

**PROPERTY DEVELOPMENT**

**SUBDIVISION REGULATIONS FOR CALHOUN COUNTY**

(Amended December 13, 2007)

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**PART 1: GENERAL PROVISIONS**

**101. TITLE**

This law, in accordance with the authority granted by the Legislature of the State of Texas under Chapter 232.001 and 232.023 of the Texas Local Government Code as well as, Section 12.002, of the Texas Property Code; shall be known and may be cited as the Calhoun County Regulations of Subdivision and Property Development.

**102. Purpose**

The regulations contained herein are intended to protect the health, safety, and welfare of the citizens of Calhoun County. These regulations have been adopted to provide minimum standards by which commercial and residential land may be subdivided and developed for the benefit of the citizens of Calhoun County.

**103. Jurisdiction**

These regulations apply to the owner or owners of any tract of land situated outside of the jurisdiction of any incorporated town or city in Calhoun County, Texas, and who may hereafter divide the same into two (2) or more parts, any part for the purpose of sale, rental, lease or building development that are intended for residential and commercial use in the jurisdiction of Calhoun County.

These regulations are not intended to prohibit or to be applied to testamentary land divisions, dividing of land among family members or the division of land as a result of the dissolution of a corporation or partnership. These regulations apply to the subdivision of land into lots for rental purposes, including mobile home parks and other similar land uses.

**104. Definitions**

1. **Amended Plat:** The revisions to a Plat, which contains land that was designated in a previous approved plat.
2. **Board:** means the Texas Water Development Board
3. **Block:** A parcel of land entirely surrounded by highways, streets, streams, railway rights-of-way, parks, etc., or a combination thereof. The County Engineer or County Commissioner serves as the County's authority as to the determination of questions regarding the limits or extent of a block.
4. **Building or Setback Line:** A line established, in general, parallel to the front street line. No building or structure may be permitted in the area between the building line and the street right-of-way.
5. **Commissioners Court:** The Commissioners Court of Calhoun County, Texas.
6. **Common promotional plan:** means any plan or scheme of operation undertaken by a single subdivider or a group of subdividers acting in concert, either personally or through an agent, to offer for sale or lease lots where the land is contiguous or part of the same area of land or known, designated or advertised as a common unit or by a common name.
7. **County:** Calhoun County

8. County Engineer: Any Engineer or Professional Land Surveyor retained by Calhoun County or a designated qualified Engineering firm designated by Calhoun County.
9. County Judge: The County Judge of Calhoun County.
10. County Road: A road properly incorporated into the county road system for maintenance by Order of the Commissioner's Court.
11. Drain ways:  
Minor: Road ditches or ditches draining sections of the subdivision.  
Major: Collector ditches receiving drainage from one or more minor ditches or drainage from offsite ditches.
12. Easement: A right given by the owner of a parcel of land to another person, public agency or private corporation for specific and limited use of that parcel.
13. Executive administrator: means the executive administrator of the Texas Water Development Board.
14. Flood Plain: That area subject to inundation by flood, having a given percentage of probability of occurrence in any given year, based on existing conditions of development within the watershed area, as determined by the Floodplain maps F.I.R.M. as designated by F.E.M.A. Federal Emergency Management Agency, located in the flood plan administrators office.
15. Floodway: The channel and adjacent areas of water course within which no obstructions to flow are allowed, so that the 100 year flood may pass without cumulatively increasing the 100 year floodplain elevation more than one (1) foot. The floodway will be defined by the Flood Plain maps F.I.R.M. as designated by F.E.M.A., Federal Emergency Management Agency located in Flood Plain Administrators Office. All provisions of these subdivision regulations specified shall comply with all requirements as stated in Calhoun County Flood Plain Order.
16. Geometric Design Standards: The minimum allowable engineering geometric standards adopted by Calhoun County affecting the functional traffic level operation, service and safety of highways, and roads and streets in Calhoun County.
17. Lot: means a parcel into which land that is intended for residential use is divided and any plot of land occupied or intended to be occupied by one building or a group of buildings, and accessory buildings and uses, and having its principal frontage on a street.
18. Minimum state standards: means the minimum standards set out for adequate drinking water (Section 16.343 (b) (1) of the Texas Water Code, adequate sewer facilities (Section 16.343 (c) (1) Texas Water Code or the treatment, disposal and management of solid waste by or under Chapters 361 and 364 of the Texas Health and Safety Code.
19. Planned Unit Development: An area with a specified minimum contiguous acreage to be developed as a single entity according to a unified site design plan, containing one or more residential areas, office uses, commercial uses, industrial uses, public and quasi-public uses, or

any combination thereof.

20. Plat: means a map, chart, survey, plan, or replat containing a description of the subdivided land with ties to permanent landmarks or monuments.

Preliminary Plat: A map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed development and its flood plain designation.

Final Plat: A map of a land subdivision prepared in a form suitable for filing of record with necessary affidavits, dedications and acceptances, and with complete bearings and dimensions of all lines defining lots (and elevation of each lot) and blocks, streets, alleys, public areas, drainage, flood plain designation and other important information.

21. Resubdivision: The redesign of an existing subdivision, together with any changes of lot size therein, or the relocation of any street lines or lot lines.

22. Roadway: That portion of any street or road, between curbs or shoulders, designated for vehicular traffic.

23. Sell: includes an offer to sell

24. Sewer, Sewer Services or sewer facilities: means treatment works as defined by Section 17.001 of the Texas Water Code or individual on site or cluster treatment systems such as septic tanks and included drainage facilities and other improvements for proper functioning of septic tank systems.

25. Street: Any public thoroughfare, right-of-way, which affords the principal means of access between various land use activities.

Primary Arterial: Any expressway, freeway, or thoroughfare whose function is the movement of traffic.

Secondary Arterial: A primary thoroughfare whose predominate function is the movement of traffic but which provides more access than normally associated with a primary arterial.

Collector Street: A street designed to serve equally the functions of access and movement. Collector streets serve as links between local streets and arterials.

Local Street: A neighborhood or minor street whose primary purpose is to provide access to abutting properties.

Cul-de-Sac: A local street having one end open to vehicular traffic and having one closed end terminated by a turnaround.

Frontage or Service Road: A collector or local street generally parallel to and adjacent to arterials, which provides access to abutting properties and protection from through traffic.

26. Subdivide: means to divide the surface area of land into lots intended primarily for residential use.

27. **Subdivider or Developer:** Any person, partnership, firm, association, Corporation (or combination thereof), or any officer, agent employee, servant or trustee thereof, who performs or participated in the performing of any act toward the subdivision of land, within the intent, scope and purview of these regulations as a part of a common promotional plan in the ordinary course of business.
28. **Subdivision:** The division of a tract or parcel of land into two (2) or more parts for the purpose of laying out lots, streets, and other land uses, for purchase, rent, lease, or use by members of the public. An area of land that has been subdivided into lots for sale or lease.
29. **Utility:** means a person, including a legal entity or political subdivision that provides the services of electricity, gas, water or sewer as defined in Section 13.002 of the Texas Utilities Code.
30. **Vacate:** To annul or cancel a subdivision plat, street, or easement.
31. **Variance:** A form of relief granted to a subdivider by the Commissioners Court, and granted on the basis of the following criteria:
  - a. the existence of circumstances or conditions affecting the subdivider's property in such a way that the strict application of these regulations would deprive the subdivider of the reasonable use of his/her land; and
  - b. the subdivider's offer of evidence that the grant of a variance is absolutely necessary for the preservation and enjoyment of his/her property rights; and
  - c. the subdivider's offer of evidence that the variance will not be detrimental to the health, safety, and general welfare or real property in Calhoun County; and
  - d. that the grant of a variance will not be simply a matter of convenience or expedience but is founded on the principals of reasonableness and substantial justice.

## **PART 2: PROCEDURE**

**201. Concept Plan:** Prior to the submission of a preliminary plat of the subdivision of land within the jurisdiction of Calhoun County, a Subdivider should submit a Concept Plan to the County Commissioner, Calhoun County Engineer, or a qualified engineering firm designated by the County. The Concept Plan serves the purpose of showing an intent to subdivide, and it gives the Subdivider an opportunity to discuss general concepts, including drainage details, policies, laws, etc., at an early stage in the development process.

The Concept Plan should contain the following information:

1. The location of the tract in relation to the surrounding area.
2. The location of the tract in relation to any utility district.
3. The approximate location of all existing structures within the tract.
4. The names of the owners of all property adjoining the tract as disclosed by the most recent assessors records.

5. All existing streets, roads, wet and dry weather water courses, and other significant physical features both within the tract and within two hundred (200) feet of it.
6. The approximate location of proposed streets and property lines.
7. The Calhoun County Commission, Calhoun County Engineer, or a qualified surveying firm, designated by the County must review the Concept Plan within ten (10) working days and must report to the Subdivider his/her opinion as to the merits and general feasibility of the project.

**202: Preliminary Plat:** The Subdivider must prepare a preliminary plat prepared by a Registered Professional Engineer and Registered Professional Land Surveyor and submit six (6) copies of it to the Calhoun County Commissioners Court, Calhoun County Engineer, or a qualified engineering firm selected by the county. The plat must be submitted at least fourteen (14) days before the meeting at which the approval of the Calhoun County Commissioners Court is requested. The preliminary plat will remain valid for eighteen (18) months from the date of approval, after which, it will be automatically null and void. The preliminary plat must show the following information:

Any variances from these regulations shall be addressed with the submission of the preliminary plat.

1. **Subdivision Name:** The proposed name of the subdivision. The name must not duplicate and be easily confused with other subdivisions located in Calhoun County.
2. **Subdivision Ownership:** The names, addresses and telephone numbers of the Owner (s) of the proposed subdivision and the name, address and telephone number of the Engineer, Landscape Architect, Site Planner, and/or Surveyor responsible for the preparation of the preliminary plat.
3. **Location and Boundary Lines:** The location of the proposed subdivision, together with the boundary lines and their relation to adjoining properties, existing street rights-of-way, their relationship to existing subdivision on the same tract.
4. **Lot, Block and Street Layout:** The location and width of existing and proposed streets, roads, lots, blocks, alleys, building lines, easements, parks, school sites, and any other features relating to the proposed subdivision. The plat must show the outline of adjacent properties for a distance of not less than one-hundred (100) feet, and how the streets, in the proposed subdivision will connect with adjacent land or with adjacent subdivisions. The acreage of the proposed subdivision must be shown on the plat. The Plat must comply with Section 232.101, 232.108 and 232.001 of the Texas Local Government Code.
5. **Street Names:** Street Names shall be submitted in writing and reviewed by the 911 Coordinator. The 911 Coordinator shall within seven (7) days indicate whether the names conflict with other street names within the county and meet with the developers engineers to resolve any conflicts.
6. **Drainage and Topography:** The preliminary plat must show the drainage plan, the physical features of the property, including water courses, the one-hundred (100) year flood plain boundaries and source of information, ravines, bridges, culverts (including showing culvert sizes for proper drainage), present structures, lot and street layout, and other features of importance prepared by a professional engineer who is registered in the State of Texas. Stormwater drainage facilities must be designed so as to minimize any increase in the quantity or velocity of stormwater runoff from the subdivision. This information must demonstrate compliance with Chapter 26, and Article 16, respectively, of the Texas Water Code. All engineering calculations must be submitted with the preliminary plat. The Plat must comply with the requirements of Section 232.001, 232.101 and 323.108 of the Texas Local Government Code and be certified by a surveyor or engineer registered to practice in this State. The Plat will identify the topography of the area and provide for drainage in the

subdivision to avoid concentration of storm drainage water from each lot to adjacent lots, provide positive drainage away from all buildings and coordinate individual lot drainage with the general storm drainage patters for the area. Any areas of the subdivision in the flood plain must be clearly identified.

The topography of the tract must be shown on the preliminary plat by means of contours of ten (10) foot intervals tied to United States Geological Survey (USGS) maps. Contours of lesser intervals may be required to determine topography and drainage.

7. Land use: Designation of the proposed uses of land within the subdivision whether for residential, commercial, industrial, or public use. This information must contain the location and characteristics of any existing buildings or structures which are to remain on the proposed subdivision site.

8. Drawing Requirements: The Preliminary Plat must show the North point, scale and date. It must be drawn to a scale not exceeding one (1) inch equal to two-hundred (200) feet, and must be presented on a maximum of 24 x 36 size sheets.

9. Water and Sewer: The Subdivider must submit a plan for providing water and sewage within the proposed subdivision and must clearly present it on the Preliminary Plat and the plan must be in compliance with Section 232.001, 232.101 and 232.108 of the Texas Local Government Code. The Plat must include certification that the water quality and connections in the lots meet or will meet the minimum state standards, sewer connections to the lots or septic tanks meet or will meet the minimum requirements of the State standards and as provided by the Health Department for Calhoun County. The certification shall include confirmation that the electrical connection provided to the lot meet, or will meet the minimum state standards and the gas connections, if available, provided to each lot, meet or will meet minimum State standards.

The proposed water supply must be shown, i.e., municipal water, rural water supply corporation, municipal utility district, privately owned water system, individual wells, etc., including the location of fire hydrants, if any. All public water supplies must be approved by the Texas Department of Environmental Quality and meet all minimum State standards.

The plan for sewage disposal must be shown, i.e., municipal sewer service, municipal utility district, privately owned/organized sewer disposal system, individual sewage facilities, etc. All proposed private sewage facilities must be in accordance with the policies and laws of Calhoun County and the State of Texas. The Crossroads Public Health District Department is hereby designated as the final authority regarding the use of private sewage systems.

The information provided by the subdivider must demonstrate compliance with Chapter 26, and Article 16, respectively, of the Texas Water Code and Sections 232.101 and 232.108 of the Texas Local Government Code.

10. Subdivisions Within Extraterritorial Jurisdictions: If the location of the proposed subdivision is within the extraterritorial jurisdiction of any city, town or utility district within Calhoun County Texas, the preliminary plat must be approved by the governing body of that jurisdiction prior to the submission of the Preliminary Plat to the Commissioners Court. Where the subdivision lies within the jurisdiction of both Calhoun County and the town or city, or utility district the more stringent of the regulations will apply.

11. Deed Restrictions: Any deed restrictions applicable to the subdivision will either be attached to the final plat prior to filing or, referenced by stating on the final plat that the lots in the subdivision

will be subject to deed restrictions filed with the County Clerk.

12. Approval Procedure: If the Commissioners Court does not approve, disapprove, or ask for clarification of the preliminary plat within thirty (30) days of the date of initial meeting for the consideration of the Preliminary Plat, it will be deemed approved and so endorsed by the Commissioners Court. Approval of the Preliminary Plat does not constitute acceptance of the proposed subdivision, but is merely an authorization to proceed with the preparation of the final plat.

203. Final Plat: After the preliminary plat has been approved by the Commissioners Court, a final plat for recording may be prepared and submitted by the Calhoun County Commissioners Court, the County Engineer, or a qualified Engineering firm designated by the County, at least fourteen (14) days prior to the Commissioners Court meeting at which Court approval is requested. The final plat must show all of the information required on the Preliminary Plat. Additionally, the Final Plat must comply with Section 232.108 and 231.001 of the Texas Local Government Code and show the following:

1. Location and Accuracy: Location of lots, streets, roads, public highways, utility easements, parks, one-hundred (100) year flood plain boundaries and source of flood plain information, and other pertinent features, must be shown with accurate dimensions in feet and decimals of feet and bearing, with length, radii and angle of all curves, and with all other information necessary to duplicate the Final Plat on the ground. Plan and geometric design standards of streets, drawings and drainage calculations prepared by an Engineer registered in the State of Texas must be submitted separately.

The location of building lines on all streets, and drainage easements, other public rights-of-way or future rights-of-way must be shown on the Final Plat.

2. Certification and Dedication of the Owner(s): Certification must be provided by the owner or owners of all land within the subdivision of his/their dedication of all streets, public highways, alleys, utility and drainage easements, parks, if any, and other land dedicated for public use forever, signed and acknowledged before a Notary Public by the Owner.

3. Certification by a Professional Land Surveyor: Certification must be provided by a Registered Public Surveyor licensed in this State that the plat correctly represents a survey made by him/her, and that all of the lot corners and boundary markers are correctly placed as shown thereon; including dimensions, elevation, bearings and other technical information needed for platting each lot on the subdivision.

4. Certification of Water System: Certification must be provided by the Crossroads Public Health District Department which certifies that the proposed water supply will meet the minimum standards of Calhoun County and the State of Texas.

5. Certification of Sanitary Sewer System: Certification must be provided by the Crossroads Public Health District Department which certifies that the proposed sanitary sewer system meets the minimum standards of Calhoun County and the State of Texas.

6. Certification and Approval by City: Certification must be provided by appropriate representatives of any city having extraterritorial jurisdiction over the area in which the subdivision is located.

7. Certification and Approval by Utility, Drainage and Water Control and Improvement Districts: Certification must be provided by appropriate representatives of any utility, drainage or water control district having jurisdiction over the area in which the subdivision is located.

7. Street Names: Certification must be provided by the E911 Coordinator that street names do not

conflict with other street names within the County and has met with developers' engineer, surveyor or representative to resolve any conflicts.

**No construction is authorized in the proposed subdivision before the Final Plat is approved by the Commissioners Court. Approval of the Final Plat by the Commissioners Court does not mean that the roads constructed pursuant to the Plat will be accepted for maintenance by Calhoun County.**

**204. Approval by Commissioners Court:** After examining the Final Plat, the Commissioners Court must approve or disapprove the Final Plat. If the plat is disapproved, it must be returned to the owner and the reasons for the disapproval must be given to the Subdivider. If the Final Plat is approved by the Commissioners Court, the Subdivider has the following options concerning the filing of the Final Plat:

**Option 1:** If the Subdivider desires to file the final plat prior to completion of the construction of the streets and/or utilities, or other facilities in a subdivision, (for both private subdivisions with private streets and public subdivisions with public streets) the Sub-divider must provide appropriate financial security in accordance with these regulations. Financial security may be arranged in one of the following methods:

- a. A construction bond may be filed by the Subdivider payable to Calhoun County in the amount of 125% of the estimated cost of construction. The bond must be a surety provided by a surety company licensed to operate in the State of Texas.
- b. The owner may provide funds in escrow, certificate of deposit, an irrevocable letter of credit or other financial instrument satisfactory to the Commissioners Court in the amount of 110 % of the estimated cost of construction.
- c. The owner may draw down on a monthly basis funds in escrow or certificate of deposit or letter of credit in an amount equal to 90% of the value of the completed with application to and approval from the Commissioner's Court.
- d. A construction bond for the construction of roads must include a maintenance bond to guarantee the roads to 2 years after they are built and must cover 20% of the cost of construction for the roads as provided in Section 304 subsection 5 of these rules.

After acceptable financial security is filed with the County, the County Judge and Commissioner in whose precinct the subdivision is located in, will sign the Final Plat and the owner can then file the Final Plat with the office of the Calhoun County Clerk.

**Option 2:** If the owner desires not to guarantee the construction, the final plat will be withheld from filing until the completion of the construction of the streets, public water supply and distribution, public sewage collection and treatment facilities, drainage and other facilities provided by the developer. At such time that the Calhoun County Commissioner, , or a qualified engineering firm, certifies to the Commissioners Court that the construction is completed according to the Calhoun County specifications, the County Judge will sign the final plat and the Subdivider can then file the Final Plat with the office of the Calhoun County Clerk.

A space must be provided on the Final Plat for the signatures by the County Judge, and the County Commissioner of the respective precinct.

**205. Copy Retained by County :** A copy of the Final Plat will be retained by Calhoun County.

**206. Vacating of a Subdivision:** Whenever any person or corporation may desire to vacate any subdivision or a part of a subdivision in which the person or corporation has an ownership interest, the party(s) may petition the Calhoun County Commissioners Court. The petition must contain a description of the subdivision or part of the subdivision to be vacated and the names of persons who would be affected by the action. Petitions for the vacation of a subdivision must be submitted to the Calhoun County Clerk. The County Clerk

must publish the proposed vacation in a newspaper of general circulation for a period of not less than thirty (30) days prior to the public hearing at which the vacation will be considered. Upon approving the vacation of all or a part of a subdivision, the Commissioners Court must issue a written statement to the Calhoun County Clerk to vacate same.

**207. Replatting:** In order for a subdivision to be replatted, it must first be vacated. Replatting of a subdivision must follow the same procedures as described in Sections 201 to 206 of this Part of this Ordinance and as provided by Section 232.001 and 232.023 of the Texas Local Government Code.

**208. Amended Plats:** A subdivision plat may be amended to revise a portion of a plat designated  Reserved for Future Development . The procedure shall be the same as if a new plat was being filed.

### **PART 3: DESIGN STANDARDS**

#### **301. Minimum Lot Sizes And Set Backs**

1. All lots in a subdivision platted for single family residences with both potable water and sewage disposal facilities provided by on site units shall contain a minimum surface area of one (1) acre of land.
2. All lots in a subdivision platted for single family residences served with public water system and on site disposal of sewage or lots with sewage disposal facilities and on site potable water facilities shall contain a minimum surface area of 21,700 square feet. (½ acre)
3. All single family residences in a platted subdivision served by both public water and public sewage disposal system shall not be mandated with a minimum lot size provided however that structures must be set back from roads or property lines to ensure proper operation of water supply and sewer services and reduce risk of fire hazards.
4. All single family residential lots shall have a minimum of Twenty (20) feet set back line on front of the lot on the garage side adjoining the street and a minimum Five (5) feet side set back line except corner lots shall have a minimum of Ten (10) feet set back on the side adjoining the side street. Lots will have a minimum Ten (10) foot set back line on the rear of the lot.
5. All lots for condominium, townhouse or other multi-family developments shall be reviewed by the Commissioners Court and approved by approval at the preliminary plat stage to insure adequate property size for parking, fire protection, fire suppression systems for multi-story structures emergency vehicles or other required services.
6. All mobile home lots or trailer parks shall conform to the same requirements as single family residential lots contained herein.
7. In addition to the minimum required in Item 1-6 above, all lots shall have the minimum requirements as outlined by the "On-Site Sewage Facilities" as published by the Texas Commission on Environmental Quality, latest addition.

#### **302. Utilities**

1. All public utilities serving part or all of any proposed subdivision shall be approved by the

appropriate local or State Agency.

2. Utility easement if needed shall be provided for proposed or future utilities as indicated below.
  - a. All lots adjoining other lots on their back property lines will have a minimum of a ten (10) foot utility easement on the back line (twenty foot easement for both lots)
  - b. Lots not adjoining other lots at their back property line shall have a minimum fifteen (15) foot easement along the back line.

**303. Drainage Design**

1. Prior to the submission of any plat of a proposed subdivision to the Calhoun County Commissioners Court, a complete Engineering Study, Drainage Design and Construction Drawings shall be prepared by an Engineer, registered in the State of Texas. The study, calculations and construction drawings shall be submitted to the Commissioner in whose Precinct the proposed subdivision is located, for his review and approval a minimum of fourteen (14) days prior to the requested date of action by the Calhoun County Commissioners Court.

The design shall include all necessary requirements to adequately handle all drainage water entering into and being generated as a result of the subdivision.

2. Drainage Design shall be based on the following criteria:
  - a. General: All storm drainage calculations shall be based on Mannings Equation for Flow. The type of pipe to be used shall be approved by the Count Commissioner, in whose precinct the project is located.

b. Roughness Coefficients:

1.	Reinforced concrete pipe	.012
2.	Corrugated metal pipe	.030
a.	Asphalt Coated	.024
b.	Asphalt paved inert	.020
c.	Fully asphalt lined	.012
3.	Smooth interior plastic pipe	.009
4.	Reinforced concrete boxes	.012
5.	Concrete lined open channel	.013
6.	Unlined open channels	

- a. Bottom width < 25 ft. .040
- b. Bottom width > 25 ft. .035

c. Design Criteria for Unlined Open Channels:

- Minimum Velocity 2 feet per second
- Maximum Velocity 4 feet per second
- Minimum Free Board 1 foot
- Minimum Side Slope 3 foot horizontal to 1 foot vertical  
or as approved by Commissioners Court
- Bottom Width As required
- Minimum Easement Width 30 feet or as approved by County Commissioner

d. Design Criteria for Lined Channels:

- Minimum Velocity 2 feet per second
- Maximum Velocity 10 feet per second
- Minimum Free Board 1 foot
- Minimum Side Slopes 2 foot horizontal to 1 foot vertical
- Bottom Width As required
- Minimum Easement Width 30 feet or as approved by County Commissioner

e. Road and Street Ditches (both public and private)

All ditches adjoining streets and roads shall conform to Attachment "A", entitled "Calhoun County Typical County subdivision Roads" Roads constructed pursuant to these standards will not be accepted into the County Road System for maintenance unless there is a separate Order from the Calhoun County Commissioners Court accepting maintenance on these roads.

f. Driveway Culverts

All culverts placed for access to a lot shall be sized to carry a minimum of 125% of the storm water runoff Design Requirement including entrance and exit losses. Minimum size shall be 15". Attached to these Subdivision Regulations is the

Calhoun County Culvert Installation Policy approved by Calhoun County Commissioner's Court of July 22, 2004. The Calhoun County Culvert Installation Policy is incorporated herein as if set forth at length. Driveway material used from the owners property line to the county road, over the culvert and from the culvert to the county road, must be of soft material (like asphalt) that can be removed easily to facilitate repair and maintenance of the road and drainage ditch. Concrete driveways from the owners property line to the asphalt County Road make repair and maintenance of the County road and ditches difficult, it not impossible. Concrete driveways constructed to the County road without the written permission of the County Commissioner for that precinct are subject to being torn out at the owner or developer's expense.

3. Determination of Run-Off:

Storm Water Run-Off from subdivisions will be determined by the "Rational Method", from the equation below and a C factor based on total development of the proposed subdivision. Intensity for runoff calculations for minor drainways with in the subdivision will be based on a Five (5) year storm and a Twenty Five (25) year storm for all major drainways within the subdivision.

4. Outfalls from ditches into natural or constructed drainageways shall enter at or above the grade of drainage channel. If necessary, drop or other type outfall structures shall be installed to prevent erosion. These structures shall be placed so as to not interfere with maintenance of the channel.

304. Streets and Roads (both public and private)

All public roads or streets to be constructed as access to or within a platted subdivision shall be constructed in accordance with the following design requirements.

1. General:

- a. All roads constructed within the subdivision all roads shall be at an elevation that will not interfere with drainage or cause flooding of the roadway.
- b. All road and streets to be built upon a minimum right-of-way width of sixty-(60)-feet unless it is a planned unit development as defined herein where it may be larger or smaller.
- c. All drainage ditches, bridges, drainage pipes and water courses shall be designed in accordance with the section entitled Drainage and shall be subject to inspection and approval of Calhoun County prior to any acceptance of any dedication. Drainage will be set out as provided in Section 232.002 and 232.023 of the Texas Local Government Code.
- d. All street cross sections shall conform to the Attachment "A", which is entitled "Calhoun County Typical County Subdivision Roads". All dead end roads will have a cul-de-sac as shown on the Attachment "A" pages 1 or 2. (round or square)

- e. When Texas Department of Transportation Standard Specifications are mentioned it shall specify the edition.
- f. Street Signs clearly indicating the name of streets shall be installed at every intersection and signs shall conform to standard municipal street signs utilized by the City of Port Lavaca and all names shall be approved by the Calhoun County 911 Coordinator.

2. Materials:

a. Subbase

All subbase for asphaltic pavement with a plasticity index greater than fifteen (15) shall be stripped of all existing vegetation and lime stabilized to a depth of six (6) inches with six (6) percent by weight lime unless laboratory tests indicate that less than six (6) percent lime will reduce the plasticity index to less than fifteen (15). In no case will less than 3% lime be utilized.

Any subbase with a plasticity index less than fifteen (15) shall be stripped of all existing vegetation, roots etc., prior to compaction.

b. Base

Flexible base material shall be durable particles of processed gravel mixed with approved binder. Flexible base material shall be Type A Grade 1 or 2 in conformance with Texas Department of Transportation Standard Specifications for Construction of Highways, Streets and Bridges, Item 247 - Flexible Base. Material shall be deposited, mixed and shaped to provide a uniform mixture without segregation of fine and course material.

c. Primer Coat

Primer coat material shall be type MC-30 Cut-Back Asphalt as defined in Texas Department of Transportation Standard Specifications for Construction of Highways, Streets and Bridges, Item 300 - Asphalts, Oils and Emulsions.

d. Aggregate

The aggregate for Hot Mix, surface treatment shall conform to the applicable requirements of a Type D paving system as defined in Texas Department of Transportation Standard Specifications for Construction of Highways, Streets and Bridges, Item 340-Hot mix Asphaltic Concrete Pavement.

e. Asphalt

Hot Mix asphaltic material shall conform to the applicable requirements of Texas Department of Transportation Standard Specifications for Construction of Highways, Streets and Bridges, Item 340-Hot Mix Asphaltic Concrete Pavement.

3. Installation:

a. Subbase

Lime stabilization of subbase shall conform to Texas Department of Transportation Standard Specifications for Construction of Highways, Streets and Bridges, Item 260 - Lime Treatment for Materials Used as Subgrade (Road Mixed) with all lime being added dry unless otherwise approved. Compaction of subbase material shall be provided by sheep-foot rollers or other approved methods to provide a uniform compaction of 95% modified density in accordance with ASTM Standard 1557 at a moisture content between optimum moisture and five (5) percent above optimum moisture.

b. Base

Flexible base material deposited upon the subgrade shall be spread and shaped the same day. Flexible base material shall be deposited, mixed and shaped in such a manner to prevent "nests" of segregated coarse or fine material. Thickness of the base material shall be not less than eight (8) inches compacted in place. Material shall be compacted by approved methods to obtain a uniform compaction of 95% modified ASTM 1557 density and a smooth, graded surface satisfactory to ENGINEER. Base Material shall be watered or dried to provide a moisture content between optimum moisture and three (3) percent above optimum moisture during the compaction process.

c. Primer Coat

Before the application of primer coat, the surface of flexible base shall be cleaned by sweeping or other approved methods. Primer coat shall be applied when, in the opinion of ENGINEER, the base is thoroughly dry and satisfactory to receive prime coat. Asphaltic material for primer coat shall be applied at a rate of 0.20 to 0.30 gallons per square yard conforming to Texas Department of Transportation Standard Specifications for Construction of Highways, Streets and Bridges, Item 310 - Prime Coat (Asphaltic Cutback Material).

d. Hot Mix

For Hot Mix applications, the asphaltic pavement shall consist of a Type D Hot Mix asphaltic concrete with a mat thickness of not less than 1 & 1/2 inches conforming to the applicable requirements of Texas Department of Transportation Standard Specifications for Construction of Highways Streets and Bridges, Item 340-Hot Mix.

4. Testing:

DEVELOPER shall provide for the services of an independent soil testing laboratory to perform those compaction tests indicated above. Tests shall be performed every five hundred (500) feet at the centerline of the road and two (2) feet from the outer edge of the subbase and

base and at all intersections.

Test results shall be submitted to ENGINEER by the testing laboratory.

No compaction testing failing by more than 5% will be acceptable and 95% of all tests shall pass the compaction requirements.

5. Following completion of all roads and streets, prior to the consideration of acceptance by the Commissioners' Court, the developer shall furnish the County Commissioner all test results indicating all streets and roads meet these requirements and a maintenance bond payable to Calhoun County, provided by the Developer's road contractor, good for a period of two years from the date of acceptance by the Commissioners' Court, in the amount of 20% of the cost of constructing the streets and roads to be accepted by Calhoun County.
  6. Calhoun County is not obligated to accept roads built pursuant to these standards for maintenance and maintenance will not be accepted on the subdivision roads without a separate order from the Calhoun County Commissioners Court accepting each and every road specifically identified in the order for maintenance.
305. Fire Suppression System: In a subdivision that is not served by fire hydrants as part of a centralized water system certified by the Texas Commission on Environmental Quality as meeting minimum standards for water utility service, it shall be required that a subdivision not directly adjacent to a water source such as a river, lake, bay, canal or stream to have a limited fire suppression system to be constructed by the developer as follows:
- (1) for a subdivision of fewer than 50 houses, 2,500 gallons of storage
  - (2) for a subdivision of 50 or more houses 2,500 gallons of storage with a centralized water system or 5,000 gallons of storage

#### **PART 4: ADMINISTRATION**

401. Responsibility for Administration: It will be the responsibility of the Calhoun County Engineer, or County Commissioner, in Precinct subdivision is located, to serve as administrative officer for purposes of this law.
402. Review of Plans: Calhoun County may at its option utilize the County Engineer or a selected qualified Engineering Firm or Registered Professional Land Surveyor to review the engineering design and calculations required by this ordinance. All costs of such review will be paid for by the developer.
403. Amendments: The Calhoun County Commissioners Court may, from time to time, adopt and amend these regulations, and the rules, procedures, and policies associated with this Law. This Law may be amended by the Commissioners Court after a public hearing in which due notice has been given to the citizens of Calhoun County.
404. Validity and Repeal: If any part, section, paragraph, clause, provision or portion of these regulations is held to be invalid or unconstitutional by a court of competent jurisdiction, such a holding will not affect any other part, section, paragraph, clause, provision or portion of this Law. All ordinances or parts of ordinances of Calhoun County in conflict with this Law are hereby repealed.

**405. Enforcement and Penalties:**

**Civil Penalties:** Whenever it appears that a violation or the threat of a violation of any of the terms and conditions of these regulations exists, the District Attorney may institute a suit in a court of competent jurisdiction in Calhoun County through his/her office's attorney seeking injunctive relief or other appropriate civil penalties, or both against the person(s) committing or threatening to commit the violation or as provided for in Section 232.079 of the Texas Local Government Code.

**Criminal Penalties:** A person who violates any provision of these regulations is subject to a Class A Misdemeanor as provided for in Section 232.036 of the Texas Local Government Code. Each day that a violation exists constitutes a separate offense.

PASSED AND APPROVED on this 13 day of December, 2007.

COMMISSIONERS COURT, CALHOUN COUNTY, TEXAS

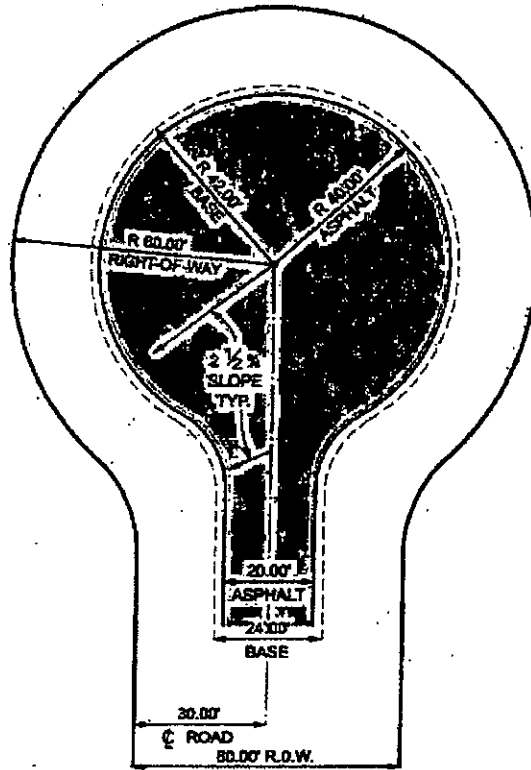
By: Michael J Pfaf  
Michael Pfeifer, County Judge

ATTEST:

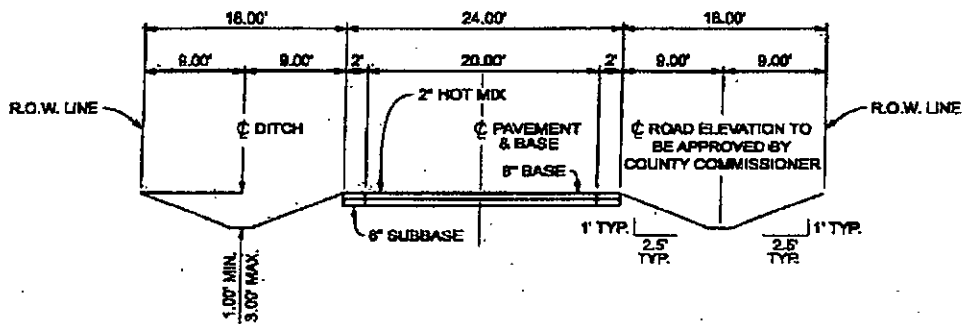
Anita Fricke, County Clerk

By: Wendy Marvin  
Wendy Marvin, Deputy Clerk

ATTACHMENT "A"  
 CALHOUN COUNTY, TEXAS  
 TYPICAL COUNTY SUBDIVISION ROAD



**TYPICAL RADIUS AT  
 CUL-DE-SAC**  
 NOT TO SCALE

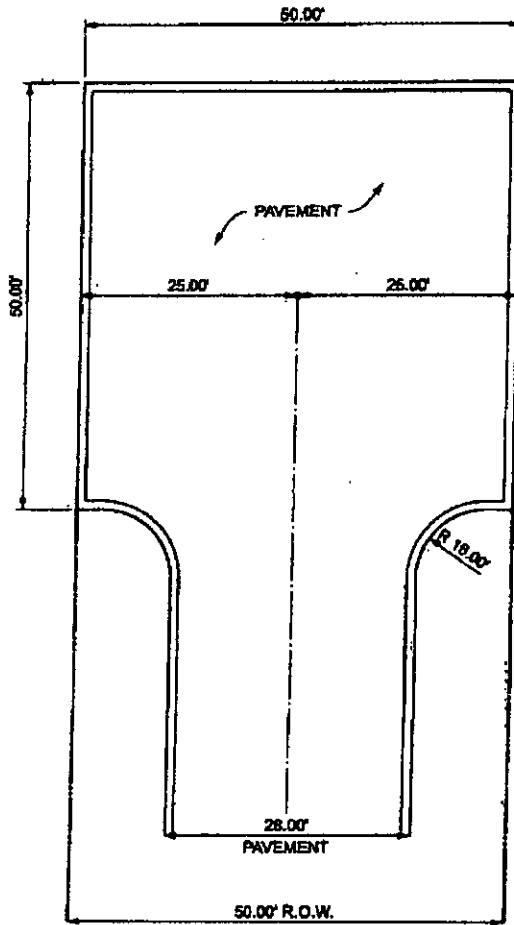


**TYPICAL RESIDENTIAL  
 STREET SECTION**

NOT TO SCALE

SHEET 1 OF 2

ATTACHMENT "A"  
CALHOUN COUNTY, TEXAS  
TYPICAL COUNTY SUBDIVISION ROAD



**TYPICAL TURN ROUND AT  
END OF RIGHT-OF-WAY**  
NOT TO SCALE

7-22-04

approved

## CALHOUN COUNTY CULVERT INSTALLATION POLICY

1. A permit from Calhoun County will be required for any culvert or other structure to be placed within a County right of way in Calhoun County, Texas. There will be no charge for this permit.
2. Culvert types and sizes must be approved by the County prior to their placement. A representative of Calhoun County must inspect the site to make determinations on the structure and its placement. The culvert cannot be any less than 15 inches in diameter or less than 20 feet long. The culvert cannot be wider than 30 feet long. The culvert must be made of steel or concrete material strong enough to withstand the weight of any vehicle reasonably likely to cross the culvert including the weight of a fully loaded fire truck.
3. Calhoun County will not sell, set or deliver culverts for private or commercial use. All persons needing culverts must acquire them for themselves and have them delivered and installed on the site where they are to be installed after approval by Calhoun County.
4. All culverts must be set on grade as to not interfere with drainage. After placement on grade the culvert must be set 2 to 4 inches down into the soil to prevent obstruction to the normal flow of water in the ditch.
5. All culverts must be covered with a minimum of 2 inches of flexible base material to adequately cover the culvert.
6. Any unusual type of structure or inordinate culvert lengths over 30 feet must be approved by the Precinct Commissioner.
7. Calhoun County has the right to maintain, clean and repair the completed culvert after installation.
8. All commercial installations will be maintained by the businesses.
9. When driveways are to be cement, there will be expansion joints at the property line and on both sides of the culvert or right of way to allow removal of the culvert for maintenance.
10. Concrete or asphalt will be the property owner's responsibility.

PERMIT# \_\_\_\_\_

**ACCESS DRIVEWAY PERMIT**

NAME: \_\_\_\_\_ PHONE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

LOCATION: \_\_\_\_\_

Calhoun County Pct # \_\_\_\_\_ hereby authorizes \_\_\_\_\_

to construct an access driveway on County right of way abutting County  
Road \_\_\_\_\_.

1. The grantee is responsible for all cost associated with construction of this access driveway.
2. Design of facilities shall be as follows and/or as shown on sketch.

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\_\_\_\_\_  
Date of Issuance

\_\_\_\_\_  
County's Representative

\_\_\_\_\_  
Property Owner or Representative

\_\_\_\_\_  
Date