

***CITY OF HILLSBORO***

***SUBDIVISION REGULATIONS***

**ADOPTED OCTOBER 2, 1979**

# CITY OF HILLSBORO, TEXAS

## SUBDIVISION REGULATIONS

ORDINANCE NO. 79-10

AN ORDINANCE PRESCRIBING RULES AND REGULATIONS GOVERNING PLATS, RE-PLATS AND SUBDIVISION OF LAND WITHIN THE CORPORATE LIMITS AND WITHIN THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF HILLSBORO; PROVIDING FOR CERTAIN DEFINITIONS AND PROCEDURES; PROVIDING FOR REQUIREMENTS AND REGULATIONS FOR THE PREPARATION OF PRELIMINARY AND FINAL PLATS; PROVIDING FOR INDUSTRIAL OR COMMERCIAL SUBDIVISIONS; PROVIDING STANDARDS FOR VARIOUS IMPROVEMENTS FOR ALL SUBDIVISIONS; ESTABLISHING VARIANCE PROCEDURES, PRESCRIBING PENALTIES FOR VIOLATION; REPEALING CONFLICTING ORDINANCES; AND PROVIDING FOR A SEVERABILITY CLAUSE AND EFFECTIVE DATE

WHEREAS, under the laws of the State of Texas, hereafter every owner of any tract of land situated within the corporate limits of the City of Hillsboro, or within the extraterritorial limits of such City of Hillsboro, who may hereafter divide the same in two (2) or more tracts for the purpose of laying out any subdivision of such tract of land or any addition to said City of Hillsboro, or for laying out suburban lots or building lots, or any lots, and streets, alleys and other portions intended for public use, or the use of purchasers or owners of lots fronting thereon or adjacent thereto, is required to submit a plat of such subdivision or addition for approval by the Planning and Zoning Commission and the City Council of the City of Hillsboro, and;

WHEREAS, the City Council of the City of Hillsboro is empowered by law to promulgate and establish the general plan of said City and its streets, alleys, and public utility facilities, including those which have been or may be laid out, together with the general plan for the extension of such City and of its roads, streets and public highways within said City and within the extraterritorial limits, and;

WHEREAS, subdivision regulations are necessary in order to protect and promote the health, safety, and general welfare of the citizens of Hillsboro, Texas, the provisions of this Ordinance shall be held to be the minimum requirements to provide for a permanent, well-organized, and wholesome community environment, including adequate public utilities, sufficient

open space, and safe streets;

NOW THEREFORE; BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF  
HILLSBORO, TEXAS:

SECTION 1: AUTHORITY

- A. A procedure and standards for the development, layout, and design of subdivisions of land within the corporate limits and within the extraterritorial jurisdiction of the City are authorized by Article 970a and 974a of Revised Civil Statutes of Texas.
- B. The extraterritorial jurisdiction of the City of Hillsboro is now one (1) mile from the corporate limits. As the City grows, the extraterritorial jurisdiction will be extended in accordance with Article 970a, Revised Civil Statutes of Texas, and the requirements of this Subdivision Ordinance shall be extended into any and all new areas of extraterritorial jurisdiction.
- C. On and after the passage of this Ordinance any person, firm or corporation seeking approval of any plat, plan or re-plat of any subdivision of land within the corporate limits or within the extraterritorial limits of the City of Hillsboro shall be required to comply with the requirements of this Ordinance before such approval may be granted.

SECTION 2: DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words, and their derivations shall have the meaning ascribed to them in this Section:

- A. Alley: A minor public right-of-way, not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back or side of properties otherwise abutting on a street.
- B. Building Setback Line: The line within a property defining the minimum horizontal distance between a building and the adjacent street line.
- C. City: The City of Hillsboro, Texas.
- D. Council: The City Council of the City of Hillsboro, Texas.
- E. Cul-de-sac: A street having but one outlet to another street, and terminated on the opposite end by a vehicular turn-around.

- F. Dead-end Street: A street, other than a cul-de-sac, with only one outlet.
- G. Engineer: A person duly authorized under the provisions of the Texas Engineering Registration Act, as heretofore or hereafter amended, to practice the profession of engineering.
- H. Lot: 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 number or symbol in a duly approved subdivision plat which has been properly filed of record.
- I. Pavement Width: The portion of a street available for vehicular traffic where curbs are laid. "Pavement width" is the portion between the face of curbs.
- J. Person: Any individual, association, firm, corporation, governmental agency, or political subdivision.
- K. Planning and Zoning Commission: The Planning and Zoning Commission of the City of Hillsboro, Texas.
- L. Shall, May: The word "shall" is always mandatory. The word "may" is merely directory.
- M. Street: A public right-of-way, however designated, which provides vehicular access to adjacent land.
- (1) An "arterial street" primarily provides vehicular circulation to various sections of the City and shall be considered a traffic thoroughfare.
  - (2) A "collector street" primarily provides circulation within neighborhoods, to carry traffic from minor streets to arterial streets, or to carry traffic through or adjacent to commercial or industrial areas.
  - (3) A "minor street" is one used primarily for access to abutting residential property.
- N. Subdivider: 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 land sought to be subdivided.
- O. Subdivision: A division of any tract of land situated within the corporate limits, or within one (1) mile of such limits, in two or more parts for the purpose of laying out any subdivision of any tract of land or any addition of any town or city, or for laying out suburban lots or building lots, or any lots, and streets, alleys or parts or

other portions intended for public use or the use of purchasers or owners of lots fronting thereon or adjacent thereto. "Subdivision" includes re-subdivision, but it does not include the division of land for agricultural purposes in parcels or tracts of five acres or more and not involving any new street, alley or easement of access.

- P. Surveyor: A licensed State Land Surveyor or a Registered Public Surveyor, as authorized by State statute to practice the profession of surveying.
- Q. Utility Easement: An interest in land granted to the City, to the public generally, and/or to a private utility corporation, for installing or maintaining utilities across, over or under private land, together with the right to enter thereon with machinery and vehicles necessary for the maintenance of said utilities.
- R. Officers: Any office referred to in this Ordinance by title means the person employed or appointed by the City in that position, or his duly authorized representative.
- S. Other Terms: Definitions not expressly prescribed herein are to be construed in accordance with customary usage in municipal planning and engineering practices.

### SECTION 3: GENERAL PROVISIONS

- A. All property not subdivided into lots, blocks and streets within the City shall hereafter be laid out under the direction of the Planning and Zoning Commission and the City Council, and no other subdivision will be recognized by the City. Prior to the consideration of the plats by the City Council, the City Manager will review the plat and in consultation with the City Engineer, City Staff, Utility Companies, and other interested agencies, make recommendations to the Planning and Zoning Commission. Upon approval of the Planning and Zoning Commission, all plats shall be submitted to the City Council for review. No plat shall be valid unless approved by both the Planning and Zoning Commission and City Council.
- B. It shall be unlawful for any owner, or agent of any owner, to lay out, subdivide, or plat any land into lots, blocks, and streets within the City which has not been laid off, subdivided, and platted according to the regulations contained in this Ordinance.
- C. No permit shall be issued by the City for the installation of septic tanks upon any lot in a subdivision for which a final plat has not been approved and filed for record, or upon any lot in a subdivision in which the standards contained herein or referred to herein have not been complied with in full.

- D. No building, repair, plumbing or electrical permit shall be issued by the City for any structure on a lot in a subdivision for which a final plat has not been approved and filed for record, nor for any structure on a lot within a subdivision in which the standards contained herein have not been complied with in full.
- E. The City shall not repair, maintain, install or provide any streets or public utility services in any subdivision for which a final plat has not been approved and filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.
- F. The City shall not sell or supply any utility services within a subdivision for which a final plat has not been approved or filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.
- G. In behalf of the City, the City Attorney shall, when directed by the City Council, institute appropriate action in a court of competent jurisdiction to enforce the provisions of this Ordinance or the standards referred to herein with respect to any violation thereof which occurs within the City, within the extraterritorial jurisdiction of the City as such jurisdiction as determined under the Municipal Annexation Act, or within any area subject to all or a part of the provisions of this Ordinance.
- H. If any subdivision exists for which a final plat has not been approved or in which the standards contained herein or referred to herein have not been complied with in full and the City Council of the City shall pass a resolution reciting the fact that the provisions of paragraphs C, D, E, and F of this Section will apply to the subdivision and the acts therein, the City Secretary shall, when directed by the City Council of the City, cause a certified copy of such resolution under the corporate seal of the City to be filed in the deed records of Hill County. If full compliance and final plat approval are secured after the filing of such resolution, the City Secretary shall forthwith file an instrument in the deed records of such county or counties stating that paragraphs C, D, E, and F no longer apply.
- I. The provisions of this Section shall not be construed to prohibit the issuance of permits for any lots upon which a residence building exists and was in existence prior to passage of this Subdivision Ordinance, nor to prohibit the repair, maintenance, or installation of any street or public utility services for, to or abutting any lot, the last recorded conveyance of which prior to passage of this Ordinance was by metes and bounds, and/or any subdivision, or lot therein, recorded or unrecorded, which subdivision was in existence prior to the passage of this Ordinance.

- J. There are hereby adopted by reference and made a part of these regulations design standards and specifications which shall be controlling in design, construction and installation of street paving, curbs and gutters, sidewalks, utilities and other public improvements required herein. All references to City design standards and specifications shall mean and include those standards and specifications, together with all exhibits, charts, drawings and diagrams appertaining thereto, which have been approved by the City's Engineer, adopted by the City Council, and placed on file in the office of the City Secretary.

#### SECTION 4: VARIANCES

The City Council may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance. In granting a variance, the Council shall prescribe only conditions that it deems necessary to or desirable in the public interest. In making the findings hereinbelow required, the Council shall take into account the nature of the proposed use of the land involved, existing uses of land in the vicinity, the number of persons who will reside or work in the proposed subdivision, and the probable effect of such variance upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity. No variance shall be granted unless the Council finds:

- A. That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Ordinance would deprive the applicant of the reasonable use of his land; and
- B. That the variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
- C. That the granting of the variance will not be detrimental to the public health, safety or welfare, or injurious to other property in the area; and
- D. That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of this Ordinance. Such finding of the Council, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Council meeting at which such variance is granted. Variances may be granted only when in harmony with the general purpose and intent of this Ordinance so that the public health, safety and welfare may be secured and substantial justice done. Pecuniary hardship to the subdivider, standing alone, shall not be deemed to constitute undue hardship.

SECTION 5: PRELIMINARY CONFERENCE

Prior to the filing of a preliminary plat, the subdivider shall meet with the City Manager or his representative to familiarize himself with the City's development regulations and the relationship of the proposed subdivision to the City Comprehensive Plan. At such meeting, the general character of the development may be discussed, and items may be included concerning zoning, utility service, street requirements, and other pertinent factors related to the proposed subdivision. At the preliminary conference the subdivider may be represented by his land planner, engineer, or surveyor.

SECTION 6: PRELIMINARY PLAT

- A. The subdivider shall cause to be prepared a preliminary plat by a surveyor or engineer in accordance with this Ordinance.
- B. The subdivider shall file four (4) copies of the plat with the City Manager at least fourteen (14) days prior to the date at which formal application for the preliminary plat approval is made to the Planning and Zoning Commission.
- C. Such plat shall be accompanied by a filing fee of Twenty Five (\$25.00) Dollars per plat, plus One (\$1.00) Dollar per lot, or Two (\$2.00) per acre for commercial or industrial areas not subdivided into lots. No action by the City shall be valid until the filing fee has been paid. This fee shall not be refunded should the subdivider fail to make formal application for preliminary plat approval or should the plat be disapproved.
- D. Formal application for preliminary plat approval shall be made by the subdivider in writing to the Planning and Zoning Commission at an official meeting.
- E. Approval of the preliminary plat, if granted, shall be binding for not longer than one (1) year after the date of approval of the preliminary plat unless the final plat has been approved and recorded within the one (1) year period. The City Council may, upon application of the subdivider, extend the approval for an additional one (1) year period.
- F. The plat shall be drawn to a scale of One Hundred (100') Feet to one (1") inch, and shall show on it or on accompanying documents the following:
  - (1) The proposed name of the subdivision.
  - (2) North point, scale and date.
  - (3) The names and addresses of the subdivider and of the engineer or surveyor.

- (4) The tract designation, approximate acreage, and other description according to the real estate records of Hill County and designation of the proposed uses of land within the subdivision.
- (5) The boundary line (accurate in scale) of the tract to be subdivided.
- (6) The names of adjacent subdivisions or the names of record owners of the adjoining parcels of unsubdivided land.
- (7) The location, widths, and names of all existing or platted streets or other public ways within or adjacent to the tract, existing permanent buildings, and other important features, such as section lines, political subdivisions or corporate lines.
- (8) All parcels of land intended to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision. Building setback lines shall also be shown.
- (9) A drainage layout of the property including:
  - (a) Contour lines on a basis of five (5) vertical feet in terrain with a slope of two (2) percent or more, and on a basis of two (2) vertical feet in terrain with a slope of less than two (2) percent.
  - (b) Calculation of drainage areas affecting the property to be platted with design frequency, criteria for run-off, and run-off in c.f.s.
- (10) The layout and widths of proposed streets, alleys, and easements, including lot and block identification and street names.
- (11) The location, size and approximate depth of all existing utilities shall be shown.
- (12) The proposed plan for location and size of utility lines to be constructed in the subdivision.
- (13) The following certificates should be placed on the Preliminary Plat:

The Planning and Zoning Commission of the City of Hillsboro on (Date \_\_\_\_\_,) voted affirmatively to recommend conditional approval of this plat, subject to the

conditions enumerated in the minutes of this date.

BY: \_\_\_\_\_  
Chairman

ATTEST: \_\_\_\_\_  
Secretary

The City Council of Hillsboro on (Date \_\_\_\_\_,) voted affirmatively to recommend conditional approval of this plat, subject to the conditions enumerated in the minutes of this date.

BY: \_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
City Secretary

- G. The conditional approval of the Preliminary Plat by the Planning and Zoning Commission and City Council does not constitute in any manner the acceptance of the subdivision nor the improvements placed therein, but is merely an authorization to proceed with the preparation of the Final Plat. The action of the Planning and Zoning Commission and City Council shall be noted on two (2) copies of the Preliminary Plat, referenced and attached to any conditions determined. One (1) copy shall be returned to the developer and the other copy retained as a permanent record of the City.
- H. No construction work shall begin on the proposed improvements in the proposed subdivision prior to approval of the Final Plat by the Planning and Zoning Commission and City Council.
- I. Within thirty (30) days after the Preliminary Plat is formally filed, the Planning and Zoning Commission shall conditionally approve or disapprove such plat or conditionally approve it with modifications.
- J. Within thirty (30) days after the Preliminary Plat is approved by the Planning and Zoning Commission the City Council shall conditionally approve or disapprove such plat or conditionally approve it with modifications.

- K. Upon request of the subdivider the City Council may, at the City's option, provide for joint review of the Preliminary Plat by the Planning and Zoning Commission and City Council.

SECTION 7: FINAL PLAT

- A. Four (4) copies, and one (1) reproducible copy of the Final Plat shall be submitted by the subdivider only after all changes and alterations shown on the Preliminary Plat have been made. Final plats shall be filed with the City Manager at least fourteen (14) days prior to the Planning and Zoning Commission meeting at which approval is requested.
- B. Such plat shall be accompanied by a filing fee of Twenty Five (\$25.00) Dollars per plat, plus One (\$1.00) Dollar per lot, or Two (\$2.00) Dollars per acre for commercial or industrial areas not subdivided into lots. No action by the City shall be valid until the filing fee has been paid. This fee shall not be refunded should the subdivider fail to make formal application for final plat approval or should the plat be disapproved.
- C. Formal application for final plat approval shall be made by the subdivider in writing to the Planning and Zoning Commission at an official meeting.
- D. The Final Plat shall be drawn upon Mylar sheets twenty-four (24) inches by thirty-six (36) inches and to a scale of one hundred (100) feet to an inch, and where more than one (1) sheet is required, an index sheet twenty-four (24) inches by thirty-six (36) inches shall be filed showing the entire subdivision on one (1) page.
- E. The final plat shall show on it, or be accompanied by, the following:
- (1) The exact location, dimensions, name and description of all existing or recorded streets, alleys, reservations, easements, or other public rights-of-way within the subdivision, intersecting or contiguous with its boundary or forming such boundary, with accurate dimensions, bearing or deflecting angles and radii, area, and central angle, degree of curvature, tangent distance and length of all curves where appropriate.
  - (2) The exact location, dimensions, description and name of all proposed streets, alleys, drainage structures, parks, other public areas, reservations, easements or other rights-of-way, blocks, lots, and other sites within the subdivision with accurate dimensions, bearing or reflecting angles with radii, area, and central angles, degree of curvature, tangent distance and length of all curves where appropriate.

- (3) The accurate location, material, and approximate size of all monuments.
- (4) Written approval from the City on plans and specifications for water, sewer, paving and drainage.
- (5) All deed restrictions that are to be filed with the plat shall be shown on or filed separately with the plat.
- (6) Statement that all taxes have been paid up to current date and for all previous years.
- (7) Plan-profile sheets of all proposed streets, sanitary and storm sewers, with grades, pipe sizes, manholes, cleanouts, inlets and vaults indicated.
- (8) Water layout sheet showing an overall plan of the proposed water distribution system showing pipe sizes and the location of valves, fire hydrants, and water service lines.
- (9) Sewer layout sheet showing an overall plan of the proposed sewage collection system showing pipe sizes, the location of manholes, cleanouts and sewer service lines.
- (10) Drainage layout sheet showing an overall plan of the proposed storm drainage system showing pipe sizes and the location of vaults and inlets.
- (11) Two (2) complete sets of construction plans and specifications for water, storm sewer, streets and drainage, which have been prepared by an engineer and each sheet of which shall bear the seal and signature of an engineer.
- (12) Owner's acknowledgement of the dedication to public use of all streets, alleys, parks, and other public places shown on such final plat as follows:

STATE OF TEXAS )  
COUNTY OF \_\_\_\_\_ )

OWNER'S ACKNOWLEDGEMENT AND DEDICATION

I (we) the undersigned, owner(s) of the land shown on this plat within the area described by metes and bounds as follows:

(Metes and Bounds Description of Boundary)

and designated herein as the \_\_\_\_\_ subdivision to the City of Hillsboro, Texas, and whose name is subscribed hereto,

hereby dedicate to the use of the public forever all streets, alleys, parks, water courses, drains, easements, right-of-way and public places thereon shown for the purpose and consideration therein expressed.

\_\_\_\_\_  
Owner

STATE OF TEXAS )  
COUNTY OF \_\_\_\_\_ )

BEFORE ME, the undersigned authority, on this day personally appeared \_\_\_\_\_, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and considerations therein stated.

Given under my hand and seal of office this \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_.

\_\_\_\_\_  
Notary Public \_\_\_\_\_ County, Texas

(13) Statements from the Planning and Zoning Commission and City Council that the Final Plat has been approved by such Council as follows:

THE PLANNING AND ZONING COMMISSION  
OF HILLSBORO, TEXAS ON

\_\_\_\_\_, 19\_\_\_\_  
VOTED AFFIRMATIVELY TO ADOPT  
THIS PLAT AND APPROVE IT FOR  
FILING OF RECORD.

BY: \_\_\_\_\_  
Chairman

ATTEST: \_\_\_\_\_  
Secretary

THE CITY COUNCIL OF  
HILLSBORO, TEXAS ON

\_\_\_\_\_, 19\_\_\_\_  
VOTED AFFIRMATIVELY TO ADOPT  
THIS PLAT AND APPROVE IT FOR  
FILING OF RECORD.

BY: \_\_\_\_\_  
Mayor

ATTEST: \_\_\_\_\_  
City Secretary

(14) A certification by the surveyor or engineer responsible for the preparation of the Final Plat and supporting data, attesting to its accuracy as follows:

STATE OF TEXAS )  
COUNTY OF \_\_\_\_\_ ) CERTIFICATE OF SURVEYOR OR ENGINEER  
WHO PREPARED PLAT

I, the undersigned, a (registered professional engineer/public surveyor) in the State of Texas, hereby certify that this plat is true and correct and was prepared from an actual survey of the property made under my supervision on the ground.

(Engineer or

Surveyor's Seal)

\_\_\_\_\_  
Registered Professional Engineer or  
Registered Public Surveyor

(15) A waiver of claim for damages against the City occasioned by the establishment of grades or the alteration of the surface of any portion of existing streets and alleys to conform to the grades established in the subdivision.

- F. If desired by the subdivider and approved by the City Council, the Final Plat may constitute only that portion of the approved Preliminary Plat which he proposes to record and develop. However, such portion shall conform to all the requirements of this Ordinance.
- G. Within thirty (30) days after the Final Plat is formally filed, the Planning and Zoning Commission shall approve or disapprove such plat. If the Final Plat is disapproved, the Commission shall inform the subdivider in writing of the reasons at the time such action is taken.
- H. Within thirty (30) days after the plat is approved by the Planning and Zoning Commission the City Council shall approve or disapprove such plat. If the Final Plat is disapproved, the Council shall inform the subdivider in writing of the reasons at the time such action is taken.
- I. Upon request of the subdivider the City Council may, at the City's option, provide for joint review of the Final Plat by the Planning and Zoning Commission and City Council.

- J. After the final plat has been finally approved and the subdivider has constructed all the required improvements and such improvements have been approved, and a maintenance bond filed as hereinafter provided; or after the plat has been finally approved and the subdivider has filed an escrow deposit sufficient to pay for the costs of all improvements as determined by the City in lieu of completing construction, the City Manager shall upon written consent of the subdivider cause the final plat to be recorded with the County Clerk. The subdivider will provide the City Manager with a check payable to the County Clerk in the amount of the recordation fee.

#### SECTION 8: RE-PLATS

- A. Property shall not be re-subdivided which has been previously platted by a common dedication except with the consent of all directly affected property owners.
- B. The replat of the subdivision shall meet all the requirements for a new subdivision that may be pertinent, as provided for herein. It shall show the existing property being re-subdivided. No preliminary plat will be required on re-plats.
- C. The written consent of all utility companies that provide service to the area being re-subdivided must be obtained.

#### SECTION 9: MAINTENANCE BOND

Upon completion of all improvements in accordance with City specifications and standards, and their acceptance by the City, the developer or his contractor shall furnish the City with a maintenance bond executed by a corporate surety holding a permit from the State of Texas to act as surety or other surety acceptable to the City. The amount shall equal ten (10) percent of the contract cost of all improvements and shall be in effect one (1) year from date of completion and acceptance by the City.

#### SECTION 10: AVAILABILITY OF WATER AND/OR SEWAGE UTILITIES

If a proposed subdivision is located beyond the drainage area of the sewage collection system or beyond the area of the water distribution system the subdivider shall be required to furnish, with his final plat, satisfactory evidence, including (but without limitation) the results of soil tests and borings, and statements from local state health authorities, water engineers and other proper officials, that water satisfactory for human consumption may be obtained from surface or subsurface water sources on the land and that soil conditions are such that satisfactory sewage disposal can be provided by the use of approved septic tanks or similar devices.

SECTION 11: INDUSTRIAL OR COMMERCIAL SUBDIVISION

An industrial or commercial subdivision shall be processed for approval in the same manner as provided for a residential subdivision, except that no individual lots need be shown on such a plat and only streets, blocks, easements and minimum building lines need be indicated. The minimum right-of-way width of a minor street in an industrial or commercial subdivision shall be sixty (60) feet and all other streets shall conform to the standards for collector and thoroughfare streets prescribed by the City Comprehensive Plan.

SECTION 12: WITHHOLDING PERMITS AND UTILITY SERVICES

No building, plumbing, or electrical permit shall be issued, or water or sewer service provided by the City to the owner or any other person with respect to any property in any subdivision covered by this Ordinance until:

- A. Such time as the developer and/or owner and/or successor in title, has complied with the requirements of this Ordinance and the final plat regarding improvements with respect to the block facing the street and/or streets on which the property abuts, including the installation of streets with proper base and paving, curb and gutter, alleys, drainage structures, and utilities, all according to the specifications of the City; or
- B. Until an escrow deposit sufficient to pay for the cost of such improvements as determined by the City computed on a private commercial rate basis has been made with the City Secretary accompanied by an agreement signed by the developer and/or owner authorizing the City to make such improvements at prevailing private commercial rates or have the same made by a private contractor and pay for the same out of the escrow deposit, should the developer and/or owner fail or refuse to install the required improvements within the time stated in such written agreement, but in no case shall the City be obligated to make such improvements itself. Such deposit may be used by the owner and/or developer as progress payments as the work progresses in making certified requisitions to the City Secretary supported by evidence or work done.

SECTION 13: STANDARDS AND SPECIFICATIONS

A. General

The subdivision shall conform to the Comprehensive Plan of the City of Hillsboro.

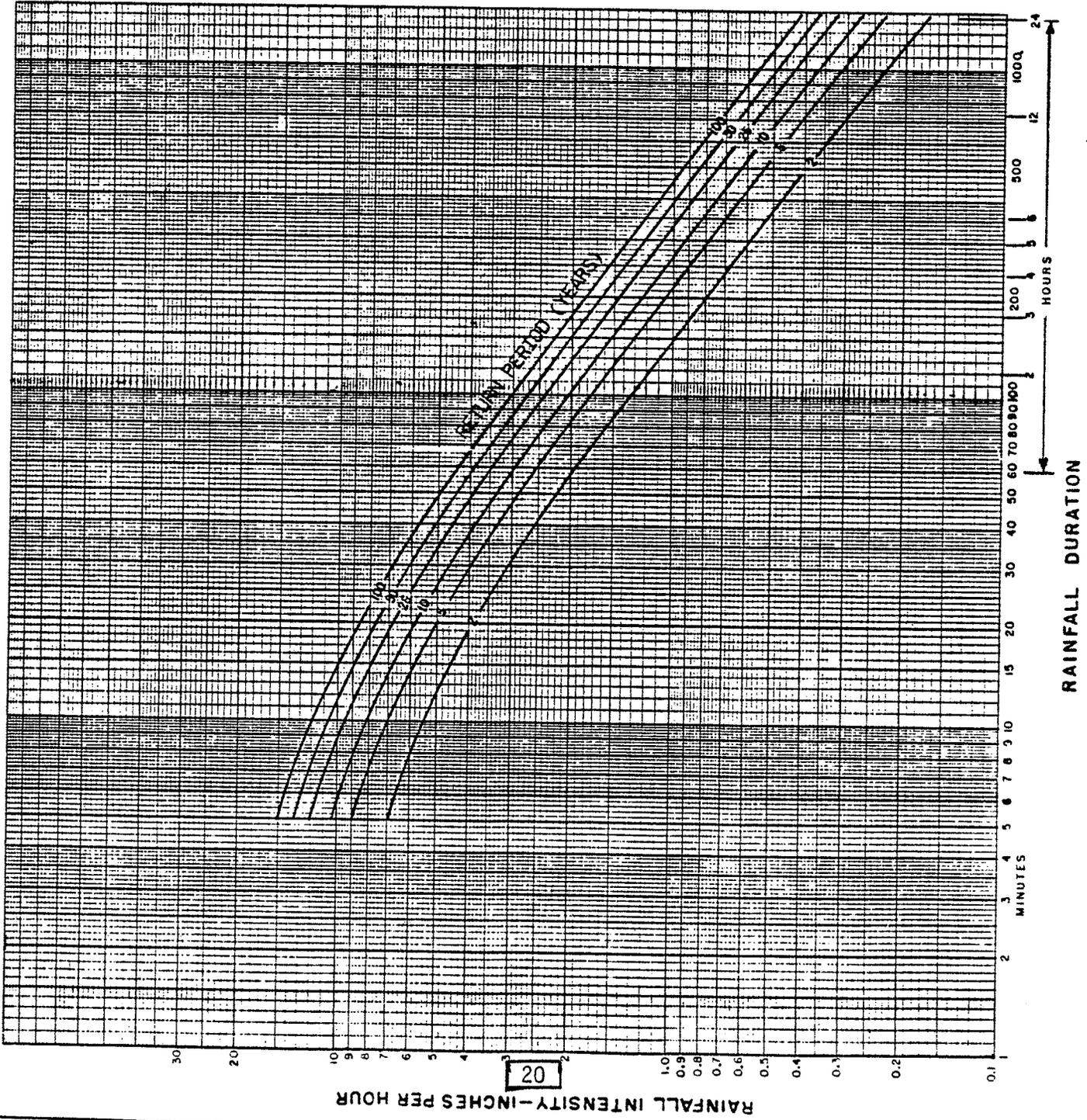
B. Streets

- (1) Arterial streets shall have a right-of-way width of one hundred (100) feet and a paving width to be determined by the City Council. Collector streets shall have a right-of-way width of sixty (60) feet and a paving width of thirty-six (36) feet. Minor streets shall have a right-of-way width of fifty (50) feet and a paving width of twenty-nine (29) feet. Paving width is determined from face of curb to face of curb.
- (2) Existing streets in adjoining areas shall be continued, and shall be at least as wide as such existing streets and in alignment therewith.
- (3) Where adjoining areas are not subdivided, the arrangement of streets in the subdivision shall make provision for the proper projection of streets into such unsubdivided areas.
- (4) Street jogs with center line offsets of less than one hundred twenty-five (125) feet shall be avoided.
- (5) Half streets shall be prohibited.
- (6) Street intersections shall be as nearly at right angles as practicable.
- (7) Dead-end streets shall be prohibited except as short stubs to permit future expansion.
- (8) Cul-de-sacs shall not exceed four hundred (400) feet in length, and shall have a minimum right-of-way radius of fifty (50) feet.
- (9) Curb and gutter shall be installed by the subdivider on both sides of all interior streets, and on the subdivision side of all streets forming part of the boundary of the subdivision.
- (10) Names of new streets shall not duplicate or cause confusion with the names of existing streets, unless the new streets are a continuation of or in alignment with existing streets, in which case names of existing streets shall be used.
- (11) Street lights shall be installed by the subdivider at all street intersections and at all adjacent intersections.
- (12) Street name signs shall be installed by the City at the developers expense at all intersections within or abutting the subdivision.

DEVELOPED FROM U.S. WEATHER BUREAU  
 RAINFALL FREQUENCY DATA PRESENTED  
 IN TECHNICAL PAPER NO 40, DATED MAY,  
 1961.

**RAINFALL INTENSITY  
 VS.  
 DURATION & FREQUENCY  
 FOR  
 CITY OF HILLSBORO**

FIG. 1



Gutter velocities using Manning's Formula with an "n" of 0.020.

Water assumed to be 6" deep with an 8" curb on a 30' street with a 6" crown.

(c) Run-Off Coefficient:

Commercial	-	0.80
Industrial	-	0.70
Residential	-	0.50
Parks	-	0.30

(d) Frequency:

All structures and improvements shall be consistent with the need to minimize flood damage, and shall be designed and constructed to pass a 100-year frequency storm, based on 100 percent development of the watershed, without flooding the ground floor of existing or proposed habitable structures. In addition, the Flood Insurance Administration requirements as published in the Department of Housing and Urban Development, Reprint from Code of Federal Regulations, Title 24, revised as of April 1, 1973 and all flood plain management regulations adopted by the City shall be met. If the above requirements are met, then the following frequencies may be used; for underpasses, large open ditches, culverts use a 25-year frequency. All other cases use 5-year frequency.

(3) The subdivider shall dedicate at his own expense easements of sufficient width to construct and maintain the drainage system as installed.

(4) The subdivider, at his expense, shall install a drainage system in accordance with the plans prepared by an Engineer and approved by the City of Hillsboro, Texas, with the developer paying one hundred (100%) percent of all construction costs.

(5) The street crossing (bridges, culverts, and valley gutters) will be constructed with the subdivider paying one hundred (100%) percent of the construction costs.

(6) Any additional off-site storm drain pipe, inlets, manholes, channels, etc., needed to provide for a complete drainage system will be provided for by the subdivider.

(7) No storm sewer will be required if streets will handle a five (5) year flood running full to top of a 6" curb. This five (5) year flood data will be calculated by Storm Drainage Criteria for the City of Hillsboro, Texas. Where calculations show that water will run in streets above the top of the curbs on a five (5) year frequency, all excess water shall be carried off by use of adequate storm drainage structures or ditches.

(8) Where route of drainage falls within a street right-of-way storm drainage will be carried in a pipe of adequate size. Necessary appurtenant structures will also be required, such as inlets and headwalls.

(9) Where drainage route does not occur in a street, drainage will be carried off as follows:

(a) Completely enclosed pipe of a size required, based on Criteria Calculations, or

(b) Concrete lined open channels, or

(c) Unlined channels in the case of major waterways. These unlined channels will have 15' easements on each side for maintenance. These unlined channels will have a maximum side slope of 2½ horizontal to one (1) foot vertical.

(10) The developer will pay one hundred (100) percent of the total construction, engineering, inspection costs of all drainage improvements required for commercial and industrial property, regardless of location or required size.

(11) Installation of storm drain facilities will be accomplished by the developer.

(12) Concrete valley gutters of 6" minimum width shall be provided to carry the water flow across intersections.

#### K. Water System

(1) Water system extensions shall be designed to provide for a domestic supply of at least 250 gallons per capita per day, delivered at a minimum pressure of forty-two (42) pounds per square inch.

(2) All mains installed within a subdivision must extend to the borders of the subdivision, as required for future extensions of the system, regardless of whether or not such extensions are required for service within the subdivisions.

(3) Fire hydrants shall be provided at locations such that all areas of single family development are located within a five hundred (500) foot radius from a fire hydrant or all such hydrants will be placed so that hose line routes will be more than eight hundred (800) feet by public right-of-way. In the areas other than single family development, fire hydrants shall be on a three hundred (300) foot radius. All such fire hydrants shall be served by a six (6) inch or larger supply or distribution main.

(4) Four (4) inch distribution mains shall not be used to serve more than twenty (20) Standard 3/4" Service Connections or ten (10) Double 3/4" Service Connections and no 4" Distribution Mains shall exceed one thousand (1,000) feet in length between direct connections to larger mains.

(5) All water system installations shall be in accordance with the standard specifications and construction details of the City of Hillsboro.

(6) All water system improvements shall be accomplished at the expense of, and by, the developer.

#### L. Sewer System

(1) No sewer lateral shall be smaller than six (6) inches in diameter. All sewers shall be designed with hydraulic slopes sufficient to give mean velocities when flowing full or half full of not less than two (2) feet per second, nor more than five (5) feet per second. Manholes shall be constructed at all changes in grade, alignment or size of sewer and at all intersections of other sewers, except service sewers.

(2) All sewer mains installed within a subdivision must extend to the borders of the subdivision, as required for future extensions of the collection system, regardless of whether or not such extensions are required for service within the subdivision.

(3) All sewer system installations shall be in accordance with the construction details of the City of Hillsboro.

(4) All sewer system improvements shall be accomplished at the expense of, and by, the developer.

#### M. Utility Lines

All utility lines that pass under a street or alley shall be installed before the street or alley is paved. When it is necessary that utility lines pass under the street or alley pavement, they shall be installed to a point at least three (3) feet beyond the edge of the pavement.

SECTION 14: CONFLICTING ORDINANCES

Ordinance Number 65-1 adopted January 8, 1965 and all other Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed to the extent of the conflict.

SECTION 15: PENALTY

Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and, upon conviction, shall be subject to a fine of not more than Two Hundred (\$200.00) Dollars; provided, however, that no penalty shall be greater or lesser than the penalty for violation of the same or similar offense under the laws of the State. Each transaction in violation of any of the provisions hereof shall be deemed a separate offense.

SECTION 16: SEVERABILITY

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses, and phrases are separable, and, if any phrase, clause, sentence, paragraph, or section of this Ordinance shall be declared unconstitutional or invalid by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of unconstitutional or invalid phrases, clauses, sentences, paragraphs, or sections.

SECTION 17: EFFECTIVE DATE

This Ordinance shall take effect immediately from and after its passage in accordance with the City Charter, and the publication of the caption, as the law in such cases provides.

PASSED AND APPROVED this 2nd day of October, 1979.

/s/ Harry Blount  
Mayor

ATTEST:

/s/ Patricia Cromeans  
City Secretary

Regular Council Meeting  
October 2, 1979

The City Council met in regular session in the Council Chambers on Tuesday, October 2, 1979, at 8:00 P.M.

PRESENT:

Harry F. Blount, Mayor	Joe Ed Ward, City Manager
Joe Swilling, Mayor Pro-Tem	Wayne Cummings, Asst. City Mgr.
S. J. Vaughan, III, Councilman	Patricia Cromeans, City Secretary
Billy Frank, Councilman	James A. Showers, City Attorney
Gordon Rice, Councilman	

Mayor Blount called the meeting to order and Councilman Frank gave the invocation.

On motion by Councilman Swilling second by Councilman Vaughan the Council voted to approve the minutes of the regular meeting of September 18, 1979.

On roll call the following votes were cast:

AYE: Rice, Vaughan, Swilling, Frank

AYE: 4

On motion by Councilman Frank second by Councilman Rice the Council voted to acquire the firm of Knowlton, English and Flowers to furnish engineering services for water, sewer, bridge replacement, and storm drainage for a \$500,000.00 project under the Community Development Block Grant Program. On roll call the following votes were cast:

AYE: Rice, Vaughan, Swilling, Frank

AYE: 4

On motion by Councilman Vaughan second by Councilman Frank the Council voted to acquire the firm of Ken Evans, Associates to furnish engineering services for a \$429,000.00 Industrial Street Improvement project under the Urban Development Act Program. On roll call the following votes were cast:

AYE: Rice, Vaughan, Swilling, Frank

AYE: 4

On motion by Councilman Swilling, second by Councilman Frank the Council voted to lease approximately 60 acres of excess land at the airport to Edwin Schronk for \$2,000.00 a year effective January 1, 1980. On roll call the following votes were cast:

AYE: Rice, Vaughan, Frank Swilling

AYE: 4

On motion by Councilman Vaughan second by Councilman Swilling the Council voted to approve a request by Isabell Z. Hall to quit claim any interest in and to her home on part lot 60 of the McMullen Addition on Brown Street. The City Attorney explained that apparently in 1927 the property was conveyed to the City at a tax sale, but thereafter, all taxes were paid and the property placed on the roll back in the name of Mrs. Hall's mother, Isabell Tippett. All taxes are paid to date.

Resolved that the Mayor and City Secretary execute and deliver a quit-claim deed covering said property to Isabelle Z. Hall. On roll call the following votes were cast:

AYE: Rice, Vaughan, Swilling, Frank

AYE: 4

On motion by Councilman Swilling second by Councilman Vaughan the Council voted to award Cole Ford Sales with their bid of \$13,244.00 for the purchase of two police units. On roll call the following votes were cast:

AYE: Rice, Vaughan, Swilling Frank

AYE: 4

On motion by Councilman Frank second by Councilman Swilling the Council voted to purchase uniforms for the Fire Department from Dovan Uniforms for their bid of \$1,162.00. On roll call the following votes were cast:  
 AYE: Rice, Vaughan, Frank, Swilling  
 AYE: 4

On motion by Councilman Vaughan, second by Councilman Swilling the Council to approve an audit ending March 31, 1979, submitted by Sessions, Gentry CPA firm. On roll call the following votes were cast:  
 AYE: Rice, Vaughan, Swilling, Frank  
 AYE: 4

On motion by Councilman Frank second by Councilman Vaughan the Council voted to approve the new subdivision ordinance. On roll call the following votes were cast:  
 AYE: Rice, Vaughan, Frank Swilling  
 AYE: 4

Bids for one-five to six yard dump body for the Water Department were opened.

<u>BIDDER</u>	<u>BID</u>
Hobbs Trailer	\$ 2,750.00
Fleet Equipment	2,824.00
Motor Truck Equipment	2,986.00

No action was taken.

A reading was held of the proposed annexation and an ordinance was approved setting a public hearing for October 16, 1979, for the proposed annexation of 75.048 acres in the J. E. Ross Survey. The acreage is owned in part by the Hillsboro Industrial Foundation, Consolidated Castings, Jamak, Inc. and Judd England.

On motion by Councilman Swilling second by Councilman Frank the Council voted to set the public hearing on October 16, 1979, for the proposed annexation. On roll call the following votes were cast:  
 AYE: Rice, Vaughan, Swilling, Frank  
 AYE: 4

Councilman Rice requested that stricter animal control be enforced in the City to possibly ward off possible rabies problems. It was agreed to notify the citizens thru news media and begin within 30 days.

On motion by Councilman Swilling second by Councilman Rice the Council voted to approve three studies and six resolutions for personnel emangement study those being:

#### STUDIES

1. Personnel Rules
2. Affirmative Action Plan
3. Compensation Plan

#### RESOLUTIONS

1. Employee Compensation Plan
2. Adopt EEO III
3. Resolution to provide EEO
4. Resolution for Career Ladder
5. Fair and open housing
6. Personnel Manual

On roll call the following votes were cast:  
 AYE: Rice, Vaughan, Frank, Swilling  
 AYE: 4

Monthly bills were approved for payment.

AAA760

There being no further business the meeting was adjourned.

Harry F. Blount  
Harry F. Blount, Mayor

Attest:

Patricia Cromeans  
Patricia Cromeans, City Secretary

**ORDINANCE NO. 097-02-01**

**AN ORDINANCE AMENDING SECTION 12(B) OF  
ORDINANCE 79-10, SUBDIVISION REGULATIONS;  
PROVIDING FOR UTILIZATION OF AN IRREVOCABLE  
LETTER OF CREDIT AS AN ALTERNATIVE MEANS OF  
PROVIDING SECURITY FOR REQUIRED  
IMPROVEMENTS.**

**WHEREAS**, the City Council of the City of Hillsboro is empowered by law to promulgate and establish the general plan of said City and its streets, alleys, and public utility facilities, within said City and within the extra-territorial jurisdiction; and,

**WHEREAS**, the City Council of the City of Hillsboro has determined that it would be in the best interest of the citizens of the City of Hillsboro to enable owners/developers to provide an irrevocable letter of credit as an alternative means of providing security for improvements in subdivisions; and

**WHEREAS**, the City Council of the City of Hillsboro has determined that providing the alternative of an irrevocable letter of credit would enhance and promote future growth and development in the City of Hillsboro;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HILLSBORO AS FOLLOWS:**

**Sec. 12: WITHHOLDING PERMITS AND UTILITY SERVICES**

No building, plumbing, or electrical permit shall be issued, or water or sewer service provided by the City to the owner or any other person with respect to any property in any subdivision covered by this Ordinance until:

- B. Until an escrow deposit sufficient to pay for the cost of such improvements as determined by the City computed on a private commercial rate basis has been made with the City Secretary accompanied by an agreement signed by the developer and/or owner authorizing the City to make such improvements at prevailing private commercial rates or have the same made by a private contractor and pay for the same out of the escrow deposit, should the developer and or owner fail or refuse to install these requirements within the time stated in such written agreement, but in no case shall the City be obligated to make such improvements itself. Such deposit may be used by the owner and/or developer as progress payments as the work progresses in making certified requisitions to the City Secretary supported by evidence or work done.

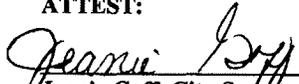
In lieu of the aforementioned escrow deposit, the developer and/or owner may file with the City Secretary an irrevocable letter of credit, in a form acceptable to the City. The letter must be signed by a principal officer of a local bank or local federally insured savings and loan association or other financial institution, acceptable to the City of Hillsboro, agreeing to pay to the City of Hillsboro, on demand, a stipulated sum of money to apply to the estimated cost of installation of all improvements which the subdivider or developer is required to provide, pursuant to ordinance. Said irrevocable letter of credit shall not be dated to expire until six (6) months after the completion of all improvements. The requisite amount of their irrevocable letter of credit shall be computed in the same manner as the escrow deposit and shall be accompanied by the aforementioned agreement.

This Ordinance shall take effect immediately after its passage, in accordance with the provisions of the laws of the State of Texas and the Charter of the City of Hillsboro, Texas.

**PASSED AND APPROVED** in regular session of the City Council of the City of Hillsboro, Texas, on the 4th day of February, 1997.

  
\_\_\_\_\_  
Henry Moore, Mayor

ATTEST:

  
\_\_\_\_\_  
Jeanie Goff, City Secretary