

Chapter 23
Proposed LDC Amendments
Summary of Legal Comments
4/6/2023

Planning & Zoning Commission



Update of most recent revisions:

- ▶ Minor deletions and changes:
 - ▶ Removed or added reference to TLGC as recommended
 - ▶ Deleted or added other references
 - ▶ Reworded as recommended to avoid double negative
 - ▶ Deleted reference to specific codes and section that may change in the future. Kept it more generic - “code of ordinances”, “thoroughfare plan”, or “LDC”.
 - ▶ Clarified language: permissive vs. mandatory; enforceable
 - ▶ Referred to city code of ordinances for processes for universal processes for approvals, variance etc. Removed details form the LDC.

5. *ETJ development.* The city reserves the right to require the approval of a ~~development~~ plat and site plan for property in the ETJ ~~to ensure that development complies with all applicable LDC requirements and any other ordinances~~ ~~whereas allowed by TLGC Ch. 212-42, is cited as an "authority".~~
- B. *Applicability to publicly owned property.* The LDC is applicable to all public agencies and organizations to the full extent allowed ~~under the U.S. and Texas Constitutions, and the laws of each.~~ **by Texas law.**
- 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.~~ **Issuance of a construction or building permit.**
1. ~~Construction or building permits may not be issued unless the parcel, lot, or tract:~~ **be issued for parcel, lot, or tract that:**
- 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;
 - ~~Was created prior to the adoption of Ordinance No. 333 on February 11, 1964;~~
 - Was created by a deed division prior to being subject to requirements that required subdivision approval;
 - Was lawfully created prior to being annexed into the city or added to city's ETJ;
 - Was lawfully created by the action by a court of competent jurisdiction or by the dedication of easements or right-of-way; or
 - Was created through a lawful deed division that created parcels that were each five acres in area, or larger.

2. *Prohibited actions.*

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

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

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

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

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

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

Commented [LK3]: Not needed.

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

Commented [LK5R4]: Added reference.

~~amended subsequently,~~

- c. Open to design options that may result in the need for variances from rigid design standards to preserve wetlands, floodplains, **heritage protected trees**, or mature habitat areas; and
- d. **Encouraged to use** lot clustering to maintain environmental assets as common space amenities, linear parks, use buffers, and other purposes that create community character.

4. *Transportation and mobility.*

- a. ADA compliant sidewalks ~~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);~~ **thoroughfare plan as amended.**
- d. Neighborhoods shall have multiple means of access to public streets and surrounding development to minimize congestion and maximize public safety;
- e. Streets are a primary element of the drainage conveyance system and shall be designed to maximize their full drainage conveyance capacity to enhance public safety; and
- f. Streets shall not be "forced" into locations where they are not cost-effective, practical, result in public capital expenditures ~~that are not warranted~~, or where an acceptable design alternative is available.

5. *Floodplains, wetlands, and drainage.*

- a. Regulatory floodplains shall be protected from development by:
 - 1. Maintaining floodplains as open space, passive recreation, and drainage;
 - 2. **Implementing all best management practices set out by the Texas Commission on Environmental Quality (TCEQ) and incorporated by reference into the City's Code of Ordinances Angleton Construction Manual (ACM);**
 - 3. Adhering to all drainage requirements of the ~~City's Code of Ordinances Angleton Construction Manual (ACM) to help ensure that the amount of property located in a floodplain is not increased;~~ and
 - 4. Pursuing all opportunities for regional detention on projects of all sizes and where appropriate, and in coordination with the Angleton Drainage District.
- b. ~~Drainage easements shall have a minimum width as determined to be necessary by the City of Angleton, and the Angleton Drainage District,~~ and other appropriate entities, and shall be: **necessary**

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;~~

Projects and infrastructure

- 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. *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, communications.~~
 2. For plats in the ETJ, the ~~engineer applicant~~ shall contact the Brazoria County engineer to determine requirements of Brazoria County and copy the city on all ~~correspondence, communications.~~
- 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,~~ the LDC and City code of ordinances.
- E. *General location standards.*
1. *Minimum design standards.* Required city street improvements shall be designed and constructed in accordance with ~~the City's Code of Ordinances, the ACM and the design principles set out in article Subdivision and Development Design,~~ the LDC and City code of ordinances.
 2. *Layout and connectivity.* Streets and alleys shall:
 - a. Be extended and located in accordance with the ~~FTP~~ ~~in~~ ~~the~~ ~~thoroughfare plan,~~ ~~locations~~ 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~~ ~~thoroughfare plan~~ ~~as set forth in the city code of ordinances~~
 - 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,~~ ~~thoroughfare plan~~
 - 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.* ~~Rig~~ ~~ht-of-way~~ in excess of the standards of the LDC may be required where topography ~~results in the need for a~~ ~~ditional~~ right-of-way to provide slopes that ~~do~~ ~~not~~ ~~need~~ a ratio of three to one or in order to provide street connectivity.
- F. *Design standards.* Streets shall be designed per ~~the City's Code of Ordinances, the ACM~~ and the following standards:

END

