

HAMILTON COUNTY SUBDIVISION REGULATIONS

Adoption Date: October 9, 2018

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I. NOTICES

Approval of a Plat 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(17)(g) of these regulations. The sole method for any new or proposed roadway to be accepted into the Hamilton County Road Maintenance Inventory shall be through compliance with the provisions of Chapter 251 of the Texas Transportation Code.

Private Road Requirements. No plat submitted for consideration pursuant to these regulations, may designate any Private Road or Access Easements intended to serve more than one lot shown on said plat which does not conform with the design standards requirements (dimension 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 \$1,000.00 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.

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

II. 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.

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. Plat Required:**
1. According to Local Government Code Chapter 232.001, the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to lay out a Subdivision of the tract, including an 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 streets, alleys, squares, parks, or other parts must have a Plat of Subdivision prepared.
 - (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 a deed, by using a contract of sale or other executory contract to convey, or by using any other method.
 - (b) In accordance with Local Government Code Section 232.0015, a Subdivision Plat is not required if the owner of a tract of land divides the tract into two or more parts and does not lay out 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 streets, alleys, squares, parks, or other parts, and:
 - (1) The land is used primarily for agricultural use as defined by Section 1-d, Article VIII, Texas Constitution, or for farm, ranch, wildlife management, or timber production use, within the meaning of Section 1-d-1, article VIII, Texas Constitution; or (with approval, in writing, by the Hamilton County Appraisal District that this subdivision is approved for an Agricultural exception)

- (2) The tract is divided into four or fewer parts and the parts are sold, given, or otherwise transferred to an individual who is related to the owner within the third degree of consanguinity or affinity, as determined under Chapter 573, Government Code; or
 - (3) All of the lots of the subdivision are more than 10 acres in area; or
 - (4) The tract is owned by the state or other state agency, board, or commission or owned by the permanent school fund or any other dedicated funds of the state; or
 - (5) The owner of the land is a political subdivision of the state, the land is situated in a flood plain, and the lots are sold to adjacent landowners; or
 - (6) One new part is to be retained by the owner, and the other new part is to be transferred to another person who will further subdivide the tract subject to the plat approval requirements of these regulations; or
 - (7) All parts of the tract are transferred to persons who owned an undivided interest in the original tract, and a plat is filed before any further development of any part of the tract.
- (c) If the tract described in Section 103.1 (b) (1-8) ceases to meet the exemption described therein, then platting requirements shall immediately apply.
2. Subject to the exemptions in Section 103.1 (b) (1-8), 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 executory contract, purchases option rental agreement, or using any other method to convey property.
4. **Approval of a Plat 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.**

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 are not subject to the subdivision regulation 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 infrastructure standards established in other Regulations. 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.
4. **County:** Hamilton County
5. **County Judge:** The County Judge of Hamilton County.
6. **County Road:** See the definition of "Road/Street."
7. **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.
8. **Extra Territorial Jurisdiction (ETJ):** That area outside of the incorporated city limits and within the area defined in Chap. 42, Art. 42.021 of the Texas Local Government Code. Within their ETJ, cities may enforce their subdivision regulations.
9. **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.
10. **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.

11. **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.
12. **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).
13. **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 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).
14. **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.)

15. **Resubdivision**: The redesign of an existing subdivision, together with any changes of lot size therein or the relocation of any street lines or lot lines.
16. **Roadway**: That portion of any street or road, between curbs or shoulders, designated for vehicular traffic.
17. **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.
18. **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.
19. **Subdivision**: (As Defined in Chapter 232 Local Government Code): A tract of land located outside the city limits of a municipality that is divided into two or more parts, including an 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 executory contract to convey, or by using any other method.

20. **Vacate**: To annul or cancel a subdivision plat, street, or easement.
21. **Variance**: A form of relief granted to a Subdivider by the Commissioners Court. (See Section 407 for additional information.)
22. **Parent Tract**: The original tract owned by the developer prior to any division.
23. **Daughter Tract**: Any of the tracts created by division of a parent tract including the remainder of the parent tract itself.
24. **Texas Commission on Environmental Quality (TCEQ)**: The TCEQ and any successor agencies. The State agency responsible for regulating water, wastewater, and storm water runoff.
25. **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.
26. **Hamilton County Designated Representative**: A person designated by Hamilton County to evaluate OSSF sites and to design and inspect OSSF systems subject to TCEQ or Hamilton County approval.

PART 2: PROCEDURES & PLATTING

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

1. **Timely Approval of Plats.** Plats are to be reviewed in an expeditious manner by Hamilton County who may forward the plats to a Third Party Consulting Firm for review. The following are the requirements for timely approval:
 - (a) All documents or other information identified on the Final Plat Submission Checklist of these Regulations shall be provided to the Hamilton County Commissioners Court.
 - (b) If a person submits a Plat application to the Commissioners Court that does not include all of the documentation or other information identified on the Final Plat 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 Plat, notify the applicant of the missing documents or other information.
 - (c) An application that contains all the documents and other information listed on the Final Plat Submission checklist is considered complete and ready for review.
 - (d) Final action shall be taken by the Commissioners' Court on the Plat application not later than the 60th day after the date the completed Plat application is received by the County or the Third Party Consulting Firm.
 - (e) If the Commissioners Court disapprove a Plat application, the applicant shall be given reasons for the disapproval in writing.
 - (f) The 60-day period:
 - (1) May be extended for a reasonable period, if agreed to in writing by the applicant and approved by the Commissioner's Court;
 - (2) May be extended 60 additional days if a takings impact assessment is required in connection with a Plat application as per Chapter 2007, Government Code; and
 - (3) Applies only to a decision wholly within the control of the Commissioners Court.

- (g) The Commissioners Court shall make a determination on whether the 60-day period will be extended no later than the 20th day after the date a complete Plat application is received by the County or Third Party Consulting Firm.
 - (h) If the Commissioners Court fails to take final action on the Plat in accordance with this section, then:
 - (1) The Plat application is granted by operation of law; and
 - (2) 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 Plat's approval.
2. **Concept Plan:** Prior to submission of a Preliminary or Final plat, the Subdivider shall submit a Concept Plan in accordance with Sec. 202.
3. **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 Court at least 10 days prior to the meeting at which the plat is to be considered.
 - (1) **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 \$1,000.00 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.
 - (2) **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 Commissioners' 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 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 Approval by the Commissioners' Court.

4. **Final Plat Approval:**

- (1) 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 (four blue prints and a Mylar sepia). 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.
- (2) 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.
- (3) **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.**
- (4) 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)
- (5) 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.

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 a 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). 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 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 twenty-four (24) months from the date of approval, after which it will be automatically null and void. 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. 9-1-1 review shall be accomplished and their written approval received by the County or Third Party Consulting Firm prior to Commissioners Court approval.
6. **Drainage and Topography**: The preliminary plat must show the drainage plan, the physical features of the property, including water courses, the one-hundred (100) year flood plain boundaries and source of information, ravines, bridges, culverts, present structures, and other features of importance to lot and street layout, prepared by a professional engineer who is registered in the State of Texas. Storm water drainage facilities must be designed so as to minimize any increase in the quantity or velocity of storm water runoff from the subdivision. When requested by the Third Party Consulting Firm, all drainage calculations will be provided for review and inclusion in the file. The topography of the tract must be shown on the preliminary plat (or accompanying drawing) by means of contours of five (5) foot intervals tied to United States Geological Survey (USGS) maps. A permanent bench mark of a design and location approved by the Third Party Consulting Firm must be located in the Subdivision and the location and the elevation noted on the plat. Contours of lesser intervals may be required by the Third Party Consulting Firm to determine topography and drainage.
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. The proposed water supply must be shown, i.e., municipal water, rural water supply corporation, municipal utility district, privately owned water system, individual wells, etc., including the location of fire hydrants, if any. All water supplies must be approved by TCEQ. The plan for sewage disposal must be shown, i.e., municipal sewer service, municipal utility district, privately owned/organized sewer disposal system, individual sewage facilities, etc. 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 Designated Representative must be provided. All proposed on-site sewage facilities must be in accordance with the policies and regulations adopted by Hamilton County.
9. **Drawing Requirements:** The Preliminary Plat must show the North point, scale and date. It must be drawn to a scale of 1" = 100' unless otherwise approved by the Third Party Consulting Firm. (Plats and plans of developments located in ETJ's will be accepted at whatever scale is approved by the city.) The plat and all accompanying drawings shall be drawn on standard size sheets of 24" by 36". Construction plan/profile drawings for road/street construction will be drawn to scale of 1" = 20' horizontal and 1" = 5' vertical (unless otherwise approved by the Third Party Consulting Firm). Road/Street profiles will be shown in at least the following points: Natural and proposed grades at centerline; flow line of drainage ditches (left and right); elevation at right of way line (when deemed necessary by the Third Party Consulting Firm due to variations in topography). The proposed Preliminary Plat or accompanying drawings must also depict the proposed road section from right of way to right of way, including ditches, sub-grade, base, and type and width of paving. (See Section 303 for minimum requirements.)
- All construction plans/drawings and calculations will 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:** If the Commissioners Court does not take formal action, or ask for clarification of the Preliminary Plat within thirty (30) days of the date of

the initial meeting for the consideration of the Preliminary Plat, it will be deemed approved and so endorsed by the Commissioners' Court.

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 all construction plans accepted and approved by the County or Third Party Consulting Firm, and 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 ten (10) working 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:
- 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.
 - 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.
 - 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 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 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:**

(a) 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.

(b) 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.

6. **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.
7. **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.
8. **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

9. **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.

10. **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”.
11. **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”

12. **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.
13. **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."

14. **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 64 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."

15. **Area Contained in Streets:** A statement of the length of, and area contained within, street rights of way will be noted on the plat.
16. **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.
17. **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.

18. **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

19. **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. Replating: Replating 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-plating, 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 replating 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. (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 and Drainage:

et

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 on 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. 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 or 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
Pavement and Non-Pavement	22' width, 1 ½" HMAC	20' width 1 ½ HMAC or 2-crs surf trt
Right of Way	60ft. (Min)	60ft. (Min)
Shoulder/Edge	4 ft. Compacted base or 12"X 8" concrete edge beam (See note page 28)	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"	6"
Maximum Allowable Grade	12%	12%
Min. Intersection Curve Radii	15' w/c & g 20' w/o c & g	15' w/ c & g 20' w/o c & g
Max. Number of Lots Served by Street	50	25
Maximum Ditch Fore slope	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.)

3. **Collector Road/Street**

CHARACTERISTICS	URBAN	RURAL
Pavement and Non-Pavement	24' width 1 ½" HMAC	24' width 1 ½" HMAC Or 2-crs surf trt.
Right of Way	60 ft. min. **	60 ft. min.**
Shoulder/Edge	6 ft. Compacted base or 12"X 8" Concrete	6 ft. Compacted base
Curb and Gutter (C & G) Req'd. *	edge beam (See note below) no (optional)	no (optional)

* **(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 ½"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.**

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.	20 ft.
Maximum Ditch Fore slope	4:1	4:1

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). 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. 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 35-foot radius or an approved design alternative.

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. For design considerations, minimum loading for roads is: 20,000 18 Kip Axle Repetitions for a local road; 100,000 18 Kip Axle Repetitions for a collector street; and 400,000 18 Kip Axle Repetitions for an arterial.

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. All drains, drainage structures, and appurtenances shall be designed by a person authorized to practice the profession of engineering under the provisions of the Texas Engineering Registration Act, and amendments thereto.
2. Drainage calculations shall be made using the Rational Method for determining storm water runoff and Manning's Equation for ditch and pipe capacities or by other accepted methods approved by the County. (Note: Unit Hydro graph or Regional Curve Methods may be required for larger drainage areas.)
 - (a) Drainage for arterial streets or roads shall be designed for a minimum of 25 years storm return frequency.
 - (b) Drainage for collector streets or roads shall be designed for a minimum of 10 years storm return frequency unless there is a cross road drainage structure conveying runoff from a drainage area greater

than or equal to acres, in which case the cross road drainage structure will be designed to convey a 25-year design storm with no more than 12" over topping of the road during a 100- year frequency storm.

- (c) Drainage for minor (residential) streets or roads shall be designed for a minimum of 10 years storm return frequency.
 - (d) Driveway pipe culverts shall be designed for a minimum 10 years storm return frequency.
3. All data and calculations shall be presented to the Third Party Consulting Firm and shall assume fully developed upstream conditions.
 4. All roads and streets shall have ditches that are a minimum depth of 12" below the shoulder of the sub-grade and a minimum grade of 0.5 per cent. Greater depths shall be provided as required to accommodate the design flows. (Note: Exceptions to ditch depth and/ or elimination of the ditch will be considered on a case by case basis after analyzing all relevant factors.) Roadside ditches may be eliminated within a rural subdivision provided that the road has 12 inch ribbon curbs, the street has a minimum of two percent (2%) cross slope, and that the drainage patterns in the subdivision remain as in an undeveloped state.
 5. All drains, drainage structures, and appurtenances shall be inspected and approved in writing by the Third Party Consulting Firm or other person designated by the Commissioners' Court, upon completion of the sub-grade and prior to the placement of any base material on the sub-grade.
 6. The County will assume no responsibility for the maintenance of drainage ways or easements. Maintenance of drainage facilities shall be the responsibility of the property owner or property owners association. The Subdivider may be required to furnish drainage easements for the conveyance of drainage through the proposed development and downstream to provide future flood control.
 7. **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 property owners association.

308. SUB-GRADE:

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. Sub-grades 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 sub-grade 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. Sub-grade 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.

Retained on Square Sieve (%)

Sieve

0-10	1-3/4"
45-75	# 4
60-85	# 40

Max. Liquid Limit (L.L.) = 40
Max. Plasticity Index (P.I.) = 12
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 sub-grade.)

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 29 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 322 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.
- (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 of not less than 1 cubic yard per 110 square yards, per course.

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 - - - PLATTING GUIDELINES

As a guide to the public in determining when it is necessary to file a plat and comply with these Regulations, the Commissioners' Court (as an incident of its power to enforce the subdivision laws and regulations under Section 232.003, Texas Local Government Code, and with the specific authority of Section 232.0015) has adopted the following policy guidelines stating when the division of an existing tract will be considered by the Court to be a subdivision requiring the filing of a plat by law, and thus requiring compliance with these Regulations:

A 1. Form of Sale

If a plat is required under these guidelines, it is immaterial that the sale of daughter tracts is by contract or lease-purchase rather than by deed, or that the daughter tracts are described by metes and bounds rather than lot and block.

A 2. Grandfather Clause

Any tract whose boundary has not changed since adoption of these Regulations may be sold in its entirety without being platted, and shall be considered a "Parent Tract"

A 3. Commercial Development

A plat shall always be required when a parent tract is divided into two or more daughter tracts for sale as part of a unified plan for development of the property. The existence of such a plan may be inferred from circumstances, such as the form of advertising or the sale of multiple tracts within a one-year period.

A 4. Resubdivision

A plat shall always be required to divide a parent tract which is already located within a subdivision.

A 5. Access to Public Road

Except as provided in Paragraph A 8., a plat shall always be required if any daughter tract is created that does not have at least 50 feet of frontage on (and direct access to) a public road. Private roads and easements shall not be considered public roads; rights-of-way that have been dedicated to the public shall remain under private maintenance. A "driveway" that is owned or used in common with other tracts is a private road.

As a general rule each separate tract shall have 50 feet of separate frontage on a public road, to be used for access by that tract alone. If any daughter tract is out of compliance with this requirement, the Subdivider shall plat the entire subdivision (including any tracts that do have frontage).

A 6. Size of Lots

A plat shall be required if any daughter tract will be less than 10 acres in area. If any daughter tract is out of compliance with this requirement, the Subdivider shall plat the entire subdivision (including any tracts that do have 10 acres or more).

A 7. Adjacent Lots

A plat shall not be required when the owner of two or more distinct adjacent tracts sells one or more of them, so long as all existing tracts remain intact. To be "distinct," the tracts must have a history of separate use and meet the requirements of Section A 2.

A 8. Family Grants

A plat shall not be required when a person makes a conveyance of one or more tracts, each of which is one acre or more in area, to members of his or her immediate family for their personal use; provided, however, that each daughter tract is either located on a public road or has access to such a road by a private easement. However, if the family member subsequently sells the land to a non-family member within two years, it will be presumed that the conveyance was not for personal use, and a plat shall be required of the seller.

A 9. Phased Subdivisions

A plat shall not be required when daughter tracts are created solely for purposes of platting them as individual subdivisions in their own right. The developer shall submit to the Court the preliminary plat for the project as a whole before claiming this exception.

A 10. Property-line Adjustments

A plat shall not be required when two adjacent landowners adjust or change the property lines which separate their respective tracts, so long as there are the same numbers of tracts and owners after the transaction as existed before it. This exemption applies whether the transaction requires an exchange of land by both owners, or only a transfer of land from one owner to the other, and whether the transaction takes the form of a sale or of an exchange in kind. However, any land added to a tract through such a transaction shall become an integral part of that tract, and may not be separately conveyed except in compliance with the subdivision laws. Each resulting tract shall, of course, be subject to the minimum lot size requirements of these Regulations and other applicable laws. This exception does not apply if the adjustment will change the boundary between two legally platted lots, or subtract land from a legally platted subdivision.

A 11. Partial Financing

A plat shall not be required when a smaller tract is surveyed out of the parent tract solely for the purposes of obtaining financing for purchase or improvement of that part of the property, provided that possession and primary beneficial ownership of the entire parent tract are intended to remain unified, and provided that each tract has 50 feet of frontage on a public road.

A 12. Foreclosure

A plat shall not be required when a smaller tract is created by the legitimate foreclosure of a valid lien on a part of the parent tract. This provision does not exempt sham transactions or foreclosures staged to avoid the platting requirement.

A 13. Judicial Partition

A plat shall not be required if the property has been divided by the final decree of a court of record with appropriate jurisdiction.

A 14. Exception to Plat Requirement

In accordance with Sect. 232.010, Local Government Code, (Exception to Plat Requirements) the Commissioners' Court may allow conveyance of portions of one or more previously platted lots by metes and bounds without revising the plat. This section will only apply if permitted in the deed restrictions or restrictive covenants.

APPENDIX B

CHECKLIST

SUBDIVISION NAME: _____

DATE INFORMATION RECEIVED: _____

Preliminary Plat Requirements:

- _____ Key map – (if future additions are planned)
- _____ Master Plat – (if on more than 1 sheet)
- _____ Description by meets and bounds (103.3)
- _____ \$1000.00 fee paid to County (201.3 (a) 1)
- _____ 3 copies of plat & 2 sets of construction plans (203)
- _____ Name of Subdivision (203.1)
- _____ Name of Owner or Subdivider (203.2)
- _____ P.E. or Surveyor (203.2)
- _____ Location and Boundary Lines Map (203.3)
- _____ Lot, Block and Street Layout (203.4)
- _____ Road/Street Names and Addressing (203.5)
- _____ 911 Addressing Approval from CTCOG (203.5)
- _____ Drainage Plan and Topography Features (203.6)
- _____ Contours – 5’ interval (203.6)
- _____ Bench Mark information (203.6)
- _____ Land Use Restrictions (203.7)
- _____ Utility Services Plan (203.8)
- _____ Proposed Water Supply (203.8)
- _____ Sewage Disposal Plan (203.8)
- _____ Licensed site evaluator or County Designated Representative Approval (203.8)
- _____ North Arrow (203.9)
- _____ Scale (use 1” = 100’) (203.9)
- _____ Date (203.9)
- _____ Plat size 24” X 36” (203.9)
- _____ Road and Street Profiles (203.9)
- _____ City Approval Certification (if in E.T.J.) (203.10) (204.7)
- _____ Certificates – Surveyor and Professional Engineer (204.3) (204.4)
- _____ Water-Servicing Entity Approval / Adequate Groundwater Certification (204.5)
- _____ Tax Certificate (plat certificate and individual document) (204.19)
- _____ Soil Report (304)
- _____ Certificate – Drainage Design (307.1)
- _____ Type of Surface Treatment (310)
- _____ Typical Section – All Dimensions
- _____ Construction Schedule
- _____ All Necessary Seals
- _____
- _____

Utility Easements (204.12)

_____ Water
_____ Electric
_____ Telephone
_____ Cable

Checked by

Date

If final plat is being presented, see this page.

CHECKLIST

SUBDIVISION NAME: _____

DATE INFORMATION RECEIVED: _____

Additional Final Plat Requirements:

- _____ One reproducible plat (Mylar Sepia) and four (4) blue prints of plat (201.4)
- _____ One copy of "As-Built" Construction Plans (201.4)
- _____ Lot and block numbers (204.1)
- _____ Street Names (204.1)
- _____ All ground dimensions to lay out (204.1)
- _____ All survey monuments (pin) and bench mark(s) (204.1)
- _____ Dedication instrument (Subdivision) (204.2)
- _____ Owners Responsibilities Note (204.9)
- _____ Certification of Homeowners Association (204.10)
- _____ Protective or restrictive covenants
- _____ Dedication of roads, alleys (if applicable)
- _____ Location of 100 year Flood Plain (if applicable)
- _____ Lien Free Right-of-Way statement (204.13)
- _____ Acreage and length contained in Streets and Roads (204.15)
- _____ Letter of compliance (204.16)
- _____ Survey ties across existing ROW (204.17)
- _____ Tax Certificate Statement (204.19)
- _____ County Judge approval block
- _____ Notary Public block
- _____ Utility company approvals (Electric, Water, Telephone)

Checked by

Date

Developer Phone # _____

Developer Address _____
