

HAMILTON COUNTY SUBDIVISION REGULATIONS

Adoption Date: October 9, 2018
Revised: October 30, 2018
Amended Date: April 28, 2020

**These Subdivision Regulations apply ONLY
to Subdivisions which contain lots that are 10
acres or less in size.**

FILED FOR RECORD

at _____ o'clock _____ M

APR 28 2020

Leanna Jackson
County Clerk, Hamilton Co., Texas

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I. NOTICES

Approval of a Plan by the Commissioners' Court shall not be deemed an acceptance of the proposed dedications, if any are shown thereon, and shall not impose any duty upon the County concerning maintenance or improvements of any such dedications.

No Publicly Maintained Roads. No plat submitted for consideration pursuant to these regulations may designate any new or proposed roadway as a publicly maintained road. All new or proposed roadways must be designated as a "Private Road" as defined by Section 104(20)(g) of these regulations. The sole method for any new or proposed roadway to be accepted into the Hamilton County Road Maintenance System shall be through compliance with the provisions of Chapter 251 of the Texas Transportation Code.

Private Road Requirements. Any plat submitted for consideration pursuant to these regulations, may NOT designate any Private Road or Access Easements intended to serve more than one lot shown on said plat, that do not conform with the design standards requirements (dimensions and drainage etc.) specified by these regulations.

Approval of the Preliminary Plat does not constitute acceptance of the proposed subdivision, but is merely an authorization to proceed with the preparation of the final plat, and construction of the roads, drainage features/structures and utilities. No Preliminary Plat will be filed at the County Clerk's Office.

Fee Deposit. The Subdivider shall be responsible for reimbursing Hamilton County for all out-of-pocket expenses incurred by the County related to an application filed under these regulations. An initial deposit of \$1000.00 must be tendered to the Hamilton County Clerk at the time the preliminary plat is submitted to the Commissioners Court. Such deposit shall be billed against as costs are incurred by the County, and the Subdivider and County shall collectively make arrangements for future deposit amounts based upon the facts in existence or circumstances reasonably anticipated.

No Final Plat shall be approved by the Hamilton County Commissioners Court until all out-of-pocket expenses incurred by the County have been paid in full by the Subdivider. Any amounts deposited in excess of the out-of-pocket expenses incurred by the County shall be refunded to the Subdivider once the process is complete.

These Subdivision regulations shall apply to any division of land whereby two (2) or more lots are sold within any 24 month period.

II. OWNER'S RESPONSIBILITIES

In approving this plan by the Commissioners' Court of Hamilton County, Texas, it is understood that the building of all streets, roads, and other public thoroughfares and any bridges or culverts necessary to be constructed or placed is the responsibility of the owners of the tract of land covered by this plat in accordance with the plans and specifications prescribed by the Commissioner's Court of Hamilton County, Texas. Said Commissioners' Court assumes no obligation to build or maintain any of the streets, roads, or other public thoroughfares shown on this plan or for constructing any of the bridges or drainage improvements in connection therewith. The County will assume no responsibility for drainage ways or easements in the subdivision. The County assumes no responsibility for the accuracy of representations made by other parties in this plat.

Certification of Creation of Homeowners Association. The developer shall certify the creation of a "Homeowner's Association", among whose responsibilities is the collection of dues/fees for the maintenance of the roads/streets and any "common areas".

PART 1: GENERAL PROVISIONS

101. **Title:** This law, in accordance with the authority granted by the Legislature of the State of Texas by Chapter 232 (County Regulation of Subdivisions), Texas Local Government Code, shall be known and may be cited as the Hamilton County Subdivision Regulations.
102. **Purpose:** The regulations contained herein are intended to protect the health, safety, and welfare of the citizens of Hamilton County. These regulations have been adopted to: (1) provide minimum standards by which land may be subdivided and developed for the benefit of the citizens of Hamilton County; (2) provide developers with guidance and assistance in the expedient preparation and approval of a subdivision plat; (3) prevent the citizens of Hamilton County from being burdened with substandard streets or roads, and (4) provide for the welfare of the public by providing standards for the location, design, and construction of roadways, roadway intersections, drainage improvements, and other features that provide for the safety of the general public.
103. **Plan Required:** “Plan” means a subdivision development plan, including a preliminary plat, preliminary subdivision plan, subdivision construction plan, site development plan, and final plat.
1. A Subdivision plan is required for all divisions of real property into three or more lots, which contain at least one lot that is 10 acres in size or less, and two or more of said lots are sold within any 24 month period.
 - (a) A division of a tract under this subsection includes any division, regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for deed, by using a contract of sale or other executor contract to convey, or by using any other method.
 2. When a Subdivision plan is required, no land shall be divided and sold or conveyed until the Subdivider:
 - (a) Has received approval of a Final Plat of the tract; and
 - (b) Has filed with the County Clerk, a legally approved plat for recordation in the Map Records of the County.
 3. These regulations and preceding regulations shall apply to land which has been divided on or after the adoption date of these regulations. A division of a tract referenced in this section is defined as using a metes and bounds description in a deed of conveyance or in

a contract for a deed, using a contract of sale or other executor contract, purchases option rental agreement, or using any other method to convey property.

4. **Approval of a Plan by the Commissioners' Court shall not be deemed as acceptance of the proposed dedications, if any are shown thereon, and shall not impose any duty upon the County concerning maintenance or improvements of any such dedications.**

5. Manufactured Home Rental Communities. A property developed as a manufactured home rental community and not subdivided from another tract as defined in Section 103.1 of these Regulations is not subject to the subdivision regulations established herein. However, the owner who intends to use the land for a manufactured home rental community must have an infrastructure development plan prepared that complies with the minimum standards established in the Code of Federal Regulations, Title 24: Housing and Urban Development Part 3285-- MODEL MANUFACTURED HOME INSTALLATION STANDARDS; and any applicable State Laws. This plan must be submitted to the Hamilton County Commissioner's Court prior to development of the property. A Manufactured Home Rental Community is a plot or tract of land that is separated into two or more spaces or lots that are rented, leased, or offered for rent or lease, for a term of less than 60 months without a purchase option, for the installation of manufactured homes for use and occupancy as residences.

104. **Definitions:**

1. **Block**: A parcel of land entirely surrounded by public highways, streets, streams, railway rights-of-way, parks, etc., or a combination thereof.
2. **Building or Setback Line**: A line established, in general, parallel to the front street line. No building or structure may be permitted in the area between the building line and the street right-of-way.
3. **Commissioners' Court**: The Commissioners' Court of Hamilton County, Texas.
4. **County**: Hamilton County
5. **County Judge**: The County Judge of Hamilton County
6. **County Road**: See the definition of "Road/Street".
7. **Daughter Tract**: Any of the tracts created by division of a parent tract including the remainder of the parent tract itself.
8. **Easement**: A right given by the owner of a parcel of land to another person, public agency or private corporation for specific and limited use of that parcel.

9. **Extra Territorial Jurisdiction (ETJ)**: That area outside of the incorporated city limits and within the area defined in Chapter 42, Art. 42.021 of the Texas Local Government Code. Within their ETJ, cities may enforce their subdivision regulations.
10. **Flood Plain**: That area subject to inundation by flood, having a one percent probability of occurrence in any given year, based on existing conditions of development within the watershed area.
11. **Floodway**: The channel and adjacent areas of a water course within which no obstructions to flow are allowed, so that the 100-year flood may pass without cumulatively increasing the 100-year flood plain elevation more than one (1) foot.
12. **Hamilton County Designated Representative**: A person designated by Hamilton County to evaluate OSSF sites and to design and inspect OSSF systems which are subject to TCEQ or Hamilton County approval.
13. **Homeowners Association**: A formal organization operating under recorded land agreements through which (a) each lot and/or homeowner in a specific residential area is automatically a member and (b) each lot or property interest is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as the maintenance of common property, and (c) the charge if unpaid becomes a lien against the nonpaying member's property.
14. **Lot**: Any plot of land occupied or intended to be occupied by one building or a group of buildings, and accessory buildings and uses, and having principal frontage on a street (public or private).
15. **Mobile Home/Manufactured Housing Parks**: Mobile Home Parks are those where lots or spaces are exclusively rental areas, and title or ownership of the lots or spaces is retained in the name of the original owner or developer or his assignees.
 - (a) Mobile Home Parks are not subject to these regulations except where their location or development affects an existing county road as described in a re-subdivision, and in which case the requirements of 302.4 of these regulations are applicable.
 - (b) Tracts of land or lots subdivided and sold for establishment of homes, either permanent or mobile, or both, pursuant to the provisions of Chapter 232, Local Government Code, as amended, are subject to these Subdivision Regulations. (The transfer of title of one or more lots or units, but less than the whole, of any tract will cause these Subdivision Regulations to become applicable).

16. **Parent Tract**: The original tract owned by the developer prior to any division.
17. **Plat**: A map of a tract of land which represents the plan for the development of a subdivision.
- (a) **Preliminary Plat**: A map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed development. (See Section 203 for more information)
- (b) **Final Plat**: A map of a land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications and acceptances, and with complete bearings and dimensions of all lines defining lots and blocks, streets, alleys, public areas, and other important information. (See Section 204 for more information)
- (c) **Master Plat**: A map of a proposed subdivision of land to accompany a Preliminary Plat for which the Preliminary Plat is presented on more than one sheet. (See Section 203 for more information)
18. **Re-subdivision**: The redesign of an existing subdivision, together with any changes of lot size therein or the relocation of any street lines or lot lines.
19. **Roadway**: That portion of any street or road, between curbs or shoulders, designated for vehicular traffic.
20. **Road/Street**: Any public thoroughfare which affords the principal means of access between various land use activities.
- (a) **Primary Arterial**: An expressway, freeway, or street or road whose function is the movement of traffic through the County.
- (b) **Secondary Arterial**: A primary street or road whose predominate function is the movement of traffic but which provides more access than normally associated with a primary arterial.
- (c) **Collector Street**: A street designed to serve equally the functions of access and movement. Collector streets serve as links between local streets and arterial.
- (d) **Local Street**: A neighborhood or minor street whose purpose is to provide access to abutting properties.

- (e) **Cul-de-Sac**: A local street having one end open to vehicular traffic and having one closed end terminated by a turnaround.
- (f) **Frontage or Service Road**: A collector or local street generally parallel to and adjacent to arterial streets, which provide access to abutting properties and protection from through traffic.
- (g) **Private Roads**: Roads/Streets that are **NOT** maintained with public funds.
21. **Subdivider or Developer**: Any person, partnership, firm, association, limited liability company, corporation (or combination thereof), or any officer, manager, agent, employee, servant or trustee thereof, who performs or participates in the performance of any act toward the subdivision of land, within the intent, scope and purview of these regulations.
22. **Subdivision**: A tract of land located outside the city limits of a municipality that is divided into three or more parts, including any addition, lots, or streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alleys, square, parks, or other parts. A division of a tract under this subsection includes a division regardless of whether it is made by using metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executor contract to convey, or by using any other method.
23. **Texas Commission on Environmental Quality (TCEQ)**: The TCEQ and any successor agencies. The State agency responsible for regulating water, wastewater, and storm water runoff.
24. **Third Party Consulting Firm**: A Professional Engineer or Consulting Firm retained by Hamilton County for the purpose of communicating with subdivision developers, reviewing all requirements contained in these Subdivision Regulations and making recommendations to the Commissioners Court concerning necessary action related to approval or disapproval of a Plat.
25. **Vacate**: To annul or cancel a subdivision plat, street, or easement.
26. **Variance**: A form of relief granted to a subdivider by the Commissioners Court.
(See Section 407 for additional information)

PART 2: PROCEDURES & PLATTING

201. Procedures: The procedures herein shall be followed by the Subdivider in order to secure approval of a subdivision by the Hamilton County Commissioners' Court.

201.1. Timely Approval of Plans. Plans are to be reviewed in an expeditious manner by Hamilton County, who may forward the plans to a Third Party Consulting Firm. The following are the requirements for timely approval.

- (a) All documents or other information identified on the Plan Submission Checklist (See Appendix A) of these Regulations shall be provided to the Hamilton County Commissioners' Court who may forward the documents and/or other information to the Third Party Consulting Firm for review.
- (b) If a person submits a Plan application to the Commissioners' Court that does not include all of the documentation or other information identified on the Plan Submission Checklist, the County or the Third Party Consulting Firm shall, not later than the 10th business day after the date of receipt of the Plan, notify the applicant of the missing documents or other information.
- (c) An application that contains all the documents and other information listed on the Plan Submission Checklist is considered complete and ready for review.
- (d) Acceptance by the Commissioners' Court or the Third Party Consulting Firm of a completed plan application with the documentation or other required information shall not be construed as approval of the documentation or other information.
- (e) The Commissioners' Court shall approve or disapprove a plan application not later than the 30th day after the date the completed application is received by the Commissioners' Court or Third Party Consulting Firm.
- (f) An application is considered approved by the Commissioners' Court unless the application is disapproved within that period.
- (g) The 30 day period under Subsection (e):
 - (1) May be extended for a period not to exceed 30 days if:

(A) Requested and agreed to in writing by the applicant and approved by the Commissioners' Court.

(B) Chapter 2007, Government Code, requires the county to perform a takings impact assessment in connection with the plan application: and

(2) Applies only to a decision wholly within the control of the Commissioners' Court.

(h) The Commissioners' Court or Third Party Consulting Firm shall make the determination of whether the 30 day period will be extended not later than the 20th day after the date a completed plan application is received by the County or Third Party Consulting Firm.

(i) If the Commissioners' Court fails to approve or disapprove a plan application as required by these Regulations:

(1) The Commissioners' Court shall refund the greater of the unexpended portion of any application fee or deposit or 50 percent of an application fee or deposit that has been paid;

(2) The application is granted by operation of law; and

(3) The applicant may apply to a district court in Hamilton County for a writ of mandamus to compel the Commissioners' Court to issue documents recognizing the plan application's approval.

201.2. Disapproval Requirements:

(a) If a plan application is disapproved, the Commissioners' Court or Third Party Consulting Firm shall provide the applicant with a written statement that clearly articulates the specific reasons for disapproval.

(b) Each reason specified in the written statement:

(1) must:

(A) be directly related to the requirements of these regulations; and

- (B) include a citation to the law, including a statute or order, that is the basis for the disapproval, if applicable; and
- (2) may not be arbitrary or intended to delay approval.

201.2.1 Applicant Response to Disapproval:

After disapproval of a plan application, the applicant may submit to the Commissioners' Court or Third Party Consulting Firm a written response that remedies each reason for disapproval provided. The Commissioners' Court or Third Party Consulting Firm may not establish a deadline for an applicant to submit the response.

201.2.2 Approval or Disapproval of Response:

- (a) The Commissioners' Court or Third Party Consulting Firm that receives a response shall determine whether to approve or disapprove the applicant's previously disapproved plan application not later than the 15th day after the date the response was submitted.
- (b) When the Commissioners' Court disapproves a plan application following the submission of a response, the Court:
 - (1) must comply with Section 201.2 of these Regulations; and
 - (2) may disapprove the application only for a specific reason provided to the applicant for the original application.
- (c) The Commissioners' Court or Third Party Consulting Firm that receives a response shall approve a previously disapproved plan application if the applicant's response adequately addresses each reason for the disapproval.
- (d) A previously disapproved plan application is considered approved if:
 - (1) the applicant filed a response that meets the requirements of Section 201.2.2 (c); and
 - (2) the Commissioners' Court does not disapprove the application on or before the date required in Section 201.2.2 (a) and in accordance with Section 201.1 of these Regulations.

201.2.3 Judicial Review of Disapproval: The County has the burden of providing, by clear and convincing evidence, that the disapproval meets the requirements of Subchapter A, Chapter 232, Local Government Code and applicable case law.

201.3 Concept Plan: Prior to submission of a Preliminary or Final Plat, the subdivider shall submit a Concept Plan in accordance with Sec. 202.

201.4 Preliminary Plat Approval:

- (a) Three (3) copies of the preliminary plat in accordance with Section 203 and two (2) sets of construction plans for all proposed improvements shall be provided for review and submission to the Commissioners at least 10 days prior to the meeting at which the plat is to be considered.

Fee Deposit: The Subdivider shall be responsible for reimbursing Hamilton County for all out-of-pocket expenses incurred by the County related to an application filed under these regulations. An initial deposit of \$1000.00 must be tendered to the Hamilton County Clerk at the time the preliminary plat is submitted to the Commissioners Court. Such deposit shall be billed against as costs are incurred by the County, and the Subdivider and County shall collectively make arrangements for future deposit amounts based upon the facts in existence or circumstances reasonably anticipated.

No final plat shall be approved by the Hamilton County Commissioners Court until all out-of-pocket expenses incurred by the County have been reimbursed. Any amounts deposited in excess of the out-of-pocket expenses incurred by the County shall be refunded to the Subdivider once the process is complete.

- (b) One copy of the Plat and plans as approved by the Commissioner' Court, or marked to show the changes necessary for approval, will be returned to the Subdivider.
- (c) A preliminary plat that has been reviewed by the Commissioners Court or Third Party Consulting Firm and altered at its direction will not be approved until such changes have been agreed to, in writing, by the applicant.
- (d) Approval of the preliminary plat by the Commissioners Court will indicate its approval for construction, but will not constitute approval for recording, or for the sale of property in the subdivision.

(e) Construction of proposed drainage, roads, streets, parks, utilities, etc., will be permitted upon Preliminary Plat Approval by the Commissioners' Court.

201.5 Final Plat Approval:

(a) After completion of drainage, roads, streets, alleys, parks, and other portions intended for public use, or the use of purchasers and owners of lots fronting thereon or adjacent thereto, a final plat (in accordance with Section 204) shall be prepared and five (5) copies submitted to the County or Third Party Consulting Firm (four blue prints and a Mylar). One copy of "As-Built" Construction plans will also be submitted. These shall be submitted at least ten (10) days prior to the Court meeting at which their approval is to be considered.

(b) The County or Third Party Consulting firm will review the location and layout on the ground and, if found to be in compliance with these regulations, present the final plat to the Commissioners' Court and will certify that the requirements of Chapter 232, as amended, have been complied with.

(c) **Any and all expenses incurred by the County that are associated with the platting requirements contained in these regulations must be reimbursed to Hamilton County before the Final Plat will be approved.**

(d) Upon approval by the Commissioners' Court, three (3) copies (including the Mylar) of the final plat will be returned to the Subdivider. (The County will keep one (1) copy and forward one (1) copy to the CTCOG 9-1-1 Addressing Office).

(e) Subdivider shall then file the approved plat for record with the County Clerk of Hamilton County. (One Mylar and one blue line with dedication instrument). This leaves one (1) blue print for the developer's records.

201.6 Expiration:

(a) A Preliminary Plat expires 12 months after the approval by the Commissioners' Court.

(b) If the approved Preliminary Plat defines a multi-phase subdivision, approval of a Final Plat for a phase will extend the expiration date of the Preliminary Plat for six months after the date of the Final Plat approval.

- (c) Approval of a Final Plat for each subsequent phase will continue to extend the Preliminary Plat for six months after the date of Final Plat approval.

202. Concept Plan Requirements: Prior to the submission of a preliminary plat of the subdivision of land within the jurisdiction of Hamilton County, a Subdivider shall submit a Concept Plan to the Hamilton County Commissioners' Court who may forward the Concept Plan to the Third Party Consulting Firm. The Concept Plan serves the purpose of showing intent to subdivide, and it gives the subdivider an opportunity to discuss general concepts, details, policies, laws, etc., at an early stage in the development process with the Third Party Consulting Firm and respective County Commissioner(s). Upon receiving the Concept Plan, the County shall schedule a Concept Plan Meeting with the Subdivider. The Concept Plan Meeting shall be conducted within five business days of the Concept Plan submission. Within two weeks of this meeting the County or Third Party Consulting Firm shall provide to the developer, in writing, a report regarding the proposed development and any comments or questions generated by the review process.

The Concept Plan should contain the following information for a complete evaluation:

1. The location of the tract in relation to the surrounding area.
2. The approximate location of all existing structures within the tract.
3. The names of the owners of all property adjoining the tract as disclosed by the most recent Appraisal District records.
4. All existing streets, roads, wet and dry weather water courses, and other significant physical features both within the tract and adjacent land within two hundred (200) feet of its boundaries.
5. The approximate location of proposed streets and property lines.
6. The direction of and the approximate distances to the nearest schools.
7. A north arrow and a graphic scale.
8. The direction of and the approximate distance(s) to the nearest major street intersection(s).
9. The location and size of existing and proposed utility services.

203. **Preliminary Plat Requirements:** The Subdivider shall prepare a preliminary plat and submit three (3) copies of the plat and two (2) sets of construction plans for all proposed improvements to the Commissioners Court. The plat shall be submitted at least ten (10) working days before the meeting at which the approval of the Hamilton County Commissioners' Court is to be requested. The preliminary plat will remain valid for twelve (12) months from the date of approval, after which it will be automatically null and void. See (Section 201.6 Expiration) for additional information.
The preliminary plat must show the following information:

1. **Subdivision Name:** The proposed name of the subdivision. The name must not duplicate nor be easily confused with other subdivisions located in Hamilton County.
2. **Subdivision Ownership:** The names, addresses, and telephone numbers of the owner(s) of the proposed subdivision and the name, address and telephone number of the Engineer, and/or Surveyor responsible for the preparation of the preliminary plat.
3. **Location and Boundary Lines:** The Vicinity or Project location of the proposed subdivision, together with the boundary lines and their relation to an original corner of the original survey.
4. **Lot, Block and Street Layout:** The location and width of existing and proposed streets, roads, lots, blocks, alleys, building lines, easements, parks, school sites, and any other features relating to the proposed subdivision. The plat must show the outline of adjacent properties for a distance of not less than one-hundred (100) feet and how the streets in the proposed subdivision will connect with adjacent land or with adjacent subdivisions. The acreage of the proposed subdivision must be shown on the plat.
5. **Road/Street Names and Addressing:** A copy of the plat shall be delivered to the CTCOG 9-1-1 Addressing office for a review of proposed road names and addresses. This 9-1-1 Address review shall be completed and CTCOG's written approval must be received by the Third Party Consulting Firm prior to Commissioners Court approval.
6. **Drainage:** The preliminary plat shall be accompanied with a drainage plan prepared by a Professional Engineer who is registered in the State of Texas, and in accordance with section 307 of these Regulations. The drainage plan shall consist of a drainage plan drawing(s) and a drainage study report.

6.1 **The Drainage Plan drawing(s)** must show the following information:

- a. Topography with two (2) foot contour intervals.

- b. One-hundred (100) year flood plain boundaries special flood hazard areas as defined on the most current flood plain maps provided by the Federal Emergency Management Agency (FEMA).
- c. Existing physical features of property including water courses, ravines, bridges, culverts and other drainage structures.
- d. All proposed drainage structures and features with detailed construction information including location, size and flowline elevations.
- e. Drainage easements of adequate width to convey 25-year design storm flows.
- f. Typical section of roads, drainage ditches, and other drainage features.
- g. Erosion and sedimentation control measures.

6.2 **The Drainage Study Report** shall include the following information:

- a. General description of project summarizing existing conditions and proposed improvements.
- b. Explanation of methods, procedures, and assumptions utilized in analysis, calculations, and design of drainage plan.
- c. Drainage map indicating site drainage area, relevant off-site drainage area(s), and points of site discharge.
- d. Drainage area analysis identifying acreage, soil types, vegetative cover, and average slopes of drainage areas indicated on drainage map.
- e. Drainage calculations for the computation of storm water runoff.
- f. Drainage calculations for the design of all proposed drainage features.

7. **Land Use:** Any land use restrictions encompassed in the deed restrictions shall be indicated. This information must contain the location and characteristics of any existing buildings or structures which are to remain on the proposed subdivision site.

8. **Utility Service:** The Subdivider must submit a plan for providing utility service within the proposed subdivision and must clearly present it on the Preliminary Plat or accompanying drawings. All utilities shall be constructed in accordance with section 312. Utilities of Part 3: Design Standards and Required Improvements of these Subdivision Regulations. The plan for utility service must provide the following information:
- a. Proposed water supply i.e., municipal water, rural water supply corporation, municipal utility district, privately owned water system, individual wells, etc.
 - b. All water supplies must be approved by TCEQ.
 - c. Plan and profiles of water distribution lines from a public water supply.
 - d. Verification letter of consultation with water supplier acknowledging adequacy of water supply and distribution system for public water supply or groundwater for private wells.
 - e. Proposed sewage disposal i.e., municipal sewer service, municipal utility district, privately owned/operated sewage disposal system, individual sewage facilities, etc.
 - f. If the Subdivider intends that each lot purchaser will provide on-site sewage facilities for his/her own lot, a copy of the Evaluation Letter prepared by a Licensed OSSF Installer or the Hamilton County Designate Representative must be provided. All proposed on-site sewage facilities must be in accordance with the policies and regulations adopted by Hamilton County.
 - g. Plan and profiles of sewer lines for disposal at a municipal or private sewage treatment facility.
 - h. Verification letter of consultation with sewage treatment facility (municipal or privately owned) acknowledging adequate capacity of facility and sewer system to convey and treat sewage flows from proposed Subdivision.
 - i. Layout of overhead or underground electric lines with location of power poles or junction boxes.
 - j. Verification letter of consultation with electric provider.
9. **Drawing Requirements:** The Preliminary Plat and all accompanying drawings must show the following information:
- a. Drawn on standard size sheets of 24" by 36".

- b. Drawn to scale as follows (unless otherwise approved by the Third Party Consulting Firm):
 - Preliminary Plat - 1"=100'
 - Drainage Plan – 1"=100'
 - Plan and Profiles – 1"=50' horizontal, 1"=5' vertical
- c. Title block with subdivision name, sheet name, sheet number, date, and scale
- d. North Arrow and Graphic Scale
- e. Phase boundaries and phase acreage computation if Subdivision is to be developed in phases.
- f. Topography
 - (i) Location and elevation of a permanent bench mark located in the Subdivision of a design and location approved by the Third Party Consulting Firm.
 - (ii) Preliminary Plat - five (5) foot contour intervals tied to United States Geological Survey (USGS) maps.
 - (iii) Drainage Plan and Road Plans – two (2) foot contour intervals tied to United States Geological Survey (USGS) maps or reference to source information with elevation adjustment factor to tie to bench mark noted above.
- g. Plan and Profile drawings for all proposed roads, sewer mains, and water mains as follows:
 - (i) Road/street profile - Natural and proposed grade at road centerline, flow line of drainage ditches (left and right), storm sewers, culvert crossings, and elevation at right of way line (when deemed necessary by the Third Party Consulting Firm due to variations in topography).
 - (ii) Sewer and water profile – Natural and proposed grade at pipe alignment, top and bottom of pipe, manholes, and culvert crossings. Where appropriate and at the discretion and approval of Third Party Consulting Firm, sewer and water profiles may be included on road profile.
- h. Proposed road section from right of way to right of way, including ditches, subgrade, base, and type and width of paving. (See Section 303 for minimum requirements)
- i. Master Plat of entire subdivision if Preliminary Plat is on more than one (1) sheet.
- j. Key Map if future additions are planned.

- k. All construction plans/drawings and calculations shall be sealed by a Licensed Professional Engineer licensed to practice in Texas.
10. **Subdivisions within Extraterritorial Jurisdictions:** If the location of the proposed subdivision is within the extraterritorial jurisdiction of any city or town within Hamilton County, Texas, the preliminary plat must be approved by the governing body of that jurisdiction prior to the submission of the Preliminary Plat to the Commissioners' Court. Where the subdivision lies within the jurisdiction of both Hamilton County and the town or city, the respective city requirement (s) will apply. (Note: This last sentence does not apply to the conditions that trigger requirement of a plat.)
11. **Approval Procedure:** The Commissioners' Court shall approve or disapprove a Preliminary Plat not later than the 30th day after the date the completed plan application is received by the Commissioners' Court or Third Party Consulting Firm. A Preliminary Plat is considered approved by the Commissioners' Court unless the plat is disapproved within that period.

Approval of the Preliminary Plat does not constitute acceptance of the proposed subdivision, but is merely an authorization to proceed with the preparation of the final plat, and construction of the roads, drainage features/structures and utilities. No preliminary plat will be filed at the County Clerk's Office.

204. **Final Plat Requirements:** After the preliminary plat has been approved by the Commissioners Court and prior to commencement of any construction, the Subdivider shall submit a construction schedule to the County. County staff and the Third Party Consulting Firm will perform field inspections and review construction documents throughout the construction of all improvements intended for public use. After completion of drainage, roads, streets, alleys, parks, and other portions intended for public use, or the use of purchasers and owners of lots fronting thereon or adjacent thereto, a final plat for recording shall be prepared and submitted to the Commissioner's Court and Third Party Consulting Firm. The Plat shall be submitted at least (10) business days prior to the Commissioners Court meeting at which court approval is to be requested. The final plat shall show all of the information required on the Preliminary Plat. Additionally, the Final Plat shall show the following:
1. **Location and Accuracy:** Location of lots, streets, roads, public highways, utility easements, parks, one-hundred (100) year flood plain boundaries and source of flood plain information (to the extent available), and other pertinent features must be shown with accurate dimensions in feet and decimals of feet and bearing, with length, radii and angle of all curves, and with all other information necessary to duplicate the Final Plat on the ground. The numbers of lots and blocks and the names of streets (as approved by the Third Party Consulting Firm in consultation with the CTCOG 911 addressing department) and all survey monuments and permanent bench mark shall be shown on the plat. The location of building lines on all streets, and drainage

easements, and other public rights-of-way or future rights-of-way must be shown on the Final Plat.

2. **Certification and Dedication of the Owner(s)**: Certification must be provided by the Owner as to the dedication of all streets (public or private), public highways, alleys, utility and drainage easements, parks, if any, and other land dedicated for public use forever, signed and acknowledged before a Notary Public by the Owner. This must be a separate document from the plat, but may also be included on the plat.
3. **Certificate of a Surveyor**, licensed by the State of Texas, shall be placed on the plat as follows: (or in a form acceptable to the city in an ETJ Subdivision)

“KNOW ALL MEN BY THESE PRESENTS:

THAT I, _____, do hereby certify that I prepared this plat from an on the ground survey of the land and that the corner monuments shown hereon were properly placed, under my personal supervision, in accordance with the Hamilton County Subdivision Regulations.

Seal of Licensed Surveyor

Signed

4. **Certificate of the Registered Professional Engineer** who designed the street/roads and drainage shall be placed on the plat at follows: (Or on a form acceptable to the City in an ETJ Subdivision).

“KNOW ALL MEN BY THESE PRESENTS:

THAT I, _____, do hereby certify that I prepared all drainage calculations and designed all drains, streets/roads and appurtenances in accordance with the Hamilton County Subdivision Regulations.

Seal of Design Engineer

Signed

5. **Certification of Water System:** Where water is to be provided by a public water supply, certification shall be provided by the service area entity (water supplier) that the proposed water supply and distribution system is adequate to provide water in sufficient quality, quantity, and pressure to serve the proposed subdivision. The certification may be by separate instrument, but may be noted on the plat if signed by the Servicing entity.
6. **Certification that adequate groundwater is available for the Subdivision:** If groundwater is the source of water supply for the subdivision, the developer is required to obtain certification, by a licensed professional engineer (or other professionals designated by State law) registered to practice in Texas, that adequate groundwater is available for the subdivision, according to the certification form and content as promulgated by the TCEQ. (Lack of certification that suitable and adequate groundwater is available is grounds for denial of plat approval, if groundwater is the proposed source of water). The Certification document shall be recorded as part of the dedication instrument and a note shall be placed on the plat that groundwater is to be the source of water.
7. **Certification for Waste Water:** The plan for sewage (waste water) disposal shall be shown, i.e., municipal sewer service, municipal utility district, privately owned/organized sewer disposal system, individual sewage facilities, etc. If the developer intends that each lot is to be serviced by an on- site sewage system (OSSF), a copy of the Evaluation Letter prepared by a Licenses Site Evaluator or the Hamilton County Designated Representative shall be provided. All proposed OSSF shall be in accordance with the policies and laws of Hamilton County. The Hamilton County Designated Representative is hereby designated as the final authority regarding the use of private sewage systems.
8. **Certification and approval by city:** Certification must be provided by appropriate representatives of any city having extraterritorial jurisdiction over the area in which the subdivision is located.
9. **Certificate of Approval by the Hamilton County Commissioners' Court to be shown on the plat:**

"I hereby certify this Plat was approved this _____ day of, 20____, by the Hamilton County Commissioners' Court, and may be filed for record in the Deed Records of Hamilton County by the County Clerk.

County Judge

Witness my hand this _____ day of, 20____.

" Notary Public

10. **Owners' Responsibilities:** The following plat note regarding owners' responsibilities shall appear on the plat:

OWNERS' RESPONSIBILITIES

"In approving this plat by the Commissioners' Court of Hamilton County, Texas, it is understood that the building of all streets, roads, and other public thoroughfares and any bridges or culverts necessary to be constructed or placed is the responsibility of the owners of the tract of land covered by this plat in accordance with the plans and specifications prescribed by the Commissioners' Court of Hamilton County, Texas. Said Commissioners' Court assumes no obligation to build or maintain any of the streets, roads, or other public thoroughfares shown on this plat or of constructing any of the bridges or drainage improvements in connection therewith. The County will assume no responsibility for drainage ways or easements in the subdivision. The County assumes no responsibility for the accuracy of representation by other parties in this plat.

11. **Certification of Creation of Homeowners Association:** The developer shall certify the creation of a "Homeowners's Association", among whose responsibilities is the collection of dues/fees for the maintenance of the roads/streets and any "common areas".
12. **Dedication's & Restrictions:** All roads and easements for utilities, road easements, road widening easements, and road or road widening dedications shall be created by a notarized statement executed by all property owners and any lienholder or their legal representatives. The standard format for approval by owners and lienholders of the plat restrictions and dedication of easements shall be as follows:

(a) **Owner without Lienholder:**

"STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF HAMILTON

That I, _____, sole owner (or co-owner) of the certain tract of land shown hereon and described in a deed recorded in Vol. _____, Pg. _____, of the Official Public Records of Hamilton County, Texas, do hereby join, approve, and consent to all dedications and plat note requirements shown hereon. I do hereby approve the recordation of this subdivision plat and dedicate to the public use forever any easements and roads that are shown hereon. This subdivision is to be known as _____.

Owner's Signature (Owner's Typed Name) _____

Owner's Street Address City, State and Zip Code _____

Before me, the undersigned authority, on this day personally appeared _____ known by me to be the person whose name is subscribed to the foregoing instrument. It has been acknowledged to me that he/she executed the foregoing instrument as the owner of the property described heron.

_____ Notary Public in and for the State of Texas

_____ Printed Name of Notary and Notary Stamp

_____ Date Notary Commission Expires"

(b) Owner with Lienholder:

“STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF HAMILTON

That I, _____, the lienholder of the certain tract of land shown hereon and described in a _____ (Name of document creating lien such as Deed of Trust etc.) recorded in Vol. _____, Pg. _____, of the Official Public Records of Hamilton County, Texas, do hereby join, approve, and consent to all dedications and plat note requirements shown hereon. I do hereby approve the recordation of this subdivision plat and dedicate to the public use forever any easements and roads that are shown hereon. This subdivision is to be known as _____.

Lienholder's Signature

(Lienholder's Typed Name)
Lienholder's Street Address
City, State and Zip Code

Before me, the undersigned authority, on this day personally appeared _____ known by me to be the person whose name is subscribed to the foregoing instrument. It has been acknowledged to me that he/she executed the foregoing instrument as the legal representative of the lienholder of the property described hereon.

Notary Public in and for the State of Texas

Printed Name of Notary and Notary Stamp

Date Notary Commission Expires”

13. **Utility Easements:** Easements shall be provided for existing utility lines visible on the property, and easements for proposed utility improvements shall be identified on the face of the plat. The width and location of all utility easements shall be verified with the appropriate utility provider and shall be no less than a 10 feet minimum width.

14. **Lien Free Right-of-Way:** The following statement shall appear on the plat. Any required release of liens shall be provided to the Commissioners' Court.

"All public roadways and easements as shown on this plat are free of liens."

15. **Floodplain:** The plat shall show the location of the 100- year flood plain (to the extent available) as identified on the most current Flood Insurance Rate Map (FIRM), published by the Federal Emergency Management Agency (FEMA). In addition, the plat shall show either the location of special flood hazard areas identified by the engineering study under the seal of a Licensed Professional Engineer for those water courses whose basin is larger than 640 acres or show a 100-foot building setback from the centerline of the water course.

For those subdivisions in which special flood hazard areas are identified, the placement of an elevation benchmark with the location, description, and elevation of the benchmark is required to be identified on the face of the plat. Minimum first floor elevations for buildings shall be identified on each lot containing a flood hazard area, and shall be set at least one (1) foot above the elevation of the flood plain. For those subdivisions in which there is an identified "floodway", the "floodway" shall be so noted on the plat and a notation made that no structures or improvements will be permitted in the "floodway."

16. **Area Contained in Streets:** A statement of the length of, and area contained within, street rights of way will be noted on the plat.
17. **Compliance with Federal, State and Local Laws:** The owner shall provide the County with a letter acknowledging that it is the responsibility of the owner, not the County, to assure compliance with the provisions of all applicable federal, state, and local laws and regulations relating to the environment; including (but not limited to) the Endangered Species Act, State Aquifer Regulations, and municipal watershed ordinances.
18. **Survey Ties:** Survey ties across all existing rights-of-way located adjacent to the boundary of the subdivision shall be specified. Each tie shall show the bearing and distance from a proposed property pin to an existing property pin or fence if a pin cannot be found, together with a perpendicular distance across the right-of-way.

19. **County Clerk's Approval:** The following statement shall appear on the plat:

"Filed for Record this _____ day of _____,
_____ A.D., in Cabinet _____, slide _____, plat records

Hamilton County, Texas

County Clerk

20. **Tax Certificate:** The Subdivider shall obtain a Tax Certificate from the Hamilton County Appraisal District to show that all ad valorem taxes, for both current and prior years, have been paid. In addition to the separate, usually single-paged certificate, the plat will include the following Tax Certificate:

TAX CERTIFICATE

"The Hamilton County Tax Appraisal District, the taxing authority for all taxing entities in Hamilton County, Texas, does hereby certify that there are currently no delinquent taxes due or owing on the property described by this plat.

Dated this the _____ Day of _____, A.D.
20____.

HAMILTON COUNTY TAX APPRAISAL DISTRICT

By: _____"

205. **Approval by Commissioners' Court:** After examining the Final Plat, the Commissioners' Court shall approve or disapprove it. If the plat is disapproved, it shall be returned to the Owner and the reasons for the disapproval shall be given to the Subdivider. If the Final Plat is approved by the Commissioners' Court, the Subdivider shall be responsible for the filing of proper documents and plat with the Hamilton County Clerk within six (6) months of approval. A single six-month extension may be granted by the Commissioners' Court.

206. **Vacation of a Subdivision:** Whenever any person or corporation may desire to vacate any subdivision or a part of a subdivision in which the person or corporation has an ownership interest, the party may petition the Hamilton County Commissioners' Court. The petition must contain a description of the subdivision to be vacated and the names of persons who would be affected by the action. Petitions for the vacation of a subdivision shall be submitted to the Hamilton County Clerk. The County Clerk shall publish notice of the proposed vacation in a newspaper of general circulation in Hamilton County for a period of not less than thirty (30) days prior to the public hearing at which the vacation of all or a part of a subdivision will be considered. The Commissioners' Court shall issue a written statement to the Hamilton County Clerk to vacate same, if such is its decision. (Art. 232.008 of the Local Government Code specifies procedures for the "Cancellation of Subdivision").

207. **Replatting:** Replatting of a subdivision must follow the same procedures as described in Sections 201 to 206 of these subdivision regulations, and shall be accomplished in accordance with Art. 232.009 of the Local Government Code, "Revision of Plat." (A public hearing will not be required if a public hearing for the proposed re-subdivision was conducted by a municipality in whose E.T.J. the replat takes place.)

(a) The re-subdivision, or re-platting, of a previously platted property in which ownership of 100% of the platted lots is in the name of the original owner/developer, or subsequent owner/developer, shall not be subject to the procedures specified in Section 232.009 (b), Local Government Code (Revision of Plat).

(1) The owner/developer applying for the replatting of a previously platted subdivision under this section shall provide all information required under Section 201-207 of these regulations as applicable. Additionally, the owner/developer shall show proof of ownership of 100% of the previously platted lots.

(2) Should the re-plat qualify under this section, the re-plat, with all accompanying data, shall be submitted to the Third Party Consulting Firm at least ten (10) days prior to the Commissioners' Court meeting at which it is to be considered. If all is in order, the Third Party Consulting Firm shall place the approval of the re-plat on the Commissioners' Court agenda for consideration.

208. **Amending Plats.**

1. The Hamilton County Commissioners' Court may approve an amending plat, which may be recorded and is controlling over the preceding plat without vacation of that plat, if the amending plat is signed by the applicants only and is solely for one or more of the following purposes:

(a) To correct an error in a course or distance shown on the preceding plat;

- (b) To add a course or distance that was omitted on the preceding plat;
- (c) To correct an error in a real property description shown on the preceding plat;
- (d) To indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
- (e) 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;
- (f) To correct any other type of scrivener or clerical error or omission previously approved by the Commissioners' Court including lot numbers, acreage, street names, and identification of adjacent recorded plats.
- (g) To correct an error in courses and distances of lot lines between two (2) adjacent lots if:
 - (1) Both lot owners join in the application for amending the plat;
 - (2) Neither lot is abolished;
 - (3) The amendment does not attempt to remove recorded covenants or restrictions; and
 - (4) The amendment does not have a material adverse effect on the property rights of the other owners in the plat;
- (h) To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvements on a lot line or easement;
- (i) To relocate one (1) or more lot lines between one (1) or more adjacent lots if:
 - (1) The owners of all those lots join in the application for amending the plat;
 - (2) The amendment does not attempt to remove recorded covenants or restrictions; and
 - (3) The amendment does not increase the number of lots.
- (j) The relocation or abandonment of a utility or drainage easement that is not required by the utility companies serving the development, or for the conveyance of storm water runoff from the development.

2. Notice, a hearing, and the approval of other lot owners are not required for the approval and issuance of an amending plat.

PART 3: DESIGN STANDARDS AND REQUIRED IMPROVEMENTS

301. Lots and Easements: All plats submitted for approval in Hamilton County must clearly show the location of all lots, streets, roads, and utility easements, drawn to scale, together with accurate dimensions in feet and decimals of feet with bearings, curve data, and other information necessary to duplicate the subdivision as it will be constructed. All streets will be named and lots and blocks numbered or lettered. Minimum lot sizes will be five (5) acres (or in accordance with the minimum requirements established by a municipality when in an ETJ). Building set-back lines shall be shown on the plat and shall conform to the specifications in 301.1 below. Utility easements must be located and dedicated in widths sufficient to serve the subdivision and shall be a minimum width of 10 feet. (The location and size of utility easements shall be reviewed and approved by the servicing electric, water, and telephone utility companies and proof of approval shall be in writing.)

301.1 Building Setback Lines: Building setback lines shall be established as follows in accordance with Chapter 233, Local Government Code.

- (a) The front Setback line on major highways and roads shall be fifty (50') feet from the edge of the right of way.
- (b) The front Setback line on all public roads other than major highways and roads shall be twenty-five (25') feet from the edge of right of way, except in the turn-around portion of cul-de-sacs, where the minimum setback is fifteen (15') feet from the edge of right of way.
- (c) The following roads are designated as major highways and roads:
 - (1) All roads maintained by the Texas Department of Transportation.
 - (2) In the E.T.J., the City's setback line requirements will prevail.

302. Streets:

1. **Design of Improvements:** All improvements shall be designed according to generally accepted engineering standards subject to the approval of the Commissioners Court.
2. **Iron Markers:** All lot corners, street right-of-way lines, and utility easement boundaries shall be marked with iron pins or iron pipes driven into the ground and protected during construction.

3. **Interior Streets:** Streets within the subdivision shall be constructed by the developer.
4. **Perimeter Streets:** Where the subdivision fronts a County road, the Commissioners' Court shall determine the minimum right-of-way width which shall be necessary. This right-of-way requirement may be as wide as 120 feet if the County road is a potential major artery. Where the subdivision fronts on one side of a County road, adequate right-of-way shall be as prescribed by the Commissioners' Court. In cases where the development fronts on both sides of an existing County road, right-of-way for the total prescribed width shall be provided. Any improvements proposed by the developer for existing County roads shall be:
 - (a) Made according to the minimum regulations for streets and roads.
 - (b) Approved by the Commissioners' Court in writing prior to the construction of improvements.
 - (c) Equal to, or better than, the existing road, in the sole judgment of the Commissioners' Court of Hamilton County.
5. The County shall require an internal street system that minimizes road cuts to existing County or other public roadways.

303. **Minimum Requirements - Local and Collector Streets:** Minimum road design standards are dependent upon the character or nature of the subdivision as evidenced by lot area and lot density. Subdivisions developed within the E.T.J. of an incorporated city shall abide by the subdivision regulations of that city. For subdivisions outside the E.T.J., or where a city determines that its regulations do not apply, the following standards for local and collector streets shall be followed:

1. **Urban or Rural:**

To determine whether a subdivision of land is "rural" or "urban" in character, the following criteria will be evaluated:

<u>CHARACTERISTICS</u>	<u>URBAN</u>	<u>RURAL</u>
Lot area	1.0 ac or less	> 1.0 ac
Avg. Gross Density	< 1.0 ac/lot	> 1.0 ac/lot

NOTE: Average gross density is determined by dividing the developed acreage (including streets and common areas) by the number of lots.

2. Local Road/Street:

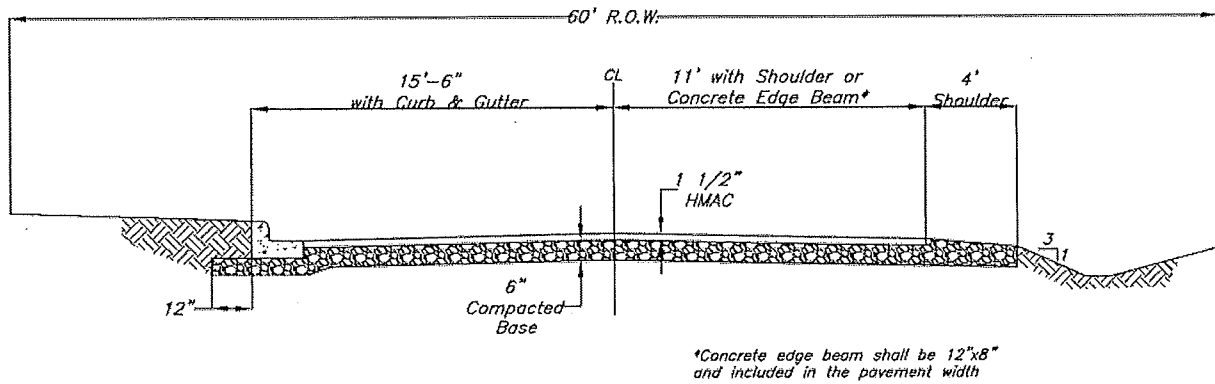
CHARACTERISTICS	URBAN	RURAL
Max. cul-de-sac road length	1500 ft.	1500 ft.
Pavement and Non-Pavement	22' width, 1 ½" HMAC	20' width 1 ½ HMAC or 2-course surface treatment
Right of Way	60ft. (Min)	60ft. (Min)
Shoulder/Edge	4 ft. Compacted base or 12"X 8" concrete edge beam	4 ft. compacted base
Curb & Gutter*	optional	optional

***NOTE:** If curb and gutter is installed, the minimum width, back of curb to back of curb, is 31 feet.

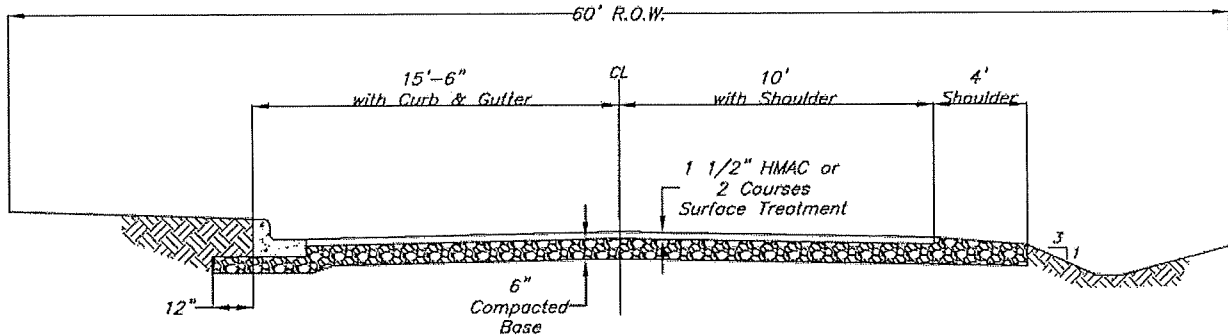
Minimum Design Speed	30 MPH	30 MPH
Minimum Compacted Depth of Base	6 inches	6 inches
Maximum Allowable Grade	12%	12%
Min. Intersection Curve Radii	15' with c&g 20' w/o c&g	15' with c&g 20' w/o c&g
Max. Number of Lots Served by Street	50	50
Maximum Ditch Foreslope	3:1	3:1

(Whether a road is classified as Local or Collector will depend NOT only on the number of lots served by the Subdivision under consideration, but will also depend on the potential for development of land adjacent to the subdivision.)

FIGURE 1: TYPICAL SECTIONS FOR LOCAL ROAD/STREET



TYPICAL SECTION
URBAN LOCAL ROAD/STREET



TYPICAL SECTION
RURAL LOCAL ROAD/STREET

3. Collector Road/Street

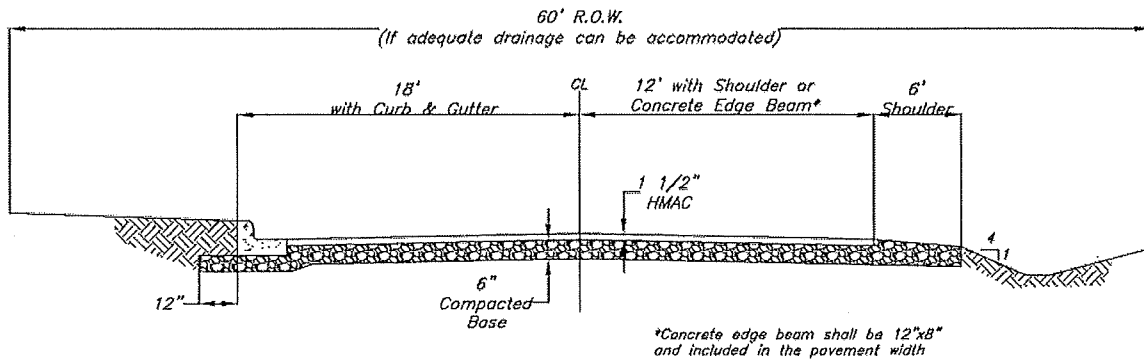
CHARACTERISTICS	URBAN	RURAL
Pavement and Non-Pavement	24' width 1.5" HMAC	24' width 1.5" HMAC Or 2-crs surf txt.
Right of Way	60 ft. min. **	60 ft. min. **
Shoulder/Edge	6ft. Compacted base or 12"X8" Concrete edge beam (See note *)	6 ft. Compacted base
Curb and Gutter (C&G) Req'd. *	no (optional)	no (optional)
Minimum Design Speed	40 mph	40 mph
Minimum Compacted Depth of Base	6"	6"
Maximum Allowable Grade	9%	9%
Minimum Intersection Curve Radii	20 ft.	20ft.
Maximum Ditch Foreslope	4:1	4:1

* **NOTE:** If curb and gutter is installed, the minimum width, back of curb to back of curb, is 36 feet.

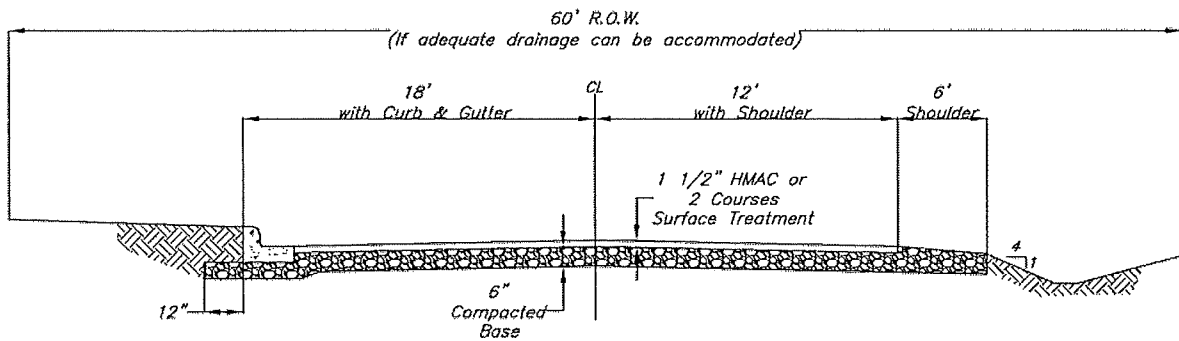
NOTE: Concrete edge beam shall be built with 2 ea. 3/8" Rebar and with 1/2"x 24" smooth dowels at construction joints, 40' max. spacing. All Curb & Gutter and Edge Beam shall be constructed with a minimum of 4" compacted base beneath and extending 1' back of the curb or beam. The concrete edge beams are included in the pavement width.

** If adequate drainage can be accommodated within the 60ft. right of way.

FIGURE 2: TYPICAL SECTIONS FOR COLLECTOR ROAD/STREET



TYPICAL SECTION
URBAN COLLECTOR ROAD/STREET



TYPICAL SECTION
RURAL COLLECTOR ROAD/STREET

4. **Arterial Streets:** The design parameters for arterial roads and streets shall be determined on a case by case basis, taking into account all relevant factors. The ultimate design will be that which is approved by the Commissioners' Court.
- (a) Residential lots shall not be platted fronting proposed arterials.
 - (b) The platting of residential lots fronting existing roads that are maintained by TXDOT is discouraged, and will not be approved unless extenuating circumstances preclude the construction of an interior street in the development. Where it can be shown that no alternative exists, lots may be platted so as to maintain a minimum 150 feet between driveway openings. The minimum building setback shall be established at 50 feet. (Final approval of all driveway locations rests with TXDOT. Because of sight distance, some locations may not be approved for construction of a driveway.)
5. **Cross Streets and Dead End Streets:** Cross streets shall be provided at a maximum spacing of 1,500 feet to facilitate the movement of emergency vehicles, except when such streets are impractical because of unusual terrain, streams, cliffs, or barriers (railroads), and only as approved by the Third Party Consulting Firm and according to a variance granted by the County Commissioners Court. The measurement of cross street spacing shall be the distance between the centerline intersections of each cross street.
- Dead end streets, that may subsequently be developed may remain as dead end streets but the right of way shall be extended to the subdivision property line. Means for adequate temporary emergency vehicle turnaround shall be provided and as approved by the Third Party Consulting Firm. The temporary emergency vehicle turnaround shall include temporary access easements as required by the Third Party Consulting Firm.
- Dead end streets that will remain as dead- end streets shall end on a cul-de-sac with a minimum right of way of 60-foot radius, and a pavement width of a 50-foot radius or a design alternative as approved by the Third Party Consulting Firm.

304. **Soils Testing:** The construction standards established for roads in Hamilton County by Section 303 of these regulations are minimums, and will only be applicable to construction of roads for certain subgrade and drainage conditions. The Subdivider or his engineer shall contract with a certified soils laboratory to conduct sufficient testing of the natural, in place soils to determine the minimum street/pavement design for a particular set of roads in a proposed subdivision. One copy of the report from the soils laboratory shall be furnished to the county or Third Party Consulting Firm, said report to be signed and sealed by a registered Professional Engineer, registered in the State of Texas. This recommended street/pavement design will take into account the existing soil conditions as well as expected traffic conditions for a twenty

(20) year design life. Traffic loads shall be computed using methods outlined in the TXDOT Pavement Manual utilizing an Equivalent Single Axle Load (ESAL) of 18,000 pounds.

305. **Signs & Traffic Control Devices:** In addition to construction of all roads in accordance with Hamilton County established standards, any and all traffic control and street name signs will be paid for by the Subdivider prior to final plat approval. Also requirements for guard rail, reflective markers or delineators will be paid for by the developer.
306. **Right of Way:** The minimum right of way indicated in Section 303, of these regulations shall be considered adequate for streets with curb and gutter (most conditions) and streets without curb and gutter under ideal conditions. The minimum acceptable right- of-way on all streets and roads will be dependent upon the width of pavement, shoulders, drainage ditches, and the amounts of cut or fill involved in the design.
307. **Drainage:**
1. **General:**
 - a. Drainage facilities shall be provided and constructed by the Developer in accordance with the requirements of this section.
 - b. The Subdivider shall incur the cost of all drainage improvements connected with the development of the Subdivision and acceptance of current upstream flows necessary to safely and adequately drain the Subdivision, including any necessary off-site channels or storm sewers and acquisition of any required easements.
 - c. Drainage systems must be designed and constructed to promote the health, safety, and welfare of the property owner and the public.
 - d. Adequate provision must be made for the collection, conveyance, and discharge of storm water runoff drainage onto, through and originating within the Subdivision.
 - e. Storm water must be discharged in an acceptable form and at a controlled rate so as not to endanger human life or public or private property.

2. **Design Methods:**

Storm water runoff shall be calculated using the following design methods based on drainage area:

<u>Design Method</u>	<u>Drainage Area</u>
Rational Method	0-200 acres
Modified Rational Method	0-200 acres
Unit Hydrograph (SCS)	Any size
Unit Hydrograph (Snyder's)	1 acre and larger

Other design methods may be used with prior approval by Third Party Consulting Firm.

3. Drainage Calculations:

- a. Rainfall data used for hydrologic calculations shall be based on the most recent published values for Hamilton County provided by the National Oceanic and Atmospheric Association (NOAA). At the current time the most recent NOAA publication of rainfall data for Texas is dated September 27, 2018.
- b. For the Rational Method, rainfall intensity-duration-frequency (IDF) coefficients shall be based on the most recent published values for Hamilton County provided by TXDOT. At the current time the most recent TXDOT publication of rainfall IDF coefficients is dated August 31, 2015.
- c. For the SCS Unit Hydrograph method, a Type II rainfall distribution shall be used as defined in the NRCS TR-55 for Hamilton County.
- d. Storm water runoff shall be computed assuming current conditions for upstream drainage area and fully developed conditions for the Subdivision.
- e. Storm water runoff calculations shall include computation of time of concentration and weighted runoff coefficients or curve numbers where applicable.
- f. Drainage calculations shall be provided for the design of all drainage conveyance structures and shall identify all design parameters such as inlet/outlet control, roughness coefficient, design discharge, capacity discharge, headwater/tailwater depth, and discharge velocity.
- g. Drainage calculations shall be provided for the design of storm water detention facilities and shall include peak inflow rate, storage volume, and peak outlet discharge for each of the design storms. Additionally, pond stage-storage data and outlet structure stage-discharge data shall be provided.

4. Design Criteria:

- a. Drainage Conveyance - Drainage facilities shall be designed for the design storm and design criteria/allowable encroachment as outlined below:

<u>Structure/Feature</u>	<u>Design Storm</u>	<u>Design Criteria/Allowable Encroachment</u>
Residential Streets w/ c&g	10 Year	Curb depth or maximum of 6" at gutter
Collector Streets w/ c&g	10 Year	One half of driving lane
Arterial Streets w/ c&g	25 Year	One half of driving lane
Closed Storm Sewer	10 Year	Storm event conveyed within pipe
Roadway Cross Culverts	25 Year	Minimum 24" culvert
Driveway Culverts	10 Year	Minimum 18" culvert
Roadside Ditch/Swale	10 Year	Min. 12" depth, min. 0.5% grade
Cross Lot Swale	25 Year	Min. bottom width 2', min. 1.0% grade
Major Improved Channels	100 Year	As designated by Third Party Consulting Firm

- b. Storm Water Detention - Drainage facilities such as detention ponds equipped with outlet structures shall be designed to control the discharge of storm water runoff from the subdivision to a rate no greater than when the property was in its undeveloped condition for the 2, 10, 25, 50, and 100 year storm events.

- c. Incentive for Lots Larger than Five Acres – If all lots in a Subdivision are larger than five acres and restricted by plat note limiting development to one single family residence per lot, requirements for storm water detention may be waived at the discretion of the Third Party Consulting Firm.

5. Provisions:

a. Easements

- (i) The 100-year storm must be contained within the street Right-of-Way.
- (ii) Drainage easements of width to accommodate 25- year flows and no less than 20 feet shall be provided where drainage facilities with a 25-year or less design capacity discharge outside of the Right-of-Way.
- (iii) Drainage easements of width to accommodate 100- year flows and no less than 20 feet shall be provided where major improved channels and detention pond outlets discharge outside of the Right-of-Way.
- (iv) Any necessary off-site drainage facilities which are required to be within easements must have a separate instrument easement filed in the Hamilton County Clerk and Recorder's Office.

b. Erosion & Sedimentation Control

- (i) Temporary Erosion & Sedimentation Controls shall be provided during construction to reduce erosion and the discharge of sediment off-site.
- (ii) Energy dissipation devices such as rock rip-rap aprons shall be designed and constructed at the outfall of all detention pond outlets to reduce discharge velocities and prevent erosion.

c. Maintenance

- (i) The maintenance of all drainage facilities is the responsibility of the property owner or the Homeowners' or Property Owners' Association.
- (ii) All grassed swales and detention ponds should be maintained in a mowed condition and routinely cleared of rubbish or debris.
- (iii) Storm sewers, culverts, and other closed systems shall be periodically cleaned.

- 6. **Warning Devices:** The Commissioners' Court may require gates and/or warning devices at all road crossings where the 100-year frequency flow (or lesser flow) is anticipated to flow over the road surface. Such devices, if required, will be installed by the developer and maintained by the property owners or home owners association.

308. Subgrade:

- 1. Roads and streets shall be constructed and conform to the requirements of the Texas Department of Transportation Standard Specification for Construction of Highways, Streets, and Bridges.
- 2. Subgrades shall be constructed and finished with a minimum density of 95% of standard proctor (ASTM D698) for in place materials or as specified in the pavement report prepared by a soils lab. Moisture shall be maintained within +/- 2% of

optimum for materials with a liquid limit (LL) = 50 or below. If LL>50, moisture shall be at or above optimum.

3. Test reports showing density compliance, from a certified testing laboratory, shall be submitted to the Third Party Consulting Firm. Minimum tests made and submitted shall be one for each 500 linear feet of roadway crown surface with a minimum of one report per project, street or road. Such tests shall be conducted by and at the expense of the owner.
4. The subgrade shall be inspected and approved in writing by the County or its designated representative prior to the placement of any base on subject grade.

309. Base Material:

1. All roads and streets shall receive base material in the minimum amounts shown in paragraph 303 of these regulations or as specified in the pavement report prepared by a soils lab.
2. Subgrade must be approved in writing before the placement of any base material.
3. Roadway base material shall conform to the requirements of the Texas Department of Transportation Department Item 247, Type A, Grade 2 flexible Base.

<u>Retained on Square Sieve (%)</u>	<u>Sieve</u>
0-10	1-3/4"
45-75	# 4
60-85	# 40

Max. Liquid Limit (L.L.) = 40
Max. Plasticity Index (P.I.) = 10
Triaxial Class: 1 to 2.3

(NOTE: Tests certifying that the base material meets these specifications shall all be submitted prior to application of the material to the subgrade.)

4. Construction Methods: Crushed stone flexible base material shall be placed in uniform courses with the compacted thickness of a course to be no more than 6 inches or less than 3 inches. The material shall be dumped, spread, mixed, windrowed, watered, and other operations necessary to produce a uniformly blended

mixture of the desired course thickness, moisture condition, and gradation. Shaping of the blended mixture to the required grade and line shall follow the mixing procedure and precede the compaction. Compaction of each course of crushed stone flexible base material shall be accomplished by suitable equipment to obtain a minimum density of 95% of ASTM D1557 (Modified Proctor). Moisture content shall be maintained near (+/-2%) optimum during compaction. Soft spots that develop during compaction will be removed and replaced to the required density. Areas that show evidence of segregation shall be replaced before the compaction of the course is completed. The same procedures shall be used in the construction of each course.

5. Test reports from a certified testing laboratory, showing base material compliance, shall be submitted to the County or Third Party Consulting Firm. Minimum tests made and submitted shall be one for each 500 linear feet of base material placed, with a minimum of one per project, street or road. Such tests shall be made by and at the expense of the owner.
6. Compliance test reports shall be submitted prior to request for inspection of completed base.
7. Completed base shall be inspected and approved in writing by the County or Third Party Consulting Firm prior to placement of any pavement.

310. Surface Treatments: Road surface treatments may be either Pavement or Non-Pavement

For paved road treatments, all roads and streets shall be paved with one of the following three types and shall conform to the requirements for the respective type used.

1. **Concrete Pavement:** Concrete pavement shall have a minimum thickness of 6" and a minimum compressive strength of 3,000 lbs. at 28 days. When concrete pavement is to be used, a complete design of the pavement, including but not limited to all materials, joints, reinforcing, and construction methods, procedures, and designs, shall be submitted to the County for approval. Approval shall be in writing before construction commences.
2. **Hot Mix Asphaltic Concrete Pavement:** Compacted depth of hot mix asphaltic pavement shall be a minimum of 1 ½ inches. Asphaltic concrete shall conform to the requirements of the TXDOT Item 340, Hot Mix Asphaltic Concrete Pavement, Class A Type D. Hot Mix asphaltic concrete pavement shall not be placed when general weather conditions, in the opinion of the Third Party Consulting Firm, are not suitable. Test reports from a certified testing laboratory, showing material compliance, shall be submitted to the County. Minimum tests made and submitted shall be one for each day production, or one per 1,000 tons placed, whichever is least,

with a minimum of one per project. Such tests shall be made by and at the expense of the owner. Additional tests may be required. Construction methods shall conform to Item 340.6 to include installation of a Prime Coat.

3. **Surface Treatment Pavement:** Surface treatment pavement shall consist of a minimum of a prime coat and two-course surface treatment. Surface treatment type pavement shall not be applied when the air temperature is below 60°F. and falling, but it may be applied when the air temperature is 50°F. and rising. Surface treatment will not be applied when the temperature of the roadway surface is below 60°F.

All work shall conform to requirements of the TXDOT Item 310 for Prime Coats and Item 302 for aggregate and Item 316 for Surface Treatments. The type and grade of all asphaltic material and aggregate shall be approved by the County prior to application. Variations in asphaltic materials may be required due to various conditions. Certified reports showing the type, grade, and quantities of asphaltic material and aggregates used must be furnished to the Third Party Consulting Firm.

- (a) **Prime Coat:** Prime coat asphaltic material shall be applied at a minimum rate of 0.25 gallons per square yard and not to exceed 0.35 gallons per square yard.
- (b) **Surface Treatment:** Surface treatment asphaltic material shall be applied at a minimum rate of 0.3 gallons per square yard. The total asphaltic material for both the prime and surface course shall be not less than 0.6 gallons per square yard.
- (c) **Cover Aggregates:** Approved aggregate, complying with the TXDOT Item 302, Types A OR B, Grade 4 for cover material shall be applied at a rate as determined by design methods outlined in the TXDOT Seal Coat and Surface Treatment Manual.

311. **Mailboxes:** For purposes of public safety, the County encourages the use of clustered or community mail facilities whenever possible to reduce collision hazards

1. Mailboxes shall be set at least one (1') foot back from the curb on curb and gutter streets.
2. Mailboxes shall be set at least two (2') feet, but no further than three feet back from the edge of pavement or non-pavement surface treatment on all other subdivision roads.
3. All mailboxes within County rights of way shall meet current TXDOT Standards if the speed limit on the County road is more than 40 miles per hour. Mailboxes in subdivisions with speed limits at or below 40 miles per hour must meet U.S. Post Office requirements, and must be placed in a manner that does not interfere with the

efficient movement of traffic or with visibility from driveways, side streets, and other access points.

4. All mailboxes along collector and arterial roads (see 301.1) shall be of a “break-away” type design meeting current TXDOT standards

PART 4: ADMINISTRATION

401. **Responsibility for Administration:** It will be the responsibility of the Hamilton County Commissioner’s Court to serve as administrative officer for purposes of this Law.
402. **Appeals:** A person aggrieved by an action or decision of the Commissioner’s Court pertaining to this Law may, within thirty (30) days of the date of the notice of the action or decision, appeal same to the Hamilton County Commissioners’ Court. These appeals are not exclusive but are cumulative of any other remedies at law or in equity.
403. **Amendments:** The Hamilton County Commissioners’ Court may, from time to time, adopt and amend these regulations, and the rules, procedures, and policies associated with this Law.
404. **Validity and Repeal:** If any part, section, paragraph, clause, provision, or portion of this Law is held to be invalid or unconstitutional by a court of competent jurisdiction, such a holding will not affect any other part, section, paragraph, clause, provision, or portion of this Law. All ordinances or parts of ordinances of Hamilton County in conflict with this Law are hereby repealed.
405. **Enforcement and Penalties:**
 1. Section 232.005 of the Texas Local Government Code provides for the enforcement of the state subdivision laws and of these Regulations.
 2. A person commits an offense if the person knowingly or intentionally, directly or as a party, violates a requirement of these Regulations, including appendices.
 3. Besides prosecuting a criminal complaint, the County Attorney may file a civil action in a court of competent jurisdiction to enjoin any violation or threatened violation of these Regulations, or to recover damages.
 4. A tract that has been subdivided without compliance with these Regulations will be ineligible to obtain a permit for the construction or modification to an on-site Sewage Facility located on the tract.

406. **Filing Fees:** An appropriate Filing Fee, as determined by the County Clerk and approved by Commissioners' Court, shall be paid to the County Clerk at the time a plat is filed for record.

407. **Variances:**

1. The Commissioners' Court of Hamilton County shall have the authority to grant variances from these Regulations when the public interest or the requirements of justice demand relaxation of the strict requirements of the rules, as the laws of the United States and the State of Texas permit.
2. Any person who wishes to receive a variance should apply to a member of the Hamilton County Commissioner's Court for placement of the matter on the agenda of the Court.
3. The decision of the Court to grant or deny a variance shall be final. The Commissioner's Court may seek a recommendation from a Third Party Consulting Firm when considering a variance.
4. A variance may be granted on the basis of the following criteria:
 - (a) The grant of a variance is not simply a matter of convenience or expedience but is founded on the principles of reasonableness and substantial justice;
 - (b) The subdivider offers evidence that the variance will not be detrimental to the health, safety and general welfare of real property in Hamilton County; and
 - (c) The existence of circumstances or conditions affecting the property in such a manner that strict application of these regulations would deprive the subdivider of the reasonable use of that property.

APPENDIX A

PLAN SUBMISSION CHECKLISTS

SUBDIVISION NAME: _____

DATE INFORMATION RECEIVED BY COUNTY: _____

Preliminary Plat Requirements: includes all documents/reports/tests/certifications, etc. described in each section of these Regulations sited below.

- | | | |
|-------|--------------------|---|
| _____ | Section 103.3 | Description by metes and bounds |
| _____ | Section 201.4(a) | \$1000.00 fee paid to County |
| _____ | Section 203 | Three (3) copies of plat & two (2) sets of construction plans |
| _____ | Section 203.1 | Name of Subdivision |
| _____ | Section 203.2 | Name, address and telephone number of Owner(s) of proposed subdivision |
| _____ | Section 203.2 | Name, address and telephone number of the Professional Engineer and/or Surveyor responsible for the preparation of the preliminary plat |
| _____ | Section 203.3 | Location and Boundary Lines Map |
| _____ | Section 203.4 | Lot, Block and Street Layout information |
| _____ | Section 203.5 | Road/Street Names and Addressing |
| _____ | Section 203.5 | 911 Addressing Approval from CTCOG |
| _____ | Section 203.6 | Drainage Plan |
| _____ | Section 203.6.1(a) | Topography with 2 foot contour intervals |
| _____ | Section 203.6.1(b) | 100 year flood plain boundaries |
| _____ | Section 203.6.1(c) | Existing physical features of property |
| _____ | Section 203.6.1(d) | All proposed drainage structures and features |
| _____ | Section 203.6.1(e) | Drainage easements |
| _____ | Section 203.6.1(f) | Typical sections |

_____	Section 203.6.1(g)	Erosion and sedimentation control measures
_____	Section 203.6.2(a)	General description of project
_____	Section 203.6.2(b)	Explanation of methods, procedures, and assumptions
_____	Section 203.6.2(c)	Drainage map
_____	Section 203.6.2(d)	Drainage area analysis
_____	Section 203.6.2(e)	Drainage calculations---storm water runoff
_____	Section 203.6.2(f)	Drainage calculations—all drainage features
_____	Section 203.7	Land Use Restrictions in Deed restrictions
_____	Section 203.7	Location and characteristics of any existing buildings or structures which are to remain on the proposed subdivision site.
_____	Section 203.8	Utility Services Plan
_____	Section 203.8(a)	Proposed water supply
_____	Section 203.8(b)	TCEQ approval of all water supplies
_____	Section 203.8(c)	Plan and profile of water distribution lines
_____	Section 203.8(d)	Verification letter of consultation with water supplier
_____	Section 203.8(e)	Proposed sewage disposal
_____	Section 203.8(f)	Evaluation letter
_____	Section 203.8(g)	Plan and profiles of sewer lines
_____	Section 203.8(h)	Verification letter of consultation with sewage treatment Facility
_____	Section 203.8(i)	Layout of electric lines
_____	Section 203.8(j)	Verification letter of consultation with electric provider
_____	Section 203.9(a)	Plat drawn on 24" X 36" sheets
_____	Section 203.9(b)	Drawn to scale
_____	Section 203.9(c)	Title block

_____	Section 203.9(d)	North Arrow and Graphic Scale
_____	Section 203.9(e)	Phased boundaries and acreage computation (if applicable)
_____	Section 203.9(f)(i)	Location and elevation of permanent bench mark
_____	Section 203.9(f)(ii)	Five (5) foot contour intervals
_____	Section 203.9(f)(iii)	Drainage and Road Plans
_____	Section 203.9(g)(i)	Road/Street profile
_____	Section 203.9(g)(ii)	Sewer and water profile
_____	Section 203.9(h)	Proposed road section
_____	Section 203.9(i)	Master plat of entire Subdivision (if applicable)
_____	Section 203.9(j)	Key map (if applicable)
_____	Section 203.9(h)	Required Seals by a Licensed Professional Engineer licensed in Texas
_____	Section 203.10	City Approval Certification (if in E.T.J.)

Checked by: _____ Date: _____

If Final Plat is being presented, see this page.

PLAN SUBMISSION CHECKLIST

SUBDIVISION NAME: _____

DATE INFORMATION RECEIVED BY COUNTY: _____

Additional Final Plat Requirements:

- _____ Section 201.5 Five (5) copies of final plat (four paper copies and one Mylar)
- _____ Section 201.5 One (1) copy of "As-Built" Construction Plans
- _____ Section 204.1 Location of lots, streets, roads, public highways, utility easements, parks, one-hundred year (100) flood plain boundaries, and other pertinent features with accurate dimensions.
- _____ Section 204.1 Lot and block numbers
- _____ Section 204.1 Street Names
- _____ Section 204.1 Location of building lines on all streets, and drainage easements, and other public rights-of-way or future rights-of-way
- _____ Section 204.1 All survey monuments (pin) and bench mark(s)
- _____ Section 204.2 Dedication instruments
- _____ Section 204.3 Certificate of Surveyor
- _____ Section 204.4 Certificate of Registered Professional Engineer
- _____ Section 204.5 Certification of Water Supply and Supplier
- _____ Section 204.6 Certification of adequate Groundwater availability (if groundwater is the source of supply)
- _____ Section 204.7 Certification for Waste Water Disposal System
- _____ Section 204.8 Certification and approval by City (if applicable)
- _____ Section 204.9 Certification of Approval by the Hamilton County Commissioners' Court shown on the Plat
- _____ Section 204.10 Owners Responsibilities Note shown on Plat
- _____ Section 204.11 Certification of Homeowners Association
- _____ Section 204.12 Plat restrictions and dedication of roads and easements
- _____ Section 204.13 Utility Easements with Approval letters from Utility providers
- _____ Section 204.14 Lien Free Right-of-Way statement and release of liens
- _____ Section 204.15 100 year Floodplain marked (to the extent available)
- _____ Section 204.15 Location of special flood hazard areas with elevation benchmark placement location and description.
- _____ Section 204.15 "No structures or improvements will be permitted in the floodway" statement on plat. (if applicable)
- _____ Section 204.16 Area contained in Streets statement on plat
- _____ Section 204.17 Compliance with Federal, State and Local laws letter
- _____ Section 204.18 Survey ties specified
- _____ Section 204.19 County Clerk's Approval statement on plat
- _____ Section 204.20 Tax Certificate (plat certificate and individual document)
- _____ Section 301 Lots and Easements
- _____ Section 301.1 Building Setback Lines

_____	Section 302	Streets and Drainage
_____	Section 304	Soil Testing Results (Subgrade)
_____	Section 307	Certification of Drainage Calculations and Design
_____	Section 308	Subgrade Compliance Test Reports
_____	Section 309	Base Material Compliance Test Reports
_____	Section 310	Surface Treatment Compliance Test Reports
_____	Section 311	Mailbox Placement Approval by U.S. Postal Service
_____	All Required Seals and Certifications	

Checked by

Date

Developer Phone # _____

Developer Address _____

A Preliminary Plat and/or Final Plat application submitted to the Commissioners' Court will be considered "incomplete" until all of the associated documents and other information identified on the Plan Submission Checklists are provided.

For purposes of Section 201.1 (e) of these Regulations, an application that contains all the documents and other information listed on the Plan Submission Checklists is considered complete and ready for review.