

12/22/22 with planning staff comments incorporated

General notes:

Will be finalized after all ongoing reviews.

To be reviewed by the Parks Director and HDR

Legal review of the final draft prior to adoption.

Update the revision date for each section prior to adoption.

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

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

### Chapter 23 LAND DEVELOPMENT CODE<sup>1</sup>

#### ARTICLE I. IN GENERAL

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 A), adopted Dec. 11, 2018, repealed the former Ch. 23Editor's note(s)—, §§ 23-1Editor's note(s)——23-43, and enacted a new Ch. 23Editor's note(s)— as set out herein.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

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

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

## **Sec. 23-5. Applicability.**

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

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

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

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

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

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

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

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

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

### **Sec. 23-8. Abrogation and greater restrictions.**

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

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

## **ARTICLE II. SUBDIVISION AND DEVELOPMENT DESIGN**

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

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

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

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

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

## **Sec. 23-11. Lots and blocks.**

### A. *Lots generally.*

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

### B. *Lot shape.*

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

### C. *Lot frontage.*

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

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

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

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

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

G. *Drainage ways.*

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

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

I. *Blocks generally.*

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

- a. Block shall generally have sufficient width and depth to provide two tiers of lots with the required lots depths. Exceptions may be made when property is adjacent to arterial streets, railways, waterways, wetlands, or other elements;
- b. Blocks shall generally not exceed a length of 1,000 feet, unless an alternative length is approved as a variation by the City Council upon recommendation from the Planning and Zoning Commission, and will not result in public health or safety issue, connect streets, is necessary for drainage or environmental considerations, or based on site constraints;
- c. The provision of adequate building sites suitable to the special needs of the type of use;
- d. The required lot widths and lot areas of the applicable zoning district; and
- e. The need for convenient access, circulation, traffic control, and safety of street traffic.

2. *Shape.*

- a. Blocks shall be generally rectangular but may have curves or bends that correspond with the natural terrain.
- b. Irregularly shaped blocks which contain interior parks or playgrounds, parking areas, wetlands, or drainage improvements shall be permitted.
- c. Blocks shall be shaped in a manner that will provide safe pedestrian and vehicular circulation; efficient utility delivery; and adequate access for emergency service providers.

3. *Relationship of blocks to streets.*

- a. Intersecting streets shall be used to determine block length, width, and shape;
- b. Block and street design can vary to facilitate development and street connections and adjust to natural and man-made barriers, property lines, adjacent development, or other unique conditions provided that safe pedestrian and vehicular circulation is the end result.

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

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

## **Sec. 23-12. Streets and driveways.**

A. *Conformity to the future thoroughfare plan.* The general location, alignment, and functional classification of all streets and roads shall conform to the most recently adopted Angleton Mobility Plan dated XXXX.

B. *Street classifications.* Streets shall be classified according to the following functional classifications, as set out on the Mobility Plan dated XXXX.:

1. Highway



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

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

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

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

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

- ii. If approved by the city, contribute to the city an amount of money equal to 125% of amount necessary to complete the design and construction of the street, curb, and sidewalk required by the LDC and the City's Code of Ordinances.
- I. *Public access to subdivisions.*
- 1. Subdivisions containing 30 or more lots, or multi-family developments with 50 or more units, shall have a minimum of two points of public vehicular access, 100-year storm compliant, and constructed to standards outlined in the City's Code of Ordinances to an existing public right-of-way separated as far apart as practical in accordance with the fire code; or
  - 2. The city council may approve subdivisions that have more than 30 lots, but fewer than 50 lots, with a single entrance to an existing paved public street with the following design elements:
    - a. A boulevard entrance with a median that has a minimum width of six feet;
    - b. Extension of the median into the subdivision with an unbroken median length of 100 feet, unless left-turn lanes and median breaks, designed to standards outlined in the City's Code of Ordinances, are installed at any crossing streets; and
    - c. Boulevard lanes with an adequate pavement for emergency access into the development.
  - 3. The city council may approve a variation to allow subdivisions that have more than 50 lots, with a single entrance to a paved public street as part of subdivisions approval process, subject to:
    - a. the entrance to the development being designed as a boulevard with a width sufficient on each driving lane for fire truck access;
    - b. with an unbroken median length of 150 feet, unless left-turn lanes and median breaks, designed to standards outlined in the City's Code of Ordinances, are installed at any crossing streets,
    - c. subject to a phasing plan that stipulates when the second access will be provided and the developer or subdivider posts surety for the second access point.
    - d. The council may defer plat recordation until adequate access is provided.
  - 4. A one-foot, non-access easement shall be provided along the rear property lines of residential lots that back up to arterial streets and TXDOT highways to prevent access.
  - 5. Where more than one street connection to paved public streets are required, both connections, when located in close proximity to creeks, bayous, and flooding hazards shall be designed so that each street is accessible in a 100-year storm to prevent water from over-topping each road. Only one street may not be located over a potential hazard, such as a high-pressure pipeline, unless such a connection is required by the FTP and the utility provider consents to such a crossing.
  - 6. For subdivisions containing 30 or more lots, or multi-family developments with 50 or more units, when more than one connection is required, the city may consider an all-weather remote emergency access where development phasing or land constraints will delay the provision of an additional access ways.
  - 7. When a required second access to a paved public street is required, the paved public street to be accessed shall be considered a boundary street. As such, the subdivider or developer shall be required to provide improvements to the boundary street to improve such road to current standards in accordance with article III division 1, Transportation Responsibilities.
- J. *Street names, addresses, posts, signs, and markers.*
- 1. Street names shall not duplicate the names of existing streets in the city or the city ETJ;
  - 2. Address numbers shall be assigned and displayed, in accordance with city, and in the ETJ, Brazoria County, standards in the size, color, contrast, to ensure right-of-way number visibility;

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

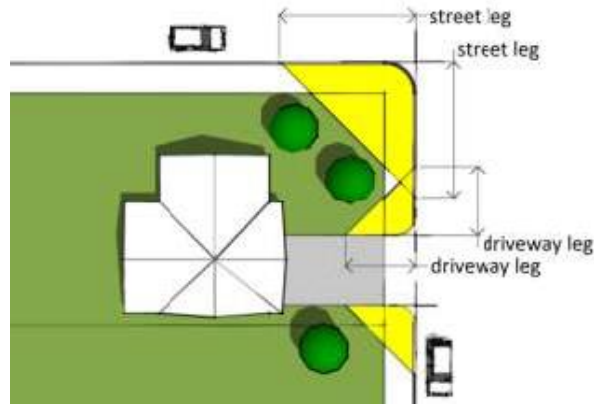
N. *Driveways and access.*

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

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

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

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



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

## **Sec. 23-14. Sidewalks and accessibility.**

### **A. Sidewalks.**

#### **1. Required.**

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

#### **2. Construction standards.**

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

#### **3. Sidewalk obstructions.**

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

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

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



## *DIVISION 3. GENERAL ENVIRONMENTAL STANDARDS*

### **Sec. 23-60. Tree protection.**

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

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

The mitigation required shall be required at the following ratios:

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

2. *Tree Mitigation Plan.*

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

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

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

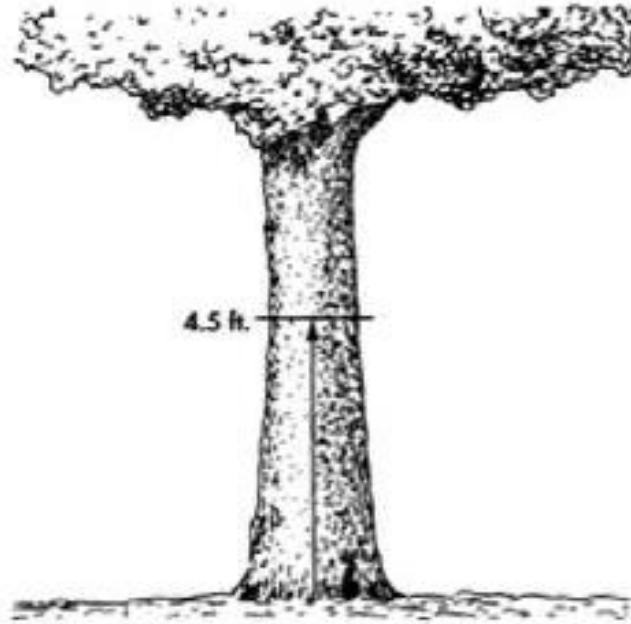
4. *Removal and Mitigation of Heritage Trees.*

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

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

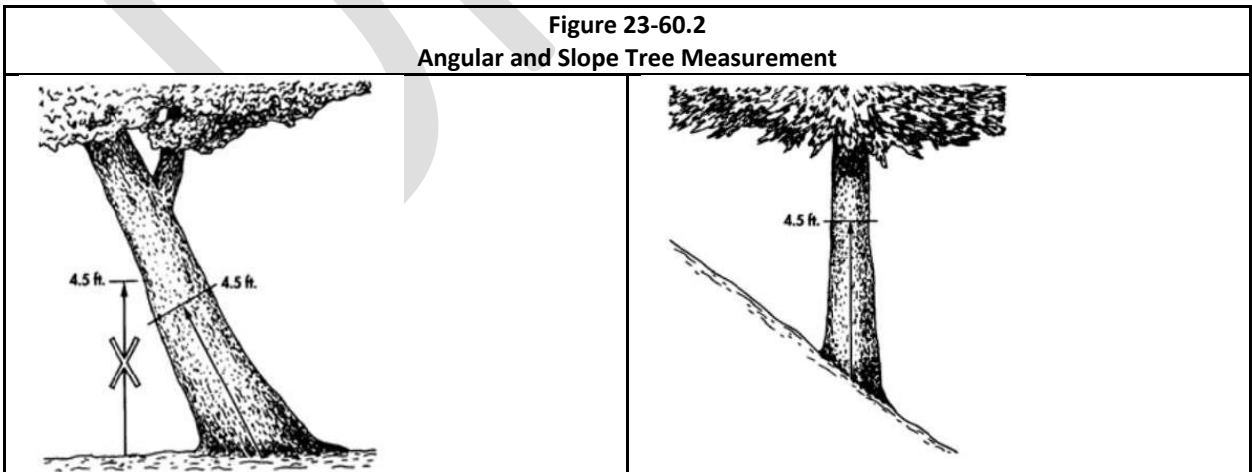
- H. *Tree trunk measurement.* When documenting existing protected trees for mitigation purposes, the following criteria shall be applied:
1. *Straight trunk:* Trees with fairly straight, upright trunks shall be measured 4.5 feet above the ground, as shown below:

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



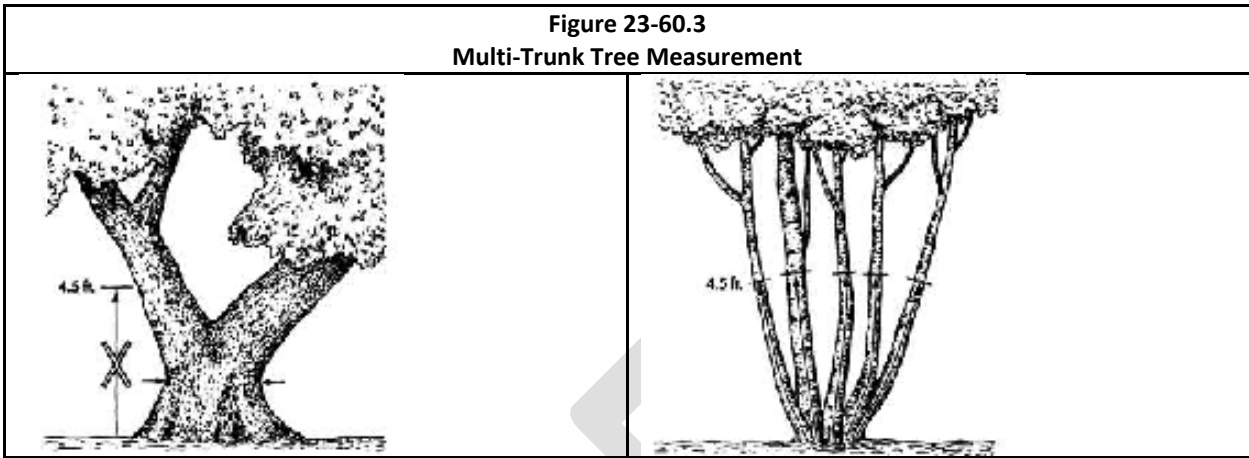
2. *Trunk on an angle or slope:* The trunk is measured at a right angle to the trunk 4.5 feet along the center of the trunk axis, so the height is the average of the shortest and the longest sides of the trunk, as shown below:

**Figure 23-60.2**  
**Angular and Slope Tree Measurement**



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

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

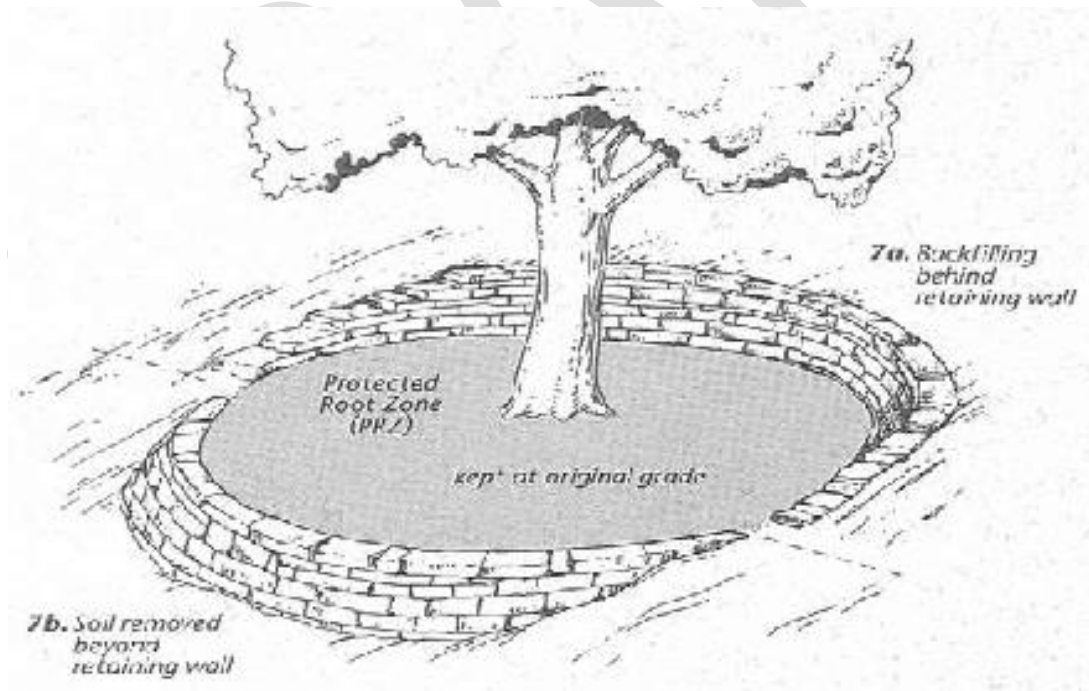


I. *Replacement and protection of protected trees.*

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

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

**Figure 23-60.4**  
**Retaining Walls and Tree RPZ Protection**



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

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

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

## Sec. 23-75. Administrative permits and procedures.

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

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

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

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

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

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

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



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

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

## *DIVISION 3. PLATS AND PROCEDURES*

### **Sec. 23-87. General procedures**

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

## E. General Requirements

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

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

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

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

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

**Sec. 23-88. Non- Administrative plats.**

A. *Non-administrative plats include the following*

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

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

**Table XX** Review Authority and Expiration of Plats

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

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

**Sec. 23-89. Preliminary plats.**

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

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

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

## **Sec. 23-90. Final plats.**

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



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

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

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

Sec. 23-91. Replats.

A. *Replats.*

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

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

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

## **Sec. 23-92. Site plan.**

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

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

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

## **Sec. 23-93. Extensions.**

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

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

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

## **Sec. 23-113. Definitions.**

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

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

*Commissioners:* The Angleton Planning and Zoning Commission.

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

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

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

*Council:* The Angleton City Council.

*County:* Brazoria County.

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

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

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

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

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

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