

**HOOD COUNTY
DEVELOPMENT AND COMPLIANCE**

RULES AND REGULATIONS

SECTION I

DEVELOPMENT PERMIT REGULATIONS

Amended December 13, 2022

HOOD COUNTY

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HOOD COUNTY
Development Permit Regulations
Article I. General Provisions

Section 1.1 Title. These regulations, as may be amended from time to time, shall be known as the Hood County Development Permit Regulations.

Section 1.2 Purpose. The Hood County Development Permit Regulations contained in this order are intended to affect the following purposes:

- A. to implement the County’s Strategic Plan as amended and Hood County’s development permit law, Texas Local Government Code Chapter 231, Subchapter K;
- B. to protect the watershed that drains into Lake Granbury and the Brazos River from the ill effects of pollution and urbanization caused by uncontrolled development for the present and future residents of Hood County and thereby for all citizens of the state using the lake and the river for recreational purposes;
- C. to promote recreational opportunities centered upon the County’s water resources; to encourage the development of a quality physical environment by establishing enhanced standards for land development;
- D. to ensure the public health and safety by enhancing standards for adequate storm water drainage, transportation, public utilities and park, open space and recreation facilities to serve new development;
- E. to promote correction and replacement of failing on-site sewage facilities;
- F. to accommodate future population growth in a matter that is compatible with the County’s natural resources; and
- G. to promote the health, safety and general welfare of the County’s citizens.

Section 1.3 Applicability. The Hood County Development Permit Regulations apply to every new development within the unincorporated portions of Hood County, including expressly land located within the extraterritorial jurisdiction of the County’s municipalities as may now exist or be expanded in the future, except to those applications for new development that are expressly exempted herein.

Section 1.4 Permits Required. No development permit application shall be approved in the County until the Hood County Commissioners’ Court has authorized the project to proceed through approval of a concept plan or a site development plan under standards set forth in these Hood County Development Permit Regulations. In some cases, approval of a site permit is required before the project may be occupied.

Section 1.5 Findings. The Hood County Commissioners’ Court hereby makes the following findings:

- A. The Commissioners' Court of Hood County has been delegated the authority to regulate the process of development pursuant to, but not limited to, the following Texas statutes:
 - 1. Texas Local Government Code, Chapters 231, 232 & 233;
 - 2. Texas Health & Safety Code, Chapters 121, 122, 341, 366 & 368
 - 3. Texas Water Code, Chapters 16 and 26; and
 - 4. Texas Transportation Code, Chapter 251
- B. 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;
- C. 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;
- D. 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;
- E. The Commissioners' Court of Hood County has responsibility under the Federal Emergency Management Agency (FEMA) to administer floodplain development regulations within the County, and these Regulations are necessary to implement such authority;
- F. 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;
- G. 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 and these Regulations are necessary to affect such purposes;
- H. The Commissioners' Court of Hood County has been delegated special responsibility pursuant to Texas Local Government Code Chapter 231, Subchapter K, for overseeing protection of the water resources of the County for the benefit of the County's residents and all citizens of the State utilizing such resources for recreational purposes and these Regulations are necessary to implement such authority; and

- I. The Commissioners' Court of Hood County has adopted these Regulations to preserve and protect the resources, public health and private property interests of Hood County;
- J. The Commissioners' Court of Hood County has determined that these Regulations are subject in part and exempt in part from the requirement to conduct a takings impact assessment pursuant to Texas Local Government Code Chapter 2007; and
- K. The Regulations are adopted in accordance with the County's Strategic Plan and have been coordinated with the comprehensive plans of municipalities located within the County.

Section 1.6 Order. The Commissioners' Court of Hood County, following public notice, investigation, and hearing, has declared and hereby declares these Hood County Development Permit 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 1.7 Exemptions. The following types of development permit applications are exempt from these Hood County Development Permit Regulations:

- A. Any subdivision application that was accepted for filing prior to September 27, 1999, and which was approved prior to March 31, 2000;
- B. Any on-site sewage facility application for a single dwelling unit that was accepted for filing prior to March 31, 2000;
- C. Any on-site sewage facility application for two or more dwelling units that was accepted for filing prior to September 27, 1999;
- D. Any development permit application that was released from the moratorium established by the County on September 27, 1999, and which was approved prior to March 31, 2000;
- E. Any division of land that is exempt pursuant to Section II, Subdivision Regulations, Section 1.6 of the Hood County Subdivision Regulations, except divisions of land in which the one new part is to be retained by the owner, and the other new part is to be transferred to another person who will subdivide the tract; provided that any exempt division shall become subject to these Regulations prior to or at the time any development application is submitted for any part of the exempt land, Although divisions of, or subdividing of land and transfers are exempt from the platting requirements as described in Section 1.6, they are not exempt from the density requirements as set out in Section I, the Development Permit Regulations or from site development plans if the use of the property use will be changed to commercial. Family to Family transfers are still required to meet the minimum density required in the Land Use Districts Standards and required to meet the

minimum acreage required for well and on-site sewage facility permits as may be amended for all unincorporated areas of Hood County.

Structures should be laid out in a way that they could be independently platted on their own lot that meet the density requirements and are able to obtain their own independent water and on-site sewage facility permits should they ever need to be conveyed and not meet the exemption.;

- F. Any subsequent subdivision application for land subject to a subdivision application exempted by this section.
- G. Notwithstanding the exemptions granted by this section, the remedial provisions of Article VI apply to all new and existing development in the Hood County.

Section 1.8 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 land 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 approval of subdivision plats, infrastructure development plans for manufactured home rental communities and on-site sewage facility permits.

Section 1.9 Amendments. The Commissioners' Court may, following recommendation by the Director of Development and/or the Development Commission and following a public hearing before the Court, by order adopted and entered in its minutes, amend from time to time these Development Permit Regulations. Such order must be adopted by a simple majority vote. Notice of the hearing before the Court on the proposed amendments must be published in a newspaper of general circulation in the County before the fifteenth (15th) day before the date of the hearing.

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. Accepted for Filing – The status of an application for a development permit, following submission, and acceptance as complete by the Director of Development.
2. 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. For the purpose of these regulations net acres is the minimum lot size excluding dedicated roads, parks and other uses, and gross acre is referring to the number of dwellings units or lots per gross usable area, including streets, easements, and open spaces of a development.
3. Adverse Impact – For the purpose of these regulations, a property will be considered adversely impacted when any of the following occur during the 1-year, 10-year or 100-year events. It is also understood that the level of development for comparison of each of the referenced events shall be the existing land use upstream of the design point compared to the combined existing land use upstream of the development and the proposed land use of the development:

- a. If there are **no buildings impacted** and there is a 0.100 foot rise or greater in the water surface created from the proposed storm water runoff;
 - b. If there are **any buildings impacted** and there is a 0.005 foot rise or greater in the water surface created from the proposed storm water runoff;
 - c. If there is an increase in the spread (width) of storm water runoff from the proposed development outside the Right-of-Way or Drainage Easement;
 - d. If the existing velocity of the storm water runoff is less than 5 feet per second and there is an increase in the proposed velocity of more than 5% (excludes underground pipes);
 - e. If the existing velocity of the storm water runoff is 5 feet per second or greater and there is an increase in the proposed velocity (excludes underground pipes).
4. Applicant – An owner or its authorized representative seeking approval of a proposed subdivision pursuant to these Regulations.
 5. 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).
 6. Business Day – A day other than a Saturday, Sunday, or holiday recognized by this state or county.
 7. Centralized Water System – A system, including treatment, storage and distribution facilities under the control of the operator of the system, for provision of water for human consumption to the public through pipes or other constructed conveyances and that has at least fifteen (15) service connections.
 8. Centralized Wastewater System – Any publicly or privately owned system for the collection, treatment and disposal of wastewater that is required to obtain a waste discharge permit issued by the Texas Commission on Environmental Quality (TCEQ).
 9. Cluster System – An on-site wastewater collection, treatment and disposal system designed to serve two or more wastewater-generating units on separate legal tracts where the total combined flow from all units does not exceed 5,000 gallons per day.
 10. Commission – The Hood County Development Commission.
 11. Commissioners’ Court – The Commissioners’ Court of Hood County.

12. 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 these regulations.
13. County – Hood County, Texas.
14. County Clerk – The County Clerk of Hood County.
15. County Road Administrator – The individual responsible for the maintenance of roads under the County Road System.
16. County Road System – Those public dedicated streets that have been accepted by specific approval action of the Commissioners’ Court.
17. Density – The number of dwelling units per gross acre of land.
18. 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.
19. Development Permit – Any of the following required authorizations to develop land; a grading plan; a subdivision plat, including acceptance of construction plans; a development plan; an on-site sewage facility permit or a floodplain development permit.
20. Development Permit Regulations – County orders, collectively, implementing Subchapter K of Texas Local Government Code, Chapter 231.
21. Development Plan – Infrastructure Development Plan.
22. Developer’s Letter Agreement – A contract entered into by the Developer and the County by which the applicant promises to complete the required public improvements within the development project following development permit approval.
23. Director of Development – The Official that has specifically been employed by the County to manage and administer the Hood County Development Regulations.
24. Director of Health – The Director of the Hood County Health Department and any successor thereto.
25. Drainage Plan or Study – A general plan for handling the storm water affecting property proposed for development.
26. Dwelling Unit – A residence providing complete, independent living facilities for one family, including permanent provisions for living, sleeping, eating and cooking. The term “dwelling unit” includes a manufactured home and a recreational vehicle occupying a site in a recreational vehicle park.

27. Easement – 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.
28. 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.
29. FEMA – Federal Emergency Management Agency.
30. Filing Date – The date on which all necessary forms, fees and copies are submitted and accepted for filing by action of issuance of a fee receipt by the County.
31. Infrastructure Development Plan – A plan indicating compliance with and provisions for streets, utilities, drainage, water, and sewer and other requirements for the development, including but not limited to a survey identifying the proposed boundaries, any significant features of the community, the proposed location of manufactured home rental community spaces (as appropriate), 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.
32. Lot – Any tract or parcel of land divided for individual sale, rental, lease or for any other distinct purpose, such as a community center, and which is identified by a tract, or lot number or symbol.
33. 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.
34. 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.
35. Mixed Use – The use of land involving a combination of residential and non-residential uses.

36. 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.
37. Multi-family Dwelling – A structure containing three (3) or more dwelling units.
38. Non-residential Use – Any use of land other than a residential use.
39. NAVD 88 – North American Vertical Datum of 1988
40. NGVD '29 – National Geodetic Vertical Datum of 1929.
41. Off-Site Facilities – Those facilities and/or improvements that are required to service the site, but which are not located within the boundaries of the plat. These include all over-sizing for streets, sewer lines, water lines and storm drainage structures, as well as the excess capacity of facilities such as water storage tanks and wastewater treatment plants available for new development.
42. 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 plat or lot. 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 development. These include streets, water lines, sewer lines, storm drainage, curb and gutter, and any other infrastructure improvements needed to serve the property.
43. On-Site Sewage Facility – One or more systems of treatment devices and disposal facilities that (A) produce not more than 5,000 gallons of wastewater each day, (B) are used only for disposal of wastewater produced on a site on which any part of the system is located, and (C) do not require a waste discharge permit from the TCEQ, including but not limited to septic tanks, cesspools, evapotranspiration systems, and cluster systems.
44. Owner – The owner of the land on which the development is to be constructed.
45. Patio Home – A type of zero lot line, single-family detached dwelling unit on a separately platted lot, designed in a manner such that the side yard area may also be used for patios, landscaping and other outdoor living features.
46. 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.

47. Perimeter Street – Any existing or planned street which abuts a development.
48. Permit – A form of authorization established by order or rule that a person must obtain prior to performing an action to initiate, continue or complete a development project.
49. Planned Development (“PD”) – A development that is intended to provide for greater flexibility and discretion in the application of mixed residential, including multi-family and non-residential uses within a development, and is intended to provide for increased compatibility and more effective mitigation of potentially adverse impacts, than is possible under conventional district regulations. It is recognized that it is desirable for certain improved and unimproved sites within the County to be developed symbiotically with adjacent approved land, and in accordance with site plans prepared and approved on a site-specific basis by the Commissioners’ Court through the evaluation of, but not limited to, development hardships created and/or necessitated by topography, access, site dimensions, soil conditions, market conditions, and infrastructure availability.
50. Plat – Either a final, preliminary, or record plat, as the context may indicate. The term “plat” includes the term “re-plat.”
51. Plat, Final – The one official and authentic map (along with 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 measurement 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 references.
52. Plat, Preliminary – The graphic expression (i.e., drawing) of the proposed overall plan for subdividing, improving and developing a tract shown by superimposing a scale drawing of the proposed land division onto a topographic map, and showing in plain view all existing and proposed drainage features and facilities, the proposed street layout and direction of curb flow, and other pertinent features, along with such notations and other information that is sufficient to substantially describe the general scope and detail of proposed development.
53. Plat, Record – A record plat is the final plat drawing which has been approved by the Commissioners Court, which has been signed by the County Judge, and which is filed in the County Deed Records (see Section 3.9 Subdivision Regulations).
54. Recreational Vehicle
- A vehicle which is:
- a. Built on a single chassis;
 - b. 400 square feet or less when measured at the largest horizontal projection;

- c. Designed to be self-propelled or permanently towable; and
 - d. Designed as temporary living quarters, for recreational, camping, travel, or seasonal use.
 - e. Recreational Vehicles must be ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions. Note: Recreational vehicles must meet all current requirements of the Texas Transportation Code, as they relate to licensing, financial responsibility (insurance), and safety inspections.
55. Regulations – The Hood County Development Permit Regulations, as may be amended.
56. Residential Use – Use of land involving establishment of one or more dwelling units, including but not limited to single-family detached and attached dwelling units, two-family dwelling units, multi-family dwelling units, and manufactured homes.
57. 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.
58. Setback – See “Building Setback Line.”
59. Single-family Dwelling, Detached – A structure containing not more than one (1) dwelling unit.
60. Site Development Plan – An assembly of drawings, application, fees, and tax certificate as detailed in Section 4.4 of these Regulations.
61. Street – A right-of-way, whether public or private and however designated, which provides vehicular access to the development. 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.

62. Street, Cul-De-Sac – A street with only one (1) outlet which has an approved turn around at the closed end, and which is typically (although not always) intended to remain closed off (i.e., not extended into adjacent property).
63. Street, Dead-End – A street, other than a cul-de-sac, with only one outlet.
64. 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, streetlights and street signs.
65. Subdivision – The division of a tract of land situated within Hood 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 any of the following facilities intended to be dedicated to the County for public use or for the use of purchasers or owners of lots, parcels or tracts fronting onto or adjacent to such facilities: (i) roads or streets; (ii) alleys; (iii) squares; (iv) parks; (v) public utility easements; (vi) public rights-of-way; (vii) drainage or storm water improvements; (viii) other public facilities. The term “subdivision” includes the term “addition.”
- “Subdivision” includes a division regardless of whether it is made by using a metes and bound description in a deed of conveyance, or in a contract for deed or other executory contract to convey, or by using any other method of conveyance of an interest in land. “Subdivision” also includes the division of land for purposes of development that is served by private streets, whether or not such development includes tracts or parcels that are sold or leased for such purpose.
66. Subdivision Application – “Subdivision application” means any request or application for approval of a grading plan, preliminary plat, final plat, or construction plans pursuant to the adopted Subdivision Regulations for Hood County.
67. Substandard Street – An existing street or road that does not meet the minimum requirements of Hood 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.
68. Surveyor – A licensed state land surveyor or a registered public surveyor, as authorized by the State statutes to practice the profession of surveying.

69. Takings Impact Assessment – An assessment made in compliance with Chapter 2007 of the Texas Local 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.
70. Takings Impact Assessment, Categorical – A takings impact assessment addressing all standard dedication requirements to be imposed by County regulations.
71. TCEQ – Texas Commission on Environmental Quality.
72. Utility – Water, sewer, gas, telecommunications, cable 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. Development Commission

Section 3.1 Commission Established. There is hereby created a five-member Development Commission (“Commission”) that, at the discretion of the Director of Development, may assist in the implementation and enforcement of these Development Permit Regulations adopted in accordance with the authority established under Chapter 231, Subchapter K, of the Texas Local Government Code, and by order of the Commissioners’ Court.

Section 3.2 Powers and Duties. The Development Commission shall have the following powers and duties under the provisions of these regulations:

- A. To make recommendations to the Commissioners’ Court concerning modification, and implementation of the County’s Strategic Plan, and concerning adoption, modification, and implementation of any other comprehensive plan elements and supporting studies; and
- B. To make recommendations to the Commissioners’ Court concerning amendments and modification to these Development Permit Regulations;
- C. To make recommendations to the Commissioners’ Court concerning approval of concept plans or site development plans, as may be specified in these regulations;
- D. To make recommendations to the Commissioners’ Court concerning amendments and modifications to the County’s Subdivision Regulations and Manufactured Home Rental Community Regulations;
- E. To hear and make recommendations concerning special exceptions to requirements for concept plans or site development plans contained in these Development Permit Regulations, subject to appeal to the Commissioners’ Court, as prescribed in Article VIII, or to finally decide special exceptions to requirements for site permits;
- F. To assist in the enforcement of these Development Permit Regulations, as prescribed in Article IX; and
- G. To review and decide requests for extensions of concept plans, site development plans, and site permits.
- H. To review and make recommendations to the Commissioners’ Court on requests for variances to the County’s subdivision and infrastructure development plan regulations.

Section 3.3 Membership, Appointment and Term of Office

- A. The Commission shall consist of five members, each of whom shall be a resident of Hood County. The Chairman of the Commission shall be a public official in Hood County, who shall serve as an ex-officio member.

- B. Each member of the Development Commission shall be appointed by a majority of the Commissioners' Court for a term of two (2) years and may be removed for missing three meetings in a year or for cause by the appointing authority. Member terms shall end on December 31 of their respective year.
- C. Each of the five (5) seats for the Development Commission shall be assigned a Place number ranging from one to five. Odd numbered Places shall be filled by appointment in odd-numbered years, and even-numbered Places shall be filled by appointment in even-numbered years. The Commission Chairperson shall hold Place #5 and Places #1 through #4 shall be held by members representing each County Precinct.
- D. Unexpired terms of any member, whose place on the Commission has become vacant for any cause, shall be served out by a suitable person as appointed by the Commissioners' Court.

Section 3.4 Meetings and General Procedures

- A. The Development Commission may adopt rules to govern its proceedings not inconsistent with this order.
- B. Meetings of the Development Commission shall be held at the call of the Chairman. All meetings of the Development Commission shall be open to the public and conducted in accordance with Roberts' Rule of Parliamentary Procedures unless replaced by alternative rules of conduct and order approved and adopted by the Development Commission.
- C. The Development Commission shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicate such fact, and shall keep records of its official actions, all of which shall be a public record.
- D. Any action taken by the Development Commission shall be approved by a simple majority vote of a quorum of the commission.
- E. Three members of the Development Commission shall constitute a quorum for the transaction of business.

Article IV. Application Requirements and Procedures

Section 4.1 Development Process. Proposed development projects in the unincorporated areas of Hood County hereafter shall be reviewed, approved, conditioned or denied in stages, as follows:

- A. Concept Plan. A concept plan is the first stage in the development process. Approval of a concept plan pursuant to these Development Permit Regulations authorizes the applicant to submit an application for approval of a subdivision plat or infrastructure development plan. Where no subdivision plat or infrastructure development plan is required by the Hood County subdivision regulations or manufactured home rental community regulations prior to development of the land, a site development plan shall be required.
- B. Subdivision plat or infrastructure development plan. The second stage of the development process is the submission of a subdivision application or application for approval of an infrastructure development plan. Approval of plats or development plans may be in stages, as set forth in the Hood County Subdivision Regulations or the Hood County Manufactured Home Rental Community Regulations. Approval of a final subdivision plat or development plan pursuant to such regulations authorizes the applicant to submit either an application for a site permit, where required by these Regulations, or to submit applications for an on-site sewage facility permits.
- C. Site development plan. A site development plan is the first stage in the development process where no subdivision plat or infrastructure development plan is required prior to development of the land.
- D. On-Site Permit. The purpose of an On-Site Permit is to ensure that development on individual lots or tracts is consistent with Hood County Development Regulations and has received final approval by the Hood County Commissioners' Court. Issuance of an On-Site Permit authorizes the applicant to commence construction for which the permit is sought.

Section 4.2 Concept Plan

- A. General requirement. No development permit application shall be accepted for filing, reviewed or decided until a concept plan first has been approved in conformity with these Regulations and has not expired.
- B. Purpose. The purpose of the concept plan is to assure that the proposed development meets the standards for population density and adequate public facilities for the district in which the project is to be located, as prescribed by these Development Permit Regulations, and to formulate appropriate conditions for assuring that further development of the land is consistent with the County's Strategic Plan.

- C. Pre-application conference. Prior to application for a concept plan, the applicant shall request a conference with the Director of Development in order to present preliminary drawings or data concerning the proposed concept plan and to determine the applicability of development permit regulations to the proposed development; provided, however, that such preliminary drawings or data shall not be considered an application for concept plan approval.
- D. Application. The property owner or designated representative shall file an application for approval of the concept plan with the Director of Development on forms supplied by the County. Seven (7) copies of the application shall be submitted. The application shall be delivered to the Director and shall be accompanied by an application fee. The proposed concept plan shall include all land in unified ownership of which the land to be developed is a part. The application shall include a scaled drawing on a sheet size 22" by 34", at scale not less than 1" = 100', including, and shall contain the following information:
1. Name and address of landowner, developer or agent, and date of preparation of the plan;
 2. Name and address of architect, landscape architect, planner, engineer, surveyor, or other persons involved in the preparation of the plan;
 3. Site boundaries and dimensions, site acreage and square footage, and approximate distance to the nearest cross street;
 4. Location map, north arrow, and title block;
 5. Topography at ten-foot intervals or less;
 6. Project name;
 7. A general layout of the development, showing the general configuration and location of proposed and existing land uses by type of residential and non-residential use for the property to be developed and any contiguous property in unitary ownership;
 8. A computation of residential density for each type of residential use proposed;
 9. A proposed reservations or dedications of public facilities;
 10. Location of all significant natural features, including floodplains;
 11. Proposed open space to be preserved, together with proposed park or recreational facilities;
 12. For single-family or two-family dwellings, the proposed range of lot sizes and the numbers of lots within each proposed category;

13. An assessment of public facilities, identifying existing facilities serving the development and public improvements to be provided by the project;
14. Proposed measures to buffer the project from adjacent land uses, if any;
15. Proposed transportation facilities serving the site, together with a traffic impact analysis where required by these Regulations;
16. The proposed method, connection, provider and location of:
 - a. The proposed water system;
 - b. The proposed wastewater system;
17. Phases of development, including delineation of areas to be constructed in independent phases and the scheduled timing and sequencing of development;
18. Preliminary drainage study. Study shall include sufficient information to determine size of watershed flowing to the property along with approximate capacities and intended discharge locations;
19. Projected population and employment;
20. The location of district boundaries in relation to the development.

E. Approval Procedure

1. Report of Director. Upon receipt of a complete application for approval of a concept 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. In the event that the Commissioners' Court has delegated authority to make a recommendation concerning the concept plan to the Development Commission, or if the applicant has requested a special exception, the Director shall first present his report to the Commission concerning the application or special exception.
2. Development Commission Recommendation. In the event that the Commissioners' Court has delegated authority to make a recommendation concerning the concept plan to the Development Commission, or the applicant has requested a special exception, the Commission shall review the application or request for special exception at a public meeting and forward its recommendation to the Commissioners' Court concerning the same.

3. Hearing and Notice. The Commissioners' Court shall conduct a public hearing concerning the concept plan and shall cause to be published notice of such hearing setting forth the date, time, place and purpose of such hearing, the name of the applicant, and identification of the subject property once in a newspaper of general circulation within the County, at least fifteen (15) days before the date set for the hearing. Notice of the hearing shall be posted on the property to be developed in accordance with County rules.
 4. Decision by the Court. The Commissioners' Court shall determine whether to approve, approve with conditions, or disapprove the concept plan application based on the criteria contained in Subsection F. The Court also shall finally decide whether a special exception to the concept plan requirements should be granted. The Court may impose such conditions on approval of the concept plan as are reasonably necessary to assure that the plan is consistent with the goals and policies in the Hood County Strategic Plan and the requirements of these development permit regulations.
- F. Approval Criteria. The Commissioners' Court shall determine whether the concept plan should be approved, approved with conditions, or denied based upon the following standards:
1. The concept plan is consistent with the Hood County Strategic Plan and, for land within the extraterritorial jurisdiction of any municipality in the County, with any applicable comprehensive plan of such municipality.
 2. The concept plan conforms with the land use district regulations and standards set forth in Article V.
 3. Development subject to the concept plan, is supported by adequate levels of public facilities and services that are to be provided to each phase of the development in a timely manner under standards set forth in Article VI of these development permit regulations.
 4. Development subject to the concept plan will not adversely affect the physical environment and, in particular, the water quality of the County's water resources.
 5. Development subject to the concept plan will not adversely affect adjacent land uses.
 6. Development subject to the concept plan will not create a public safety hazard.
- G. Effect and satisfaction of conditions. Approval or conditional approval of a concept plan shall authorize the applicant to prepare a subdivision plat or an infrastructure development plan, as the case may be. Conditions attached to the

concept plan must be satisfied simultaneous with or prior to approval of a final plat or infrastructure development plan.

- H. Expiration of Concept Plan and Extension. The concept plan shall expire within two (2) years from the date of approval unless a complete application for approval of a plat or infrastructure development plan has been submitted within such period. If the project is to be developed in phases, a subsequent application for approval of a plat or infrastructure development plan for the next phase shall be submitted within two (2) years from approval of a final plat or development plan for each preceding phase. If a subsequent application for a plat or infrastructure development plan has not been submitted within such period, the concept plan for that portion and all remaining phases of the project shall expire. Any expiration date in this subsection may be extended by the Director of Development or the Development Commission, with appeal to the Commissioners' Court, for a period not to exceed two (2) years for good cause shown.

- I. Submission of Plat or Infrastructure Development Plan Concurrent With Concept Plan. An application for approval of a plat or infrastructure development plan may be submitted with a concept plan application, where the land to be developed (in unified ownership) is less than ten (10) acres in size, where no mixed use development is proposed and where development is not proposed to occur in phases; provided, however, that in no event shall the plat or infrastructure development plan be acted upon by the Commissioners' Court until a concept plan has been approved and the plat or development plan is consistent therewith. No application for a plat or infrastructure development plan shall be accepted under this section unless the property owner or his agent has executed a waiver of any time period for reviewing such application mandated in the County's adopted orders governing the processing of plats and infrastructure development plans.

Section 4.3 Partial Development

- A. An application for approval of a concept plan may elect to seek approval for only a portion of the land held under unified ownership by clearly designating in the concept plan application those portions of the property that are not to be developed subject to the concept plan.

- B. The Commissioners' Court may require the applicant to include additional land under unified ownership in the application for concept plan approval whenever in its sole discretion the Court determines that assessment of the impacts of the proposed development require such inclusion.

- C. If an applicant is allowed to process an application for approval of a concept plan for less than all property held under unified ownership, a separate application for concept plan approval shall be required for all land not subject to the concept plan, and development of all such land shall be considered a separate project for purposes of these development permit regulations.

Section 4.4 Site Development Plan

- A. Applicability. A site development plan shall be required where no subdivision plat or infrastructure development plan is required prior to the development of the proposed project, and may include without limitation development of a recreational vehicle park, a multi-family use, or a commercial use, where multiple commercial uses are leased on an undivided tract of land. A site development plan expressly shall be required for a change in the existing use of developed land, if the change in use does not require re-platting and no site permit has been obtained for the property, or if the change in use is inconsistent with a prior approved site development plan.
- B. Purpose. The purpose of a site development plan is to assure that the proposed development meets the standards for population density and adequate public facilities for the district in which the project is to be located, and to formulate appropriate conditions for assuring that further development of the land is consistent with the County's Strategic Plan.
- C. Application. The property owner or designated representative may initiate site development plan review by filing a complete application with the Director of Development. The proposed site development plan shall include all land in unified ownership of which the land to be developed is a part. The application must be accompanied by a site plan, including location map and north arrow, prepared as a drawing on a sheet size 22" x 34" at a scale of not less than 1" = 100' and showing topography at intervals of two feet or less. The following items shall be shown on the plan:
1. Name and address of landowner, developer or agent and date of preparation of the plan;
 2. Name and address of architect, landscape architect, planner, engineer, surveyor, or other persons involved in the preparation of the plan;
 3. The application fee;
 4. Project name;
 5. A tax certificate showing that all taxes currently due with respect to the subject property and/or the original tract have been paid;
 6. A boundary survey certified by a licensed surveyor of the following:
 - a. the existing locations and dimensions of utility easements;
 - b. the existing locations and dimensions of dedicated rights-of-way, including easements; and

- c. the location of district boundaries in relation to the development;
- 7. A drawing certified by a Civil Engineer including:
 - a. the proposed boundaries of the development;
 - b. the proposed location and dimension of leased 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, including easements;
 - e. the proposed location and dimensions of on-site streets or roadways;
 - f. the proposed location of recreation and open space areas;
 - g. the location of district boundaries in relation to the development;
 - h. the proposed location of each residential and non-residential structure; and
 - l. any other significant features of the development.
- 8. For multi-family uses, a computation of the residential density proposed.
- 9. Proposed measures to buffer the project from adjacent land uses;
- 10. Proposed transportation facilities serving the site, together with a traffic impact analysis where required by these Regulations:
- 11. The proposed method, connection, provider and location of:
 - a. the proposed water system;
 - b. the proposed wastewater system;
 - c. the proposed method of drainage.
- 12. All required engineering and/or construction drawings/plans, which have been signed, dated and sealed by an engineer.
- 13. Proposed erosion and sedimentation control measures.
- 14. All other documents, studies and reports required pursuant to these Regulations.

15. If the project is to be developed in phases, demarcation of the phases of development with an approximate time schedule for completion of improvements for each phase.
16. 911 Addressing: Each inhabitable structure must obtain one permanent 911 address from the Hood County 911 Addressing Coordinator prior to final approval from the Hood County Commissioners' Court. Addresses must be posted on the exterior of each addressed building and must be a minimum of four inches (4") high in a reflective, contrasting color. The posted address must be visible from the street or public easement.

The site development plan must include all structures. After final approval by the Hood County Commissioners' Court, a weatherproof, detailed site map must be posted on the exterior of the main office building, by the front entrance, so as to be visible by emergency personnel.

D. Approval Procedure

1. Report of Director. Upon receipt of a complete application for approval of a site 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. In the event that the Commissioners' Court has delegated authority to make a recommendation concerning the site development plan to the Development Commission, or if the applicant has requested a special exception, the Director shall first present his report to the Commission concerning the application or special exception.
2. Development Commission Recommendation. In the event that the Commissioners' Court has delegated authority to make a recommendation concerning the site development plan to the Development Commission, or the applicant has requested a special exception, the Commission shall review the application or request for special exception at a public meeting and forward its recommendation to the Commissioners' Court concerning the same.
3. Hearing and Notice. The Commissioners' Court shall conduct a public hearing concerning the site development plan and shall cause to be published notice of such hearing setting forth the date, time, place and purpose of such hearing, the name of the applicant, and identification of the subject property once in a newspaper of general circulation within the County, at least fifteen (15) days before the date set for the hearing. Notice of the hearing shall be posted on the property to be developed in accordance with County rules.

4. Decision by the Court. The Commissioners' Court shall determine whether to approve, approve with conditions, or disapprove the site development plan application based on the criteria contained in Subsection F. The Court also shall finally decide whether any special exception to the site development plan requirements should be granted. If the Court imposes conditions on approval of the plan, then the approval shall be considered preliminary. Conditions must be satisfied prior to final approval by the Court.
- E. Approval Criteria. The Commissioner's Court shall determine whether the site development plan should be approved, approved with conditions or denied based upon the following standards:
1. The site development plan is consistent with the Hood County Strategic Plan and, for land with the extraterritorial jurisdiction of any municipality in the County, with any applicable comprehensive plan of such municipality.
 2. The site development plan conforms with the land use district regulations and standards set forth in Article V.
 3. Development subject to the site development plan, is supported by adequate levels of public facilities and services that are to be provided to each phase of the development in a timely manner under standards set forth in Article VI of these development permit regulations.
 4. Development subject to the site development plan will not adversely affect the physical environment and, in particular, the water quality of the County's water resources.
 5. Development subject to the site development plan will not adversely affect adjacent land uses.
 6. Development subject to the site development plan will not create a public safety hazard.
- F. Effect and Satisfaction of Conditions. Approval or conditional approval of a site development plan shall authorize the applicant to prepare an application for a site permit, where required, or an application for on-site sewage facility permits, as may be necessary. Conditions attached to the site development plan relating to standards applicable to site permits or on-site sewage facility permits must be satisfied simultaneous with or prior to approval of such applications.
- G. Expiration of Site Development Plan and Extension. The site development plan shall expire within two (2) years from the date of approval, unless substantial development of the site has commenced by such date. For the purpose of these regulations, substantial is considered a minimum of 50% of the site is developed. The Director of Development or the Development Commission may extend the expiration date for a period not to exceed two (2) years for good cause shown.

Section 4.5 On-Site Permit

- A. Purpose. The purpose of a site permit is to ensure that development on individual lots or tracts is consistent with Hood County Development Regulations and has received final approval by the Hood County Commissioners' Court.

- B. General Requirement. No building construction or earth disturbing activity shall take place until required fees have been paid, the On-Site Permit placard has been issued, and the On-Site Permit placard has been posted at the job site. The On-Site Permit placard must be posted at the development site, in a conspicuous location (protected from the elements if possible), visible from the nearest street from the site of the work being conducted and must remain in place during the entire period of construction. A new On-Site Permit is required for a change in land use if a previous On-Site Permit has been approved for the existing use. If the proposed change in use is inconsistent with the approved concept plan or site development plan for the property, then the concept plan or site development plan, as the case may be, must be revised before a new On-Site Permit is issued.

- C. Approval Procedure
 - 1. On-Site Permits shall be approved by the Director of Development, subject to appeal to the Commissioners' Court.
 - 2. The applicant or any person aggrieved by a denial or conditional approval of an On-Site Permit by the Director of Development may appeal in writing to the Commissioners' Court.
 - 3. The appeal must be filed with the County Judge, within ten (10) working days after notification of the final decision by the Director. The appeal shall contain a written statement of the reasons why the final decision is erroneous. The Commissioners' Court shall conduct a public hearing on the appeal, at which time the appellant and other interested persons may present evidence for or against the appeal. The Commissioners' Court may affirm, modify or reverse the decision of the Director and may attach such conditions to the plan as are reasonably necessary to insure compliance with Hood County Development Regulations.

- D. Effect. Issuance of an On-Site Permit authorizes the applicant to commence construction for which the permit is sought.

Section 4.6 Complete Application Required

- A. An application for a concept plan or a site permit shall be deemed complete when all of the materials required under this article for such application have been received and accepted as satisfying the submittal requirements of the article 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 development.
- 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 application requested by the Director.
- 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 in his report to the Commissioners' Court.
- F. An application to revise an approved concept plan or site permit, or an application for approval of such plan following expiration of a plan previously approved, shall be considered a new application for purposes of this Section.

Section 4.7 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 a concept plan or site development plan in circumstances where proposed conditions require:
 - 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 concept plan or site development plan;
 - 3. Dedication and/or improvements to off-site facilities.
- B. The Director, using any studies prepared by the applicant, shall compare the impacts of the development proposed in the concept plan or site development plan on the County's public facilities and services, with the dedications and/or improvements to be required, and shall determine whether the dedication and/or improvement is roughly proportional to the nature and extent of the impacts created by the development on the facility exacted.

- C. In the event that the Director concludes that the proposed condition requiring dedication and/or improvement is not roughly proportional to the nature and extent of the development's impacts, he may recommend to the Commissioners' Court that the requirement(s) be modified, or that the County participate in the costs of the improvement.
- D. Unless a proposed dedication or improvement is required prior to plat or infrastructure development plan approval, the Director may recommend and the Commissioners' Court may authorize the deferral of the proportionality determination until consideration of the application for such plat or development plan.

Section 4.8 Change in District Boundaries

- A. Petition to change boundaries. A property owner whose project is located in more than one district, or whose land lies immediately adjacent to the boundaries of a district established in Article V of these Development Permit Regulations, may petition the Commissioners' Court to amend the boundaries of the district to include all or a portion of his land. The request to amend district boundaries may be submitted with an application for approval of a concept plan or a site development plan.
- B. Public hearing. Following the report of the Director, the recommendation of the Development Commission and public notice as prescribed in Section 4.2E, the Commissioners' Court shall convene a public hearing to determine whether district boundaries should be changed.
- C. Criteria for change in boundaries. In deciding whether to change district boundaries, the Commissioners' Court shall consider the following criteria:
 1. Whether the proposed change in district boundaries is consistent with the Hood County Strategic Plan, and for land within the extraterritorial jurisdiction of any municipality in the County, with any applicable comprehensive plan of such municipality.
 2. Whether the proposed change in district boundaries, considering the nature and size of the proposed development, adversely affects the physical environment or water quality of the County's water resources.
 3. Whether the proposed change in district boundaries, considering the nature and size of the proposed development, will adversely affect the County's ability to supply adequate levels of public facilities and services that are to be provided to each phase of the development in a timely manner.
 4. Whether the proposed change in district boundaries, considering the nature and size of the proposed development, will adversely affect adjacent land uses.

5. Whether the proposed change in district boundaries, considering the nature and size of the proposed development, will create a public safety hazard.

D. Decision by Commissioners' Court. The Commissioners' Court shall determine whether to approve, disapprove or approve with conditions the request to change district boundaries. The Court may limit the change in the boundaries to only a part of the land or proposed development, and may impose such conditions as are reasonably necessary to assure that the change in boundaries is consistent with the goals and policies in the Hood County Strategic Plan and the intent of these Development Permit Regulations.

Section 4.9 Application Fees

The applicant shall pay a non-refundable fee, in the amount set forth in Appendix "B," which is incorporated herein by reference, for each application required by these development permit regulations. The application fee schedule, Appendix "B," may be amended from time to time by the Commissioners' Court without amending or affecting these regulations.

Article V. Land Use District Standards

Section 5.1 District Established

- A. Uniform Regulations. Hood County hereby is divided into three types of land use districts for purposes of these Development Permit Regulations. The Hood county Commissioners' Court may further divide districts into sub-districts. Regulations applicable within each district or sub-district shall be uniform. The boundaries of each district shall be located on an official Land Use District Map to be maintained in the offices of the Director of Development.
- B. Water Quality District. There is hereby established a Water Quality District ("WQD") adjacent to each water body in Hood County hereinafter listed, in the following particulars:
1. Lake Granbury Water Quality District shall extend along the entire length of Lake Granbury to be measured from the elevation of six hundred ninety-three feet (693') mean sea level and for a distance of **one-half (.5)** mile on each side of the lake.
 2. Brazos River Quality District shall extend along the entire length of the river and for a distance of **one-half (.5)** mile on each side of the centerline of the river.
 3. Brazos River Tributaries Water Quality District shall extend along the length of all tributaries of the Brazos River for a distance of five (5) linear miles from the confluence of the tributary with the river and for a distance of one-half (.5) mile on each side of the centerline for the tributary. The following tributaries are included within such district: Stroud Creek, Long Creek, Fall Creek and Walnut Creek.
 4. Paluxy River Water Quality District shall extend along the entire length of the river and for a distance of one-half (.5) mile on each side of the centerline of the river.
 5. Squaw Creek Reservoir Water Quality District shall extend for the entire length of the reservoir and for a distance of one-half (.5) mile, on each side of the reservoir, to be measured from the normal pool elevation of seven hundred seventy-five feet (775') mean sea level.
- C. Road Corridor District. There is hereby established a Road Corridor District ("RCD") for each thoroughfare identified in Hood County's thoroughfare plan as an AA, an A or B roadway, except those roads or segments thereof hereinafter listed, such district to extend along the entire length of such thoroughfare, and to extend for a distance of one-half (.5) mile on each side of and measured from the centerline of such roadway.

1. Any segment of an AA, A or B roadway shown on the thoroughfare plan which is not under contract for construction on the effective date of these Development Permit Regulations; provided, however, that a road corridor district shall be created in accordance with the above listed dimensions along such segment at either the time the Commissioners' Court determines that the thoroughfare is needed to serve new developments or a contract is awarded for construction of such segment, whichever first occurs.
 2. A road corridor district shall be established for each excluded segment when traffic volume exceeds five thousand (5000) average daily trips, following action by the Commissioners' Court.
- D. Rural District. All areas of Hood County not located within a Water Quality District or a Road Corridor District hereby shall be deemed to be included within a Rural District ("RD"), all such areas being hereby established.
- E. Overlapping Districts. In the event that the boundaries of a water quality district and a road corridor district overlap, the regulations applicable to each district shall apply to the land within the zone of overlap, except that, in the event of conflict in the regulations, the more restrictive standards shall apply.

Section 5.2 Purposes of Districts

- A. Water Quality Districts. The purpose of each water quality district shall be to preserve the quality and quantity of the County's water resources; to prevent further pollution of specific water bodies; to provide areas for coordinated growth and development; to assure that development within such areas are served by adequate levels of public facilities and services; and to enhance recreational opportunities associated with specific lakes, rivers and streams within the county for residents of the County and for citizens of the State of Texas who utilize them. Within each water quality district, new developments shall either be connected to a centralized water and wastewater system; or be of low intensity. On-site sewage facilities shall be located to avoid impairment to them or contamination from them during flooding within the 1% Annual Chance Special Flood Hazard Area and shall be designed to meet the minimum setbacks as described in the Texas Administrative Code Chapter 285 from a water body located within a water quality district. Where centralized water and wastewater systems are available, higher residential densities may be developed. Multi-family and commercial development located within a Water Quality District must meet certain additional standards. All development must observe erosion control standards.
- B. Road Corridor Districts. The purpose of each road corridor district shall be to provide areas for urbanization that are in close proximity to planned and existing thoroughfares; to provide for efficient development within such areas; to enhance traffic safety along thoroughfares; and to assure that developments within such areas are served by adequate levels of public facilities and services. Most multi-family and commercial developments should be located in this district. Where centralized water and wastewater systems are available, higher residential

densities may be developed. Residential developments utilizing on-site sewage facilities and/or wells may be developed at higher densities than similar developments located in the water quality districts or the rural districts.

- C. Rural Districts. The purpose of each rural district shall be to conserve the rural character of development in Hood County and to enhance the quality of life for residents in such areas. Because urban and suburban development can be entirely accommodated within municipal limits, or within the water quality or road corridor districts, residential density shall be limited within rural districts, and public services and facilities are correspondingly limited.

Section 5.3 General District Standards

- A. Regulation by district. New developments within Hood County shall be subject to development standards established by this order in accordance with regulations established for each land use district.
- B. Multiple districts. Where a proposed development is located in more than one land use district, except for water quality districts, the provisions of each district shall apply separately to the land located within the district, unless the property owner requests and is granted a change in land use district boundaries in accordance with Section 4.8 of these development permit regulations.
- C. Lots of record. Notwithstanding any other provision of this article, a single lot or parcel that was in existence on March 31, 2000 and that is smaller in size than is necessary to meet the maximum density established for the district may be used for a single-family detached dwelling, provided that such lot or parcel meets adequate facilities standards set forth in this article or in Article VI of these development regulations.
- D. Residential density computation. Residential density standards for land use districts may be expressed as dwelling units per gross acre, or per net acre depending on the availability of centralized water. A density standard limits the number of dwelling units that can be developed on a particular tract of land. Density standards in gross acreage shall not be interpreted as minimum lot size requirements, but net acreage shall be interpreted as minimum lot size requirements.
- E. Mixed use development. For mixed-use developments, the district standards for residential and non-residential uses shall apply separately to each such use, and requirements concerning adequate facilities shall be cumulative. Where both types of use are contained in a single structure, or where uniformity of regulations necessitates choice between standards, the more restrictive requirement shall be applied.
- F. Maximum building coverage requirement. For all nonresidential uses and multi-family uses: a maximum of fifty percent (50%) of the parcel, tract, or lot shall be covered by buildings or structures, exclusive of parking and other paved areas.

Where such uses are to be served by on-site sewage facilities: the applicant must demonstrate to the Director of Environmental Health that the proposed use does not generate wastewater greater than can be accommodated. The Director of Environmental Health will review and inspect the final location, design, construction, extension, size, and installation of the proposed sewage disposal system and determine if it is compliance with Hood County's Onsite Sewage Facility Order. In all cases, the total area available for sewage disposal must be no less than two (2) times the design area of the initial system.

Section 5.4 Water Quality Land Use District Standards

- A. Water quality setback. On-site sewage facility must meet the minimum setbacks as described in the Texas Administrative Code Chapter 285.
- B. Residential density limitations, water districts. Within each water quality district, the maximum residential density shall be as follows:
 - 1. Where centralized water and wastewater systems are provided, no residential development shall exceed a density of:
 - a. two (2) dwelling units per gross acre for single-family detached dwelling units; four (4) dwelling units are allowed when Urban Standard Roads are constructed.
 - b. eight (8) dwelling units per gross acre for single-family attached dwelling units, patio homes, recreational vehicles, and two-family dwellings; and
 - c. eighteen (18) dwelling units per gross acre for multi-family dwellings.
 - 2. Where centralized water systems only are provided, residential density shall be one dwelling unit per gross **one (1)** acre.
 - 3. Where neither centralized water nor centralized wastewater systems are provided, residential density shall be limited as follows:
 - a. for single-family detached dwelling units, one unit per net **two (2)** acres.
 - b. single-family attached dwelling units, patio homes, two-family dwellings, recreational vehicles, and multi-family dwellings, without centralized water and wastewater systems are prohibited.
 - 4. For non-residential uses, the minimum tract size shall be **one (1)** acre, where centralized water only is provided, and net **two (2)** acres where wells and on-site sewage facilities are provided. The actual tract size may be

increased above the minimum to accommodate anticipated sewage flows from the proposed use.

C. Non-residential standards

No office use exceeding one thousand (1000) square feet or industrial use of any size shall be located within a water quality district unless the use is served by both centralized water and wastewater systems, or unless the applicant demonstrates to the Director of Environmental Health that the proposed use does not generate wastewater greater than can be accommodated on the minimum tract size for the district.

D. Adequate facilities standards

All adequate facilities standards set forth in Article VI are applicable to development in water quality districts, except to the extent otherwise provided therein.

E. Preservation of natural features. Land lying within the one-hundred year floodplain and other significant natural features, that when maintained in a natural state, preserve water quality shall be preserved, subject to density transfer provisions set forth in Section 5.7.

Section 5.5 Road Corridor Land Use District Standards

A. Residential density limitations. Maximum residential density within each road corridor district shall be as follows:

1. Where centralized water and wastewater systems are provided, no residential development shall exceed a density of:
 - a. Two (2) dwelling units per gross acre for single-family detached dwelling units; four (4) dwelling units are allowed when Urban Standard Roads are constructed.
 - b. Six (6) dwelling units per gross acre for recreational vehicles.
 - c. Eighteen (18) dwelling units per gross acre for multi-family dwellings.
2. Where centralized water systems only are provided, residential density shall be limited as follows:
 - a. One (1) dwelling unit per gross acre for all residential dwelling units.
 - b. Six (6) dwelling units per gross acre for recreational vehicles.

3. For developments providing neither centralized water nor wastewater systems, the maximum residential density shall be one (1) unit per two (2) net acres.

B. Non-residential standards

For non-residential uses, the minimum tract size shall be one (1) acre, where centralized water only is provided, and net two (2) acres where wells and on-site sewage facilities are provided. The actual tract size may be increased above the minimum to accommodate anticipated sewage flows from the proposed use.

C. Adequate facilities standards

1. All adequate facilities standards set forth in Article VI are applicable to development in road corridor districts, except to the extent otherwise provided therein.
2. The following special facilities standards apply to development in road corridor districts:
 - a. Access limitations. The following access limitations apply to collector and arterial roadways within road corridor districts:
 - (1) Residential developments shall be designed to minimize direct access to arterial and collector roadways.
 - (2) Access connections shall be spaced as follows:
 - (a) For AA, A or B roadways, connections shall be spaced a minimum of three hundred feet (300');
 - (b) For other arterial or collector roadways, connections shall be spaced a minimum of two hundred feet (200').
 - (3) Median openings shall be spaced as follows:
 - (a) For AA, A or B roadways, median openings shall be spaced a minimum of six hundred feet (600') for directional openings and one thousand two hundred feet (1200') for full openings;
 - (b) For minor arterial roadways, median openings shall be spaced a minimum of four hundred feet (400') for directional openings and eight hundred feet (800') for full openings.

Section 5.6 Rural Land Use District Standards

- A. Residential density limitations. Maximum residential density within each rural district shall not exceed the following:
1. Where centralized water and wastewater systems are to be provided, a petition to amend district boundaries to a water quality district or a road corridor district shall first be submitted and approved pursuant to Section 4.8 of these development permit regulations. Standards applicable to the project thereafter shall be those for the district in which the land to be developed is included by such approval.
 2. Where centralized water systems only are provided, residential density shall be one-single family dwelling unit or six (6) recreational vehicles per gross one (1) acre.
 3. Where neither centralized water nor centralized wastewater systems are provided, single family residential density shall be one dwelling unit per net two (2) acres.
 4. Where neither centralized water nor centralized wastewater systems are provided, six (6) dwelling units per net two (2) acres for recreational vehicles.

B. Non-residential standards

For non-residential uses, the minimum tract size shall be one (1) acre, where centralized water only is provided, and net two (2) acres where wells and on-site sewage facilities are provided. The actual tract size shall depend on the land area necessary to accommodate anticipated sewage flows from the proposed use.

Section 5.7 Density Transfers

- A. Purpose. The purpose of residential density transfer is to preserve natural features and to encourage provision of open space by allowing increases in residential density in certain areas in exchange for restricting development in floodplains and other areas containing significant natural features the maintenance of which in a natural state preserve water quality and enhance recreational opportunities within the County.
- B. Transfers allowed. Transfer of residential density shall be allowed in accordance with the following standards:
1. in water quality districts, whenever both centralized water and wastewater services are provided, or natural areas are required to be preserved;
 2. in road corridor districts, whenever centralized water systems are available.

- C. Dedication of natural areas required for transfer. Whenever an applicant for a concept plan seeks to transfer density from floodplain areas or other areas containing significant natural features, he shall provide for dedication of such areas to the County or to a property owners association, at the sole discretion of the Commissioners' Court, and shall prohibit development of structures and improvements, except certain recreational amenities, within such areas to be preserved. Proper drainage facilities and provisions for maintenance of the preserved areas, where land is to be dedicated to a property owners association, shall also be required.
- D. Maximum transfer of density. If the Commissioners' Court authorizes the requested transfer of residential density, the gross residential area of all areas preserved may be transferred to areas within the remaining area subject to the concept plan; provided, however, that the density transfer shall not result in residential density exceeding the following:
1. In water quality districts where both centralized water and wastewater systems are provided, six (6) units per gross acre for single-family detached dwellings; twelve (12) units per gross acre for single-family attached dwelling units and two-family dwellings; and twenty-four (24) units per gross acre for multi-family dwellings.
 2. In water quality districts, where both centralized water and wastewater systems are not provided but natural areas are required to be preserved, densities equivalent to the minimum lot size requirements for the type of residential dwelling under the County's on-site sewage facility orders.
 3. In road corridor districts where both centralized water and wastewater systems are provided, seven (7) units per gross acre for single-family detached dwellings; fourteen (14) units per gross acre for single-family attached dwelling units and two-family attached dwelling units; and thirty (30) units per gross acre for multi-family dwellings.
 4. In road corridor districts where centralized water systems are only provided, densities equivalent to the minimum lot size requirements for the type of residential dwelling under the County's on-site sewage facility orders.

Article VI. Adequate Public Facilities

Section 6.1 General Policy. Land proposed for development within Hood County must be served adequately by essential public facilities and services. Land shall not be approved for development unless and until adequate public facilities exist or provision has been made for water facilities, wastewater facilities, roadway facilities, drainage facilities, and other public facilities and services which are necessary to serve the development proposed, whether or not such facilities are to be located within the property being developed or offsite. It is the intent of these development permit regulations that the adequate facilities standards in this article shall be applied at the time of approval of a concept plan or a site development plan, as the case may be unless otherwise expressly stated, or except as such requirements may be expressly deferred by the Commissioners' Court to a later stage in the development process.

Section 6.2 General Standards. The following general standards apply to all developments within the county. Special provisions may apply within a particular land use district.

- A. Conformance to plans. Proposed public improvements shall conform to and be properly related to the County's master plans, where applicable for water facilities, wastewater facilities, transportation facilities and drainage facilities, and to applicable capital improvements plans.
- B. Water facilities. All developments must be connected either to an authorized public water system which is capable of providing water for health and emergency purposes, including adequate fire protection, or to an approved well, and certification must be provided that water supply is adequate to serve the development in accordance with TCEQ rules.
- C. Wastewater facilities. All developments must be served by an approved means of wastewater collection and treatment.
- D. Roadway facilities. A road network having adequate capacity shall support all developments. Proposed thoroughfares and streets shall provide a safe, convenient and functional system for vehicular and pedestrian circulation and shall be properly related to the County's thoroughfare and strategic plans and any amendments thereto, and shall be appropriate for the particular traffic characteristics of each proposed development.
- E. Drainage facilities. Drainage improvements to serve each development shall accommodate potential runoff from the entire upstream drainage area and shall be designed to prevent overloading the capacity of the downstream drainage system. The County may require the use of control methods such as retention or detention, and/or the construction of off-site drainage improvements in order to mitigate the impacts of the proposed development.
- F. Park facilities. Adequate sites and convenient access for parks, playgrounds, and other recreational facilities shall be provided as set forth in the County's master plan for open space and related to the character and uses of the surrounding

properties in accordance with the intent, policies, and provisions of this ordinance.

- G. Phasing. The County may require the phasing of development or improvements in order to assure the timely provision of adequate facilities and services to the development and maintain current levels of service for existing developments or for other reasons related to maintaining the health, safety and general welfare of the County residents.
- H. Utility mains. Utility mains shall not be installed in the floodplain unless other routes are not feasible.

Section 6.3 Determination of Adequate Facilities

- A. Time of application. The Commissioners' Court shall apply adequate facilities standards contained in this article or in Article V at the time of concept plan or site development plan approval, as the case may be, and shall determine whether the proposed development is adequately served by water, wastewater, roadway, drainage and park facilities.
- B. Conditions, concept plan. In the event that a proposed development subject to a concept plan is not adequately served by one or more facilities, the Commissioners' Court may deny the concept plan pending provision of adequate facilities, or may condition approval of the concept plan on provision of such facilities. The Court may delay satisfaction of such conditions until the time of approval of the plat or development plan for the project, as the case may be, or to the time of approval of a site permit, where required.
- C. Conditions, site development plan. In the event that a proposed development subject to a site development plan is not adequately served by one or more facilities, the Commissioners' Court may deny the site development plan pending provision of adequate facilities, or condition final approval of the site development plan on provision of such facilities.

Section 6.4 Special Facilities Standards Applicable to Site Development Plans

- A. Purpose. The purpose of this section is to provide adequate facilities standards for developments that do not require plat or infrastructure development plan approval under Hood County's orders governing such regulations.
- B. Applicability. Any development that requires a site development plan pursuant to Article IV of these development permit regulations must comply with the standards in this section, in addition to other facilities standards contained in Article V or this Article VI.
- C. Standards – water facilities. The fire fighting water sources and access roads shall be indicated on the site development plan, and after approval by the Commissioners' Court, the owner shall furnish one (1) copy of the recorded plat to

the County Fire Marshal for reproduction distribution to the applicable fire department(s).

D. Standards – wastewater facilities

1. Compliance with On-Site Sewage Rules. All developments subject to a site development plan must be designed in compliance with the rules and regulations of the “On-Site Sewage Facilities Order for Hood County” where applicable.

2. On-Site-Sewage Facilities. If wastewater service is to be provided through on-site sewage facilities, a soil evaluation for each lot must be made by a qualified registered sanitarian or professional engineer at the time an on-site sewage facility permit is applied for through Hood County Environmental Health. A letter shall be provided accompanying the permit application, 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 (TCEQ’s) “Construction Standards for Private Sewage Facilities” and “Rules for Private Sewage Facilities Lake Granbury,” as may be amended from time to time.
 - a. If sewage disposal is by means on-site sewage facilities, on-site sewage facilities must be designed and built in accordance with the Texas Commission on Environmental Quality (TCEQ’s), “Construction standards for private sewage facilities” and “Rules for private sewage facilities Lake Granbury,” as may be amended from time to time. Design shall be based on the results of a site evaluation performed on each lot at the time the permit 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. Only one single-family residence shall be located on a lot sized for a single-family residence when an on-site sewage facility is used and only one residence shall be connected to said facility unless the lot area is large enough to be subdivided another independent lot according to current Hood County density requirements and have its own separate on-site sewage facility system.

g. The OSSF Certifications in Appendix "G" shall be attached to the final plat when the property is to be served by on-site sewage facilities.

E. Standards – roadway facilities

1. Required Streets and Roadway

- a. No development subject to a site development plan 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 development required for safe passage of fire and emergency vehicles.
- b. All streets within a development subject to a site development plan 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.

2. Roadway Layout. A proposed site 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 development 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.
3. 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. Rural streets should, whenever possible, follow valleys or depressions such that roadside ditches may 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 6.1 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. 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. A street ending in a cul-de-sac shall not be longer than:
 - 1. six hundred feet (600') where urban standard roads are constructed, and centralized water and centralized sewer are provided, as measured from the centerline of the intersecting street to the center point of the bulb;
 - 2. or longer than (15) fifteen lots when only centralized water is provided (lot sizes shall be based on the Density Standards as may be amended from time to time), as measured from the centerline of the intersecting street to the last lot adjacent to the cul-de-sac or the point of curve of the cul-de-sac;
 - 3. or not longer than (25) twenty-five lots when neither centralized water nor centralized sewer are provided, (lot sizes shall be based on the Density Standards as may be amended from time to time), as measured from the centerline of the intersecting street to the last lot adjacent to the cul-de-sac or the point of curve of the cul-de-sac 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.

- e. 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.

4. Vehicular Access

- a. **Perimeter Road Improvements.** No use of land within a development subject to a site development plan 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 development shall be designed and constructed, in accordance with County standards and according to the vehicular impact of the community.
- b. **Interior Road Improvements.** Each use in the development 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 twenty-five feet (25') at the inside curb line and fifty feet (50') at the outside curb line to permit free movement of emergency vehicles. Fire lane easements shall be maintained by the property owner.

**TABLE 6.1
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	30 mph	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 development subject to a site development plan 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.

5. Street Names and Signs. All streets within the development shall be named. Street signs shall be installed by the owner/developer in accordance with the current Texas Manual on Uniform Traffic Control Devices (TMUTCD).
6. Private Streets. All private streets shall be designed and constructed in accordance with the standards specified in 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.
 - a. Eligibility Criteria. Private streets shall be permitted within the development in accordance with the following criteria:
 - (1) The streets to be restricted to private use are not intended for regional or local through traffic circulation (see Subsection 6.4.E.6.b below);
 - (2) A mandatory property owners association, which includes all property served by the private streets, will be formed.
 - b. 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 of adjacent property; impair access to or from public facilities including schools or parks; or if it would delay the response time of emergency vehicles.
 - c. Maintenance Entity Required. Private streets and appurtenances within the development must be owned and maintained by a maintenance entity approved by the County Attorney.
 - d. Private Street Easement. Private streets must be constructed within a separate easement owned by the property owner's association. This easement must conform to the County's standards for public street rights-of-way. An easement covering the private street 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.

- e. 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.
- f. Infrastructure. All required water, wastewater and drainage facilities and streetlights and signs placed within the private street easement or adjacent utility easement shall be installed to County standards.
- g. Plans and Inspections. Site 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.
- h. Restricted Access. The entrances to all private streets must be marked with a sign stating that it is a private street, and that and related appurtenances are not maintained by the County. Guard houses, access control gates, and cross arms may be constructed per Subsection (i) 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 association fails to maintain reliable access as required herein, the County may enter the development and remove any gate or device, which is a barrier to access at the sole expense of the association. The association documents shall contain provisions in conformity with this section, which may not be amended without the written consent of the Commissioners' Court.
- i. 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 breakaway design. A turn-around space with a minimum diameter of 60-feet 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.
- j. Waiver of Services. The site 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.

- k. 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 any use of the subdivision by the County or governmental/utility entity.
7. Permit Required for Construction in Right-of-Way. No driveway or utility construction shall be allowed without first obtaining a permit from the County Road Administrator.
- a. Encroachments
 - (1) Advertising signs and other private signs shall not be permitted to be placed within the right-of-way of any County roadway, except street name signs as permitted in these regulations.
 - (2) Concrete work, brick work, and masonry work not a part of the roadway drainage system or pavement system shall not be allowed within the County right-of-way, except as permitted by an approved County permit. Entrance gates and private retaining walls shall not be allowed within the County right-of-way.
 - (3) Planting or constructing landscape within the County right-of-way shall not be permitted. Landscaping shall include trees, shrubs, vines, flowers and other decorative plantings, as well as the construction of landscaping appurtenances.
 - (4) Fences shall not be permitted in the right-of-way of County roadways. Fences may be placed on the right-of-way line of County roadways.
8. 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.

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

F. Standards – drainage facilities and flood controls

1. General Requirement

- a. No site development plan shall be approved unless storm drainage improvements and flood control measures have been provided for in accordance with the standards contained in this article, taking into consideration the ultimate development of all property in unified ownership of which the land subject to the site development plan is a part.
- b. It is the intent of these Regulations that provision be made for storm drainage and flood control at such time as any property affected is proposed for development, use, or modification.
- c. Where a property owner proposes development of only a portion of the property, storm drainage and flood control improvements shall be provided only for that portion of the property immediately to be developed, provided that such improvements shall be consistent with the drainage study for the entire property under unified ownership.
- d. Private storm drainage and flood control improvements shall be located and designed to eliminate Adverse Impact to upstream, downstream and adjacent property owners.
- e. All applicable erosion control methods shall be followed.
- f. The property owner shall dedicate all drainage easements in accordance with these regulations. Where the improvement or construction of a storm drainage facility is required along a property line common to two (2) or more owners, the property owner first developing 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.
- g. Maintenance of drainage facilities shall be the responsibility of the property owner or property owners' association. When lots are platted for the sole purpose of containing drainage infrastructure and/or ponds or common areas the drainage lot(s) or common areas must be owned and maintained by a Home Owner's Association or maintenance entity approved by the County Attorney.

- h. No development shall be permitted in the floodway. Development may be allowed within the floodplain outside the floodway or within a drainage easement only on a case-by-case basis. Any structures constructed within the floodplain must be above the base flood elevation.
- 2. Storm Water Runoff into County Drainage Facilities. The Director of Development may require detention of storm water run-off 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.
- 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

- 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 a 25-year storm event calculations.
- 5. Conveyance of 100-Year Storm Frequency Flows. In addition to design requirements in Subsection 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. Land uses located within or adjacent to the 100-year floodplain shall have a finished floor elevation, which shall not be less than two feet (2') above the 100-year floodplain elevation. The site development plan shall show the location of a minimum of one (1) permanent benchmark within the development which was used

to establish the 100-year floodplain and recommended finished floor elevation for each land use.

- 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 drainpipes 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.
- 7. 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 designed below 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.
- 8. 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.

9. Floodplain Management

- a. Development within the floodway is prohibited.
- b. Development 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 elevated so that the Finished Floor elevation is a minimum of 2 feet above the base flood elevation.

10. Easements

- a. All floodplains and concentrated flows for the 100-year storm frequency shall be contained within a dedicated drainage and floodway easement(s) or right(s)-of-way.
- b. Where public drainage within the development traverse’s private property, provisions shall be made for drainage and floodway 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.
- c. Provisions shall be made for drainage and floodway easements and drainage structures, in accordance with these Regulations, to allow for proper control of drainage and for future maintenance within the easement area(s). Drainage and floodway easements shall be subject to the following requirements, as shall be reflected in the instrument dedicating the easement:
 - (1) The drainage and floodway easement shall be dedicated to the public’s use for drainage and floodway purposes in perpetuity.
 - (2) The owners shall not obstruct the natural flow of storm water run-off by the construction of any type of building, fence, berm, retaining wall or any other structure within the drainage and floodway easement.

- (3) The County shall at all times have the right to enter upon the easement, at any point, or points, with all rights of ingress and egress, to investigate, survey, erect, construct and maintain any facility deemed necessary by the County for drainage purposes.
- (4) The drainage channels and creeks may be subject to storm water overflow and natural bank erosion to an extent to which cannot be definitely defined.
- (5) The County shall not be held liable for any damages or injuries of any nature resulting from the occurrence of these natural phenomena, nor resulting from the failure of any structure or structures, within the drainage and floodway easement, and the owners shall indemnify and hold harmless the County from any such damages and injuries.

Section 6.5 Water Facilities Standards

- A. Centralized water systems. The following water storage and design requirements apply for purposes of fire protection for centralized water systems:
1. A fire hydrant system or other adequate source of water for fire suppression shall be installed in all subdivisions that have a centralized water system.
 2. If the development contains twenty (20) or more lots, the water system shall include a storage tank with a capacity of at least 60,000 gallons greater than the maximum daily consumption of the system. Minimum flowage shall be at least one thousand (1,000) gallons per minute for one hour. Alternatively, the County may allow a cistern for fire department uses only, with a capacity of 50,000 gallons, to be constructed. Where authorized, maintenance of the storage tank or cistern shall be the responsibility of the owner of the system.
 3. No residential structure built therein shall be farther than five hundred feet (500') in a direct horizontal line along the road from such water source. No portion of any nonresidential structure shall be farther than three hundred feet (300') in a direct horizontal line along the road from a fire hydrant.
 4. All centralized water systems shall meet the minimum requirements of AMUD or Title 30 of the Texas Administrative Code (TAC) Chapter 290, as may be amended.
 5. Each discharge required hereby shall be fed by pipe of at least eight inches (8") inside diameter. The size of the discharge appliance, valves, fittings, and appurtenances 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.

- B. Developments without a central water system. For developments consisting of twenty (20) or more dwelling units with suitable lake and/or pond access, fire department approved “all weather” surfaced access to the lake and/or pond shall be provided. Details for the design of the all-weather access and the hose access shall be approved by the Fire Department on a case-by-case basis. For a lake or pond to be considered suitable, a minimum of 50,000 gallons shall be available at all times. A supply line shall be installed to replenish water lost to evapotranspiration or firefighting. The supply line shall be automated to provide “make-up” water as needed from an adequate water well as described below.
- C. Ground water certification. Where the intended source of water to serve a new development is ground water under the land to be developed, the Developer shall submit, along with the Preliminary Plat, a statement regarding the plan for providing water to the individual lots located within the subdivision.

In addition, the developer shall also submit a signed statement including, but not limited to, the following:

The source of water to be provided to the lots located within the subdivision should be submitted including the results of research performed by the owner or developer to ensure the proposed water supply will meet and exceed the anticipated demands based on projected population number and density. If water service is to be provided by a public or private water purveyor, a letter of agreement from said purveyor to provide water service to the proposed subdivision shall accompany the Preliminary Plat submittal. Said letter shall provide the name, address, and telephone number of said public or private water purveyor. Should the source of water supply intended for the subdivision be groundwater, the plat application shall have attached to it a statement in accordance with TCEQ Title 30 TAC Chapter 230, that is prepared by an engineer licensed to practice in the State of Texas, certifying that adequate groundwater resources are available for the proposed subdivision in accordance with the criteria set forth by the Texas Commission on Environmental Quality. Groundwater certification, in accordance with TCEQ Title 30 TAC Chapter 230, is not required to be submitted for developments with 10 lots or fewer. However, developments with 10 lots or fewer are required to provide a letter agreement from the water purveyor with the Preliminary Plat submittal. Regardless of the intended source of water and the number of lots proposed, all developments must comply with the requirements set forth by the Upper Trinity Groundwater Conservation District (UTGCD). This includes, but is not limited to, proper registration applications, tract sizes, spacing, fees, metering, etc. At a minimum, the Plat shall contain a statement notifying potential lot owners that the development lies within the UTGCD and all registration and permitting requirements must be adhered to. All lots served by individual water wells must meet the requirements set forth in TCEQ Title 30 TAC Chapter 285 for Onsite Sewage Facilities.

Section 6.6 Wastewater Facilities Standards

- A. Centralized wastewater facilities. Where centralized wastewater systems are required by the concept plan, the minimum standards for the system shall be those applicable to facilities required by Acton Municipal Utility District (AMUD), as may be amended from time to time.
- B. Cluster systems. Use of cluster systems for wastewater disposal shall not reduce the density requirements contained in land use district regulations.
- C. Lot requirements. Where wells and on-site sewage facilities are employed, sanitary control easements and septic dispersal areas shall be located entirely within the lot or tract containing the development to be served, outside of drainage easements, and such areas shall be set back a minimum of five feet (5') from any property line.
- D. Proposed developments (either residential subdivisions or commercial property requiring the equivalent water usage of 5,000 gallons or more) according to the chart below within the prescribed footage indicated of an available connection for a centralized sewage system, shall provide for connection to such service when the owner of the centralized sewage system has demonstrated its ability to accept the connection.

17 – 35 Lots/Units	within 500 feet
36 – 52 Lots/Units	within 1,000 feet
53 – 70 Lots/Units	within 1,500 feet
71 or more Lots/Units	within 2,000 feet

Section 6.7 Roadway Facilities Standards

- A. Traffic analysis required
 - 1. Applicability. The following types of proposed developments shall demonstrate the adequacy of the road network serving the project by preparing a traffic impact analysis in accordance with the requirements of this section, which takes into consideration the need to accommodate traffic generated by the development, including all land in unified ownership.
 - a. residential developments of seventy-five (75) or more dwelling units.
 - b. developments generating five hundred (500) or more one-way trips per day; or for
 - c. developments involving construction of collector and/or arterial streets not appearing on the County’s adopted Thoroughfare Plan.

2. Phased development. In its sole discretion, the Commissioners' Court may defer demonstration of adequacy pursuant to this section for subsequent phases of a multi-phased project until a subdivision plat or other specific plans for such additional phases of development is submitted. Where the traffic impact analysis is prepared for the entire property initially, the Court also may require an update of the study for later phases of the development.

3. General site description. The traffic impact analysis shall include a detailed description of the roadway network within one (1) mile of the site. This description which may be in the form of a map, shall include the following items: (1) all major intersections, (2) all proposed and existing ingress and egress locations, (3) all existing roadway widths and rights-of-way, and (4) all existing traffic signals and traffic-control devices, and (5) all existing and proposed public transportation services and facilities within a one (1) mile radius of the site. The traffic impact analysis shall identify any changes to the roadway network within one-half (0.5) mile of the site proposed by any government agency. This description shall include the above items as well as any proposed construction project that would alter the width and/or alignment of roadways affected by the proposed development. A description of the proposed land uses for the project, the anticipated stages of construction, and the anticipated completion date of the proposed land development also shall be provided.

4. Transportation impacts
 - a. Trip generation. The average weekday trip generation rates (trip ends), the average weekend trip generation rates (uses other than residential or institutional), the highest average a.m. and p.m. hourly weekday trip generation rates, and the highest hourly weekend generation rates (uses other than residential or institutional) for the proposed use shall be determined based upon the trip generation rates contained in the most recent edition of the Institute of Transportation Engineers, Trip Generation Manual; or based upon data generated by actual field surveys of area uses similar to the proposed use and approved by the County Road Administrator.

 - b. Trip distribution. The distribution of trips to arterial and collector roadways within the study area identified in general site description shall be in conformity with accepted traffic engineering principles, taking into consideration the land use categories of the proposed development; the area from which the proposed development will attract traffic; competing developments (if applicable); the size of the proposed development; development phasing; surrounding land uses, population and employment; existing and projected daily traffic volumes; and existing traffic conditions.

5. Adequacy determination. The roadway network included within the traffic impact analysis shall be considered adequate to serve the proposed development if existing roadways identified as arterials and collectors can accommodate the existing traffic volume, and the traffic volume of the proposed development, and the traffic volume of approved but un-built developments at or below the design volumes indicated in the adopted County Thoroughfare Plan.
6. Effect of adequacy determination. If the adequacy determination for roadways and intersections indicates that the proposed development would cause a reduction in the level of service required pursuant hereto, the proposed development shall be denied unless the developer agrees to one of the following conditions:
 - a. the deferral of site permits until the improvements necessary to upgrade the substandard facilities are constructed;
 - b. a reduction in the density or intensity of development;
 - c. the dedication or construction of facilities needed to achieve the level of service required herein; or
 - d. any combination of techniques identified herein that would ensure that development will not occur unless the level of service for all roadways and intersections within the traffic impact analysis study are adequate to accommodate the impacts of such development.

B. Off-site roadway facilities dedication and improvements

1. Perimeter streets. No use of land within a development subject to these development permit regulations 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 development shall be designed and constructed, in accordance with County standards in relation to the vehicular impact of the development.
2. Offsite improvements. Where traffic impact analysis demonstrates the need for such facilities, the property owner shall make such improvements to the offsite collector and arterial streets and intersections as are necessary to mitigate traffic impacts generated by the proposed

development. The county may participate in the costs of oversized improvements.

3. Request for escrow

- a. Whenever these regulations require a property owner to construct a perimeter or off-site street or thoroughfare, the property owner may petition the County to construct the street or thoroughfare in exchange for deposit of escrow as established in this section. The Commissioners' Court shall determine whether escrow is to be accepted in lieu of the obligation to construct the street or thoroughfare.
- b. Whenever the County agrees to accept escrow deposits in lieu of construction by the owner of the property under these regulations, the property owner or developer shall deposit an amount equal to his share of the costs of design and construction in escrow with the County. Such amount shall be paid prior to release of construction plans. The obligations and responsibilities of the property owner shall become those of property owner's transferees, successors and assigns; and the liability therefore shall be joint and several.
- c. The amount of the escrow shall be determined by using the average of the comparable bids awarded by the County in the preceding six (6) months or, if none exist, then in the preceding year or, if none exist, current market value of construction as determined by an estimate by the County. Such determination shall be made as of the time the escrow is due hereunder.
- d. Escrows which have been placed with the County under this section which have been held for a period of ten (10) years from the date of such payment or agreement, in the event that the County has not authorized the preparation of plans and specifications for construction of such roadway facilities for which the escrow was made, shall upon written request be returned to the property owner, with accrued interest. Such return does not remove any obligations of the owner for construction of the required facilities if a site permit has not been issued on the subject lot or if a site permit is applied for. If money is refunded within six months of deposit, only the principal will be refunded. Monies returned after this date will be refunded with interest accrued, calculated at one percent less than the rate of actual earnings.

C. Roadway frontage requirements

1. Access to permitted streets. Except with respect to residential lots served by shared access driveways, each lot shall have the minimum direct frontage onto a permitted street as set forth below, and driveways shall be

spaced no closer than the intervals as set forth below, depending upon the classification of road onto which the lot has frontage and/or the driveway has access:

<u>Road Classification</u>	<u>Lot Frontage</u>	<u>Driveway Spacing</u>
Local Street	60'	None
Minor Collector	60'	15'
Major Collector	60'	15'
Minor Arterial	60'	30'
Major Arterial	60'	30'

2. Exemptions. Qualifying lots will be exempt from the minimum lot frontage and driveway spacing requirements specified above if approved by the County Road Administrator and Commissioners' Court with due regard to safety concerns. A qualifying lot is any lot that: (i) is an existing lot that has direct access onto a permitted street; and (ii) satisfies the minimum lot size requirements set forth in the rules of Hood County for on-site sewage facilities.
3. Flag lots. Flag lots shall generally not be permitted, except if approved by the Commissioners' Court as consistent with the intent and spirit of these Regulations. The County Road Administrator shall advise the Commissioners' Court if a proposed lot constitutes a "flag lot" and the Commissioners' Court shall, in reviewing all of the circumstances, make the final determination whether such flag lot will be approved.

D. Special standards applicable to nonresidential and multi-family uses. The following site design standards are applicable to all nonresidential and multi-family projects;

1. Fire Lane(s). Each nonresidential or multi-family development shall provide fire lanes around all buildings in order to allow for the rapid and safe movement of vehicles used in providing emergency health or public safety services.
 - a. All portions of each building shall be within one hundred and fifty feet (150') of an approved fire lane; if the building is within 150 feet of a public roadway, then the road may serve as the fire lane for that portion of the structure.
 - b. Each fire lane shall be dedicated as an easement and shall have a clear unobstructed paved width of twenty-four feet (24').
 - c. All fire lanes shall connect to a dedicated public street and shall have a turning area and radius of a minimum of twenty-five feet (25') at the inside curb line and fifty feet (50') at the outside curb line to permit free movement of emergency vehicles.

- d. Dead end and “hammerhead” fire lanes are not allowed. Cul-de-sac fire lanes shall not exceed four hundred feet (400’) in length.
 - e. Fire lane easements shall be maintained by the nonresidential/ multi-family property owner.
2. Driveway access. All nonresidential and multi-family developments shall be limited to direct driveway access on collector or arterial streets, as follows:
- a. Less than 300 feet of frontage – one driveway;
 - b. 301 to 1,000 feet of frontage – two driveways;
 - c. Over 1,000 feet of frontage – three driveways.
3. Joint and common access easements. The location of driveways shall be adjacent to side property lines, wherever possible, in order to facilitate shared, or joint, driveway access with adjacent property. Reciprocal access easements shall be required for each property (and established on the plat, if possible) to ensure permanent and irrevocable joint use of driveway access points.
4. Off-street parking and loading standards for nonresidential uses
- a. No head-in parking from a roadway (i.e., such that a vehicle would have to back up out into the road) shall be allowed, and all required parking for each type of use shall be provided on the same site as the use.
 - b. The following ratios shall be used to determine the parking requirement for particular uses:
 - (1) Educational, institutional and special uses; accessory uses one space per employee
 - (2) Transportation, utility and communications uses one space per employee, plus one space per stored vehicle
 - (3) Office and professional uses – one space per 300 square feet of gross floor area
 - (4) Automobile and related uses – one space per employee, plus one space per stored vehicle
 - (5) Retail and service uses – one space per 200 square feet of gross floor area

- (6) Commercial, manufacturing and industrial uses; wholesale – one space for each two employees, or one space for each 1,000 square feet of gross floor area, whichever is greater
 - (7) Contract construction uses – one space per employee, plus one space per stored/parked vehicle
5. Refuse container location. All refuse container locations shall be required to setback from the roadway right-of-way a minimum of 30 feet. Refuse containers shall be placed on a surface which will support access for heavy load vehicles.
 6. Paved Access Requirements. All access to nonresidential and multi-family developments shall be paved with a permanent all-weather surface in accordance with county paving standards for roadways. Uses adjacent to paved county collector or arterial roadways as shown on the County Thoroughfare Plan shall be deemed to have paved access. Parcels, which do not have direct access to a collector or arterial roadway, shall be required to pave access to a collector or arterial roadway to a minimum width of twenty-four feet.

Section 6.8 Drainage Facilities Standards

- A. Comprehensive drainage study required. No concept plan or site development plan shall be approved unless a comprehensive drainage plan for the ultimate development of all property in unified ownership subject to the plan has been prepared in accordance with this section.
 1. A preliminary drainage conference with the Director of Development and a drainage report are required prior to approval of the concept plan or site development plan. The purpose of the drainage report is to identify and define conceptual solutions to the problems that may occur on the site and off-site as a result of the proposed development. Following the conference, a preliminary drainage plan shall be submitted.
 2. The comprehensive drainage plan shall contain calculations depicting the anticipated flow of all existing and proposed drainage onto and from the proposed development, and showing all major topographic features on or adjacent to the property to be developed including, but not limited to, all water courses, 100-year floodplain boundaries, ravines, bridges and culverts. The drainage plan shall show how and where water will be received from adjacent higher areas; how and where it will be collected and handled within the property; and how and where it will be discharged to a recognized drainage way in a lower area. The plan shall deal with individual watershed areas, as necessary; show the proposed phasing of development and attendant phasing of drainage improvements; describe any unusual water features anticipated; provide topographic, physical and geographical information; and form the basis for subsequent review of design plans

submitted for property to be developed. The drainage plan shall depict all proposed drainage easements.

3. Drainage plans shall also evaluate such off-site drainage improvements as are necessary to assure that the proper transition between on- and off-site drainage can be maintained. Criteria for on-site drainage facilities shall also apply to off-site drainage improvements.
 4. 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 or the developer, and shall be furnished to the Director of Development for review and approval.
 5. Drainage plans shall incorporate the standards for drainage and storm water control contained in 6.4.F of these Development Permit Regulations.
 6. For proposed developments including more than fifty (50) dwelling units or occupying more than five (5) acres, whichever is less, the comprehensive drainage plan shall include a hydrological and hydraulic study that establishes base flood elevation data for the project, whenever the property to be developed is located within areas of special flood hazards, but no water surface elevation data are available from FEMA.
- B. Deferral of obligation. In its sole discretion, the Commissioners' Court may defer the comprehensive drainage analysis to the time of preliminary plat or infrastructure development plan approval. The Preliminary analysis will still be required with the Concept Plan.
- C. Off-site drainage facilities dedication and improvements. Where the comprehensive drainage plan demonstrates the necessity of off-site drainage and flood control improvements in order to accommodate the drainage impacts of the proposed development, approval of the concept plan or site development plan shall be conditioned on provision of such improvements.

Section 6.9 Park and Recreational Facilities Standards

- A. Open space plan required. Whenever a proposed development is required to preserve floodplain or open space, or proposes to transfer density pursuant to Section 5.7 of these development permit regulations, an open space plan shall be prepared that contains the following information:
1. All proposed natural floodplains and natural features to be preserved;
 2. The proposed on-site open space network serving the project consistent with the County's adopted Open Space Plan, if any;

3. The character and location of all natural features of the site and the manner in which such features have been integrated into the proposed open space network serving the project;
 4. Trails and other connective features proposed, including dimensions and proposed construction design;
 5. All proposed recreational improvements within the open space; and,
 6. Public access points, where land is to be dedicated to the public.
- B. Park facilities dedication and improvements. Dedication of open space facilities shall be in accordance with standard County procedures.

Section 6.10 Erosion and Sedimentation Control Standards

- A. Applicability. Temporary and permanent erosion control methods and treatments shall be required for all developments subject to these development permit regulations, in accordance with the storm water quality best management practices for construction activities, prepared by the North Central Texas Council of Governments.
- B. No increase in run-off. Permanent erosion control treatment shall not increase runoff characteristics and/or coefficients onto adjacent properties.

Section 6.11 Recreational Vehicle Parks

General Definition: A recreational vehicle park means any tract of land that is divided into spaces, either free of charge or for rental purposes (with or without utility hookups), upon which two or more recreational vehicle sites are located, under common ownership or management, for the purpose of locating recreational vehicles of the general public as limited term, temporary living quarters. Note: Lots or areas where recreational vehicles are stored or displayed for sale purposes and which are not occupied as living quarters shall not be construed as recreational vehicle parks.

Compliance: Before any permit is issued for construction and/or operation of any recreational vehicle park, a site plan, required documentation, and permit fees shall be submitted to the Director of Development and reviewed by the Hood County Development Commission and staff, before a final determination is made by the Hood County Commissioners' Court. The development of a recreational vehicle park shall be in conformance with all approved applications and the binding site plan, as finally approved by the Commissioners' Court. Any development, use or density which fails to conform with the final, approved site plan, shall be deemed a violation of Hood County Development Regulations.

Location: Recreational vehicle parks shall only be permitted where allowed by Hood County Development Regulations and shall not be permitted in any area found unsuitable for development because of poor or undesirable drainage, physical

topography, soil characteristics, public access, or other features that may be harmful to the public health, safety, and general welfare. No entrance or exit from a recreational vehicle park shall be permitted through a residential district nor require movement of traffic from the park through a residential zone. Entrance and exit driveways shall be located not closer than one hundred and fifty feet (150') from the intersection of public streets.

Access Onto State Highways: Access onto state-controlled highways or streets will require a permit from the Texas Department of Transportation (TXDOT). The design of the access will be according to TXDOT requirements.

Entrances and Exits: Each recreational vehicle park shall have a separate exit and entrance roadway, each of which shall not be less than twenty-eight feet (28') wide of useable roadway and shall connect to a dedicated public right-of-way not less than forty (40) feet in width.

Interior Streets: All interior two-way streets shall be twenty-eight feet (28') minimum width and all interior one-way roads shall be twenty feet (20') minimum width of usable, all weather, road surface. All streets shall be paved, with a minimum base depth of six inches (6"), and a 2% crown to facilitate drainage. Streets shall be designed for the safe and convenient movement of vehicles. Any driveway, roadway or portion thereof, which does not provide for continuous circulation shall not exceed one thousand feet (1,000') in length, and shall be terminated with a turnaround having a one-hundred foot diameter of driving surface.

Parking Requirements. At least one and one-half (1½) off-street parking spaces shall be provided in the park per recreational vehicle space. At least one (1) off-street parking space shall be provided at each space. No on-street parking will be permitted.

Accessory Uses: Management headquarters, recreational facilities, toilets, dumping stations, showers, coin-operated laundry facilities and other uses and structures customarily incidental to the operation of a recreational vehicle park are permitted as accessory uses to the park.

Service Buildings. Each park will have a central structure or structures that will provide separate toilet and shower facilities for both sexes and clearly marked "men" and "women." Service buildings shall be provided with approved heating facilities which are properly installed, maintained in a safe working condition and capable of maintaining a room temperature of sixty-eight (68) degrees Fahrenheit. Each toilet shall be individually partitioned with a door to ensure privacy. Toilets shall be provided with open-front seats. Each shower shall be individually partitioned with a curtain, screen or door to afford privacy. Shower floors shall be skid resistant or provided with disposable non-slip mats. Wooden racks over shower floors are prohibited. Toilets and showers shall be separately installed to be individually accessible and to permit simultaneous use. Hot and cold running water, under pressure, shall be supplied to all required plumbing fixtures, except that cold water only shall be supplies to toilets. Service buildings shall be constructed of an easily cleanable, non-absorbent material. They shall be conveniently located at a distance of not less than ten feet (10') or more than four

hundred feet (400') from any dependent recreational vehicle space or persons served in a recreational area. All toilet, shower, lavatory, and laundry facilities shall be maintained in a clean and sanitary condition and kept in good repair at all times. They shall be safely and adequately lighted and easily and conveniently located. At least one (1) toilet and shower facility shall be provided to accommodate handicapped persons. No portable toilets will be allowed in recreational vehicle parks. Note: This structure may also contain a retail sales counter and/or coin operated vending machines for park guests only.

Mobile Homes. It shall be a violation of Hood County Development Regulations for a person to park or store a mobile home in a recreational vehicle park. However, one mobile home may be allowed in a recreational vehicle park to be used as an office and one mobile home to be used for a residence of a person or persons responsible for the operation and maintenance of the recreational vehicle park. Installation (set-up and tied-down) shall be in accordance with all applicable government statutes, ordinances, rules, and regulations.

Parking Pads: Each space shall contain a vehicle parking pad of concrete or asphalt paving. Minimum length of the parking pad shall be thirty-five feet (35'). No part of a recreational vehicle placed on the space parking pad shall be closer than five feet (5') to the edge of the parking space.

Site Identification: Each site, for the parking of a recreational vehicle, shall be identified by a number, a minimum of three inches (3") in height, posted in a conspicuous place at the front of the site.

Boundary Fencing: Except for the front boundary, each recreational park shall be enclosed by a solid fence of wood, wall of concrete block, brick or stone, not less than eight feet (8') in height.

Landscaping: A landscaping plan illustrating the placement and type of trees and shrubs must be submitted as part of the park site development plan. The design of the landscaping must mitigate the visual impact of the recreational vehicle park on the surrounding area. The park shall be developed with proper drainage ditches. All banks shall be sloped and seeded.

Buffering and Setbacks: Each recreational vehicle park shall set aside along the perimeter of the facility the following areas which shall be landscaped and used for no other purpose:

1. Minimum front setback: Twenty-five feet (25'), except when the recreational vehicle park fronts on a state highway; then the minimum shall be fifty feet (50').
2. Minimum side setback: When abutting a residential district, the side setback shall be fifty feet (50'); when abutting a dedicated right-of-way, the side setback shall be twenty-five feet (25') on the side street; when abutting any other district, the side setback shall be fifteen feet (15') along the interior lot line.

3. Minimum rear setback: If the rear yard abuts a dedicated right-of-way, the minimum shall be twenty-five feet (25'). If the rear yard abuts any other district, the setback shall be fifteen feet (15').

Permanent Occupancy Prohibited: No recreational vehicle shall be used as a permanent place of abode, dwelling, or business or for indefinite periods of time. Any action toward removal of wheels of a recreational vehicle except for temporary purposes of repair or to attach the trailer to the grounds for stabilizing purposes is hereby prohibited.

Length of Stay in Recreational Vehicle Parks: Maximum length of occupancy of spaces within a recreational vehicle park shall be ninety (90) days. Nor shall the cumulative occupancy by such persons of different RV park spaces anywhere in the facility exceed a total of 90 days in any 180 day period. A recreational vehicle park may issue a one-time extension for up to 90 days. A "Request for Extended Stay" application shall be filed with park management and approved by the Hood County Director of Development. Note: All "Request for Extended Stay" applications, whether approved or disapproved, shall be kept in the park office and available for inspection by appropriate county officials.

Required Separation Between Recreational Vehicles: Recreational vehicles shall be separated from each other and from other structures by at least ten feet (10'). Any accessory structure such as attached awnings for purposes of this separation requirement shall be considered to be part of the recreational vehicle.

Texas Transportation Code Requirements: All recreational vehicles must be ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

Note: Recreational vehicles must meet all current requirements of the Texas Transportation Code, as they relate to licensing, financial responsibility (insurance) and safety inspections.

Refuse Disposal: The storage, collection and disposal of refuse shall be performed so as to minimize accidents, fire hazards, air, water, ground pollution, odors, insects, rodents or other nuisance conditions. Refuse shall be collected and removed from the premises as often as is necessary, but not less than once weekly, and disposed of at a lawful disposal site. No burning of refuse will be permitted at any recreational vehicle park.

Insect and Rodent Control: Insects and domestic rodents shall be controlled by elimination of breeding and harborage sources, proper sanitary practices, extermination, vermin proofing of buildings and other approved control methods.

Water Supply, Sewerage Disposal and Sanitary Conditions: Recreational vehicle parks shall meet or exceed the requirements of the Texas Commission on Environmental Quality and the Hood County Environmental Health Department.

1. Sewerage dumping stations shall be approved by the Hood County Environmental Health Department.
2. No method of sewerage disposal shall be installed, altered or used without the approval of the Texas Commission on Environmental Quality and/or the Hood County Environmental Health Department. All sewerage waste from each park, including waste from toilets, showers, bathtubs, lavatories, wash basins, sinks, and water appliances not herein mentioned, shall be piped into the park's sewerage systems.
3. When the recreational space is not occupied, the sewer riser pipe shall be adequately covered.

A water station for filling recreational vehicle storage tanks shall be provided at a rate of one (1) station for every one-hundred (100) spaces. These shall be located not less than fifty feet (50') from a sanitary station. The station shall be posted with signs of durable material, not less than two (2) square feet, which state: "POTABLE WATER – DO NOT FLUSH VEHICLE WASTE TANKS." The fill hose shall be suspended so that no part of the hose and its appurtenances will come in contact with the ground. A sign shall be posted at the entrance to the park indicating the provision of a sanitary station and water station.

Electricity: An electric outlet, approved by an electric utility, shall be provided for each recreational vehicle space. The installation shall comply with all state and local electrical codes. Such electrical outlets shall be weatherproof. Street and yard lights shall be provided in such number and intensity as to ensure safe movement of vehicles and pedestrians at night. A light shall be located at each outside entrance of service buildings, which shall be kept lighted during hours of darkness.

911 Addressing: Recreational vehicle parks must obtain one permanent 911 address for the park's main office from the Hood County 911 Addressing Coordinator prior to final approval from the Hood County Commissioners' Court. One additional address may be obtained for a separate residential structure or mobile home used solely for the person(s) responsible for the operation and maintenance of the park. Addresses must be posted on the exterior of each addressed building and must be a minimum of four inches (4") high in a reflective, contrasting color. The posted address must be visible from the street. If visibility is not applicable from the street then an additional address must be posted at the entrance of the main road. All recreational vehicle parks are required to provide a detailed site map to the 911Addressing Coordinator prior to final approval.

The site map must include all structures and numbered parking pads and driveways in and out of the park. After final approval by the Hood County Commissioners' Court, a weatherproof, detailed site map must be posted on the exterior of the main office building, by the front entrance, so as to be visible by emergency personnel.

Fire Prevention and Protection: All recreational vehicle parks shall comply with current fire regulations, as authorized by the Hood County Fire Marshal. Hand fire extinguishers

of a type approved by the Hood County Fire Marshal shall be maintained in effective working order and located at convenient places in the ratio of one (1) to eight (8) recreational vehicle spaces. The location of fire extinguishers must be approved by the Hood County Fire Marshal. No outdoor fires will be allowed except in grills, ovens, stoves or park-provided fire boxes. Park-provided fire boxes must be approved by the Hood County Fire Marshal. No open fires are allowed. Fire hydrants shall be located so that every site within the park can be reached with five hundred feet (500') of hose. Hydrants must be easily identifiable and kept free and clear of debris.

Safety: The grounds, buildings and related facilities shall be constructed, maintained and used in accordance with applicable local and state fire prevention regulations. Flammable materials and liquids shall be stored in approved safety containers in a safe location 30 to 50 feet from any structure. Liquid petroleum gas, fuel oil, gasoline and other flammable liquids shall be handled and used in a safe manner and shall not be stored inside or beneath any recreational vehicle or within five feet (5') of a door of a recreational vehicle. L.P. tanks shall be limited to one-hundred (100) pound size. Play equipment, when provided for children, shall be designed for safety, maintained in good repair and located in areas free from hazards.

Responsibility of Management

Enforcement of Regulations: The owner or operator of any recreational vehicle park shall arrange for the management and supervision of such recreational vehicle park so as to enforce or cause compliance with the provisions of these rules.

Maintenance: The owner, operator or attendant of every recreational vehicle park shall assume full responsibility for maintaining in good repair and condition all facilities of the recreational vehicle park as required herein.

Office: In every recreational vehicle park there shall be a designated office area in which shall be located the office of the person in charge of said park. A copy of all required county and state licenses and permits shall at all times be kept in that office.

Management Duties: It shall be the duty of the attendant or person in charge, together with the owner or operator, to:

1. Keep at all times a register of all tenants (which shall be open at all times to inspection by county and/or state officials). This register will show for all tenants:
 - Dates of entrance and departures
 - License numbers of all recreational vehicles, towing vehicles or automobiles
 - States issuing such license
2. Maintain the park in a clean, orderly and sanitary condition at all times.
3. See that provisions of these Regulations are complied with and enforced and report promptly to the proper authorities any violations of law which may come to his or her attention.

4. Report to the local health authorities all cases known to the owner to be infected with any communicable disease.
5. Pay promptly to the County all license/permit fees required by county regulations or other laws.
6. Prohibit the use of any recreational vehicle by a greater number of occupants than that which it is designed to accommodate.

Inspection: The Director of Environmental Health (or their designee) shall inspect each recreational vehicle park, at their discretion, to determine compliance with Hood County Development Regulations and all other rules, regulations or laws. Such officials shall have the authority to enter upon the premises for the purpose of such inspections at any reasonable time without notice to the owner or manager.

Grandfather Clause: All RV parks in existence prior to July 1, 2009, are exempt from these Regulations until such time as the property is sold, operation/ management of the RV park transfers to another (other than a family member), the property ceases to function as an RV park for any length of time, or any renovation/alteration/addition is made that increases the park's capacity by 25% from the date these regulations become effective.

Article VII. On-Site Sewage Facility Renewal and Replacement

Section 7.1 Applicability

This article applies to all on-site sewage facilities existing on the effective date of this order.

Section 7.2 Inspection of Existing On-Site Sewage Facilities

The owner of any use served by an existing on-site sewage facility shall have a surface inspection performed of their on-site sewage facility upon occurrence of the first of any of the following events:

1. Change in use of the lot or tract served by the on-site sewage facility;
2. Subdivision of the lot or tract served by the on-site sewage facility;
3. A significant increase in loading of the on-site sewage facility over that stated in any on-site sewage facility permit approved for the property;
4. Failure of the on-site sewage facility; or
5. The five-year anniversary of the effective date of this order, if no permit authorizing the on-site sewage facility has been obtained within such period.

Existing residential structures and commercial structures utilizing on-site sewage systems shall connect to a centralized sewage system when the availability of the connection is within 300 feet of the property utilizing the on-site sewage system; when the owner of the centralized sewage system has demonstrated its ability to accept the connection; and when a public health nuisance has been created by use of an existing on-site sewage system. However, the Environmental Health Director or designee, in cases where property is land-locked and cannot reach a public sewer line, can grant an exception.

The Hood County Environmental Health Department shall perform surface inspections related to this subsection. A surface inspection performed under the provisions of this subsection shall be utilized to identify public health nuisance conditions only and shall not be misconstrued as an authorization that all components of the on-site sewage facility meet current applicable laws for installation or continued operation. This subsection only applies to those on-site sewage facilities located within the Water Quality District of Hood County.

Section 7.3 On-Site Sewage Facilities Prohibited: Port Ridglea East and Carla Court

A property owner of a residential structure that utilizes an on-site sewage facility and is located within an area of "Certificate of Convenience and Necessity" and is located in the platted subdivision of Port Ridglea East and properties with structures immediately adjacent to Carla Court shall discontinue use of the on-site sewage facility and connect

to centralized sanitary sewer when the owner of the Certificate is able to accept the connection and upon occurrence of one of the following:

1. The on-site sewage facility is creating a public health nuisance condition as defined by Texas Health and Safety Code 341 and an authorization to construct a new on-site sewage facility would be necessary.
2. The holder of the Certificate has notified Hood County that a change of ownership has occurred for a residential structure utilizing an on-site sewage facility.
3. The on-site sewage facility was permitted prior to January 1, 1995.
4. The on-site sewage facility has no permit on record with Hood County.
5. The Hood County Commissioners' Court has provided a hearing to the property owner of an on-site sewage facility and the Court has determined the Certificate holder has provided sufficient information that connection to sanitary sewer would provide better public health and environmental protection.
6. The cost for connection would be at no cost to the owner.

Where mandatory connection to a central sanitary sewer is provided under these provisions, Hood County may not issue an "authorization to construct" an on-site sewage facility.

Section 7.4 In-Ground Swimming Pools

Owners of property that will have an in-ground pool constructed or installed on or after July 1, 2009, shall hold a permit to construct the in-ground pool prior to commencement of the activity.

An application to obtain a permit for an in-ground pool shall be submitted to the Hood County Environmental Health Department. The installation of an in-ground pool shall meet the minimum setback distances required by Texas Title 30 TAC 285 "On-site Sewage Facilities" and shall not create a public health nuisance. An application submittal shall include the following:

1. An application form as provided by the Hood County Environmental Health Department.
2. A detailed drawing indicating the proposed location of the in-ground pool, house or structure(s) and location of the on-site sewage facility serving the property. The drawing shall either be to scale or have accurate distance markers indicated.
3. A fee determined by the Hood County Commissioners' Court.

An inspection shall be conducted by a representative of the Hood County Environmental Health Department following installation of the in-ground pool and shall be inspected

for adherence to Texas Title 30 TAC 285 “On-site Sewage Facilities” requirements. Alteration of an on-site sewage facility during the installation of an in-ground pool shall require a separate permit and all alterations or modifications shall meet Texas Title 30 TAC 285.

Section 7.5 Offense

Failure to notify the Hood County Environmental Health Department when there is an occurrence as defined in Section 7.2 shall be an offense of these Development Permit Regulations. Each day that elapses following an occurrence of the event shall be considered a separate offense.

Article VIII. Special Exceptions

Section 8.1 Exceptions Allowed

Any person aggrieved by the application of these Development Permit Regulations may petition the Development Commission for a special exception to the requirement prior to the approval of a concept plan, site development plan, or site permit as the case may be. The petition shall be submitted to the Director of Development with the application for the concept plan, site development plan, or site permit.

Section 8.2 Limitations

No special exception shall be granted that allows a land use prohibited in the land use district in which the use is to be located or that changes any boundaries of the district. No special exception to a site permit requirement shall be granted that renders the development inconsistent with the approved concept plan or site development plan.

Section 8.3 Exceptions Procedure

A. Application and Processing

1. The property owner or designated agent may submit an application for special exception to the Director of Development to be processed with a request to approve a concept plan, a site development plan, or a site permit as the case may be. The application shall contain clear statements of the reasons for each special exception requested. The application for special exception shall be processed in conjunction with the concept plan, site development plan, or a site permit.
2. The Director shall prepare a report to the Development Commission and to the Commissioners' Court containing his findings and recommendations on each special exception requested. Such report shall be available to the applicant and the public no later than five (5) days before the public hearing to be held on the concept plan or site development plan. Notice of the special exceptions shall be published and mailed to adjoining owners in conjunction with notice of the hearing on the concept plan or the site development plan as set forth in Section 4.2 of these Development Permit Regulations.

B. Public Hearing, Concept Plan, or Site Development Plan

1. The Development Commission shall consider the special exception with the proposed concept plan or site development plan at a public meeting and thereafter shall submit its recommendation on the special exception to the Commissioners' Court.

2. The Commissioners' Court shall consider the Development Commissions' recommendation on each special exception requested at the public hearing to be held on the accompanying concept plan or site development plan.

The Court may approve, conditionally approve, or deny the application for each special exception. The Court may impose such conditions as will substantially secure the objectives of the regulations or provision for which the special exception was granted and such as will adequately provide for the maintenance of the integrity and character of the land use district in which the development is to be located.

C. Public Hearing, Concept Plan, or Site Development Plan

Where a special exception has been requested in conjunction with a site permit, the Development Commission shall consider the request at a public hearing and take final action on the request following the hearing.

Section 8.4 Standards for Approval

The Commissioners' Court or the Development Commission shall not approve a special exception unless it finds that the exception is not contrary to the public interest and, due to special conditions, a literal enforcement of these development permit regulations would result in unnecessary hardship, and so that the spirit of the order is observed and substantial justice is done, taking into consideration the following factors:

- A. That there are special circumstances or conditions applicable to the property referred to in the application which do not prevail on other property in that land use district.
- B. That the strict application of the regulations would work an unnecessary hardship and that the granting of the application is necessary for the preservation and enjoyment of substantial existing property rights.
- C. That the granting of such application will not materially affect the health or safety of persons residing or working in the neighborhood and will not be material detrimental to the public welfare or injurious to property or improvements in the neighborhood.
- D. That substantial conformity to standards previously established in the land use district may be secured.
- E. That detriment of injury to the neighborhood will not result from the granting of a special exception as applied for.

Section 8.5 Expiration of Special Exception

The special exception shall expire upon expiration of the concept plan, the site development plan or the site permit with which the request is associated. Any

extension of such approved plan or permit shall also serve to extend the special exception granted in conjunction therewith.

Article IX. Enforcement

Section 9.1 Offenses. A person commits an offense under these Development Permit Regulations if the person isolates any requirement herein imposed. Each violation shall be considered a separate offense. An offense under this provision is a misdemeanor punishable by a fine of not less than \$500, nor more than \$1,000 per offense. Trial of an offense under this section shall be in the Justice Court.

Section 9.2 Injunction, Damages. 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:

- 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 9.3 Enforcement of Building Lines. If a structure is erected, constructed or reconstructed in violation of a building setback line established in accordance with these Development Permit 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.