

ORDINANCE NO. 840

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HEDWIG VILLAGE, TEXAS AMENDING CHAPTER 14, BUILDINGS AND BUILDING REGULATIONS, ARTICLE III, BUILDING STANDARDS, DIVISION 1, GENERALLY, OF THE CODE OF ORDINANCES OF THE CITY OF HEDWIG VILLAGE, TEXAS, BY ADDING A NEW SECTION 14-61, SURVEYS; SITE PLANS; TO ESTABLISH A NEW SURVEY AND SITE PLAN REQUIREMENTS FOR CONSTRUCTION PROJECTS.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HEDWIG VILLAGE, TEXAS THAT:

Section 1. *Chapter 14, Buildings and Building Regulation, Article III, Building Standards, Division 1, Generally, of the Code of the City of Hedwig Village, Texas, is hereby amended by adding a new Section 14-61, Surveys; Site Plans; to establish new survey and site plan requirements for construction projects. The amended Code shall read as set out in Appendix A, attached hereto. All other portions of Chapter 14 of the City's Code not specifically amended hereby shall remain in full force and effect.*

Section 2. *All ordinances and parts of ordinances in conflict with this Ordinance are repealed to the extent of the conflict only.*

Section 3. *If any word, phrase, clause, sentence, paragraph, section or other part of this Ordinance or the application thereof to any person or circumstance, shall ever be held to be invalid or unconstitutional by any court of competent jurisdiction, neither the remainder of this Ordinance, nor the application of such word, phrase, clause, sentence, paragraph, section or other part of this Ordinance to any other persons or circumstances, shall be affected thereby.*

Section 4. *The City Council officially finds, determines and declares that a sufficient written notice of the date, hour, place and subject of each meeting at which this Ordinance was discussed, considered or acted upon was given in the manner required by the Texas Open Meetings Act, as amended, and that each such meeting has been open to the public as required by law at all times during such discussion, consideration and action. The City Council ratifies, approves and confirms such notices and the contents and posting thereof.*

PASSED, APPROVED and ADOPTED this, the 12th day of December, 2024.

Tom Jinks, Mayor
City of Hedwig Village, Texas

ATTEST:

Lisa Modisette, City Secretary
City of Hedwig Village, Texas

Exhibit A

(New Language shown by underline and deleted language shown by strike-out)

ARTICLE III. BUILDING STANDARDS

DIVISION 1. GENERALLY

Sec. 14-61. – Surveys; site plans.

- (a) *Basic survey.* For each development project for which a permit is required, the applicant must submit a boundary survey showing all existing and proposed structures. The building official may waive this requirement if substantially equivalent information is available from other sources.
- (b) *Forms survey.* For each new foundation of a building or structure, the applicant must submit an additional survey showing the actual location of all foundation forms or guides as set upon the ground. The survey must show them with respect to the boundaries of the building site. This additional survey must be delivered to the building official not later than noon on the first city working day preceding the day on which the first part of the foundation is poured or affixed to the ground, and it shall be unlawful to proceed with such pouring or affixing before the building official makes a note on such survey to the effect that the proposed foundation appears to comply with applicable regulations.
- (c) *Drainage, elevation (surveys and drawings).* This Code requires additional surveys or drawings for drainage, in certain circumstances. See, e.g., section 14-62. The zoning ordinance requires a survey to establish the standard base elevation.
- (d) *Standards.* All surveys, drawings and site plans (including their form, scope, media and certifications) must meet standards prescribed by the building official. The building official may require submission of site plans in reproducible form (e.g., mylar) and in electronic form.
- (e) *Site plans.*
 - (1) *Intent.* The intent of this subsection is to aid persons who must comply with applicable regulations— not only during construction but also thereafter—by assembling, coordinating, and recording important surveys, drawings and compliance data.
 - (2) *When required; “LIDP” exception.* A site plan is required for projects involving development or grade raising. Exception: No site plan is required for small-scale projects if the building official issues a low-impact drainage project certification.
 - (3) *Content.* Each site plan must clearly depict the following, as applicable:
 - a. Basic survey;
 - b. Forms survey (after it becomes available);
 - c. Drainage and topographic survey;
 - d. Standard base elevation survey;
 - e. Easements and plat restrictions;

- f. Buildings and other structures;
- g. Lot coverage;
- h. Setbacks;
- i. Fences;
- j. Mechanical equipment;
- k. Garage openings, pavement, parking areas, driveways, emergency accessways, fire zones, sidewalks, loading areas, curb cuts, waste storage areas and special screens;
- l. Drainage facilities; and
- m. Other features and facilities required to comply with applicable regulations.

(4) Preparation and processing ("as designed" site plans).

- a. A preliminary version of the site plan (showing "as designed" conditions) must be filed with the building official before issuance of the initial permit for the project.
- b. The building official shall approve the "as designed" plan, unless the building official notices some noncompliance with this section or other applicable regulations.
- c. No permit may be issued until the "as designed" site plan is approved.

(5) Preparation and processing ("as built" site plans).

- a. Each permittee must deliver the final version of the site plan (showing "as built" conditions) to the building official by the sooner of:
 - 1. The 30th day following completion of the project (including final ground cover and landscaping); or
 - 2. The 30th day following the expiration of the permit.
- b. The permittee's engineer must formally certify that:
 - 1. The "as built" site plan accurately depicts "as built" conditions; and
 - 2. Both the plan and the conditions comply with applicable regulations.
- c. The "as built" site plan must include the "as built" drainage plan (if required) and any required supporting documents.
- d. The building official shall approve the "as built" plan, unless the building official notices some noncompliance with this section or other applicable regulations.
- e. Any review fee for the "as built" official site plan may be waived if the building official determines that the "as built" plan is not substantially different from the approved "as designed" plan and can be readily compared.
- f. No final occupancy permit or similar approval may be issued (except a temporary certificate of occupancy) until the "as built" site plan is approved.

- (6) Filing and recording. The building official shall maintain files for site plans, as approved. The files may be electronic.
- (7) Amendments. Amendments to site plans are handled in the same manner as original plans.
- (f) Compliance required. It shall be unlawful for any person to erect, construct, alter, use, own, possess or control any structure or grade-raising project without:
 - (1) Providing the surveys and site plans required by this section; and
 - (2) Otherwise complying with this section.

Sec. 14-62. Site drainage; drainage plans.

- (a) *Basic drainage requirements.* For each impact area (see definition in subsection (b)), the permittee must prepare a drainage plan and obtain the approval of the building official, as required by this section. Exception: No drainage plan is required for a project if the City Administrator or their designee issues an "LIDP" determination as described in Section 14-62 (b)(3). In addition, each permittee, each successive owner and each successive person in control of an impact area has a continuing duty to:
 - (1) Provide basic site drainage (see definition below) at all times, unless otherwise specified in an approved drainage plan or an approved amendment; and
 - (2) Comply with the approved drainage plan (if the plan was required by this Code or any prior city ordinance) or an approved amendment at all times.
- (b) Definitions. In this section, the following terms have the meanings shown, unless the context clearly indicates a different meaning:
 - (1) *Basic site drainage* means drainage that:
 - a. Captures substantially all of the rainwater that would fall onto the impact area, assuming a rainfall of one inch in one hour; and
 - b. Causes that rainwater to be absorbed within the same site or conveyed to a lawful receiving place for rainwater, without escaping onto any other site and without washing detectable quantities of soil or debris off the site, and without disturbing historical drainage patterns of adjacent sites. Rainwater may be conveyed across another site, if properly authorized by perpetual, recorded easement, existing conditions, or a similar interest in the land.
 - (2) *Impact area* means the area where grade-raising, development occurs. In the case of development, the entire site is included in the impact area.
 - (3) *Low impact drainage project (LIDP)* refers to a small-scale project less than 400 square feet or that has been determined by the City Administrator or their designee to be unlikely to cause adverse impacts on site drainage for the lot where the development is proposed or on any adjacent or contiguous lots. LIDPs do not require the submission of drainage plans as mandated in Sec. 14-62.
- (c) Drainage plans; content, types, etc. The applicant must prepare each drainage plan in two versions: "as designed" and "as built." The requirements are as follows:

“As Designed” Version

(1) A topographic survey drawing (with sufficient "spot" elevations and flow directions, as determined by the building official) showing:	a. the impact area and the receiving points for runoff, "as-is," before work on the site begins
	b. established drainage patterns across property lines
(2) Clear drawings and descriptions of temporary and permanent drainage measures "as designed" that:	a. provide basic site drainage but in no case shall more than six inches above existing grade of fill be allowed. However, the building official may authorize additional fill above the six-inch limit if the building official determines additional fill is necessary for proper drainage
	b. minimize the amount of fill and tree damage
	c. provides drainage away from building foundations as required by applicable regulations
	d. mitigate significant interference with established drainage patterns across property lines toward the impact area (shall be required for all residential drainage facilities).
	e. provides for basic stormwater quality protection as may be required by applicable regulations
(3) Additional information requested by the building official	

“As built” Version

(1) Clear drawings and descriptions of permanent drainage measures "as built" that:	a. substantially conform to the "as-designed" version of the drainage plan, including the topographic survey data
	b. provide basic site drainage but in no case shall more than six inches above existing grade of fill be allowed unless authorized

	by the building official in the "as designed" plans
	c. minimize the amount of fill and tree damage
	d. provide drainage away from building foundations as required by applicable regulations
	e. mitigate significant interference with established drainage patterns across property lines toward the impact area (a four-inch drain pipe—from the rear of the site to the street shall be required)
	f. provides for basic stormwater quality protection as may be required by applicable regulations
(2) All “as built” documents must be signed and sealed by a professional engineer	
(3) Additional information requested by the building official	

(d) Drainage plans; preparation, etc.

(1) Preparation and processing, "as designed" plans:

- a. The "as designed" version of the drainage plan must be filed with the building official before issuance of the initial permit for the project. As provided by this Code, the drainage plan may be submitted as a component of a site plan.
- b. The building official shall approve the "as designed" plan, unless the building official notices some non-compliance with this section or other applicable regulations.
- c. No permit may be issued until the "as designed" site plan is approved.

(2) Preparation and processing, "as built" plans:

- a. Each permittee must deliver the "as built" version of the drainage plan to the building official by the sooner of:
 1. The 30th day following completion of the project (including final ground cover and landscaping); or
 2. The 30th day following the expiration of the permit. As provided by this Code, the drainage plan may be submitted as a component of a site plan.

- b. The building official shall review and approve the "as built" plan, unless the building official notices some non-compliance with this section or other applicable regulations.
 - c. No final occupancy permit or similar approval (except a temporary certificate of occupancy) may be issued until the "as built" drainage plan is approved.
- (3) Amendments. Amendments to drainage plans are handled in the same manner as original plans. Exception: No amended drainage plan is required for a project if the building official issues an "LIDP" certification.
- (e) Drainage plans; implementation. Either temporary or permanent measures to achieve basic site drainage must be put into effect before grade-raising work or major development starts. Any temporary measures must remain in effect until permanent measures are installed and are operating as designed. Temporary measures may incorporate all or part of the permanent measures. Permanent measures must be installed and operating as designed as soon as practicable after grade-raising work is completed.
 - (f) Other rights and duties. Some persons may have state-created or recognized rights and duties with respect to surface water and drainage. For example, under state water laws, a property owner may have the right to allow water to drain naturally onto neighboring property, and the owner of the neighboring property may have the duty to receive the water. Neither this Code nor any actions taken by city officials shall ever be interpreted to diminish any other rights or duties arising under state water laws. Any person receiving a city permit or other approval remains obligated to carry out all state-created duties and to respect all state-created rights, whether compelled to do so by the city, or not. Every property owner remains free to pursue all state-created rights and remedies against other property owners, and it is neither required nor appropriate to involve the city in any such proceeding.

Secs. 14-63—14-75. Reserved