

Black font indicates no change from current text.

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ARTICLE I. SUBDIVISION AND DEVELOPMENT ORDINANCE

Sec. 102-1. Purpose of Chapter.

NO CHANGES.

Sec. 102-2. Statutory authority; jurisdiction.

NO CHANGES.

Sec. 102-3. Definitions.

AMEND the following definitions.

City Council means 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 of the City of League City.~~

City engineer means the licensed professional engineer designated to represent the City or ~~designee.~~

Sidewalk means a 4-5-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~~ constructed in accordance with the City's most current General Design and Construction Standards and designed ~~for~~ or is ordinarily used for pedestrian travel. ~~(Source: Sec. 316.001 of the Texas Transportation Code.)~~

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

NO CHANGES.

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

DELETED Sections (a) through (t) and AMEND as follows.

Public Infrastructure Dedication, Construction Requirements, and City Participation

(a) Dedication and Construction of Improvements. Whether public infrastructure will be located on, adjacent to or outside the boundaries of the property being developed, the developer shall dedicate all rights-of-way and easements for, and shall construct at developers' expense, improvements within the rights-of-way or easements for the public infrastructure improvements needed to adequately serve a proposed development. This work shall be done consistent with the City's most current Comprehensive Plan, and its related City approved Master Plans, as well as the complementary General Design and Construction Standards as approved by City Council. Furthermore, all proposed public infrastructure shall extend across and to the extent of the property boundary for the development for future use beyond the development in order to facilitate the adjacent

property to develop. All public infrastructure improvements within the city limits with the exception of drainage channels or retention/detention facilities shall become the property of the City upon completion and acceptance.

(b) Adjacent Road Improvements. In the case of adjacent or abutting roads, the City may require that the entire right-of-way be dedicated and improved to City design standards, depending on factors such as the impact of the development on the road, the timing of development in relation to need for the road, and the likelihood that adjoining property will develop in a timely manner. In the case of frontage or service roads for state and federally designated highways, the entire abutting right-of-way shall be dedicated and improved to applicable construction design standards.

(c) Reservation of Right-of-Way. The City may reserve the right-of-way along a roadway designated in the City's Comprehensive Plan and its related Master Plan - Thoroughfare or successor documents to protect a transportation corridor from development. The City Engineer shall determine the alignment of reserved right-of-way based upon the Comprehensive Plan, related Master Plan - Thoroughfare, applicable engineering criteria, and the existence of a floodplain. In an area designated for a state roadway project, the Texas Department of Transportation may establish alignment.

(d) Substandard Road Improvements. Where an existing road, either within or abutting the proposed development, does not meet the City's Comprehensive Plan and related Master Plans, minimum right-of-way widths or the General Design and Construction Standards, the City shall require the property owner to dedicate the additional right-of-way for a standard width, and to improve the street according to the dimensions and specifications. In no case shall the developer's share or requirement of improvement of a substandard road for a development be less than that which results in a paved lane width of twenty-four (24.0) feet. Such minimum pavement width is hereby determined to be the minimum roadway section to allow for two-way vehicular travel.

Sec. 102-5 (e) is Sec. 102-5 (u) in current ordinance.

(e) 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

- (i) 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;
 - (ii) time table as to when developer has to deed over to the Homeowners or Property Owners Association;
 - (iii) 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;
 - (iv) 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;
 - (v) 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
 - (vi) 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.

Sec. 102-5 (f) is Sec. 102-5 (v) in current ordinance.

(f) 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.

Sec. 102-5 (g) is Sec. 102-5 (w) in current ordinance

(g) 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.

(h) Facilities Impact Studies. The City may require of the developer or the developer may offer to prepare a comprehensive traffic impact analysis, drainage study, or other public facilities study in order to assist the City in determining whether a proposed development will be supported with adequate levels of public facilities and services concurrent with the demand for the facilities created by the development. The study shall identify at a minimum the adequacy of existing facilities and the nature and extent of any deficiencies, and the improvements needed to meet the adopted level of service assuming development at the intensity proposed in the development application. The study shall be subject to approval by the City Engineer. The City also may require, at the time of approval of a subordinate development application, an update of a public facilities study approved in connection with a priority development application.

(i) Roadway Impact Fees. (Reserved)

(j) Relief from Obligations. When a developer constructs public infrastructure improvements that will benefit more than just the developer's development, it becomes necessary to establish the City's obligations to reimburse the developer's costs in financing the construction of said improvements and to establish the developer's obligation for construction thru a development agreement and or the offset of impact fees. These agreements must be approved by the City Council prior to the commencement of construction of said improvements.

Sec. 102-6. Improvement Plans and Acceptance of the Subdivision Improvements

No Master Plan or plat described in the Section 102 shall be approved by the Commission, and no permit shall be issued for construction of any improvement intended for public use or for the use of purchasers or owners of lots or tracts within the subdivision, and no improvement intended for public use shall be accepted by the City, unless such subdivision and public improvements comply with the standards and specifications in this Article.

(a) Construction Plans

Construction plans for infrastructure to be installed for a development shall be prepared by a Licensed Professional Engineer and submitted to the City. No infrastructure shall be installed of the property shall take place until and unless such plans have been received and approved by the City Engineer and a public improvement permit has been issued.

(b) Filing Time

The time required to review and process public improvement construction plans shall be a maximum of twenty-one (21) days.

(c) Construction Standards and Specifications Adopted

There are hereby adopted by reference and made a part of this Article the “General Design and Construction Standards”, which shall be controlling in design, construction, and installation of public infrastructure within the City. Said standards and specifications may be amended by the City Engineer. Amendments, if any, shall become effective on the first day of a given month so long as the amended standards and specifications manual is published in its entirety for public inspection no less than sixty (60) days prior to the effective date.

(d) Construction Plan Form and Content

Construction plans shall be prepared and submitted to the City Planner to be distributed for review. For review, the developer's engineer shall submit two (2) full sets of the proposed construction plans along with a digital copy on a CD, which shall be drawn to an engineering scale that legibly conveys all information on twenty-four (24) inch by thirty-six (36) inch sheets. Plans that are not legible will be returned to the developer's engineer with a request to revise the scale and improve its legibility. Specific information to be included on the construction plans shall include the following:

1. Proposed subdivision name and location, the name and address of the owner(s) and the name and seal of the civil engineer preparing the plans.
2. Date, approximate north arrow and graphic scale, actual datum and bench marks.
3. Vicinity map drawn at a minimum scale of one (1) inch to five hundred (500) feet.
4. Topography – For developments sized fifty (50) acres or less, contours will need to be shown at a minimum of one (1) foot intervals and indicating the direction of surface water. For developments sized greater than fifty (50) acres, contours will need to be shown at a minimum of two (2) foot intervals and indicating the direction of surface water.
5. Easements – All easements shall be clearly labeled. No trees will be permitted to remain or be planted within an easement.
6. Street system - Plan information for curb and gutter, sidewalks, crosswalks, and commercial driveways. Plan and profiles of all streets (public and private) and alleys.
7. Street drainage - All street right-of-way, widths, grades and distances shall be indicated, runoff summary shall be indicated on the outlet and inlet side of all drainage ditches and storm sewers and at all street intersections, and all drainage easements shall be indicated.
8. Water system - Plans of the sizes and types of all lines, fittings, valve boxes, and the location of fire hydrants. The plan shall show the existing mains to which the system will be connected. The City Engineer may require plan and profile of water mains.
9. Recycled (i.e. gray, reclaimed) water system – All new subdivisions south of League City Parkway and west of Hobbs Road as delineated on the most recently adopted Master Mobility Plan shall provide for such irrigation system infrastructure for all lots, common areas, and parks, whether or not such utility service is available from the utility provider at the time of initial development of the subdivision.
10. Sanitary sewer system - Plans and profile drawings of the existing and proposed sanitary infrastructure shall indicate sizes, types, flow line grades and depths and their

locations within the system.

11. Storm drainage system and detention

- (i) Prior to approval of a subdivision, a topographic map of the existing drainage conditions and a proposed drainage plan shall be submitted, which shall meet the approval of the City Engineer. An adequate drainage system, including necessary open ditches, pipes, culverts, intersection drains, drop inlets, bridges and other improvements, shall be provided for the proper drainage of all surface water. The one hundred (100) year floodplain shall be delineated based upon conditions of the projected ultimate development of the subdivision. When a drainage channel, retention/detention facility, or storm sewer is proposed, completed plans, profiles and specifications shall be submitted showing complete construction details.
- (ii) Where a subdivision is traversed by a watercourse, drainage way, natural channel or stream, there shall be provided an easement or right-of-way conforming substantially to the limit of such water course, plus an additional twenty (20) foot width to accommodate maintenance needs. Drainage easements shall be reviewed on a case-by-case basis and shall be approved by the City Engineer both as to location and width.

12. Construction pollution prevention plan - The developer's engineer shall submit a Storm Water Pollution Prevention Plan (SWPPP) with the construction plans, which shall be implemented and maintained by the developer as outlined in the approved permit throughout the duration of development construction.

13. Specifications - Use the most recent edition of the City of League City General Design and Construction Standards and generally accepted construction practices.

14. Plan detail - The plan detail sheet shall be a composite of all details which concern the above or any other details necessary to show the extent of construction of all improvements.

15. Record drawings - Upon completion of field construction, the developer shall furnish the City Engineer a digital copy of certified Record Drawings on a CD. Such record drawings shall show the actual field locations based on information provided by the developer's contractor, the City's construction inspector, and the Engineer for Record. The Engineer of Record shall also submit a certified list of permanent control monuments used for the construction of the development – inclusive of location and USGS elevations.

16. Approval - All construction plans shall be subject to approval by the City Engineer, which shall be in writing.

(e) Inspection of construction

- 1. The City Engineer or his duly authorized representative shall be required to fully inspect all phases of the construction of the improvements for subdivisions.
- 2. No sanitary sewer, water, recycled water, or storm sewer pipes shall be covered without approval of the City Engineer, or his duly authorized representative.
- 3. No flexible base material, asphalt base material, sub-grade material, or stabilization shall be applied to the street sub-grade without approval of the City Engineer, or his duly authorized representative.
- 4. No concrete or asphalt may be poured or placed to the base without approval of the City Engineer, or his duly authorized representative.

5. The City Engineer may at any time cause any construction, installation, maintenance or location of improvements to cease when, in his judgment, requirements of this Section 102 or the standards or specifications have been violated, and may require such reconstruction or other work as may be necessary to correct any such violation.
6. Should an owner/developer disagree as to the acceptability of required improvements only as it relates to the published General Design and Construction Standards, such owner/developer may, at his expense, submit such engineering tests, reports, and/or data necessary to substantiate that the improvements meet or exceed the City standards.
7. Engineering Services and Construction Inspection fees shall follow requirements noted in Ordinance 2016-23.

(f) General Design and Construction Standards

All infrastructure described in this Section 102 shall be constructed in accordance with the most recent General Design and Construction Standards and the current Fire Code adopted by City Council.

(g) Final City acceptance.

1. Upon approval by all appropriate City inspectors, the City Engineer will issue a Final Acceptance Letter for the development. 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 the following documents have been submitted and approved by the City Engineer:
 - (a) A formal Acceptance Request Letter by the Developer or his designee.
 - (b) An Engineer's Certificate of Completion. The certificate should include at a minimum the name of the development, the owner of the development, the contractors, engineering company, and a statement certifying that the Engineer provided inspection during construction. The certificate should be signed by the Engineer of Record.
 - (c) A Summary of Public Infrastructure Cost. This summary should provide construction and engineering costs for all public infrastructure installed within the development.
 - (d) A complete set of reproducible copies of Record Plans 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.

Section 102-7 in current ordinance is moved to Section 102-9.

Sec. 102-7. Subdivision Development Standards

Development standards shall meet all requirements of the City's most current Comprehensive Plan and its related Master Plans, City zoning requirements, Development Agreements, and the City's General Design and Construction Standards.

Sec. 102- ~~6~~8. Easements.
(Section 102-6 in current ordinance.)
NO CHANGES IN TEXT.

Sec. 102- ~~7~~9. Lot design requirements.
(Section 102-7 in current ordinance.)
NO CHANGES IN TEXT.

Section 102-~~8~~10-~~Improvements~~.
ENTIRE SECTION DELETED. Covered by new text and/or the General Design and Construction Standards.
Fire Prevention and Suppression. (Section 102-8 in current ordinance.)
NO CHANGES IN TEXT.

Sec. 102-~~9~~11. ~~Engineering and construction Standards~~.
ENTIRE SECTION DELETED. Covered by new text and/or the General Design and Construction Standards.
Water, wastewater and drainage systems (Section 102-9 in current ordinance.)
Text change Sections 102-9 (g)(6) and (h)(8) as follows:

- (g)(6) All future developments shall comply with the provisions and intent of the *Wastewater Master Plan* and the most recent General Design and Construction Standards ~~(1998)~~ adopted by City Council. 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)(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~~ the designed storm event.

Sec. 102-12. Tree Preservation and Provisions.
AMEND by adding a new Section (w). Sections (a) through (v) NO CHANGES in text.

(w) Street Trees Planting Locations.

- (i) Minimum Distance from Sidewalks and Curbs. Trees shall be centered in the planting strip between the sidewalk and the street curb. If centering within the planting strip is not possible or desirable due to design considerations, the tree must be located at least two feet from the sidewalk edge or the curb edge. Trees within the City rights-of-way shall not be planted where the rooting space is less than four feet (4') in width without prior approval of the City Arborist. The minimum width of a planting site for each tree will be governed by the approved street tree list. Trees that commonly produce a large-buttress root system shall be planted in a site greater than eight feet (8') wide (i.e., *Quercus* species).

Tree root barriers shall be installed when new trees are planted to prevent uncontrollable spread of tree roots that may cause damage to hardscape/infrastructure (sidewalks, driveways, storm sewers, streets). Root barriers may be either linear or surround in form, depending on the hardscape/infrastructure to be protected, and must be installed at a minimum depth of thirty inches (30").

On public streets without sidewalks, trees shall be located to accommodate future sidewalk placement and, current and future utility line corridors.

(ii) Minimum Street Tree Planting Clearances.

<u>Feature</u>	<u>Small Tree</u> <u>(up to 35' height)</u>	<u>Medium Tree</u> <u>(up to 60' height)</u>	<u>Large Tree</u> <u>(over 60' height)</u>
<u>Sidewalks</u>	<u>2 feet</u>	<u>3 feet</u>	<u>4 feet</u>
<u>Driveways</u>	<u>5 feet</u>	<u>5 feet</u>	<u>10 feet</u>
<u>Fire Hydrants</u>	<u>5 feet</u>	<u>5 feet</u>	<u>5 feet</u>
<u>Intersections</u>	<u>35 feet</u>	<u>35 feet</u>	<u>35 feet</u>
<u>Water Meters</u>	<u>5 feet</u>	<u>5 feet</u>	<u>5 feet</u>
<u>Utility Boxes</u>	<u>5 feet</u>	<u>5 feet</u>	<u>5 feet</u>
<u>Utility Poles</u>	<u>5 feet</u>	<u>10 feet</u>	<u>10 feet</u>
<u>Street Lights</u>	<u>10 feet</u>	<u>20 feet</u>	<u>30 feet</u>
<u>Stop Signs</u>	<u>35 feet</u>	<u>35 feet</u>	<u>35 feet</u>
<u>Regulatory Signs</u>	<u>Cannot block sign</u>		

Also see Chapter 98 "Shrubs and Other Vegetation at Intersections," Article III, Sections 98-111 through 98-115.

(iii) Minimum Distance from Buried Utility Lines. If buried utility lines traverse the planting strip, the following minimum distances apply:

8"-10" water and sewer line 10 feet
12"-16" water and sewer line 15 feet
18" + water and sewer line 20 feet
All other services 10 feet

(iv) Linear Spacing. Trees shall be placed an average of every thirty feet (30'). Depending on the size, species, and variety, the City Arborist may approve planting distances which may be as close as ten feet (10') and as far as forty feet (40') to fifty feet (50') based on the size and growth habit of the tree.

(v) Medians. No tree shall be planted in any median that is less than ten feet (10') in width.

(vi) *Overhead Utility Lines.* No tree with the potential of reaching a mature height of more than fifteen feet (15') shall be planted in the right-of-way under overhead wires.

Sec. 102-13. Unapproved plats and noncomplying developments.
NO CHANGES.

Sec. 102-14. Variances.
NO CHANGES.

Sec. 102-15. Fees.
NO CHANGES.

Sec. 102-16. Enforcement.
NO CHANGES.

Sec. 102-17—102-50. Reserved.
NO CHANGES.

Appendix A
ENTIRE SECTION DELETED. Covered by the General Design and Construction Standards.