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Sec. 1. - Prologue.

The subdivision of land is a major factor in the process of sound community growth and ultimately becomes a public responsibility in that roads and streets must be maintained and various public services customary to urban areas must be provided. The welfare of the entire community is thereby affected in many important respects. It is, therefore, to the interest of the public, the subdivider and the future owners that subdivisions be conceived, designed and developed in accordance with sound rules and proper minimum standards. It is the intent of these regulations to encourage the growth of the City of Hewitt in an orderly manner, and to provide attractive, well-planned, safe and healthful subdivisions with good streets and utilities, and building sites at a fair competitive price under regulations that will be uniform to all.

Sec. 2. - Penalty for violation of chapter.

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any amount not exceeding \$500.00. A separate offense shall be deemed committed upon each day during or on which such violation occurs or continues.

Sec. 3. - Definitions.

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meaning given in this section:

- (1) *Alley*. An alley is a minor public right-of-way, not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular services access to the back or sides of property otherwise abutting on a public street.
- (2) *Building setback lines*. The building setback line is a line within a property defining the minimum horizontal distance between a building and the adjacent street line.
- (3) *Commission*. The commission is the planning and zoning commission of the City of Hewitt.
- (4) *Cross-walkway*. A cross-walkway is a public right-of-way six feet or more width [wide] between property lines, which provides pedestrian circulation.
- (5) *Cul-de-sac*. A cul-de-sac is a short, minor street having but one vehicular access to another street and terminated by a vehicular turnaround.
- (6) *Dead-end street*. A dead-end street is a street, other than a cul-de-sac, with only one outlet.
- (7) *Design standards*. Subdivision design standards as referenced in this ordinance shall mean the City of Hewitt's subdivision design standards and specifications, together with all tables, drawings and other attachments, hereinafter approved and adopted by the city council of Hewitt, and those standards so adopted shall become a part of this ordinance.
- (8) *Easement*. A utility or drainage easement is an interest in land granted to the city for installing and maintaining utilities and drainage across, over or under private land, together with the right to enter thereon with machinery and other vehicles necessary for the maintenance of said utilities and drainage.
- (9) *Lot*. A lot is an undivided tract or parcel of land having frontage on a public street 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 or symbol in a duly approved subdivision plat which has been properly filed of record.
- (10) *Plat*. A plat is a complete and exact subdivision plan submitted to the commission for approval and which, if approved, will be submitted to the county clerk for recording.
- (11) *Minor Plat*. Plats involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities.
- (12) *Public right-of-way*. A public right-of-way is a strip of land used or intended to be used, wholly or in part, as a public street, alley, walkway or drain.
- (13) *Roadway, paving width*. The roadway or paving width is the portion of a street available for vehicular traffic; where curbs are laid, the portion between the face of curbs.
- (14) *Street*. A street is a public right-of-way which provides primary vehicular access to adjacent land, whether designated as a street, highway, thoroughfare, parkway, throughway, avenue, lane, boulevard, road, place, drive or however otherwise designated.

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- (a) *Arterial street.* A street used primarily for fast or heavy traffic.
- (b) *Collector street.* A street which carries traffic from the minor streets to the major system or arterial streets and highways, including the principal entrance streets of a residential development, and principal streets for circulation to schools, parks and other community facilities within such a development and including, also, all streets which carry traffic through or adjacent to commercial and industrial areas.
- (c) *Minor street.* A street used primarily for access to abutting residential property.
- (d) *Boulevard.* A broad street landscaped with trees, bushes, etc.

(15) *Subdivider.* A subdivider is any person or any 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 "subdivider" shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner of the land sought to be divided.

(16) *Subdivision.* A subdivision is the division of any lot, tract or parcel of land into two or more parts for the purpose of sale or building development, or if a new street is involved, any division of a lot, tract or parcel of land. Subdivision includes resubdivision and, when appropriate to the context, relates to the process of subdivision or to the land or area subdivided.

(17) *Shall, may.* The word "shall" is always mandatory, while the word "may" is merely permissive.

(18) *Utility Location Verification.* Serves as a double check to verify that the installed utilities and drainage structures were installed at the locations and depths recorded on the record drawings.

Sec. 4. - Interpretation and purpose.

In the interpretation and application of the provisions hereof, this ordinance shall be deemed to be the minimum requirement adopted by the city council for the protection of the public health, safety and welfare. This ordinance is intended to meet the requirements of the State of Texas at a minimum and in the event the ordinances and State do not coincide, the more astringent of the two shall govern. To protect the public among other purposes, such provisions are intended to provide for a permanent wholesome environment, adequate municipal services and safe streets.

Sec. 5. - Scope.

This ordinance shall not apply to any lot or lots forming a part of a subdivision created and recorded prior to the effective date of this ordinance, or any amendments thereto; however, this ordinance shall apply to any resubdivision of any existing subdivision, lot or lots, including thereunder all land within the corporate area of the City of Hewitt or within the extraterritorial jurisdiction of the City of Hewitt, Texas, as is designated by state statute. It is not intended by this ordinance in any way to impair or interfere with private restrictions placed upon property by deeds, covenants or other private agreements, or with restrictive covenants running with the land to which the city is a party. Where this ordinance imposes a greater restriction upon land than is imposed or is required by such existing provision of law, contract or deed, the provisions of this ordinance shall control.

Sec. 6. - Jurisdiction.

From and after the date of its adoption, this ordinance shall govern all subdivisions of land within the corporate limits of the City of Hewitt and all contiguous unincorporated areas, not a part of any other

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city, and within one-half mile from the city limits, subject to the laws of the State of Texas. In the event that the distance from the city limits is changed by the Texas legislature, such distance provided for in this ordinance shall thereafter conform to the distance provided by the legislature.

Any owner of the land within the limits of said subdivision jurisdiction wishing to subdivide land shall submit to the commission a plat of the subdivision which shall conform to the minimum requirements set forth by these regulations. No plat of a subdivision lying within such territory or part thereof shall be filed or recorded in the office of the county clerk until such subdivision plat shall have been approved by the commission and such approval entered in writing on the final plat in accordance with the provisions of this ordinance. No subdivision shall proceed with the improvements in any subdivision until the final plat shall receive approval by the commission.

Sec. 6.01. - [Plat submittal; fees.]

(a) *Plat submittal.* All plats shall be submitted to the City of Hewitt along with a completed application and fees and must be in accordance with all ordinance requirements. No plat shall be formally accepted for review by the city until it fulfills all of the requirements of this article including street and utility plans and drainage studies as required, unless the application identifies standards which are not met and contains an explanation of the reason for failure to meet the standards. Plats submitted for review shall not be considered as filed for approval by the planning and zoning commission until the plat has been certified by the city to have all the required information set forth in this ordinance. Plats not containing the required information shall be returned to the subdivider and not considered by the planning and zoning commission.

(b) *Fees.*

(1) Plats submitted for review shall be accompanied by a check payable to the City of Hewitt in the amount specified in the schedule of fees. A reasonable schedule of fees shall be set by resolution of the city council.

(Ord. No. 09-18-00-1, § 1, 9-18-00; Ord. No. 2006-10-16-2, § 2, 10-16-06)

Sec. 7. - Preliminary plats.

(a) *Submission.* A preliminary plat of the proposed subdivision at a scale not smaller than 100 feet to the inch (ie, a scale of 60' to 1" would be acceptable whereas 200' to 1" would *not* be) shall first be approved by the commission before the preparation of the final plat. Thirteen full-size (minimum 18 inches by 24 inches), two (11 inches by 17 inches) paper copies and digital file versions (.pdf and CAD .dwg) of the plat shall be tendered with a letter of transmittal to the city at least 25 days prior to the meeting at which a plat is to be considered. Such plat shall contain the following information:

(1) The subdivision name (which must not duplicate in any manner an existing subdivision name); the names and addresses of the owners, and of the designer of the plat, who shall be a State of Texas licensed professional engineer or registered surveyor.

(2) Date, approximate north point and scale.

(3) The location of existing and platted property lines, streets, watercourses, flood plains, railroads, existing utilities, existing fire hydrants, and any public utility easements on the subdivided land. The location of each of these items listed in this subsection shall also be shown on the immediate adjoining land. Utility easements shall be illustrated so as to show the height

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above the ground surface of the easement as well as the width and length on the surface of such easement.

(4) The names, locations, widths and other dimensions of proposed streets, alleys, easements, parks, reservations, blocks, lot lines and building lines. The names of streets shall conform whenever possible to existing street names, and lots and blocks shall be numbered in a systematic arrangement.

(5) The preliminary plat shall indicate tentatively the proposed land use.

(6) Topographical information approximately equivalent to two-foot contour lines, and based on the North American Vertical Datum of 1988 (NAVD88) from a current topographical survey, which shall be specified on the plan.

(7) The location, size and flow line of all existing drainage structures on the land being subdivided and on adjoining tracts.

(8) Location of city limits line, the outer border of the city's extraterritorial jurisdiction, and boundaries, if they traverse the subdivision or form part of the boundary of the subdivision, or are contiguous to such boundary.

(9) Vicinity map which shall show existing streets, parks and public facilities in the vicinity.

(10) The following notice shall be placed on each preliminary plat: "Preliminary Plat for Inspection Purposes Only."

(11) Front and side building setback lines on all lots and tracts.

(12) The location of flood plains on the land being subdivided and on the adjoining tracts. If the proposed subdivision and the surrounding tracks do not contain any portion of the flood plain, then the plat shall state, "No portion of the flood plain appears to be located in this area."

(b) *Approval.*

(1) The commission shall render a decision on the preliminary plat within 30 days after its submission to the commission, unless such time is extended by agreement of the subdivider or his/her agent. Such decision may consist of approval, disapproval or conditional approval. Conditional approval shall be considered to be approval subject to conformity with conditions prescribed by the commission, but shall be deemed to be a disapproval of such plat until such conditions are met. All objections made to the preliminary plat, or conditions imposed, shall be furnished to the subdivider in writing.

(2) Approval of the preliminary plat shall be deemed an expression of approval only of the arrangement and approximate size of streets, lots and blocks. Any change to the approved preliminary plat prior to submitting the final plat for review or approval shall void the preliminary plat.

(3) The commission shall not approve a preliminary or final plat if the land use designated on the plat does not coincide with the current zoning for the area for which the subdivision is being proposed.

(Ord. No. 09-18-00-1, § 1, 9-18-00; Ord. No. 2006-10-16-2, §§ 3, 4, 10-16-06)

Sec. 8. - Final plat.

(a) *Submission.* Thirteen paper full size (minimum 18 inches by 24 inches), two (11 inches by 17 inches) paper, and two mylar (minimum 18 inches by 24 inches) copies, and digital file versions (.pdf and CAD .dwg) of the final plat shall be tendered with a letter of transmittal to the zoning secretary 25 days prior to the meeting of the commission at which the plat is to be considered. Such plat shall not be considered by the commission until the next regular scheduled commission meeting after the commission's approval of the preliminary plat, but the final plat shall be submitted by the subdivider within six months after the date of approval of the preliminary plat or preliminary plat approval shall become null and void unless an extension of time is requested in writing by the subdivider and granted by the commission.

The final plat shall be drawn at a scale of one inch equals 100 feet and where necessary, may be on several sheets accompanied by an index sheet showing the entire subdivision. The final plat shall show or be accompanied by the following information:

- (1) An accurate boundary survey of the property, with bearings and distances, referenced to survey lines and established subdivisions, showing pertinent data concerning property immediately adjacent in dashed lines (including flood plan designations).
- (2) Right-of-way lines of streets and alleys, property lines of lots, parks and other sites with accurate dimensions, bearing or deflection angles, and radii, arcs and central angles of all curves.
- (3) Name and right-of-way width of each street or other right-of-way.
- (4) Locations, dimensions and purpose of any easements.
- (5) The location of minimum building setback lines from all streets, side lots and other sites.
- (6) Location and description of monuments, which shall be placed at each corner of the boundary survey of the subdivision. Permanent lot markers shall be placed at each lot corner.
- (7) Numbers of all lots and blocks.
- (8) Two points on the plat shall show the Texas State Plane Coordinate System coordinates. Bearings shall also be based upon the Texas State Plane Coordinate System, North American Datum of 1983 (NAD83) Texas Central Zone.

For subdivisions involving street, or water and wastewater construction, a bench mark based upon the North American Vertical Datum of 1988 (NAVD88) shall be included.

- (9) Surveyor's certificate, to be placed on the subdivision plat:

"KNOW ALL MEN BY THESE PRESENTS:

That I, _____, do hereby certify that I made an actual and accurate survey of the platted land and that the corner monuments shown on the foregoing plat were properly placed under my personal supervision, in accordance with the Subdivision Regulations of the City of Hewitt, Texas."

- (10) Certificate of approval on final plat must contain one of the following phases based on the manner in which the plat is approved.

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a. Certificate of approval by Hewitt Planning and Zoning Commission (to be placed on plat):

Approved this _____ day of _____, 20_____, by the Hewitt Planning and Zoning Commission of the City of Hewitt, Texas.

Chairman

Zoning Secretary

b. Minor Plat - Certificate of approval by city manager (to be placed on plat):

Approved this _____ day of _____, 20_____, by the city manager of the City of Hewitt, Texas.

City Manager

Zoning Secretary

(11) A certificate of dedication of all streets, alleys, parks, easements and other land intended for public use, signed by the owner or owners and by all other persons, firms or corporations owning an interest in the property subdivided and platted which shall be acknowledged in the manner prescribed by the laws of the State of Texas for conveyance of real property.

(b) *Approval.*

(1) Prior to the commission's consideration of the final plat, the city engineer shall review same and make his/her recommendations in writing to the commission.

(2) The commission shall render a decision on the final plat within 30 days after submission to the commission. Such decision shall consist of approval or disapproval.

(3) In those isolated cases where a final plat is disapproved by the commission, the subdivider shall be informed in writing by the commission of the action. The subdivider may resubmit the corrected final plat within 60 days of the disapproval date without the preliminary plat becoming null and void.

(4) Upon approval, the chairman and secretary of the commission shall affix their signatures to the reproducible plat.

(5) The final plat, as approved by the city shall be retained by the zoning secretary and within 30 days of the subdivision's acceptance by the city, meeting all requirements as outlined in Sec. 10 "Final subdivision approval and acceptance," shall be filed for record in the office of the county

clerk of McLennan County.

(Ord. No. 09-18-00-1, § 1, 9-18-00; Ord. No. 2006-10-16-2, §§ 5, 6, 10-16-06)

Sec. 8.01. - Combined plat submittal.

When a tract or parcel of land has not been previously platted and recorded in the plat records of McLennan County, Texas, the subdivider may, at his/her option, elect to combine the process of submitting his/her preliminary and final plats of a subdivision whenever the tract of land involves three or less lots and is to be subdivided without change of street location or without substantial effect on city services, drainage or adjacent properties.

A preliminary plat including those elements described in Section 7 is required; however, it may be submitted at the same time as the Final Plat.

Sec. 8.02. - Delegation of approval responsibility.

(a) The city manager may approve amending plats that meet the following criteria without approval of the planning and zoning commission.

(1) Amending plats as described by Section 212.016 of the *Texas Local Government Code*.

(b) The city manager may, for any reason, elect to present the plat for approval to the planning and zoning commission.

(c) The city manager shall not disapprove the plat and shall be required to refer any plat which (s) he refuses to approve to the planning and zoning commission within the time period established by Code Appendix B, Subdivisions Part I Section 8.

(Ord. No. 2006-10-16-2, § 7, 10-16-06)

Sec. 9. - Construction plans.

(a) *Submission.* Five sets of construction plans including digital file versions (.pdf and CAD .dwg), conforming with subdivision and design standards, approved and adopted by the city council, shall be submitted to the city for review. Construction plans which are required to be submitted to the city shall include, but not limited to, the following:

(1) A contour map which must show to an appropriate interval the existing natural contours of the grounds concerned, and the estimated high water flood line, if any.

(2) A plan of the proposed water system. Where applicable, this plan shall show the sizes and types of all pipelines, fittings, valve boxes and the location of fire hydrants with an indicated elevation of the top of the proposed curb at its location; the location and elevation of benchmarks shall refer to NAVD88; and the existing mains to which the system will be connected.

(3) A plan of the proposed sanitary sewer system. Where applicable, this plan shall indicate the sizes and types and flow line grades of all pipelines and their locations within this system; the location and sizes of the existing mains to which this system will be connected; and the location and flow line elevations of all manholes and cleanouts. Manholes shall generally be located no more than 450 feet apart.

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(4) A plan of the proposed storm sewer system. Adequate drainage facilities shall be installed as required by the commission. This plan shall show the locations, sizes and types of all pipelines, manholes, inlets and flow line and size of the existing drain ditch or storm sewer to which the system will be connected.

(5) A plan of the proposed streets. This plan shall show the right-of-way and paved width of all streets and their top of curb grades and distances with the elevations indicated at all centerline intersections and grade breaks. It shall show the location of all curbs and gutters as proposed.

(6) Detail plans. The detail plan sheet shall be a composite of all details which concern the above set of construction plans, such as:

Detail of the proposed inlets, manholes, cleanouts, sewer and water connections, street cross sections, curb and gutter, fire hydrant locations and footing construction, concrete junction boxes, head walls, grading plans and finished floor elevations, flood plain designation, and any other details deemed necessary by the city engineer to show intent of construction.

(7) Plan-profile sheets. The plan-profile sheets shall be platted to a convenient and legible scale and will show the finished plan of the proposed utilities and street construction. They shall also indicate the existing profile of the natural ground along with the proposed profiles on the top of curb of all streets, flow lines of all sanitary sewers, water lines, drainage channels and storm sewers.

(8) North arrow. All construction plans shall include a north arrow, scale or scales and date, and shall bear the seal and signature of a State of Texas licensed professional engineer.

(9) Performance and payment bond. The city shall require a contractor, prior to commencement of construction, to furnish a performance and payment bond satisfactory to the city attorney and issued by a reliable surety company authorized to do business in Texas, and equal to 100 percent of the cost of construction of the total project. Said bonds are to be furnished to the subdivider with a copy being furnished to the city as a third party beneficiary. Said bonds are to remain in effect for a period of one year after the final acceptance by the city. The contractor may use a warranty bond or any other bond that is approved by the city attorney in lieu of the performance and payment bond for the one-year period after the final acceptance by the city. The bond for the one-year warranty period shall be in place before the city accepts the subdivision.

(b) *Approval.* All construction plans shall be submitted to the city for approval. After final plat approval, and prior to the issuance of building permits and start of subdivision construction, five sets of approved construction plans shall be submitted to the city for use by city inspectors during construction.

(c) *Time for construction.* Street and utility construction shall begin within one year of approval of the final plat and shall be continued until completed. Should work be discontinued for longer than three months, the construction plans herein provided for shall be null and void.

(d) *Time extension.* In the event development has not begun on the proposed subdivision after one year from the effective final plat approval, the commission may, upon written application of the subdivider, grant not more than two six-month extensions.

(Ord. No. 09-18-00-1, § 1, 9-18-00; Ord. No. 2006-10-16-2, §§ 9, 10, 10-16-06)

Sec. 10. - Final subdivision approval and acceptance.

The following requirements shall be met and tendered with a letter of transmittal to the city building official prior to final approval and acceptance:

(a) A written, acknowledged guarantee of the serviceability of streets, sewers and any other utilities or improvements which shall have been required to be constructed in the subdivision, signed jointly by the subdivider and his/her prime contractor. The term of the said written guarantee shall be for a period of one year commencing from the date of written acceptance by the city of all said streets, sewers, water lines and other improvements.

(b) A certificate, signed by the subdivider' s State of Texas registered engineer, that any and all improvements constructed in the subdivision have been completed in accordance with the approved construction plans and specifications.

(c) Three "record drawing" paper sets and digital file versions (.pdf and CAD .dwg) of construction plans shall be delivered to the building official.

(d) Subdivider shall pay Utility Location Verification fee by a check payable to the City of Hewitt in the amount specified in the schedule of fees. A reasonable schedule of fees shall be set by resolution of the city council. Utility Location Verification and any corrections to the record drawings shall be completed prior scheduling final walkthrough inspection.

(e) A certificate that all obligations incurred by construction of the streets and utilities have been satisfied.

(f) Upon the fulfillment of the requirements in this section, the building official or any person of his/her choosing shall complete an inspection of the subdivision within ten working days to determine if it is acceptable to the city.

(1) If the subdivision is not acceptable to the city, the building official shall send a written refusal to accept the subdivision along with the reasons for the refusal within ten business days of the inspection.

(2) If the subdivision is acceptable to the city, a letter shall be sent from the building official accepting the subdivision within ten business days of the final inspection.

a. Prior to final subdivision acceptance, the subdivider' s engineer shall furnish the building official with a written certification stating that all improvements have been satisfactorily completed in accordance with subdivision design standards, approved and adopted by the city council for such improvements.

(g) Within 30 days following the city accepting the subdivision, the final plat shall be filed for record in the office of the county clerk of McLennan County.

(Ord. No. 2006-10-16-2, § 10, 10-16-06)

Sec. 11. - Easements for utilities.

Except where alleys are provided for the purpose, the commission shall require easements for electricity poles, wires, conduits, storm and sanitary sewers, gas and water mains, or other utility lines. The easement shall normally be taken as a utility easement across front lot lines and alongside lot lines

which are adjacent and parallel to street and/or highway right of way. Said easements shall be a minimum total of 20 feet in width from ground level to 13 feet above from ground level and shall be a minimum of 15 feet from 13 feet above ground level upward. As these are minimum requirements, the city shall determine on a case by case basis if an easement is required in an alternative location and/or a larger width. However, except as provided herein, storm and sanitary sewer lines and water mains shall be placed within the city street right-of-way.

Sec. 12. - Comprehensive group housing development.

For the purpose of this ordinance, comprehensive group housing developments shall include three or more apartment units, three or more townhouse units, and three or more condominiums, together with necessary drives and ways of access, which may or may not be subdivided into customary lots and blocks and where street rights-of-way and utility easements are not necessarily dedicated to public use. All comprehensive group housing development projects shall conform with this ordinance and with subdivision design standards and specifications approved and adopted by the city council.

Sec. 13. - Variances.

Where, because of topographical or other conditions peculiar to the site, a subdivider can show that a provision of this ordinance would cause an unnecessary and extraordinary hardship if strictly adhered to, a variance may be recommended by the commission to the city council. The city council may authorize variances if they deem such action proper. Any variance thus authorized is required to be entered in writing in the minutes of the council and the reason which justified the departure shall be set forth, and such variance must be authorized by affirmative vote of not less than four members of the council.

Sec. 13.01. - Dedication and maintenance of streets.

Disapproval of a plat by the commission shall be deemed a refusal by the city to accept the offered dedications shown thereon. Approval of a plat shall not be deemed an acceptance of the proposed dedications and shall not impose any duty upon the city concerning the maintenance or improvement of any such dedicated parts until the proper authorities of the city have actually appropriated the same by entry, use, or improvement.

Sec. 14. - Street construction and right-of-way.

(a) *Streets generally.*

- (1) All street construction shall conform with subdivision design standards and specifications, approved and adopted by the city council.
- (2) Proposed new streets shall extend existing streets or the projections at the same or greater width, but in no case less than the minimum required width as set forth in the design standards and specifications. Where, in the opinion of the commission, it is desirable to provide street access to adjoining property, proposed streets shall extend to the boundary of such property. Half streets or half alleys along the boundary of land proposed for subdivision will not be permitted.
- (3) The minimum width of proposed streets, measured from face of curb to face of curb, shall be as shown in the subdivision design standards and specifications.
- (4) In general, streets shall be planned to conform to existing topographic conditions. The minimum and maximum street grades shall be determined by subdivision design standards and

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specifications.

(5) Insofar as practicable, acute angles at street intersections shall be avoided. In all cases, however, curb radii shall be determined by subdivision design standards and specifications.

(6) Horizontal curves shall be determined by subdivision design standards and specifications.

(7) Street intersections with centerline offsets shall not be allowed.

(8) Streets designed to have one end permanently closed shall be provided at the closed end with a turnaround with a minimum right-of-way radius of 50 feet and a minimum driving surface radius of 40 feet. Upon and after the approval of this ordinance, streets designed to have one end permanently closed shall not be permitted unless they conform to the requirements above. A cul-de-sac shall not be more than 600 feet in length unless approved by the commission for specific reasons of topography or other conditions that are outside of the control of the subdivider.

(9) Proposed streets substantially in alignment with existing and named streets shall bear the names of existing streets. In no case shall the proposed name for any street duplicate an existing street name or be confusingly similar. The subdivider shall provide street name signs in accordance with existing city standards.

(10) Where subdivision embraces a proposed principal street as shown on the City of Hewitt Comprehensive Plan, such street shall be platted to maintain continuity in the approximate location as shown, and of the type indicated in the comprehensive plan.

(b) *Internal streets.*

(1) The subdivider shall be responsible, at his/her own expense and cost, for the construction of all streets within his/her subdivision.

(2) The commission shall have the right to require the dedication of street rights-of-way up to 64 feet in width, and the subdivider shall furnish same without charge to the city. In the event the commission requires a dedication of right-of-way in excess of 64 feet, then to the extent that the dedication exceeds 64 feet, such excess will be offered for purchase by the city at a cost no greater than current comparable land values.

(3) Anything to the contrary in this paragraph notwithstanding, in the event the subdivider of a residential subdivision is required by the city to construct a street with a paved width greater than 44 feet or of a quality higher than is required by the subdivision design standards and specifications, then the city shall reimburse the subdivider for such additional cost of increasing the width of the street or the increased cost of the higher quality street. Such reimbursement shall be made in full on or before one year from the date of approval of the final plat and construction plans, provided construction is in accordance with the approved construction plans and with the subdivision design standards and specifications, and is completed within such one-year period.

(Ord. No. 2006-10-16-2, §§ 11, 12, 10-16-06)

Sec. 14.01. - Private roads.

(a) *Legislative determination.* It is hereby determined necessary in the maintenance of orderly development of the community and in providing for the health, safety, and welfare of the residents and property owners of the City of Hewitt to regulate the construction of private roadways within the city.

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(b) *Scope.* Any lot or parcel of land which does not abut a public street shall abut a private road meeting the standards of this section. This section shall not apply to:

(1) Access roads internal to any individual lot or parcel of land, as defined herein, if such lot or parcel of land has direct public street frontage access and is under the control of one person, firm, corporation or association, and provided further that the access road does not provide access to any abutting lot or parcel of land. Examples of access roads that may be exempted from the permitting procedures of this section include those serving apartment complexes, mobile home parks, nursing homes, hospitals, factories, schools and shopping centers which are otherwise subject to site plan review and approval under the provisions of the Hewitt Zoning Ordinance.

(c) *Definitions.*

City engineer: Shall mean City of Hewitt Engineer or his/her duly authorized representative.

Driveway: A driveway is that portion of a lot intended to be the area upon which vehicles travel from a road (public or private) to a dwelling or other improvements located upon the lot.

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

Lot(s): For the purpose of this section, a lot is a parcel of land of at least sufficient size, and containing sufficient area after applicable setbacks, to meet the minimum zoning requirements for use, coverage and area and to provide such yards and other open spaces as are required for its intended use by the Hewitt Zoning Ordinance as amended. The word lot includes the word plot and parcel.

Private road: Any road or thoroughfare for vehicular traffic contained within a private road easement which is privately owned and maintained and which provides access to two or more parcels abutting the private road easement.

Private road easement: An easement which is granted exclusively for private access to two or more abutting parcels of land and which contains or is intended to contain a private road.

Public street: A publicly owned and maintained thoroughfare dedicated for the purpose of traffic circulation and principal means of access to abutting property.

Shared driveway: A driveway as defined in this section but used by two lots.

Shared driveway easement: An easement which is granted exclusively for a private access to two abutting parcels of land and which contains or is intended to contain a private driveway.

Street right-of-way: A general term denoting land, property, or a property interest, usually in a strip, acquired for or devoted to transportation purposes which has been dedicated for public use.

(d) *General provisions.*

(1) All private roads and shared driveways shall be located within a private road easement or shared driveway easement. A shared driveway easement shall be a minimum of 66 feet in width or within a 33-foot easement if subject to a permanent deed restriction to prevent further extension to any additional parcels. Private road easement shall not be less than 66 feet in width at any point. At any dead end of an easement that exceeds 200 feet in length, the easement shall widen such that there is a minimum driving surface radius of 60 feet.

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- (2) The maximum grade for any private road shall not exceed six percent or, up to ten percent upon recommendation of the city engineer based upon unique circumstances of the site and appropriate engineering design standards with the exception that the private road shall have a maximum grade of four percent for a minimum distance of 30 feet from its intersection with a public road right-of-way or other private road.
- (3) The improved surface of the private road or shared driveway shall be located and constructed a minimum of 15 feet from any adjoining lot or parcel which does not derive access from the easement or private road.
- (4) A dead end private road or cul-de-sac shall not exceed 600 feet in length measured in a straight line from the intersection with the public road to the end of the private road.
- (5) The location and design of the intersection of a private road with the public street network shall be approved by the Hewitt City Engineer. After the effective date of this section, no private road shall be approved which is closer than 500 feet from another public or private road, as measured along the centerline of the intersecting public road. Private roads shall not interconnect with the public street network in a manner that will preclude the extension of public streets within areas where the future extension of public streets is necessary to further the logical, orderly, and efficient development of the overall public street network. In making such determination, the city engineer shall consider the circulation pattern and traffic volumes on nearby public streets, existing and proposed land use in the general area, the recommendations contained within the City of Hewitt Master Plan and Major Street Plan, if any, and if applicable, plans of the Texas Department of Transportation.
- (6) All private roads shall be given a street name that is not the same or similar to any other street name in the county. A street sign bearing the street name given the private road meeting, the standards of this section as to design, location, and maintenance shall be erected and maintained where such private road adjoins any public road. A "stop" sign shall be installed at the intersection of the private road with the public road and a speed limit of no more than 25 miles per hour shall be posted on all private roads located in any residential zoning district. All residential lots shall have sequential address numbers assigned in accord with the numbering convention for the City of Hewitt and said address numbers shall be clearly posted at the driveway entrance.
- (7) All private road easements shall contain easements granted to the City of Hewitt for the purpose of providing for the installation, operation, inspection, maintenance, alteration, replacement, and/or removal of public and private utilities, including conveyance of sewer, water, stormwater, electrical distribution, telephone, natural gas, and cable television.
- (8) The maximum number of lots situated on a single access road (dead-end) or cul-de-sac shall not exceed 25 unless the private road includes a dual drive entrance (i.e., boulevard entrance) and/or is configured in a continuous loop.
- (9) All improvements installed or constructed as required under the terms of this section shall be made and maintained at the expense of the property owner(s) or subdivider.
- (10) For the purposes of this section, a lot as defined herein, is determined to be served by a private road or shared driveway if it has access rights to the private road or shared driveway easement by approved plat recorded with the McLennan County Clerk.
- (11) A private road may not be located or extended where such location or extension would result

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in the creation of non-conforming lot dimensions, setback or yard areas on any adjoining parcel.

(12) The area in which the private road is to be located shall have a 15-foot minimum cleared area on each side of the roadway for visual safety and fire vehicle access.

(e) *Private road construction specifications.*

(1) A private road which is to serve residential lots shall be provided with a paved surface constructed in conformity with the City of Hewitt subdivision design standards and specifications.

(2) A private road which is to serve commercial or industrial uses shall be constructed in conformity with the City of Hewitt requirements and specifications for commercial and industrial plats.

(f) *Private road approval.* Prior to issuing a building permit for a building on a lot served by a private road, the private road shall be approved by the city planning and zoning commission in accordance with the following procedures:

(1) *Preliminary approval by planning commission:*

a. Thirteen copies of a site plan prepared and sealed by a State of Texas registered engineer at a scale of at least one inch equals 100 feet together with a fee established by the city shall be submitted to the city secretary or designated agent. In addition to the above requirements, the site plan shall include the following information:

1. Proposed name of development.
2. Parcel identification number and/or legal description.
3. Names and addresses of proprietor, owner proprietor, and planner, design engineer or surveyor.
4. Scale of drawing.
5. Date of preparation and date of subsequent amendments.
6. North arrow.
7. Vicinity map which shall show existing streets, parks and public facilities in the vicinity.
8. Proposed property lines and dimensions.
9. Zoning classification.
10. Location of existing buildings and structures.
11. Location, widths, and names of existing or prior easements of record, public and/or private.
12. Location of existing and proposed sanitary sewers, water mains, storm drains, and other utilities.

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13. Existing and proposed topography drawn at contour intervals of two feet.
 14. Location of significant natural features such as lakes, streams, wetlands, and slopes over 20 percent.
 15. Layout and preliminary design of the proposed private road, indicating easement width and connections to adjoining rights-of-way.
 16. Indication of possible future land divisions.
 17. Locations of proposed building sites including approximate grades and building setbacks.
 18. Soil borings upon request.
 19. Screening plan upon request.
 20. Drainage plans and calculations as recommended by the City of Hewitt to assure adequate drainage and runoff.
- b. In addition to the above plans, a maintenance agreement, easement agreement, and deed restrictions which provide for the perpetual private (non-public) maintenance of the private road and easement to a necessary and reasonable standard to serve the several interests involved shall be provided. These documents shall be recorded and shall contain the following provisions:
1. A method of initiating and financing of such road and/or easements in order to keep the road in a reasonably good and usable condition.
 2. A workable method of apportioning the costs of maintenance and improvements.
 3. A notice that no public funds of the City of Hewitt are to be used to build, repair, or maintain the private road, including road cuts, curbs and gutters that may be required at the entry of the private road onto a public road.
 4. Easements to the public for purposes of public and private utilities, emergency and other public vehicles for whatever public services are necessary.
 5. A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting, or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, tradesmen, employees, and others bound to or returning from any of the properties having a right to use the road.
 6. A method for apportioning any costs of road improvement required under this section occasioned by an extension of the private road.
 7. A requirement that all future amendments to the maintenance agreement, easement agreement, master deed and/or deed restrictions shall be provided to the city and shall be duly recorded.
 8. A provision placing on notice all future purchasers, mortgagees and others with

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possible interest in the property that development on the property is subject to the terms of the City of Hewitt Private Road Ordinance and the issuance of building permits for development on the property may be contingent on full compliance with the terms of the private road ordinance.

9. Applicant must provide parcel number and legal descriptions of all parcels that have legal access to the private road easement.

c. Prior to approval of an application for a private road or an extension of an existing private road, the planning commission shall hold a public hearing to consider public comment on the application. A notice of the public hearing on the application shall be given in the manner provided by the Hewitt Zoning Ordinance pertaining to procedures for consideration of special exception uses.

d. The planning and zoning commission shall review all submitted material in accord with the standards and requirements of this ordinance and may seek the professional advice of the city engineer, planner, attorney or others, as appropriate, to evaluate the proposed private road application. Should the planning and zoning commission find that all conditions have been satisfactorily met, it may recommend preliminary approval to the city council. All information and recommendations from the planning and zoning commission will be forwarded to the city council for consideration.

(2) *Preliminary approval by city council:*

a. After having received the planning and zoning commission's recommendation, the applicant may contact the city secretary to request city council review, which may be scheduled at the next regular city council meeting.

b. The applicant shall submit 13 sets of the site plan including construction plans and other documents to the city secretary at least seven days prior to the meeting. These plans shall include all recommendations of the planning and zoning commission.

c. Upon preliminary approval of the site plan, construction plans and other documents by the city council, the building official may issue a private road construction permit. No work on a private road shall commence until and unless there has been both preliminary approval by the city council and a private road construction permit has been issued by the building official. Preliminary approval expires in one calendar year of the applicant fails to obtain final approval.

d. The city council shall have the final decision regarding application for private road and shared driveway construction. The council may waive or revise any requirement of this section where unusual or extraordinary circumstances make compliance with the terms of the section impossible and where alternative approaches are proposed to accomplish the primary objectives of the section.

(3) *Road construction:*

a. All necessary approvals and permits of the city council shall be obtained including approval of street name.

b. Prior to the start of any clearing or grading, the work area shall be staked by the

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subdivider' s engineer or surveyor and the subdivider shall deposit a cash bond or other bond assurance of performance, in the amount to be determined by the city manager to guarantee that the clearing and grading will conform with the approved plans. In addition, copies of the proof of adequate liability insurance coverage for the subdivider' s engineer and contractor shall be provided to the city council prior to commencement of construction.

c. All private roads shall be inspected by the city engineer during the construction of the road. Reasonable four to five working days notification shall be given to the city engineer's office before commencing construction of the road. The owner and/or contractor shall hold liability insurance for the road construction. Prior to granting final approval, the subdivider' s engineer shall first certify that the road has been constructed in accordance with as-built plans which shall be submitted at the completion of the job (he/she should also submit test results for materials, compaction, etc.).

d. Any significant changes from the approved plans shall be noted in the cover letter, along with the reasons for the changes.

e. Upon receipt of acceptable as-built plans and verification of proper certification of construction, the city engineer may submit his/her recommendation to the city to accept the road as completed. The city secretary and city engineer prefer to have as built plans on a digital format acceptable to the city engineer in addition to a PDF, along with the required paper copies. If there is any deviation from the plans, the city engineer shall report the deviation and reason for same to the city secretary. The city engineer has the right to reject the work and issue stop work orders if contractor or contractor's equipment creates any unnecessary disturbance beyond the limits of construction as shown on the approved plans and staked by the subdivider' s engineer.

(4) *Final approval by city council:*

a. In order to request placement on the city council agenda for final approval, the applicant shall obtain and/or complete the following:

1. Final inspection and approval of private road by the city engineer.
2. Installation of street sign and traffic control devices as required.
3. Installation of underground utilities if applicable.

b. The following information shall be submitted to the city secretary at least 14 days prior to the council meeting.

1. Eight copies of recorded land survey and legal descriptions showing easements for underground electrical and communication service lines, drainage, sanitary sewer, private road and dedication of any public road right-of-way.
2. Two copies of recorded road maintenance agreement and drainage facilities maintenance agreement.
3. Two copies of recorded deed restrictions and easements.

c. If there is compliance with this and other applicable city ordinances, the city council may give final approval to the private road.

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(g) *Permits not to be issued; fees; nonconforming use; severability; penalty; effective date.*

(1) *Permits not to be issued:* No building or occupancy permits shall be issued by the building official for the use of any parcel of land served by a private road unless such road has been approved by the city council as provided herein. No occupancy permits, unless waived by the city council, will be issued until the city council provides its final approval of the private road. If the city council allows an occupancy permit to be issued without final approval of the private road, the occupancy permit shall be issued on a conditional basis pending final approval of the road by the city council.

(2) *Fees:* Fees to be charged pursuant to this section shall be as set, or from time to time amended by a resolution of the city council.

(3) *Nonconforming uses:* A nonconforming use or condition in existence at the time of adoption of this ordinance may be continued unless:

- a. It is contrary to the intent of these regulations.
- b. It is altered or in any way expands the nonconformity.
- c. It is determined to be a public nuisance or a threat to public health and safety as determined by the city engineer.

(4) *Severability:* This section and each of the various parts, subsections, sentences, phrases, and clauses hereof are hereby declared to be severable. If any part, section, subsection, sentence, phrase, or clause is determined to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this section shall not be affected thereby and shall remain in full force and effect.

(5) *Penalty:* Violation of this section is a municipal civil infraction, for which the fine shall be not less than \$100.00 nor more than \$500.00 for the first offense and not less than \$500.00 nor more than \$1,000.00 for subsequent offenses, in the discretion of the court, and in addition to all of the costs, damages and expenses provided by law. For purposes of this section, "subsequent offense" means a violation of this section committed by the same person within 12 months of a previous violation of the section for which said person admitted responsibility or was adjudicated to be responsible. Each day that such violation occurs shall constitute a separate offense.

(6) *Effective date:* This section shall become effective upon its publication.

(Ord. No. 2010-08-16-2, §§ 1—7, 8-16-10)

Sec. 15. - Construction of water, sewer and drainage facilities.

(a) The subdivider shall, at his/her own cost, dedicate such right-of-way and construct such storm sewers, drainage ditches, sanitary sewers, water mains and water lines, of such a size as to adequately serve the area being subdivided; however, if the city should require the dedication of additional right-of-way or the construction of storm sewers, drainage ditches, sanitary sewers, or water mains of a size greater than set out above, then the city shall, within one year after date of approval of the final construction plans, provided construction has been completed within such one-year period and in accordance with approved construction plans, reimburse the subdivider for any increased cost of such facilities. All of such facilities shall be constructed in accordance with subdivision design standards and specifications approved and adopted by the city council.

(b) Where it is necessary, in order to properly serve the subdivision, that extension of existing city utilities be made or that drainage facilities be constructed outside the subdivision, which extensions or such facilities are herein referred to as "off-site improvements," the subdivider shall install such off-site improvements at his/her own expense.

Sec. 16. - Blocks.

Blocks shall not be more than 1,000 feet in length.

Sec. 17. - Lots.

(a) Insofar as practicable, side lot lines shall be at right angles to straight street lines or radial to curved street lines. Each lot must front upon a street which is connected with the public street system.

(b) Within the subdivision jurisdiction limits of the municipality, the size and shape of the lots shall be appropriate for the location of the subdivision and the type of building development and use contemplated. Corner residential lots shall have width sufficient to permit establishment of a building line at least 15 feet from the side street property line. The distance from the side street property line shall be measured from the street right-of-way paralleling the long dimension of the lot. Single-family residential lots shall have an area of not less than 8,800 square feet, and a width of not less than 50 feet at the front building line for lots with radial or nonparallel side lot lines, and 80 feet for lots with parallel side lot lines. Minimum lot size for multifamily residential lots, condominiums and townhouses shall be established by the city council.

Sec. 18. - Enforcement.

(a) *Recording of plat.* No plat of any subdivision shall be entitled to be recorded in the county clerk's office or have any validity until it shall have been approved in the manner prescribed herein.

(b) *Sale of land in subdivisions.* No owner or agent of the owner of any land located within a subdivision shall sell or convey any land by reference to, exhibition of, or by the use of a plan or plat of a subdivision before such plan or plat has been given approval in the manner prescribed herein. The conveyance of real property included in the subdivision shall be by lot and block only, and conveyance by metes and bounds description is prohibited.

(c) *Building and repair permits.*

(1) The city shall not issue building or repair permits for any structure on a lot in a subdivision for which a plat has not been approved.

(2) The city shall not issue building or repair permits for any structure on a lot in a subdivision in which construction of the street serving such lot has not been completed.

(3) The city shall not issue building or repair permits for any structure located farther from a pressurized fire hydrant than that distance prescribed by the City of Hewitt Specifications and Design Standards.

(4) No certificate of occupancy shall be issued for any building on a lot in a subdivision in which all underground utilities, drainage, and street improvements have been completed in the manner prescribed herein.

(d) *Public improvements.* The city hereby defines its policy to be that the city will withhold all public

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improvements of whatever nature, including the maintenance of streets and the furnishing of sewer and water service, from all subdivisions which have not been approved, and from all areas dedicated to the public which have not been accepted in the manner prescribed herein.

(e) *Revision of plat after approval.* No changes, erasures, modifications or revisions shall be made in any plat of a subdivision after approval has been given by the commission, and endorsed in writing on the plat, unless such changes are approved by the commission, except under conditions as outlined in Code Appendix B, Subdivisions Part I Section 8.02.

(Ord. No. 2006-10-16-2, §§ 13, 14, 10-16-06)

Sec. 19. - [Repealer.]

All ordinances and parts of ordinances in conflict herewith be and the same are hereby repealed.

Sec. 20. - Providing for severability.

If any section, clause, paragraph, sentence or phrase of this ordinance shall, for reason, be held to be invalid or unconstitutional, such invalid section, clause, paragraph, sentence or phrase shall in no way affect the remainder of this ordinance, and it is hereby declared to be the intention of the city council of the City of Hewitt, Texas, that the remainder of this ordinance would have been passed notwithstanding the invalidity or unconstitutionality of any section, clause, paragraph, sentence or phrase thereof.

Sec. 21. - City council approval of expenditure of city funds.

The city council shall review all recommendations of the commission for expenditures of city funds in cases where the commission should request the dedication of park sites, additional rights-of-way or the construction of storm sewers, channels, sanitary sewers, water mains or streets of a size greater than set out in this ordinance, and the subdivision design standards and specifications.

The city council must provide the commission with written approval to require additional facilities of a size greater than set out in this ordinance and the subdivision design standards and specifications, prior to the start of construction.

Sec. 22. - Emergency clause.

Whereas, an emergency is apparent for the immediate preservation of the order, health, safety and general welfare of the public that requires this ordinance to become effective from and after the date of its passage as made and provided by the ordinances and charter of the City of Hewitt, Texas, the same is hereby made effective immediately.