

Diagnostic Report

Development Codes

April 2022

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EXECUTIVE SUMMARY

The City of Angleton recognized the need for orderly growth and adopted zoning regulations for the City as early as 1981. The current Comprehensive Plan was adopted in 2005 and subsequently a comprehensive revision of the zoning ordinance was adopted in 2009 (Chapter 28 of the Code of Ordinances). Sections of the zoning ordinance have been amended since then. In addition to the zoning ordinance, the City adopted a Land Development Code (Chapter 23 of the Code of Ordinances) in 2018 that contains additional requirements and guidelines for land development, subdivision design, public improvements, infrastructure development, permits and procedures, and construction standards. Other land regulations and development related requirements such as signs, manufactured homes, junk yards, refuse containers, are interspersed in other sections of the Code of Ordinances.

The City has recognized the need to review the zoning ordinance, the Land Development Code (LDC) and other standards contained in various sections of the Code of Ordinances to identify measures to consolidate requirements; simplify and streamline the development process; encourage economic development and investment; and ensure compliance with the recent changes in the Texas Local Government Codes (TXLGC). The purpose of this Diagnostic Report is to review the applicable documents to identify areas of conflict and propose recommendations that are contextual to the City of Angleton.

As an initial step to formulate the diagnostic report, the project team gathered feedback from the City staff, developers, and the elected and appointed officials on the most pressing issues in the current code of ordinances and how to resolve those issues. Public input was gathered by using questionnaires that were sent to key stakeholders and made available on the City's website. Finally, the project team synthesized comments within a comprehensive framework of state statute analysis and industry best practices to identify areas of improvements.

Following the review of the report, City Staff, the Planning and Zoning Commission, and City Council will need to provide input on the recommendations contained herein. Once the recommendations have been incorporated, the changes will be reviewed by legal staff to ensure compliance with all applicable regulations and ordinances. Following the legal review and incorporation of the recommendations, the appropriate procedures will be followed for formal adoption.



DIAGNOSTIC REPORT

In an effort to update, reorganize and simplify the findings of the review of the City's LDC and zoning ordinance, observations and recommendations have been consolidated under four main categories listed below. Italicized text indicates the existing sections in the codes. Text proposed to be removed is shown as strike-out and text to be added is shown as underlined italicized text.

Conformance to Texas Local Government Code

Title 7, Chapter 211 of the Texas Local Government Code (TXLGC) grant powers to municipalities such as the City of Angleton to adopt zoning regulatory power to regulate development for the purpose of "...promoting the public health, safety, morals, or general welfare, and protecting and preserving places and areas of historical, cultural, or architectural importance or significance." Subdivision regulations are governed by Chapter 212 of the TXLGC. Other state statutes that guide growth and development include TXLGC Chapter 43: Municipal Annexation, Chapter 213: Municipal Comprehensive Plans, and Chapter 245 Issuance of Local Permits. The TXLGC requires that the cities follow statutory procedures when adopting these regulations.

The purpose of this section is to identify instances of non-compliance with the requirements of the TXLGC and process improvements permitted by the TXLGC that can be adopted in Angleton. The development codes must be cross-checked, improved, clarified, or rewritten to adhere to the statutory requirements, legal thresholds, and standards for planning, zoning, platting, annexation, and the administration of other land use regulations.

This section highlights recommendations to ensure that regulations are fair, defensible, and directly grounded in a legal framework. Modifications to the Code necessitated by recent changes in the Texas Local Government Codes will also be identified. This section also identifies areas where processes can be streamlined as permitted by the TXLGC.

Application Process Improvement

Application processing has these major components that assist in identifying areas of improvement.

Easy to understand
Efficient processes
Electronic review

The purpose of recommendations in this area is to:

- Incorporate simpler and more efficient processes where permitted by the state statutes, e.g., subdivision approval process.
- Assist the users to locate and comply with the application processing requirements and steps with ease.

Improvements to Code Content

The code's written language and material content has been reviewed to identify areas of improvement. Zoning ordinances, development management, and other planning functions that seek to protect the health, safety and general welfare of the public can be refined and improved by undertaking the following actions:

Written Language Clarification: To improve the Code's material content, including its written style, as well as eliminating confusing and conflicting language, and ensure that various updates consider the overall intent of regulating development.

A User-Friendly Format: To identify areas that are not clear and easily comprehensible. Recommendations are included to assist applicants to find all relevant requirements and submit complete applications with ease; for City Staff to administer

the regulations in a fair, efficient, and effective manner; and for public officials to understand the process better.

These include:

- Consolidation of land development codes and zoning codes. Identification and correction conflicts between the LDC and zoning code and combining them
- Reorganization and rewrite of sign regulations to make it comprehensive
- Clarifications to zoning categories, the official zoning map, and amendments to the code
- Incorporation of additional requirements
- Revisions to conflicting sections, grammatical errors and inaccuracies
- Corrections to missing and omitted items
- Addition of definitions and clarify existing definitions
- Improvements to style and user-friendliness
- Inclusion of visual examples and graphic representations
- Miscellaneous opportunities for improvement

Incorporate Comprehensive Plan Objectives into Development Codes

The City's Comprehensive Plan is the policy guide for developing the codes and regulations. The community's priorities can more holistically be reflected in the development codes and regulations to achieve the vision of the Comprehensive Plan.

While it is a good practice to identify items and tasks that could be addressed; given the age of the Comprehensive Plan, the lack of actual implementation since adoption, and the need for a Plan update due to a high growth rate, the City should evaluate the feasibility of a concentrated effort in this area. It may be beneficial to update the Comprehensive Plan to identify the current issues and action steps and reevaluate the development codes to ensure that those priorities are addressed.

The Strategic Plan, included in the Comprehensive Plan includes the following action steps that pertain to the LDC and development codes. Recommendations to implement the action steps need to be identified, if there is a consensus to move forward with any or all of these recommendations. This is not an exhaustive list and can be expanded to include other areas mentioned in the Comprehensive Plan.

#	Tasks
1	Update development related regulations such as zoning and subdivision requirements to reflect the patterns, character, mix and intensity of uses identified in the Future Land Use Plan.
2	Adopt infill/redevelopment incentives (flexibility in development regulations, waiver of development fees, direct grants, tax incentives).
3	Establish minimum design standards for the Downtown District that ensure complementary design and that implement the recommendations of the recently adopted Livable Centers Study
4	Promote the concentration of retail development at existing commercial nodes such as Downtown, the Midtown District and the SH 35 Commercial Corridor through incentives and restrictions

#	Tasks
5	Anticipate future commercial growth along SH 288 through annexation and appropriate zoning.
6	Allow for introduction of compatible uses into residential areas, including limited neighborhood commercial development as well as major focal points such as schools, places of worship, parks, open spaces, day care, and post office as a means of strengthening neighborhood dynamics and pedestrian activity.
7	Utilize planned development provisions to encourage innovative and imaginative site design that minimizes adverse impacts on adjacent properties.
8	Protect the integrity of existing neighborhoods from intrusion by undesirable land uses through enforcement of development-related ordinances.
9	Anticipate future commercial growth along SH 288 through annexation and appropriate zoning.
10	Allow for introduction of compatible uses into residential areas, including limited neighborhood commercial development as well as major focal points such as schools, places of worship, parks, open spaces, day care, and post office as a means of strengthening neighborhood dynamics and pedestrian activity.
11	Utilize planned development provisions to encourage innovative and imaginative site design that minimizes adverse impacts on adjacent properties.
12	Protect the integrity of existing neighborhoods from intrusion by undesirable land uses through enforcement of development-related ordinances.
13	Promote remodeling and ongoing maintenance of existing structures and amenities
14	Revise development ordinances to include or enhance provisions for signage, landscaping, tree preservation, lighting, building façade design and materials.
15	Actively support visual enhancements and beautification efforts along the SH 35 corridor through public and private efforts.
16	Establish reasonable minimum standards for the screening of unattractive sites and views and the provision of buffering (dense vegetation, walls/fencing, increased setbacks, etc.) between incompatible land uses.
17	Utilize tax incentives, sales tax revenues, bonds, and public improvement districts to fund specific visual improvements and enhancements.
18	Enhance existing neighborhoods through improvements to the public right of way (such as street trees), protection of open spaces and scenic areas utilizing quality signage, landscaping, sidewalks, subsurface drainage and lighting.
19	Require connections between adjacent commercial developments and street stubs to areas available for future development.
20	Require all subdivision development to provide a minimum of two entrances. Consideration should be given for added entrances for large developments and single, divided entrances for small developments.
21	Encourage street stubs and connection to surrounding major roadways by permitting stubs and connectors to count as entrances.
22	Mandate connection to stub streets by adjacent new development
23	Develop driveway or curb cut separation standards that increase the length of separation according to street type, such as: - Arterial – 400 feet; - Major Collector – 300 feet; - Minor Collector – 200 feet; and, - Local Collector – 100 feet. 8 Examine the concept of requiring low maintenance medians for management of future major collector and arterial left-turn access.

#	Tasks
24	Complete proposed trails along Brushy Bayou and Rancho Ditch and consider development of additional trails along other drainage ditches that include sufficient right-of-way.
25	Place protected crosswalks along local or collector roadways with an uninterrupted street length greater than 1,000 feet and at points of intersection with pedestrian paths.
26	Incorporate bicycle lanes along existing collector roadways that offer sufficient pavement width for safe bicycle travel (minimum six feet per side).
27	Coordinate bicycle lanes and trails to establish a connected bicycle network.
28	Establish buffer yard requirements within specific zoning districts (or in new overlay zones) to increase the visual appeal along specific corridors such as SH 288 or Loop 523.
29	Enhance signage requirements, such as shared signage, use of quality materials, and appropriate height, particularly within specified corridors. Revise parking standards to require increased vegetation within the parking area to reduce visual clutter. Improve signage in the downtown area to clearly direct traffic to public parking facilities in the area.
30	Adopt on-site detention regulations that require development to use street “ponding” techniques and underground detention to the full extent possible. Allow for dry detention ponds as a last resort while encouraging landscaping and enforcing maintenance codes. Provide opportunities for innovative site design techniques such as decreased setbacks, cluster housing, zero lot line development and reduced lot size that can improve quality of life.
31	Establish limited design guidelines that address issues such as materials, roof pitch, façade treatment, porches (if applicable), proportional dimensions, garage, and other elements necessary to ensure that affordable new development and rehabilitation are consistent with the character of the area.
32	Revise ordinances as needed to permit development of alternative housing types such as granny flats, row houses and multiple family homes in select new development and existing neighborhoods.
33	Provide density incentives to developers that are willing to incorporate alternative housing types into a new development.
34	Promote incorporation of deed restrictions or covenants into established neighborhoods along with development of a homeowners association with the capacity of enforcement.
35	Develop a voluntary “neighborhood conservation” overlay district designed to place additional maintenance, character, use, and appearance restrictions upon properties within the district.
36	Discuss the concept of annual rental registration requirement for all housing structures that will at least partially be available for lease. Registration may require an inspection of facilities prior to issuance of a permit.

APPENDIX A

Appendix A: Compiled List of Recommendations

This list includes recommendations for the following documents:

- Chapter 23 LAND DEVELOPMENT CODE
- Part II - CODE OF ORDINANCE
- Chapter 21.5 Signs – Comprehensive update/rewrite

The recommendations include the following areas:

A. General

- **Formatting** – edit for capitalization, document reference etc.
- **Consistency** - use consistent terms (e.g., City Manager /or designee) throughout the document.
- **Legal review** – legal review of all proposed changes prior to adoption.
- **Revision date** – update the revision date for each section prior to adoption.
- **Creation and adoption of standards specific to Angleton** - adopt standards relevant to the City of Angleton, as indicated.
- **References** – confirm references that area listed throughout in the LDC and zoning codes

B. Consolidation of all Development codes.

Combine Chapter 28 -Zoning and Chapter 23- Land Development Codes. Recommended combined chapter outline is shown below. Chapters deleted and moved from other sections are indicated in italicized underlined font. Existing chapters are indicated in regular black font.

Chapter 28- Zoning

- ARTICLE I. - ENACTING PROVISIONS
- ARTICLE II. - ZONING PROCEDURES AND ADMINISTRATION
- ARTICLE III ~~VI~~. - ADMINISTRATIVE PROCEDURES
- ARTICLE VI. - ADMINISTRATIVE BODIES (Combine with above)
- ARTICLE ~~I~~. - IN GENERAL (Combine with above)
- ARTICLE ~~VII~~. - PERMITS AND PROCEDURES – (Combine with above)
- ARTICLE IV ~~III~~. - ZONING DISTRICTS
- ARTICLE V ~~IV~~. - USE REGULATIONS
- ARTICLE VI ~~V~~. - DEVELOPMENT STANDARDS
- ARTICLE VII ~~H~~. - SUBDIVISION AND DEVELOPMENT DESIGN
- ARTICLE VIII ~~III~~. - PUBLIC IMPROVEMENT RESPONSIBILITIES
- ARTICLE IX ~~V~~. - ENVIRONMENTAL MANAGEMENT
- ARTICLE X ~~V~~. - SIGNS
- ARTICLE XI ~~V~~. - STREETS, SIDEWALKS AND OTHER PUBLIC PLACES
- ARTICLE XII ~~VI~~. - INTERPRETATION; PRESERVING RIGHTS; PENALTY FOR VIOLATIONS; VALIDITY; EFFECTIVE DATE
- ARTICLE ~~VIII~~. - ENFORCEMENT AND REMEDIES (Combine with above)

APPENDICES

- APPENDIX A. - PLAT LANGUAGE AND SUBMITTAL LISTS

- APPENDIX B. - STANDARD FORMS
- APPENDIX C. - ANGLETON CONSTRUCTION MANUAL (ACM)
- APPENDIX D. - ARTICLE IX. - RULES OF CONSTRUCTION, ACRONYMS, DEFINITIONS

Chapter 23- Land Development Code

- ARTICLE I. - IN GENERAL
- ARTICLE II. - SUBDIVISION AND DEVELOPMENT DESIGN
- ARTICLE III. - PUBLIC IMPROVEMENT RESPONSIBILITIES
- ARTICLE IV. - DEVELOPMENT STANDARDS Reserved
- ARTICLE V. - ENVIRONMENTAL MANAGEMENT
- ARTICLE VI. - ADMINISTRATIVE BODIES
- ARTICLE VII. - PERMITS AND PROCEDURES
- ARTICLE VIII. - ENFORCEMENT AND REMEDIES
- ARTICLE IX. - RULES OF CONSTRUCTION, ACRONYMS, DEFINITIONS
- APPENDIX A. - PLAT LANGUAGE AND SUBMITTAL LISTS
- APPENDIX B. - STANDARD FORMS
- APPENDIX C. - ANGLETON CONSTRUCTION MANUAL (ACM)

C. Summary of Proposed Amendments

The proposed recommendations are summarized below, based on key areas that were identified as needing improvements. The following sections D and E contain additional information of the proposed changes.

	Recommendation	Sections of the Code to be amended	Chapter of the ADPM	Comments
Consolidation	Consolidation of all development codes in one chapter	Sec. 23-1 to Sec. 23-122 (Chapter 23)		Refer to page 9 of the Diagnostic Report. New format.
Applicability	Clarify the applicability of the LDC in the ETJ and private development, in conformance to TXLGC	Sec. 23-5 (Chapter 23)	Appendices D and E	
Standards & Requirements	Create and adopt standards and design criteria specific for Angleton.	Sec. 23.10.C (Chapter 23)		Standards from Sugarland, McKinney, and others are prescribed currently.

	Recommendation	Sections of the Code to be amended	Chapter of the ADPM	Comments
	Clarify ALL current applicable standards and requirements adopted by the City, county, and other pertinent agencies and prepare a comprehensive list	Sec. 23.6 (Chapter 23)	Appendices D and E	
Permitting agencies and sequencing	Prepare a comprehensive list of all permits required by external agencies, sequencing, requirements, and processes	Sec. 23.6 (Chapter 23)	Chapters VII, VIII, and IX – Approval flow charts, and a list and contact information of external reviewers. Appendices D and E	
Approval Processes for all Applications	Clarify processes and procedures for all applications, , prepare submittal schedules		Chapters II and XI	The Universal Application lists all types of applications. Each application type has a specific submittal list and instructions
Subdivision	Consider consolidation and reduction in the types of Plats. Allow for administrative approval processes where permitted by TXLGC	Sec. 23.75 Sec. 23-87 (Chapter 23)		
	Clarify the sequence for approval of preliminary plat, final plat, construction of public improvements, acceptance, recordation, etc.	Sec. 23.95 Sec. 23-38 (Chapter 23)	Chapter VII to clarify process, Forms S6-S13 for-submittal, requirements and sequence	
	Increase performance bond and surety amount	Sec. 23.37 Sec. 23-38 (Chapter 23)	Chapters VIII	
	Standardize the time lines, <u>expiration dates</u> , and validity for all plats, in conformance with TXLGC.	Sec. 23.37 Sec. 23-81 Sec. 23-98 (Chapter 23)		

	Recommendation	Sections of the Code to be amended	Chapter of the ADPM	Comments
	Update subdivision standards - entrances, access, sidewalk, subdivision connectivity, landscaping, etc. Adopt Atlas 14 standards for flood control	Sec. 23.17 Sec. 23-18 (Chapter 23)		
	Update parkland dedication standards	Sec. 23-20		
Development agreements	Provide templates for all type of development agreements and an approval process chart		Chapters X to XII	In progress
Signage	Comprehensive signage regulation update	Sec. 21.5-1 to Sec. 21.5-30 (Chapter 21.5)	Chapter VIII to clarify approval process, Forms S34A and S34B for submittal, requirements.	Recommend rewrite based on the sign matrix
Definitions	Definitions – additions and clarifications	Sec. 23-113 Sec. 22.51 Sec. 28-112 Sec. 21.5-3 (Chapters 21.5, 23. 28)		
Clarifications	Clarify concept Plan/site plan requirements	Sec. 28.26 (Chapter 28)	Addressed in Specific Application Forms	
	Rewrite Planned Development section	Sec. 28.26 (Chapter 28)	Addressed in Specific Application Forms	In progress
Development standards	Add parking requirements in the land use tables	Sec. 28.81 Sec. 28-101 (Chapter 28)		In progress
	Update exterior standards recommendations to conform to state statutes	Sec. 28-105 (Chapter 28)		In progress
	Provide clarification on yards	Sec. 28.41 to Sec. 28-61 (Chapter 28)		Done

	Recommendation	Sections of the Code to be amended	Chapter of the ADPM	Comments
	Increase/update landscaping requirements	Sec. 28.102 (Chapter 28)		
	Increase/update screening requirements	Sec. 28.104 (Chapter 28)		
	Modify exterior design standards	Sec. 28.105 (Chapter 28)		
	Modify supplemental regulations	Sec. 28.106 (Chapter 28)		
	Modify site lighting standards	Sec. 28.108 (Chapter 28)		
	Modify home occupation uses	Sec. 28.109 (Chapter 28)		
	Add design standards (screening, etc.) and Special Exception requirements for antennas and towers in non-industrial/commercial areas. All variances granted by BOA.	Sec. 28.106 (e) (Chapter 28)		

D. Chapter 23 - LAND DEVELOPMENT CODE

The proposed changes are summarized below:

1. Clarify the applicability of the LDC in the ETJ areas, in conformance to TXLGC (e.g. Inconsistency of Section 23-5.G with TXLGC as it extends land use controls regarding Manufactured Home Subdivisions and Parks. (Sec. 23-5)
2. Remove duplication with sections in the zoning code (e.g., non-conforming uses.) (All)
3. Clarify of the impact of LDC restriction on those restrictions imposed by private agreements. (Sec. 23-8)
4. Clarify other current applicable standards and requirements adopted by the City and county such as drainage criteria, construction manuals, comprehensive plan, downtown plans, highway manual, flood protection, transportation plans, and others. etc. (Sec. 23-6)
5. Create and adopt standards specific for Angleton. (Sec. 23-10.C)
6. Discourage variance from access requirements (30 lots)
7. Clarify drainage easement location and alignment. (Sec. 23-12)
8. Amend the section that currently allows minor deviations from the lot design and Future Thoroughfare Plan (FTP) requirements during the platting process to be approved staff. Deviations are considered variances and need to follow the variance approval processes. (Sec. 23-12)
9. Add sidewalk widths in Table 23-12.1. (Sec. 23-12)

10. Add requirements for street signs. (Sec. 23-12)
 11. Consider consolidation and reduction in the types of Plats. Allow for administrative approval process where permitted by TXLGC. (Sec. 23-94 to Sec. 23-97)
 - a. Current
 - i. Administrative Approval:
 1. Minor Consolidation Plat or Replat
 2. Administrative Plats
 3. Amending Plat
 4. Minor Plat
 5. Development Plat
 - ii. Planning & Zoning Commission and City Council Approval;
 1. Preliminary Plat
 2. Final Plat
 3. Major Amending Plat
 4. Major Consolidation Plat or Replat
 - b. Proposed
 - i. Administrative Approval:
 1. Minor Plat
 2. Amending Plat
 3. Development Plat
 - ii. Planning & Zoning Commission and City Council Approval;
 1. Preliminary Plat
 2. Final Plat
 3. Replat
 12. Standardize the time lines, expiration dates, and validity. (Sec. 23-94 to Sec. 23-97)

Recommendations:

 - a. All plats except Final Plat - 1 yr. with an additional 1 yr. of extension.
 - b. Final Plat – 1 yr. with an additional 6 months of extension
 - c. Construction Drawings – 1 yr. with an additional 6 months of extension.
 - d. Completion of public improvements and acceptance – 1 yr. with an additional 1 yr. of extension. If construction is not complete, a performance bond needs to be submitted.
 - e. Confirm if this current requirement can be implemented - Final plat for recorded subdivision considered null and void and deemed to have been withdrawn if required improvements not completed within 30 months of approval.
 13. Clarify the platting sequencing and construction of public improvements (Sec. 23-37, Sec. 23-35)
 - a. Amend the subdivision process to require approval and construction of public improvements prior to Final Plat review and approval, unless a performance bond is submitted.
 - b. Step 1 – Preliminary Plat approval
 - c. Step 2 – Approval of Construction Plans for public improvements
 - d. Step 3 – Construction and acceptance of public improvements OR Performance Bond
 - e. Step 4 – Final Plat Approval
 - f. Step 6 – Construction and acceptance of public improvements if a Performance Bond was submitted
 - g. Step 7 – Plat recordation
 - h. Step 8 – Building permit issuance
 14. Clarify the responsibilities of BOA and P & Z in granting variances. (Sec. 24-11)
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- a. Variance to subdivision regulations are granted by P & Z. BOA does not have the authority to grant LDC variances. Staff does not have authority to grant any variances.
- 15. Confirm and modify the time for processing appeals or variance requests by the board of adjustment. The 45-calendar day time frame may not be a statutory requirement. (Sec. 24-11)
- 16. Clarify that site plans need to meet all requirements. The details listed are incomplete. (Sec. 23-211)
- 17. Clarify when a concept plan is required and the approval process and authority. (Sec. 23-17)
Differentiate the concept plan from site plan process.
- 18. Consider eliminating the need for P & Z approval for site plans and allow site plans to be reviewed as part of the building permit application. (Sec. 23-211)
Currently, site plan approval is required for all non-single family residential projects prior to issuance of a building permit by the P & Z. This process is not required and adds additional time, resources, and effort. If the site plan(s) submitted as part of obtaining a building permit do not meet minimum City standards then the applicant would be required to seek a variance from the BOA.
- 19. Subdivision standards: (Sec. 24-11)
 - a. Modify lot sizes for Through Lots – require twice the minimum lot area.
 - b. Require two means of access for all subdivisions with more than 30 lots, for any phase.
 - c. Add sidewalk width requirements for each type of street in the Street Dimension Standards table.
 - d. Require 125% (city policy) of the cost of pending public improvements as a performance bond instead of 100% noted in the LDC and 125% as maintenance bond instead of 25%.
- 20. Clarify finished floor elevation (FFE) for lots adjoining floodway. (Sec. 23-15)
- 21. Standardize OSS requirements for city and ETJ. (Sec. 23-15)
- 22. Easement: (Sec. 23-15)
 - a. Standardize location and easement width for location of utilities. Update LDC to meet city standards.
 - b. List exceptions for when utilities can be placed above ground.
 - c. Address width of pipeline easements, and the minimum setback for a structure from a pipeline.
- 23. Clarify TIA requirement and scope or add reference to the relevant manual and standards. (Sec. 23-22)
- 24. Confirm the policy on utility extension, distance for extension of utilities to the development. (Sec. 23-29)
- 25. Agreements: (Sec. 23-36)
 - a. Consider removing Division 3. Special Agreement (reimbursement) from the LDC and make it policy document.
 - b. Develop a standard agreement for reimbursements and clarify the process and commitments.
- 26. Revise Division 1. Flood Damage Prevention based on Atlas 14 data that may increase the required elevation above BFE. Review and revise the entire section. It was not done as part of this review. (Sec. 23-49)
- 27. Review Revise the tree mitigation requirements. (Sec. 23-60)
Add definitions of Heritage and Significant trees based on diameter (Total Caliper Inches), and species. Add mitigation requirements.
Protected Species List

- Live Oak, Pecan, Shumard Red Oak, Burr Oak, Chinquapin Oak, Post Oak, Water Oak, Willow Oak, Bald Cypress, Tulip Tree (Yellow Poplar), American Elm, Redbud, Dogwood.

Heritage Trees

- Greater than 24" (Not required for trees in existing single family dwellings as per TXLGC).
- Minimum percentage to be preserved on site (removal not allowed)- 50%.
- Mitigation -3:1 (retain current requirement) – limited to 50%.
- Replacement planting - minimum 2.5 caliper inch tree from the Protected Species List.
- Fee in lieu - \$200 per caliper inch removed.
- Fee in lieu or alternate planting permitting for 50% removal, \$200 per caliper inch.

Significant Tree

- Minimum 10" - maximum 23.9" (Not required for trees in existing single family dwellings as per TXLGC)
- Minimum percentage to be preserved on site (removal not allowed)- 35%.
- Mitigation -1.5:1 - limited to 65%.
- Replacement planting - minimum 2.5 caliper inch tree from the Protected Species List.
- Fee in lieu - \$100 per caliper inch removed.

Exemption - for land being used for harvesting of timber and orchards.

Determination on Health of Trees – Need a determination from a certified arborist for damaged and diseased trees.

28. Modify Table 23.76 to list all types of applications.

29. Amend the timelines in the Standard Development Procedures to meet the TXLGC requirements (shot clock provisions).

30. Recommend removing submittal requirements and forms from LDC and adding it to the Administrative Procedures Manual.

31. Others: Add Appendix - List of applicable codes and manuals to be updated. (Input from the City Engineer)

Manual/Standard	HDR Response
a. City Utilities Water and Wastewater Capital Improvements Plan (WWCIP), Water System Standard Specifications for Water and Sanitary Sewer Construction	NO - City Utilities Water and Wastewater CIP – To my knowledge, there is currently no plan in place; however, once this is developed it should be incorporated or have the section reserved. YES - Water Standard Specifications for Water and Sanitary Sewer Construction – Currently use LDC requirements along with Sugar Land Design Standards.
b. Low Impact Development Technical Guidance Manual	NO - The City currently does not have a LID Manual.
c. Storm Water Design Criteria Manual	YES - Brazoria County Drainage Criteria Manual, along with Sugar Land Design Standards (****County and TxDOT standards used where required)

Manual/Standard	HDR Response
d. Water Systems Standard for Utility Construction Testing	YES - Currently use LDC requirements along with Sugar Land Design Standards. Required to follow TCEQ rules and regulations
e. Bicycle Facility Design Guidance	NO – The City currently does not have a Bicycle Facility Design Guidance
f. Sidewalk and Driveway Design and Construction Guidelines/ Design Guidance Manual	YES- Currently use LDC requirements along with Sugar Land Design Standards (****County and TxDOT standards used where required)
g. Standard Specifications for Construction	YES - Currently use LDC requirements along with Sugar Land Standards (****County and TxDOT standards used where required)
h. Water System Specifications for Water and Sanitary Sewer Construction (Standard Details Manuals).	YES - Currently use LDC requirements along with Sugar Land Design Standards (****County and TxDOT standards used where required)

Other items that should be considered for the list are:

- Detention Free Zone Ordinance
- Angleton Livable Centers Study Zone
- *For Item “h.” need to verify if the Brazoria County Stormwater Quality Coalition SWMP latest manual is from Effective Date of January 24, 2019 (by LJA Engineering)

E. Chapter 28 ZONING

The proposed changes are summarized below:

1. Clarification on a Specific Use Permit - Sec. 28-41.
SUP is not an overlay district and needs to be removed from the list.

Overlay Districts	
PD	Planned Development
SUP	Specific Use Permit

2. Add restrictions on open storage to ensure that it is not located in visible yards or too close to adjoining properties. (Consider.)
3. Rewrite the Planned Development overlay district to clearly articulate the requirements. Clarify submittal requirements in terms of concept plans, site plans etc. (Sec. 28-61)
4. Add parking requirements to each land use for ease of use.

Retail Sales or Service <u>with no drive through facility</u>	P*	P	NP	NP	NP	NP	NP	NP	NP	1 space per 300 square feet of usable building area
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5. Add clarifications for fencing, walls, landscaping, and screening requirements. (Sec. 28-104)

Add landscaping requirements along fences.

Clarify landscaping requirements for parking lots, screening of parking lots, detention facilities.

Require decorative fencing in the front yard for non-residential uses.

6. Retain exterior construction and design requirements, as recommend by some legal experts. (Sec. 28-105)
In case the legislature changes, the cities need to be prepared without having to amend the codes. Recommend changing the word “shall” to “recommended.”
7. Modify illustrations to be in conformance with the written text, especially with regards to lot width measurements. Remove the requirement for showing setback lines on the plat. These will prevent issues with vesting smallest setbacks or mandating larger setbacks that that required by the applicable zoning requirements. (General)
8. Allow communications antennas and support structures/towers by right in nonresidential zoning districts but require SUP in residential ones. (Sec. 28.106 (e))
Currently, towers or antennas are allowed in all districts with an administrative approval. Add screening for ground equipment also. Recommend that all variances be granted by the BOA.
9. Consider an amendment to move TABLE A.1 - Sec. 28-107. Performance standards other pertinent sections of the code. Review the location in the zoning code.
10. Restrict the height of lighting in parking lots from 35’ to 25’ for commercial and 20’ for all residential lighting, including street lights. (Sec. 28.108)
Higher lighting can be processed as a variance to determine the impact on surroundings.
11. Restrict the home occupation uses permitted in single-family residential. (Sec. 28.109)
12. Remove Section 28-110 as this section is redundant. Building setback requirements and buffering requirements in other sections would apply.
13. Definitions: (multiple sections)
 - Delete redundant language in the introduction, after confirming with legal staff.
 - Clarify that the accessory use needs to be smaller than the principal use of the property.
 - For definitions related to signs, refer to the chapter on Signs.
 - Prohibit pole signs.
 - Update other definitions as needed.
14. Subdivisions - remove inconsistencies with the LDC. (Sec. 28-23, Sec. 28-24)
 - Add sidewalk widths for clarification and ensure compliance.
 - Modify the amount of bond required to be consistent with City policy. The City requirement for a performance bond is 125% of construction cost estimate
 - Minimum points of vehicular access for subdivisions conflicts with other sections - Section 23-11.I and 24-111. Should be incorporated into a clarifying rewrite of Section 23-11.I.
 - Clarify and correct references to other documents.
15. Replace parkland dedication requirements as a function of dwelling units and not persons. Require parkland at a ratio of one-half acre of parkland for every 30 residential dwelling units in a development (replace 1/2 acre per 100 persons in the City). (Sec. 23-20)
16. Post submittal schedules as referenced in the code. (ADPM)
17. Review and rewrite Sec. 23-81 - Inactive applications. All subdivision applications are covered by the completeness process, Section 245 and the 30 day “shot clock”. Needs clarification on the purpose of this section. Discuss the relevance of Constructive notice section with legal staff. It may not be needed.
18. Identify Corridor Overlay Districts and consider enhanced requirements.

19. Provide guidelines for reimbursement agreements. Develop a standardize agreement for the developer to fill-in. This will help limit attorney fees and stream line the process for City Council. (Sec. 23-34)
20. Review the requirements for development agreements (annexation, etc.) (Sec. 23-34)
21. Review the tree mitigation requirements.

