20____.

CITY OF ANGLETON

BY: _____

TITLE: _____

Original - City

Duplicate - Owner

Triplicate - City

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

Sec. 23-127. Waiver of statutory 30-day plat review form.

Owner letterhead

Date

~~Development Administrator~~ Designated City staff

City of Angleton
121 S. Velasco Street
Angleton, Texas 77515

Re: (Name of Plat/General Plan)

Please allow this correspondence to serve as my request to the City of Angleton waive the statutory 30-day period of time to review the above referenced project, thereby tabling the item until I provide additional information or clarification of issues before the Planning and Zoning Commission and City Council may act on the application. Without this waiver, this application would be denied.

Applicant hereby waives any rights that inure to this application by virtue of Texas Local Government Code Sec. 212.009, and hereby request that an extension of the review period be granted pursuant to the City of Angleton LDC. Further, I understand and acknowledge that my application is technically considered to be "incomplete" until I provide the City of Angleton LDC the additional information or clarifying details required to demonstrate compliance with the City of Angleton LDC and that until such time as that information is provided, this request shall remain "tabled and incomplete". This application shall remain "tabled and incomplete" for a period that shall not exceed 6-months from the date of this request, after which time this application shall expire; necessitating the refilling of the application as a new application.

Sincerely,

Name of Developer/Applicant/Agent

NOTARY:

Acknowledged, subscribed and sworn to before me this _____ day of _____, 20 ____, by

_____.

Witness my hand and official seal.

My commission expires: _____, 20_____.

Notary Public

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

Sec. 23-128. Improvement agreement form.

- A. *Purpose.* The purpose of this subappendix is to provide a legal form to use as a template for a development agreement or a public improvement agreement. The actual form to be utilized for either agreement will be determined by the circumstances of the development and the terms that are agreeable to the parties involved and the legal counsel for each.
- B. *Improvement agreement form.*

TITLE: _____

THIS AGREEMENT is voluntarily entered into on this ____ day of _____, 20____, between CITY OF ANGLETON ("City"), a governmental entity, and _____ ("Developer").

WHEREAS, prior to the recording of a Final Plat, the City Council ("City") and Developer have agreed to enter into a Development/Public Improvement Agreement for the construction of required public improvements wherein the Developer agrees to construct those public improvements required by the City and which agreement requires the pledging of collateral that is sufficient, in the judgment of the City Council, to make reasonable provision for the completion of the required improvements in accordance with design and time specifications set forth in the agreement; and

WHEREAS, the Texas Local Government (TLGC) statutes require that a condition of City Council approval of any preliminary or final plat is Developer compliance with City subdivision regulations, including making all payments, dedications and exactions provided therein; and

WHEREAS, the Developer is the subdivider of the real property development ("Development") known and described as _____, located in the City of Angleton, Texas, and has presented to the City a Final Plat for this Development; and

WHEREAS, the City of Angleton LDC and State Statutes require the execution of a Development/Public Improvement Agreement ("Agreement") between the Developer and the City whereby the Developer shall agree to construct certain improvements, the completion of which are guaranteed to the City, prior to filing the Final Plat; and

WHEREAS, the City seeks to protect the health, safety and general welfare of the community by requiring the completion of various improvements in the Development and thereby limit the harmful effects of substandard development and subdivision; and

WHEREAS, the purpose of this Subdivision Improvements Agreement ("Agreement") is to protect the City from incurring the cost of completing the improvements under this Subdivision Improvements Agreement and not to benefit those providing work, services or material or the lot or home buyers in the Development; and the purpose of this Agreement is further to guarantee performance of Developer's other obligation.

NOW, THEREFORE, IN CONSIDERATION OF THE MUTUAL PROMISES CONTAINED HEREIN, IT IS AGREED AS FOLLOWS:

- (1) *Construction of Improvements.* The Developer agrees to construct or to enter into a contract with such person, firm or corporation as is chosen by the Developer to construct the required improvements, including

Created: 2021-03-10 16:12:32 [EST]

(Supp. No. 19)

water distribution system (for commercial, municipal and domestic uses, and for landscaping and fire protection), sanitary sewers, drainage facilities, street improvements (roads, bridges and associated improvements), traffic signs, fire protection system, street posts and markers, electrical system, street lighting, landscaping (hereinafter referred to as "Improvements"); more specifically described in Exhibit "A" that is attached hereto and incorporated herein by this reference. The required Improvements shall be constructed in accordance with the Plans and Specifications submitted by the Developer and in accordance with all applicable legal standards. The Developer's obligation to complete the Improvements will arise upon final plat approval by the City and will be independent of any obligations of the City contained herein and will not be conditioned upon the commencement of construction in the Development or sale of any lots or Improvements within the Development.

In addition, the Developer will ensure that utility services are available within immediately adjacent easements and/or rights-of-way of each platted lot in the Development prior to or at the issuance of permits by the City for each respective lot.

- (2) *Regulations and Specifications.* The required Improvements shall be designed and constructed in accordance with City regulations and specifications in effect as to the date of this Agreement, other applicable state or federal regulations, if any, the Final Plat of the Development, and the Plans and Specifications retained by the City, all of which are hereby incorporated herein by reference and made a part of this Agreement. All Plans and Specifications shall have been submitted to and reviewed for exceptions by the City Engineer prior to submission of the Final Plat for approval or execution.
- (3) *Completion Date.* The required Improvements shall be completed no later than _____, 20____, (Two years from date of approval), unless the City Council, in its sole discretion, grants in writing an extension of this completion date to the Developer. A written extension agreement shall be signed by the City Administrator, upon approval by the City Council. No less than 60 days prior to the above-scheduled completion date, or any extension thereof, the Developer shall notify the City Manager in writing of the upcoming completion deadline and include a progress report which shall include a statement of whether the Developer expects to complete the required Improvements by the completion date. The Developer's failure to provide this notice shall be grounds for the City to withdraw from the commitment guarantee in accordance with this Agreement.
- (4) *Estimated Cost.* The cost of constructing the Improvements is estimated to be \$_____. This cost estimate is based upon the assumption that the work will be performed by an independent contractor, was prepared by and bears the seal of an engineer licensed to practice in the State of Texas, which shall be attached hereto as Exhibit "B."

This estimated construction cost includes the estimated present construction cost, plus an estimate inflation factor determined by the City and calculated to the completion date. If change orders are required during the course of construction that increase the cost by more than five percent of the estimated cost of any subsequently agreed amount that may result from increased costs of material or labor, the amount of the commitment guarantee shall be adjusted accordingly. The Developer shall notify the City in writing of any such change and supply the City with the adjusted commitment guarantee.

- (5) *Commitment Guarantee.* Developer's performance under this Agreement is guaranteed by _____. The commitment guarantee will be retained by the City until released or used as provided in this Agreement. Should the Improvements not be completed at least 30 days prior to the expiration of any commitment guarantee, the Developer agrees to the extension of said guarantee and designates the City his agent to request said extension. The Developer shall pay all costs of guarantee extension; and it is mutually understood and agreed that the City will pay no interest to the Developer on the commitment guarantee. If the City determines guarantee is insufficient to warrant construction of Improvements, the City shall notify the Developer who shall produce any necessary additional security.

-
- (6) *Transfer of Title.* If the City is to have any ownership interest or maintenance responsibility in the Improvements, before commencing the construction of any of the required Improvements, the Developer shall acquire, at its own expense, good and sufficient title to all lands and facilities traversed by any required Improvements. In addition, if the City is to have ownership in dedications of parks, rights-of-way, covenants, etc., for this Development, Developer shall acquire at its own expense good and sufficient title to all such property. All such property, lands and facilities so required shall be conveyed to the City and all necessary documents of conveyance shall be furnished to the City prior to and for recording with the Final Plat.
- (7) *Release of Liability—Insurance.* The Developer indemnifies and saves harmless the City from any suits, action, or claim of every nature occurring during the period of construction of the required Improvements and for one year thereafter, and caused by, arising from, or on account of the construction process or any other Developer obligations, and pay any judgment rendered against the City on account of any suit, action or claim, together with all reasonable expenses and attorney's fees incurred by the City in prosecuting or defending such suit, action or claim.
- (8) *Insurance.* The Developer shall ensure that all contractors and other employees engaged in the construction of the required Improvements will maintain workmen's compensation insurance. Before proceeding with any construction of the required Improvements, the Developer shall provide the City with written evidence of Public Liability Insurance with limits not less than \$500,000.00, for bodily injury, \$100,000.00, for property damage in coverage forms approved by the City Attorney and protecting the City against any and all claims for damages to persons or property resulting from or installation of any required Improvements on public property. If the insurance is going to be modified or canceled, the developer shall show the City adequate proof of a new policy, which is subject to approval by the City. Proof of reinsurance shall be provided to the City within 15 days of the notice. If the developer cannot do so then the City may ensure the project as to liability insurance and charge the cost back to the developer. The policy will provide that the City shall be notified at least 30 days in advance of any reduction in coverage, termination or cancelation of the policies. Such notice shall be sent certified mail. The Developer also warrants that any contractors engaged by or for the Developer to construct the required Improvements shall maintain Public Liability Insurance coverage in limits not less than those mentioned above.
- (9) *Warranty.* The Developer hereby warrants that all required Improvements will be installed in a good and workmanlike manner and in accordance with the provisions of paragraphs (1) and (2) hereof.
- (10) *Release of Commitment Guarantee.* From time to time, as required Improvements are completed, the Developer may apply in writing to the City Administrator for a partial release of the commitment guarantee. The application must show:
- Dollar amount of commitment guarantee;
 - Work completed, including dollar value;
 - Work not completed, including dollar value;
 - Amount of previous releases;
 - Amount of commitment guarantee requested released; and
 - Release or waivers of mechanics liens of all persons who have furnished work, services or materials.

Upon receipt of the application, the City or its agent shall inspect the Improvements both completed and those uncompleted. If the City determines from the inspection that the Improvements shown on the application as being completed have been completed as provided herein, a portion of the commitment guarantee shall be released. The release shall be made in writing by the City Manager.

The amount to be released shall be the total amount of the commitment guarantee less: (i) 20 percent of the original amount of the commitment guarantee; and (ii) 100 percent of the projected costs of the Improvements not completed. Notwithstanding the foregoing provisions, the Developer shall not apply for a partial release of the

commitment guarantee in the amount less than 20 percent of the total original amount, except for the last such release.

- (11) *Failure to Comply with Specification—Agreement Cancellation.* If required Improvements are not constructed in accordance with approved Plans and Specifications pursuant to paragraph (2) above, the City shall notify the Developer of noncompliance setting forth in writing the reasons for noncompliance. Reasonable schedules for correction shall be established by mutual agreement of the parties. Should the City determine at any time that the guarantee on deposit is insufficient to complete construction of said Improvements, the City may require the Developer to deposit additional funds which the City deems necessary to complete the Improvements. If the City determines that the Developer will not construct any or all of the Improvements in accordance with the terms of this Agreement, the City may cancel and annul this Agreement with respect to such Improvements upon written notification to the Developer and the commitment guarantor, and without the necessity of public hearing, withdraw from the commitment guarantee such funds as may be necessary to construct or complete said Improvements in accordance with the approved Plans and Specifications.

The City may further, upon its determination and notification to Developer that Developer has failed to meet obligations hereunder, with or without cancellation of this Agreement, withdraw such funds as may be necessary and perform Developer's obligations hereunder.

- (12) *Completion Procedures and Inspections.* Upon completion of the Improvements, or any logical separable portion thereof, the Developer shall notify the City Manager in writing and request preliminary inspection of the completed Improvements or part thereof. The City or its agents shall inspect said Improvements and shall notify the Developer in writing of nonacceptance or preliminary approval of the completed Improvements. If the Improvements are not approved, the reasons for non-approval shall be stated in writing and corrective measures shall be developed by the City with the assistance of the Developer and at the Developer's sole expense. Should the developer fail to take corrective measures required by the City, the City Council, at its discretion, may revoke preliminary approval of the Improvements.

The period of preliminary approval shall be one year for all Improvements or until final inspection occurs. All periods of preliminary acceptance shall run from the date of written notification of preliminary acceptance. During the period of preliminary acceptance, the Developer shall, at its own expense, make all needed repairs or replacements due to defective materials or workmanship and be responsible for all maintenance of said Improvements. It is specifically understood that the Developer will be responsible for road maintenance or care, including street cleaning, until the road and maintenance responsibility is accepted by the City and that the Developer is responsible for maintenance of all Improvements, as provided in Paragraph (13). In the event of default of any of these obligations by the Developer, the City, without notice to the Developer, may do the same at the sole expense of the Developer and withdraw from the commitment guarantee to pay for such expenses.

Upon preliminary acceptance by the City of all Improvements, the security may be reduced pro rata in accordance with the provisions of paragraph (13) to 10 percent of the amount estimated for said Improvements. Said 10 percent retention shall be for the purpose of ensuring the correction of the Improvements due to deficiencies in workmanship and/or material during the ensuing one-year period by the Developer. As-built engineering drawings shall be submitted for all utility installments and roads upon completion of all required utility and road improvements and prior to request for or issuance of, Certificates of Occupancy. Nothing herein shall be construed to require the City to make inspections during periods when climatic conditions make thorough inspections unfeasible.

- (13) *Final Acceptance and Maintenance for Improvements.* Following the period of preliminary approval for the Improvements, the City or its agent shall inspect said Improvements for final approval. Landscaping shall be inspected at least three months after preliminary approval. The City shall notify the Developer in writing of non-approval or of final approval. If the Improvements are not approved, the reasons for non-approval shall be stated in writing and corrective measures shall be developed by the City, with the assistance of the Developer and at Developer's sole expense.

Created: 2021-03-10 16:12:32 [EST]

If the Improvements are found to be in compliance with plans and specifications, the City, following a Resolution of Approval of Improvements by the City Council, shall release the remaining retained balance of the commitment guarantee for such approved Improvements.

All improvements intended or designated for common use within the development and not dedicated to and accepted by the City, shall be maintained in perpetuity by the Developer or an association of homeowners in the development. Until a property owner association is formed and is legally bound to provide perpetual maintenance of the Improvements, as determined by the City, the Developer is obligated to maintain the Improvements in the Development.

- (14) *Recording Agreement.* After receiving Final Plat approval, the Developer shall record this Agreement with the Clerk and Recorder of Brazoria County, Texas, and with the Final Plat of the above-referenced development. However, both this Agreement and the Final Plat shall be submitted to the City Administrator for final review immediately prior to recording.
- (15) *Events of Default.* The following conditions, occurrences or actions will constitute a default by the Developer during the completion period:
- a. Failure to commence construction of improvements within 45 days of final subdivision plat approval;
 - b. Failure to complete construction of the Improvements within 2 years of final plat approval;
 - c. Failure to cure construction defects of improvements within the applicable cure period;
 - d. Failure to perform work for a period of more than 30 consecutive days, unless a valid excuse, such as poor weather, construction issues, or another circumstance is documented for the City;
 - e. Developer's insolvency, the appointment of a receiver for the Developer, the filing of a voluntary or involuntary petition of bankruptcy by the Developer;
 - f. Foreclosure of any lien against the development, a portion of the development, or assignment or conveyance of the development in lieu of foreclosure; or
 - g. Failure to comply with any material provision of the LDC, ACM, this Agreement, or any federal, state or City law or regulation affecting the property.
- (16) *City's Rights Upon Default.* In the event of a default by the Developer occurs, the City may draw on the commitment guarantee. The City will have the right, but no obligation, to complete Improvements itself or contract with a third party for completion, and the Developer hereby grants to the City, its successors, assigns, agents, contractors, and employees, a non-exclusive right and easement to enter the Development for the purposes of constructing, maintaining, and repairing such Improvements. Alternatively, the City may assign the proceeds of the guarantee to a subsequent developer (or lender) who has acquired the Development, or a portion, by purchase, foreclosure or otherwise who will then have the same rights of completion as the City, if and only if, the subsequent developer (or lender) agrees in writing to complete the unfinished Improvements. In addition, the City may also suspend Final Plat approval during which time the Developer will have no right to sell, transfer, or otherwise convey lots or homes within the Development without the express written approval of the City or until the Improvements are completed and accepted by the City.
- (17) *Enforcement.* If the City determines that there is a violation of present State laws, City regulations, City Council requirements, and/or the terms and provisions of this Agreement, the City may issue a cease and desist order. Thereafter, the Developer acknowledges irreparable harm and injury to the City for purposes of an application by it to the Courts for a restraining order hereunder. Should the City deem the collateral on deposit insufficient to guarantee completion of the required Improvements, the City may require the Developer or successors to post additional collateral to guarantee completion of Improvements. The City has the right to pursue any remedy provided by this Agreement or by law and, if the City obtains any such

Created: 2021-03-10 16:12:32 [EST]

remedy, attorney's fees and costs. As an alternative to the remedies provided by this paragraph and paragraph (11), the City has the right to withdraw its approval of the Development.

- (18) *Miscellaneous.* This Agreement runs with the land and is binding on and inures to the benefit of the heirs, representatives, transferee, successors and assignees of the parties. The paragraph headings are descriptive only and neither amplify nor limits the substantive material. The failure to enforce or the waiver of any specific requirements of this Agreement by either party shall not be construed as a general waiver of this Agreement of any provision herein, nor shall such action act to stop either party from subsequently enforcing this Agreement according to the terms hereof. This Agreement shall be subject to and deemed to incorporate all present and future ordinances and regulations of the City applicable thereto. Should any section, paragraph, clause or provision of this Agreement be declared by a court of competent jurisdiction to be invalid, said decisions shall not affect the validity of this Agreement as a whole or any part hereof other than the part declared to be invalid, and the parties hereby affirm that they would have entered into this Agreement and each of its provisions independently of each of its other provisions. The Developer is not an agent or employee of the City.
- (19) *Disclosure to and Consent of Mortgagee and Lender.* The Developer hereby represents that he has disclosed the terms of this Agreement to any mortgages of the Development involved and to all lenders who have provided financing to the Developer for the construction of this project and that said mortgagees and lenders consent to this Agreement as evidenced by their authorized signatures below:

NAME & ADDRESS _____

MORTGAGEE/LENDER _____

NAME OF AUTHORIZED OFFICER _____

Execution of this Agreement by a lender or holder(s) of Deed(s) of Trust signifies their consent to this Agreement but does not obligate them to perform any of the terms of this Agreement unless they or one of them takes title to all or a portion of the subject Development.

- (20) *Notice.* All notices, demands or writings in this Agreement provided to be given or made or sent that may be given or made or sent by either party hereto to the other, shall be deemed to have been fully given or made or sent when made in writing and deposited in the United States mail, certified and postage pre-paid, and addressed to the party at the following address:

City Manager
City of Angleton
121 S. Velasco Street
Angleton, TX 77515

The address to which any notice, demand or writing may be given or made or sent to any party as above provided may be changed by written notice given by such party as above provided.

- (21) *Subsequent Plats.* Approval of subsequent Final Plats by the City Council will be based, in part, upon the extent to which the terms and conditions of this Agreement have been met by the Developer. Approval may be withheld if substantial compliance is not had with the terms hereof and the submissions required herein.
- (22) *Cumulative Remedies.* The Developer acknowledges that the City Council reserves the right to sue for specific performance and to seek other remedies allowed by law or in equity if Developer does not strictly comply with all the provisions of this Agreement and any plans, specifications or other approvals granted as a result of this Agreement or in any subsequent agreement entered into by the parties.
- (23) *City—No Duty.* If the Improvements are not installed or are not properly installed pursuant to this Agreement, then the City shall have the right, but not the duty or obligation to either the Developer or any third party, to complete the construction of the Improvements. The parties acknowledge and agree that if the City, in its sole discretion, chooses to attempt to complete the Improvements.

Created: 2021-03-10 16:12:32 [EST]

-
- (24) *Use of Collateral Proceeds.* The City Council shall use all liquid collateral and all net proceeds from the sale of any collateral pledged pursuant to this Agreement for the purpose of completing the Improvements and for no other purpose.
- (25) *No Obligation.* The City Council shall have no obligation to utilize any other funds or assets of the City to pay for the completion of any Improvements. The parties acknowledge that the City has no duty or obligation to the Developer or any third party to complete or repair any or all of the Improvements.
- (26) *Financial Disclosure.* Subject to the provisions of paragraph (24), upon the written request of the City Council, the Developer shall allow the City to review its then most recent audited financial statements.
- (27) *Confidentiality.* All financial information provided by the Developer to the City shall be done in absolute and strict confidence. Under no circumstance shall any of the financial information provided by Developer be disclosed in any manner to any person other than members of the City Council, City Attorney, City Manager and at least one CPA employed by the City to review of the financial statements.
- (28) *Return of Material.* After the completion of the review of the financial information, all statements, reports, copies, notes and paperwork of any kind prepared for, or in conjunction with, the financial review shall be returned to the Developer. Neither the City nor any officer, agent or employee of the City shall retain any personal notes, information, or paperwork in regard to the financial disclosure.
- (29) *Annual Limit.* The City may only request to review an audited financial statement once during each calendar year. The parties acknowledge that time delays are typical during the preparation of audited financial statements and; therefore, subject to the limitation set forth in this paragraph, if the audited financial statements have been completed, the Developer shall provide them to the City within five days of the City's request. Nothing to the contrary withstanding, the Developer shall have no obligation to have an audited financial statement completed before November 1st following the end of fiscal year.
- (30) *Executive Sessions.* The financial information disclosed to the City pursuant to this paragraph shall only be discussed in executive sessions in accordance with the TLGC.
- (31) *Solvency Representation.* The Developer represents solvency to the City at the time of execution of the Agreement.
- (32) *Third Party Rights.* No person or entity that is not a party to this Agreement will have any right of action under this Agreement. However, any purchaser of land subject to a plat restriction which is the security portion of this Agreement or the purchaser of land within the Development may bring a civil action to enforce this Agreement as provided in the LDC and State statutes.
- (33) *Benefits.* The benefits of this Agreement to the Developer are personal and may not be assigned without the express written approval of the City. Such approval may not be unreasonably withheld, but any unapproved assignment is void. Notwithstanding the foregoing, the burdens of this Agreement are personal obligations of the Developer and also will be binding on the heirs, successors, and assigns of the Developer. There is no prohibition of the right of the City to assign its rights under this Agreement.
- (34) The City will release the original Developer's guarantees if it accepts new security from any developer or lender who obtains the Development. However, no act of the City will constitute a release of the original Developer from his liability under this Agreement.
- (35) *Governmental Immunity.* Nothing in this Agreement constitutes a waiver of the City's immunity under applicable state law.
- (36) *Personal Jurisdiction and Venue.* Personal jurisdiction and venue for any civil action commenced by either party to this Agreement whether arising out of or relating to this Agreement or guarantees will be deemed to be proper only if such action is commenced in District Court of Brazoria County, Texas. The Developer expressly waives his right to bring such action in or to remove such action to any other court whether state or federal.

Created: 2021-03-10 16:12:32 [EST]

(37) *Amendments.* If the City determines that certain provisions of this Agreement fail to achieve the goal of limiting the City's liabilities and/or obligations under this Agreement, the City may modify the Agreement without the consent of the Developer.

EFFECTIVE DATE: _____, 20____.

BY DEVELOPER: _____

NOTARY:

Acknowledged, subscribed and sworn to before me this ____ day of _____ 20__, by _____, representing _____ (Developer), for _____ (Subdivision/Development).

Witness my hand and official seal:

My commission expires: _____, 20____.

Notary Public

CITY OF ANGLETON CITY COUNCIL:

BY:

ATTEST:

BY:

NOTARY:

Acknowledged, subscribed and sworn to before me this ____ day of _____ 20__, by _____, City Secretary, City of Angleton.

Witness my hand and official seal.

My commission expires: _____, 20____.

Notary Public

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

APPENDIX C. ANGLETON CONSTRUCTION MANUAL (ACM)

Commented [LS88]: Considering developing standard details and specifications for the City.

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;

Formatted: Font color: Red

Formatted: Font color: Red

Formatted: Font color: Red

Formatted: Font color: Red

Formatted: Font color: Red

(Supp. No. 19)

Created: 2021-03-10 16:12:32 [EST]

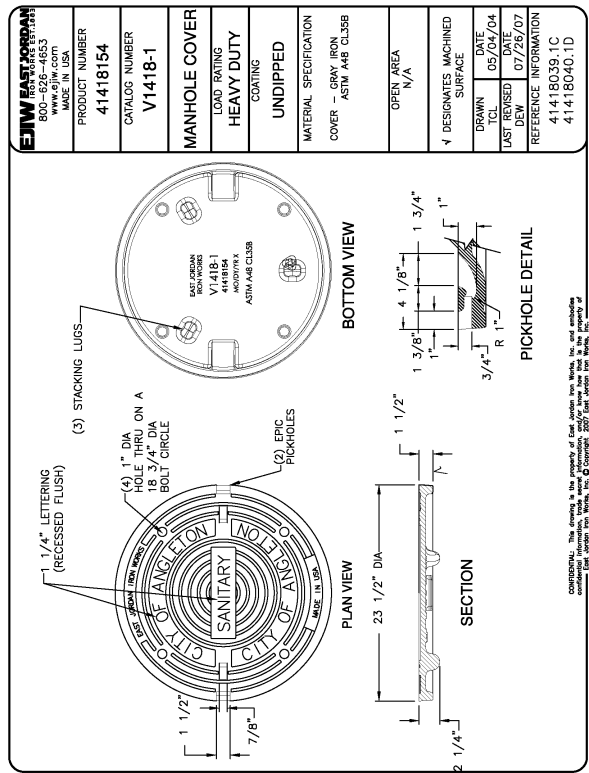
6. City of McKinney Sediment and Erosion Control Manual, as amended;
7. Brazoria County Stormwater Quality Coalition MS4 Construction Guidance Document, as amended;
8. City of Phoenix Knox Box, Key Switch, Automatic Gate, Manual Vehicle Gate/Pedestrian Gate Criteria, as amended;
9. 2008 Angleton Drainage 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)

Sec. 23-130. Standard manhole cover and fire hydrant specifications.

A. *Manhole cover specifications.* Manholes shall be installed in accordance with the detail shown on the following:

City of Angleton Manhole Cover Detail



Notes:

Formatted: Font color: Red

Formatted: Font color: Red

Commented [LK89]: Recommend removing and adding it to the APM

1. MATERIAL SPECIFICATION SHALL BE ASTM A-48 CLASS 35B.
2. COVER TO BE SOLID WITHOUT HOLES AND WITH NON-PENETRATION RIM ACCESS RECESSES ONLY.
3. HORIZONTAL BEARING SURFACES TO BE MACHINED AND SEALED AT INSTALLATION WITH WATERPROOF GREASE COATING.
4. LOAD RATING TO BE HEAVY-DUTY.
5. MANHOLE FRAMES AND COVERS SET IN FARM TO MARKET ROADS OR HIGHWAYS SHALL FOLLOW TXDOT SPECIFICATIONS. (UNLESS OTHERWISE NOTED BY ANGLETON)

B. *Fire hydrant specifications.* Fire hydrants shall be installed in accordance with the Mueller Super Centurion 250 specifications, as shown below, or an equivalent hydrant, including but not limited to, the EJ Water Master 5CD250 Hydrant. All hydrants shall include an Integral Storz Pumper Connection, as shown below.

City of Angleton Fire Hydrant Detail

UL / FM



FIRE PROTECTION PRODUCTS

**SUPER CENTURION®
& MODERN CENTURION®
FIRE HYDRANTS**

SECTION

A-1

Rev. 9-17

Shaded area indicates change

Super Centurion 250: 250 p.s.i. (1725 kPa/17 barg) Working Pressure - 500 p.s.i. (3450 kPa/35 barg) Test Pressure.
 Super Centurion 350: 350 p.s.i. (2400 kPa/24 barg) Working Pressure - 700 p.s.i. (4800 kPa/48 barg) Test Pressure.
 Super Centurion 200: 200 p.s.i. (1400 kPa/14 barg) Working Pressure - 400 p.s.i. (2800 kPa/28 barg) Test Pressure.
 Modern Centurion: 175 p.s.i. (1200 kPa/12 barg) Working Pressure - 350 p.s.i. (2600 kPa/26 barg) Test Pressure.

Underwriter Laboratories (UL) Listed/Factory Mutual (FM) Approved/AWWA C502 Hydrants

Nominal Size of Main Valve Opening	2-way			3-way						4-way	
	Two 2-1/2" Hose Nozzles		Two Hose Gate Valves	Two 2-1/2" Nozzles and One Pumper Nozzle			Two Hose Gates and One Pumper Nozzle		Three Hose Gate Valves	Four Hose Gate Valves	Three Hose Gate Valves and One Pumper Nozzle
	Super Centurion 200	Modern Centurion	Super Centurion 200	Super Centurion 250	Super Centurion 350	Modern Centurion	Super Centurion 250	Modern Centurion	Super Centurion 250	Super Centurion 250	
4-1/2"	A-433	-	A-433 w/ option 370	A-421	A-421 w/ option 892	-	A-421 w/ option 370	-	-	-	-
5-1/4"	A-435	A-443	A-435 w/ option 370	A-423	A-423 w/ option 892	A-444	A-423 w/ option 370	A-446	A-454 w/ option 370	A-455 w/ option 370	A-458 w/ option 370

Integral Storz Connection

Created: 2021-03-10 16:12:32 [EST]

(Supp. No. 19)

SECTION
A-1

Rev. 10-17

Shaded area indicates change

**SPECIAL SERVICE
FIRE HYDRANTS AND
ACCESSORIES**



UL / FM

FIRE PROTECTION PRODUCTS

Mueller® Centurion® Fire Hydrant with Intergral Storz Connection

Now any Mueller Centurion Hydrant (traditional or Modern style), can be ordered with an integral Storz connection on the pumper nozzle. The nozzle can also be ordered separately to retrofit hydrants in the field.

The Storz connection allows the fire department to connect its pumper hose to the hydrant with a quick, quarter-turn action. The action is fast and smooth so firefighters can get to their tasks quickly without the thread alignment, cross threading, or leakage problems sometimes associated with threaded connections.

The Storz option is available for 4" or 5" pumper nozzles on any Centurion 200, 250, or Modern hydrants. Mueller hydrants retain their UL Approval, FM Listing, AWWA Compliance and published pressure rating when ordered with the Storz option. Hydrants are also compliant with NFPA 1963.

When ordering the integral Storz pumper nozzle, it is no longer necessary to provide an option number on the order. On the order, state the 'Storz' size, and locking or non-locking caps.



Super Centurion 250 Model Numbers and Dimensions

Super Centurion 250™ catalog numbers

A421 4-1/2" main valve opening 3-way (2 hose nozzle / 1 pumper nozzle)

A423 5-1/4" main valve opening 3-way (2 hose nozzle / 1 pumper nozzle)

A454 4-1/2" main valve opening 3-way (3 hose nozzle) *

A455 5-1/4" main valve opening 4-way (4 hose nozzle) *

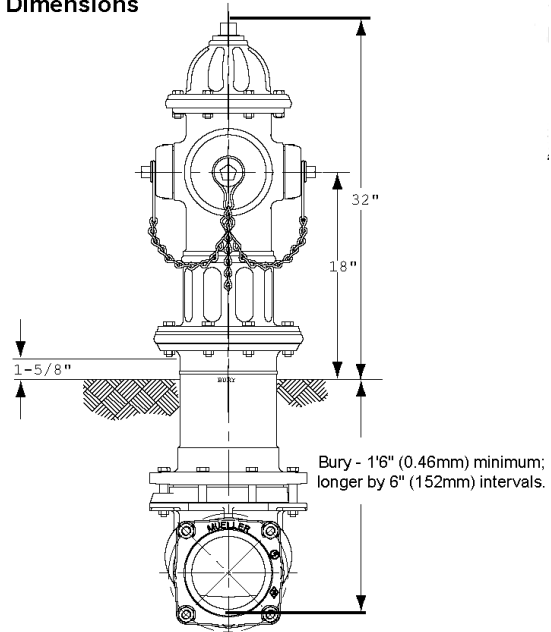
A458 4-1/2" main valve opening 4-way (3 hose nozzle / 1 pumper nozzle) *

A459 5-1/4" main valve opening 4-way (2 hose nozzle / 1 pumper nozzle)**

* Hose Gate Valves required on FM Approved Models

** A459 is UL Listed and ANSI/AWWA C502

Dimensions



Mueller® Super Centurion® Fire Hydrants

High flow and dependable long time performance.

❶ Hold-down nut

Features an integral weather seal.

❷ Anti-friction washer

Helps assure easy operation over the life of the hydrant.

❸ Oil filler plug

Permits visual check of oil level. Allows addition of oil without removing bonnet.

❹ Sealed oil reservoir

O-ring sealed to prevent leakage. Lubricant is forced over stem threads and bearing surfaces each time hydrant is operated.

❺ Dual O-ring seals

Seal in lubricant and seal out water.

❻ Field-replaceable hose & pumper nozzles

O-ring sealed, threaded in place, and retained by stainless steel locks. Optional Mueller Storz-style pumper nozzle available.

❼ Full-flow openings

Large, smooth radius hose & pumper openings reduce friction loss.

❽ Heavy-duty non-kinking chains

Special chain loop permits free turning of cap.

❾ Stainless steel stem coupling

Provides a tight, corrosion resistant connection during normal operation. If vehicle hits hydrant, coupling breaks cleanly, preventing stem or main valve damage. Designed so a tire cannot depress the stem and open main valve.

❿ Traffic flange

Breaks cleanly to help prevent barrel damage, but strong enough to withstand normal handling. Allows economical repair, adding of extension section, and rotation or changing of upper barrel without excavation.

⓫ Drain valve facings

Specially designed, long-life polymer facings provide effective seal.

⓬ Bronze upper valve plate

Conical design reduces turbulence.

⓭ Bronze seat ring

Threaded into bronze drain ring and O-ring sealed. Can be removed or installed from above ground. Double drain valves are flushed each time the main valve is open or closed. Bronze drain valves are integral parts of main valve assembly.

⓮ Reversible, compression-type encapsulated main valve

Closes with pressure for positive seal. Rubber material has long service life, yet is reversible, providing a convenient spare in place.

⓯ Cap nut

Retains main valve. Sealed by cap nut gasket to prevent corrosion of stem threads. Locked in place by a stainless steel lock washer. Epoxy coated to resist corrosion.

⓰ O-ring flange seals

Superior pressure handling, easier disassembly & maintenance.





WaterMaster® 5CD250 Fire Hydrant

Ingeniously well built
The WaterMaster 5CD250 is a true masterpiece



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

Sec. 23-131. Screening wall/retaining wall specifications.

Commented [LK90]: Remove

Screen walls and retaining walls shall be designed in accordance with the City of Allen Screening Wall Retaining Wall Specifications, as amended, and applicable City of Angleton Building Code requirements, as amended. In the event of a conflict between the design specifications and the building code, the more stringent requirement shall prevail.

(Supp. No. 19)

Created: 2021-03-10 16:12:32 [EST]

SCREENING WALL
RETAINING WALL
REVISED -- JULY 2017



TABLE OF CONTENTS

Screening Wall / Retaining Wall

GENERAL NOTES (BRICK SCREENING WALL, PIER AND COLUMN).....	SD-R01
TYPE 6 RETAINING WALL.....	SD-R02
BRICK SCREENING WALL PLAN, ELEVATION & SECTION	SD-R03
FOUNDATION DETAIL SCREENING WALL.....	SD-R04
PRECAST CONCRETE WALL	SD-R05

GENERAL NOTES

BRICK SCREENING WALL

1. CONCRETE MINIMUM STRENGTH, 3600 P.S.I. @ 28 DAYS.
2. REINFORCEMENT - ASTM A36.
3. MASONRY - COMPRESSIVE STRENGTH SHALL BE AS PRESCRIBED IN THE ITME 2.3.3 OF CITY OF ALLEN, SPECIAL PROVISIONS TO STANDARD SPECIFICATIONS FOR PUBLIC WORKS CONSTRUCTION.
4. MINIMUM WIND LOAD - 25.6 p.s.f.
5. PIER BEARING STRESSES - SEE BRICK SCREENING WALL NOTES.
6. MORTAR - TYPE "S"
7. PROVIDE CONTROL JOINTS @ 50 FEET.
8. PROVIDE EXPANSION JOINTS @ 200 FEET ON CENTER MAXIMUM.
9. PROVIDE PIER DEPTHS AT A MINIMUM 9 FEET IN CLAY OR 6 FEET MINIMUM WITH 3 FEET MINIMUM INTO ROCK.
10. ALL EXPOSED CONCRETE SHALL HAVE RUBBED FINISH SURFACE.
11. SIDEWALKS ADJACENT TO WALLS MUST BE 5 FEET MINIMUM WIDTH FROM ALL PORTIONS OF THE WALL (INCLUDING PILASTERS, COLUMN, ETC.)
12. MAXIMUM PILASTER SPACING - 10 FEET.
13. WALLS ON LINE OF SIGHT EASEMENT AT CORNERS, WILL NOT HAVE A TOP ELEVATION GREATER THAN 30' ABOVE THE NEAREST GUTTER ELEVATION.
14. THE WALL SHALL BE EIGHT FEET IN HEIGHT AS MEASURED FROM THE HIGHEST ADJACENT GRADE. THE COLOR OF THE WALL SHALL BE LIMITED TO EARTH TONE COLORS, EXCLUDING GRAY, GREEN AND WHITE. THE FINISH OF THE WALL SHALL BE CONSISTENT ON ALL SURFACES.

PRECAST CONCRETE WALL

1. PRECAST CONCRETE WALLS SHALL NOT BE INSTALLED ADJACENT TO THOROUGHFARES, BUT BE LIMITED TO THE SIDES AND REAR OF NON-RESIDENTIAL DEVELOPMENT (AS LONG AS THOSE SIDES DO NOT FACE OR PARALLEL A PUBLIC STREET).
2. PRECAST WALLS SHALL CONFORM TO THE ELEMENTS DETAILED IN THE STANDARD CONSTRUCTION DETAILS AND EXHIBIT THE FOLLOWING AESTHETIC ELEMENTS:
 - WALL AND COLUMNS MUST BE TEXTURED AND COLORED TO HAVE THE APPEARANCE OF STONE OR CLAY-FIRED BRICK.
 - THE PANELS SHALL REST ON A CONCRETE MOW STRIP OR, IF THE DESIGN RESULTS IN A SPAN AND GAP AT THE BASE, THE GAP SHALL BE HIDDEN FROM VIEW BY VERTICAL COURSE OF BRICK OR OTHER SUCH SUITABLE CONSTRUCTION, ALLOWING FOR DRAINAGE AS APPROPRIATE, AT THE DISCRETION OF THE CITY.
 - COLUMN SPACING SHALL BE 10' O-C, MAXIMUM.

PIER & COLUMN

1. CONCRETE SHALL HAVE A MINIMUM COMPRESSIVE STRENGTH OF 3600 P.S.I. @ 28 DAYS.
2. REINFORCING STEEL SHALL BE NEW BILLET STEEL CONFORMING TO THE REQUIREMENTS OF ASTM A-615-GR.60.
3. CONCRETE FOR DRILLED PIERS SHALL BE PLACED WITHIN 8 HOURS OF DRILLING PIER HOLES.
4. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF THE "RECOMMENDED PRACTICE FOR ENGINEERED BRICK MASONRY" - BRICK INSTITUTE OF AMERICA.
5. USE # 9 GAUGE 1 3/4" WIDE GALVANIZED LADDER WIRE TO EXTEND HORIZONTAL IN WALL PANEL FOR EVERY COURSE.
6. SCREENING WALLS SHALL BE LOCATED AT THE PROPERTY LINE. A HOME OWNERS ASSOCIATION WILL BE ESTABLISHED AND SHALL PROVIDE MAINTENANCE FOR THE WALL.



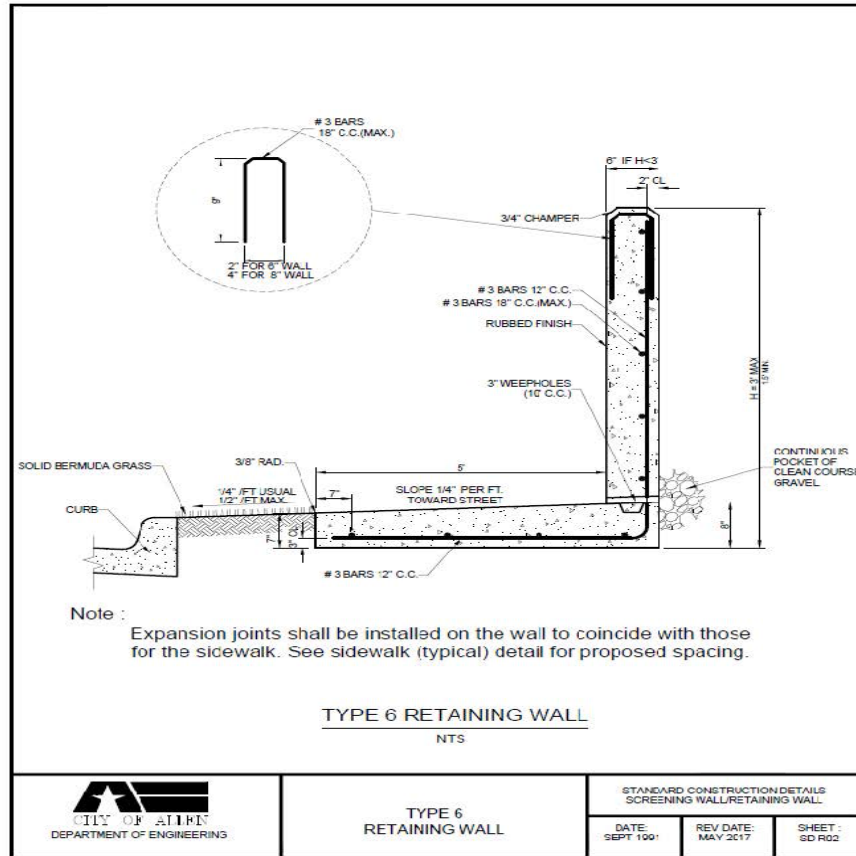
GENERAL NOTES (BRICK SCREENING WALLS, PRECAST CONCRETE WALL & PIER AND COLUMN)

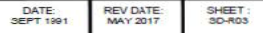
STANDARD CONSTRUCTION DETAILS SCREENING WALL/RETAINING WALL

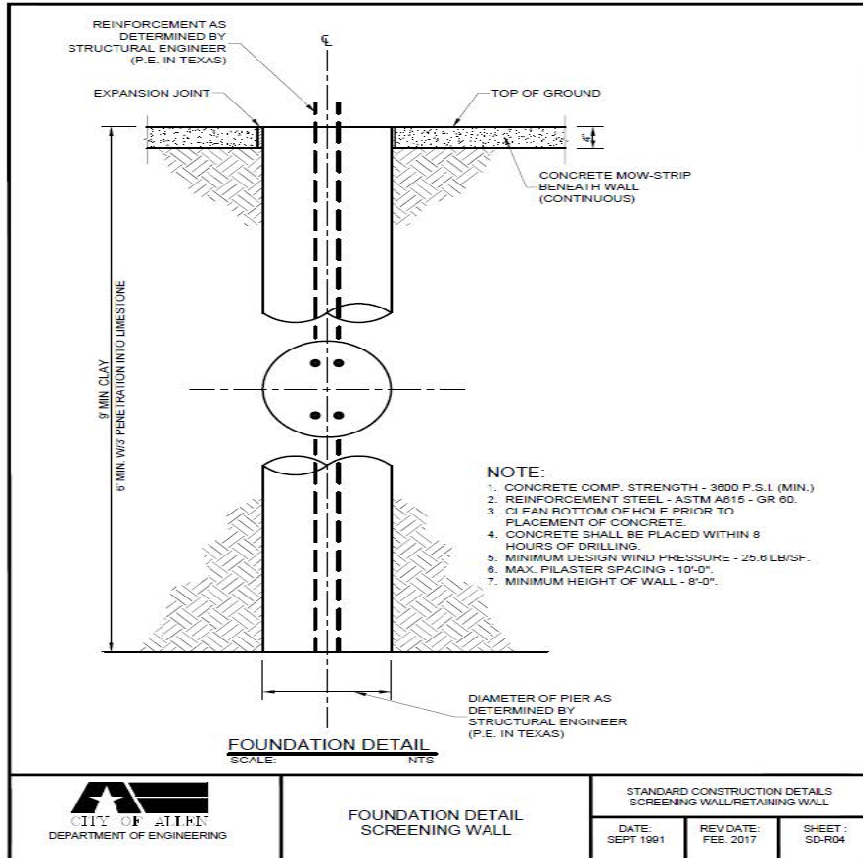
DATE:
SEPT 1991

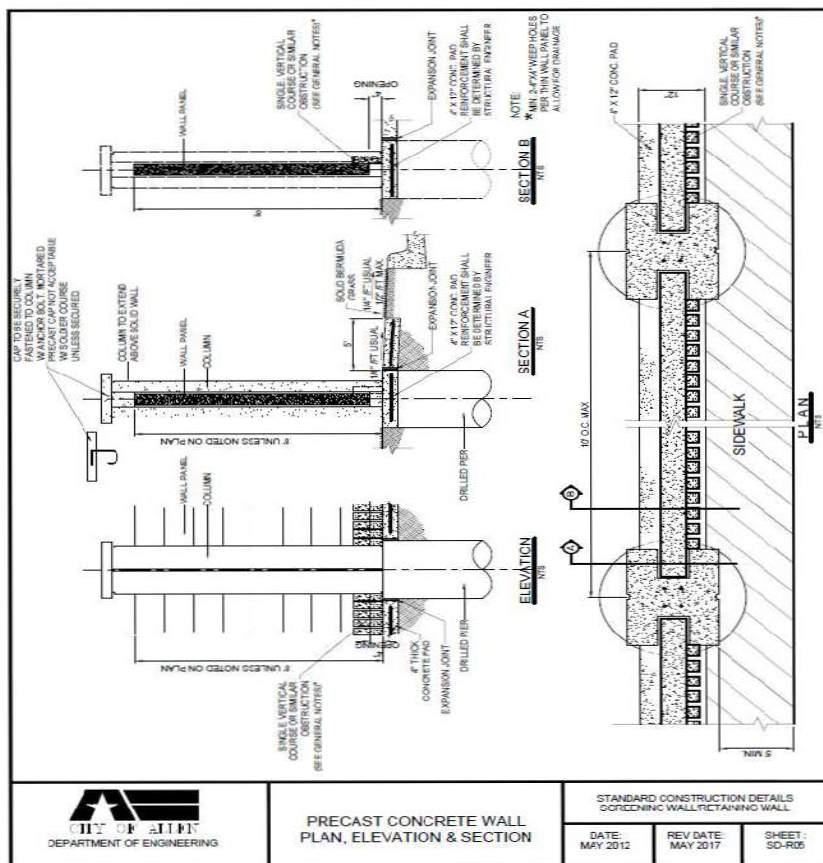
REV DATE:
MAY 2017

SHEET:
SD-R01









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

Sec. 23-132. Emergency access specifications and standards.

A. Siren operated sensor or mobile/portable radio access required.

1. All new commercial or residential development with electronically operated access gates within the city and its ETJ, shall be required to install a siren operated sensor, or a mobile/portable radio access-controlled devise on such gates, subject to building official and fire marshal approval, prior to the issuance of permits and a certificate of occupancy. An example of mobile/portable radio access devise is the *Click2Enter-I.V4* model device, but alternative equipment that provides the same, or superior results may be proposed for fire department consideration. *Click2Enter* information is available at: <http://www.click2enter.net/products.asp>.

Commented [LK91]: Remove and add to design standards manual

-
2. All key switches, opener devices, and gate markings shall be subject to city review and approval prior to installation of the system.
 3. The owner of the sensor and gate is responsible for the ordering and installation of the siren operated sensor.
 4. The siren operated sensor and gate shall be maintained in working order for the life of the gate.
 5. The siren operated system comes with a decal notifying emergency services of the system's existence. This decal shall be affixed to the gate in a viewable unobstructed area.
 6. Upon the installation of the siren operated system, the owner shall notify the fire marshal at their earliest convenience to schedule a time to test the system and to submit manual keypad codes. Any changes to the manual keypad codes shall be reported to fire marshal immediately upon such a change.
 7. The building official, fire marshal, or fire chief, or their designees, shall make an annual inspection of the system and may request a periodic inspection at any time to ensure that that the system is operational.
 8. Siren operated sensors shall include battery, or generator powered back up.
 9. In the event that a gate becomes non-operational, it shall remain in the open position until such time as all minimum requirements have been returned to a fully operational status.
 10. It shall be the responsibility of the property owner/property management to ensure gates and sensors are properly maintained and repaired as necessary.

B. *Knox boxes, key switches, and automatic/manual/pedestrian/emergency access gates.*

1. The use of Knox boxes, key switches, automatic gates, and manual vehicle gates shall be required as set out in the emergency access specifications and standards prescribed in the Angleton Construction Manual. Specific sign colors and equipment alternatives shall be subject to fire marshal or fire chief review and approval, based on the circumstances, location, and projected usage of each emergency access facility.
2. The building official, in consultation with the fire marshal or fire chief can consider an administrative amendment of any of the design standards provided that:
 - a. Any approved amendment was necessitated by public health and safety rationale; and
 - b. Any approved amendment will not diminish the public health and safety rationale that are the basis of the emergency access standards.

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

Sec. 23-133. Street lights and electric service.

Street lights and electrical service shall be installed as set out in below:

Commented [LK92]: Remove and add to design standards manual

The diagram shows a cross-section of a street with a central 'STREET' area, 'SIDEWALK' on both sides, and a 'LOT' on the right. A 'PROPERTY LINE' is indicated on the lot. A 'LIGHT POLE' is shown on the sidewalk, with a note 'LIGHT POLE DECIDED BY CUSTOMER'. A 'LIMITS OF STREET LIGHT POLE PLACEMENT (WITHIN R.O.W.): 6-in minimum behind back of curb to 14 minimum offset from R.O.W.' is indicated. The 'R.O.W.' is marked with dashed lines. A '16' U.E. New Development or Power Upgrade' is shown on the right side. A legend on the right lists three configurations:

- 1 Behind The Curb Configuration
- 2 Offset from R.O.W. Configuration
- 3 Backlot Configuration

(Supp. No. 19)

Page 196 of 196