

ARTICLE I. SUBDIVISION AND DEVELOPMENT ORDINANCE

Sec. 102-1. Purpose of Chapter.

It is the intent of this Chapter for the City to state the requirements for subdividers, developers, applicants, engineers, surveyors, realtors and other persons interested and involved in the subdivision and the development of land. Further, it is the intent, purpose and scope of this Chapter to promote the vision, goals and policies of the City's of *Comprehensive Plan* and all of its components and to protect the health, safety and general welfare of the public. In so implementing this chapter, the City may, as needed, utilize policies in the comprehensive plan. Any prospective subdivision of land is hereby also subject to the policies of the comprehensive plan including but not limited to the Future Land Use Plan and corresponding provisions, as well as complementary general design and construction standards approved by ordinance by City Council.

Sec. 102-2. Statutory authority; jurisdiction.

In pursuance of the authority granted to cities and counties under the constitution and laws of the state, including the provisions of Texas Local Government Code §212.003, as amended, the City Council does hereby adopt the rules and regulations in this Chapter governing the subdivision and development of land within the City limits and extraterritorial jurisdiction of the City. Where there is any conflict in the Subdivision Ordinance or with other ordinances, the more restrictive shall apply.

Sec. 102-3. Definitions.

Generally. For the purpose of this Chapter and in order to carry out the provisions and intentions as set forth in this Chapter, the word "lot" may include the word "tract", "plot" or "parcel"; the word "building" includes the word "structure."

Specific terms. The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Accessory building or structure means a detached, subordinate building, the use of which is clearly associated with and related to that of the principal building, and which is located on the same lot as the principal building.

Acreage means unplatted or undeveloped land.

Alley means a right-of-way which affords only a secondary means of access to property abutting thereon, and is not intended to be used for general traffic circulation.

Administrative official means any employee or advisory, elected or appointed body which is authorized to administer any provision of this Chapter.

Base flood means the flood having a one (1) percent chance of being equaled or exceeded in any given year.

Block means an area of land within a subdivision entirely bound by streets (other than alleys), highways, natural barriers, or the exterior boundaries of the subdivision.

Building means the principal structure or structures erected or to be erected upon the land described in the declaration which determines the use to be made of the improved land,

whether or not such improvement is composed of one or more separate buildings, containing one (1) or more floors or stories.

Building line means a line beyond which buildings or structures must be set back from the property lines. Aerial encroachment will not exceed 2 feet over the building line.

Building setback. See *building line*.

Caliper means the width of the tree trunk and shall be measured at four to six inches (4 to 6") above grade. This measurement is used for measuring nursery stock, and is only used for trees that are to be planted or relocated and measure less than seven inches (7") in diameter at four-foot six inches (4'6") above grade.

Certified Arborist means any person, who is a Certified Arborist and is currently licensed as such by the International Society of Arboriculture (ISA), P.O. Box 3129, Champaign, IL, 61826-3129, Phone: 217/355-9411. Certification can be verified via internet at ISA Arboriculture-Online website URL <http://www.isaarbor.com/findArborist/findarborist.asp>.

Circumference means the outermost measurement of a tree trunk and shall be measured four feet six inches (4'6") above surrounding grade using an ordinary tape measure. For multiple-trunk trees, the trunk circumference is deemed to equal the circumference of the largest trunk plus one-half the sum of all additional trunks at four feet six inch (4'6") level. Measurements should be rounded to the nearest one-half inch (½"). Divide circumference inches by 3.142 to convert to diameter inches.

City means the City of League City.

City Council. The City Council, being the elected legislative body, has final jurisdiction for the acceptance of lands and improvements that may be proposed for subdivision improvements.

City engineer means the licensed professional or designee.

City limits means the City boundary as fixed by the mayor and council and defined in City ordinance.

Commission and Planning and Zoning Commission means a commission that acts as an advisory agency to the City Council. It is charged with making investigations, reports and approvals on the design of the proposed subdivision and ensuring its conformance to this Chapter.

Cul-de-sac. See *Street*.

Cutting means the detaching or separating, from a protected tree, any limb, branch or root. Cutting shall include pruning, topping or pollarding.

Damage means any action undertaken which causes injury, death or disfigurement to a tree. This includes, but is not limited to, cutting, poisoning, over-watering, relocation or transplanting a protected tree, trenching, excavating or paving within the protected zone of a tree.

Deadwood means limbs, branches or a portion of a tree that contains no live foliage or living tissue during a period of the year when they should be present.

Dedicatorial means an acknowledgement by the owner and lien holders of property being subdivided under this Chapter and appearing on the plat dedicating the property.

Developer means any individual, firm, co-partnership, corporation or other legal entity commencing proceedings under this Chapter.

Development Activity means any site where construction, demolition, site clearing, grubbing, grading and any other activity which may disturb the surface of land (streets, drives, parking lots, sidewalks, etc.) and all other proposed improvements.

Diameter is the width of a tree trunk at a specific height above grade. Diameter of a trunk is measured at four feet six inches (4'6") above grade using a diameter tape. Measurement is taken just above or below any unusual swells in the trunk, as closely as possible to the four feet six inch (4'6") level. For multiple-trunk trees, the trunk diameter is deemed to equal the diameter of the largest plus one-half the sum of all additional trunks at the four feet six inch (4'6") level. Measurements should be rounded to the nearest one-half inch (1/2").

Dripline means the outermost edge of a canopy of a tree. When depicted on a survey or site plan, the dripline of a tree will generally appear as an irregularly shaped circle that follows the contour of the branches of the tree.

Dwelling unit means a building or portion of a building used exclusively for residential occupancy.

Easement means a right granted for the limited purpose of use over, across or under private land.

- (a) *Easement, access* means an easement that provides access to platted lots or reserves. The easement shall meet all of the requirements as set forth for its intended use, including, but not limited to, construction, width, building lines and function, but shall be privately maintained.
- (b) *Easement, aerial* means an easement for the exclusive use of constructing and maintaining above-ground utilities within its confines.
- (c) *Easement, drainage or storm water easement* means an easement for the unobstructed use of constructing and maintaining drainage facilities within its confines.
- (d) *Easement, maintenance*. A perpetual 4-foot-wide wall-maintenance easement shall be provided on the lot adjacent to the zero lot line/property line, which, with the exception of walls or fences, shall be kept clear of structures. This easement shall be noted on the plat and incorporated into each deed transferring title to the property.
- (e) *Easement, sidewalk* means a non-exclusive public easement for sidewalk purposes.
- (f) *Easement, wastewater or sanitary sewer* means an easement for the unobstructed use of constructing and maintaining wastewater lines and appurtenances within its confines.
- (g) *Easement, water* means an easement for the unobstructed use of constructing and maintaining water lines and appurtenances within its confines.
- (h) *Easement, utility* means an easement granted for the purpose of placing and maintaining utilities within its confines.

Engineer, licensed means a professional engineer licensed by the State of Texas.

Extraterritorial jurisdiction is as defined in the Texas Local Government Code and verified by the City attorney and City Engineer and the Texas Municipal Annexation Act, Texas Local Government Code, Chapter 42 et seq. and as amended.

Floodplain means a land area, which is flood-prone as defined by the Federal Emergency Management Agency, pursuant to enforcement of the latest national flood insurance study.

Floodway is as defined by the Federal Emergency Management Agency on the most recent flood boundary and floodway maps.

Floor area means the area of the floor contained within the surrounding walls of a building or portion thereof, exclusive of non-livable space.

Hike and bike trail. See Article II of this chapter (Parks and Recreation Ordinance).

Homeowners' association, community association, or property owners' association mean an association of property owners in a given area formed for the purpose of improving or maintaining the quality of the area.

Infrastructure means any roadway or traffic control component, stormwater conveyance component, potable water component, and/or wastewater component as delineated on City of League City approved development documents.

Lot means an undivided tract or parcel of land created in accordance with this Chapter, designated on a subdivision plat and filed on record with the appropriate County office.

- (1) *Lot, corner* means a lot at the junction of 2 or more streets.
- (2) *Lot, flag* means a lot whose building area does not abut a public street, which is connected thereto by a narrow strip of land (staff), which staff portion shall be no narrower than 40 feet and no longer than 175 feet.
- (3) *Lot, double-fronting, through* means an interior lot having frontage on 2 streets, on opposite sides of the lot.

Lot depth means the horizontal length of a straight line drawn from the midpoint of the property frontage to the midpoint of the total length of the rear property line. (Total length shall include line segments, arc lengths, etc.).

Lot line means the line boundary of a lot.

Lot width means the distance, generally parallel to the front lot line, measured between site lot lines at the front building line.

Master plan means the initial plan or map for all subdivisions to be developed in phases or sections. The master plan shall be submitted prior to or with the plat of the first section of development of a subdivision and with all sections thereafter. Changes anticipated for the master plan shall be approved in advance of all platting, and the master plan map and attendant overlays or plans corrected as the changes are anticipated.

Person means any person, partnership, firm, corporation, governmental agency or other legal agency.

Plat means a finished plan or map prepared in accordance with Texas Local Government Code and this Ordinance illustrating the subdivision or development of land having been certified to by a registered professional land surveyor and submitted to the City for

approval by the Planning and Zoning Commission. Plats may be approved and recorded in phases. A copy shall be recorded in the Galveston County Clerk's Office or Harris County Clerk's Office, as appropriate.

Plat, amended means a finished map or plan amending the lots in a previously recorded subdivision. All property that was previously part of the lot(s) being amended shall be included in the boundaries of the amended plat, regardless of ownership. (All property does not have to be included if the property was platted prior to September 11, 1969.) Amended plats are approved administratively by the city planner or designee. A copy shall be recorded in the Galveston County Clerk's Office or Harris County Clerk's Office, as appropriate. An amended plat shall only be utilized for one or more of the following purposes:

- (a) to correct an error in a course or distance or add a course or distance that was omitted;
- (b) to correct an error in a real property description;
- (c) to indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
- (d) to show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
- (e) to 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;
- (f) to relocate one or more lot lines, as long as the amendment does not:
 - 1. attempt to remove recorded covenants or restrictions;
 - 2. increase the number of lots;
 - 3. create or require the creation of a new street; or
 - 4. make necessary the extension of municipal facilities.

Plat, final means a finished plan or map illustrating the proposed subdivision or development of land having been certified to by a registered professional land surveyor and submitted to the City for approval by the Planning and Zoning Commission. Final plats may be approved and recorded in phases. A copy shall be recorded in the Galveston County Clerk's Office or Harris County Clerk's Office, as appropriate.

Plat, minor means a finished map or plan that involves 4 or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities. Minor plats are approved administratively by the city planner or designee. A copy shall be recorded in the Galveston County Clerk's Office or Harris County Clerk's Office, as appropriate.

Plat, preliminary means an initial plan or map illustrating the proposed subdivision or development of land which will be submitted for approval before preparation of the final plat. *Plat, preliminary/final* is a combination of the preliminary and final plats for subdivisions that typically do not require phasing. A copy shall be recorded in the Galveston County Clerk's Office or Harris County Clerk's Office, as appropriate.

Plat, replat means a revised map or plan showing the subdivision of one or more lots that were part of a previously recorded subdivision or portion thereof. The replat is submitted for

approval by the Planning and Zoning Commission. All property that was previously part of the lot(s) being subdivided shall be included in the boundaries of the replat, regardless of ownership. (All property does not have to be included if the property was platted prior to September 11, 1969.) A copy of such replat shall be recorded in the Galveston County Clerk's Office or Harris County Clerk's Office, as appropriate, and will supersede the previous plat (or portion) filed there.

Plat vacation means an instrument declaring that a plat and its dedications be vacated or cancelled and that the land be converted to acreage. The plat vacation is submitted for approval by the Planning and Zoning Commission. A copy shall be recorded in the Galveston County Clerk's Office or Harris County Clerk's Office, as appropriate.

Permit means a license, certificate, approval, registration, consent, permit, contract or other agreement for construction related to, or provision of, service from a water or wastewater utility owned, operated, or controlled by a regulatory agency, or other form of authorization required by law, rule, regulation, order or ordinance that a person must obtain to perform an action or initiate, continue, or complete a project for which the permit is sought.

Private Tree means any tree growing on private property.

Project means an endeavor over which a regulatory agency exerts its jurisdiction and for which one or more permits are required to initiate, continue, or complete the endeavor.

Property means the land (whether leasehold or in fee simple) and the building; all improvements and structures thereon; and all easements, rights and appurtenances belonging thereto.

Protected Zone means a specifically defined area totally encompassing a tree within which work activities are strictly controlled. When depicted on a map or plan, the outermost edge of the protected zone will generally appear as an irregularly shaped circle that follows the contour of the dripline. In no case shall the protected zone be less than ten feet (10') radius from the trunk of a tree.

Public hearing means a hearing held after public notice.

Public notice means publication of a notice in a newspaper for general circulation in the City designated for that purpose by the City Council.

Public property means any and all property located within the confines of the City and owned by the City or held in the name of the City by departments, within the City government.

Residential includes all forms of single-family and multi-family housing.

Restricted reserve – HOA parks/facilities/sites. The designation for those individual parcels of land created within a subdivision, which are established to accommodate sites for parks and amenities that are owned, maintained, and used solely by the residents of a particular subdivision and which are therefore not open to the public. Such parks or amenities are subject to Parks Board approval and shall have an area of no less than one quarter (1/4) acre. Reserve tracts that do not abut a public street shall be connected thereto by a narrow strip of land (staff), which staff portion shall be no narrower than 40 feet and no longer than 175 feet. The staff portion shall be restricted to serve that restricted reserve only.

Restricted reserve – landscape amenity means the designation for those individual parcels of land created within a subdivision that are not divided into lots nor required by the Parks Board,

but are established to serve as landscape amenities, typically along streets. These parcels are not required to meet lot size requirements. Any easements on this reserve that will result in the removal of landscaping or will interfere with the integrity of the landscape amenity shall require a replat. Reserve tracts that do not abut a public street shall be connected thereto by a narrow strip of land (staff), which staff portion shall be no narrower than 40 feet and no longer than 175 feet. The staff portion shall be restricted to serve that restricted reserve only.

Restricted reserve – parkland dedication. The designations for those individual parcels of land created within a subdivision, which are established to accommodate a site for dedication of a specific area of land for the express purpose of being used to provide or purchase land for parks within the City. Such parkland dedication is subject to approval by City Council. Reserve tracts that do not abut a public street shall be connected thereto by a narrow strip of land (staff), which staff portion shall be no narrower than 40 feet and no longer than 175 feet. The staff portion shall be restricted to serve that restricted reserve only.

Restricted reserve - utilities. The designations for those individual parcels of land created within a subdivision, which are established to accommodate a site for utility facilities such as water wells and storage areas, wastewater treatment plants, and electrical power stations. These parcels are not required to meet lot size requirements. Reserve tracts that do not abut a public street shall be connected thereto by a narrow strip of land (staff), which staff portion shall be no narrower than 40 feet and no longer than 175 feet. The staff portion shall be restricted to serve that restricted reserve only.

Right-of-way means real property interest in a parcel or strip of land that is conveyed or dedicated to the public or other specified entity for purposes of right of passage across said parcel or strip and/or for the right to install, maintain, and operate public or private infrastructure and appurtenances, including, but not limited to, street paving, sidewalks and trails, drainage facilities, water and wastewater facilities, and other public utilities (electric power, phone, gas; and cable television lines).

Routine tree maintenance means actions needed for the continued good health of a tree including, but not limited to removal of deadwood, integrated pest management, fertilizing or watering.

Setback means the minimum required distance between a lot line and the closest possible wall of a structure.

Sidewalk means a 4-foot wide path between the curb lines or lateral lines of a roadway and the adjacent property lines or in a sidewalk easement that is improved and designed for or is ordinarily used for pedestrian travel. (Source: Sec. 316.001 of the Texas Transportation Code.)

Street means a permanently reserved thoroughfare, privately or publicly owned, which affords the principal means of access to abutting property.

- (1) *Bubble intersection.* See "knuckle intersection".
- (2) *Collector* means a street designed to provide both local access and traffic circulation within residential neighborhoods, commercial and industrial areas. They differ from the arterial systems in that collector streets may penetrate identifiable neighborhoods. Collector streets distribute traffic between the arterial and local street systems.
- (3) *Cul-de-sac* means a street which is part of the local street system and closed on one end in a circular or other approved pattern meeting minimum radius requirements.

- (4) *Knuckle intersection* means a street intersection with a centerline radius of less than the design criteria minimum 160 feet (for simple or compound curve street designs) or design criteria minimum 300 feet (for streets with reverse curves). The minimum pavement surface radius for a knuckle (bubble) street intersection is 40 feet.
- (5) *Local or residential street* means a street designed to serve the local needs of the neighborhood and to provide access from abutting residential properties to other streets.
- (6) *Major arterial* means a continuous street system serving moderate to long trip lengths that distributes traffic from the freeway/expressway system to and from the metropolitan area. The focus of major arterials is to provide mobility rather than land access. Major arterials should not penetrate identifiable neighborhoods.
- (7) *Minor arterials* accommodate moderate trip lengths at a somewhat lower level of mobility. Minor arterials provide a lower level of mobility and distribute traffic to smaller geographic areas than major arterials. Minor arterials should not penetrate identifiable neighborhoods, but can provide more direct access to abutting property.
- (8) *Private street or non-dedicated right-of-way* means a non-dedicated street on private property.
- (9) *Stub street* means a street which terminates at the boundary of a subdivision for future access to adjoining unplatted property.

Subdivision means the division of a tract or parcel of land, by means of a plat, into 2 or more lots or other divisions of land, for the purpose of transfer of ownership or building development, expressly excluding development for agricultural purposes. The term does not include the division of land into parts greater than 5 acres where each part has access and no public improvements are being dedicated.

Surveyor means an individual duly authorized under the current Land Surveying Practices Act of 1979, as amended, Vernon's Ann. Civ. Stat. art. 5282c, to practice the profession thereof, who shall be responsible for all descriptions and plats to be recorded in official records.

Survival rate means the amount of replacement trees that is healthy with vigorous growth two years following original planting date. The Urban Forester shall evaluate the health of the replacement trees. All replacement trees must have a survival rate of at least 90% two years after the original planting date. Any dead or missing trees beyond the allowable 10% shall be replaced or the permittee may at that time obtain tree planting equivalency credits described in Section 111-3.2 to meet the required 90% survival rate. Trees planted in addition to those required by this ordinance may be credited toward meeting the survival rate percentage.

Tree means a woody plant having a well-defined trunk(s), a defined crown and a mature height of at least fifteen feet (15').

Tree disposition plan specifies how trees, on the protected tree list, will be protected from development and pre-development activity. The plan shall include preliminary route of utilities. It shall specify which trees are to be preserved, relocated, removed or replaced. Plan shall include tree protected zone limits, as defined in Section 111-2, on trees that are nineteen inches (19") in diameter and larger and are on the tree list as defined in Section 111-2. In addition, the plan shall include a proposed developed area overlay, as defined in section 111-2.

Tree fund means a designated trust to which developers shall contribute at a rate of \$250 per required caliper inch of replacement trees, provisional or survival rate trees as described in this Ordinance. The percentage of tree inches utilizing this option shall not exceed 40% of the overall requirement on-site. At least 60% of the required replacement caliper inches must be planted on-site. The established Tree Fund shall be utilized solely for the purchase and planting of trees on City properties, parks and right-of-way areas as designated by the Urban Forester. The Urban Forester will provide accountability for such expenditures to the Superintendent of Parks and Recreation.

Tree list means trees designated on this list are considered desirable and fall under this ordinance. The Urban Forester may approve additional tree species at the request of the developer. Approved alternate species may or may not be eligible for required caliper inch credits. Replacement trees shall be of the same species or be approved by the Urban Forester.

Tree removal means the physical removal of a tree or causing the death of a tree through damaging, poisoning, or other direct or indirect action.

Tree survey shall mean an on-the-ground survey drawing designating the location of trees, their diameter, type (species) and protected zone limits (dripline) to scale. It shall illustrate the boundaries of the development and their relation to nearby roads and/or landmarks. Protected trees on surrounding properties, which may be impacted by construction activities, shall be included on survey at the request of the Urban Forester.

Tree topping and pollarding is the removal of the top portion of a leader or multiple stems. No matter how such a removal is done, the cutting of such branches will cause serious injury to the tree.

Tree zone encroachment means any intrusion or human activity into the protected zone of a tree including, but not limited to, pruning, grading, adding fill soil excavating, trenching, parking of vehicles, storage of materials or equipment, or the construction of structures or other improvements.

Urban forester manages and protects trees and shrubs in the public area from undesirable and unsafe planting, removal, maintenance, and prevent spread of disease.

Utilities means facilities for use, i.e., facilities for water, wastewater and storm drainage, gas, telephone lines, electricity, cable television, etc.

Sec. 102-4. Plat submittal and filing procedures.

The City department responsible for accepting, reviewing master plans, plats, engineering plans (plan profiles), and other development related documents, is authorized to establish in writing the information that must be submitted to the City, including the form and manner of submission, for those development documents. Should information not be submitted to the City as specified by the appropriate City department as authorized by this Section, the document may be denied by the approving authority.

(a) *Master plan.* Master plan procedures are as follows:

- (1) The master plan shall be submitted to the Planning Department with the following:
 - (i) Completed application
 - (ii) Review fees (non-refundable)
 - (iii) Overall map of total property, showing blocks, lots, reserves, street layouts, etc.
 - (iv) Stormwater drainage overlay or plan view with existing topographic contours, areas to be filled, if any, and drainage areas outlined, major drainageways, etc. (See Section 102-9 of this chapter.)
 - (v) Wastewater overlay or plan view indicating the proposed ultimate capacity needs. (See Section 102-9 of this chapter.)
 - (vi) Water main overlay or plan view indicating the proposed ultimate capacity needs. (See Section 102-9 of this chapter.)
 - (vii) Tree disposition plan. (See Section 102-12 of this Chapter.)
 - (viii) Traffic study or written documentation from the City Engineer that the development does not necessitate a traffic study. (See Section 102-5 of this chapter.)
 - (ix) If there will be private streets, submit Private Streets Agreement. (See Section 102-5 of this chapter.)
 - (x) A copy of the receipt confirmation of notification sent to the school district(s) having jurisdiction of the subject site including schools to be attended by the projected student population of the project based upon attendance zones or service areas; the enrollment projected to be generated from the proposed development; and the student yield per dwelling unit.
 - (xi) The location of geologic fault lines in plan view, or in a geological report from a professional engineer, if any exist.
 - (xii) Original boundary and topographic data shall be certified by a registered professional land surveyor. Also, any area to be filled will be shown, with approximate proposed elevations.
 - (xiii) The number of copies of the plat and accompanying documents shall be submitted concurrently to the office of the City Planner or

designee in the Planning Department via hand delivery, mail or courier. The cover of the submittal package shall be properly addressed to the attention of the "City of League City Planning Department", clearly labeled with the type of submittal, and include the name of the applicant. The City will not be responsible for submittals that are not addressed and labeled with the correct information.

- (xiv) The appropriate City department may waive one or more of the above items it deems unnecessary due to the size of the parcel, the number of lots being created, the proposed use and the adequacy of existing infrastructure servicing the location.
 - (2) Staff comments shall be addressed prior to approval by the Planning and Zoning Commission. Said decision will be based upon a determination that the master plan meets the requirements of this Ordinance and all other applicable City Ordinances and regulations. The master plan shall be subject to approval by the Planning and Zoning Commission in concept only.
 - (3) If another Board/Commission is required to make a recommendation to the Planning and Zoning Commission, then the Board/Commission's recommendation shall be included when the Planning and Zoning Commission consider the request.
 - (4) The master plan shall expire after two years from the date of submittal, unless one of the following occur:
 - (j) An application for a permit (including a plat) necessary to begin or continue towards completion of the project is submitted;
 - (ii) Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the project (but exclusive of land acquisition) in the aggregate amount of 5 percent of the most recent appraised market value of the real property on which the project is located; or
 - (iii) Fiscal security is posted to ensure performance of an obligation required by the regulatory agency;
 - (5) All master plans that are associated with Planned Unit Development Overlays ("PUDs") are also subject to the requirements in the Zoning Ordinance.
- (b) *Preliminary Plat.* Preliminary plat procedures are as follows:
- (1) The plat shall be submitted to the Planning Department with the following:
 - (i) Completed application
 - (ii) Review fees (non-refundable)
 - (iii) Stormwater drainage overlay or plan view with existing topographic contours, areas to be filled, if any, and drainage areas outlined, major drainageways, etc., if not previously submitted in conjunction with a master plan. (See Section 102-9 of the chapter.)

- (iv) A statement or engineering report by a professional engineer of the impact of developed surface water runoff onto adjacent property based upon design criteria as outlined in the engineering and construction ordinance.
 - (v) Wastewater overlay or plan view, if not previously submitted in conjunction with a master plan. (See Section 102-9 of this chapter.)
 - (vi) Water main overlay or plan view, if not previously submitted in conjunction with a master plan. (See Section 102-9 of this chapter.)
 - (vii) Tree disposition plan. (See Section 102-12 of this Chapter.)
 - (viii) Traffic study or written documentation from the City Engineer that the development does not necessitate a traffic study. (See Section 102-5 of this chapter.)
 - (ix) A list of deviations from the master plan made to the plat by the applicant. Significant changes will require submittal of a revised master plan.
 - (x) A copy of the receipt confirmation of notification sent to the school district(s) having jurisdiction of the subject site including schools to be attended by the projected student population of the project based upon attendance zones or service areas; the enrollment projected to be generated from the proposed development; and the student yield per dwelling unit.
 - (xi) The number of copies of the plat and accompanying documents shall be submitted concurrently to the office of the City Planner or designee in the Planning Department via hand delivery, U.S. mail or courier. The cover of the submittal package shall be properly addressed to the attention of the "City of League City Planning Department", clearly labeled with the type of submittal, and include the name of the applicant.
 - (xii) The appropriate City department may waive one or more of the above items it deems unnecessary due to the size of the parcel, the number of lots being created, the proposed use and the adequacy of existing infrastructure servicing the location.
- (2) Preliminary plats shall show the following graphic information:
- (i) Location and length of boundary lines.
 - (ii) The approximate width, depth and location of all lots. Lot, block and section numbers shall be placed consecutively.
 - (iii) All Restricted Reserves – HOA parks/facilities/sites, Landscape amenities, Parkland dedication, and Utilities – shall be labeled with the acreage shown. Only the definitions of Restricted Reserves given in the Ordinance shall be used.
 - (iv) Key map showing orientation of the area being subdivided in relation to adjacent areas and principal streets.

- (v) Proposed name of the subdivision, which must not be similar to that of an existing subdivision as to cause confusion.
 - (vi) The number of lots and blocks and the total acreage in the title block.
 - (vii) Street names shall not be duplicated in the City.
 - (viii) The location and width of existing and proposed street rights-of-way within the subdivision and immediately adjacent to it shall be shown, measured at right angles, or radially when curved.
 - (ix) The alignment of proposed streets with existing City streets. Depending upon the location and design of the subdivision.
 - (x) Street design dimensions or a reference to the minimum standards for tangents, arcs, radii, etc.
 - (xi) Name, location, width and purpose of all existing and proposed easements.
 - (xii) Existing and proposed utilities on and adjacent to the tract up to a distance of 200 feet. Sizes of existing utilities and the location of proposed junctions with the existing system shall be shown.
 - (xiii) Vertical control monuments are to have 1,000-foot maximum spacing. All elevations, based on current National Geodetic Survey, will be registered with the City Engineer upon plat submittal.
 - (xiv) *Flood hazard boundaries.* A statement shall be included on the face of the plat that the property does or does not lie within a special flood hazard area. Also, the location of special flood hazard boundaries shall be indicated upon the face of the plat where the boundary divides the subdivision area.
 - (xv) North point, graphic scale and date (month, day and year).
 - (xvi) Graphic scale of 100 feet to the inch or larger.
 - (xvii) Names of subdivisions, streets, watercourses, pipelines and easements up to a distance of 200 feet. If adjacent property has been subdivided into residential lots, adjacent individual lot addresses will be shown. If adjacent property is acreage, adjacent property ownership will be shown.
 - (xviii) Identification of pertinent school district and boundary lines, if applicable.
 - (xix) Additional land in the area adjacent to the subdivision in which the applicant has legal interest.
- (3) The applicant shall submit the plat application and accompanying documents on one of the submittal dates advertised on the "DRC Submittal and P&Z Meeting Schedule".
- (4) Plat applications shall comply with all applicable City ordinances and statutes

prior to consideration by the Planning and Zoning Commission. Plats that have not complied with all applicable City Ordinances and statutes at least 7 business days prior to the scheduled Planning and Zoning Commission meeting shall go forward to the Commission with a recommendation of disapproval.

- (5) Prior to action by the Planning and Zoning Commission, the applicant may submit a "Notice of Withdrawal" of the plat. This will suspend the running of the 30-day period. When the plat is administratively ready for re-submission, the applicant can then file a signed and dated "Notice of Re-filing" of the plat within 6 months of the initial submittal date of the plat, which then starts the 30-day clock anew. A new application and fee will be required for plats that are re-submitted more than 6 months after the initial submittal date. One "Notice of Re-filing" is permitted for a plat.
- (6) Beginning with the submittal date of the plat, the Planning and Zoning Commission shall approve or disapprove within 30 days in accordance with the Texas Local Government Code (Section 212.009). Said decision will be based upon a determination that the plat meets the requirements of this Ordinance and all other applicable City Ordinances and regulations.
- (7) The applicant may proceed for City Council approval if disapproved by the Planning and Zoning Commission. The applicant shall submit written documentation to the Planning Department requesting City Council consideration within 10 business days after the Commission rendered its disapproval. Staff will prepare a list based on the meeting minutes of the Commission's objections to the City Council at the time the item is placed on the City Council agenda. No revisions will be made in the plat presented to the City Council after the Planning and Zoning Commission's disapproval. The City Council has 30 days from the submittal date of the documentation to render a decision. Said decision shall consist of approval or disapproval. (See the Planning Department for the "Appeal Policy".)
- (8) If another Board/Commission is required to make a recommendation to the Planning and Zoning Commission, then the Board/Commission's recommendation shall be included when the Planning and Zoning Commission consider the request.
- (9) The Planning and Zoning Commission may, for any reason, refer the applicant back to the City staff for review and staff recommendations. However, the Commission must still act within 30 days of submittal of the plat application.
- (10) The plat shall expire after two years from the date of submittal if it is not filed on record with Galveston or Harris County, as appropriate, unless one of the following occurs towards completion of the project:
 - (i) A good-faith attempt is made to file with a regulatory agency an application for a permit necessary to begin or continue towards completion of the project;
 - (ii) Costs have been incurred for developing the project including, without limitation, costs associated with roadway, utility, and other infrastructure facilities designed to serve, in whole or in part, the

project (but exclusive of land acquisition) in the aggregate amount of 5 percent of the most recent appraised market value of the real property on which the project is located; or

- (iii) Fiscal security is posted to ensure performance of an obligation required by the regulatory agency.

(c) *Final Plat.* The same procedures that apply to preliminary plats apply to final plats except as noted:

(1) The final plat shall be submitted to the Planning Department with the following:

- (i) Plan profiles of all private and public infrastructure (including but not limited to, water and sewer lines, drainage and detention areas, utilities, berms, roads, sidewalks, and hike and bike trails shall be submitted to the Engineering Department and approved by the City Engineer.
- (ii) An overlay showing location and types of street lights and poles.
- (iii) An overlay showing traffic control plan.
- (iv) Utility companies' statements that easements are acceptable to provide service and no other easements are necessary or required.
- (v) If applicable, letters of review by any local, county, state and federal departments as required by the City Engineer or his designate.
- (vi) Statement from pipeline companies that all existing or proposed pipelines crossing the property have been satisfactorily provided for to the requirements of the pipeline operator, and that the pipeline operator agrees to all pipeline crossings by proposed streets and other subdivision features.
- (vii) The number of copies of the plat and accompanying documents shall be submitted concurrently to the office of the City Planner or designee in the Planning Department via hand delivery, U.S. mail or courier. The cover of the submittal package shall be properly addressed to the attention of the "City of League City Planning Department", clearly labeled with the type of submittal, and include the name of the applicant.
- (viii) The appropriate City department may waive one or more of the above items it deems unnecessary due to the size of the parcel, the number of lots being created, the proposed use and the adequacy of existing infrastructure servicing the location.

(2) Final plats shall show the same graphic information as preliminary plats except as noted:

- (i) The plat shall show the location and identification of lots, streets, public highways, alleys, parks and other features, with accurate dimensions, in feet and decimals of feet, with the length of radii, tangents (or central angle) and arcs to all curves, and with all other

- information necessary to reproduce the plat on the ground, all to be set out within the perimeter lines.
- (ii) The plat shall show a heavy-lined perimeter to be the results of an accurate boundary survey of the property by a registered professional land surveyor with bearings and distances, and references to section/original survey corners, and showing the lines of adjacent lands and fines of adjacent streets and their names and widths (dashed lines). The location and datum used to determine elevations shall be noted on the face of the plat. (See the General Design and Construction Standards.)
 - (iii) The square footage of each lot shall be labeled on the plat.
 - (iv) Traverse lines along streams and easements shall be shown adjacent to the high bank of streams and waterways.
 - (v) The plat shall show existing pipeline easements, location of pipelines, and if material being transported is hazardous.
 - (vi) *Impervious coverage.* Table showing the allotted maximum percent of impervious surface for each lot represented. This percentage shall be derived from the hydrologic and hydraulic report, or the maximum percentage as stipulated in the above referenced Zoning Ordinance, for the plat. The table shall delineate between percentages for building(s) and accessory structure(s). In the absence of a hydrologic and hydraulic study the default maximum percent of impervious cover shall be that from the Master Drainage Plan wherein the design percentage of impervious cover is 55 percent (Runoff Coefficient, $C=0.30$ where $C=I2$). If the Zoning Ordinance stipulates a lower maximum percentage for the zoning district, then that percentage shall be followed.
 - (vii) Building setback lines shall be required on residential lots only.
 - (viii) A statement by the owner dedicating streets, rights-of-way, parks, and easements and other dedicatory statements, as set out by the City Engineer. Language in the statements shall be suitable for plat recording in the official records of plat in the Galveston County Clerk's Office or Harris County Clerk's Office, as appropriate. A statement of certification shall also be provided for the chairman of the Planning and Zoning Commission to approve the plat, pursuant to a motion duly made and passed by the Planning and Zoning Commission, with the signature to be attested to by the City Planner. Reserves, easements, rights-of-way, etc., not specifically dedicated on the plat or in accompanying document, shall remain in the custody of the subdivision owner until transferred by other legal means.
- (3) The name of the subdivision, street names, title block information, special notes, dedication and notary statements, and ownership certificate language are subject to review and acceptance by the City.

- (4) Final staking of perimeter and block corners, angle points and points of curvature in street rights-of-way shall be performed prior to final acceptance of the subdivision by the City Council. Monumentation is required to be performed per the Engineering Department.
- (5) Upon approval of the plat, the applicant shall submit to the Planning Department the following items as required by Galveston and Harris Counties:
 - (i) Mylars including the notarized original signatures of the owner(s) of the property included in the plat and the original surveyor and notary seals. (The City will be responsible for the required City signatures and recording the plat with the county.)
 - (ii) An electronic version of the plat, in a format that is compatible with the City's software.
 - (iii) Original tax certificates and receipts from all applicable jurisdictions.
 - (iv) A certified or cashier's check, payable to the county clerk's office for either Galveston or Harris County, in the amount of the cost of the county's recording fees.
 - (v) If public and/or private improvements have not been completed and accepted by City Council, the applicant shall provide a letter of credit from a federally insured lending institution or depository as security for the completion of the improvements before the plat is recorded at the County.
- (d) *Preliminary/Final Plat.* The same procedures that apply to preliminary and final plats shall apply to a preliminary/final plat. If the developer has complied with the preliminary and final plat requirements and there are no changes required by the staff or Planning and Zoning Commission, then final approval may be granted without the need for separate action on the preliminary plat.
- (e) *Replat.* Replat procedures are as follows:
 - (1) The same procedures for final plat approval applies to the replat, except as noted.
 - (2) The replat shall be submitted to the Planning Department with a copy of the preceding plat of land along with the proposed replat.
 - (3) Vacation of the previous plat is not required if:
 - (i) A public hearing is held; and
 - (ii) The replat does not attempt to amend or remove any covenants or restrictions. A note shall be placed on the replat.
 - (4) If the property to be replatted currently has or previously had in the last 5 years a single-family and duplex zoning classification, then the following is required:
 - (i) Notice of a public hearing shall be given before the 15th day of the hearing by publication in a newspaper of general circulation in League City.

- (ii) Notice of a public hearing shall be given before the 15th day of the hearing by written notice to the owners of lots that are in the original subdivision and that are within 500 feet of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the case of a subdivision within the extraterritorial jurisdiction, the most recently approved county tax roll.
- (5) If the replat requires a variance and a legal protest is submitted, then the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the Planning and Zoning Commission. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision must be submitted to the Planning Department prior to the close of the public hearing.
- (6) If the property involves subdivision of property that is from a previous plat recorded *before* September 11, 1969, then the public hearing and notice requirements and legal protest rules listed in this subsection shall *not* apply.
- (f) *Minor Plat.* Minor plat procedures are as follows:
 - (1) The same procedure for final plat approval applies to the minor plat, except as noted.
 - (2) Minor plat applications shall comply with all applicable City ordinances and statutes prior to approval by the City Planner or designee. Beginning with the submittal date of the plat, the city planner or designee shall approve or submit a recommendation for disapproval to the Planning and Zoning Commission within 30 days. Said decision will be based upon a determination that the plat meets the requirements of this Ordinance and all other applicable City Ordinances and regulations.
 - (3) The City Planner, Director of Public Works, or City Engineer may, for any reason, elect to present the plat to the Planning and Zoning Commission for approval.
 - (4) Prior to action by staff, the applicant may submit a "Notice of Withdrawal" of the plat. This will suspend the running of the 30-day period. When the plat is administratively ready for re-submission, the applicant can then file a signed and dated "Notice of Re-filing" of the plat within 6 months of the initial submittal date of the plat, which then starts the 30-day clock anew. A new application and fee will be required for plats that are re-submitted more than 6 months after the initial submittal date. One "Notice of Re-filing" is permitted for a plat.
- (g) *Amended Plat.* The same procedure for minor plat approval applies to the amended plat.

Sec. 102-5. Rights-of-way, Private Streets and Access General Design Requirements

The developer shall construct rights-of-way and private streets according to the following requirements.

- (a) Service drives; acceleration, deceleration, passing, or turning lanes; traffic control signal or other traffic control measures; and shared access with adjacent sites may be required by the appropriate approving authority at the request of the City Engineer, at principal vehicular access points, with length and width as appropriate to the anticipated flow of traffic. Roads to serve the proposed development shall be designed and constructed in accordance with the Subdivision Ordinance and any other adopted street standards and shall be adequate to accommodate the vehicular traffic projected to be generated by the development. Pedestrian and bicycle access shall be coordinated with the vehicular access and separated to the maximum degree possible from vehicular access points to reduce congestion, friction, and hazard, except in those cases when a “shared space” arrangement is a safer alternative and is approved by the City Engineer.
- (b) The development shall meet one of the following:
 - (1) Roads serving development shall be capable of accommodating existing traffic, traffic projected to be generated from developments for which plats and plans have been approved, and traffic projected from the proposed development at an acceptable level of service based on the following:
 - (i) Service levels shall be computed in a manner consistent with the League City *Master Transportation Plan 2010*, or other acceptable methodology, as amended from time to time; and
 - (ii) The established minimum level of service (LOS, as computed per the critical lane analysis method) for intersection capacity for developments in base zoning districts within planning districts shall be LOS “D.”
 - (2) Service levels shall be met from the first points of egress from and ingress to the proposed development to and including the intersection with the first public roadway from the development with a classification one level higher than the development’s highest internal street classification in all directions from the development; or the City of League City, Galveston County, Harris County or the State of Texas has programmed for construction in a capital improvements program or similar plan, funded in the then current fiscal year, additional roads or road improvements necessary in combination with existing roads and intersections to comply with the standards specified in Subsection (b)(1) above; or
 - (3) The applicant agrees to undertake the construction of the roads or road improvements necessary to comply with the standards specified in Subsection (b)(1) above.
- (c) Developments where the City Council wants to encourage redevelopment would be allowed to proceed in certain areas experiencing unacceptable levels of service, provided that transportation improvements are made which would result in an improvement in traffic operations beyond what would have been expected if the

development had not occurred. In addition, mitigation measures may be required by the City Engineer to comply with the standards specified in Subsection (b)(1) above.

- (d) *Traffic Impact Analysis (TIA)*. A TIA shall be performed by the property owner (or its agent) according to the format established in Appendix A of this Article, as follows:
- (1) When an activity on or change to property occurs that generates more than one thousand (1,000) PHT, the property owner (or its agent) shall perform and submit to the city a TIA under the level 3 format specified in Appendix A. This TIA must be signed and sealed by a professional engineer, registered to practice in Texas.
 - (2) When an activity on or change to property occurs that generates five hundred one (501) PHT to one thousand (1,000) PHT, the property owner (or its agent) shall perform and submit to the city a TIA under the level 2 format specified in Appendix A. This TIA must be signed and sealed by a professional engineer, registered to practice in Texas.
 - (3) When an activity on or change to property occurs that generates one hundred one (101) PHT to five hundred (500) PHT, the property owner (or its agent) shall perform and submit to the city a TIA under the level 1 format specified in Appendix A. This TIA must be signed and sealed by a professional engineer, registered to practice in Texas.
 - (4) When an activity on or change to property occurs that generates one hundred (100) PHT or less, the property owner (or its agent) shall provide a completed city PHT generation form certifying that the activities to be conducted on the property will generate one hundred (100) PHT or less. No TIA will be required for activities generating one hundred (100) PHT.
 - (5) When an activity on, or change to, property occurs that varies from the activity on which a previous TIA was submitted and accepted, and the new activity or change, places the project into a level different from that of the previous TIA or generates an increase of at least 100 PHT (or ten (10) percent for a level 3 TIA) relative to the previous TIA, the property owner (or its agent) shall perform and submit to the city an amended TIA under the formats specified in Appendix A (as appropriate). For the purposes of this section, the amendment will be satisfactory to determine if the increase in PHT impacts capacity and requires additional mitigation as defined herein.
- (e) *Minimum right-of-way widths*.
- (1) *Major arterials*. A 100-foot right-of-way is required. An additional 10-foot municipal utility easement may be required on both sides.
 - (2) *Minor arterials*. An 80-foot right-of-way is required. An additional 10-foot municipal utility easement may be required on both sides.
 - (3) *Minor collector streets*. A 70-foot right-of-way is required. An additional 10-foot municipal utility easement may be required on both sides.

- (4) *Residential streets.* A 60-foot right-of-way is required. An additional 10-foot municipal utility easement may be required on both sides.
- (5) *Alleys.* A 25-foot right-of-way is required. An additional 10-foot municipal utility easement may be required on both sides. Alleys are only permitted within townhouse developments and the "TND" (Traditional Neighborhood Development) Overlay.
- (6) *Pavement widths.* Shall be in compliance with City engineering and construction standards.
- (f) *Minimum street centerline radius.* Minimum street centerline radius is as follows or as approved by the City Engineer:
 - (1) Major arterials: 2,000 feet.
 - (2) Minor arterials: 800 feet.
 - (3) Collector streets: 500 feet.
 - (4) Residential streets:
 - (i) On reverse curves: 300 feet.
 - (ii) On simple or compound curves: 160 feet.
 - (iii) Minimum tangent length in reverse curve: 100 feet.
 - (5) Knuckle: 55 feet.
- (g) *Maximum length between intersections.*
 - (1) Maximum length between intersections is 1,200 feet, except for cul-de-sacs.
 - (2) Maximum length is 880 feet for cul-de-sac (see Subsection (a)(5) of this Section).
 - (3) Maximum length is 200 feet for stub streets.
- (h) *Conformity to major street plan.* Provisions must be made for the uninterrupted extension of main thoroughfares as shown on the City's master transportation plan. Streets must provide for free circulation within the subdivision.
- (i) *Connectivity.* A proposed development shall provide multiple direct connections in its local street system to and between local destinations, such as parks, schools, and shopping. Each development shall incorporate and continue all collector or local streets stubbed to the boundary of the development plan by previously approved, but unbuilt development or existing development. The street system for the subdivision, except in unusual cases, must connect with streets already dedicated in adjacent subdivisions. Where no adjacent connections are platted, the streets must be, in general, reasonable projections of streets in the nearest subdivided tract and must be continued to the boundaries of the tract being subdivided so that future subdivisions may connect thereto. The maximum distance between streets which are to align with existing or future planned City streets shall be 1,200 feet in residential areas.

- (j) *Points of access.* Developments of one- or two-family dwellings where the number of dwelling units exceeds 30 shall be provided with separate and approved fire apparatus roads, and shall meet the requirements of Section D104.3 of the 2000 International Fire Code. Exceptions:
 - (1) Where there are 30 or fewer dwelling units on a single public or private access way and all dwelling units are protected by approved residential sprinkler systems, access from two directions shall not be required.
 - (2) The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the Fire Marshal.
- (k) *Cul-de-sac streets.* Streets designed to leave one end permanently closed shall not exceed 880 feet in length and shall be provided at the closed end with a turnaround. The street right-of-way for the turnaround shall have a minimum diameter of 100 feet; the surfaced portion of the road at the turnaround shall have a minimum diameter of 80 feet.
- (l) *Stub streets.*
 - (1) A dead-end barrier is required with provisional 1-foot reserve along the side or end of streets that abut undeveloped acreage tracts. When used, the following note shall be shown on the face of the plat: "A 1-foot strip is reserved as a buffer separation along and between the side or end of all streets in this subdivision plat where such streets abut adjacent tracts. At such time as the adjacent property is at such locations that abut land in adjoining tracts that have been dedicated to the public for street right-of-way purposes and is shown for such purposes on a recorded plat, such 1-foot strip shall thereupon become vested in the public for street right-of-way purposes."
 - (2) Half streets and partial streets are prohibited.
- (m) *Intersections.* Street intersections shall preferably be at right angles, and never less than 75 degrees. Block comers with acute angles require a 30-foot radius for street right-of-way. All intersections of a "T" nature that intersect major or minor arterial and collector streets must first be approved by the City Engineer. Modern roundabouts may be considered.
- (n) *Line of sight.* See Section 125-40 of the Zoning Ordinance.
- (o) *Driveways.* Access to freeways, major or minor arterials or collector streets is prohibited from the side or rear of a lot. Residential driveways must provide for two-car side-by-side parking, or the street to which the driveway has access must be a minimum of 34 feet in width.
- (p) *Street names.* Proposed street names shall be submitted to and approved by the Planning and Zoning Commission. Proposed streets, which are in alignment with others existing and named, shall conform to the names of the existing streets. Street names cannot be duplicated. Prior to plat approval, the applicant shall submit a list in alphabetical order of all streets within each section of the proposed subdivision.
- (q) *Street markers and signage.* Appropriate street signs shall be installed as required in this Chapter.

- (r) *Escrow account for cost of bridges.* Where subdivisions border on drainage ditches at which streets will dead end pending development of property on the opposite side, the applicants shall place in escrow an amount equal to 50 percent of the estimated cost of design plus construction of a bridge designed sufficiently to carry the traffic load thereof. Such estimated cost shall be determined by the City Engineer. The escrow account is to be in abeyance, in an interest-bearing account, for a period of 10 years. The account shall be established by the applicant, with the City being a trustee to the account.
- (s) *Escrow account for traffic control devices.* When a Traffic Impact Analysis or a Texas Department of Transportation approval indicates signalization of an intersection will be required under a future warrant, the Developer shall place in escrow with the City of League City an amount equal to their pro-rata cost of the future installation. Cost shall be established as present value plus three percent (3%) per annum inflation.
- (t) *Sidewalks.*
 - (1) For residential development, 4-foot wide, concrete sidewalks shall be constructed on both sides of all collectors, arterials and residential streets within and along the boundaries of the subdivision in accordance with City specifications. The builder is responsible for constructing the portion of the sidewalk that abuts all lot frontages. All other required sidewalks are the responsibility of the developer.
 - (2) For commercial development, 4-foot wide, concrete sidewalks shall be constructed in accordance with City specifications prior to the issuance of a certificate of occupancy. Sidewalks are to be constructed in a manner to provide the occupants of any commercial development with convenient access to the parking areas and adjacent streets and along abutting streets. Sidewalks shall also be constructed along all streets abutting the development.
 - (3) General requirements.
 - (i) Sidewalks shall be constructed in the rights-of-way or, if there is not sufficient area within the right-of-way, then in an adjacent sidewalk easement.
 - (ii) Pedestrian ramps shall be stained with a Kemiko Stone Tone Stain product in the color of “Cola” or approved equal.
 - (iii) Sidewalks shall provide connectivity to adjacent property.
 - (iv) On corner lots, sidewalks shall be extended to both curbs to include a ramp that makes access to the sidewalks available to persons in wheelchairs.
 - (v) Every reasonable effort shall be made for the preservation of trees, consistent with the separate City ordinance governing the preservation of trees, during the construction of the sidewalks required by this section.
 - (4) *Waiver of sidewalk improvement requirements.* In locations where there have been no sidewalks prior to the time of construction of the commercial

development, sidewalk requirement may be waived by the planning and zoning commission. A waiver shall be based upon determination by the planning and zoning commission that the construction of a new sidewalk along all (or a part of) the streets abutting the development is impractical, imprudent or otherwise unreasonable, considering factors such as the amount of pedestrian traffic that would otherwise use the sidewalk, technical or practical impediments to pedestrian use of the sidewalk in that location, or such other factors as the planning and zoning Commission may deem appropriate on a case by case basis.

(u) *Private streets.*

(1) For the purposes of this Section, the term “private street or non-dedicated right-of-way” is defined to mean a non-dedicated street on private property, including but not limited to the following:

- (i) any area, parcel or strip of land, whether or not the same is depicted or shown as such on any plan, map or drawing, which is not a duly dedicated and established public street of and in the City and which provides access from any public street in the City to one or more buildings designed or appropriate collectively for occupancy by four (4) or more families, or for occupancy or use by two (2) or more businesses, industrial or commercial establishments or for occupancy and use by one (1) or more industrial, commercial or business establishments and (2) or more families, and to which buildings there is no other access from such public street than over the area, strip or parcel of land in questions; or
- (ii) any area, strip or parcel of land, whether or not the same is depicted or shown as such on any map, plan or plat, which provides a connection between any two (2) public streets in the City and which the general public is permitted to use for the purpose of traveling from one (1) such public streets to the other. Under this definition, the public shall be considered as being permitted to so use such area, strip or parcel of land if in fact it does so and its use is not obstructed by gates, chains or watchmen. The mere fact that there may be posted signs prohibiting such use by the public shall not suffice to keep the area from being considered a private street under the terms of this Ordinance if in fact the owner thereof does not take and continue to take steps sufficient to prevent such use.

(2) The term “private street” shall not include the following:

- (i) any driveway designed principally to provide access to any building or between any principal building and the outbuildings appurtenant thereto, or to provide access to delivery platforms or the entrances of a building appropriate for the delivery thereto of goods or merchandise;
- (ii) an area appurtenant to a store or a group of stores, a theater, a church or any similar establishment, designed primarily to be used as a

- parking space by customers or patrons of the establishment or group of establishments in question; or
- (iii) an entrance way or roadway designed to provide entrance to or communication or passage to or between the several units of a single industrial establishment or of a group of such establishments which are under common control or management; provided such industrial entranceway or roadway shall be considered a private street under the terms hereof if it has entrances upon two (2) or more public streets, unless there are, at each of such entrances, gates, chains or watchmen by which all persons are prevented from using the same except those employed by or having business to conduct or such industrial plants or establishments in question.
- (3) Private streets will be permitted to be constructed only with the recommendation of the Planning and Zoning Commission and approval of the City Council.
 - (4) All franchisees under franchises granted by the City may use private streets, as defined herein, and no franchise or other authorization shall be granted in a private street by any person or entity without a franchise having been duly authorized or the prior written consent having been given by the City.
 - (5) *Agreement Between City and Developer.* An agreement between the City and any person or entity seeking to construct a private street in the City (the “Developer”) will be required before a private street will be approved for construction. The agreement will be subject to City Council review every five (5) years and will specify, at a minimum:
 - (i) that the Developer shall convey to the City the necessary easement and right-of-way over a private streets so that the city may provide services to protect the health, safety and welfare of the citizens of the City;
 - (ii) that the Developer or assigns shall maintain the surface and condition of such private street or non-dedicated right-of-way so as to permit the City to use its easement and right-of-way over such private street in a reasonably safe and convenient manner. Should the Developer or assigns fail to provide the required standard of maintenance after first being given written notice of the nature of such failure and a reasonable time thereafter (not to exceed 90 days) to cure such failure, the City shall have the right to remedy such failure and receive reimbursement from the Developer for the actual cost thereof;
 - (iii) time table as to when developer has to deed over to the Homeowners or Property Owners Association;
 - (iv) that the Developer shall not hold the City or any of its personnel to be guilty of trespass in regard to the use of its easement and right-of-way as defined herein;

- (v) that the Developer shall not later, block or vacate such private street so as to interfere with or prevent the City from providing the municipal services referred to herein. However, the Developer may close such private street for short periods of time on an occasional basis so as to prevent the public dedication of such street and may erect signs identifying the private nature of such street;
 - (vi) that the Developer shall be responsible for the installation of all service pipes and hydrants on such private street as are required by the operating procedures of the City; and
 - (vii) installation, operation and maintenance of street lighting are the responsibility of the developer and their assigns.
- (6) Private streets will be constructed according to City and the American Association of State Highway and Transportation Officials (AASHTO) specifications.
- (v) *Gates on private streets.*
- (1) Entrances to communities with private streets shall be controlled by electrically operated gates which are physically manned or electronically operated on a 24-hour-per-day basis. Where electrically operated, unmanned access gates are in place on private streets, one (1) entrance gate at each entrance must be equipped with a 911 override control switch. For entrances with 2 gated lanes of entry, only one (1) of these gated entries requires an electronically operated gate. The second one may be manually operated. Construction plans and gate specifications must be submitted to the Fire Marshal's office and approved prior to installation.
 - (2) The Knox Company Model KS-2 or KS2-P (or approved equal) key operated switches are approved by the Fire Marshal's office.
 - (3) The 911 override control switch must be installed in a weatherproof box or assembly approved by the Fire Marshal's office.
 - (4) The 911 override switch must be accessible from the driver's side of every emergency response vehicle.
 - (5) All electrically operated access gates shall have a manual override mechanism for use in the event of a power failure, approved by the Fire Marshal's office.
 - (6) Electric gates must have a reset button near the override control switch to secure the gates when the emergency is terminated.
 - (7) Streets in existence, finally platted and approved by the City Council on the effective date of the ordinance from which this Section is derived shall remain as they are; however, new construction of private streets shall provide a 10-foot curb-face to curb-face width. The gates in the fully opened position must provide a minimum of 12 feet clear width.
 - (8) A sensing device that will automatically open the gates for departure or exiting is required. Where manual exit gates exist, at least 1 gate at each exit shall be equipped with a 911 padlock.

- (9) A final inspection by the Fire Marshal's office is required before the gates are operational. Each public safety department shall sign off on the acceptance form.
 - (10) Installation of the 911 override switches on all existing gates shall be accomplished within 6 months of the effective date of this the ordinance from which this Section is derived. Gates and 911 switches must be maintained and kept in good working condition.
 - (11) The owner or operator or his agent is responsible for the ordering and the installation of the 911 override control switch. An approved order form must be obtained from the Fire Marshal's office.
 - (12) Distribution of numbered master keys will be controlled by the City Fire Marshal's office. Keys shall be distributed to authorized emergency response personnel only. Recordkeeping will be maintained in the office of the Fire Marshal.
- (w) *Conformity to Trails Master Plan.* Provisions must be made for the uninterrupted extension(s) of trails as described in the City's adopted Trails Master Plan or its successor documents.

Sec. 102-6. Easements.

The following requirements apply to all easements.

- (1) *Utility easements.* A minimum of ten feet is required for utility easements. A minimum of 14 feet is required for all multiple-use easements located along shared back lot lines (seven feet on either side of the lot line). If required, there shall be a note placed on the plat as follows: "There is hereby dedicated an unobstructed aerial easement five feet wide upward from a plane 20 feet above the ground adjacent to all utility easements, except as otherwise shown hereon. Easements may be fenced by the builder, applicant or subsequent property owner. Flatwork, landscaping and fencing only are permitted in public utility easements. The city or franchise utility companies shall have the right to remove said flatwork, landscaping or fencing for the purposes of installation, operation, and maintenance into the easements, and shall not bear the responsibility for replacement."
- (2) *Easement along major drainage arteries.* Where a subdivision is divided by a major drainage ditch, a drainage easement or right-of-way conforming with the line of the ditch and of a width as necessary to preserve the unimpeded flow of natural drainage shall be dedicated to the city. If drainage is by an open ditch designated as a major drainage artery, the easement or right-of-way shall be dedicated to the city. The city engineer shall determine the width of the easement or right-of-way.
- (3) *Location of water, wastewater and storm drainage lines.* All water, wastewater and storm drainage lines shall be located within the street right-of-way or in easements adjacent thereto, unless specifically approved otherwise by the planning and zoning commission.

- (4) *Stormwater drainage rights-of-way.* Where stormwater drainage rights-of-way are posted on the plat, the following shall be noted on the face of the plat: “This right-of-way shall be kept clear of fences, buildings, plantings and other obstructions to the operation and maintenance of the drainage facility.”
- (5) *Location of utilities.*
- (a) A developer or property owner causing or requesting the installation of any utility, including but not limited to electric, telephone/telecommunications, television, and gas, shall bear all costs for such installation and shall cause such utility to be placed and maintained underground, unless the criteria set forth in (b) below are met to allow overhead installation. Where the underground placement of such facilities is not a standard practice of the utility involved, the utility’s customer shall request the applicable utility to place the facilities underground and shall pay all costs associated with the non-standard installation. Notwithstanding the requirements of this section, nothing in this ordinance shall be interpreted in a manner that conflicts with a utility’s state-approved tariff.
- (b) Overhead installation of electric transmission lines carrying 59 kilovolts or more shall be allowed so long as they are installed on galvanized steel or concrete structures. Where installing transmission lines on galvanized steel or concrete structures is not a standard practice of the utility involved, the utility’s customer shall request the applicable utility to install the transmission lines on galvanized steel or concrete structures and shall pay all costs associated with the non-standard installation. Notwithstanding the requirements of this section, nothing in this ordinance shall be interpreted in a manner that conflicts with a utility’s state-approved tariff. Overhead installation of three-phase electric distribution lines shall be allowed only in the following circumstances:
1. Along the perimeter of a development, as shown on a Master Plan approved pursuant to this Chapter 102, and on poles made of wood or other material approved by the city planner or his designee, except that where they run adjacent to or cross a public roadway, the overhead lines shall be installed on concrete poles. Where installation of distribution lines on concrete poles is not a standard practice of the utility involved, the utility’s customer shall request the applicable utility to install the distribution lines on concrete poles and shall pay all costs associated with the non-standard installation. Notwithstanding the requirements of this section, nothing in this ordinance shall be interpreted in a manner that conflicts with a utility’s state-approved tariff; or
 2. Within the perimeter of a development, so long as the overhead lines are installed on concrete poles and are located (i) adjacent to a roadway classified as arterial or higher in the City’s Master Thoroughfare Plan; or (ii) adjacent or within a utility corridor at least fifty (50) feet in width. Where installation of distribution lines on concrete poles is not a standard practice of the utility involved, the utility’s customer shall request the applicable utility to install the distribution lines on concrete poles and shall pay all costs associated with the non-standard installation. Notwithstanding

the requirements of this section, nothing in this ordinance shall be interpreted in a manner that conflicts with a utility's state-approved tariff.

- (c) No provision contained herein shall prevent overhead installation to provide temporary service during construction, so long as all such temporary overhead lines are removed within twelve (12) months of installation.
- (d) All communication and electrical support equipment (transformers, amplifiers, switching devices, etc.) necessary to support underground installation shall be mounted on a pedestal or pad, or placed underground, and all practical options shall be exhausted to avoid the placement of such facilities in the flood plain. If such support equipment must be located within a floodplain for lack of a viable alternative, the developer shall coordinate with the affected utility to develop a plan for such location that acceptable to the City, including but not limited to mounting and maintaining such support equipment on concrete poles, which plan shall be completed no later than the time approval of a final plat for the property. Where the mounting of such equipment on a pedestal or pad or placing it underground is not a standard practice of the utility involved, the utility's customer shall request the applicable utility to mount the equipment on a pedestal or pad or place it underground and shall pay all costs associated with the non-standard installation. Notwithstanding the requirements of this section, nothing in this ordinance shall be interpreted in a manner that conflicts with a utility's state-approved tariff.
- (e) All service drops shall be underground and associated equipment shall be pad-mounted and obscured from view from any roadway by an evergreen vegetative screen taller than the equipment. Where the underground placement of service drops, the pad-mounting of associated equipment, or the obscuring of the equipment from view from any roadway by an evergreen vegetative screen taller than the equipment is not a standard practice of the utility involved, the utility's customer shall request the applicable utility to place the service drops underground, mount associated equipment upon pads, and obscure the equipment from view from any roadway by an evergreen vegetative screen taller than the equipment and shall pay all costs associated with the non-standard installation. Notwithstanding the requirements of this section, nothing in this ordinance shall be interpreted in a manner that conflicts with a utility's state-approved tariff.
- (f) Notwithstanding any other provision of this ordinance, nothing in this ordinance shall be construed as imposing an obligation on an electric utility that conflicts with the utility's state-approved tariff.

Sec. 102-7. Lot design requirements.

- (a) General design requirements for lots in subdivisions are as follows (See Article III: Zoning Regulations, in the Zoning Ordinance for specific lot requirements by zoning district):
 - (1) *Setbacks.* Additional setbacks may be required where the existing right-of-way is insufficient or future infrastructure is anticipated.

- (2) *Lot coverage.* The applicant shall show the allotted maximum percent of impervious surface for each lot represented. This percentage shall be derived from the hydrologic and hydraulic report, or the maximum percentage as stipulated in the above referenced Zoning Ordinance, and will distinguish between percentages for building(s) and accessory structure(s). In the absence of a hydrologic and hydraulic study, the default maximum percent of impervious cover shall be that from the Master Drainage Plan wherein the design percentage of impervious cover is 55 percent (Runoff Coefficient, $C=0.30$ where $C=I2$). If the Zoning Ordinance stipulates a lower maximum percentage for the zoning district, then that percentage shall be followed.
- (3) *Lot lines.* In general, side lot lines shall be at right angles to straight street lines or radial to curved street lines, unless specifically approved. Lot lines shall not cross municipal or county boundaries.
- (4) *Lot frontage on arterial streets.* No residential lots shall front on freeways, major or minor arterials, or collector streets.

Sec. 102-8. Fire Prevention and Suppression.

These provisions shall be administered in conjunction with the City of League City Fire Marshal.

- (a) The proposed development shall be served by fire suppression facilities at the time of issuance of the first occupancy permit by an approved public water supply system capable of providing fire flow in accordance with the American Water Works Association and National Fire Protection Association (NFPA) standards for that type of development and all other NFPA codes which may be applicable.
- (b) Fire protection measures shall be required to progress with construction in planned groups of buildings in accordance with NFPA 1141, Standard for Fire Protection in Planned Building Groups.
- (c) Private fire service mains and their appurtenances shall be installed in accordance with NFPA 24 Standard for Installation of Private Fire Service Mains and Their Appurtenances.
- (d) If a water supply does not exist, aboveground water storage tanks may be approved as an alternate water supply. Capacity in gallons per minute and duration shall be determined by the developer with approval of the fire marshal department. Calculations shall be stamped and sealed by a licensed, professional engineer.

Sec. 102-9. Water, wastewater and drainage systems

- (a) *Water and wastewater connections.* The water and wastewater connections policy is established in Chapter 114 of the Code of Ordinances, Article IV, Divisions 2 and 3, pertaining to water and sewer connection fees and capital recovery fees. Notwithstanding any provision to the contrary therein, the assessment and collection of capital recovery fees shall be governed by Chapter 395 of the Texas Local Government Code.
- (b) *Water wells.* Water well permits must be approved by Galveston County or Harris County, as appropriate, and by the City Council, per Section 114-2 of the Code of Ordinances.

- (c) *Septic systems.* Minimum lot size shall be in accordance with state health codes. Galveston County or Harris County approval, as appropriate, and approval by the Public Works Director is required.
- (d) *Lot drainage.* Drainage of lots will be Type A, unless otherwise approved by the City Engineer.
- (e) *Capacity of lines.* The applicant is responsible for laying such lines as are necessary to adequately serve the subdivision under development.
- (f) *Construction standards for water systems.*
 - (1) Proposed development shall be adequately served by a community water supply system pursuant to Section 114-191 of the City of League City *Code of Ordinances*.
 - (2) Water systems must be in accordance with the City of League City *Water Master Plan*, Texas Commission on Environmental Quality regulations, state department of health approved regulations and state board of insurance regulations. A copy of all construction plans shall be forwarded to the appropriate state agency for comments, as required.
 - (3) The owner, developer, or other applicants for subdivision or site plan approval shall present evidence that the proposed method of water supply is consistent with said plans and directives.
- (g) *Construction standards for wastewater systems.* The following requirements shall apply:
 - (1) Wastewater systems must be in accordance with the City of League City *Wastewater Master Plan* and the *General Design and Construction Standards*, Texas Commission on Environmental Quality regulations, state department of health approved regulations and state board of insurance regulations. A copy of all construction plans shall be forwarded to the appropriate state agency for comments, as required.
 - (2) A community sewerage system shall serve the proposed development.
 - (3) The sewerage collection system serving the project shall be complete and ready for connection and either an existing treatment facility is available to accommodate the volume of sewage to be generated by the project and other developments for which plats have been approved, or a new or expanded facility will be available to accommodate the existing sewage flow and the anticipated sewage flow from the project and other developments for which plats and plans have been approved before the sewage is generated providing the applicable City departments have no problem with the change.
 - (4) The City must have programmed for construction, in a capital improvements program or similar plan, additional treatment and collection capacity necessary in combination with existing treatment and collection facilities to meet projected needs.

- (5) If the requirements in (3) or (4) above are not possible, then:
 - (i) The applicant agrees to undertake the construction of the sewer system improvements required to meet projected needs; or
 - (ii) The applicant agrees to contribute an amount acceptable to the City to the financing of specific improvements, in accordance with the *Wastewater Master Plan*, that will meet the need.
 - (6) All future developments shall comply with the provisions and intent of the *Wastewater Master Plan* and the General Design and Construction Standards (1998). The owner, developer, or other applicants for subdivision or site plan approval shall present evidence that the proposed method of sewage disposal is consistent with said plans and directives.
- (h) *Construction standards for storm drainage.*
- (1) The proposed development shall be served by a storm drainage system.
 - (2) The developer shall install an on-site drainage system capable of conveying through and from the property the design flow of storm water runoff originating in the development during a special flood hazard area as determined in accordance with criteria specified in the City of League City *Master Drainage Plan*, in addition to flows from undeveloped land upstream in the natural watershed of the proposed development, flows from existing upstream developments, and designs flows from developments for which plats and plans have been approved, without resulting in erosion, sedimentation or flooding of the receiving channel and downstream properties.
 - (3) The off-site downstream drainage system shall be capable of conveying to an acceptable outfall the design flow of storm water runoff originating in the development, as determined in accordance with criteria specified in the *Master Drainage Plan* in addition to flows from undeveloped land up-stream in the natural watershed of the proposed development, flows from existing upstream developments, and design flows from developments for which plats have been recorded, without resulting in erosion, sedimentation, or flooding of the receiving channel and down-stream properties.
 - (4) For any proposed development that drains to or across highly erodible soils, the downstream extent of this review shall be to the point at which a channel is found that is adequate to receive the design flow or the level of the tidal floodplain.
 - (5) For development that does not drain to or across highly erodible soils, the downstream extent of this review shall be:
 - (i) To the point at which a channel is found that is adequate to receive the design flow, or
 - (ii) To the point at which the total drainage area is at least 100 times greater than the area of the proposed development, or
 - (iii) To the limit of the nearest FEMA mapped special flood hazard area.

- (6) *Off-site Downstream Drainage System Improvements.* The storm drainage system shall be in compliance with Subsection (h)(2) and the City must have awarded a contract for the construction or improvement of off-site downstream drainage systems necessary, in combination with existing systems, to comply with the standard specified in Subsection (h)(3) and if the construction or improvement of the off-site downstream drainage system is expected to be completed before the issuance of the first building permit for the development or the developer agrees to under-take the construction or improvement of the off-site downstream drainage systems.
- (7) *Calculating Runoff.* The storm water runoff flows from land for which a plat has not been recorded shall be calculated as if the land was developed according to its existing zoning classification and as if storm water management techniques, as may be required by the *Master Drainage Plan*, have been utilized. Storm water runoff flows from other lands shall be calculated on the basis of whether or not storm water management techniques have been utilized.
- (8) *Channel.* A channel shall be defined as a natural or man-made channel or pipe that is capable of conveying the runoff from a 10-year storm without overtopping its banks or eroding after development of the site in question, or without causing the flooding of structures from a 100-year storm event.
 - (i) *Water Quality.* Protect and preserve the aquatic ecosystems and water resources throughout the City of League City as it complies with Federal, State and Local government. Provide mitigation efforts so that waters in the City will meet all designated usage.

Sec. 102-10. Improvements.

All improvements shall be inspected by the design engineer of record or his designate. Requirements for improvements in subdivisions are as follows:

- (a) *Street pavement and drainage.* Street pavement and drainage will be required adjacent to newly created building lots. The City Engineer may require improvements to extend beyond new lots where such improvements are necessary to eliminate problem areas as gaps in roads, pavement or drainage systems.
- (b) *Canals, marinas and other bodies of water.* Canals, marinas, and other bodies of water that are created by dredging or removing land from existing land and connecting ultimately to navigable water must be a minimum of 50 feet from property that abuts the property from which the land is being removed. The distance of 50 feet may be lessened with consent of the abutting land owner and subsequent approval of the Planning and Zoning Commission.
- (c) *Payment of costs.* The applicant shall pay all costs for providing the subdivision with streets and water, wastewater, drainage facilities and traffic control devices in accordance with the plans and specifications.
- (d) *Seal on construction drawings.* All construction drawings are to bear the seal and signature of a state-licensed professional engineer.

(e) *Final City acceptance.*

- (1) Upon approval by the City Engineer and all appropriate City inspectors, the City Council will act on final acceptance of streets and water, wastewater and drainage facilities. All warranties, except warranties for streets, shall start at the time of final City acceptance. Street warranties shall start upon 90 percent of build-out.
- (2) No final acceptance shall be granted until a complete set of reproducible copies of as-built record plans are presented to the City Engineer. Such plans shall be accompanied by a letter from the engineer certifying that the work required by the subject contract has been completed in general conformance with the approved plans and technical specifications.

Sec. 102-11. Engineering and construction standards.

- (a) The City Engineer is hereby authorized to promulgate rules, regulations, standards and specifications for the criteria, construction, installation, design, location and arrangement of infrastructure. Upon approval by the City Council, the City Engineer shall file such rules, regulations, standards and specifications with the City Secretary at least 60 days before they become effective. The City Engineer may amend the rules, regulations, standards and specifications from time to time, provided that an amendment is approved by the City Council and filed with the City Secretary at least 60 days before it becomes effective. No such rules, regulations, standards and specifications shall conflict with this Chapter or any other ordinances of the City. All such improvements shall be constructed, installed, designed, located and arranged by the applicant in accordance with such rules, regulations, standards and specifications.
- (b) A improvements must be approved by the City Engineer and City Council before building permits will be issued for those areas served by these improvements.

Sec. 102-12. Tree Preservation and Provisions.

Any person, as defined in this chapter, who owns, controls or has custody or possession of any real property within the City that is improved or has been approved for development, or which is part of or associated with the City approved development of another piece of property, such as any parcel to be maintained as permanent open space or for recreational purposes, shall maintain all tree(s) located thereon in a state of good health. Intentional failure to do so shall constitute a violation of this Chapter.

- (a) Any person desiring to cut down or damage any part of a mature tree(s) identified on the tree list twenty-four inches (24") in diameter or larger must obtain a permit from Director of Public Works.
- (b) A minimum of sixty percent (60%) of the trees measuring nineteen inches (19") in diameter or larger, which types (species) are identified under Section 111-2 of this Ordinance, shall be preserved if at all possible. If more than forty percent (40%) of such trees are removed, then each diameter inch of the largest trees removed in excess of forty percent (40%) must be replaced with a diameter ratio of 1.3 of new tree caliper of a species included on the tree list or other trees approved by Urban Forester. All replacement trees planted must have a "survival rate" of at least 90%

two years from the original planting date. Replacement trees shall be planted in increments of three inches (3") in caliper measured four to six inches (4-6") above grade. If this is not feasible, the permittee may request, in the form of a letter addressed to the Urban Forester, a "replacement inch" certificate for up to 40% of the required amount of inches to be planted. At least 60% of the required replacement trees must be planted on site. The trees described in the certificate are treated the same as trees actually planted as of the date of the certificate. To be effective, the "replacement inch" certificate must state unconditionally:

- (1) The name of the applicant and the project to which the replacement inches apply.
 - (2) The replacement trees will be planted within the City limits, on or before a specified planting date, which must fall within 365 days following the date of the certificate. The Urban Forester shall determine the location of "off-site" replacement trees.
 - (3) That the replacement trees will be planted and maintained in accordance with the International Society of Arboriculture (ISA) standards.
 - (4) Caliper inch credits have been obtained by depositing in the City's Department of Parks and Recreation "Tree Fund" a sum of money equal to the cost of planting and maintaining up to 40% of the required replacement or provisional tree caliper inches.
- (c) The developer may increase the minimum required landscaping percent as set forth in the commercial subdivision chapter, to offset the total number of replacement inches. Landscaping plans shall be approved by the Urban Forester, who at his discretion, may request plan to be submitted to the Planning Department for approval.
- (d) *Permit Validity.* A Tree Disposition Plan accepted in conjunction with a building permit, subdivision plan and site plan shall be valid for the period of the building permit or site plan validity.
- (e) Improvements within the dripline of a protected tree may occur provided the developers submit to the Urban Forester a site plan, approved by an Urban Forester indicating that the proposed improvements, within the dripline, will not adversely impact the tree(s) overall health and welfare.
- (f) Contractors who clear areas for current or future use which retain trees less than nineteen inches (19") in diameter shall provide trees in their landscape at a rate of six caliper inches (6") of trees for every ten (10) parking spaces on the property. Developments with less than 10 parking spaces are not required to provide any new trees. If this is not feasible, the developer may obtain tree planting equivalency credits described in Section 111-3.1 for up to 40% of trees required. Trees shall be planted in three-inch (3") increments.
- (g) Developers who believe their property to be void of trees that are protected by this Ordinance shall provide written endorsement of such claim by a licensed surveyor or an ISA Certified Arborist.

- (h) Any utilities, which are installed below the canopy of a protected tree, shall be bored, not trenched, and indicate such on the tree disposition plan.
- (i) Projects issued a tree removal permit and are removing more than 40% of protected trees on their development and later request to remove additional trees shall do so at a ratio of two (2) diameter inches of replacement trees for every inch of trees removed as approved by the Urban Forester. This also applies for trees slated to be preserved and die during the construction process or soon thereafter. One-half (1/2) of the replacement trees shall be planted on-site and the other half off-site at a location to be determined by the Urban Forester. Replacement trees shall be planted with at a minimum of three inches (3") in caliper.
- (j) *Tree Planting Equivalency Credits.* The following credits may be claimed against the total tree requirements described in this section:
 - (1) *Replacement Inch Certificates:* Credit for depositing in the City's Department of Parks and Recreation "Tree Fund" a sum of money equal to the cost of planting and maintaining the required trees. Money so deposited shall be placed in a special fund designated solely for the purpose of purchasing or planting trees in city properties, parks or public street right-of-way areas. The credit shall be calculated at \$250 per caliper inch of replacement trees. The maximum allowable credit under this option shall not exceed 40% of the total tree planting requirement. When applying for a "replacement inch" certificate the applicant shall state:
 - (i) The name of applicant and the project to which the replacement inches apply;
 - (ii) The replacement inches not covered by the certificate will be planted and maintained in accordance to this ordinance and;
 - (iii) All costs have been paid. Replacement inches as described in the certificate are treated the same as trees actually planted as of the date of the certificate. The Urban Forester shall be responsible for issuance of so described certificate.
 - (2) *Credit for Preserving Existing On-site Trees:* Credit for the transplanting of existing on-site trees may be granted and approved by the Urban Forester when requested and so designated on the landscape plan. In order to be eligible for credit(s) the tree (s) being relocated must have a minimum caliper of three inches (3"), shall be in good condition and be true to species habit and form. Only tree species from the tree list are eligible for these credits. Transplanted trees must survive for two years after transplanting to retain their effective replacement caliper credits. Trees shall be transplanted in accordance to ISA standards or be relocated using a tree spade. The diameter of relocated trees shall not exceed eight inches (8") unless approved by Urban Forester. The sum of caliper inches relocated may be applied toward the caliper replacement requirement or landscaping requirements.
- (k) *Permit required.* No person shall cut, remove, encroach into the protected zone or relocate any tree on any public or private property within the City unless the Public Works Directorate has issued a valid tree permit. Before a permit can be issued, a

tree disposition plan and a tree survey must be submitted to the Urban Forester for approval. An application involving a limited portion of a site may be approved based on an exhibit showing only that portion of the site. The Urban Forester may require the applicant to provide aerial photograph of the site for preliminary analysis of large-scale developments. Request for aerial photos of the site are at the discretion of the City. Approval must be obtained by the Director of Public Works to cut, remove, or relocate any tree on the tree list with a diameter larger than (24) twenty-four inches (24"). City Council shall approve any variance request.

- (l) *Exemptions.* A permit is not required to cut or remove a tree(s) under the following circumstances:
 - (1) Trees that are less than nineteen inches (19") in diameter and not part of commercial landscaping requirement or tree disposition plan.
 - (2) Trees damaged by thunderstorms, windstorms, floods, earthquakes, fires or other natural disasters, and determined to be hazardous by the Urban Forester, peace officer, firefighter, civil defense official or code enforcement officer in their official capacity. The Urban Forester shall be promptly notified of the nature of the emergency and action taken.
 - (3) When removal is determined necessary by fire department personnel actively engaged in fighting a fire.
 - (4) Trees planted, grown and/or held for sale as part of a licensed nursery business. This exemption is limited to trees with main trunks under ten inches (10") in diameter.
 - (5) Public utilities holding a franchise from the City and City crews are exempted from this Ordinance for the purposes of clearing and maintaining such property as necessary to provide safe and adequate service.
 - (6) If the tree species is not on the tree list.
 - (7) Property owners, whose property are their primary residence or homestead and property owners whose property is more than 100 acres in area may, at the discretion of the Urban Forester, be exempt.
- (m) *Permit Required.* In an effort to establish the survival and maturity of smaller trees, any tree that has been planted, preserved or transplanted as part of a tree preservation plan or planted as part of a landscape requirement or design shall require a permit from the Director of Public Works. All trees shall be replaced at a ratio of two (2) caliper inches for every inch removed in increments of 5 to 7 inches utilizing a ninety-inch (90") diameter tree spade.
- (n) *Use of Explosives.* All tree fellers, tree surgeons or anyone using explosives within the City limits in connection with the cutting down or removal of any tree shall first apply to the City for a permit to do so and shall furnish such bond or insurance as the City Council shall deem necessary for the protection of the property owner or any other person from any possible damage as a result of such work.
- (o) *Processing of permits.* The applicant shall furnish all necessary information as required by the Urban Forester. The Urban Forester may approve, deny or conditionally approve a request for removal of three or fewer trees on a single

parcel. For request involving three or fewer trees, the decision as a Urban Forester may be appealed to the Director of Public Works and his/her decision may be appealed to the City Council pursuant to the provision of this code. Any request for removal of four or more trees on a single parcel shall be approved or denied by the Director of Public Works.

- (p) *Standards for granting or denying permit.* A tree permit may be approved based upon one or more of the following findings by the Urban Forester:
- (1) The condition or location of the tree required the cutting to maintain or aid its health, balance and structure.
 - (2) The condition of the tree with respect to disease (as recommended by an ISA Certified Arborist and confirmed by the Urban Forester), danger of falling, proximity to existing structures, high pedestrian traffic areas (such as parking lots or pedestrian walkways) or interference with utility services, which cannot be controlled or remedied through reasonable and/or preventative procedures and practices; or
 - (3) When necessary to remove, relocate, cut or encroach into the protected zone of a tree to enable the reasonable and conforming use of the subject property, which is otherwise prevented by the presence of the tree.
- (q) Permittee may be allowed a reduction in the number and size of the replacement trees if applicant clearly demonstrates to Urban Forester that one or more of the following sets of circumstances is present:
- (1) There is insufficient available space on the affected subject site for all the replacements initially calculated, taking into account the space ultimately needed for trees upon maturity;
 - (2) There are sufficient remaining trees on the affected subject site to maintain cover and diversity in the City as a whole; or
 - (3) The number of replacements calculated by the formula is unreasonably high. The additional required trees may be credited by making a deposit into the "Tree Fund".
- (r) *Conditions for Removal.* Conditions may be imposed on the permit at the discretion of the Urban Forester including, but not limited to, one or more of the following:
- (1) A condition requiring the replacement or placement of additional trees on the subject property to offset the impact associated with the loss of a tree, limbs, or encroachment into the protected zone of a tree;
 - (2) A condition requiring the relocating of a tree on-site or off-site, or the planting of a new tree(s) off-site to offset the loss of a tree;
 - (3) A condition requiring an objectively observable maintenance and care program be initiated to insure the continued health and care of tree(s) on the property;
 - (4) A condition requiring credit for depositing in the City's Parks and Recreation Department "Tree Fund" a sum of money equal to the cost of planting and maintaining the required trees;

- (5) A provision requiring to provide trees in the landscape; or
- (6) A condition requiring the relocation of approved trees.
- (s) *Non-liability of City.* Nothing in this Chapter shall be deemed to impose any liability for damages or a duty of care and maintenance upon the City or upon any of its officers or employees. The person in possession of any public property or the owner of any private property shall have a duty to keep the tree(s) upon their property and under their control in a safe and healthy condition. Except as provided in Section 111-5 of this Chapter, any person who feels a tree located on property possessed, owned or controlled by them is a danger to the safety of any persons or to structural improvements on-site or off-site, shall have an obligation to secure the area around the tree or support the tree as appropriate to safeguard both persons and improvements from harm.
- (t) *Enforcement.* Any person who intentionally cuts, damages, moves or removes any tree within the City or encroaches into the dripline of a tree in violation of this Chapter shall be deemed guilty of a general misdemeanor (each tree will be a separate offense) and upon conviction the permit will be revoked and may be punished up to the maximum allowable by law.
- (u) *Violation, Restitution.* It has been determined that the trees within the City are valuable assets to the citizens of this community and as a result of the loss or damage to any of these trees, the public should be compensated. In addition to any penalties provided by subsection (a) of this Section, any person who cuts, damages or removes any tree in violation of the terms of this Chapter is responsible for proper restitution and may be required to replace the tree(s) so removed or damaged, by the donation of or by replanting two (2) or more trees of reasonable equivalent size and value to the tree damaged or removed or a fine of \$750 per caliper inch to be deposited into the Tree Fund. This also applies to the removal of protected assessed trees prior to the application or issuance of a tree removal permit. The Municipal Court Judge will have sole discretion as to the number, size, and location of said equivalent replacement trees and shall rule accordingly.
- (v) *Tree List.* The letter “S” indicates small mature species of trees which shall be planted at a minimum of fifteen feet (15’) apart. The letter “L” indicates large mature species of trees which shall be planted at a minimum of twenty-five feet (25’) apart. Replacement trees shall be planted along City right-of-way or be visible from frontage areas and not be hidden behind structures. Palm trees are not eligible for caliper credits.

Common Name	Size
Baldcypress	L
Chinese Pistache	S
Elm	L
Hickory	L
Magnolia	L
Maple	L
Mexican Plum	S
Oak	L
Pecan	L
Pine	S
River Birch	L
Redbud	S
Savannah Holly	S
Sycamore	L
Texas Persimmon	L

Sec. 102-13. Unapproved plats and noncomplying developments.

In any subdivision for which a plat has not been approved and filed for record in the Galveston County map records or Harris County map records, as appropriate, or in which subdivision the standards stipulated in this Chapter have not been complied with in full, the City shall issue no building, repair, plumbing or electrical permit, and the City shall not repair or maintain any street, and the City shall not sell or supply water or sanitary sewer service therein.

Sec. 102-14. Variances.

- (a) The Planning and Zoning Commission may grant a variance to any of the provisions of Article I of Chapter 102, except for requirements in the city’s adopted Engineering and Construction Standards, pursuant to the procedures set forth in this section and upon a showing by clear and convincing evidence by the applicant that: (1) there are special circumstances or conditions affecting the property in question; (2) that enforcement of the provisions of this chapter would deprive the applicant of a substantial property right; and (3) that such variance, if granted, would not be materially detrimental to the public welfare or injurious to other property or property rights in the vicinity. Each and every application for variance shall be decided solely and entirely on its own merits; neither the lack of enforcement of any ordinance nor the disposition of any prior or pending application for variance may be considered or allowed to affect any decision on the application in question. Pecuniary interests standing alone shall not be justification for the granting of a variance.
- (b) The application fee and procedures for a public hearing and provision of notice shall be the same as established by the city for a rezoning request, except that the

applicant shall include a copy of this ordinance with any notice that the applicant is required to mail.

- (c) The Planning and Zoning Commission may, by affirmative vote of at least three-fourths (3/4) of its members present and voting, grant a variance to the regulations of Article I of Chapter 102 if it finds, by clear and convincing evidence, that all of the following criteria are met:
 - 1. There are unique conditions peculiar to the subject parcel or tract that do not exist on adjacent parcels or tracts;
 - 2. Strict application of Chapter 102 deprives the applicant of rights commonly enjoyed by other land in area or land with similar uses;
 - 3. The variance, if granted, does not frustrate the intent and purpose of Chapter 102 and community, neighborhood, and other applicable land use and development plans, and will not adversely affect property or property values in the vicinity of the subject site;
 - 4. Conditions supporting the granting of the variance request are not self-created by disregard or ignorance of federal, state, or local codes and/or ordinances; and
 - 5. The variance is tailored as narrowly as possible while still granting the relief sought.

- (d) Factors that may not be considered to support the granting of a variance include, but are not limited, to the following:
 - 1. Personal and/or economic hardship;
 - 2. Misrepresentation of property conditions, uses, or regulations by a seller or agent;
 - 3. Errors made by a surveyor, contractor, or builder; and
 - 4. Increasing the profit, income, or competitive advantage of the applicant; and
 - 5. Threats to locate or relocate outside of the city, or cancel or scale back a project, if a variance is denied.

- (e) The applicant bears the burden of proof to demonstrate that the requirement(s) of Article I of Chapter 102 from which a variance is requested, if uniformly applied, imposes an undue hardship or disproportionate burden on the applicant. The applicant shall submit statements, studies, and any other relevant information as may be required by the City Planner to substantiate the claim(s) for which a variance is requested. If any information is so required, the application for variance shall be deemed complete only upon the submittal of all such required information. The Planning and Zoning Commission and/or City Council during review and consideration of the request may require additional studies or information from the

applicant, which additional information must be submitted before any action may be taken on the variance application. The offer or submittal, at any stage of the variance application process, by the applicant of any information that proves to be false shall cause the variance request to be denied. If a variance request is approved based upon information offered or submitted by the applicant, without regard to the applicant's knowledge of the falsity of said information, and subsequent to the approval of the variance the approving authority finds said information to be false by a preponderance of the evidence, the variance shall be considered null and void as of the date of that finding and the approving authority shall reconsider the variance request in light of the corrected information.

- (f) The decision of the Planning and Zoning Commission on a variance request may be appealed within fourteen (14) days of said decision by filing with the City Secretary: (1) the applicant's written appeal; or (2) a written request by two members of the City Council to place consideration of the variance upon the agenda of a City Council meeting. The City Council shall decide the appeal at a meeting not later than forty-five (45) calendar days after the date on which the appeal is submitted and may, by majority vote of those present and voting, affirm, modify, or reverse the decision of the Planning and Zoning Commission. Such decision of the City Council shall be final.

Sec. 102-15. Fees.

- (a) *Processing fees.* Fees have been established by the City and are payable to the City at the time items are submitted. Fees are not refundable.
- (b) *Construction plans and specifications review fees.* The City reserves the right to assess fees based upon the actual costs incurred by the City for multiple iterations of reviews of construction plans and specifications. Fees charged shall be based upon rates posted and made available by the engineering/planning office for inspection by the applicant.
- (c) *One-time review fee.* A one-time review fee is required for stormwater drainage plans which deviate from the City's master drainage plan or which impact the Jarboe Bayoe watershed.
- (d) *Administrative costs.* All administrative costs, such as costs for printing, etc., as required in this Chapter shall be borne by the applicant alone.
- (e) *Variance request fees.* Fees have been established by the City and shall accompany each written request to be placed on Planning and Zoning Commission agenda for variance from regulations provided in this Chapter.

Sec. 102-16. Enforcement.

On behalf of the City, the City attorney shall, when directed by the City Council, institute appropriate action in a court of competent jurisdiction to enforce the provisions of this Chapter within the City or within the extraterritorial jurisdiction of the City, as determined under the Municipal Annexation Act (Texas Local Government Code §212-001 et seq.).

Sec. 102-17—102-50. Reserved.

Appendix A

The following information shall be provided in the following format, as required by Section 102-5(d) of this Article as follows:

- (a) *Level 2 and 3 TIA format.* A level 2 TIA and a level 3 TIA, when required, shall consist of:
 - (1) Traffic analysis map
 - (i) Land use, site and study area boundaries, as defined (provide map).
 - (ii) Existing and proposed site uses.
 - (iii) For TIAs that use land use as a basis for estimating projected traffic volumes, existing and proposed land uses on both sides of boundary streets for all parcels within the study area (provide map).
 - (iv) Existing and proposed roadways and intersections of boundary streets within the study area of the subject property, including traffic conditions (provide map).
 - (v) All major driveways and intersecting streets adjacent to the property will be illustrated in detail sufficient to serve the purposes of illustrating traffic function; this may include showing lane widths, traffic islands, medians, sidewalks, curbs, traffic control devices (traffic signs, signals, and pavement markings), and a general description of the existing pavement condition.
 - (vi) Photographs of adjacent streets of the development and an aerial photograph showing the study area.
 - (2) Trip generation and design hour volumes (provide table).
 - (i) A trip generation summary table listing each type of land use, the building size assumed, the average trip generation rates used (total daily traffic and a.m./p.m. peaks), and the resultant total trips generated shall be provided.
 - (ii) Generated vehicular trip estimates may be discounted in recognition of other reasonable and applicable modes, e.g., transit, pedestrian, bicycles. Furthermore, trip generation estimates may also be discounted through the recognition of passby trips and internal site trip satisfaction.
 - (iii) Proposed trip generation calculations for single-story commercial properties shall be based on a floor-to-area (building size to parcel size) ratio of 0.25 or more.
 - (3) *Trip distribution (provide figure by site exit).* The estimates of percentage distribution of trips by turning movements from the proposed development.
 - (4) *Trip assignment (provide figure by site entrance and boundary street).* The direction of approach of site-attracted traffic via the area's street system.

- (5) *Existing and projected traffic volumes (provide figure for each item).* Existing traffic volumes are the numbers of vehicles on the streets of interest during the time periods listed below, immediately prior to the beginning of construction of the land development project. Projected traffic volumes are the numbers of vehicles, excluding the site-generated traffic, on the streets of interest during the time periods listed below, in the build-out year.
- (i) A.M. peak hour site traffic (including turning movements).
 - (ii) P.M. peak hour site traffic (including turning movements).
 - (iii) A.M. peak hour total traffic including site-generated traffic and projected traffic (including turning movements).
 - (iv) P.M. peak hour total traffic including site-generated traffic and projected traffic (including turning movements).
 - (v) For special situations where peak traffic typically occurs at nontraditional times, e.g., major sporting venues, large specialty Christmas stores, etc., any other peak hour necessary for complete analysis (including turning movements).
 - (vi) Total daily existing traffic for street system in study area.
 - (vii) Total daily existing traffic for street system in study area and new site traffic.
 - (viii) Total daily existing traffic for street system in study area plus new site traffic and projected traffic from build-out of study area land uses.

(6) Capacity analysis (provide analysis sheets in appendices).

- (i) A capacity analysis shall be conducted for all public street intersections and junctions of major driveways with public streets which are significantly impacted (as agreed to by developer's engineer and the city traffic engineer) by the proposed development within the previously defined study boundary. A capacity analysis is required as shown below:

	Boundary Street	Non-boundary Street within Study Area
Existing Conditions	Required	Required
Phase 1	Required	Not Required
Intermediate Construction Phases	Required	Not Required
Final phase/build-out year (existing infrastructure)	Required	Required
Final phase/build-out year (proposed infrastructure)	Required	Required

- (ii) Capacity analysis will follow the principles established in the latest edition of the transportation research board's Highway Capacity Manual (HCM), unless otherwise directed by the director of public

works. Capacity will be reported in quantitative terms as expressed in the HCM and in terms of traffic level of service.

- (iii) Capacity analysis will include traffic queuing estimates for all critical applications where the length of queues is a design parameter, e.g., auxiliary turn lanes, and at traffic gates.

(7) Conclusions and requirements.

- (i) Roadways and intersections, within the study area, that are expected to operate at level of service D, E, or F, under traffic conditions including projected traffic plus site-generated traffic must be identified and viable recommendations made for raising the traffic conditions to level of service C or better.
- (ii) As depicted in the table below, roadways and intersections within the project site and along its boundary streets which are projected to operate at level of service D, E, or F, without site-generated traffic, need not be brought up to level of service C by the proposed development. Such roadways and intersections, under conditions which include site-generated traffic, must be brought up to the projected Level of Service that would exist without the site-generated traffic, by altering on-site and/or off-site traffic demands and/or capacities. Level of service notwithstanding, required traffic impact mitigation improvements are limited to those that can be implemented within the project site and along its boundary streets.

Projected Level of Service	Level of Service, Without Development					
	A	B	C	D	E	F
A	NA					
B	B	NA				
C	C	C	NA			
D	C	C	C	NA		
E	C	C	C	D	NA	
F	C	C	C	D	E	NA

- (iii) For phased construction projects, implementation of these traffic improvements must be accomplished no later than the completion of the project phase for which the capacity analyses show that they are required. Plats for project phases subsequent to a phase for which a traffic improvement is required may be approved only if the traffic improvements are completed or bonded.
- (iv) Additional limitations on traffic impact mitigation requirements are as follows:

1. Off-site traffic impact mitigation improvements are not required on public streets for which a funded capital improvement project is scheduled to be accomplished within three years of the TIA review.
 2. Requirements for mitigation for land development projects located inside the circumferential freeway, Interstate Highway 410, will be considered on a case by case basis and may be waived by the city council for city-sponsored infill development projects.
 - (v) Voluntary efforts, beyond those herein required, to mitigate traffic impacts are encouraged as a means of providing enhanced traffic handling capabilities to users of the land development site as well as others.
 - (vi) Traffic mitigation tools include, but are not limited to, pavement widening, turn lanes, median islands, access controls, curbs, sidewalks, traffic signalization, traffic signing, pavement markings, etc.
- (b) *Level 1 TIA format.* A level 1 TIA, when required, shall consist of:
- (1) Traffic analysis map
 - (i) Site and study area boundaries, as defined (provide map).
 - (ii) Existing and proposed site uses.
 - (iii) All major driveways and intersecting streets adjacent to the property will be illustrated in detail sufficient to serve the purposes of illustrating traffic function; this may include showing lane widths, traffic islands, medians, sidewalks, curbs, traffic control devices (traffic signs, signals, and pavement markings), and a general description of the existing pavement condition.
 - (2) *Peak hour trip (PHT) generation.* The estimates of peak hour trips generated by the development and the percentage distribution of such trips from each site exit and to each site entrance.
- (c) *TIA review fees.* The following fees are established for TIA review. All fees must be paid at the time the TIA is submitted for review.
- (1) Level 1: \$300.00
 - (2) Level 2: \$800.00
 - (3) Level 3: \$1,000.00
- (d) *Point at which TIA is required.*
- (1) The appropriate level TIA as required by Section 102-5(d) may only be required by the city as part of the approval process for the following activities for each respective category of property, as follows:

Category	Description	Point at which TIA is required
Pre-development	Property which is not the subject of a valid POADP filed pursuant to Chapter 35, Division 2 of this Code, or other permit as defined by Texas Local Government Code § 245.001 et seq.	May be required as a condition of acceptance of a POADP
Pre-Platting	Property which is the subject of a valid POADP filed pursuant to Chapter 35, Division 2, of for which a POADP is not required prior to platting	May be required at time of platting, as a part of the plat approval process
Platted	Property which is the subject of a valid plat which has been accepted and approved by the city	May be required at the time of a building permit is requested
Post-TIA	Property which is the subject of a TIA provided at one of the points identified above (or for which the director of public works has determined no TIA is needed) or voluntarily provided by the developer	No further TIA required at any point

- (2) A TIA may be required any time a property owner seeks to rezone property that is the subject of a POADP in a manner that: (i) would change the character of use (i.e., commercial, multi-family, residential etc.) of the property from the use(s) proposed in the POADP; and (ii) results in the PHT under the proposed zoning and use exceeding by more than one hundred (100) PHT the maximum PHT that could have been generated by uses permitted in the existing land use classification, or results in a TIA level different from that derived from the existing POADP.
- (3) A TIA may be required any time a property owner seeks to rezone property that is not the subject of a POADP in a manner that would result in the PHT under the proposed zoning and use exceeding by more than one hundred (100) PHT the maximum PHT that could have been generated by uses permitted in the existing zoning, or results in a TIA level different from that derived from the existing zoning.
- (4) The requirement to perform a TIA under subsection (b) or (c) of this section shall not apply if the existing zoning is a temporary zoning resulting from annexation.
- (5) A POADP or other permit, as defined by Texas Local Government Code § 245.001 et seq., that is altered or modified as a result of a city requirement based on information provided in compliance with this division will not be considered to have been initiated by the property owner or its representative for the purpose of interpreting or enforcing this Code.

ARTICLE II. PARK AND RECREATION AREAS

Prepared under separate cover

Chapters 103—105

RESERVED