



SUBDIVISION REGULATIONS

McLennan County, Texas

SUBDIVISION REGULATIONS

McLennan County, Texas

TABLE OF CONTENTS

Article I	1
Purpose and Authority	1
Section 1.1 Purpose	1
Section 1.2 Findings	1
Section 1.3 Order	2
Section 1.4 Applicable Jurisdiction	2
Section 1.5 Interpretation	2
Section 1.6 Application	2
Section 1.7 Exemptions	3
Section 1.8 Prior Approvals	4
Section 1.9 Issuance of Permits	4
Section 1.10 Appendices Incorporated	4
Article II	5
Definitions	5
Section 2.1 Interpretation	5
Article III	10
Subdivision Procedures	10
Section 3.1 Submittal Materials	10
Section 3.2 Complete Submittal Required	11
Section 3.3 Action by Commissioners Court	12
Section 3.4 Plat Review Fees	13
Section 3.5 Record Plat	13
Article IV	13
Preliminary Plat	13
Section 4.1 Preliminary Plat Submittals	13
Section 4.2 Preliminary Plat Requirements	14
Section 4.3 Approval of Preliminary Plat	16
Section 4.4 Expiration of Preliminary Plat	17
Article V	17
Final Plat	17
Section 5.1 Final Plat Requirements	17
Section 5.2 Standards for Approval	20
Section 5.3 Approval of Final Plat	20
Article VI	21
Subdivision Design and Street Construction Requirements	21
Section 6.1 Lots – General Provisions	21
Section 6.2 Minimum Lot Size	21
Section 6.3 Lot Frontage	21
Section 6.4 Flag or Key Lots	22
Section 6.5 Types of Streets (or Roads)	22
Section 6.6 Roadway Layout	22
Section 6.7 Dedication to the Public	23
Section 6.8 Design and Construction of Public Improvements	23
Section 6.9 Shared Access Driveways	23

Section 6.10	<u>Publicly Maintained and Dedicated Paved Streets</u>	24
Section 6.11	<u>Private Streets</u>	24
Section 6.12	<u>Mailboxes</u>	25
Section 6.13	<u>Street Names and Signs</u>	25
<u>Article VII</u>		26
<u>Acceptance of Road Maintenance and Bonding Requirements</u>		26
Section 7.1	<u>Owner’s Maintenance Responsibility</u>	26
Section 7.2	<u>County Acceptance of Roadways</u>	26
Section 7.3	<u>Bonding Requirements</u>	26
<u>Article VIII</u>		27
<u>Water and Wastewater Standards</u>		27
Section 8.1	<u>Compliance with On-Site Sewage Rules</u>	27
Section 8.2	<u>Individual Septic Systems</u>	28
Section 8.3	<u>Groundwater Certification</u>	28
<u>Article IX</u>		28
<u>Variances</u>		28
Section 9.1	<u>Criteria for Variances</u>	28
Section 9.2	<u>Application Materials</u>	29
Section 9.3	<u>Grant or Denial of Variance</u>	29
<u>Article X</u>		29
<u>Enforcement; Penalties; Appeals; Conflict of Interest; Severability</u>		29
Section 10.1	<u>Category of Offense</u>	29
Section 10.2	<u>Enforcement Actions</u>	29
Section 10.3	<u>Enforcement of Plat Notes</u>	30
Section 10.4	<u>Conflict of Interest</u>	30
Section 10.5	<u>Severability</u>	30
Section 10.6	<u>Amendment to Regulations</u>	30
Section 10.7	<u>Appeal</u>	30
Section 10.8	<u>Appeal to Court of Competent Jurisdiction</u>	30
 APPENDIX A - Subdivision Application Form, Plat Application/Review Fees and Plat Review Checklists		
 APPENDIX B - Plat Language and Certification		
 APPENDIX C - Roadway Design and Construction Requirements		
 APPENDIX D - Drainage and Flood Control Requirements		

SUBDIVISION REGULATIONS
McLennan County, Texas

Article I

Purpose and Authority

Section 1.1

Purpose

These Subdivision Regulations have been adopted to encourage the orderly and efficient development of rural and suburban areas within McLennan County by establishing standards for the provision of adequate stormwater drainage, transportation, public utilities and facilities, and other features that are necessary for ensuring the creation and continuance of a healthy, attractive, safe and efficient community that provides for the conservation, enhancement and protection of its human and natural resources. These Regulations have been prepared to promote the health, safety and general welfare of the citizens of McLennan County.

Section 1.2

Findings

The McLennan County Commissioners Court hereby makes the following findings:

- A. The Commissioners Court has been delegated the authority to regulate the subdivision and development process pursuant to Local Government Code, Chapter 232;
- B. The Commissioners Court has been designated by the Texas Commission on Environmental Quality as the authorized agent for the licensing and regulation of on-site sewage facilities within McLennan County, and these Regulations are a necessary component of such regulation;
- C. The Commissioners Court has the authority and obligation to exercise general control over the roads, highways, bridges and related drainage structures and development within McLennan County, and these Regulations are a necessary component of such obligations;
- D. The Commissioners Court has been granted authority and responsibility under the Federal Emergency Management Agency (FEMA), Chapter 16, Section 16.315, Water Code, to administer floodplain development regulations within McLennan County, and to regulate associated development;
- E. The Commissioners Court has considered the potential pollution, nuisances and injury to public health that could be caused by the use of private sewage facilities within McLennan County, and has adopted these

Regulations in part to abate or prevent the potential pollution, nuisances or injury to public health;

- F. The Commissioners Court has the authority and obligation to protect the public health, safety and welfare of the citizens of McLennan County;
- G. The Commissioners Court has considered the potential burden upon landowners and taxpayers of substandard development and/or road construction; and,
- H. These Regulations are adopted to preserve and protect the resources, public health and private property interests within McLennan County.

Section 1.3 Order

The Commissioners Court of McLennan County, following public notice, investigation and hearing, has declared and hereby declares these Subdivision Regulations to be necessary and appropriate to accomplish the purposes and goals stated above. These Regulations have been adopted by order of the McLennan County Commissioners Court to provide a model for the orderly and efficient development of the rural and suburban areas within McLennan County.

Section 1.4 Applicable Jurisdiction

These Regulations apply to areas within McLennan County that are located outside of the corporate limits of a municipality. Additionally, these Regulations may exclude areas within McLennan County that are located within the extraterritorial jurisdiction (ETJ) of a municipality, provided that an ETJ has been established by the municipality and the municipality has entered into a written agreement with the County that identifies the municipality as the entity authorized to regulate subdivision plats within their respective ETJ, in accordance with Section 242.001, Local Government Code.

Section 1.5 Interpretation

In the interpretation and application of the provisions of these Regulations, it is the intention of the Commissioners Court that the principles, standards and requirements provided for herein shall be minimum requirements for the platting and developing of subdivisions within McLennan County, and shall supersede the previous Subdivision Regulations (approved on July 9, 2002) in their entirety. Furthermore, it is the intent of the Commissioners Court that these Regulations shall be interpreted in conjunction with the Court's orders relating to floodplain development, on-site sewage facilities, and road requirements.

Section 1.6 Application

Upon adoption of these Regulations, any tract of land that is divided into two (2) or more parts or any re-subdivision or combining of all or part of any previously platted and recorded subdivision shall adhere to the requirements of these Regulations, unless exempt in accordance with Section 1.7.

Section 1.7 Exemptions

A. The owner of a tract of land located outside the limits of a municipality who divides the tract into two (2) or more parts is exempt from the platting requirements of these Subdivision Regulations provided that no part of the land is intended or designed for the laying out of streets, roads, or other parts as described in Section 232.001(a)(3) of the Local Government Code **and** it meets one of the following conditions:

- (1) The tract of land is to be 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;
- (2) The tract of land is divided into four (4) or fewer parcels and each of these parcels is to be sold, given, or otherwise transferred to an individual who is related to the owner within the third degree by consanguinity or affinity, as determined under Chapter 573, Government Code. Under this exception, roads, streets or other parts to serve only the four (4) or fewer parcels may be laid out in compliance with 6.4 below without terminating the exemption from the platting requirements of these Regulations provided herein;
- (3) All the lots of the subdivision are more than 10 acres in area;
- (4) All the lots of the subdivision are sold to veterans through the Veterans' Land Board program;
- (5) The tract of land belongs to the state or any state agency, board or commission or owned by the permanent school fund or any other dedicated funds of the state;
- (6) The owner of the tract of land is a political subdivision of the state; the land is situated in a floodplain; and the lots are sold to the adjoining landowners;
- (7) One new part of the tract 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;
- (8) 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;

- (9) The acquisition or disposition of land by any federal or state agency, political subdivision of the state, municipality, or school district intended for or relating to right-of-way purposes;
 - (10) The tract of land is to be used solely for the financing of the construction of a building or for the refinancing of an existing building with no change in property ownership. Under this exception, roads, streets, or other parts, to serve the building only, may be laid out in accordance with 6.4 below without terminating the exemption from the platting requirements of these Regulations provided herein.
- B. Land divisions that are initially exempt, under this Section, or development on tracts which were a part of a division that was initially exempt, require approval under these Subdivision Regulations at the time that subdivision of the land, as defined in Article II, is proposed to occur or at the time that the intended development on the tract exceeds the nature of the particular exemption.
 - C. Exemption under these Regulations does not exempt the developer or owner of the property from requirements arising under McLennan County's floodplain development and/or on-site sewage facilities orders.

Section 1.8 Prior Approvals

- A. A plat that has received preliminary approval prior to the effective date of these Regulations shall be based upon the subdivision regulations in effect immediately prior to these Regulations, and such regulations are kept in effect for such purposes. Development of land subject to this Section may be subject to floodplain development and/or on-site sewage facilities regulations duly adopted by County order.
- B. Plats that have not received preliminary approval prior to the effective date of these Regulations, including replats or plat amendments, shall be subject to the regulations and development standards contained in these Regulations.

Section 1.9 Issuance of Permits

No permit, which McLennan County is authorized to issue, will be issued for any property that is not in compliance with these Regulations.

Section 1.10 Appendices Incorporated

The appendices to these Regulations are incorporated herein by reference and are hereby made a part of these Regulations.

Article II

Definitions

Section 2.1 **Interpretation**

For the purpose of these Regulations, the following terms, phrases, words and their derivations shall have the meaning given herein. Definitions not expressly prescribed herein are to be determined in accordance with customary usage in planning and engineering practice. The word “shall” is mandatory and the word “may” is permissive.

Acre – A unit of area equal to 43,560 square feet. When calculating the acreage of any lot, the gross square footage within the lot shall be used, provided that any area that is dedicated for right-of-way purposes, within a private roadway easement, or an easement for a shared access driveway, shall be excluded.

Alley – A minor public right-of-way, not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular services access to the back or sides of property otherwise abutting on a road.

Applicant – An owner or owner’s authorized representative who seeks approval of a proposed subdivision pursuant to these Regulations.

Arterial Street – A principle traffic artery, carrying higher volumes of traffic, more or less continuously, which is intended to connect remote parts of the area adjacent thereto and to act as a principle connecting street with state highways.

Base Flood Elevation – The height of the base (100-year) flood in relation to a specified datum, usually the National Geodetic Vertical Datum (NGVD) of 1929 or North American Vertical Datum of 1988.

Bond – Any form of surety bond in an amount and form satisfactory to the County, as authorized in Section 232.004 of the Local Government Code.

Business Day – The days of the week when County offices are normally open (excludes official holidays and weekends).

Collector Street – A street or road providing for travel between local streets and the arterial street network, or serving multi-family development or neighborhood centers or services such as schools, parks or fire stations.

Commissioners Court – The Commissioners Court of McLennan County.

County – McLennan County, Texas.

County Clerk – The County Clerk of McLennan County.

County Engineer – The County Engineer of McLennan County or their designated representative.

County Judge – The County Judge of McLennan County.

County Road – A public roadway under the control and maintenance of the County.

County Road System – Public roads that have been accepted for County maintenance.

Daughter Tract – Any tract created by the division of a parent tract, including the remainder of the parent tract itself.

Dedication – The appropriation of land, or an easement therein, by an owner, for the use of the public and accepted for such use by or on the behalf of the public.

Developer – Any person, partnership, firm association, corporation (or combination thereof), or any officer, agent, employee, servant or trustee thereof, who performs or participated in the performing of any act toward the development of a subdivision, within the intent, scope and purview of these Regulations.

Development – All land modification activity, including the grading or construction of buildings, roads, parking lots and/or other impervious structures or surfaces.

Drainage Plan or Study – A general plan for handling stormwater affecting existing and proposed property and/or roads due to development.

Easement – The word “easement” shall mean an area for restricted use on private property upon which a public utility/entity shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs or other improvements or growth which in any way endanger or interfere with the construction, maintenance and/or efficiency of its respective systems on or within any of these easements.

Engineer – A person licensed under the provisions of the Texas Engineering Registration Act to practice the profession of engineering.

Existing Roadways – Roadways that have been constructed and in place prior to the passage of these Regulations.

Extraterritorial Jurisdiction (ETJ) – The unincorporated land area, not a part of any city, which is contiguous to the corporate limits, as defined in Local Government Code, Chapter 42.

FEMA – Federal Emergency Management Agency.

Final Acceptance – Formal acceptance by order of the McLennan County Commissioners Court.

Final Plat – The official drawing or map (including all necessary survey drawings, notes, information, affidavits, dedications and/or acceptances as required by these Regulations) of any given subdivision of land which is prepared from actual field measurements and staking of all identifiable points by a surveyor or engineer, with the subdivision location referenced to a survey corner and with all boundaries, corners and curves of the land division sufficiently described so that they can be reproduced without additional information.

Flag (Key) Lot – A lot which is divided in such a way that the main part of the property is set back at some distance from a roadway, which has a narrow portion of the property (less than 100 feet in width) extending to the roadway, which is primarily intended to provide access to the main part of the property.

Floodplain – That area subject to inundation by flood, having a one percent probability of occurrence in any given year (100-year flood), based on existing conditions of development within the watershed area, as shown on the Flood Insurance Rate Maps (FIRM) provided by FEMA.

Grade – The horizontal elevation of a finished surface of the ground or paving at a point where height is to be measured or the degree of inclination of a surface.

Homeowners Association – An organized, non-profit corporation with mandatory membership when property is purchased.

Local Street – A street or road which is intended primarily to serve traffic within a neighborhood or limited residential area and which is not continuous through several residential areas.

Lot of Record – A divided or undivided tract or parcel of land having frontage onto a road and which is, or which in the future may be, offered for sale, conveyance, transfer or improvement; which is designated as a distinct and separate tract; and which is identified by a lot number in a duly approved subdivision plat which has been properly filed of record.

Manufactured Home Rental Community - A plot or tract of land that is separated into two (2) or more spaces or lots that are rented, leased or offered for rent or

lease, for a term of less than sixty (60) months without a purchase option, for the installation of manufactured homes for use and occupancy as residences.

Manufactured Home Subdivision – A plot or tract of land that is separated or divided into two (2) or more parts for sale, or that are rented, leased or offered for rent or lease for the installation of manufactured homes for use and occupancy as dwelling units, either with an option to purchase or for a term of sixty (60) months or greater.

Minimum Requirements – Minimum acceptable requirements; such requirements may be modified by the County Engineer as may be necessary to protect the public health, safety, and welfare.

Original Tract – The original tract of land owned by an owner prior to proposed subdivision (see Parent Tract).

Owner – The owner of land of record subject to these subdivision requirements.

Parent Tract – The original tract of land owned prior to any division.

Plat – A drawing or map depicting the division or subdivision of land into lots, blocks, parcels, tracts or other parts.

Precinct Commissioner - McLennan County Commissioner in whose precinct the subdivision or development is located.

Preliminary Plat – A drawing or map depicting the proposed overall plan for subdividing, improving and developing a tract of land shown by superimposing a scale drawing of the proposed division onto a topographic map, and showing in plan view all existing and proposed drainage features and facilities, the proposed road layout and other pertinent features, along with such notations and other information that is sufficient to substantially describe the general scope and detail of the proposed development.

Private Road – A residential road that is typically owned and/or maintained by an entity other than the County and that is generally intended to serve residents located thereon but not the public at large.

Public Road – A public right-of-way, however designated, dedicated, or acquired which provides vehicular access to adjacent properties.

Record Plat – The final plat drawing which has been approved by the Commissioners Court, signed by the County Judge and filed at the County Clerk's office.

Regulations - McLennan County Subdivision Regulations, as may be amended.

Replating (or Replat) – The re-subdivision or combining of all or part of any block(s), lot(s) or tract(s) within a previously platted and recorded subdivision.

Residential Collector Street – A street or road collecting traffic from local streets of a residential nature and leading to streets of a higher type of classification.

Residue Tract – Any part of the original tract remaining after its division.

Right-of-Way – A parcel of land that is occupied or intended to be occupied, by a road or alley. Where appropriate, “right-of-way” may include other facilities and/or utilities such as sidewalks; railroad crossings; electrical, telecommunication, oil, gas, water, sanitary sewer and/or storm sewer facilities. The term “right-of-way” shall also include parkways and medians which are located outside of the actual pavement. The usage of the term “right-of-way” for land platting purposes shall mean that every public right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and shall not be included within the dimensions or areas of such lots or parcels.

Street (or Road) – A right-of-way (or easement), whether public or private and however designated, which provides vehicular access to adjacent land.

Street (or Road) Right-of-Way – The distance between property lines measured at right angles to the centerline of the street.

Subdivider – Any person or agent thereof who is dividing or proposing to divide land so as to constitute a subdivision as that term is herein defined. In any event, the term “subdivider” shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner (such as developer) of land that is sought to be subdivided.

Subdivision – The division of a tract of land situated within McLennan County and outside the corporate limits of any municipality into two (2) or more lots, parcels or tracts for the purpose of sale or development, or for the purpose of laying out streets, alleys, squares, parks, public utility easements, public rights-of-way, private ingress/egress easements, drainage or stormwater improvements, or other parts of the tract intended to be dedicated to the County for public use or for the use of purchasers or owners of lots or parcels fronting on or adjacent to such facilities. The term “subdivision” includes the term “addition”.

A division of a tract under this subsection includes a 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 or sale or other executory contract to convey, or in a lease (other than agricultural or hunting leases), or by using any other method of conveyance of an interest of land.

It is the intent of the Commissioners Court that the term “subdivision” be interpreted to include all divisions of land that are not exempt under Section 1.7 of these Regulations, including divisions intended to create gated (i.e., private streets) communities, to the fullest extent permitted under the laws of the State of Texas.

Substandard Street (or Road) – A street which does not meet the minimum County road standards (as contained within the regulations “Roadway Design and Construction Requirements,” duly adopted by County order and attached hereto as Appendix C).

Surveyor – A person licensed under the provisions of the Texas Professional Land Surveying Practices Act to practice the profession of surveying.

TCEQ – Texas Commission on Environmental Quality.

Tract – Any parcel of land created by the division of the original tract and including the remainder of the original tract.

Utility – Water, sewer, gas and/or electrical services owned and/or operated by either a municipality, county, special district, or any other public, non-profit or private entity.

Variance – A form of relief granted to an owner/developer by the Commissioners Court, and granted on the basis of the criteria set out in these Regulations.

Article III

Subdivision Procedures

Section 3.1 Submittal Materials

Each preliminary plat or final plat shall be submitted to the County Engineer and shall be accompanied by the following information and materials:

- A. A complete application form as approved by the County (see Appendix A) and all the information specified in Articles IV and V relating to preliminary and final plats, respectively, which includes the required number of copies of the drawing(s) for each type of plat;
- B. The applicable review fee (see Appendix A);
- C. An original tax certificate showing that all taxes currently due for the land being subdivided or re-subdivided have been paid (must be provided with final plat submittal);

- D. All required engineering and/or construction drawings/plans, where applicable, which have been signed, dated and sealed by a registered engineer (must be provided with final plat submittal);
- E. All required bonds and/or letters of credit (must be provided with final plat submittal).

Section 3.2 Complete Submittal Required

- A. A preliminary plat shall be considered to be complete for purposes of this Section when all of the information required under Section 3.1 and Article IV is received and approved by the County Engineer.
- B. A final plat (or replat or amended plat) shall be considered to be complete for purposes of this Section when all of the information required under Section 3.1 and Article V is received and approved by the County Engineer.
- C. Acceptance by the County Engineer of a plat shall not be construed as approval of the documentation or other information. In addition, acceptance of the plat shall not be construed as permission or approval to begin construction activities on the proposed development site.
- D. If the County Engineer determines that the plat submittal is incomplete with reference to the requirements of these Regulations, the applicant shall be notified within ten (10) business days of the date the plat was received with a written explanation of missing or required information or documents.
- E. The applicant shall address the County Engineer's comments and shall then revise and resubmit the plat along with any additional information as requested by the County Engineer.
- F. Upon compliance with these Regulations, the County Engineer shall schedule the plat for consideration and final action by the Commissioners Court not later than the sixtieth (60th) day after the date the plat was accepted as complete.
- G. The period for final decision by the Commissioners Court may be extended for any of the following reasons;
 - (1) If agreed to in writing by the applicant and approved by the County Engineer, for a reasonable period of time; or
 - (2) If the County must perform a taking impact assessment in connection with a plat submittal per Chapter 2007, Government

- Code, the period for approval may be extended for an additional sixty (60) days; or
- (3) The timing of approval is affected by another regulatory agency that has jurisdiction over plat approval or satisfaction of plat standards of approval, in which case the period may be extended for a time until that agency completes its procedures with respect to the plat.
- H. If the Commissioners Court fails to take final action of the plat as required under Section 3.2(F):
- (1) The Commissioners Court shall refund the greater of the unexpended portion of any plat application fee or deposit or 50 percent of a plat application fee or deposit that has been paid.
 - (2) The plat application is granted by operation of law; and
 - (3) The applicant may apply to a district court in McLennan County for a writ of mandamus to compel the Commissioners Court to gissue documents recognizing the plat's approval.

Section 3.3 Action by Commissioners Court

- A. The Commissioners Court shall consider and take final action on a preliminary or final plat, as the case may be, including the resolution of all requests for exceptions, not later than the sixtieth (60th) day after the date a plat submittal is determined by the County Engineer to be complete in accordance with these Regulations, except where the period has been extended as described in Section 3.2.
- B. The Commissioners Court shall consider and take action on the plat based upon the criteria for plat approval in Articles IV and V relating to preliminary and final plats, respectively, the recommendations of the County Engineer and other officials and agencies, and the results of the takings impact assessment, if any. The applicant will be given the opportunity to appear before the Commissioners Court and be heard at the meetings at which the Preliminary and Final plats are considered. The applicant will be notified of the meeting dates and times by letter to the contact address in the application, or by fax at least four (4) days prior to the meeting.
- C. The Commissioners Court may approve, approve with conditions with reference to the requirements of these Regulations, or disapprove the plat.
- D. If the Commissioners Court disapproves a plat, the applicant shall be given a written list of the reasons for the disapproval and the actions required for approval of the plat within ten (10) business days from the date that the plat was disapproved.

- E. It is the responsibility of the applicant/developer to assure compliance with applicable State, federal and local laws and regulations pertaining to the environment.

Section 3.4 Plat Review Fees

The applicant shall pay a non-refundable fee in the amount set forth in Appendix A of these Regulations, with each submittal of either a preliminary plat or final plat. This fee shall include the cost for reviewing the plat submittal and recording the final plat at the County Clerk's Office. This fee does not include the cost for the original tax certificate. In addition, upon review (or re-review) of a plat submittal by the County Engineer, if changes are made to the plat by the applicant/developer that were not a part of the plat submittal after the review or if the items required by the review have not been addressed or satisfied when the plat is re-submitted, an additional fee will be assessed each time the plat is re-submitted and review is required. A one-time re-review will be allowed prior to the assessment of this fee. The application fee schedule may be amended from time to time by the Commissioners Court without amending or affecting the remainder of these Regulations.

Section 3.5 Record Plat

One (1) 18" x 24" mylar, containing all original signatures, along with the original tax certificate (Section 12.002, Property Code), will be presented to the County Clerk by the County Engineer's Office for recording as the record plat (after all County reviews and/or approval procedures have been satisfied), unless the requirements for recording plats is changed by the County, in which case the new requirements shall be followed. The original tax certificate shall be provided to the County Engineer by the applicant/developer with the final plat submittal. All writing and drawings on the record plat must be large enough and clear enough to be easily legible following recording and subsequent reproduction methods customarily used by the County.

Article IV

Preliminary Plat

Section 4.1 Preliminary Plat Submittals

A preliminary plat submittal shall be required under the following circumstances:

- A. The tract of land does not meet the exemption requirements in Article I; and,
- B. The tract is to be divided in such a way that there are more than four (4) lots created, including residue tracts; and,

- C. A part of the tract is intended or designed for the laying out of streets, alleys, squares, parks, public rights-of-way, private ingress/egress easements, or other parts of the tract intended to be dedicated for public use or for the use of purchasers or owners of lots or parcels fronting on or adjacent to such facilities, unless exempted from platting under Section 1.7A(2) or 1.7A(10) of these Regulations.

Section 4.2 Preliminary Plat Requirements

A preliminary plat shall include the following:

A. General Information:

- (1) Two (2) blue-line copies shall be provided to the County Engineer for initial review. After all County reviews and requirements have been satisfied, one (1) original plat (i.e., paper copy with all original signatures) and a minimum of four (4) copies shall be provided to the County Engineer. In addition, along with the original preliminary plat and copies, one (1) reduced copy of the plat, 8 ½" x 11" in size, shall be provided.
- (2) Name of the proposed subdivision, which shall not be the same or similar to any other subdivision within the County unless the subdivision is an extension of a pre-existing, contiguous subdivision.
- (3) The boundary lines, with bearings and distances, total acreage and legal description of the proposed subdivision.
- (4) A note stating the total number of lots within the proposed subdivision, the smallest and largest lot size shown on the plat, and the average size of lots.
- (5) Lot and block numbers for each parcel.
- (6) Approximate acreage and dimensions of each lot.
- (7) The location of any lots proposed for parks, squares, greenbelts, schools and/or other public use facilities.
- (8) Names of adjoining subdivisions or owners of property contiguous to the proposed subdivision, along with the appropriate recording information (i.e., volume and page deed reference or instrument number).
- (9) Name, signature, seal, date and address of the surveyor and/or engineer.
- (10) Name, address and signature of the owner and the developer of the property.
- (11) Statement of approval by the Commissioners Court along with a line for the County Judge's signature.
- (12) A location map which shows the general location of the proposed subdivision in relation to other subdivisions, major roads, towns, cities and/or topographical features.

- (13) North arrow, scale (both graphic and written) and date. The scale shall not exceed 1 inch = 200 feet, or as required by the County Engineer. Multiple sheets may be required on larger subdivisions.
- (14) A statement indicating in which school district(s) the subdivision is located.
- (15) Distance from the proposed subdivision to the nearest road intersection.
- (16) A notation indicating that the plat is “For Inspection Purposes Only.”
- (17) Indicate the proposed phases of development (if applicable).

B. Floodplain and Drainage Information:

- (1) Topographic contour lines on the preliminary plat shall be shown at a contour interval which is adequate to delineate and depict existing drainage patterns and other site specific topographic features as required by the County Engineer.
- (2) All special flood hazard areas identified by the most current Flood Insurance Rate Map (FIRM) provided by the Federal Emergency Management Agency (FEMA) shall be shown on the plat.
- (3) For subdivisions located wholly or partially within the floodplain, base flood elevation information shall be provided utilizing the applicable FIRM on file at the County Engineer’s office.
- (4) All existing drainage facilities, ditches, culverts and bridges shall be shown. For each subdivision located wholly or partially within the floodplain and consisting of at least five (5) lots located wholly or partially within the floodplain, at least one benchmark showing NGVD 29 elevation, as well as latitude and longitude coordinates, shall be set.
- (5) A preliminary drainage plan prepared in accordance with the requirements contained in Appendix D of these Regulations.
- (6) The location and size of all proposed drainage structures, including on-site retention and/or detention ponds and easements and the impact of the proposed lot and street layout upon stormwater drainage shall be included.
- (7) Depiction of all creeks, streams, rivers, ponds, lakes, stock tanks and other surface water features.
- (8) For subdivisions not located within the floodplain, reference shall be made on the plat that the subdivision is not located within the 100-year floodplain and the community and panel number of the appropriate FIRM shall be included.

C. Street and Right-of-Way Information:

- (1) Name, location, length and right-of-way widths of all proposed streets and existing streets (or roads) and a depiction of how all

proposed streets shall connect with previously dedicated, platted, existing and/or planned streets within the vicinity of the subdivision. Provide written approval from the McLennan County 911 Emergency Assistance District office regarding all proposed street names.

- (2) Location, size and proposed use of all proposed access easements, or shared access driveways, if any.

D. Water, Wastewater and Utilities Information:

- (1) The location of all proposed utility easements and/or infrastructure, including water wells and sanitary sewer easements, if applicable. Public and private wells shall include a sanitary easement of 150-foot and 100-foot radius, respectively.
- (2) Designation of the water and/or sewer utility provider(s) for the subdivision and the source of the water intended to serve each lot within the subdivision. If groundwater under the land is to be the source of water for the subdivision, provide certification by a professional engineer that there is adequate groundwater available to meet TCEQ requirements for residential development. Include the water provider's certificate of convenience and necessity (CCN) number.
- (3) The location and size of existing and/or proposed water lines that are to serve the proposed subdivision along with all proposed fire hydrants, if any.
- (4) Certification that all lots have been designed in compliance with the rules of McLennan County for on-site sewage facilities, together with all planning and evaluation materials required, including the preparation and submission of an on-site suitability report (if applicable).
- (5) Recording information (volume and page deed reference or instrument number) on all existing utility easements.

Section 4.3 Approval of Preliminary Plat

The plat shall conform to each of the requirements outlined in Articles VI, VII and VIII of these Regulations.

- A. Approval of the preliminary plat by the Commissioners Court indicates the County's approval of the basic layout of the proposed subdivision and of proposed improvements (as applicable), but will not constitute approval for recording the final plat with the County Clerk.
- B. Approval of a preliminary plat does not authorize any site grading, construction or development activities, but merely authorizes the applicant to proceed with the preparation of a final plat.

- C. Conveyance or sale of lots depicted on a preliminary plat shall not be permitted until the final plat has been approved and recorded in the Official Public Records of McLennan County, Texas.

Section 4.4 Expiration of Preliminary Plat

The submittal of a revised preliminary plat after approval of the original preliminary plat but prior to final plat approval shall cause the prior approved preliminary plat to expire immediately. If a phase of the development has already received final plat approval, the applicant shall submit a revised preliminary plat for all phases of the subdivision that have not yet received final plat approval.

Article V

Final Plat

Section 5.1 Final Plat Requirements

A final plat shall include the following:

A. General Information:

- (1) Two (2) 18" x 24" blue-line copies shall be provided to the County Engineer for initial review. After all County reviews and requirements have been satisfied, one (1) 18" x 24" original mylar (i.e., all original signatures) and a minimum of four (4) paper copies shall be provided to the County Engineer. In addition, along with the original final plat and copies, one (1) reduced copy of the plat, 8 1/2" x 11" in size, shall be provided.
- (2) Legal description of the subdivision, bearings and distances of the boundary of the subdivision and all lots, parks, greenbelts, rights-of-way, easements, reserve tracts and all other survey information necessary to reproduce the plat on the ground. The length of the radius and arc of all curves, with bearings and distances of all chords, shall be clearly indicated.
- (3) Description of monumentation used to mark all boundary, lot and block corners, as established by a surveyor, and all points of curvature and tangency on street rights-of-way.
- (4) Lot and block numbers for each parcel.
- (5) The total acreage within the subdivision and the acreage of each lot.
- (6) A final drainage plan.

- (7) Names of adjoining subdivision or owners of property contiguous to the proposed subdivision, along with appropriate recording information (i.e., volume and page deed reference or instrument number).
- (8) Name, signature, seal, date and address of the surveyor and/or engineer.
- (9) Name, address and signature of the owner of the property.
- (10) Statement of approval by the Commissioners Court along with a line for the County Judge's signature.
- (11) Distance from the subdivision to the nearest road intersection.
- (12) A location map which shows the general location of the subdivision in relation to other subdivisions, major roads, towns, cities and/or topographical features.
- (13) A statement indicating in which school district(s) the subdivision is located.
- (14) North arrow, scale (both graphic and written) and date. The scale shall not exceed 1 inch = 100 feet, or as required by the County Engineer. Multiple sheets may be required on larger subdivisions.
- (15) Plats of subdivisions consisting of five (5) or more lots shall be submitted on electronic media in "dwg" or "dgn" file format. Plats of five (5) or more lots not provided in electronic form shall be accompanied by a \$75.00 digitizing fee.

B. Floodplain and Drainage Information:

- (1) For subdivisions with any lots located wholly or partially within a floodplain, the limits of the floodplain and regulatory floodway, if any, shall be delineated and clearly identified, along with base flood elevations utilizing the applicable FIRM on file at the County Engineer's office .
- (2) For subdivisions located wholly or partially within the floodplain, finished floor elevations of each lot located wholly or partially within the floodplain, in accordance with McLennan County's floodplain development criteria and as identified by FEMA shall be shown.
- (3) For subdivisions located wholly or partially within the floodplain, a note shall be clearly displayed on the plat containing the language provided in Appendix B regarding floodplains (and floodways).
- (4) For each subdivision located wholly or partially within the floodplain and consisting of at least five (5) lots which are located wholly or partially within the floodplain, at least one benchmark showing NGVD 29 elevation, as well as latitude and longitude coordinates, shall be set.
- (5) For subdivisions not located within the floodplain, reference shall be made on the plat that the subdivision is not located within the

100-year floodplain and the community and panel number of the appropriate FIRM shall be included.

- (6) A final drainage plan prepared in accordance with the requirements contained in Appendix D of these Regulations.

C. Street and Right-of-Way Information:

- (1) The name, right-of-way width, and total length of all streets (as measured along the center lines), in linear feet.
- (2) The information required under Section 5.1(G) or Section 5.1(H), as applicable.

D. Water, Wastewater and Utilities Information:

- (1) The location of all proposed utility easements and/or infrastructure, including water wells and sanitary sewer easements, if applicable. Public and private wells shall include a sanitary easement of 150-foot and 100-foot radius, respectively.
- (2) Designation of the water and/or sewer utility provider(s) for the subdivision and the source of the water intended to serve each lot within the subdivision. If groundwater under the land is to be the source of water for the subdivision, provide certification by a professional engineer that there is adequate groundwater available to meet TCEQ requirements for residential development. Include the water provider's certificate of convenience and necessity (CCN) number.
- (3) Certification that all lots have been designed in compliance with the rules of McLennan County for on-site sewage facilities, together with all planning and evaluation materials required.
- (4) Recording information (volume and page deed reference or instrument number) on all existing utility easements.

E. Plat Notes and Certifications:

Certifications and the appropriate plat notes (i.e., language) set forth in Appendix B of these Regulations or as may be required by the County Engineer.

F. Requirements for Roads to be Maintained by the County:

Prior to the submittal of a final plat for approval, an applicant seeking to construct streets and/or drainage improvements that the applicant wishes the County to accept upon completion of construction shall adhere to the following:

- (1) Meet the requirements of the County order entitled "Roadway Design and Construction Requirements," attached hereto as Appendix C;

- (2) No final plat will be approved by the Commissioners Court until the construction plans have been approved by the County Engineer;
- (3) Certification by a professional engineer that the construction plans are in compliance with the requirements set forth in these Regulations; and,
- (4) Provide the total estimated construction cost of all the streets and drainage improvements proposed to be constructed within the subdivision.

G. Requirements for Streets that are to Remain Private:

Prior to the submittal of a final plat for approval, an applicant seeking to construct streets and/or drainage improvements that the applicant wishes to remain private (i.e., seeks to have a homeowners association or other entity maintain said streets and/or drainage improvements) shall adhere to the following:

- (1) Meet the road requirements of the County order entitled “Roadway Design and Construction Requirements,” attached hereto as Appendix C;
- (2) No final plat will be approved by the Commissioners Court until the construction plans have been approved by the County Engineer;
- (3) The certification of a professional engineer that the construction plans are in compliance with the requirements set forth in these Regulations;
- (4) Provide the total estimated construction cost of all the streets and drainage improvements proposed to be constructed within the subdivision.

Section 5.2 Standards for Approval

The Commissioners Court shall approve a final plat if it satisfies the following standards:

- A. The plat is consistent with the approved preliminary plat (if applicable);
- B. The plat conforms to each of the requirements outlined in this article and Articles VI, VII and VIII of these Regulations.

Section 5.3 Approval of Final Plat

Approval of a final plat by the Commissioners Court shall in no way authorize any construction or development activities but merely authorizes the recording of the final plat in the Official Public Record of McLennan County. In addition, such approval does not constitute any obligation on the part of the County for maintenance of any road(s) or other improvements. Acceptance for maintenance shall require a separate order of the Commissioners Court entered at a date after

the roads and improvements have actually been constructed and inspected pursuant to Appendix C of these Regulations.

Article VI

Subdivision Design and Street Construction Requirements

Section 6.1 Lots – General Provisions

The purpose of this section is to provide general guidelines for the establishment of individual lots within subdivisions.

- A. Lots shall be of sufficient size and shape to allow for the construction of residential dwelling units that will meet the requirements of established building or construction codes, public health codes, and local ordinances and orders.
- B. Lots shall be of sufficient size and shape to accommodate easements for all public and private utility services and facilities that are to serve the subdivision.
- C. Lots should be designed, so far as possible, to have the side lot lines at right angles to the street on which the lots face or radial to curved street lines.

Section 6.2 Minimum Lot Size

- A. The minimum lot size for lots serviced by sanitary sewer shall be not less than 5,000 square feet.
- B. The minimum lot size for lots not serviced by sanitary sewer shall be in accordance with the rules and regulations pertaining to the “On-Site Sewage Facilities Rules” for McLennan County, and in no case shall be less than one half (1/2) acre in size.

Section 6.3 Lot Frontage

- A. Lots shall be of sufficient width along roadways so as not to create any adverse drainage conditions or traffic hazards.
- B. Lots fronting along State maintained roadways shall adhere to the requirements of the agency having control over said roadways and associated right-of-way.

Section 6.4 Flag or Key Lots or Ingress-Egress Easements

Flag or key lots shall generally not be permitted, except under unusual circumstances. The staff portion of the lot or ingress/egress easement to the lot shall not be longer than seven hundred fifty (750) feet and must be a minimum distance of two hundred (200) feet away from any other flag lot, key lot, or lot with an ingress/egress easement. The minimum width of the staff or ingress/egress easement shall be thirty (30) feet for lots less than one (1) acre in size, and fifty (50) feet for lots one (1) acre or greater in size. This type of lot shall also be restricted such that the staff portion of the lot is to be for access only and the construction of any buildings or structures within this area of the lot shall be prohibited. Lots in which the staff portion is at least one hundred (100) feet wide shall not be considered flag or key lots.

Section 6.5 Types of Streets (or Roads)

All streets serving a subdivision, whether maintained or designated to be maintained by the County or for private maintenance (e.g., by homeowners association, etc.), shall be designed and constructed in accordance with the standards in this Article and as contained within the “Roadway Design and Construction Requirements” (Appendix C), as may be amended from time to time, and shall be classified as one of the following types of streets:

- A. Public streets; or
- B. Private streets, to be maintained by a homeowners association or other maintenance entity.

Within any easement providing access to more than three (3) lots, streets shall be constructed in accordance with this Section, except as otherwise provided in these Regulations.

Section 6.6 Roadway Layout

The proposed preliminary or final plat shall satisfy the requirements of these Regulations relating to the design of roadways, and shall contain a written certifications from a professional engineer or licensed surveyor that the locations and dimensions of roadways as set forth and laid out on the plat are in accordance with these Regulations.

- A. Residential streets shall be so laid out that their use by through traffic will be discouraged, but access is provided to adjacent subdivisions.
- B. All residential subdivisions shall provide no less than one (1) point of access for each seventy-five (75) lots, including street stubs for future connections or extensions into a future development or phase and/or connection to an existing major collector or arterial or as required by the County Engineer.

Section 6.7 Dedication to the Public

Any dedication to the public shall be accomplished by dedication language on the plat which conveys a perpetual right-of-way easement on the property for public use (see Appendix B).

Section 6.8 Design and Construction of Public Improvements

All improvements shall be designed and installed to provide, to the maximum extent feasible, a logical system of utilities, drainage and streets to permit continuity of improvements to adjacent properties. Unless otherwise approved by the Commissioners Court, provisions must be made for extending existing dead-end streets within a recorded adjacent subdivision(s). Proposed streets should conform to existing topography, to the extent possible, in order to help eliminate or reduce potential drainage problems and to form a drainage collection system for surface water run-off.

- A. Design Criteria and Construction Standards for Streets (or Roads):
All streets shall be constructed in accordance with the “Roadway Design and Construction Requirements”, as may be amended from time to time (Appendix C).

- B. Monuments:
In all subdivisions and additions, monuments shall be established at the corners of each block and lot in the subdivision, consisting of an iron rod or pipe that is easily distinguishable from any other markers, set flush with the top of the ground.

- C. Utility Easements:
Utility easements of not less than ten (10) feet shall be provided along the front of each lot or street frontage and along each side of rear lot lines. A utility easement of ten (10) feet on each side of side lot lines shall also be provided, if required by the County Engineer.

Section 6.9 Shared Access Driveways

Up to one (1) lot without independent access to a public road may obtain access to that road by means of a shared access driveway if approved by the Commissioners Court. An additional two (2) lots having independent access to a public road may also share the use of the shared access driveway. Shared access driveways are intended as a means to provide flexibility in the development process, and to preserve the rural character of the land. Shared access driveways are not intended to serve as a substitute for interior roads. Excessive use of shared access driveways will not be permitted. No more than ten percent (10%) of the total number of lots within a subdivision shall have shared access driveways.

Any plat submittal proposing shared access driveways shall also satisfy the following requirements:

- A. A note clearly displayed on the plat, containing the language provided in Appendix B regarding shared access driveways.
- B. Each of the lots sharing use of the shared access driveway shall hold equal, indivisible, irrevocable and unrestricted rights in the shared access driveway, which rights shall be established by a recorded easement and the easement shall run with the land of each of the benefited lots. The easement instrument shall clearly state each lot's pro rata responsibility with respect to future maintenance and/or repairs of the shared access driveway.
- C. The shared access driveway is to be no longer than seven hundred fifty (750) feet in length or as directed by the County Engineer, and must have a minimum distance of two hundred (200) feet from any other driveway or shared access driveway entering onto the public road. The minimum width of a shared access driveway easement shall be thirty (30) feet for access to lot(s) less than one (1) acre in size, and fifty (50) feet for access to any lot(s) one (1) acre or greater in size.
- D. The postal address of each of the lots shall be based upon the public road from which the shared access driveway gains access, and the mailboxes for each of the lots shall be located together (i.e., clustered) along the edge of the right-of-way.

Section 6.10 Publicly Maintained and Dedicated Paved Streets

Paved streets dedicated to the public shall be required in all subdivisions except those satisfying the criteria for private streets, as contained herein. The boundary lines of all lots fronting onto a publicly dedicated right-of-way shall be contiguous with the boundary of the right-of-way.

Section 6.11 Private Streets

The term "private street" shall be inclusive of alleys, if such are to be provided within the subdivision.

- A. Subdivision Eligibility Criteria:
Private streets shall not be intended for regional or local through traffic circulation.
- B. Construction and Maintenance:
The County shall not pay for any portion of the cost of constructing or maintaining a private street, or for any utilities or related facilities that are adjacent to private streets.
- C. Infrastructure:
All required water, sewer and drainage facilities and signs placed along private streets shall be installed in accordance with County standards.

- D. Plans and Inspections:
Subdivisions with private streets must include the same engineering consideration and plans required for public streets and utilities.
- E. Petition to Convert to County Maintained Streets:
Lot owners along a private street(s) may request that the County accept the private street(s) as a public street(s) and right(s)-of-way upon dedication of said private street to the public and submission of a written request to the County Engineer, which has been signed by all the lot owners along the subject street. However, in no event shall the County be obligated to accept said street(s) for County maintenance. Should the Commissioners Court elect to accept the street(s) for maintenance, the County may inspect the street(s) and determine the costs of needed repairs and/or street rehabilitation. Such costs shall be borne by the lot owners prior to the County's acceptance of the street(s). The County shall be the sole judge of whether repairs or rehabilitation are needed. The County may also require, at the lot owners expense, the removal of guard houses, access control devices, landscaping and/or other aesthetic amenities located within the street right(s)-of-way.

Section 6.12 Mailboxes

- A. Mailboxes should be set a minimum of three (3) feet from the edge of the pavement or one (1) foot behind curbs. When placement of the mailbox outside of the 3 foot minimum is not possible, a "break-away" type design shall be used.
- B. 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 or other access points.
- C. For the purpose of public safety, the use of clustered or community mail facilities, whenever possible, is encouraged.

Section 6.13 Street Names and Signs

- A. All streets shall be named, with prior approval being received from the McLennan County 911 Emergency Assistance District office.
- B. All signs required by the County Engineer, including street name signs, regulatory signs (e.g., stop and yield), warning signs, and informational

signs, shall be installed by the owner or developer. All traffic control signs and devices shall be installed in accordance with the most current version of the “*Texas Manual of Uniform Traffic Control Devices.*”

Article VII

Acceptance of Road Maintenance and Bonding Requirements

Section 7.1 Owner’s Maintenance Responsibility

The owner shall remain responsible for all maintenance and repair of streets and drainage facilities within the subdivision until the Commissioners Court, by formal court action, accepts the obligation to maintain and repair such roads. The Commissioners Court’s decision to approve a final plat or dedication of the right-of-way for a road shall not be deemed to constitute acceptance of the road for maintenance.

Section 7.2 County Acceptance of Roadways

The County may accept a road or street and may assume maintenance responsibility when the following conditions have been satisfied:

- A. The associated right-of-way has been dedicated to the public pursuant to these Regulations and the final plat of the subdivision has been recorded with the County Clerk;
- B. The requirements contained within the “Roadway Design and Construction Requirements” have been met (Appendix C);
- C. The owner has submitted a written request to the County Engineer;
- D. The County Engineer recommends acceptance of the roadways.

Section 7.3 Bonding Requirements

The County may require a bond or financial guarantee (e.g., letter of credit, cash deposit, or other acceptable guarantee) in relation to the construction of public improvements.

- A. The owner of any tract of land to be subdivided shall give a good and sufficient bond or financial guarantee for the proper construction of streets and drainage facilities in the subdivision if the plat is to be recorded with the County Clerk prior to the improvements being constructed and approved by the County. The bond shall be a performance bond executed by a surety company authorized to do business in the State of Texas and approved by the Commissioners Court. If an irrevocable letter of credit is used, it must be issued by a federally insured financial institution.

- B. Such bond or financial guarantee (letter of credit) shall be made payable to “McLennan County Judge or his/her successors in office,” conditioned that the roads and streets and the drainage requirements for the subdivision will be constructed in accordance with these Regulations and within a reasonable time set by the Commissioners Court.
- C. The bond or financial guarantee shall be in an amount equal to the actual cost or contract amount of constructing such streets and drainage facilities.
- D. The bond or financial guarantee, in an amount to satisfy the requirements established herein, shall be presented to the Commissioners Court when the final subdivision plat is presented to the Court for approval. No subdivision plat will be approved by the Commissioners Court without being accompanied by a bond or financial guarantee meeting the requirements of this Section, unless the required public improvements are constructed by the owner and approved by the County prior to the final plat being recorded with the County Clerk.
- E. The bond or financial guarantee shall go into effect on the day the final plat receives approval by the Commissioners Court. The bond or letter of credit must remain in full force and effect until after all streets and roads and all associated drainage improvements in the subdivision have been completed and have been accepted or approved by the County in accordance with these Regulations.
- F. Before release of the bond, the County Engineer shall inspect the roads and other improvements and the owner shall remedy all deficiencies prior to release of the security. If the deficiencies are not properly remedied, the County shall draw on the security to make the necessary repairs.
- G. Before recording of the final plat with the County Clerk (if a bond is not given), the County Engineer shall inspect the roads and other improvements and the owner shall remedy all deficiencies. If the deficiencies are not properly remedied, the final plat will not be recorded with the County Clerk.

Article VIII

Water and Wastewater Standards

Section 8.1 Compliance with On-Site Sewage Rules

All lots must be designed in compliance with the rules and regulations pertaining to the “On-Site Sewage Facilities Rules” for McLennan County, as may be amended from time to time.

Section 8.2 Individual Septic Systems

All septic systems must be inspected and approved by McLennan County's duly authorized Designated Representative. All sewage disposal systems must be designed and constructed in accordance with regulations pertaining to the "On-Site Sewage Facilities Rules" for McLennan County, as may be amended from time to time.

Section 8.3 Groundwater Certification

Where the intended source of water to serve a subdivision is groundwater under the land to be subdivided, whether the development is to be supplied by individual wells or from a central water system, no plat shall be approved unless the plat is accompanied by a certification prepared by a professional engineer that there is adequate groundwater from the intended source to serve the subdivision. This certification shall be in accordance with TCEQ requirements (Section 232.0031, Local Government Code).

Article IX

Variances

Section 9.1 Criteria for Variances

The Commissioners Court shall have the authority to grant variances from these Regulations when a special public interest and/or the requirements of justice demands relaxation of the strict requirements of these rules. Any variance granted shall not have the effect of nullifying the intent and/or purpose of these Regulations. The conditions upon which the request for a variance is based shall be unique to the property in question, and not generally applicable to other property.

Factors to be considered by the Commissioners Court in evaluating a request for variance shall include:

- A. Whether strict enforcement of the Regulations would deny the applicant the privileges or safety of similarly situated property with similarly timed development;
- B. The actual situation of the property in question in relation to neighboring or similar properties, such that no special privilege not enjoyed by other similar situated properties may be granted;
- C. That the granting of the variance will not be detrimental to the public health, safety and welfare, or injurious to other property, or will not

prevent the orderly subdivision of the land in the area in accordance with these Regulations; and,

- D. Whether there are special circumstances or conditions affecting the land involved in the proposed development such that strict application of these Regulations would deprive the applicant of the responsible use of their land, that failure to approve the variance would result in undue hardship to the applicant, and such is through no fault of the applicant.

Section 9.2 Application Materials

Any person who wishes to apply for a variance should apply in writing to the County Engineer with a list of, and detailed justification for, any variance(s) requested.

Section 9.3 Grant or Denial of Variance

The decision of the Commissioners Court to grant or deny a variance will be final.

Article X

Enforcement; Penalties; Appeals; Conflict of Interest; Severability

Section 10.1 Category of Offense

A person commits an offense if the person knowingly or intentionally violates a requirement of these Regulations, including the road design and construction specifications incorporated into these Regulations, the rules of McLennan County for on-site sewage facilities, and any appendices attached to these Regulations. An offense under this provision is a Class B misdemeanor (Section 232.005, Local Government Code).

Section 10.2 Enforcement Actions

At the request of the Commissioners Court, the County Attorney, District Attorney or other attorney designated by the County may file an action in court of competent jurisdiction to:

- A. Enjoin the violation or threatened violation of a requirement established by or adopted by the Commissioners Court under these Regulations; or
- B. Recover damages in an amount adequate for the County to undertake any construction or other activity necessary to bring about compliance with a requirement established by or adopted by the Commissioners Court under these Regulations.

Section 10.3 Enforcement of Plat Notes

The enforcement of plat notes or restrictions is generally the responsibility of the developer and other persons holding property interest, whether in fee simple or by easement, in the subdivision.

Section 10.4 Conflict of Interest

No member of the Commissioners Court shall participate in the decisions regarding a subdivision plat for property in which the person holds a “substantial interest” as that term is defined in Section 232.0048(b) and (c), Local Government Code. If a member of the Commissioners Court has a substantial interest in a subdivided tract, the Commissioner shall file, before a vote or decision regarding the approval of a plat for a tract, an affidavit stating the nature and extent of the interest and shall abstain from further participation in the matter. Such affidavit must be filed with the County Clerk in accordance with Section 232.0048(d), Local Government Code.

Section 10.5 Severability

In the event any article, appendix, section, paragraph, sentence, clause or phrase of these Regulations shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction for any reason, such declaration shall not affect any remaining part of these Regulations. It is the express intent of the McLennan County Commissioners Court that the articles, appendices, sections, paragraphs, sentences, clauses or phrases of these Regulations be severable.

Section 10.6 Amendment to Regulations

The Commissioners Court may amend these Regulations from time to time and may adopt new orders by vote of simple majority after a public hearing thereon is noticed and is held.

Section 10.7 Appeal

In any instance under these Regulations where a decision is made by the County Engineer in the plat approval or road acceptance process, that decision may be appealed to the Commissioners Court when the applicant believes the decision to be improper, outside of the scope of these Regulations, or contrary to these Regulations or existing law. The appeal shall be requested in writing to the County Judge no later than five (5) business days after the decision of which the applicant complains. The Commissioners Court will take up the matter within twenty (20) business days.

Section 10.8 Appeal to Court of Competent Jurisdiction

An applicant may appeal a decision on an application to a court of competent jurisdiction if the applicant believes the decision of the Commissioners Court to be improper, based on matters outside the scope of these Regulations, or contrary to these Regulations or existing law.

AND IT IS SO ORDERED:

PASSED AND APPROVED BY THE McLENNAN COUNTY COMMISSIONERS COURT
THIS 1st DAY OF April, 2003.

JIM LEWIS
McLennan County Judge

ATTEST:

Deputy County Clerk for and on
Behalf of J.A. "Andy" Harwell,
McLennan County Clerk

APPENDIX A

Subdivision Application Form

Plat Application/Review Fees

Plat Review Checklists

APPENDIX B

Plat Language and Certifications

APPENDIX C

Roadway Design and Construction Requirements

APPENDIX D

Drainage and Flood Control Requirements