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Lampasas County  
Subdivision Regulations

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## **INTRODUCTION**

The purpose of this Court Order is to provide for the safety, health and well being of the general public by requiring that adequate streets, drainage facilities and sewage facilities are provided in all subdivisions, and to provide facilities which can be maintained without imposing a burden to the taxpayers.

Article 6702-1, Subchapter E, Section 2.401, Vernon's Texas Civil Statutes, empower the County to enact subdivision rules and regulations and provide for its administration, enforcement, and the County has deemed it necessary to provide such rules and regulations for the purpose of efficiently subdividing land while protecting the general welfare of the community. This order is adopted under the authority of the Constitution and Laws of the State of Texas, including particularly Article 6702-1 and 2351 of Vernon's Texas Civil Statutes and Article 26.032 and 11.311 of the Texas Water Code, and the Texas Sanitation and Health Protection Law, Article 4477-i of Vernon's Texas Civil Statutes.

The Lampasas County Commissioners' Court, hereby reaffirms its Subdivision Regulations adopted the 30<sup>th</sup> day of January 1984, pursuant to Article 6626a, VACS, as amended, and desires to renew and extend the Lampasas County Subdivision Regulations under the County Road and Bridge Act, Article 6702-1, Subchapter E, Section 2.401, VACS.

All departments and agencies of Lampasas County stand ready to assist individuals, builders, and developers in achieving overall performance standards as outlined in these regulations.

In specific cases where literal interpretation of any section would work an undue economic hardship, variances may be sought, provided the overall performance standards are met. It should not be inferred, however, that specific requirements may be ignored. Enforcement authority and penalties for violations are outlined and the commissioners' court will press their legal rights to gain total compliance. If any questions arise as to the interpretation of the language in any sections, the Lampasas County Commissioners' Court will resolve all differences.

These regulations are in no way intended to restrict residential or commercial development in Lampasas County. Rather, it is hoped that through public and private sector cooperation, Lampasas County can achieve and maintain a quality and standard of life which reflects the highest traditions and standards of its citizens.

## **ENFORCEMENT**

A The Commissioners' Court of Lampasas County shall have the authority to refuse to approve and authorize any map or plat of any subdivision, unless such map or plat meets the requirements as set forth in these land development rules and regulations; and is submitted at the time of approval of such map or plat financial security as may be required by these rules.

B At the request of the Commissioners' Court of Lampasas County, the County Attorney or other prosecuting attorney representing the county may file an action in a court of competent jurisdiction to:

1. Enjoin the violation or threatened violation of a requirement established by or adopted by the commissioners' court under Chapter 232 of the V.T.C.A., Local Government Code; or
2. Recover damages in an amount adequate for the county to undertake any construction or other activity necessary to bring about compliance with a requirement established by the commissioners' court under Chapter 232 of the V.T.C.A., Local Government Code.

C A person commits an offense if the person knowingly or intentionally violates a requirement established by or adopted by the commissioners' court under Chapter 232 of the V.T.C.A., Local Government Code. An offense under the subsection is a Class B Misdemeanor.

D A requirement that was established by or adopted under Chapter 436, Acts of the 55<sup>th</sup> Legislature, Regular Session 1957, as amended (Article 6626a, Vernon's Texas Civil Statutes), or Chapter 151, Acts of the 52<sup>nd</sup> Legislature, Regular Session 1951 (Article 2372k Vernon's Texas Civil Statutes), before September 1, 1983, and that, after that date, continues to apply for subdivision of land is enforceable under Subsection (B). A knowing or intentional violation of the requirement is an offense under subsection C of this Section.

## **DEFINITIONS**

**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 area within a private roadway easement or an easement for a Shared Access Driveway shall be excluded.

**BASE FLOOD PLAIN:** That area subject to inundation by flood, having a one percent probability of occurrence in any given year, based on existing conditions of development within the watershed area, as determined by the Flood Insurance Study for Lampasas County provided by the Federal Emergency Management Agency (FEMA).

**BUILDING LINE OR SETBACK LINE:** A line established, in general, parallel to the property line. No building or structure may be permitted in the area between the building line and the street right-of-way.

**COMMISSIONERS' COURT:** Lampasas County Commissioners' Court.

**COUNTY ENGINEER:** The County Engineer of Lampasas County or his designated agent.

**CUL-DE-SAC:** Street having one outlet to another street with a vehicular turnaround at the {"remaining" or "other"} end.

**DEAD-END STREET:** Street, other than a cul-de-sac, with only one outlet.

**DEED RESTRICTIONS:** A restrictive covenant expressed in a contract between the buyer and the seller of real property that imposes duties on the buyer or restricts the buyer's use of the land.

**DETENTION:** The temporary storage of storm water runoff, with controlled peak discharge rates.

**DETENTION TIME:** The amount of time a body of water is actually present in a storm water detention facility.

**DEVELOPER:** Persons, corporations, organizations, government or governmental subdivisions or agencies, estates, trusts, partnerships, associates, incorporations or other entities, which undertake the activities covered by these regulations.

**DRIVEWAY:** A portion of a lot used for access to the lot from a public highway, road, or street and not used for public circulation.

**EASEMENT:** A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation, or another person or entity.

**DRAINAGE EASEMENT:** The right for the passage of natural drainage across private land, together with the right to enter thereon for the purpose of maintaining drainage structures and the free flow of drainage.

**NON-ACCESS EASEMENT:** An easement dedicated to the County prohibiting vehicular access.

**UTILITY EASEMENT:** An easement granted for the installing and maintaining of utilities, access, over or under land, together with the right to enter thereon with machinery and other vehicles necessary for the maintenance of utilities.

**ENGINEER:** Any person registered and currently licensed to practice engineering by the Texas State Board of Registration for Professional Engineers.

**EXTRATERRITORIAL JURISDICTION (ETJ):** The unincorporated area, not a part of any city, which is contiguous to the corporate limits of any city. The extraterritorial jurisdiction of the various population classes of cities (as defined in Article 974(a) V.A.C.S.).

**FEMA:** Federal Emergency Management Agency

**FRENCH DRAIN:** Collects sub-surface water from poorly drained areas and carries it to a main drainage line, dry well, ravine, or the street.

**GATED SUBDIVISION:** A limited access Subdivision. Please see definition below: SUBDIVISION.

**G.I.S.:** Geographic Information Systems

**G.P.S.:** Global Positioning System

**IMPROVEMENTS:** Roads, streets, curbs, or sidewalks, drainage structures, water systems, sewage systems, etc., the construction of which may be required by the County.

**LOT/TRACT:** An undivided tract or parcel of land having frontage on a street or road and which is, or in the future may be offered for sale, conveyance, transfer or improvement; which is designated as a distinct and separate tract, and which is identified by a tract or lot number or symbol in a duly approved subdivision plat which has been properly filed of record.

**MANUFACTURED HOME:** Means a structure falling within the definition of manufactured housing in Art. 5221f, Texas Civil Statutes annotated.

**MANUFACTURED HOME COMMUNITY:** Means a plot or tract of land that is separated into two or more spaces or lots that are rented, leased, sold or offered for rental, lease, or sale for the installation of manufactured homes for use and occupancy as residences. As used in this Order, this term shall include Manufactured Home Subdivisions and Manufactured Home Rental Community, as defined below. A single Manufactured Home Community may be both a Manufactured Home Subdivision and a Manufactured Home Rental Community if multiple lots will be both sold and leased, in which event the community must comply with both relevant sets of regulations.

**MANUFACTURED HOME SUBDIVISION:** Means a Manufactured Home Community in which two or more of the spaces or lots are to be sold or offered for sale.

**MANUFACTURED HOME RENTAL COMMUNITY:** Means a Manufactured Home Community in which two or more spaces or lots are rented, leased, or offered for rent or lease for a term of less than 60 months without a purchase option.

**MASTER PLAN:** A master plan of all of the developer's property when the subdivision is a part of a larger tract that can later be developed.

**MULTI –FAMILY RESIDENCE:** A duplex, triplex, quadraplex, apartments, condominiums, or townhouses as those structures are commonly defined.

**PAVEMENT WIDTH:** The portion of a street that is paved and available for vehicular traffic; where curbs are laid, it is the portion between the face of curbs.

**PERSON:** Any individual, association, firm, corporation, governmental agency, or political subdivision.

**PLAT:** A map depicting the division or subdivision of lands into lots, blocks, parcels, tracts, or other portions. A re-plat or re-subdivision will be considered a plat.

**PRELIMINARY PLAT:** One or more drawings showing the physical conditions of a tract of land and the surrounding area intended to be subdivided. This plat shall show the developer’s intended development program in order to assure that all regulations are complied with.

**FINAL PLAT:** A map or drawing and any accompanying material of a proposed land subdivision prepared in a form suitable for filing in the County records and prepared as described in these regulations.

**RV (Recreational Vehicle):** A vehicle, such as a camper or a motor home, used for traveling and recreational activities.

**ROAD:** Any public or private road, street or highway that is entirely or partially located in an unincorporated area. A strip of land for travel between places.

**SHALL/WILL, MAY:** The word “shall/will” is mandatory and not permissive. The word “may” is permissive and not mandatory.

**SINGLE FAMILY RESIDENCE:** A single structure occupied by a single family and which may be of conventional construction, an in-place home, manufactured home, or mobile home.

**SOLID WASTE:** Means garbage, rubbish, refuse, sludge from a waste treatment plant, water supply treatment plant, or air pollution control facility, and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, municipal, commercial, mining, and agricultural operations and from community and institutional activities.

**SOLID WASTE FACILITY:** Means all contiguous land, including structures, appurtenances, and other improvements on the land, used for processing, storing, or disposing of solid waste. The term includes a publicly or privately-owned solid waste facility consisting of several processing, storage, or disposal operational units such as one or more landfills, surface impoundments or a combination of units.

**STATE PLANE COORDINATE SYSTEM:** A coordinate system used by States to locate spatial information with a high degree of accuracy. This coordinate system is



widely used in Texas for GIS purposes. There are 5 zones and Lampasas County is in the Texas Central Zone. (The Lambert System)

**STREET:** A public right-of-way, however designated, which provides vehicular access to adjacent land.

**STREET/ARTERIAL:** A major thoroughfare designed to move large volumes of traffic over longer distances at higher speeds. Serves as link between collector streets and expressways.

**STREET, COLLECTOR:** A roadway designed with a primary function of collecting and distributing traffic between residential streets and the arterial street system.

**STREET, RESIDENTIAL:** A roadway designed to provide direct access to homes with no provision for through traffic.

**SUB-DIVIDER/DEVELOPER:** Any person or agent thereof, dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. In any event, the term “sub-divider” (“developer”) shall be restricted to include only the owner, equitable owner, or authorized agent of such owner or equitable owner, of land sought to be subdivided.

**SUBDIVISION:** Any tract of land divided into two or more parts to lay out a subdivision of the tract, including an addition; lots; or streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.

A-1. A division of a tract under Subsection (a) includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method.

**SURVEYOR:** Any person licensed to practice surveying by the Texas Board of Professional Land Surveying.

**TITLE:** Any office referred to in this Regulation **title** means the person employed or appointed by the County in that position, or his duly authorized representative, i.e., Department of County Development Management; County Road Superintendent; etc.

**TCEQ:** Texas Commission on Environmental Quality

**TXDOT:** Texas Department of Transportation

**TXDOT Current Specifications:** Refers to the Standards and Specifications for Construction and Maintenance of Highways, Streets, and Bridges.

**UTILITIES:** Electric and/or telephone lines; water and/or sewer systems, or other buried or aerial utilities the construction of which may be regulated by the County.

**ZERO LOT LINE:** The location of a building on a lot in such a manner that one (1) or more of the building's sides rests directly on or immediately adjacent to the lot line.

## **PLATTING PROCEDURE:**

The owner of any tract of land divided into two or more parts to lay out a subdivision of the tract, including an addition; lots; or streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts must have a plat of the subdivision prepared. A division of a tract includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method.

## **TIMELY APPROVAL OF PLATS:**

- (a) The commissioners' court, or a person designated by the commissioners' court, shall issue a written list of the documentation and other information that must be submitted with a plat application. The documentation or other information must relate to a requirement authorized under this section or other applicable law. An application submitted to the commissioners' court, or the person designated by the commissioners' court, that contains the documents and other information on the list is considered complete.
- (b) If a person submits a plat application to the commissioners' court that does not include all of the documentation or other information required by Subsection (a), the commissioners' court or the court's designee shall, not later than the 10<sup>th</sup> business day after the date the commissioners court receives the application, notify the applicant of the missing documents or other information. The commissioners' court shall allow an applicant to timely submit the missing documents or other information.
- (c) An application is considered complete when all documentation or other information required by Subsection (a) is received. Acceptance by the commissioners' court or the court's designee of a completed plat application with the documentation or other information required by Subsection (a) shall not be construed as approval of the documentation or other information.
- (d) Except as provided by Subsection (f), the commissioners' court or the court's designee shall take final action on a plat application, including the resolution of all appeals, not later than the 60<sup>th</sup> day after the date a completed plat application is received by the commissioners court or the court's designee.
- (e) If the commissioners' court or the court's designee disapproves a plat application, the applicant shall be given a complete list of the reasons for the disapproval.
- (f) The 60-day period under Subsection (d):
  - (1) may be extended for a reasonable period, if agreed to in writing by the applicant and approved by the commissioners' court or the court's designee;
  - (2) may be extended 60 additional days if Chapter 2007, Government Code, requires the county to perform a takings impact assessment in connection with a plat application; and
  - (3) applies only to a decision wholly within the control of the commissioners' court or the court's designee.
- (g) The commissioners' court or the court's designee shall make the determination under Subsection (f)(2) of whether the 60-day period will be extended not later than the 20<sup>th</sup>

day after the date a completed plat application is received by the commissioners' court or the court's designee.

- (h) The commissioners' court or the court's designee may not compel an applicant to waive the time limits contained in this section.
- (i) If the commissioners' court or the court's designee fails to take final action on the plat as required by Subsection (d):
  - (1) the commissioners' court shall refund the greater of the unexpended portion of any plat application fee or deposit or 50 percent of a plat application fee or deposit that has been paid;
  - (2) plat application is granted by operation of law; and
  - (3) applicant may apply to a district court in the county where the tract of land is located for a writ of mandamus to compel the commissioners' court to issue documents recognizing the plat's approval.

### **PRELIMINARY PLATS :**

- a. The submission of a preliminary plat is necessary to:
  - (1) Eliminate the duplication of subdivision names and street numbers.
  - (2) Assure proper alignments of streets and drainage facilities.
  - (3) Assure that the provisions of the FLOODPLAIN REGULATIONS will be complied with.
  - (4) Assure that the provisions of the ON-SITE SEWAGE REGULATIONS will be complied with.
  - (5) Assure that all necessary permits or plan approvals have or will be applied for.
  - (6) Assure water is available.
- b. Preliminary plats within the extraterritorial jurisdictions of the cities of Lometa, Lampasas, Kempner, and Copperas Cove shall be submitted directly to those entities in accordance with their requirements and Interlocal agreements with Lampasas County. Note: **Three(3)** original **black & white** mylars, size 18" X 24", are required to be filed with the County Clerk (Final Plats Only).
- c. Six (6) {"blueline copies" or "reproductions"} of the preliminary plats shall be submitted prior to or concurrent with the submission of any preliminary plats to the county.
- d. Preliminary plats shall be approved by the Lampasas County Commissioners' Court before a final plat can be submitted.
- e. Preliminary plats shall be drawn on an 18" x 24" sheet at a scale of 1" - 200' except upon prior approval of the Lampasas County Commissioners' Court.
- f. Preliminary plats shall show, or be accompanied by the following information:
  - (1) Name, address and telephone number of the developer, surveyor and/or engineer.

- (2) Proposed name of the subdivision, and the numbers, locations, width and dimensions of all proposed and existing streets within the property.
  - (3) Location of the existing boundary lines in sufficient detail to accurately locate the property.
  - (4) Description, location, width and dimensions of proposed and existing utility and pipeline easements within and adjacent to the property.
  - (5) Name and location of all adjacent subdivisions and street numbers. Where there are no adjacent subdivisions, the preliminary plat shall show:
    - (a) The name of all adjacent property owners with the volume and page of recordation.
    - (b) The location and distance to the nearest subdivisions, and how the streets in the proposed subdivision may connect with those in the adjoining/adjacent subdivisions or other roads in the area.
  - (6) Contours of the project extending 100' into adjoining property using 20' contours scaled from USGS maps.
  - (7) The scaled location of the 100-year flood plain on all lots, or any part of a lot, that lies within the 100-year floodplain.
  - (8) The date the plat was prepared.
  - (9) A north arrow and the scale of the plat.
  - (10) A location or vicinity map showing the location of the proposed subdivision within the county and to the nearest incorporated areas with a north arrow on the vicinity map.
  - (11) Preliminary water and sewer service providers if applicable.
- g. All information listed in item "f" above is considered to be the minimum amount of information needed to assure compliance with this Court Order. Any deviations from items "a" through "f" shall have the written approval of the Lampasas County Commissioners' Court or its designated agent prior to submittal of the preliminary plat.
  - h. If the proposed subdivision is a portion of a tract which is later to be subdivided, then a tentative master plan of the entire subdivision shall be submitted with the preliminary plat of the portion first to be subdivided.
  - i. The Lampasas County Commissioners' Court will review the preliminary plat and send written comments to the developer stating the conditions of approval, if any, if the subdivision is outside the extraterritorial authority of a city.
  - j. Approval of the preliminary plat does not constitute acceptance of the subdivision, but is merely an authorization to proceed with the preparation of the final plat for record.

## **Processing of Preliminary Plat:**

If the preliminary plat does not comply with these Rules and Regulations, the preliminary plat shall be considered incomplete and will not be presented to commissioners' court until:

- a) The Developer presents as part of the preliminary plat a written request for relief by commissioners' court from these regulations. This request will explain in detail the reasons relief is necessary and how granting relief complies with criteria set forth.
- b) With all such preliminary plats submitted, the commissioners' court or its designated agent shall submit, in writing, their opinions and recommendations regarding the request for relief by the Developer.

At the first meeting of the commissioners' court after the preliminary plat is submitted in form found to be complete by the commissioners' court or its designated agent and requested review comments are in hand, the commissioners' court shall take the requested approval under consideration. If the court shall conditionally approve/disapprove the preliminary plat with directed modifications, the commissioner's court or its designated agent shall inform the developer, in writing, of the reasons such action is taken.

Approval of a Preliminary Plat by the commissioners' court shall be deemed an expression of approval of the layouts submitted on the preliminary plat as a guide to the installation of streets, water, sewer and other required improvements and utilities and to the preparation of the final or record plat. Conditional approval by the commissioners' court of a preliminary plat shall not constitute approval of the final plat, automatic or other wise.

Approval of a preliminary plat shall be effective for one (1) year from date of approval.

Approval of the preliminary plat shall not constitute or imply approval of the final plat when submitted, nor shall approval of the preliminary plat constitute permission to record or initiate any site preparation work. Any site preparation initiated by the Developer prior to County approval of the final plat is done so clearly at the option of the Developer and may be subject to County orders for termination or alteration prior to final plat approval.

If no final plat has been submitted after one (1) year of effective approval date, approval of the preliminary plat shall expire. Any fees paid to Lampasas County are thereby forfeited.

## **FINAL PLATS:**

**A final plat is required unless the subdivision meets the requirements for exceptions detailed in these regulations.**

- a. The submission of final plats is necessary to:

- (1) assure proper identification and location of all streets, lots and easements.
  - (2) assure that the streets will be properly constructed and maintained.
  - (3) assure that the sewer systems meet County and TCEQ requirements.
  - (4) assure that all proper dedications have been made for streets, easements and public spaces.
  - (5) assure that all necessary permits have been obtained or applied for.
  - (6) Assure Water is available.
- b. For subdivisions outside of the extra territorial authority of any city, the developer shall submit to the commissioners' court **three (3)** originals on **black & white** mylar and six (6) blue line copies of the final plat, at least ten (10) calendar days prior to the commissioners' court approval hearing.
- c. For subdivisions located, wholly or in part, within the extraterritorial authority of any city, the developer shall comply with the city's requirements.
- d. Final plats shall be drawn on an 18" x 24" photographic mylar sheet at a scale of 1" = 200' except in those instances where a city exercising its extraterritorial authority requires a different scale, or upon prior approval of the commissioners' court or its designated agent. The County Clerk will still require **three** original **black & white** mylars, size 18" X 24" for filing.
- e. The following statements shall be included in the deed restrictions:
- (1) Blocking the flow of water or construction of improvements in drainage easements, and filling or obstruction of the floodway is prohibited.
  - (2) The existing creeks or drainage channels traversing along or across the subdivision will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.
  - (3) Lampasas County will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion.
  - (4) Lampasas County will not be responsible for any damage, personal injury or loss of life or property occasioned by flooding or flooding conditions.
- f. In addition to the requirements for preliminary plats, final plats shall show or be accompanied by the following information:

- (1) The name of the subdivision, the numbers of the streets, the date that the plat was prepared, a north arrow and a graphic scale.
- (2) Sufficient data to reproduce, on the ground, the bearing and length of all streets, blocks, lots and easements. Curves on streets, blocks and easements shall include the radius, length and central angle of the curve. Curves on lots shall show the radius and length of the curve.
- (3) The location of adjacent subdivision streets, blocks, lots and easements, or the property owner if the adjacent land is undeveloped.
- (4) The numbering of all lots and blocks arranged in a systematic order, and clearly shown on the plat in distinct and legible figures.
- (5) The scaled location of the 100-year floodplain as identified on the most current Lampasas County Flood Insurance Rate Map (FIRM) published by the Federal Emergency Management Agency.
- (6) A legal description of the property and locate the same with respect to a corner of the parent tract of which it is a part, and the number of acres being subdivided.

NOTE: All blocks, corners and angles shall be marked in accordance with minimum standards set forth by the Texas Board of Professional Land Surveyors.

- (7) A dedication, by the developer, of all streets, roadways, alleys, utility easements, parks, conservation easements, and other land intended for public use, and the developer's certification that all parties with any interest in the title to the subject property (including lien holders) have joined in such dedication, duly executed, acknowledged and sworn to by said developer before a Notary Public.
- (8) The following statement shall be included in deed restrictions for any subdivision containing private streets, drives, emergency access easements, recreation areas and open spaces:

NOTE: All private roads {drives and streets} will be signed in a manner that indicates private status.

**Lampasas County shall not be responsible for maintenance of private streets, drives, emergency access easements, recreation areas and open spaces; and the owners shall be responsible for the maintenance of private streets, drives, emergency access easements, recreation areas and open spaces, and said owners agree to indemnify and save harmless Lampasas County, from all claims, damages and losses arising out of or resulting from performance of the obligations of said owners set forth in this paragraph.**

- (9) The seal and signature of the surveyor responsible for surveying the subdivision and/or the preparation of the plat.



- (10) A space for the approval of the Commissioners Court of Lampasas County, Texas.
- (11) A space for recording by County Clerk.
- g. All information listed in item “f” above is considered to be the minimum amount of information needed to assure compliance with this Court Order. Any deviations shall have the written approval of the commissioners’ court prior to submittal of the final plat.
- h. The Commissioners’ Court, or its designated agent, will review the final plat for its conformance, and recommend either approval or denial to the court.
- i. The final plat shall be accompanied by:
  - (1) a surety bond for construction of streets (See Construction and Maintenance Bonds)
  - (2) a certificate from each Tax Collector of a political subdivision in which the property is located stating that all taxes are paid and not delinquent
  - (3) a certificate stating the subdivision’s approval from the appropriate State agency or designated authority for:
    - (a) water supply,
    - (b) sewage system,
    - (c) solid waste and
    - (d) 911 address system
  - (4) final deed restrictions
- j. After the plat has been approved and signed by the Commissioners’ court, the plat will be returned to the developer for recording with the County Clerk. The final plat must be recorded within six months of approval by the commissioners’ court. A single six-month extension may be granted by the commissioners’ court.
- k. The plat shall contain the following statement under the County’s signature block:

“Construction not completed within two years of the recording date shall be subject to current County standards and regulations.”
- l. Commissioners’ court may refuse to approve a plat if it does not meet the requirements prescribed by these rules or if any bond required under these rules is not filed with the County.

## **EXCEPTIONS TO PLAT REQUIREMENT:**

Platting is not required in the following circumstances:

- (a) The owner of a tract of land located outside the limits of a municipality (ETJ) divides the tract into two or more parts if:
  - (1.) the owner does not lay out a part of the tract described by Section 232.001 (a) (3) (Local Government Code) and
  - (2.) the land is to be used primarily for agricultural use, as defined by Section 1-d, Article VIII, Texas Constitution, or for farm, ranch, wildlife management, or timber production use within the meaning of Section 1-d-1, Article VIII, Texas Constitution.

NOTE: If a tract described by a (1) and (2) ceases to be used primarily for agricultural use or for farm, ranch, wildlife management, or timber production use, platting is required.

- (b) The owner of a tract of land located outside the limits of a municipality divides the tract into four or fewer parts and does not lay out a part of the tract described by Section 232.001 (a) (3) to have a plat of the subdivision prepared if each of the lots is to be sold, given, or otherwise transferred to an individual who is related to the owner within the third degree by consanguinity or affinity, as determined under Chapter 573, Government Code. If any lot is sold, given, or otherwise transferred to an individual who is not related to the owner within the third degree by consanguinity, the platting requirements do apply.
- (c) The owner of a tract of land located outside the limits of a municipality divides the tract into two or more parts if:
  - (1) all of the lots of the subdivision are more than 10 acres in area; and
  - (2) the owner does not lay out a part of the tract described by Section 232.001 (a) (3).
- (d) The owner of a tract of land located outside the limits of a municipality divides the tract into two or more parts and does not lay out a part of the tract described by Section 232.001 (a) (3) if all the lots are sold to veterans through the Veteran's Land Board program.
- (e) Any tract of land belonging to the state or any state agency, board, or commission or owned by the permanent school fund or any other dedicated funds of the state unless the subdivision lays out a part of the tract described by Section 232.001 (a) (3).
- (f) The owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts if:
  - (1) the owner of the land is a political subdivision of the state;
  - (2) the land is situated in a flood plain; and
  - (3) the lots are sold to adjoining landowners.
- (g) The owner of a tract of land located outside the limits of a municipality divides the tract into two parts if
  - (1) the owner does not lay out a part of the tract described by Section 232.001 (a) (3); and
  - (2) one new part is to be retained by the owner, and the other new part is to be transferred to another person who will further subdivide the tract subject to the plat approval requirements.

- (h) The owner of a tract of land located outside the limits of a municipality divides the tract into two or more parts if:
- (1) the owner does not lay out a part of the tract described by Section 232.001 (a) (3); and
  - (2) all parts are transferred to a person who owned an undivided interest in the original tract and a plat is filed before any further development of any part of the tract.

### **RELIEF BY COUNTY COMMISSIONERS COURT:**

Commissioners' Court may authorize relief from these regulations in an open session when it is clearly shown the granting of relief in the form of a lesser standard will not impact adversely on public health, safety, general welfare, or traffic conditions, and not alter the nature, character, and quality of the subdivision. No relief shall be authorized unless Commissioners' Court finds:

- (a) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Order would deprive the applicant of the reasonable use of his land; and
- (b) That the relief is necessary for the preservation and enjoyment of a substantial Property right of the applicant, and
- (c) That the granting of the relief will not be detrimental to the public finances, health, safety or welfare, or injurious to other property in the area; and
- (d) That the granting of the relief will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of the Order. Such finding of the county commissioners' court together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the county commissioners' court meeting at which such relief is granted. Relief may be granted only when in harmony with the general purposes and intent of this Order, and does not alter the nature, character and quality of the subdivision so that the public health, safety, and welfare are secured.

Pecuniary hardship to the developer shall not be the basis for any relief from these regulations.

### **INFRASTRUCTURE CONSTRUCTION AND MAINTENANCE BONDS**

**Construction/Maintenance Bonds shall be required only on newly platted subdivisions.**

#### **Construction Bonds**

All construction shall be completed within 2 years after approval of final plat in accordance with the terms and specifications contained in this Order. The developer shall file a Construction Bond, executed by a Surety Company authorized to do business in this State, and made payable to the County Judge of Lampasas County, Texas or his successor in office.

- (a) The bond amount shall be equal to one hundred percent (100%) of the estimated cost of construction of roads, streets, street signs, underground utilities, required drainage structures and all other county required infrastructure.
- (b) The construction bond shall be presented to the commissioners' court with the final plat.
- (c) The construction bond shall remain in full force and in effect until all the roads, streets, street signs, underground utilities, required drainage structures and all other required construction in the subdivision have been completed to the satisfaction of the Commissioners' court or its designated agent, and the construction bond has been released by a Court Order from the commissioners' court.
- (d) In the event any or all of the streets, roads, drainage and drainage structures or other required construction, as constructed by the Owner, fails to meet county specifications, and the said Owner fails or refuses to correct the defects called to his attention in writing by the commissioners' court or its designated agent, the unfinished improvements shall be completed at the cost and expense of obligees as provided.
- (e) Utility companies will not be required to post construction or maintenance bonds.

### **Maintenance Bonds**

To insure roads, streets, street signs, underground utilities, required drainage structures and all other construction are maintained to the satisfaction of the commissioners' court or its designated agent, a maintenance bond executed by a Surety Company authorized to do business in this state, and made payable to the County Judge of Lampasas County, Texas or his successor in office, shall be substituted for the construction bond at the time of release of said construction bond.

The maintenance bond amount shall be equal to one hundred percent (100%) of the estimated maintenance cost of roads, streets, street signs, underground utilities, required drainage structures and all other construction as determined by the commissioners' court or its designated agent. The maintenance bond shall be a minimum of ten percent (10%) of construction costs and shall be in force for a minimum of one year and will continue until a 50% occupancy rate is attained.

The conditions of the maintenance bond shall be: that the Owner shall guarantee to maintain, to the satisfaction of Lampasas County, all of the streets, roads, drainage structures and drainage ditches and channels and other required construction which have been constructed to specifications with construction security released by Court Order from commissioners' court, in a good state of repair for a period of one year from the date of official release of construction security, or until a 50% occupancy rate is attained..

Periodic inspection of roads, streets, street signs, underground utilities, required drainage structures and all other construction, for which maintenance security is held, will be made by the commissioners' court or its designated agent during the period of liability covered by the maintenance bond. In the event any or all of the roads, streets, street signs, underground utilities, required drainage structures and all other construction are not being maintained in a good state of repair, the Owner will be so advised in writing and, if after a reasonable time, he

fails or refuses to repair said items, they shall be maintained by the county at the cost and expense of the developer as in said orders provided.

The release of any bond shall be by order of the commissioners' court. To request a release the developer who posted the bond in question shall present a written request to release said bond. The request shall contain a statement by the Counties' designated agent stating that he has made an inspection of such improvements and recommends their acceptance by the County. The written request of bond release shall be received by the Lampasas County at least 7 days prior to the next regularly scheduled meeting of commissioners' court.

## **FINAL INSPECTION**

### **A) Construction Phase**

**The Developer, upon completion of drainage, roads, streets and other facilities intended for the use of the public, or purchasers or owners of lots fronting or adjacent there to, shall request from the County a final inspection. The Precinct Commissioner or his/her designee will inspect the completed work for compliance. The Developer will be notified in writing of any work not found in compliance with the Subdivision Regulations.**

### **B) Maintenance Phase**

**Near the end of the one-year maintenance period, the Developer shall request from the County a final inspection. The Precinct Commissioner or his/her designee shall perform the inspection and inform the Developer in writing of any work required to be done.**

## **IRREVOCABLE LETTER OF CREDIT (IN LIEU OF BOND)**

An Irrevocable Letter of Credit may be submitted in lieu of bonds, for the purpose of insuring a developer's promise to construct and maintain the roads and drainage facilities in a subdivision.

Irrevocable Letters of Credit in lieu of Bonds are required under the same conditions as Construction and Maintenance Bonds.

## **OTHER SECURITY**

Any type of security for Construction and Maintenance other than Bonds and Irrevocable Letters of Credit shall be by written request to Lampasas County, and **be approved by the Lampasas County Attorney's Office.**

## **SEVERABILITY**

If any provision of this Order, or the application thereof, to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Order which can be given effect without the invalid provision or application, and to this end, the provisions of this Order are declared to be severable.

## **VACATING**

Application to the commissioners' court to vacate one or more areas of land in a subdivision that has previously been officially recorded may be made by submitting through the commissioners' court the following:

- a) Six (6) Copies of a plan to a scale of not more than two hundred (200) feet-per-inch showing the areas proposed to be vacated.
- b) The plan shall indicate the disposition proposed for the lots to be vacated.
- c) Six (6) copies of the plat of the entire subdivision wherein which is located the areas to be vacated, at a scale of not more than two hundred (200) feet-per-inch, and which shall show the relation of the areas proposed for vacating to all other lots, streets, public areas, etc., of the subdivision.
- d) A statement of the reason the vacating action is requested.
- e) A preliminary plat shall not be required for consideration of vacating.

## **RE-SUBDIVISION**

When a re-subdivision is proposed, the Subdivider shall consult with the commissioners' court to assure that renumbering of lots is consistent with the existing subdivision numbering system.

## **REVISION OF FINAL SUBDIVISION PLATS (REPLATS)**

**Requests for changes to approved subdivisions (replats) shall follow these guidelines.**

- (1) Letter of application to commissioners' court requesting the revision.
- (2) Letter stating the revision is not in violation of existing deed restrictions to Commissioners' court.
- (3) Letter from Property Owners Association President stating they have no objection to the revision or re-plat.
- (4) If no Property Owners Association, a notice to each property owner, within 400 feet of subject tract, at his address by certified mail, return receipt requested, and presented to the commissioners' court at the time of presentation of application.
- (5) Any costs associated with this revision are the developer/owner's responsibility.

## **SUBDIVISION STANDARDS**

- (1) The entrances and/or exits to a subdivision shall be by public road or street, and each lot shall front upon a public street.
- (2) When lots of a proposed subdivision front on a narrow (less than sixty (60) feet right-of-way) county or public road other than a Federal or State road, the Developer shall be required to dedicate for future public use an appropriate width on each side of the center line of such road to allow for improvements to the public road.
- (3) Any driveways entering State maintained roads shall be installed in accordance with Texas Department of Transportation "Regulations for Access Driveways to State Highways", June 2004, or later.

## **RESIDENTIAL LOTS**

- (1) Subdivision residential lots having an individual water supply well and an individual on-site sewage system shall have a minimum lot size of two acres.
- (2) Each lot must have a minimum paved street frontage of sixty (60) feet contiguous.
- (3) Should topographic information indicate a portion of a lot is in an area of a floodplain, the lot shall be enlarged to permit a minimum required lot size outside the area of a floodplain for the home site, water well, and on-site sewerage disposal system.
- (4) The minimum street frontage for lots on the turn around of a cul-de-sac or cul-de-sac corner shall be sixty (60) feet, chord length, for all lots two (2) acre or more in size.
- (5) The minimum frontage for lots on the turn around of a cul-de-sac or cul-de-sac corner shall be sixty (60) feet, chord length, for a multi-family residence, townhouses or garden homes.
- (6) Residential lots served by a public water supply and by a public sewage disposal system shall have a minimum lot size as required by TCEQ.
- (7) Lots must have a minimum of sixty (60) feet of contiguous road frontage.
- (8) Multi-family, townhouses and garden homes lots served by a public water supply and a public sewage disposal system shall have a minimum lot size of not less than five thousand (5,000) square feet. Lots must have a minimum of sixty (60) feet of contiguous street frontage.
- (9) Lots served by a public water supply but using individual on site sewage system shall have a minimum lot size of one acre and a minimum of sixty (60) feet of street frontage.
- (10) The residential lots shown on approved and recorded final plats dated prior to the effective date of these rules shall remain approved as platted.

## **ZERO LOT LINE SUBDIVISIONS**

For zero lot line subdivisions, a minimum ten (10) foot wide maintenance easement shall be provided through deed restrictions on the lot adjacent to the zero-lot line. This easement shall be kept free of permanent obstructions such as tool sheds or fences without a gate. When filing a plat for a zero-lot line development, the subdivider shall provide deed restrictions establishing the maintenance easements. The following notations shall appear on the plat: "Ten (10) foot wide maintenance easements are established within the lots adjacent to all unattached zero lot lines. Such restrictions shall extend for the depth of the lot and are in the deed restrictions for all affected properties."

## **MULTI-FAMILY, TOWNHOUSE OR GARDEN HOME SUBDIVISIONS**

For multi-family, townhouse or garden home subdivisions, adequate provision shall be made by the subdivider for common ownership and maintenance of community facilities such as recreation and open space, parking, access and similar common use areas. The subdivider shall also furnish deed restrictions limiting the property to multi-family, townhouse or garden home use and provide disposition and maintenance covenants for all open space or other common ownership areas. Such restrictions shall be recorded at the time of plat recordation.

## **STREET LAYOUT**

Adequate streets shall be provided by the Developer. Street arrangement, character, extent, width, grade and location of each shall conform to these regulations, and shall relate to existing and planned streets, to topographical conditions, to public safety and convenience, and aesthetic relationship to the proposed uses of land to be served by such streets. The street layout shall be devised for the most advantageous development of the subdivision and accessibility for emergency equipment.

Subdivisions containing twenty (20) or more lots shall be designed to have more than one street for entry and exit.

Right-of-way widths:

- A. Right-of-way for a street or road in a subdivision, shall not be less than sixty (60) feet in width.
- B. Right-of-way width shall be such that there is a minimum of five (5) feet beyond the toe of slope or top of cut.



All streets shall be paved and constructed in compliance with the specifications herein.

Relation to adjoining street system - Where necessary to the neighborhood pattern, existing streets in adjoining areas shall be continued.

The use of the cluster boxes approved by the U.S. Postal Service is encouraged; however, individual mailboxes, if used, shall be mounted on a break-a-way support or wooden post and offset from the roadway pavement shoulder for safety. Stone, concrete, or heavy rigid mounts present a safety hazard, and shall not be allowed.

Projection of streets - Where adjoining areas are not subdivided, the arrangement of streets in the subdivision shall make provision for the proper projection of streets into such unplatted areas.

Dead-end streets - Dead-end-streets may be platted when the Commissioners Court deems it desirable and where the land adjoins property not subdivided, in which case, the street shall be carried to the boundaries thereof.

Cul-de-sacs shall have a turn around right-of-way of not less than one hundred-fifty (150) feet in diameter with a paved area no less than one hundred twenty (120) feet in diameter.

Street jogs - Street jogs with center line offsets of less than one hundred-fifty (150) feet shall be avoided.

No squares, "islands", or other obstructions to traffic shall be constructed within the right-of-way. A divided road or street may be permitted provided a Chartered Homeowners' Association agrees to maintain the center strip.

All streets and roads shall intersect at ninety-degree angles: where this is not practical, the intersection on the side of the acute angle must be cut back, but in no case shall the cut back be less than twenty-five (25) feet.

Where part of an existing county road or street has been dedicated in an adjoining subdivision adjacent to and along the common property lines of the two subdivisions, enough width of right-of-way must be dedicated in the new subdivision to provide the minimum width specified herein. (total of 60')

Where roads or streets intersect, the fillet between the intersecting streets shall be constructed to a minimum radius of twenty-five (25) feet.

All buried utility distribution mains shall be installed within the road right-of-way. After roads and streets have been accepted for maintenance, by the County, no construction shall be done or excavations made within the right-of-way without:

- A. Having given the County 30-day advance notice of such work.
- B. Agreeing to pay cost of warning signs and other necessary barriers in accordance with Texas Manual of Uniform Traffic Control Devices.

- C. Providing letters of credit or bond in an amount necessary to restore roadways into its condition prior to work being done.
- D. Providing a letter to the County assuming full liability for any accident that might occur resulting from such construction or opening of the roadway.
- E. Emergency repairs may be made without advance notice.

**Interior streets of a subdivision may be declared private and not dedicated to the County. In this case, no County maintenance shall be provided.**

*As of December 9, 2019, all County Roads and Private Roads/Streets located in the County will have a four digit numeric identification.*

The installation of security gates or guard stations is permissible only when the streets behind that barrier are privately owned and maintained without any County contribution. Emergency vehicles shall have general access to gated area.

## **WATER FACILITIES**

### **LOTS SERVED BY INDIVIDUALLY-OWNED WATER WELLS**

Whenever a Developer creates lots without a public water system or without supplying water from an approved source to each lot, the Developer or his agents shall notify every purchaser, in writing, that there is no approved water supply furnished to each lot.

A full disclosure of anticipated water availability and water quality shall be made by the Developer to each potential lot customer. Each potential customer shall be furnished TCEQ's drinking water standards governing drinking water quality for convenient reference.

**The County makes no representation or guarantees as to water quality or that a present or future adequate water supply exists.**

## **PUBLIC WATER SYSTEMS**

A public water supply system shall meet all requirements of the appropriate State Regulatory Agency and shall be registered with all applicable information on the water system with the commissioners' court or its designated agent.

Commissioners' Court or its designated agent shall have the right to inspect all phases of public water wells during development.

For all lots proposed to be supplied with water from a public water supply system, the Developer shall furnish the commissioners' court evidence that the system has received the required approvals of the appropriate State regulatory agencies, and that the minimum

production of the system shall at least equal the requirements of the regulatory agency for the number of residences projected.

Public water systems, including fire hydrants shall conform to American Water Works Association (AWWA) specifications as to design, materials, construction, and testing and comply with the rules and regulations of TCEQ. The Developer shall present a letter from the Fire Marshal approving proposed fire hydrant installation. Such systems also must have approval of all controlling State agencies.

## **SEWAGE AND WASTE DISPOSAL**

### **GENERAL**

- A. Every parcel of land to have a home site or commercial activity shall have an adequate system for sewage and wastewater disposal upon occupancy by either:
  - 1. connection to an approved community sewage disposal system; or
  - 2. creation of properly designed and operational individual on-site sewage disposal system.
- B. On-site sewage disposal systems can be sources of pollution to ground water, soil surface, and the environment if not properly sized, constructed and maintained. A permit for the construction and location on a lot is required in the interest of public health and welfare and will be obtained at the County Judge's office.
- C. Public sewage systems shall conform to the rules and regulations of TCEQ as to design, material, and construction. The Developer shall present proof of TCEQ acceptance, and that of any other State or County agency controlling sewage disposal systems.
- D. Connection to a community sewage disposal system is preferred where possible. If a public sewage system is to be installed, the plans for the location of such systems must be approved by the commissioners' court or its designated agent and thereafter by the appropriate State regulatory agency prior to approval of the final plat by the County. **If connection is to be made to an existing public sanitary sewage system, proof must be presented that such system has given approval and has sufficient capacity to handle the additional demand.**
- E. If an individual on-site sewage disposal system is to be utilized, the developer shall prominently annotate both the preliminary and the approved final plat that homeowners are to be responsible for the construction of an approved on-site sewage and wastewater system after obtaining a permit issued by the Commissioners Court or its designated agent.

- F. The lot owner, with a County-issued disposal system permit, shall be responsible for working with a disposal system contractor to develop a soil profile at the selected drain field site to the depth of five (5) feet or to a restrictive horizon to aid in determining the type of disposal system to construct.
1. If the soil profile reflects soil suitable and sufficient for a system employing soil absorption for disposal of effluent a septic tank and drain field may be constructed.
  2. If the soil profile does not reflect soil suitable or sufficient for disposal of effluent by soil absorption, then another acceptable alternate on-site sewage disposal system designed and maintained by a sanitary engineer must be constructed.
  3. Review/Inspection by County Septic System Inspector is required.

## **MANUFACTURED HOME COMMUNITY REGULATIONS**

The purpose of this section is to achieve orderly development of manufactured home communities, to promote and develop the use of land to assure the best possible community environment and to protect and promote the health, safety, and general welfare.

**A** Lots in a manufactured home community shall front on a street of not less than sixty (60) feet width right-of-way.

**B** Lots served with public water system and public sewage disposal system shall be no smaller than one-half (½) acre in size with a minimum frontage of sixty (60) feet.

**C** The County will withhold all permits from manufactured home communities, until the manufactured home community has been approved in the manner prescribed by these regulations that follow.

## **MANUFACTURED HOME COMMUNITY PLAN**

- A. Submission. Each applicant seeking approval of a manufactured home community shall submit, to the commissioners' court, six (6) blue or black-line copies of a manufactured home park plan.
- B. Approval. When plans for the mobile home community are completed in accordance with these rules, the commissioners' court may approve the plan as submitted, amend, and approve the plan as amended, or disapprove the plan.

**PLAN SPECIFICATIONS**

- A. Generally. The manufactured home community plan shall be drawn to a scale not to exceed one hundred (100) feet to one (1) inch (1” =100’). Where more than one sheet is necessary to accommodate the entire area to be developed, an index sheet showing the entire community at the appropriate scale shall be attached to the plan.
- B. Site improvement data: The plan to be submitted for a manufactured home community shall contain the data outlined by these regulations.

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An owner’s certificate in the following form shall be shown on the plan:

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STATE OF TEXAS                    )  
COUNTY OF LAMPASAS         )(

I hereby certify that this plan is true and correct and if approved by the commissioners’ court, all development will be in accordance with this plan, and no alterations will be made in the plan after approval.

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Owner or authorized agent

All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to the following (refer to FEMA Manual #85, Manufactured Home Installation in Flood Hazard Areas):

- A. Over-the-top ties at each of the four (4) corners of the manufactured home with two (2) additional ties per side at intermediate locations. Any manufactured home more than fifty (50) feet long requires one (1) additional tie per side.
- B. Frame ties at each corner of the home with five (5) additional ties per side at intermediate points. Manufactured homes more than fifty (50) feet long require four (4) additional ties per side.
- C. All components of the anchoring system shall be capable of carrying a force of four thousand eight hundred (4,800) pounds.

## **LAMPASAS COUNTY INFRASTRUCTURE REQUIREMENTS FOR MANUFACTURED HOME COMMUNITIES**

### **I. Definitions**

- (a) **Manufactured Home** means a structure falling within the definition of manufactured housing in Art. 5221f, Texas Civil Statutes annotated.
- (b) **Manufactured Home Community** means a plot or tract of land that is separated into two or more spaces or lots that are rented, leased, sold or offered for rental, lease, or sale for the installation of manufactured homes for use and occupancy as residences. As used in this Order, this term shall include Manufactured Home Subdivisions and Manufactured Home Rental Communities, as defined below. A single Manufactured Home Community may be both a Manufactured Home Subdivision and a Manufactured Home Rental Community if multiple lots will be both sold and leased, in which event the community must comply with both relevant sets of regulations.
- (c) **Manufactured Home Subdivision** means a Manufactured Home Community in which two or more of the spaces or lots are to be sold or offered for sale.
- (d) **Sale** shall be construed to include any and all transactions in which legal, beneficial, or equitable ownership of the space or lot is transferred to another. It is immaterial whether such transfer occurs by deed, contract of sale, option contract, lease-purchase, long-term ground lease, or any other method. Without limitation to the foregoing, “sale” includes both (1) any rental or lease agreement for a term of 60 months or more and (2) any rental or lease agreement with a purchase option.
- (e) **Manufactured Home Rental Community** means a Manufactured Home Community in which two or more spaces or lots are rented, leased, or offered for rent or lease for a term of less than 60 months without a purchase option.

### **II. Manufactured Home Subdivisions**

Unless exempted by some provision of state law, Manufactured Home Subdivisions are “subdivisions” within the meaning of the Lampasas County Subdivision Regulations and related rules. Such related regulations include (but are not limited to) the Lampasas County ‘Flood Plain Regulations and the Lampasas County On-Site Sewage Disposal Facility Regulations. Manufactured Home Subdivisions must comply with all such regulations on the same basis as subdivisions that do not include manufactured homes.

### **III. Manufactured Home Rental Communities**

- (a) The owner of land located in Lampasas County outside the limits of a municipality who intends to use the land for a Manufactured Home Rental Community must have an infrastructure development plan prepared that complies with the minimum infrastructure

standards that are set out below in Section IV. In addition, prior to beginning any construction, the owner must submit the plan to the commissioners' court for approval. Construction may not begin before the plan is approved.

(b) Not later than the 60<sup>th</sup> day after the date the plan was submitted; the commissioners' court shall approve or reject the plan in writing. If the plan is approved, construction may begin immediately. If the plan is rejected, the written rejection must specify the reasons for the rejection and the actions required for approval of the plan. The failure to reject a plan within the period prescribed by this subsection constitutes approval of the plan. The commissioners' court or its designated agent, may inspect the infrastructure at any reasonable time during construction, and the owner and his agents shall not hinder such inspections.

(c) Upon completion of construction, the owner shall confirm in writing to the commissioners' court or its designated agent that the infrastructure is complete, and a final inspection must be completed not later than the second business day after the date of notice. If the inspector determines that the infrastructure does not fully comply with the plan, the owner shall be given an opportunity to cure the defects. On completion of curative construction, the owner should request another inspection. When the inspector determines that the infrastructure complies with the plan, the commissioners' court or its designated agent shall issue a Certificate of Compliance not later than the fifth business day after the day the final inspection is completed. A utility may not provide utility services, including water, sewer, gas, and electric services, to a Manufactured Home Rental Community or to a manufactured home in the community unless the owner provides the utility with a copy of the Certificate of Compliance.

(d) An annual inspection fee of \$500.00 plus \$5.00 per house will be assessed.

#### **IV. Infrastructure Requirements**

The infrastructure development plan for a Manufactured Home Rental Community must include each of the following:

- (a) A survey identifying the proposed community's boundaries and any significant features of the community, including the proposed location of lots or spaces, utility easements, and dedication of rights-of-way. The survey may also contain features to help provide the additional information required by this Order.
- (b) Reasonably specified plans to provide adequate drainage, including specifying necessary drainage culverts and identifying areas included in the 100-year flood plain.
- (c) Reasonably specified plans to provide an adequate public or community water supply, including specifying the location of supply lines, in accordance with Subchapter C, Chapter 341, Health and Safety Code. If water is to be provided by a utility, a certification by the utility that water is available for each of the planned spaces or lots must be attached to the plan.
- (d) Either.
  - (1) Reasonably specified plans to provide access to sanitary sewer lines, including specifying the location of sanitary sewer lines. If sewage treatment is to be provided by a utility, a certification by the utility that service for each of the planned spaces or lots is available must be attached

- to the plan. If the sewage is to be treated in some other way, approval by the relevant government agency that is to license or inspect the treatment facilities must be attached; or
- (2) Reasonably specified plans for providing on-site sewage facilities in accordance with Chapter 366, Health and Safety Code.
- (e) Reasonably specified plans for streets or roads in the Manufactured Home Rental Community to provide ingress and egress for fire and emergency vehicles.
- (1) The commissioners' court finds that it is reasonably necessary that streets in these communities be built to the same standards (but to no more stringent standard) than the requirements adopted by the Court for other subdivisions.
  - (2) The road design and construction standards contained in the Lampasas County Subdivision Regulations, as amended from time to time, are therefore incorporated by reference into this Order as fully and completely as if set out verbatim herein. The street or road specifications in the infrastructure development plan must comply with those standards.
  - (3) Commissioners' court may grant a variance when strict application of the standards would work an unusual hardship.
- (f) The road specifications must include adequate provision for roadway maintenance to guarantee future ingress and egress by fire and emergency vehicles. It may meet this requirement by either
- (1) Dedicating the roadways to the public. The County will accept dedicated rights-of-way for public maintenance only if their current condition complies with all county standards, and only upon the earlier of (I) two years from issuance of the certificates of completion or (II) posting of an adequate two-year maintenance bond. (or)
  - (2) Providing an adequate financing mechanism for private maintenance. The plan must contain a covenant that every future lease or rental agreement will inform the tenants that the County will never maintain any road or street in the community under any circumstances.

## **V. Other Regulations**

Persons developing Manufactured Home Communities should be aware that this Order is not the exclusive law or regulation controlling development in Lampasas County. The following is only a partial list of regulations that may apply.

- (a) Manufactured Home Subdivisions are subject to the Lampasas County Subdivision Regulations. All Manufactured Home Communities are subject to county regulations of general applicability, such as the Nuisance Abatement Regulations.
- (b) The Lampasas County Flood Plain Order and the Lampasas County On-site Sewage Disposal Facility Regulations.



- (c) If the Manufactured Home Community is located within the extraterritorial jurisdiction of a municipality, it is subject to certain municipal ordinances. For example, each Manufactured Home Subdivision must receive approval under the municipal subdivision ordinance before the plat may be presented to the County and before being recorded.
- (d) Other agencies with regulatory authority that may apply to a Manufactured Home Community include, but are not limited to, Emergency Services Districts, the Texas Commission on Environmental Quality, Public Utilities Commission, the United States Parks and Wildlife Service, the Environmental Protection Agency, and the U.S. Army Corps of Engineers.

Issuance of a Certificate of Compliance under this Order does not indicate compliance with any of these other requirements.

## **VI. Penalties**

- (a) Violation of this Order will result in the denial of utility service.
- (b) The requirements of this order have been established by and adopted by commissioners' court under Chapter 232 of the Texas Local Government Code and all the civil and criminal penalties applicable under that chapter shall apply to violations of this Order.

## **CONSTRUCTION AND SPECIFICATIONS OF ROADS AND DRAINAGE IN PUBLIC SUBDIVISION**

### **GENERAL**

The materials, designs, specifications and procedures for construction of roads and streets shall conform to those of the County for similar construction. Base material used for roads or streets shall conform to the requirements of the Texas Department of Transportation, or other materials obtained from sources approved by commissioners' court.

### **BASE MATERIAL**

The base material shall meet the following minimum requirements and must be inspected and approved by the Precinct Commissioner concerned or other person designated by the commissioners' court. **The approval shall be in writing:**

- (1) A maximum of ten percent (10%) retained on a three-inch (3") screen.
- (2) Between sixty percent (60%) and eighty-five percent (85%) retained on a forty (40) mesh sieve.
- (3) A plasticity index not to exceed ten (10).
- (4) Liquid limit not to exceed .40% moisture.

### **SUB-GRADE AND BASE**

The preparation of the sub-grade shall follow good engineering practices. The sub-grade may be prepared and allowed to reach a Proctor Density of ninety percent (90%) through natural cycles of consolidation or may be rolled and watered where placement of the base material is to be done immediately. The sub-grade must be inspected and approved by the Precinct Commissioner concerned or other person designated by the commissioners' court, in writing, prior to any application of base. The grade base material shall be a minimum depth of 6 inches compacted, shall have 95% Proctor Density and be inspected and approved by the Precinct Commissioner concerned or other designated person, in writing. Test results shall be provided to the County.

### **WIDTH OF ROADWAYS, ALLEYS AND RIGHTS-OF-WAY**

- (1) The right-of-way on all streets or roads within the subdivision shall have a width of not less than 60 feet;

- (2) The shoulder-to-shoulder width on all streets or roads within the subdivision shall not be less than 34 feet;
- (3) The width of alleys shall not be less than twenty (20) feet. (Will not be maintained by the County.)

### **DRAINAGE, MINIMUM GRADES, RETARDS, HEADWALLS, ETC.**

Generally, it is desired that surface drainage from private property be taken to drainage courses as quickly as possible, but the practice of using roads and streets as major drainage courses is prohibited. Minimum grades of roads and streets shall be three-tenths (0.3) of one percent. Cross fall of roadways shall be 0.03 (three hundredths inches) per foot.

Concrete or rock retards shall be installed in ditch lines in areas where needed. Drainage structures of a permanent type shall be provided at crossings of drainage courses with roads and streets where needed in order that a minimum of inconvenience and hazard to the traveling public will occur, and in order to maximize drainage to and to prevent excessive maintenance of public property. Type, size, and length of drainage shall be determined by the commissioners' court or its designated agent.

All roadways crossing streams or roadways subject to flooding must be rip-rapped on both sides as specified by the County.

Open channels and ditches shall be constructed to proper cross section, grade and alignment so as to function properly without permitting destructive velocities. Type, size and length of drainage shall be determined by the commissioners' court or its designated agent.

### **SURFACE TREATMENT**

Where road or street sections without curbs are constructed, the width of flexible base shall be not less than thirty-four (34) feet. The pavement shall be at least 24 feet wide of a "double asphalt or emulsion surface treatment" or of a minimum of one (1) inch of "plant mix" compacted with a seal coating asphalt treatment under the "plant mix".

The "double asphalt or emulsion surface treatment" or two course surface treatments shall conform to Lampasas County requirements for road construction.

Prime coat shall be MS1, MC-30 or its equivalent with "plant mix" hot mix, rate shall be a maximum of twenty hundredths (0.20 gallons) per square yard.

A two-course surface treatment consisting of (#4) grade cover stone-treated with a thirty hundredths (0.30) gallons per square yard of asphalt. The second course to be of grade five (5) cover stone treated with forty hundredths (.40) gallons per square yard asphalt.

Rolling is required to achieve a uniform embedment and the contractor shall broom off loose aggregate remaining. If bleeding occurs, the contractor shall apply sand or grade 5 to the finished surface for whatever period is required to absorb the excess asphalt.

## **REQUIREMENTS FOR ROADS AND STREETS**

(1) All dead-end streets or interior cul-de-sacs shall be provided with a properly crowned and sloped asphalt paved turnaround at the end thereof, with a radius of not less than seventy-five (75) feet of right-of-way. The radius of paving shall be sixty (60) feet centered in right of way.

(2) In a subdivision where water lines or other utilities are installed on rights of way, they shall be located off and away from the roadways (paved center portion and shoulders) and buried to a minimum depth of 30 inches, or in accordance with published Industry standards. Utilities companies are encouraged to install within rights of way, but permission must first be granted by the County Commissioners' Court.

(3) After roads and streets have been dedicated to and accepted by Lampasas County so that future maintenance responsibilities thereof become a function under the Lampasas County Commissioners' Court, the installation of any further water or utility lines, side roads, etc., on rights-of-way shall be prohibited unless expressly permitted in writing by the County through its authorized representative.

(4) Subdivisions which have adjoining privately owned properties that maybe subject to future subdividing shall provide sixty (60) feet rights-of-way not more than one-half (1/2) mile apart at feasible locations for connecting future possible roadways with such adjacent properties. Unnatural drainage created by such connecting roadways and rights-of-ways shall be resolved beforehand by the land owners concerned through drainage easements or other lawful methods.

(5) In accordance with the Texas Manual on Uniform Traffic Control Devices for streets and highways, uniform traffic control signs, guard rails and other safety features shall be installed at required locations on all subdivision rights-of-way dedicated for public use. Culverts and bridges shall be at least as wide as the roadway portions (pavement and shoulder) of the streets and roads. Bridge abutments or other drop-offs located at the edge of the shoulder portions of any road or street shall be indicated by installation of protective posts or other devices equipped with reflective markers.

(6) Rights-of-way dedicated to public use shall be kept clear of tall weeds and brush so that property lines, drainage ditches and other hazardous conditions shall be readily distinguishable. Large trees which lend natural beautification to an area may be left in place and a right-of-way provided so that safety on the streets and roads is not impaired.

(7) The installation of any traffic control sign, such as denoting speed limits, yield right-of-way, stop signs, etc., shall be coordinated with the Precinct Commissioner concerned and with the Lampasas County Sheriff's Department which shall have overall supervision and control of law enforcement activities on all roads, streets, and thoroughfares dedicated to public use in subdivisions in Lampasas County. Thoroughfares not dedicated to public usage shall be clearly marked as such so that the bounds of law enforcement and other obligations of Lampasas County officials may be readily distinguishable. This would apply to alleys or other types of service roads which may be located in subdivisions, the maintenance of which remains the responsibility of property owners and which normally are to be considered as private property.

(8) Streets and roads must provide unhampered circulation through the subdivision. Where a dead-end street is designed to be so permanently, a turn-around shall be provided at the closed end having an outside finished paved roadway radius of sixty (60) feet and a street right-of-way radius of seventy-five (75) feet. Dead-end streets may be platted where the Commissioner concerned deems it desirable and where the land adjoins property not subdivided, in which case, the street shall be carried to the boundaries thereof.

(9) All roads and streets preferably are to intersect at a ninety (90) degree angle.

(10) Where roads and streets in an adjoining subdivision dead-end at the property line of a new subdivision, the said roads and streets shall be continued through the new subdivision, either in a straight line or a curve as provided elsewhere herein. Where no adjacent connections are platted, the roads and streets in the new subdivision must in general be the reasonable projections of roads and streets in the adjacent subdivided-tract. All roads and streets in new subdivisions shall be platted so that a continuation of said roads and streets may be made in other subdivisions in the future.

# SUBDIVISION APPLICATION

## For Lampasas County, Texas

To be submitted with Preliminary Plat  
This form must be filled out in its entirety  
Use additional pages as necessary

Date: \_\_\_\_\_

PROPOSED NAME OF SUBDIVISION: \_\_\_\_\_

LOCATION AND/OR ADDRESS OF PROPOSED SUBDIVISION:

\_\_\_\_\_

PRECINCT OF PROPOSED SUBDIVISION: \_\_\_\_\_

PRECINCT COMMISSIONER: \_\_\_\_\_

NAME OF PROPERTY OWNER: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No. \_\_\_\_\_

NAME OF APPLICANT/DEVELOPER: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No. \_\_\_\_\_

PERSON TO APPEAR AT COMMISSIONERS COURT: \_\_\_\_\_

INTENDED USE OF LOTS:

Residential: \_\_\_\_\_ Commercial/Industrial: \_\_\_\_\_

TOTAL ACREAGE OF DEVELOPMENT: \_\_\_\_\_

TOTAL NUMBER OF LOTS: \_\_\_\_\_ AVERAGE SIZE OF LOTS: \_\_\_\_\_

NUMBER OF LOTS:

Greater than 10 acres: \_\_\_\_\_ Larger than 5, less than 10 \_\_\_\_\_

Between 2 & 5 acres: \_\_\_\_\_ Between 1 & 2 acres: \_\_\_\_\_ Less than an acre: \_\_\_\_\_

**FRONTAGE ON EXISTING ROAD:**

COUNTY ROAD: \_\_\_\_\_

STATE ROAD: \_\_\_\_\_

PRIVATE ROAD: \_\_\_\_\_

WILL PROPOSED SUBDIVISION HAVE ROADS? YES or NO

**INFRASTRUCTURE CONSTRUCTION AND MAINTENANCE BONDS:**

Date Filed: \_\_\_\_\_ Amount: \_\_\_\_\_

Name of Surety Company: \_\_\_\_\_

**IRREVOCABLE LETTER OF CREDIT (IN LIEU OF BOND)**

Date Filed: \_\_\_\_\_ Amount: \_\_\_\_\_

Letter of Credit Source: \_\_\_\_\_

**SOURCE OF WATER:**

**ANTICIPATED SURFACE WATER:**

WATER SUPPLY CORP: \_\_\_\_\_

PUBLIC WATER SUPPLY: \_\_\_\_\_

RAINWATER CATCHMENT: \_\_\_\_\_

**ANTICIPATED GROUND WATER:**

PRIVATE WELL: \_\_\_\_\_

SHARED WELL: \_\_\_\_\_

WATER SUPPLY CORP. \_\_\_\_\_

**ANTICIPATED WASTEWATER SYSTEM:**

PUBLIC SEWAGE SYSTEM: \_\_\_\_\_

ON-SITE SEWAGE FACILITY: \_\_\_\_\_



UTILITY CHECKLIST

Applicant must take copy of plat to each utility for review and comment. Original signatures required.

ELECTRIC COMPANY: \_\_\_\_\_

Approve As-Is: \_\_\_\_\_ Easement Required: \_\_\_\_\_

Define Required Easement: \_\_\_\_\_

Signature: \_\_\_\_\_ Title: \_\_\_\_\_

TELEPHONE COMPANY (If Applicable): \_\_\_\_\_

Approve As-Is: \_\_\_\_\_ Easement Required: \_\_\_\_\_

Define Required Easement: \_\_\_\_\_

Signature: \_\_\_\_\_ Title: \_\_\_\_\_

WATER UTILITY (If Applicable): \_\_\_\_\_

Approve As-Is: \_\_\_\_\_ Easement Required: \_\_\_\_\_

Define Required Easement: \_\_\_\_\_

Signature: \_\_\_\_\_ Title: \_\_\_\_\_

SEWER UTILITY (If Applicable): \_\_\_\_\_

Approve As-Is: \_\_\_\_\_ Easement Required: \_\_\_\_\_

Define Required Easement: \_\_\_\_\_

Signature: \_\_\_\_\_ Title: \_\_\_\_\_

SOLID WASTE UTILITY (If Applicable): \_\_\_\_\_

Approve As-Is: \_\_\_\_\_ Easement Required: \_\_\_\_\_

Define Required Easement: \_\_\_\_\_

Signature: \_\_\_\_\_ Title: \_\_\_\_\_

TEXAS DEPARTMENT OF TRANSPORTATION (If frontage on state-maintained roadway):

Signature: \_\_\_\_\_ Title: \_\_\_\_\_

Acknowledgment By:

Lampasas County On-Site Sewage Facility (OSSF) Representative:

\_\_\_\_\_  
Signature Required Date

Saratoga Underground Water Conservation District Representative:

\_\_\_\_\_  
Signature Required Date

-----  
Signature of person submitting application:

\_\_\_\_\_  
Date

This proposed subdivision lies within Lampasas County Commissioners Precinct No. \_\_\_\_\_

I hereby acknowledge that I am aware of and approve the submission of the preceding subdivision application for placement on the Commissioners Court Agenda.

\_\_\_\_\_  
County Commissioner's Signature Date

Date Approved by Commissioner's Court: \_\_\_\_\_  
*To Be Filled In By County Judge's Office*

## Preliminary Plat Checklist Lampasas County, Texas

SUBDIVISION NAME:

---

APPLICATION MATERIALS:

COMMENTS

Six (6) blueline copies of plan	___
Application fees	___
Tax certificates	___
Completed Application	___

GENERAL INFORMATION:

Subdivision name	___
Designation of public or private	___
Boundary lines/ total acreage	___
Logically numbered blocks and lots	___
Acreage & dimensions of lots	___
Parks, squares, greenbelts, schools, etc.	___
Adjoining subdivisions/property owners	___
Name & address or surveyor/engineer	___
Name & address of owner/applicant/ developer	___
Vicinity map showing general location	___
North arrow and scale	___
Boundary lines of cities and ETJs	___

FLOODPLAIN & DRAINAGE INFORMATION:

COMMENTS

20' Elevation contours \_\_\_\_\_

FEMA flood hazard areas \_\_\_\_\_

Location & size of drainage structures  
(If applicable) \_\_\_\_\_

STREETS & RIGHT OF WAY INFORMATION:

Location, length, and ROW widths \_\_\_\_\_

Names and ROW widths of all adjoining  
streets, roads, and highways \_\_\_\_\_

Location, size of easements \_\_\_\_\_

Total linear feet of proposed ROW  
roadways in sub-division \_\_\_\_\_

Lots have 50 feet road frontage minimum \_\_\_\_\_

Proposed road or street identification \_\_\_\_\_

WATER, WASTEWATER, UTILITIES INFORMATION:

Electric, phone, gas, solid waste providers \_\_\_\_\_

Location of utility easements \_\_\_\_\_

Water & sewer utility providers \_\_\_\_\_

**Final Plat Checklist  
Lampasas County, Texas**

SUBDIVISION NAME:

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APPLICATION MATERIALS: COMMENTS

- Six (6) blue line copies and **three Black & white** mylar copies \_\_\_\_\_
- Application Fees \_\_\_\_\_
- Tax Certificate(s) \_\_\_\_\_
- Letter from 911 Addressing Dept. \_\_\_\_\_
- Construction fiscal surety \_\_\_\_\_
- Letter of wastewater plan \_\_\_\_\_
- Letter of water plan \_\_\_\_\_
- Deed Restrictions \_\_\_\_\_

GENERAL INFORMATION:

- Preliminary plat requirements \_\_\_\_\_
- Bearings & dimensions \_\_\_\_\_
- Monumentation description \_\_\_\_\_
- Location to original survey \_\_\_\_\_
- Lot and block numbers \_\_\_\_\_
- Acreage of all lots \_\_\_\_\_

FLOODPLAIN & DRAINAGE INFORMATION:

- Delineation of 100-year flood plain \_\_\_\_\_

**STREETS & RIGHT OF WAY INFORMATION:**

**COMMENTS**

Length, type of streets \_\_\_\_\_

Total area of ROW dedicated to public \_\_\_\_\_

Homeowner's road maintenance agreement  
(if applicable) \_\_\_\_\_

**OTHER PLAT NOTES:**

On-site sewage facility planning report  
(if applicable) \_\_\_\_\_

**LAMPASAS COUNTY SUBDIVISION  
REGULATIONS APPLICATION FEES**

Preliminary Plan, with no flood plain	\$300, plus \$10 per lot
Preliminary Plan, with flood plain	\$500, plus \$10 per lot
Final Plat	\$100, plus \$5 per lot
Voluntary Plat	\$50, plus \$5 per lot
Variance request	\$100 per request type
Revision	\$200, plus \$10 per affected lot
Cancellation	\$25
Certificate of Compliance (Mfg home Rental Community)	\$500.00, per year \$5.00, per house
ETJ (Extra Territorial Jurisdiction) Plats	\$50 per page
Copy of Regulations	\$10.00