

**HOOD COUNTY  
DEVELOPMENT AND COMPLIANCE**

**RULES AND REGULATIONS**

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**SECTION III**

**INFRASTRUCTURE DEVELOPMENT  
REGULATIONS FOR MANUFACTURED HOME  
RENTAL COMMUNITIES**

**HOOD COUNTY**

**SECTION III  
INFRASTRUCTURE DEVELOPMENT REGULATIONS FOR  
MANUFACTURED HOME RENTAL COMMUNITIES**

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**HOOD COUNTY**  
**Infrastructure Development Regulations for Manufactured Home Rental Communities**

**Article I. General Provisions**  
**PURPOSE AND AUTHORITY**

Section 1.1     Purpose

The regulations contained herein are intended to implement the County's Strategic Plan and the State's manufactured home rental community laws for Counties. These regulations are designed to encourage the development of a quality physical environment by establishing standards for the provision of adequate storm water drainage, transportation, public utilities and facilities, and other infrastructure necessary for ensuring the creation and continuance of a healthy, safe and efficient community that provides for the conservation, enhancement and protection of its human and natural resources. The manufactured home rental community regulations are intended to promote the health, safety, and general welfare of the County's citizens.

Section 1.2     Development Process

The submittal and review of an infrastructure development plan is the second step in the development process for manufactured home rental communities which are subject to the general development regulations established by the County pursuant to Chapters 231, 232, and 233 of the Local Government Code. Only after obtaining approval of a concept plan by the Commissioners' Court pursuant to the County's Development Permit Regulations, shall the property owner be authorized to submit an infrastructure development plan application pursuant to these 1999 manufactured home rental community regulations.

Section 1.3     Findings

The Hood County Commissioners' Court hereby makes the following findings:

1. The Commissioners' Court of Hood County has been delegated the authority to regulate the manufactured home rental community and development process pursuant to, but not limited to, the following Texas statutes:
  - a. Texas Local Government Code, Chapters 231, 232, and 233;
  - b. Texas Health and Safety Code, Chapters 121, 122, 341, 366 and 368;
  - c. Texas Water Code, Chapters 16 and 26; and
  - d. Texas Transportation Code, Chapter 251
2. The Commissioners' Court of Hood County has been delegated responsibility under Texas law for overseeing the quality of water resources in the County as impacted by rapid growth and development, and these Regulations are necessary to implement such authority;

3. The Commissioners' Court of Hood County is the authorized agent for the licensing and regulation of on-site sewage facilities within Hood County, and these Regulations are necessary to implement such authority;
4. The Commissioners' Court of Hood County has the authority and obligation to exercise general control over the roads, highways, bridges and related drainage structures and development within Hood County, and these Regulations are necessary to implement such authority
5. The Commissioners' Court of Hood County has responsibility under the Federal Emergency Management Act (FEMA) to administer floodplain development regulations within the County, and these Regulations are necessary to implement such authority;
6. The Commissioners' Court of Hood County has considered the potential pollution, nuisances and injury to public health that could be caused by the use of on-site sewage facilities within the County, and has adopted these Regulations in part to abate or prevent the potential pollution, nuisances or injury to public health;
7. The Commissioners' Court of Hood County has the authority and obligation to protect the public health, safety and welfare of the citizens of Hood County;
8. The infrastructure standards contained in these Regulations are no more stringent than requirements applicable to subdivisions within the County;
9. The Commissioners' Court of Hood County has determined that these regulations are exempt from the requirement to conduct a takings impact assessment pursuant to Texas Government Chapter 2007; and
10. These Regulations are adopted to preserve and protect the resources, public health, and private property interests of Hood County.

Section 1.4      Order

The Commissioners' Court of Hood County, following public notice, investigation, and hearing, has declared and hereby declares these Manufactured Home Rental Community Regulations to be necessary and appropriate to accomplish the purposes and goals enumerated above. These regulations have been adopted by order of the Hood County Commissioners' Court to provide a framework for the orderly and efficient development of rural and suburban Hood County.

Section 1.5 Interpretation

In the interpretation and application of the provisions of these Regulations, it is the intention of the Commissioners' Court of Hood County that the principles, standards, and requirements provided for herein shall be minimum requirements for the planning and development of manufactured home rental communities within Hood County and shall supersede any conflicting regulations. It is the further intent of the Court that these regulations shall be interpreted in conjunction with the Court's orders relating to development permits and on-site sewage facility permits.

Section 1.6 Amendment to Regulations

The Commissioners' Court may, by order adopted and entered in the minutes of the Commissioners' Court, amend from time to time the minimum infrastructure standards for manufactured home rental communities located in the county outside the limits of a municipality. Such order must be adopted by a simple majority vote.

## Article II. Definitions

Section 2.1 General Interpretation. When not inconsistent with the context, words used in the present tense include the future; words used in the plural number include the singular number (and vice versa); and words used in the masculine gender include the feminine gender (and vice versa). Definitions not expressly prescribed herein are to be determined in accordance with customary usage in planning and engineering practice. The word "shall" is always mandatory, while the word "may" is merely directory.

Section 2.2 For the purpose of these Regulations, the following terms, phrases, words and their derivations shall have the meaning given herein.

1. 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 any that is within a private roadway easement or an easement for a shared access driveway shall be excluded.
2. Applicant - An owner or its authorized representative seeking approval of a proposed subdivision pursuant to these Regulations.
3. Building Setback Line - The line within a property defining the minimum horizontal distance between a building or other structure and the adjacent street and/or property line(s).
4. Business day - A day other than a Saturday, Sunday, or holiday recognized by this state or county.
5. Commissioners' Court - The Commissioners' Court of Hood County.
6. Concept Plan - A schematic plan of a proposed development site showing the information necessary to obtain authorization to proceed with development of the project pursuant to the County's Development Permit Regulations.
7. County - Hood County, Texas.
8. County Clerk - The County Clerk of Hood County.
9. County Road Administrator - The Official responsible for the maintenance of the roads under the County Road System.
10. County Road System - Those public dedicated streets that have been accepted by specific approval action of the Commissioners' Court.
11. Development - All land modification activity, including the grading or construction of buildings, roads, paved storage areas, parking lots and/or other impervious structures or surfaces.
12. Development Permit Regulations - County orders, collectively, implementing Subchapter K of Texas Local Government Code, Chapter 231.

13. Development Plan - Infrastructure Development Plan.
14. Director of Development – The Official specifically employed by the County to manage and administer the Hood County Development Regulations.
15. Director of Health – The Director of the Hood County Health Department and any successor thereto.
16. Drainage Plan or Study - A general plan for handling the storm water affecting property proposed for development.
17. 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 growths 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.
18. Engineer - A registered professional civil engineer, or the firm of registered professional consulting engineers, that has been specifically employed by the developer/property owner and licensed to practice in Texas.
19. Filing Date - The filing date is when all necessary forms, fees and copies are submitted and accepted for filing by action of issuance of a fee receipt by the County.
20. Infrastructure Development Plan - A plan indicating compliance with and provisions for streets, utilities, drainage, water, and sewer and other requirements for the development of a manufactured home rental community, including but not limited to a survey identifying the proposed boundaries of the manufactured home rental community, any significant features of the community, the proposed location of manufactured home rental community spaces, utility easements, facilities and lines, and dedications of right-of-way; and specifications of street or road ingress and egress for fire and emergency vehicles.
21. Lot - Any tract or parcel of land divided or undivided for individual rental, lease or for any other distinct purpose, such as a community center, within the overall manufactured home rental community and which is identified by a tract or lot number or symbol.
22. Manufactured Home - Either a HUD-code manufactured home or a mobile home. A HUD-code manufactured home is a structure constructed on or after June 15, 1976, according to the rules of the United States Department of Housing and Urban Development, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 320 or more square feet, and which is built on a permanent chassis and destined to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.
23. Manufactured Home Rental Community - 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.

24. Mobile Home - A structure that was constructed before June 15, 1976, transportable in one or more sections, which, in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities and includes the plumbing, heating, air-conditioning and electrical systems.
25. On-Site Facilities - On-site facilities shall mean those existing or proposed streets, utilities, drainage, water, and sewer and other infrastructure improvements provided within the boundaries of the land on which the manufactured home rental community is to be constructed. On-site facilities shall also mean those existing or proposed facilities, which are required to be constructed, or improved on the perimeter of the property in rights-of-way to be provided by the owner and which are required to serve the manufactured home rental community. These include streets, water lines, sewer lines, storm drainage, curb and gutter, and any other infrastructure improvements needed to serve the property.
26. Owner - The owner of the land on which the manufactured home rental community is to be constructed.
27. Pavement Width - The portion of a street that is available for vehicular traffic. Where curbs are used, the pavement width is the portion, which is face-to-face with respect to the curb.
28. Perimeter Street - Any existing or planned street that abuts a manufactured home rental community.
29. Regulations - The "Hood County Manufactured Home Rental Community Regulations," as may be amended.
30. Right-of-Way - A parcel of land that is occupied, or intended to be occupied, by a street 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 or storm sewer facilities; or which is used for any other special use. The term "right-of-way" shall also include parkways and medians, which are located outside of actual pavement. The term "right-of-way" excludes the lots or parcels adjoining such right-of-way, and any land included within the dimensions of such lots or parcels.
31. Setback - See "Building Setback Line."
32. Street - A right-of-way, whether public or private and however designated, which provides vehicular access to the manufactured home rental community. A street may be classified as follows:
  - a. Private streets are residential streets that are typically owned and maintained by an entity other than the County or municipality in which they are located, and that are generally

intended to serve the residents located thereon but not the public at large.

- b. Public streets are those streets that are dedicated to and accepted by the County.
33. Street Cul-De-Sac - A street with only one (1) outlet which has an approved turnaround at the closed end, and which is typically (although not always) intended to remain closed off (i.e., not extended into adjacent property).
  34. Street, Dead-End - A street, other than a cul-de-sac, with only one outlet.
  35. Street Improvement - For purposes of these Regulations, "street improvement" means any street or road, together with all appurtenances required by County Regulations to be provided with such street or road, and including but not limited to sidewalks, drainage facilities to be situated within the right-of-way for such street or road, traffic control devices, street lights and street signs.
  36. Substandard Street - An existing street or road that does not meet the minimum specifications in the County's thoroughfare construction standards and specifications (as contained within the "Standard Specifications for Public Works Construction," published by the North Central Texas Council of Governments, as may be amended), and which is not constructed to the ultimate extent or configuration for the type of roadway it is designated for on the County's Master Thoroughfare Plan. A standard street is a street or road that meets or exceeds said standard specifications and designation on the Master Thoroughfare Plan.
  37. Surveyor - A licensed state land surveyor or a registered public surveyor, as authorized by the State statutes to practice the profession of surveying.
  38. Takings Impact Assessment - An assessment made in compliance with Chapter 2007 of the Texas Government Code requiring certain governmental entities to (1) describe the specific purpose of a proposed action and identify whether and how the proposed action substantially advances its stated purpose; and the burdens imposed on private real property and the benefits to society resulting from the proposed use of private real property; (2) determine whether engaging in the proposed governmental action will constitute a taking; and (3) describe reasonable alternative actions that could accomplish the specified purpose and compare, evaluate, and explain how an alternative action would further the specified purpose; and whether an alternative action would constitute a taking.
  39. Takings Impact Assessment, Categorical - A takings impact assessment addressing all standard dedication requirements to be imposed by County regulations.
  40. Utility - Water, sewer, gas and/or electrical services owned and/or operated by a municipality, county, special district, or any other public, non-profit or private entity.

## Article III. Application Requirements and Procedures

### Section 3.1 Authorization to Submit Application

No application for approval of an infrastructure development plan subject to these Regulations shall be accepted for filing until a concept plan for development has been approved for all land under unified ownership of which the land to be used as a manufactured home rental community is to be a part, in accordance with the County Development Permit Regulations; provided that this requirement shall not take effect until after the effective date of the order establishing the Development Permit Regulations. Acceptance of any application in violation of this section hereby is deemed to be unlawful, and approval of such application shall be void and of no effect.

### Section 3.2 General Requirements

- A. Any owner who proposes to use land as a manufactured home rental community, outside the limits of a municipality shall:
  - 1. Comply in all respects with these Regulations; and
  - 2. Prepare and submit to the Commissioners' Court an application for approval of the proposed infrastructure development plan, in accordance with the terms and procedures set forth in these Regulations.
- B. No manufactured home rental community shall be permitted or constructed until the owner has submitted and received approval of the development plan by the Commissioners' Court.
- C. Design and Construction of 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.

Section 3.3 Pre-Application Procedures. The owner(s) should avail themselves of the advice and assistance of the County officials and should consult early and informally with the Director of Development and/or other designated administrative officers before preparing an infrastructure development plan and before formal application for approval, in order to save time and money and to avoid unnecessary delays.

Section 3.4 Development Plan Approval Process. All submissions to the Commissioners' Court pursuant to these Regulations, including amendments and/or supplemental materials, shall be delivered to the Director of Development at least thirty (30) days prior to the next scheduled Commissioners' Court session date, and all submissions shall be accompanied by an application indicating:

- 1. The name, address, and telephone number of the owner and, if different, the developer or applicant;
- 2. The name, address and telephone number of a person submitting the materials on behalf of the owner;
- 3. The name of the proposed manufactured home rental community

4. The size and location of the site of the manufactured home rental community and the tract from which it is to be divided; and
5. A detailed description of the requested action(s).

The County may prepare and require the use of application forms which require additional information, as determined appropriate and necessary for complete review of submissions. The appropriate County-approved application forms shall be made available at the Director of Development's office.

### Section 3.5

Application Materials. Each application for an infrastructure development plan approval shall include the following:

1. A completed application form in the current form generated and approved by the County;
2. Multiple copies of each document, as stated on the County-approved application form;
3. The application fee.
4. A tax certificate showing that all taxes currently due with respect to the subject property and/or the original tract have been paid;
5. A survey certified by a licensed surveyor of the following:
  - a. the proposed boundaries of the manufactured home rental community;
  - b. the proposed location and dimension of rental spaces;
  - c. the proposed and existing locations and dimensions of utility easements;
  - d. the existing and proposed locations and dimensions of dedicated rights-of-way;
  - e. the proposed location and dimensions of on-site streets or roadways;
  - f. the proposed location of recreation and open space areas;
  - g. the proposed location of non-residential structures; and
  - h. any other significant features of the community.
6. All required engineering and/or construction drawings/plans, which have been signed, dated and sealed by an engineer;
7. All other documents and/or reports required pursuant to these Regulations.
8. A copy of the concept plan approved pursuant to the County Development Permit Regulations.
9. If the manufactured home rental community is to be developed in phases, demarcation of the

phases of development with an approximate time schedule for completion of improvements for each phase.

10. If the manufactured home rental community is to include floodplain alterations for purposes of development, a copy of the approved floodplain development permit.

### Section 3.6 Complete Application Required

- A. An application for an infrastructure development plan shall be deemed complete for purposes of Article III when all of the materials required under Sections 3.5 are received and accepted as satisfying the requirements of that section by the Director of Development.
- B. Acceptance by the Director of Development of a complete application shall not be construed as approval of the application, nor the authorization for construction of improvements within the proposed manufactured home rental community.
- C. If the Director of Development determines that the application is incomplete, then he shall return the application to the applicant within ten (10) business days of the date the application was received with a written explanation of missing information or documents.
- D. The applicant shall address the Director's comments and shall then resubmit the application along with any additional information and/or revisions to the infrastructure development plan requested by the Administrator.
- E. The applicant may request in writing within five (5) business days of receiving the Director's comments that the application is incomplete that the application be forwarded to the Commissioners' Court without addressing the Director of Development's comments, in which event the Director of Development will make his recommendation and itemize the deficient items and/or nonconformities in his report to the Commissioners' Court in accordance with Section 3.7.
- F. The time for acting upon the application by the Commissioners' Court does not begin to run until a complete application has been accepted, or until the Director receives the applicant's request to forward the application without corrections to the Commissioners' Court.
- G. An application to revise an approved infrastructure development plan, or an application for approval of an infrastructure development plan following expiration of a development plan previously approved, shall be considered a new application for purposes of this section.

### Section 3.7 Approval Procedure

- A. Upon receipt of a complete application for approval of an infrastructure development plan, the Director of Development shall conduct a technical review of the application and shall make a recommendation to the Commissioners' Court as to whether the application is in compliance with these Regulations.
- B. The Commissioners' Court shall take final action on an application for approval of an infrastructure development plan no later than the 60th day after the date that a complete

application is accepted for filing by the Director of Development, or after the date that the applicant requests in writing that the application be forwarded to the Commissioners' Court pursuant to Section 3.6.F. If agreed to in writing by the applicant and approved by the Director of Development, the period for taking final action on the application may be extended for a reasonable period of time.

- C. The Commissioners' Court shall approve a development plan if it satisfies each of the following criteria:
  - 1. The development plan is consistent with the approved concept plan pursuant to the County's Development Permit Regulations;
  - 2. The development plan conforms to the Hood County rules governing on-site sewage collection/disposal, if applicable;
  - 3. The development plan conforms to the requirements for road dedication, design and construction contained in Article IV;
  - 4. The development plan conforms to the requirements for provision of water and wastewater services contained in Article VI;
  - 5. The development plan conforms to the requirements for drainage contained in Article V; and
  - 6. The development plan (a) does not require preparation of a takings impact assessment, or (b) an unconditional waiver of the necessity of a takings impact assessment has been executed by the applicant, or (c) any required takings impact assessment can be prepared within the time prescribed for final decision on the application, or (d) such time period has been extended voluntarily by the applicant in order to prepare such assessment; and.
- D. The Commissioners' Court may approve, approve with conditions, or disapprove the development plan application.
- E. If the Commissioners' Court disapprove an application, the applicant shall be given a written list of the reasons for the disapproval and actions required for approval of the plan.

### Section 3.8

#### Expiration of Approval

- A. Approval of a development plan shall expire and be of no further force and effect within twelve (12) months following the date the Commissioners' Court approves the plan, unless construction of required improvements within the first phase of development of the manufactured home rental community has been completed and finally inspected and approved consistent with the approved plan within such period.
- B. Where the manufactured home rental community is to be developed in phases, completion and final inspection and approval of required improvements within the first phase within the period prescribed by Subsection A shall extend the expiration date for the remaining portion of

the manufactured home rental community subject to the infrastructure development plan for a period of not more than six (6) months after the date construction of improvements for the first phase is completed and final inspection has occurred. Construction of improvements and final inspection and approval for a subsequent phase of development within such period shall extend the expiration date for the infrastructure development plan for remaining phases for an additional six (6) months from the date of completion and inspection of improvements for the next phase.

- C. Each extension period for the expiration of the infrastructure development plan runs from the date of the completion and inspection of improvements for a phase of the development; extension periods are not cumulative. If improvements within a phase of the manufactured home rental community are not completed and finally inspected and approved during the extension period, the infrastructure development plan expires.
  
- D. The filing of a revised infrastructure development plan after approval of the original plan but prior to completion and final inspection of improvements shall cause the prior plan to expire immediately. If improvements for a phase of the development already have been installed, the owner shall submit a revised infrastructure development plan for all phases of the manufactured home rental community for which improvements have not been installed.

In either case, all regulations in effect on the date of filing of the revised infrastructure development plan shall be applied to the new plan application.

Section 3.9      Application Fees. The applicant shall submit a non-refundable fee with each application for infrastructure development plan approval. 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 3.10    Manufactured Home Rental Communities Within the Extraterritorial Jurisdiction of a Municipality

In accordance with Chapter 242 of the Texas Local Government Code, the County and the municipalities within the County have adopted agreements that identifies the governmental entity authorized to regulate subdivision plats and approve related permits within the extraterritorial jurisdiction of each municipality. The adopted agreements for each municipality are as follows:

1. Where Hood County exercises exclusive jurisdiction to regulate subdivision plats and approve related permits:
  - a. Brazos Bend
  - b. Lipan
  - c. De Cordova
  
2. Where the City exercises exclusive jurisdiction to regulate subdivision plats and approve related permits:
  - a. Cresson
  - b. Granbury
  - c. Tolar

Section 3.11 Inspections

- A. During the construction and upon completion of improvements required by these regulations, the Director of Development shall inspect or cause to be inspected the infrastructure of the development for its compliance with the approved plan and county regulations.
  
- B. The final inspection must be completed not later than the second (2<sup>nd</sup>) business day after the date the Commissioners' Court or the person designated by the Commissioners' Court receives a written confirmation from the owner that the construction of the infrastructure is complete.

Section 3.12 Certificate of Compliance

If the Director of Development determines that the improvements serving the manufactured home rental community comply with the infrastructure development plan, he shall issue a certificate of compliance not later than the fifth (5th) business day after the date the final inspection is completed.

Section 3.13 Takings Impact Assessment

- A. The Commissioners' Court shall cause a takings impact assessment to be prepared prior to taking final action on an application for approval of an infrastructure development plan whenever the Director of Development determines that (1) any part of the land must be dedicated for public use in order to meet the standards of approval for the plan, and (2) the proposed dedication neither (a) is exempt under Chapter 2007 of the Texas Government Code nor (b) has been addressed under the County's categorical takings impact assessment.
  
- B. If a takings impact assessment is required, approval of the infrastructure development plan shall be delayed until the assessment is completed. In the event that the proposed dedication is subject to a proportionality determination pursuant to Section 3.14, the final takings impact assessment shall take into account such determination.
  
- C. In the event that a required takings impact assessment cannot be completed within the time prescribed by Section 3.7.B, and the applicant has not agreed to an extension in order to complete the required assessment, the infrastructure development plan shall be denied.



- D. An applicant may unconditionally waive the requirement that a takings impact assessment be prepared for one or more dedications to be imposed for the manufactured home rental community.

Section 3.14

Proportionality Determination

- A. The Director of Development shall cause to be prepared a proportionality determination to be included with his report to the Commissioners' Court concerning an application for approval of an infrastructure development plan in the following circumstances:
  - 1. Dedication of rights-of-way for and/or improvement of a public collector or arterial road;
  - 2. Dedication of an easement for and/or construction of drainage improvements within such easement, where the easement(s) constitutes more than ten percent (10%) of the land area subject to the proposed infrastructure development plan.
- B. The Director shall compare the impacts of the development on the County's road or drainage system, as the case may be, to the extent of the dedication and/or improvement requirement and shall determine whether the dedication is roughly proportional to the nature and extent of the development.
- C. In the event that the Director concludes that the proposed dedication and/or improvement requirement is disproportional to the nature and extent of the development's impacts, he may recommend to the Commissioners' Court that the requirement be modified, or that the County participate in the costs of the improvement.

## Article IV. Streets and Road Construction and Design

### Section 4.1 Compliance With Concept Plan

No infrastructure development plan for a proposed manufactured home rental community shall be approved unless the applicant has fulfilled any obligations relating to dedication and improvement of streets and roadways serving the development which were imposed as conditions of concept plan approval for the manufactured home rental community.

### Section 4.2 Required Streets and Roadway

- A. No infrastructure development plan for a proposed manufactured home rental community shall be approved which does not have adequate vehicular access for police and other emergency vehicles. The owner shall be required to construct and maintain all street, roadways or drives internal to the manufactured home rental community required for the safe passage of fire and emergency vehicles.
- B. All streets within a manufactured home rental community shall be classified as private streets to be maintained by an approved maintenance entity, unless the Commissioners' Court determines that the public health, safety or general welfare requires dedication of the street to the public.

### Section 4.3 Roadway Layout

A proposed infrastructure development plan shall satisfy the requirements of these Regulations relating to the provision of rights-of-way for, design of, and construction of roadways, and shall contain a written certification from a registered professional civil engineer or surveyor that the locations and dimensions of roadways, as set forth and laid out in the development plan, are in accordance with these Regulations. All new or proposed collector or arterial roads shall conform to the Hood County Master Thoroughfare Plan, as may be amended.

- A. Internal streets shall be so laid out that their use by through traffic will be discouraged, but access may be provided to adjacent development.
- B. The manufactured home rental community shall provide at least one point of access to an arterial or collector street and shall provide no less than one (1) entrance for each seventy-five (75) lots, including stubs for future development or connection to an existing major collector or arterial.
- C. The Commissioners' Court may require gates and/or warning devices at all road crossings where a storm event is anticipated to flow over the road surface.

### Section 4.4 Design Criteria and Construction Standards for Streets

- A. Proposed streets must conform to existing topography, as nearly as possible, in order that drainage problems may be reduced and/or avoided. Streets should, whenever possible, follow valleys or depressions so as to form a collection system for surface water.
- B. The classification and construction standards for all public or private streets shall be

determined according to the average daily traffic anticipated for the streets. The standards for paved streets are summarized on Table 4.1 and on the County's Master Thoroughfare Plan. All streets shall be constructed in accordance with the Design Standards of Hood County and the "Standard Specifications for Public Works Construction," published by the NCTCOG, as may be amended.

- C. Street (Block) Length. The maximum length of any block or street segment shall be one thousand eight hundred feet (1,800'), as measured along the street centerline from the point(s) of intersection with other through (i.e., not dead-end or cul-de-sac) streets.
  
- D. Cul-De-Sacs. A street ending in a cul-de-sac shall not be longer than six hundred feet (600'), as measured from the centerline of the intersecting street to the center point of the bulb and shall have a properly designed turnaround at the closed end. The turnaround shall have a minimum outside roadway (i.e., pavement) diameter of at least one hundred feet (100'), and a minimum bulb right-of-way diameter of at least one hundred and twenty feet (120'). **Dead end streets are prohibited.**

TABLE 4.1 SUMMARY OF HOOD COUNTY ROAD STANDARDS\*

Average Daily Traffic (one-way trips)*	0-1,000	1,001-2,500	2,501-5,000	5,001-15,000	More than 15,000
Functional Classification	Local Street	Minor Collector - D	Major Collector - C	Minor Arterial - B	Major Arterial - A
Design Speed	30mph	35 mph	45 mph	55 mph	All elements, including geometric layout and cross-section, shall be approved by the County Engineer on a case-by-case basis
Number of Lanes	2	2	2	4	
Minimum Right-Of-Way (ROW) Width	60'	64'	70'	100'	
Width of Traveled Way	24'	24'	24'	48'	
Width of Shoulders	2'	4'	6'	8'	
Minimum Centerline Radius	175'	375'	675'	975'	
Minimum Tangent Length Between Reverse Curves or Compound Curves	75'	150'	300'	500'	
Minimum Radius for Edge of Pavement at Intersections	25'	25'	25'	25'	
Intersecting Street Angle	80°-100°	80°-100°	80°-100°	85° -95°	
Maximum Grade***	9%	8%	7%	6%	
Minimum Street Centerline Offset at Adjacent Intersections	125'	125'	125'	125'	
Minimum Stopping Sight Distance	175'	250'	350'	550'	
Minimum Intersection Sight Distance	250'	350'	450'	550'	
Steepest Ditch Foreslope Grade ****	3:1	4:1	4:1	5:1	

\* Any deviation from these must be the subject of an approved variance.

\* Lots within a manufactured home rental community shall be presumed to generate 10 one-way trips per day.

Average daily traffic for all other lots shall be determined on a case-by-case basis by the County Road Administrator

\*\*\* Occasional short runs between intersections may exceed the amounts shown, but maximum grade through intersections may not exceed the amounts shown.

\*\*\*\* The entire side ditch shall be totally contained within the road right-of-way or dedicated drainage easement. Guardrails will be required wherever ditch depth exceeds 8'-0" from edge of shoulder to bottom of ditch on Local Streets, 6'-0" from edge of shoulder to bottom of ditch on Minor Collectors, and 4'-0" from edge of shoulder to bottom of ditch on Major Collectors and Minor Arterials.

- E. Utility/Slope Easements. Utility/slope easements of not less than fifteen feet (15') shall be provided along the front of each lot or street frontage. A utility/slope easement of five feet (5') on each side of the side lot lines shall also be provided.

Section 4.5 Vehicular Access

- A. Perimeter Road Improvements. No manufactured home lot shall have direct vehicular access to a public perimeter street. A proposed development that is designed to take access from an existing or proposed perimeter street shall provide sufficient right-of-way to meet the minimum right-of-way standards required by these Regulations. If the perimeter street does not conform to the minimum right-of-way requirements of these Regulations, additional right-of-way shall be provided for the dedication of additional right-of-way along said street in order to achieve the minimum right-of-way standards required by these Regulations. Any on-site, perimeter street used to access the manufactured home rental community shall be designed and constructed, in accordance with County standards and according to the vehicular impact of the community.
- B. Interior Road Improvements. Each lot in the manufactured home rental community shall have direct vehicular access to an interior private or public street. Internal streets shall be designed and constructed in accordance with County standards. Where private streets are authorized, an emergency access or fire lane easement shall be dedicated to the public to allow for the rapid and safe movement of vehicles used in providing emergency health or public safety services.
- C. Emergency Access. Each emergency access easement shall have a clear unobstructed width of twenty-four feet (24'), shall connect to a dedicated public street, and shall have a turning area and radii of a minimum of fifty feet (50') to permit free movement of emergency vehicles. Fire lane easements shall be maintained by the property owner.

Section 4.6 Street Names and Signs. All streets within the community shall be named and all manufactured homes numbered in a logical and orderly fashion. Street signs shall be of a size and color contrasting with those on public streets and roadways so that there is no confusion regarding which are private, and which are public streets. Signs and numbers shall be of standard size and placement to facilitate location by emergency vehicles.

Section 4.7 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 set forth below. 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 4.8 Private Streets. All private streets shall be designed and constructed in accordance with the Design Standards of Hood County and the Standard Specifications for Public Works Construction, published by the NCTCOG, as may be amended from time to time, for paved, publicly dedicated streets. The term "private street" shall be inclusive of alleys if such are to be provided within the subdivision.

- 1. Eligibility Criteria. Private streets shall be permitted within a manufactured home rental community in accordance with the following criteria:

- a. The streets to be restricted to private use are not intended for regional or local through traffic circulation (see Subsection 4.7.2 below);
  - b. A maintenance entity, which includes all property served by the private streets, will be formed.
2. Streets Excluded. Streets that are shown on the Hood County Master Thoroughfare Plan as collectors (Type "D" or "C") or arterials (Type "B" or "A") shall not be used, maintained or constructed as private streets. Also, the Commissioners' Court may deny the creation of any other private street if, in the Court's judgment, the private street would negatively affect traffic circulation on public streets, or if it would impair access to the subject or adjacent property; impair access to or from public facilities including schools or parks; or if it would delay the response time of emergency vehicles.
3. Maintenance Entity Required. Private streets and appurtenances within the manufactured home rental community must be owned and maintained by a maintenance entity approved by the County Attorney.
4. Private Street Lot. Private streets must be constructed within a separate lot owned by the maintenance entity. This lot must conform to the County's standards for public street rights-of-way. An easement covering the street lot shall be granted to the County providing unrestricted access to and use of the property for any purpose deemed necessary by the County for achieving the purposes of these regulations. This right shall also extend to all utility providers operating within the County. The easement shall also permit the County to remove any vehicle or obstacle within the street lot that may impair emergency access.
5. Construction and Maintenance Cost. 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.
6. Infrastructure. All required water, sewer and drainage facilities and streetlights and signs placed within the private street lot or adjacent utility easement shall be installed to County standards.
7. Plans and Inspections. Infrastructure development plans with private streets must include the same plans and engineering information required for public streets and utilities. County requirements pertaining to inspection and approval of improvements shall apply, and fees charged for these services shall also apply. The County may periodically inspect private streets and may require repairs necessary to ensure emergency access.
8. Restricted Access. The entrances to all private streets must be marked with a sign stating that it is a private street and that it, and related appurtenances, are not maintained by the County. Guard houses, access control gates, and cross arms may be constructed per subsection (9) below. All restricted access entrances must be manned twenty-four (24) hours every day, or they must provide an alternative means of ensuring access to the subdivision by the County and other utility service providers with appropriate identification. If the maintenance entity fails to

maintain reliable access as required herein, the County may enter the manufactured home rental community and remove any gate or device which is a barrier to access at the sole expense of the maintenance entity. The maintenance entity's documents shall contain provisions in conformity with this Section, which may not be amended without the written consent of the Commissioners' Court.

9. Access Restricted Entrance Design Standards. Any private street, which has an access control gate or cross arm must have a minimum uninterrupted pavement width of twenty-four feet (24') at the location of the access control device. If an overhead barrier is used, it must have a minimum clearance of fourteen feet (14') in height above the road surface when it is raised. All gates and cross arms must be of a break-away design. A turn-around space must be located in front of any restricted access entrance to allow vehicles denied access to safely exit onto public streets without having to back up into the street.
10. Waiver of Services. The infrastructure development plan and recorded covenants and restrictions shall state that certain County services shall not be provided for private street subdivisions. Among the services, which will not be provided are: routine law enforcement patrols, enforcement of traffic and parking regulations, and preparation of accident reports. All private traffic regulatory signs shall conform to the Texas Manual of Uniform Traffic Control Devices. Depending upon the characteristics of the development, other services may not be provided.
11. Hold Harmless. Recorded covenants and restrictions shall contain language whereby the owner of the private streets and appurtenances, agrees to release, indemnify, defend and hold harmless the County, any other governmental entity, and any public utility entity for damages to the private streets that may be occasioned by the reasonable use of the private streets by same, and for damages and injury (including death) arising from the condition of the private streets, out of any use of access gates or cross arms, or out of the subdivision by the County or governmental/utility, entity.

Section 4.9 Permit Required for Construction in Right-of-Way. No driveway or utility construction, landscaping or any other encroachment into public right-of-way or easements shall be allowed without first notifying the County Road Administrator.

Section 4.10 Installation of Utility Lines. All utility lines planned to be constructed, under a paved street shall be installed before the street is paved. All utility lines installed under an existing paved street shall be bored to a point at least four feet (4') beyond the edge of pavement and must be approved in advance by the County Road Administrator, unless otherwise approved by the Commissioners' Court.

Section 4.11 Temporary Construction Erosion Controls. All construction of roads or streets, whether public or private, shall comply with the Temporary Construction Erosion Controls Manual incorporated into these Regulations by reference.

Section 4.12 County Acceptance of Roadways. Whenever the owner of a manufactured home rental community is required to dedicate rights-of-way or improvements for roads to the County pursuant

to these regulations, the following procedures shall be observed:

- A. The owner shall remain responsible for all maintenance and repair of streets within the manufactured home rental community until the Commissioners' Court, by formal written action or minute order, accepts the obligation to maintain and repair such roads. The Commissioners' Court's decision to approve an infrastructure development plan or dedication of the right-of-way for a street shall not be deemed to constitute acceptance of the streets for maintenance.
- B. The County shall accept a road or street and shall assume maintenance responsibility when the following conditions have been satisfied:
  1. The street has been constructed as a public street in accordance with these Regulations, the associated right-of-way has been dedicated to the public pursuant to these Regulations by separate instrument, and the instrument dedicating the road or street has been recorded;
  2. The owner has submitted a written request to the County Road Administrator for County maintenance;
  3. The County Road Administrator has reviewed and approved all required inspections and tests at the completion of each phase of construction of the street. Tests include atterberg limits and moisture-density relationships for the sub grade and base, depth of base material, and type and placement of the surface course (it is the responsibility the developer to coordinate all inspections and laboratory tests with the County Road Administrator, and not to proceed with construction until proper inspections and tests have been obtained, as required by the County Road Administrator). All laboratory tests shall be at the expense of the developer. In no event will any base be placed on the street until the sub grade has been inspected at each phase of construction and approved in writing by the County Road Administrator;
  4. The County Road Administrator has inspected the street (first inspections) no earlier than thirty (30) days prior to the Commissioners' Court's acceptance of the roadway, and has submitted to the Commissioners' Court an inspection report stating that:
    - a. The street, in its current condition and with no repairs, upgrades or improvements, is in compliance with the Regulations and all other guidelines in effect at the time of inspection;
    - b. The requirements regarding construction of drainage structures and driveway drainpipes set forth in Article V have been satisfied; and
    - c. The County Road Administrator recommends acceptance of the street.
  5. The Commissioners' Court shall return one approved copy of the infrastructure development plan to the owner with written notice of acceptance.



6. The owner will be notified, in writing, of any work found not in compliance with these Regulations. The Commissioners' Court will establish a reasonable time for correction of the defective work, and the owner shall make the necessary corrections within the time set, or such corrections will be made by action taken upon the performance bond.
- C. No road will be accepted for maintenance by Hood County, which contains a petroleum pipeline within the right-of-way, other than crossing pipelines.
- D. The streets or roads in any manufactured home rental community will not be accepted for final maintenance by the Commissioners' Court, until all the requirements and conditions regarding street names and street signs have been complied with.

## Article V. Drainage and Flood Controls

- Section 5.1 Compliance With Concept Plan. No infrastructure development plan for a proposed manufactured home rental community shall be approved unless the applicant has fulfilled any obligations relating to dedication and improvement of drainage facilities and flood controls serving the development which were imposed as conditions of concept plan approval for the manufactured home rental community.
- Section 5.2 Storm Water Runoff into County Drainage Facilities. The Director of Development may require detention of storm water runoff from any development being released into any County drainage ditch, swale, easement, culvert, or other facility, or into any such drainage facility associated with an existing road, whether public or private, if existing downstream facilities are undersized or if downstream jurisdictions have detention requirements. If detention of storm water is required, the owner or property owners' association shall assume full responsibility for maintenance of the lake or pond. This obligation shall run with the land and shall be a continuing obligation.
- Section 5.3 Sizing of Drainage Facilities. All drainage facilities including ditches, swales, drainage pipes, street curbs, gutter inlets, driveway/road culverts, and storm sewers shall be designed to intercept and transport runoff from the following frequency storm, based upon the classification of the permitted street affected by the drainage structure, as set forth below.

<u>Street Classification</u>	<u>Storm Frequency</u>
Residential Street	25 Year
Minor Collector	50 Year
Major Collector	100 Year
Minor Arterial	100 Year
Major Arterial	100 Year

- Section 5.4 Other Drainage Facilities. For all drainage facilities serving lots not intended for residential use, drainage and all drainage facilities shall be designed by a registered professional civil engineer according to 25-year storm event calculations (50-year event for arterial roadways).
- Section 5.5 Conveyance of 100-Year Storm Frequency Flows. In addition to design requirements in Section 5.3, the drainage system shall be designed to convey all channelized or concentrated flows from a 100-year frequency storm within defined rights-of-way or drainage easements, which shall not be narrower than twenty feet (20') in width. Lots located within or adjacent to the 100-year floodplain shall show on each lot the minimum recommended finished floor elevation, which shall not be less than two feet (2') above the 100-year floodplain elevation. The infrastructure development plan shall show the location of a minimum of one (1) permanent benchmark within the development which were used to establish the 100-year floodplain and recommended finished floor elevation in lots.

Section 5.6 Completion of Drainage System Prior to Acceptance of Road Maintenance. No streets will be accepted or approved by the County until all drainage structures, including drain pipes for all driveways constructed as of the final inspection date, have been: (a) installed by the owner and (b) inspected and approved by the County Road Administrator.

Section 5.7 Lot Size. Lot sizes shall be determined in accordance with the concept plan approved pursuant to the Development Permit Regulations.

Section 5.8 Maximum Headwater Elevation for Drainage Crossings. All roads, culverts underneath roads, and bridges shall be designed so that storm water runoff from the frequency storm event before crossing such road or bridge shall not produce a headwater elevation at the roadway greater than six inches (6") above the roadway crown elevation, based upon the classifications of streets affected by the drainage structure:

<u>Street Classification</u>	<u>Storm Frequency</u>
Residential Street	100 Year
Minor Collector	100 Year
Major Collector	100 Year
Minor Arterial	None
Major Arterial	None

- A. All roads and streets shall be designed and constructed to withstand the impact of water being impounded adjacent to and flowing over the road or street.
- B. This section does not apply to driveway culverts.

Section 5.9 Drainage Plan Requirements

- A. A preliminary drainage conference with the Director of Development and a drainage plan are required prior to acceptance for filing of an application for approval of the infrastructure development plan for any manufactured home rental community. If desired, a preliminary drainage plan may be submitted. A drainage report shall be prepared by an engineer to accompany all drainage plans. The purpose of the Drainage Report is to identify and define conceptual solutions to the problems that may occur onsite and offsite as a result of the development.
- B. Drainage plans shall be prepared and sealed by a registered professional civil engineer who is licensed to practice in the State of Texas, and who is experienced in civil engineering work. The total cost for such engineering plans and specifications shall be borne by the owner and shall be furnished to the Director of Development for review and approval. These plans shall include drainage facilities for both offsite and onsite drainage so that the proper transition between the two can be maintained. Criteria for onsite development shall also apply to offsite improvements.
- C. The construction of all improvements shall be in accordance with the current Standard Specifications for Public Works Construction for North Central Texas and the design standards of

Hood County.

- D. Proposed floodplain alteration for purposes of development of a manufactured home rental community shall be shown on the drainage plan.
- E. The drainage plan for the infrastructure development plan shall be in conformity with the Hood County master drainage study in effect at the time the application for approval is submitted.

Section 5.10 Drainage Design Methodology. Computations by a registered professional civil engineer, licensed to practice in the State of Texas, to support all drainage designs shall be submitted to the Director of Development for review. The methodologies shall be based upon commonly accepted engineering practices used within the area.

- A. All computations of floodplains, culverts, channels, etc. shall be based upon fully developed upstream conditions.
- B. A drainage area of six hundred forty (640) acres or greater is required within a contributing watershed to create a "floodplain." For areas of flow with less than six hundred forty (640) acres of contributing area, no floodplain shall be defined; however, any concentrated flow will necessitate the dedication of a drainage easement.
- C. The selection of which method to use for calculating runoff depends upon the size of drainage area contributing runoff at the most downstream point of a project. The "Rational Method" is acceptable for situations in which the drainage area is less than two hundred (200) acres. A unit hydrograph method is required for situations with larger drainage areas and detention basins. Runoff computations shall be based upon fully developed watershed conditions in accordance with the uses proposed on the subdivision.

Section 5.11 Floodplain Management

Development of a manufactured home rental community within the floodplain outside of the floodway may be authorized, only by obtaining a floodplain development permit issued by the Hood County Development Department. Any structures constructed within the floodplain must be above the base flood elevation. Development within the floodway is prohibited.

Section 5.12 Easements

- A. All floodplains and concentrated flows for the 100-year storm frequency shall be contained within a dedicated drainage easement(s) or right(s)-of-way.
- B. Where public drainage within the development traverse's private property, provisions shall be made for drainage easements to allow for proper upkeep and future maintenance within the easement area. Determination of the proper size for drainage facilities is the responsibility of the developer's engineer.

Section 5.13 Responsibilities of Owners

- A. The owner or developer of property to be developed shall be responsible for all storm drainage flowing through or abutting such property. This responsibility also includes drainage directed to that property by ultimate development as well as the drainage naturally flowing through the property by reason of topography. It is the intent of these Regulations that provision be made for storm drainage at such time as any property affected is proposed for development, use, or modification as a manufactured home rental community.
- B. Where the improvement or construction of a storm drainage facility is required along a property line common to two (2) or more owners, the owner hereafter proposing development of the property shall be responsible for the required improvements at the time of development, including the dedication of all necessary rights-of-way or easements, to accommodate the improvements.
- C. The property owner shall dedicate drainage easements and shall perform maintenance activities within the dedicated easements as required by these Regulations

## Article VI. Water and Wastewater Standards

Section 6.1 Compliance With Concept Plan. No infrastructure development plan for a proposed manufactured home rental community shall be approved unless the applicant has fulfilled any obligations relating to dedication and improvement of water and wastewater facilities serving the development which were imposed as conditions of concept plan approval for the manufactured home rental community. The nature of water and wastewater facilities to serve the manufactured home rental community and the lot sizes necessary to accommodate such facilities shall be determined through concept plan approval.

Section 6.2 Compliance with On-Site Sewage Rules. All manufactured home rental communities must be designed in compliance with the rules and regulations of the "On-Site Sewage Facilities Order for Hood County" where applicable.

Section 6.3 On-Site Sewage Facilities. If wastewater service is to be provided through on-site sewage facilities, as may be authorized by a concept plan approved pursuant to the County's Development Permit Regulations, a soil evaluation of at least one site evaluation per each ten (10) lots must be made by a qualified registered sanitarian or professional engineer, and so noted on the infrastructure development plan, as well as a soil conservation map with the noted area identified. If soil conformation shows a wide variation, more soil evaluations will be required. A letter shall be provided, by the owner stating recommendations as to the type of on-site sewage facility to be installed. All facilities must be inspected and approved by the Hood County Environmental Health Department. All sewage disposal systems must be built in accordance with the Texas Commission on Environmental Quality's (TCEQ's) "*Construction Standards for Private Sewage Facilities*" (dated February 4, 1997), as may be amended, and in conformance with the Texas Department of Water Resources' "*Rules for Private Sewage Facilities Lake Granbury*", as may be amended.

a. If sewage disposal is by means on-site sewage facilities, on-site sewage facilities must be designed in accordance with the rules established by Hood County and the TCEQ. Design shall be based on the results of a site evaluation performed on each lot at the time the permit is for the on-site sewage facility is applied for through Hood County Environmental Health.

b. On-site sewage facility performance cannot be guaranteed, even though all provisions of the Hood County rules for private sewage facilities are complied with.

c. Inspection and/or acceptance of a private sewage facility by Hood County shall indicate only that the facility meets the minimum requirements and does not relieve the property owner of the responsibility to comply with County, State and Federal regulations.

d. On-site sewage facilities, although approved of meeting minimum standards, must be upgraded by the property owner at the property owner's expense if the normal operation of the facility results in objectionable odors, if unsanitary conditions are created or if the facility, at any time, does not comply with governmental regulations.

e. A properly designed and constructed on-site sewage facility, situated in suitable soil, may malfunction if the facility is not properly maintained and controlled. Therefore, it shall be the property owner's responsibility to maintain and operate the on-site sewage facility in a satisfactory manner.

f. On-site sewage facilities must be designed in accordance with the rules established by Hood County and the TCEQ. Design shall be based on the results of a site evaluation performed on each lot at the time the permit is for the on-site sewage facility is applied for through Hood County Environmental Health.

Section 6.4

Fire Protection. A fire hydrant system, or other adequate source of water for firefighting, shall be installed in all manufactured home rental communities which have a centralized water system, such that no residential structure built therein will be farther than five hundred feet (500') in a direct horizontal line along the road from such water source. No nonresidential structure shall be farther than three hundred feet (300') in a direct horizontal line along the road of a fire hydrant.

- A. A centralized water system shall be defined herein as being a system of pipes, valves, tanks and/or other appliances and fittings that is to be used to distribute water to ten (10) or more lots.
- B. All water systems shall meet the minimum requirements of AMUD or Title 30 of the Texas Administrative Code Chapter 290, as may be amended.
- C. Each discharge required hereby shall be fed by pipe of at least six inches (6") inside diameter, and the size of all valves, fittings, and appliances shall be at least six inches (6") inside diameter, and the discharge opening shall be equipped with a male fitting with National Standard threads which shall be capped to prevent damage to the threads. All water lines shall maintain a pressure of no less than 40 pounds per square inch (40 psi).
- D. The firefighting water sources and access roads shall be indicated on the infrastructure development plan, and after approval by the Commissioners' Court, the owner shall furnish one copy of the plan to the County Fire Marshall for reproduction and distribution to the fire department(s).

## Article VII. Variances and Appeals

Section 7.1 Reviewing Body. The Commissioners' Court shall review requests for variances or appeals to these Regulations upon written appeal from the property owner or the owner's designated representative. The Court may approve, conditionally approve or deny the variance. The decision of the Commissioners' Court whether to grant or deny a variance under any circumstance is at the Court's complete discretion, and such decision will be final.

Section 7.2 Criteria for Variances. A variance to the terms of these regulations may be granted if consistent with the general purpose and intent of these regulations and in accordance with any applicable rules contained in the regulations. The following factors will be considered in evaluating a request for variance:

- A. Whether strict enforcement of the Regulations would deny the applicant the privileges of similarly situated property with similarly timed development, taking into consideration the characteristics of the property in relation to such other property; and;
- B. 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 development of the land in the area in accordance with these and other development and health and safety regulations; and
- C. Whether there are special circumstances or conditions affecting the land involved in the proposed development such that strict application of the provisions of these Regulations would deprive the applicant of the responsible use of the applicant's land and that failure to approve the variance would result in undue hardship to the applicant. Pecuniary hardship, standing alone, shall not be deemed to constitute undue hardship.

Section 7.3 Application Materials. Any person who wishes to receive a variance should apply in writing to the Director of Development with a list of, and detailed justification for, any variance(s) requested. The request(s) shall be included with the application for approval of an infrastructure development plan unless the matter requiring a variance does not become apparent until after the infrastructure plan has been approved.

Section 7.4 Procedures for Review

- A. Variance requests shall be submitted with an infrastructure development plan application and shall be processed in accordance with the provisions of Article III.
- B. Variance requests shall be acted upon in the same time prescribed for taking final action on the infrastructure development plan, pursuant to Article III.

Section 7.5 Appeals

- A. An applicant for approval of an infrastructure development plan for a manufactured home rental community may appeal the decision of the Director of Development and Compliance concerning the proportionality of a dedication or construction requirement made pursuant to Section 3.14 by submitting a written request for review of the determination by the



Commissioners' Court within five (5) business days of receiving such determination from the Superintendent.

- B. The appeal shall be decided by the Court, in conjunction with its final action on the application for approval of the development plan. The Court may uphold the determination of the Director, modify the requirement imposed or grant the relief requested by the appellant. Appeals shall be acted upon in the same time prescribed for taking final action on the infrastructure development plan, pursuant to Article III.

## Article VIII. Enforcement

- Section 8.1 Offenses. 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 Hood County for on-site sewage facilities, and any appendices attached to these Regulations. An offense under this provision is a Class B misdemeanor punishable by fine or imprisonment or both.
- Section 8.2 Enforcement Actions. At the request of the Commissioners' Court, the County Attorney or other prosecuting attorney for the County may file an action in a court of competent jurisdiction to:
1. Enjoin the violation or threatened violation of a requirement established by or adopted by the Commissioners' Court under these Regulations; or
  2. 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 8.3 Enforcement of Building Lines. If a structure is erected, constructed, or reconstructed in violation of a building setback line established in accordance with these Regulations, then the Commissioners' Court or the County Attorney may institute an injunction, mandamus, abatement or other appropriate action to prevent, abate, remove or enjoin the unlawful erection, construction or reconstruction.
- Section 8.4 Prohibitions
- A. A utility may not provide utility services, including water, sewer, gas, and electric services, to a manufactured home rental community subject to an infrastructure development plan or to a manufactured home in the community unless the owner provides the utility with a copy of the certificate of compliance issued under Section 3.12.
  - B. This subsection applies only to:
    1. a municipality that provides utility services;
    2. a municipally owned or municipally operated utility that provides utility services;
    3. a public utility that provides utility services;
    4. a nonprofit water supply or sewer service corporation organized and operating under Chapter 67, Water Code, that provides utility services;
    5. a county that provides utility services; and
    6. a special district or authority created by state law that provides utility services.