

EXHIBIT A

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 *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 feet 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 ($\frac{1}{2}$ "). Divide circumference inches by 3.142 to convert to diameter inches.

City means the City of League City.

City Council means The City Council of the City of League City.

City engineer means the licensed professional engineer designated to represent the City.

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 (½").

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 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 constructed in accordance with the City's most current General Design and Construction Standards and designed or ordinarily used for pedestrian travel.

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:

- (a) 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 102-11 of this chapter.)
- (v) Wastewater overlay or plan view indicating the proposed ultimate capacity needs. (See Section 102-11 of this chapter.)
- (vi) Water main overlay or plan view indicating the proposed ultimate capacity needs. (See Section 102-11 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:
 - (i) 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 $C=I^2$). 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. 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.
- (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
 - (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;
 - (iv) time table as to when developer has to deed over to the Homeowners or Property Owners Association;
 - (v) 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;
 - (vi) 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;
 - (vii) 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
 - (viii) 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.

(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.

(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 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 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 completion 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.

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- 8. 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. 102-9. 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 $C=I^2$). 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.

Section 102-10. 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. 102-11. 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 most recent General Design and Construction Standards 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) *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 storm without overtopping its banks or eroding after development of the site in question, or without causing the flooding of structures from the designated 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. 102-12. 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

- (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.*

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

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.

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.