



**COOKE COUNTY SUBDIVISION REGULATIONS**

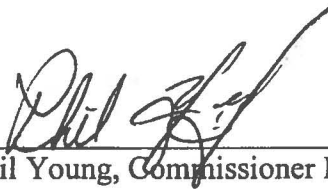


STATE OF TEXAS \*\*

COUNTY OF COOKE \*\*

COOKE COUNTY SUBDIVISION REGULATIONS


The following COOKE COUNTY SUBDIVISION REGULATIONS shall amend and supersede all previous subdivision regulations for Cooke County and are hereby adopted and approved by the Cooke County Commissioner's Court and shall be effective immediately this 24th day of Mar., 2003.

  
Phil Young, Commissioner Precinct 1


  
Bill V. Cox, Commissioner Precinct 2


  
Jerry Lewis, Commissioner Precinct 3

  
Virgil J. Hess, Commissioner Precinct 4

  
Bill Freeman, County Judge  
Cooke County, Texas

ATTEST:

  
Rebecca Lawson, County Clerk

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03 MAR 24 AM 10:54  
REBECCA LAWSON  
COUNTY CLERK, COOKE CO. TX  
BY  DEPUTY

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## SECTION A.

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

All departments and agencies of Cooke County stand ready to assist individuals, builders, and developers in achieving overall performance standards as outlined in the following chapters.

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

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

## SECTION B. ENFORCEMENT

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

- A. At the request of the Commissioners Court of Cooke County, the County Attorney or other prosecuting attorney representing the county may file an action in a court of competent jurisdiction to:
  - 1. Enjoin the violation or threatened violation of a requirement established by or adopted by the Commissioners Court under Chapter 232 of the V.T.C.A., Local Government Code; or
  - 2. Recover damages in an amount adequate for the county to undertake any construction or other activity necessary to bring about compliance with a requirement established by the Commissioners Court under Chapter 232 of the V.T.C.A., Local Government Code.
  
- B. A person commits an offense if the person knowingly or intentionally Violates a requirement established by or adopted by the Commissioners Court under Chapter 232 of the V.T.C.A., Local Government Code. An offense under the subsection is a Class B Misdemeanor.
  
- C. A requirement that was established by or adopted under Chapter 436, Acts of the 55<sup>th</sup> Legislature, Regular Session 1957, as amended (Article 6626a, Vernon's

Texas Civil Statutes), or Chapter 151, Acts of the 52<sup>nd</sup> Legislature, Regular Session 1951 (Article 2372k Vernon's Texas Civil Statutes), before September 1, 1983, and that, after that date, continues to apply for subdivision of land is enforceable under Subsection (B). A Knowing or intentional violation of the requirement is an offense under subsection C of this Section.

### SECTION C. DEFINITIONS

1. **BASE FLOOD PLAIN** – that area subject to inundation by flood, having a one percent probability of occurrence in any given year, based on existing conditions of development Insurance Study for Cooke County, provided by the Federal Emergency Management Agency (FEMA). The base floodplain will be defined by a Registered Civil Engineer.
2. **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 base floodplain elevation more than one foot.
3. **BUILDING LINE 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.
4. **COUNTY** – Cooke County, Texas.
5. **COUNTY JUDGE** – The Constitutional County Judge of Cooke County, Texas.
6. **COMMISSIONERS COURT** – The Cooke County Commissioners Court.



7. **COUNTY ENVIRONMENTAL HEALTH OFFICER** - The Environmental Health Officer of Cooke County, Texas.
8. **DEPARTMENT OF TRANSPORTATION SERVICES** –Cooke County Commissioners’ Court.
9. **DEVELOPER** – Persons, corporations, organizations, government or governmental subdivision or agency, estates, trusts, partnerships, associates, incorporations or other entities, which undertake the activities covered by these regulations.
10. **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.
11. **ENGINEER** – Any person registered and currently licensed to practice engineering by the Texas State Board of Registration for Professional Civil Engineers.
12. **EXTRATERRITORIAL AUTHORITY (ETJ)** – The unincorporated area, not a part of any city, which is contiguous to the corporate limits of any city. The extraterritorial jurisdiction of the various population classes of cities as defined in V.T.C.A. Local Government Code Section 42.021.
13. **FEMA** - Federal Emergency Management Agency.
14. **GATED SUBDIVISION** - A limited access Subdivision. Please see definition below: SUBDIVISION.
15. **G.I.S.** – Geographic Information Systems.
16. **G.P.S.** –Global Positioning System.

17. **LOT** – An undivided tract or parcel of land having frontage on a road, which parcel of land is designated as a separate and distinct tract. All lots, so far as practical shall have their sidelines at right angles to the road on which they face, or radial to curved road lines.

18. **MAY** – is permissive.

19. **PLAT** – a map depicting the division or subdivision of lands into lots, blocks, parcels, tracts, or other portions. A replat or resubdivision will be considered a plat.

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

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

20. **SHALL** – is mandatory and not discretionary.

21. **STATE PLANE COORDINATE SYSTEM** – A coordinate system used by States to locate spatial information with a high degree of accuracy. This coordinate system is widely used in North Central Texas for GIS purposes.

22. **SUBDIVISION OF LAND** – The owner or owners of any tract of land outside the limits of a municipality in COOKE COUNTY, TEXAS, other than the ETJ of a municipality who has entered into a resolution with the Cooke Commissioners’

Court granting full authority to the municipality for regulating subdivisions within the municipality's ETJ, must have a plat of the subdivision prepared and filed as provided in these regulations if the owner or owners divides or divide the tract of land into two (2) or more parts to lay out:

- a. A subdivision of the tract of land, including addition;
- b. Lots; or
- c. Streets, alleys, squares, parks, or other parts of the tract of land intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts;
- d. A division of a tract of land under subsection 22. c. above includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executor contract to convey, or by using any other method:
- e. All divisions of land regardless of exemption of the requirements of these subdivision regulations are required to be surveyed, platted and plat filed with the Cooke County Clerk.
- f. These regulations do not apply to an owner or owners of a tract of land located outside of a municipality in Cooke County, Texas who divides or divide a tract of land into two (2) or more parts and the owner or owners does not or do not lay out a part of the tract of land as described in subsection 22.c. above, and

1. The tract of land is to be used primarily for agriculture use, farm use, ranch use, wildlife management use, or timber production use as defined in and within the meaning of the Texas Constitution; unless such tract of land ceases to be used for such purposes;
2. The tract of land is divided and each parcel sold to an individual related to the owners or owners within the third degree of consanguinity or affinity as defined in the Texas Government Code;
3. All of the lots of the division or subdivision are more than ten (10) acres; and the owner or owners does not or do not lay out a part of the tract of land as described by subsection 22 c. above;
4. If all the lots or parts of the tract of land are sold to veterans through the Texas Veterans' Land Board Program; and the owner or owners does not or do not lay out a part of the tract of land as described by subsection 22.c above;
5. If the tract of land is owned by the State of Texas or any state agency, board or commission or owned by the permanent school fund; and the owner or owners does not or do not lay out a part of the tract of land as described by subsection 22.c. above.
6. The owner of the tract of land is a political subdivision of the State of Texas; the tract of land is situated in a base floodplain; and the lots are sold to adjoining landowners;
7. The owner or owners of the tract of land does not or do not lay out a part of the tract of land as described in subsection 22.c. above; and one

new part is to be retained by the owner or owners, and the other new part is to be transferred to another person who will further subdivide that persons tract of land subject to these regulations;

8. The owner or owners of the tract of land does not or do not lay out the tract of land as described in subsection 22.c. above; and all parts are transferred to persons who owned an undivided interest in the original tract of land and a plat is filed as required by these regulations before any further development of any part of the tract of land;

23. **SURVEYOR** – any person licensed to practice surveying by the Texas Board of Professional Land Surveying.

24. **STREET OR ROAD** – Refers to a way for vehicular traffic. For the purpose of these regulations, the terms “streets” and “roads” are used interchangeably.

(a) **COUNTY MAINTAINED ROAD** - Only those roads specifically dedicated to public use, or formally accepted by Cooke County by a separate portion of such dedicated public road, drive or street shall be maintained by Cooke County at taxpayers’ expense. The mere acceptance of a plat that sets aside a road, drive or street by way of dedication to public use shall not constitute an acceptance of that road, drive or street for maintenance by Cooke County.

(b) **PUBLIC ROAD**- A roadway may be dedicated to public use. The mere acceptance of a plat that sets aside a road, drive or street by way of dedication to public use shall not constitute an acceptance

of that road, drive, or street for public maintenance. The public may be entitled to rely upon a dedication of a road, drive or street as a public road without the necessity of maintenance by Cooke County.

(c) **PRIVATE ROAD**- A road, drive or street clearly identified as “Private” on any plat, and for which maintenance is an obligation of the owner(s) whose property adjoins the private road.

25. **MINOR STREETS** – Any minor way or alley that is used primarily for vehicular service access to the backside of properties otherwise abutting on a street.
26. **ARTERIAL STREETS OR HIGHWAYS** – Those streets used primarily for faster heavy traffic and serves traffic beyond the limits of the sub-division.
27. **COLLECTOR STREETS** – Those streets, which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.
28. **INDUSTRIAL STREETS** – Those streets, which carry heavy industrial traffic from the industrial areas to the major system of arterial streets and highways, including the principal entrance streets of an industrial area and streets for circulation within the industrial area.
29. **RESUBDIVISION** – The redesign of an existing subdivision, together with any changes of lot sizes therein, or the relocation of any street lines or lot lines.
30. **REPLAT** - Submission of an existing subdivision to the Commissioners Court for approval, which has annulled or canceled at one time.

31. **CUL-DE-SAC** – A local street having one end open to vehicular traffic and having one closed end terminated by a turnaround, the radius of which shall be no less than a minimum right-of-way radius of seventy-five (75) feet.
32. **VACATE** - To annul or cancel a subdivision plat, street, or easement.
33. **VARIANCE** – a form of relief granted to a sub-divider by the Commissioners’ Court, and granted on the basis of the following criteria:
- (a) The existence of circumstances or conditions affecting the sub-divider’s property in such a way that the strict application of these regulations would deprive the sub-divider of the reasonable use of his/her land; and
  - (b) The sub-divider’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 sub-divider’s offer of evidence that the variance will not be detrimental to the health, safety, and general welfare of real property in Cooke County; and
  - (d) That the grant of variance will not be simply a matter of convenience or expedience but is founded on the principals of reasonableness and substantial justice.
34. **TXDOT** - Texas Department of Transportation .
35. **TNRCC** – Texas Natural Resources Conservation Commission .

**SECTION D. ENFORCEMENT PROCEDURES**

The provisions of the Court Order shall apply to all of the unincorporated areas of Cooke County, Texas, other than the ETJ of a municipality who has entered into a resolution with the Cooke County Commissioners' Court granting full authority to the municipality for regulating subdivisions within the municipalities ETJ.

**SECTION E. PLATTING PROCEDURE**

**1. PRELIMINARY PLATS:**

- a. The submission of a preliminary plat is necessary to:
  - (1) eliminate the duplication of subdivision names and street names.
  - (2) Assure proper alignments of streets and drainage facilities.
  - (3) Assure that the provisions of the base floodplain regulations will be complied with, and that no lot will have a drainage problem.
  - (4) Assure that the provisions of the sewage regulations will be complied with.
  - (5) Assure that all necessary permits or plan approvals have or will be applied for.
- b. Six (6) (blue line copies or reproductions) of the preliminary plats, shall be submitted to the Cooke County Judge at least ten (10)



calendar days prior to the Cooke County Commissioners' Court.

After approval of the preliminary plat, one (1) signed copy will be retained by the Commissioners' Court. If the preliminary plat is tabled before acceptance, the Commissioners Court shall by separate Order reschedule the matter for reconsideration on a specific date. Any revised plat must be presented to the County Judge not later than seven (7) days prior to the date rescheduled for reconsideration of the revised plat by the Commissioners Court."

- c. Preliminary plats shall be approved by the Cooke County Commissioners' Court before a final plat may be submitted.
- d. Preliminary plats shall be drawn on a 24" x 36" sheet at a scale of 1" = 200' unless different size is approved by the Cooke County Commissioners' Court.
- e. Preliminary plats shall show, or be accompanied by the following information:
  - (1) the name, address and telephone number of the developer, surveyor and/or engineer.
  - (2) the proposed name of the subdivision, and the names, locations, width and dimensions of all proposed and existing streets within the property.
  - (3) The location of the existing boundary lines in sufficient detail to accurately locate the property.

- (4) The description, location, width and dimensions of proposed and existing utility and pipeline easements within and adjacent to the property.
- (5) The name, location and dimensions of all adjacent subdivisions and streets. Where there are no adjacent subdivisions, the preliminary plat shall show:
  - (a) the name of all adjacent property owners with the volume and page of recordation.
  - (b) The location and distance to the nearest subdivisions, and how the streets in the proposed subdivision may connect with those in the nearest subdivisions or other roads in the area.
- (6) 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. Unless a “Request for a Waiver”, attached as Exhibit B hereto, is signed by the County Commissioner within whose precinct the subdivision is located and the same is attached to the preliminary plat, then drainage and topography information is presumed to be required.

- (7) The exact location, dimensions description and flow line of all existing and proposed drainage structures.
- (8) The location of the 100-year flood plain and all lots, or any part of a lot, that lies within the 100-year flood plain.
- (9) The existing drainage areas upstream of the proposed subdivision, along with the drainage across, and leaving the subdivision in sufficient detail to show any changes in the 100-year flood plain elevation across the proposed subdivision, and on the property both upstream and downstream from the proposed subdivision.
- (10) The date the plat was prepared.
- (11) A north arrow and the scale of the plat.
- (12) A location or vicinity map showing the location of the proposed subdivision within the county and to the nearest incorporated areas with a north arrow and scale of the vicinity map.
- (13) Preliminary water and sewer plans if applicable.
- (14) The location of set back lines on each lot.
- (15) 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.

- (16) If the location of the proposed subdivision is within the extraterritorial jurisdiction of a city in Cooke County which does not have an interlocal agreement with the County concerning extraterritorial jurisdiction, 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 Cooke County and the town or city, the more stringent of the regulations will apply.
- (17) If the Commissioners' Court does not approve, disapprove, or ask for clarification of the preliminary plat within thirty (30) days of the date of the initial meeting for the consideration of the preliminary plat, it will be deemed approved and so endorsed by the Commissioners' Court. Grading of streets or construction is not authorized in the proposed subdivision before the Final Plat is approved by the Commissioners' Court.
- (18) Each developer, sub-divider, and/or owner of said subdivision will provide a tax certificate for the subdivision as furnished through the Cooke County Tax Appraisal District's Office demonstrating there are no delinquent taxes due and owing.
- (19) Platting fees shall be as follows:

- a. Platting fees - \$100.00 plus \$20.00 per lot;
  - b. Re-platting fees - \$200.00 per review plus \$20.00 per lot;
  - c. Variance - \$200.00 non refundable
  - d. Road and Drainage Inspection Fee - \$100.00 per trip for inspection.
- f. All information listed in item “d” above is considered to be the minimum amount of information needed to assure compliance with this Court Order. Any deviations from items “a” through “d” shall have the written approval of the Cooke County Commissioners’ Court prior to submittal of the preliminary plat.
- g. If the proposed subdivision is a portion of a tract which is later to be subdivided in its entirety, then a tentative master plan of the entire subdivision shall be submitted with the preliminary plat of the portion first to be subdivided.
- h. The Cooke County Judge will review the preliminary plat and:
- (1) Advise the developer of any discrepancies before the preliminary plat is placed before the Commissioner Court.
  - (2) **APPROVAL OF PRELIMINARY PLAT**
    - (a) **APPROVAL OF THE PRELIMINARY PLAT DOES NOT CONSTITUTE ACCEPTANCE OF THE SUBDIVISION, BUT IS MERELY AN AUTHORIZATION TO PROCEED WITH THE**

**PREPARATION OF THE FINAL PLAT FOR  
RECORD. THE APPROVAL WILL BE IN  
EFFECT FOR ONE (1) YEAR.**

**2. FINAL PLATS:**

- a. The submission of final plats is necessary to:
- (1) assure proper identification and location of all streets, lots and easements.
  - (2) Assure that the street will be properly constructed and maintained.
  - (3) Assure that the Cooke County Environmental Health Department has approved the sewer systems.
  - (4) Assure that all proper dedications have been made for streets, easements and public spaces.
  - (5) Assure that all necessary permits have been obtained or applied for.

A final plat is required unless the subdivision meets the requirements for exceptions detailed in Section (C) (22) (c) of this order:

- b. For subdivisions outside of the extraterritorial authority of any city, the developer shall submit to the Cooke County Commissioners' Court the original on mylar and six (6) blue line copies of the final plat, at least ten (10) calendar days prior to the Commissioners Court approval. If the final plat is tabled before acceptance, the

Commissioners Court shall by separate Order reschedule the matter for reconsideration on a specific date. Any revised plat must be presented to the County Judge not later than seven (7) days prior to the date rescheduled for reconsideration of the revised plat by the Commissioners Court.

- c. For subdivisions located wholly or in part, within the extraterritorial authority of any city, the developer shall submit to the Cooke County Commissioners' Court six (6) blue line copies of the final plat, prior to or concurrent with the submission of the final plat to a city exercising its extraterritorial authority. A final plat may not be presented to the Commissioners Court before the plat has been approved by a city exercising its extraterritorial jurisdiction.
- d. Final plats shall be drawn on a 24" x 36" mylar sheet at a scale of 1" = 200' except upon prior approval of the Cooke County Commissioners' Court.
- e. The following statement shall be noted on the face of the final plat in all caps and bold red lettering:
  - 1. Blocking the flow of water or construction improvements in drainage easements, and filling or obstruction of the floodway is prohibited.
  - 2. The existing creeks or drainage channels traversing along

or across the addition will remain as open channels and will be maintained by the individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.

3. Cooke County will not be responsible for the maintenance and operation of said drainage ways for the control of erosion.
  4. Cooke County will not be responsible for any damage, personal injury or loss of life or property occasioned by flooding or flooding conditions.
  5. Cooke County will not be responsible for the availability or delivery of any private well water in a subdivision.
- f. In addition to the requirements for preliminary plats, final plats shall show or be accompanied by the following information:
- (1) The name of the subdivision, the names or numbers of the streets, the date that the plat was prepared, a north arrow and a graphic scale.
  - (2) Sufficient data to reproduce, on the ground, the bearing and length of all streets, blocks, lots and easements. Curves on streets, blocks and easements shall include the radius, length and central angle of the curve. Curves on the lots shall show the radius and length of the curve.



- (3) The accurate location of adjacent subdivision streets, blocks, lots and easements, or the property owner if the adjacent land is undeveloped.
- (4) The number of all lots and blocks arranged in systematic order, and clearly shown on the plat in distinct and legible figures.
- (5) The size of each lot shall be indicated on the final plat in square feet and in acreage.
- (6) The 100-year flood plain as identified on the most current Cooke County Flood Insurance Rate Map (FIRM) published by the Federal Emergency Management Agency.
- (7) A legal description of the property, and locate the same with respect to an original corner of the original survey of which it is a part, and the number of acres being subdivided. All blocks, corners and angles shall be marked in accordance with minimum standards set forth by the Texas Board of Professional Land Surveyors. All corners shall be marked with caps stamped with the surveyor and/or company name.
- (8) A dedication, by the developer, of all streets, roadways, alleys, utility easements, parks, conservation easements, and other land intended for public use, and the developer's certifications that all parties with any interest in the title to the subject property have joined in such dedication, duly

executed, acknowledged and sworn to by said developer before a Notary Public.

- (9) The following statement shall appear in bold red caps on any plat containing private streets, drives, emergency access easements, recreation areas and open spaces:

**NOTE: All private roads (drives and streets) will be signed in a manner that indicates its private status:**

COOKE COUNTY SHALL NOT BE RESPONSIBLE FOR MAINTNENACE OF PRIVATE STREETS, DRIVES, EMERGENCY ACCESS EASEMENTS, RECREATION AREAS AND OPEN SPACES; AND THE OWNERS SHALL BE RESPONSIBLE FOR THE MAINENANCE OF PRIVATE STREETS, DRIVES, EMERGENCY ACCESS EASEMENTS, RECREATION AREAS AND OPEN SPACES AND SAID OWNERS AGREE TO INDEMNIFY AND SAVE HARMLESS COOKE COUNTY, FROM ALL CLAIMS, DAMAGES AND LOSSES ARISING OUT OF OR RESULTING FROM PERFORMANCE OF THE OBLIGATIONS OF SAID OWNERS SET FORTH IN THIS PARAGRAPH.

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

- (11) A space for the approval of the Commissioners Court of Cooke County, Texas.
  - (12) A space for the approval of a city exercising its extraterritorial authority other than a municipality that has entered into an resolution with the Cooke County Commissioners' Court granting full authority to the municipality for regulating subdivisions within the municipalities ETJ.
  - (13) A copy of the deed restrictions/restrictive covenants imposed within the subdivision must accompany the Final Plat.
  - (14) The location of set back lines on each lot.
- g. All information listed in item "f" above is considered to be the minimum amount of information needed to assure compliance with this Court Order. Any deviations shall have the written approval of the Cooke County Commissioners' Court prior to submittal of the final plat.
  - h. The Cooke County Judge will review the final plat for its conformance, and place the subdivision on the Commissioners Court Agenda and recommend either approval or denial.
  - i. The final plat shall be accompanied by:
    - (1) a surety bond or cash escrow for construction of streets

- (2) a statement of approval of plans from all conservation districts, municipal utility districts, or drainage districts.
  - (3) A certificate from each Tax Collector of a political subdivision in which the property is located stating all taxes are paid and not delinquent.
  - (4) A certificate stating the subdivision's public water supply or water supplier have approval from the appropriate State agency or designated authority.
  - (5) All construction plans.
  - (6) Six (6) sets of construction plans.
- j. After the plat has been approved and signed by the Commissioners Court, the plat will be returned to the developer for recording with the County Clerk. The final plat must be record within ten (10) working days of approval by the Commissioners Court. The Commissioners Court may grant a single twenty (20) working day extension.
- k. The plat shall contain the following statement under the County's signature block:  
"Construction not completed within two years of the recording date shall be subject to current County standards and regulations. The County may require the subdivision be re-platted."

- l. Commissioners Court may refuse to approve a plat if it does not meet the requirements prescribed by these rules or if any bond required under these rules is not filed with the County.
- m. Upon approval, the County may assist in filing with the County Clerk's Office. The County Clerk will collect the appropriate filing fee from the person seeking the plat.

**3. CONSTRUCTION PLANS:**

All construction plans, drawings and calculations shall be sealed by a Registered Professional Civil Engineer licensed to practice in Texas.

- a. Six (6) sets of all construction plans must be submitted to and approved by the Cooke County Commissioners' Court, unless a waiver is granted prior to the start of any construction. The construction plans shall consist of:
  - (1) street plans
  - (2) drainage plans, including outfall channels, storm sewers and inlet design.
  - (3) Plans for water system, if any.
  - (4) Plans for sewage treatment and sewer system, if applicable.
  - (5) Plans for adjustments of utility lines and pipelines.
  - (6) Location and description of all easements.
- b. Street construction plans shall show:

- (1) The plan of the street, in no larger than a 1" = 50' scale, showing the location of the proposed pavement, ditches and drainage structures within the street right-of-way.
- (2) The profile of the street in no larger than a 1" = 50' scale horizontal and a 1" = 5' scale vertical.
- (3) The street grades and elevations.
- (4) Vertical and horizontal curve information.
- (5) The ditch grades, design flow of water, design depth of water and design velocity of water.
- (6) Typical street sections.
- (7) The seal and signature of the engineer responsible for the design on all sheets.

c. Drainage construction plans shall show:

- (1) The plan of the drainage ditches in no larger than a 1" = 50' scale.
- (2) The profile of the drainage ditches in no larger than a 1" = 50' scale.
- (3) The ditch grades, design flow of water, design depth of water and design velocity of water.
- (4) A plan and profile of all culverts under any street with the design flow of water, headwater and tail water depths and the tail water velocity.

- (5) The size of all driveway culverts to carry the design flow of water at each lot in the subdivision when the culvert is installed at the design ditch grade.
  - (6) Typical ditch sections.
  - (7) The seal and signature of the engineer responsible for the design on all sheets.
- d. Drainage construction plans shall show:
- (1) the location and size of all proposed water lines in relation to the right-of-way or easements in which the lines are to be located.
  - (2) The location of all appurtenances proposed to be installed.
  - (3) The minimum depth to which the water lines are to be installed.
  - (4) The seal and signature of the engineer responsible for the design on all sheets.
- e. Sewer construction plans for multiple unit use shall show:
- (1) the plan of the sewer line in no larger than a 1" = 50' scale, showing the location and size of all proposed sewer lines in relation to the right-of-way or easements in which the lines are to be located.
  - (2) The profile of the sewer line in no larger than a 1" = 50' scale horizontal and a 1" = 5' scale vertical.
  - (3) The location of all appurtenances proposed to be installed.

- (4) The sewer line grades and elevations at all junction points.
  - (5) The seal and signature of the engineer responsible for the design on all sheets.
- f. All construction plans shall be submitted with the final plat.
- g. Cooke County will review the construction plans for their conformance, and return one (1) set of the construction plans to the developer stating:
- (1) that the plans have been approved.
  - (2) The changes that will need to be made before the plans will be approved. If any Changes are required, the developer shall have the necessary changes made and submit six (6) copies of the corrected plans to the Cooke County Commissioners' Court. If all necessary changes have been made, Cooke County will return one (1) set of the corrected plans to the developer stating that the plans have been approved.

#### **SECTION F. WATER AND SEPTIC SYTEM REQUIREMENTS**

The owner(s) must submit a letter of commitment from the said utility companies for providing service within the proposed subdivision. The proposed water supply should be clearly indicated, i.e., municipal water, rural water supply corporation, privately owned water system, individual well etc., including location of fire hydrants, if any.



The plan for sewage disposal should clearly indicated, i.e., municipal sewer service, privately owned/organized sewage disposal system, private sewage facilities, etc. If it is the Owner's intent that each lot purchaser shall provide private sewage facilities, those facilities must meet the requirements of the Cooke County Environmental Health Department.

**SECTION G. SUBDIVISION REQUIREMENTS**

**1. ROADS OR STREETS**

The following are the minimum specifications for all new major thoroughfares in rural subdivisions:

<b>Street Dimensions:</b>	<b>Arterial</b>	<b>Collector</b>	<b>Minor</b>
Minimum Right-of-way	80'	60'	50'
Minimum Crown of Roadway			
¼ inch per foot	34'	30'	26'
Minimum Compacted Depth			
of Base Material **	6"	6"	6"
If paved without curb & gutter,			
the paving width shall be	24'	24'	24'

Maximum Allowable Grade

(may be varied due to unusual topographic conditions when the Commissioners' Court finds that Such variation is justified)

For cross-section of collector streets, see Exhibit C attached.

9%                      9%                      12%

\*\* Sub-base Compaction –

All vegetation must be removed. Sub-base material must be clean material, compacted in six (6) inch layers with a plasticity index between 8 to 35. Compaction shall be no less than 98 percent. Certified laboratory reports must be supplied to the Commissioners' Court.

Utility Crossing –

All layers shall be compacted at no less than six (6) inch layers with equipment that is approved by the Commissioner of the said precinct in which the work is being performed. A County Representative must be present during the compaction process.

Paving Requirements –

Minimum pavement shall be blacktop with two (2) courses of hot oil and chip rock with a minimum application of .4 tenths gallon per square, per course (type of hot oil used will be at the desecration of the precinct commissioner) and an application of 27.65 pounds of 3/8 chips per square or two (2) inches compacted hot mix asphalt overlay with tack oil applied before hot mix laid. Minimum pavement without curb and gutter for all classifications of roads is twenty-four feet. The base course of the

roadway section shall be a minimum width of twenty-six (26) feet crushed stone at a depth of six (6) inches. The sub-grade shall be lime stabilized to a depth of six (6) inches. **ALL ROADS, REGARDLESS OF BEING PRIVATE OR TO BE DEDICATED AS COUNTY MAINTAINED, SHALL BE PAVED TO COUNTY SPECIFICATIONS.**

All roads or streets more than one hundred feet (100') in length shall either be connected at both ends to a dedicated street, or be provided with a cul-de-sac having a minimum paved radius of sixty feet (60') and a minimum right of way radius of seventy-five feet (75').

A proposed subdivision that adjoins or encompasses an existing public street, that does not conform to minimum right-of-way requirements of these regulations, shall provide for the dedication of additional right-of-way along either or both sides of said street so that the minimum right-of-way required by these regulations can be established. If the proposed subdivision abuts only one side of said street, then a minimum of half of the required right-of-way shall be dedicated by such subdivision.

Where any portion of a road or street has been dedicated in an adjoining subdivision, adjacent to and along the common property line of the two subdivisions, enough width of right-of-way must be dedicated in the new subdivision to provide the minimum width specified herein.

Roads or streets which are a continuation of any existing road or street shall take the name of the existing road or street.

All roads or streets preferably shall intersect at a ninety-degree angle. Where this is not possible, the intersection, on the side of the acute angle, shall be rounded with a curve or a cutback, but in no case, shall the curve have less than a twenty-five foot (25) radius.

New roads and streets, which are a continuation of an existing road or street, shall be a continuation, without offset, of the existing road or street.

Where roads or streets in an adjoining subdivision end at the property line of the new subdivision, the said roads or street shall be continued throughout the new subdivision. Where there are no adjacent connections platted, the roads in the new subdivision shall be a reasonable projection of the roads or streets in the nearest subdivisions.

No decorative squares, trees, "islands", ornamental entrances or any other obstruction to traffic shall be constructed or preserved within the right-of-way of a road dedicated to the public without the written permission of the precinct commissioner where the subdivision is located. If landscaping and/or irrigation are proposed within the right-of-way, the owner shall create a body (municipal utility district, homeowners association, neighborhood association, etc.), that will be responsible for the maintenance and liability of the landscaping and/or irrigation system. This body shall have assessment authority to insure the proper funding for maintenance.

**All street signs, street signposts, and mounting hardware shall be furnished by the developer, subdivider, and/or owner of the said subdivision.**

- a. Street signs shall be mounted on steel posts (minimum of eight (8) feet clearance height). Streets signs shall be manufactured with engineer grade reflective white letters (minimum of four (4) inches in height), on green engineer grade reflective sheeting background. Proper control traffic signs shall also be furnished by the developer, sub-divider, and/or owner of the said subdivision as required by Centralized Road & Bridge Regulations and pre-approved by the Commissioners' Court.
- b. All signs shall be constructed of material conforming to the requirements of the Texas Manual on Uniform Traffic Control Devices, latest edition, and installed by the developer, sub-divider, and/or owner.
- c. Street names will not be approved if said names conflict or will cause confusion with existing street names. The information regarding streets required by the Commissioners' court in order to facilitate use of said information by the Cooke County's E-911 System.

**2. PRIVATE ROADS AND STREETS.**

Each subdivision containing a Private Road shall place an appropriate sign approved by the Commissioners' Court designating such Private Road and the person or persons responsible for the maintenance thereof. A sign measuring no less than 24" x 36" with four (4) inch capitalized block letters stating, **"Private Road Not Maintained By County"** shall be posted at the entrance(s) of the subdivision.

### 3. DRAINAGE AND UTILITY EASEMENTS.

Utility easements shall be a minimum of ten feet (10') in width, and located along the inside of a property or lot line. It shall be the duty of the developer to insure that all easements are of the proper width and location to serve the using utility companies.

Utility lines crossing a road shall be installed a minimum of 36" below the ditch line or a minimum of 42" below the crown line of the road, whichever is greater. All lines carrying liquid products must be encased in metal or PVC schedule 40 and a minimum length of 5' from ditch line to ditch line.

If new roads are constructed over existing petroleum pipeline crossings, the pipelines must meet the following requirements:

1. Encased pipe must be at least 3 feet below the deepest proposed ditch grade and vented with a minimum length of the road right-of-way.
2. Non-cased pipe (of extra wall thickness meeting Federal Regulations) must be at least 4 feet below the deepest proposed ditch.
3. All petroleum pipeline shall be marked per State and Federal guidelines.

Roads will not be accepted for maintenance by Cooke County, which contains a petroleum pipeline within the right-of-way, other than crossing pipelines.

The County is not required to provide maintenance for drainage easements.

The area identified as drainage easements will be subtracted from the raw lot size in determination of acceptable lot size for construction.

Drainage easements shall generally be located along the existing drainage way, and shall meet the following standards:

- a) Open channels with top widths from 0' to 50' require top width plus 25'.
- b) Open channels with top widths greater than 50' require top width plus 25'.
- c) Enclosed pipes require 20' minimum width.

All easements shall be so designed to allow maintenance equipment to enter the easement, and be able to perform the necessary work.

#### **4. LOT SIZE AND BUILDING SETBACKS.**

All lots or tracts in any new subdivision using private sewer facilities shall be a minimum of one (1) acre in size. All proposed private sewage facilities must be in accordance with the policies and laws of the Cooke County.

Side Lot lines should normally be at a ninety-degree angle to the street.

All straight lines shall clearly show the length of the line, and the plat shall show enough information to readily determine the bearing of all lot lines.

All curved lot lines shall clearly show the length of the arc and radius of the curve, or show enough information on the plat to readily determine the radius of the curve.

Building and setback lines shall be 50 feet from the edge of the right-of-way on all state and federal roads and 25 feet from the edge of the right-of-way on all

other roads. **Buildings and setback lines shall be shown on both the preliminary and final plats**

**5. BASE FLOODPLAINS**

Subdivisions that are located in a flood zone as shown on the current Flood Insurance Rate Map (FIRM) for Cooke County will have the following requirements:

- (a) Permanent type benchmarks shall be set in appropriate locations with the description and elevation shown on the plat. The elevation of the benchmark shall be tied to a benchmark shown on the FIRM panel.
- (b) Contours at one (1) foot intervals shall be shown on the plat.
- (c) The finished flood elevation must be shown for each lot located in the base floodplain.
- (d) The base floodplain area of each lot shall be subtracted from the overall lot size to determine minimum lot size.
- (e) The provision of and maintenance of drainage for the purposes of flood damage reduction on individual private lots is not the responsibility of the County.

**SECTION H. TYPICAL SECTIONS**

**VACATION OF SUBDIVISIONS** – 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 Cooke County Commissioners Court. The petition must contain a description 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 Cooke 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 part of a subdivision, the Commissioners Court must issue a written statement to the Cooke County Clerk to vacate same.

**RESUBDIVISION** – A developer or person(s) wishing to resubdivide, must notify all property owners in the said subdivision thirty (30) days prior to Commissioners’ Court via certified mail/receipt requested.

**REPLATTING** - In order for subdivision to be replatted it must first be vacated. Replatting of a subdivision must follow the same procedures as described above in filing preliminary and final plats.

## **SECTION I. CONSTRUCTION STANDARDS**

**MAILBOXES** - For purposes of public safety, the County encourages the use of clustered or community mail facilities whenever possible to reduce collision hazards. Mailboxes within the County right-of-way shall meet the current TXDOT standard if the speed limit on the County road is more than 40-mph. Mailboxes in subdivisions with speed limits at or below 40-mph must meet Post Office requirements, and must be placed in a manner that does not interfere with line of vision of vehicular traffic.

**GUARDRAILS** - Guardrails shall be required on all roads where the total distance from the top of the crown of said road at a given point to the lowest point of the drainage area at a 90 degree angle to said given point exceeds three (3) feet. Guardrails may be required at other locations and shall be within the sound discretion of the Commissioner in whose precinct the subdivision is located. The guardrails height, material and construction shall be subject to approval on an individual case basis. The guardrails location and dimensions shall be noted on the final plat.

**HEADWALLS** - Headwalls shall be used to protect the embankment from erosion and the culvert from displacement. The headwalls shall be constructed in accordance with county standards as required by the physical condition of the particular installation. Rock rip-rap or other suitable erosion control shall be required at each headwall location as supplemental protection, depending on the sound discretion of the commissioner in whose precinct the subdivision is located.

## **SECTION J. STORM WATER MANAGEMENT**

A subdivision plat shall not be approved which does not make adequate provisions for storm water runoff.

A storm water drainage plan shall be prepared in accordance with standard engineering practice, as part of the subdivision final plat.

1. Scope of Drainage Plan. Drainage plans shall show the extent of all contributing watersheds that impact the subdivision. A Registered Professional Civil Engineer shall calculate the potential runoff base on a 100-year frequency storm. Both to peak flows and volumes of runoff will be calculated for all definable drainage courses.
2. Design Storm Criteria. Drainage structures, where required, shall be designed to accommodate the runoff from a ten year return frequency storm, and to pass a one hundred year storm without drainage.
3. Drainage Structure Design. Drainage structures shall be designed to minimize maintenance requirements. Paved swales or culverts may be required where surface water crosses a roadway or intersection. The permitted rates of storm water within swales adjoining roadways shall not endanger the public, nor shall the velocity of runoff cause scouring or other similar destructive erosion of the swale surface.
4. Effect on Downstream Properties. A Registered Professional Civil Engineer shall study the effect of the storm water runoff from the subdivision on properties downstream from the subdivision. Where it is anticipated that the additional runoff incident to the development of the subdivision will overload an existing downstream drainage facility, the Commissioners Court may withhold approval of the final plat until the applicant makes provisions to improve the off-site drainage facility. If downstream drainage facilities are not available or are incapable of accommodating the increase storm water runoff, the Commissioners'

Court may require storm retention basins to prevent an increase in storm water runoff.

5. Low-lying Lands Along Natural Drainage Course. Low-lying lands along natural drainage courses subject to flooding or overflowing during storm periods, shall be reserved and retain their natural state as drainage ways, and shall not be included as lots in the subdivision.
6. Prohibition Against Removal of Soil Erosion and Flood Control Structures. Where there are existing spreader dams, tanks, other soil erosion or flood control structures on property to be included in a subdivision plat, and where removal of such structures would result in flooding or damage to downstream of adjacent property, or to another property in the subdivision, the plat shall show that such structures shall not be removed or altered without other adequate provision having been made for mitigation of such potential flooding or damage. The Commissioners' Court shall approve determination of what constitutes adequate mitigation.

## **SECTION K. DRAINAGE STANDARDS**

### **DRAINAGE AND TOPOGRAPHY**

Within the sound discretion of the Commissioners' Court the preliminary plat may be required to show the drainage plan, the physical features of the property, including water courses, the 100 year base flood plain, boundaries, and source of information, ravines,

bridges, culverts, present structures, and others features of importance of lot and street layout, prepared by a Professional Civil Engineer who is registered in the State of Texas. Storm Water Drainage Facilities must be designed so as to minimize any increase in the quantity or velocity of storm water runoff from the subdivision. This information must demonstrate compliance with Chapter 26, and Article 16, respectfully, of the Texas Water Code.

### **CULVERTS**

The culvert design on private roads shall be sized by a Registered Professional Civil Engineer and a map or list containing the size of each pipe shall be attached to the plat. The developer will be held responsible for notifying builders and lot owners of this requirement and ensuring the properly sized culvert is installed.

All culverts crossing public county roads shall be determined by the Commissioner in whose precinct the subdivision is located depending upon individual circumstances, therefore, the developer must obtain prior approval of all culverts from the Commissioner before installation occurs. Culvert location and dimensions shall be noted on final plat.

All cost of culverts and all cost of installation of culverts is the responsibility of the developer, sub-divider and or owner of said lots.

## **SECTION L. CONSTRUCTION AND MAINTENANCE BONDS**

### **1. CONSTRUCTION BONDS.**

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

The bond or cash escrow amount shall be equal to one hundred and twenty percent (120%) of the estimated cost of construction of roads, streets, street signs, underground utilities, required drainage structures and all other construction.

The construction bond or cash escrow shall be presented to the County Judge for submission to the Commissioners Court with the final plat.

The construction bond or cash escrow shall remain in full force and in effect until all the roads, streets, street signs, underground utilities, required drainage structures and all other construction in the subdivision have been completed to the satisfaction of the Cooke County Precinct Commissioner, and the construction bond or cash escrow has been released by a Court Order from the Commissioners Court.

In the event any or all of the streets, roads, drainage and drainage structures, as constructed by the Owner, fail to meet the requirements of the foregoing specifications, and the said Owner fails or refuses to correct the defects called to his attention in writing by the County Judge, the unfinished improvements shall be completed at the cost and expense of obligees as provided.

**2. MAINTENANCE BONDS.**

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

The maintenance bond or cash escrow amount shall equal to one hundred and twenty percent (120%) of the estimated cost of roads, streets, street signs underground utilities, required drainage structures and all other construction.

The conditions of the maintenance bond shall be that the owner shall guarantee to maintain to the satisfaction of Cooke County, all of the streets, roads, drainage structures, drainage ditches and channels which have been constructed to the specifications in a good state of repair for a period of one year from the date of official release of construction security.

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

said items, they shall be maintained at the cost and expense of obligees as in said orders provided.

The release of any bond shall be by order of the Commissioners Court. To request a release the developer who posted the bond in question shall present a written request to release said bond. The request shall contain a statement by the Engineer responsible for the design of said work stating that he has made an inspection of such improvements and recommends their acceptance by the County. Attached to his letter shall be one set of "as built" drawings showing the work to be accepted for use by the County. A computer diskette or compact disk containing the "as built" plan sheets in the format and medium specified by the County may be submitted in lieu of drawings. The County Judge shall receive the written request of bond release at least 14 days prior to the next regularly scheduled meeting of Commissioners Court.

**3. FINAL INSPECTION.**

The developer, upon completion of drainage, roads, streets, and other facilities intended for the use of the public, or purchasers or owners of lots fronting or adjacent there to, shall request from the County a final inspection. The Precinct Commissioner and one (1) other County Commissioner will inspect the completed work for compliance. The Developer will be notified in writing of any work not found in compliance with the Subdivision Regulations.

If substantial patching is required during the one (1)-year maintenance period, roads or streets must be resurfaced with a two-course surface treatment.



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

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

Irrevocable letters of credit in lieu of bonds are required under the same conditions as Construction and Maintenance Bonds.

**5. OTHER SECURITY.**

Any type of security for Construction and Maintenance other than bonds, cash escrow and irrevocable letter of credit shall be submitted by written request to Cooke County, and approval by the Cooke County District Attorney's Office.

**SECTION M. SEVERABILITY**

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

## SECTION N.

### MINIMUM INFRASTRUCTURE STANDARDS FOR MANUFACTURED HOME RENTAL COMMUNITIES

The Cooke County Commissioners' Court finds that Minimum Infrastructure Standards for Manufactured Home Rental Communities are necessary to promote public health and safety, to provide adequate emergency access, to provide for orderly growth within the County, and to ensure that the ultimate residents in manufactured home rental communities have adequate access, proper utilities and other health and safety assurances.

For purposes of this Order, Manufactured Home Rental Community shall mean a plot or tract of land that is separated into two or more spaces or lots, no less than one (1) acre in size, that are rented, leased, or offered for rent or lease, for a term of less than sixty (60) months without a purchase option, for the installation of manufactured homes for use and occupancy as residences, and as defined in '232.007. Local Government Code, VTCA.

#### I. PROCEDURES

For the purposes of this order, owner shall mean the owner of a proposed manufactured home rental community or the owner's designated representative. On or after the effective date of this order, all owners of proposed Manufactured Home Rental Communities except those set out in Part III of this shall submit an infrastructure development plan to Commissioners' Court which complies with the minimum infrastructure development standards adopted by this Commissioners' Court.

A. Plan to be submitted – A manufactured home rental community infrastructure plan shall be submitted by filing an application ten (10) days prior to the Commissioners' Court together with 6 copies of the proposed infrastructure plan with the Cooke County Clerk. One copy of the application shall also be submitted to the Commissioners' Court at the time of filing. The application to the Commissioners' Court shall be accompanied by a \$100.00 plus \$20.00 per lot fee plus any and all filing fees with the County Clerk's Office.

1. The infrastructure development plan shall include a plat which identifies the proposed manufactured home rental community's boundaries, proposed utility locations, proposed locations of manufactured home rental community spaces, roads and streets, and dedications of right-of-way.
2. The plat shall be prepared substantially in accordance with the Final Plat Requirements of Cooke County as set out in Section E Part 2 and 3 of the . . .

**SUBDISVISION REGULATIONS OF COOKE COUNTY, TEXAS  
adopted on the 24th day of March, 2003.**

3. The infrastructure development plan shall also include written narrative which provides explanation as to how the owner proposes to satisfy the various requirements of the infrastructure development plan, and restrictions, covenants, and/or homeowner association requirements.
- B. Designated County Official – Cooke County designates the Commissioner of the precinct where the said infrastructure development is to be located responsible for reviewing the proposed plan before submission to the Commissioners’ Court. During review of the plan, the Commissioner shall consult with the County Attorney, the County Environmental Health Officer, and any other affiliated representatives needed to complete the review.
  - C. Time Limits for Approval – Not later than the 60<sup>th</sup> day after the date the owner of a proposed manufactured home rental community submits an infrastructure development plan, the plan shall be approved or rejected by the Commissioners’ Court. The Commissioners’ Court shall notify the applicant of its determination in writing. If the plan is rejected, the Commissioners’ Court shall specify the reasons for the rejection in its written determination.
  - D. Approval – Failure to reject the infrastructure plan by the Commissioners’ Court within the sixty (60) days constitutes approval of the plan.
  - E. Construction Prohibited without Approved Plan – Construction of a proposed manufactured home rental community may not begin before the Commissioners’ Court approves the proposed manufactured home rental community infrastructure plan.
  - F. Final Inspection – A final inspection of the manufactured housing rental community infrastructure upon its completion is required. Only the Designated County Official and another Cooke County Commissioner shall make final inspection. Final inspection shall be made prior to Commissioners’ Court approval and issuance of a Certificate of Compliance. The final inspection shall be not later than the tenth (10<sup>th</sup>) business day after the Designated County Official receives written confirmation of completion from the owner.
  - G. Certificate of Compliance by Commissioners’ Court – If the Designated County Official and the other said Cooke County Commissioner advises the Commissioners’ Court that the infrastructure plan has been properly carried out and executed, the Commissioners’ Court shall issue a Certificate of Compliance not later than the tenth (10<sup>th</sup>) business day after the Commissioners’ Court’s approval.
  - H. Corrective Action if Construction Not Approved – If the Designated County Official and the other said Cooke County Commissioner determines that the manufactured home rental communities infrastructure plan has not been properly carried out or executed, then the owner shall be advised in writing and shall have thirty (30) days from the date of notification to make the required corrections or to perform the additional work required.

On completion of the corrective work, the owner shall again follow the procedures set out in Section I, Procedure, F and G, of this order, before the owner is eligible to receive a Certificate of Compliance.

## II. MINIMUM STANDARD FOR PLANS

Cooke County adopts the following minimum standards for manufactured home rental community and infrastructure plans. A Manufactured Home Community infrastructure plan shall be approved unless it complies with the following standards:

### A. Roads and Streets

#### 1. *Road and street layout, width, design standards*

- a. *Corrections Required.* The arrangements of roads in a manufactured housing rental community shall provide for the continuation of arterial roads. Provisions for the continuation of collector roads between adjacent properties shall be provided when such continuation is necessary for convenient movement of traffic, effective fire protection or for efficient provision of utilities.
- b. *Street Hierarchy.* The pattern of roads within a manufactured home rental community shall employ a hierarchy of road widths from arterial to collector to local streets, reflective of the diminishing speed and volume of vehicular traffic, and reflective of the increasing need to provide access to residential lots. Local roads shall be laid out to discourage their use by through traffic while providing convenient and safe access to individual manufactured housing units.
- c. *Conformance to Topography.* Roads and their construction shall be appropriate to the topography of the area. Roads shall be laid out and built so that, to the maximum extent possible, all building sites will be higher than the average elevation of the abutting road. Combinations of steep grades and curves are to be avoided.
- d. *Right-Of-Way Widths.* The minimum right-of-way widths in all manufactured home rental communities shall not be less than sixty feet (60') for local roads, seventy feet (70') for collector roads, or eighty feet (80') for arterials roads.
- e. *Traffic Surface Widths.* The improved traffic surface of roads shall be centered within the right-of-way, and shall have a minimum improved width of thirty feet (30') from the center of the road for local roads, forty feet (40') from the center of the road for collector roads, and fifty feet (50') from the center of the road for arterial roads.
- f. *Angle of Intersection.* Roads shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2)

new roads at an angle of less than seventy degrees (70) shall not be acceptable. A road approaching another at an oblique angle should curve prior to its intersection and should intersect at right angles for a tangent distance of at least one hundred feet (100') therefrom. Not more than two (2) roads shall intersect on any one point unless specifically approved by the Commissioners' Court.

- g. *Intersection Approach Site Distance.* A road may not intersect another road at a point where the sight distance is restricted to less than three hundred feet (300'), except by approval by the Commissioners' Court, after a traffic engineering investigation.
- h. *Street Off-Sets.* Proposed new intersections along one side of an existing road shall coincide with any existing intersections on the opposite side of such road. Road jogs with centerline offsets of less than one hundred and fifty feet (150') shall not be permitted.
- i. *Return Radii.* Minimum return radii of road right-of-ways at intersections shall be twenty feet (20') and minimum radii of traffic surface of intersecting roads shall be thirty-five feet (35').
- j. *Intersection Grades.* Intersections shall be designed with a grade less than or equal to two percent (2%) wherever practical. In hilly or rolling areas, the approach grade to an intersection shall provide adequate sight distance in accordance with contemporary engineering practice.
- k. *Cul-de-sac Roads.* When a road terminates in a cul-de-sac, the minimum right-of-way radius shall be seventy-five (75) feet and the maximum length shall be no more than seven hundred and fifty feet (750') long, unless topography, low densities, or other conditions, in the judgment of the Commissioners' Court warrant an exception to this standard.
- l. *Road Surfacing and Improvements.*
  - 1. Roadways within manufactured home rental communities shall be constructed to the width of sixty (60) feet. Road cross-sections shall provide for a crown or super-elevation of not less than two percent (2%), and swales along with other similar measures shall be taken to ensure proper drainage adjacent to the roadway.
  - 2. All streets in a manufactured home rental community shall be paved with asphalt, concrete, or other approved paving materials. The following are minimum standards for asphalt and concrete paving:
    - a. Asphalt
      - (1.) Asphalt emulsion –MS II
      - (2.) Grade #4 Aggregate

(3.) Asphalt must be seal coated within 90 days after application of the first coat.

- b. Concrete – Concrete paving standards will be established on a case by case basis, depending on terrain and anticipated traffic loads in a manufactured home rental community.
- m. *Roadway Plans and Profiles.* Roads shall be designed in accordance with good engineering practice such that both their horizontal and vertical alignment provide adequate sight distance based on the anticipated speed of traffic. For all manufactured home rental communities improvement plans for road construction shall show current topographic information with a minimum of two foot (2') contour intervals based on field surveys or aerial photogrammetry.
- n. *Accommodation for Slopes.* Slope easement or street right-of-way widths in excess of the standards designated in these regulations shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes. Such slopes shall not be in excess of a ratio of three to one (3:1), unless information is provided by a soil engineer indicating that the angle of repose of the soil may be steeper.
- o. *Improvements Required to Existing Roads.* Wherever lots from manufactured home rental communities' front on and gain access from existing roads, the Commissioners' Court may require that such road frontage be improved in accordance with the Subdivision Regulations of Cook County.
- p. *Frontage Required.* Each lot in a manufactured home rental community shall abut on an existing external street or road or on an internal street meeting or exceeding the requirements of these specifications.

## **B. Easements**

- 1. *Utility Easements.* A minimum of ten (10) feet for utility easements is required across parts of the said lots or along lot lines. The owner of a manufactured home rental community shall coordinate with utility service providers to determine the locations and widths of required easements. Evidence of such coordination will be required as a condition of manufactured home rental community approval. A manufactured home rental community infrastructure plan shall not be approved until the owner has obtained a satisfactory agreement with utility service providers regarding utility easements. At minimum, utility service companies, which must be consulted, include electric service, telephone service and any water or wastewater district or other water utility, which has jurisdiction.
- 2. *Other Recorded Easements* – Other prior existing recorded easements in a manufactured home rental community shall be clearly identified in the infrastructure plan.

3. *Existing County Roads* - a minimum of thirty (30) feet extending from the center of the road onto the said Manufactured Home Rental Community's property must be dedicated as public right-of-way if the same does not previously exist.

### C. Drainage

A manufactured home rental community infrastructure plan shall not be approved which does not make adequate provision for storm water runoff. A drainage plan shall be prepared, in accordance with standard engineering practice, as part of the manufactured home rental community infrastructure plans. A manufactured home rental community infrastructure plan will not be allowed if it will result in an increase in the rate of flow of storm water and would thereby endanger downstream properties or the residents of the manufactured home rental community.

1. *Scope of Drainage Plan.* Drainage plans shall show the extent of all contributing watersheds that impact the manufactured home rental community. The manufactured home rental community engineer shall calculate the potential runoff based on a 100-year return frequency storm. Both to peak flows and volumes of runoff will be calculated for all definable drainage courses.
2. *Design Storm Criteria.* Drainage structures, where required, shall be designed to accommodate the runoff from a ten year return frequency storm, and to pass a one hundred year storm without damage.
3. *Drainage Structure Design.* Drainage structures shall be designed to minimize maintenance requirements. Paved swales or culverts may be required where surface water crosses a roadway or intersection. The permitted rates of flow of storm water within swales adjoining roadways shall not endanger the public, nor shall the velocity of runoff cause scouring or other similar destructive erosion of the swale surface.
4. *Effect on Downstream Properties.* The engineer for a manufactured home rental community shall study the effect of the storm water runoff from the manufactured home rental community on properties downstream of the manufactured home rental community. Where it is anticipated that the additional runoff incident to the development of the manufactured home rental community will overload an existing downstream drainage facility, the Commissioners' Court may withhold approval of the manufactured home rental community infrastructure plan until the applicant makes provisions to improve the off-site drainage facility. If downstream drainage facilities are not available or are incapable of accommodating the increase storm water runoff, the Commissioners' Court may require storm retention basins to prevent an increase in storm water runoff.
5. *Areas of Poor Drainage.* The manufactured home rental community infrastructure plan in an area which is subject to flooding may be approved by the Commissioners' Court, provided that the owner fills the

affected area to an elevation sufficient to place the elevation of roads and finished floor elevation of manufactured housing to a minimum of twelve inches (12”) above the elevation of the expected water surface following a 100 year return frequency flood event. The Commissioners’ Court may, when it deems it necessary for the health, safety, or welfare of the present and future population of the area, deny approval of a manufactured home rental community infrastructure plan, unless appropriate modifications are made to the proposed manufactured home rental community infrastructure plan to ensure that the manufactured homes placed in the community are adequately elevated above flood levels, as described in this paragraph.

6. *Low-lying lands along natural drainage course* - Low-lying lands along natural drainage courses subject to flooding or overflowing during storm periods, shall be reserved and retained in their natural state as drainage ways, and shall not be included as rental lots for manufactured homes in a manufactured housing rental community infrastructure plan.
7. *Prohibition Against Removal of Soil Erosion and Flood Control Structures* – Where there are existing spreader dams, tanks, other soil erosion or flood control structures on property to be included in a manufactured home rental community infrastructure plan, and where removal of such structures would result in flooding or damage to downstream or adjacent property, or to the manufactured home rental community, the infrastructure plan shall provide that such structures shall not be removed or altered without other adequate provision having been made for mitigation of such potential flooding or damage. Determination of what constitutes adequate mitigation shall be approved by the Commissioners’ Court.

#### **D. Street Names and Signs.**

1. *Street Names and Numbers* –  
PRIVATE - New streets and roads in manufactured home rental communities shall be named so as to provide continuity of names with existing streets and so as to prevent conflict with identical or similar street and road names in other parts of Cooke County. Street names shall be reasonable and not similar to existing names of streets and roads in Cooke County. All streets shall be approved by the Cooke County Commissioners’ Court.  
  
PUBLIC – The suggested road numbers shall be appointed by the Cooke County 911 Rural Addressing Department and approved by the Commissioners’ Court.
2. *Street and Road Numbers / Names Required* – The owner shall install street or road name signs at all intersections in the manufactured home rental community. The proper installation of these signs is a part of the required construction standards of Cooke County. Final approval of construction will not be given by the Cooke County Commissioners’ Court until all signs are installed.



3. *Street and Road Name / Numbered Signs* – Street and road name signs shall be of the same standard and quality as required in the Subdivision Regulations of Cooke County, adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 2002.
4. *Placement* - Street and road name signs assembly will be placed on a post and located two feet (2') behind the curb on curbed roadways, or six feet (6') to ten feet (10') beyond the edge of the pavement on non – curbed roadways. Signs should be placed as-near-as possible to the tangent point of the edge of the less important roadway with the radius of the curve at the intersection.

## **B. WATER SYSTEMS AND WASTE WATER DISPOSAL**

### *1. Water Systems*

- a. Water systems in manufactured home rental communities shall comply State law and State regulations as promulgated by TNRCC.
- b. *Transportation of Potable Water* – The conveyance of potable water by transport truck or other mobile device to supply the domestic needs of the manufactured home rental community is not an acceptable method for provision of water, except on an emergency basis. Absence of water system meeting these standards of these rules due to the negligence of the manufactured home rental community owner does not constitute an emergency.

### *2. Organized Sewage Facilities*

- a. The owners of manufactured home rental community who proposed the development of an organized wastewater collection and treatment system must obtain a permit to dispose of wastes in accordance with 31 TAC Chapter 305 (A consolidated Permits) and obtain approval of engineering planning materials for such systems under 31 TAC Chapter 317 ( A Design Criteria for Sewerage Systems) from TNRCC.
- b. Owners of manufactured home rental communities who propose to dispose of wastewater by connecting to an existing permitted facility must provide a written agreement with the permittee as part of the manufactured home rental community infrastructure plan.
- c. Owners of manufactured home rental communities who propose to utilize an on-site sewage disposal shall comply with all On-site Sewage Regulations of Cooke County and the State of Texas.
- d. In addition to the unsatisfactory on-site disposal systems listed in 25 TAC 301-16, pit privies and portable toilets are not acceptable waste disposal systems for a manufactured home rental community.

### III. EXEMPTIONS

- A. *Low Density Manufactured Home Rental Community Exemptions* – The regulations do not apply to low density manufactured home rental tracts. Low density Manufactured home rental communities are those in which each individual manufactured home is situated on a lot or tract of one (1) acre or larger. This exception in no way nullifies other requirements of State law or County orders which may be applicable to low density manufactured home rental communities, including but not limited to State and County Regulations regarding on site sewage disposal and water.
- B. *Small Manufacture Home Rental Community Exemption* – These regulations do not apply to manufactured housing rental communities containing two (2) or fewer manufactured housing rental units.

### IV. VARIANCE AND EXCEPTIONS

- a. **General** – The Commissioners’ Court of Cooke County recognizes that there are vast differences in terrain and population density in Cooke County. In instances when the Commissioners’ Court finds that extraordinary hardships or extreme practical difficulties will result from strict compliance with these regulations and/or the purposes of the regulations may be fulfilled to a greater extent by an alternative proposal, the Commissioners Court may approve variances or exceptions to these Regulations so that substantial justice may be done and the public interest secured. Variances may be made, provided that the variance or exception shall not have the effect of nullifying the intent and purpose of these Regulations, and further provided that the variance is allowed by Texas law.
- b. **Evidence Required** – The Commissioners’ Court shall not approve variances or exceptions unless it shall make finding based upon evidence presented to it in each specific case that:
  - 1. The granting of the variance or exception will not be detrimental to the public health, safety or welfare, or injurious to other property;
  - 2. The conditions upon which the variance request is based are unique to the property for which the relief is sought and not applicable generally to other property;
  - 3. Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out.
- c. **Authority** – Authority to make final approval of all variances and exceptions is vested to the Cooke County Commissioners’ Court. Requests for variances shall be filed at the time of application and may

be taken up at only posted meetings of the Cooke County Commissioners' Court while the application is pending.

**V. Applicability**

- A. **Effective Date** – This order is effective upon the date of final approval by Commissioners' Court.
- B. **Date Construction Commenced**- This order applies only to a manufactured home rental community for which construction is commenced on or after the date the infrastructure standards are adopted by this Commissioners' Court.
- C. **Expansion of Existing Manufactured Home Community Rentals** – These regulations are applicable to any expansion of existing manufactured home rental communities after the effective date of these regulations.
- D. **Applicable Outside City Limits** – These regulations are applicable in Cooke County outside the city limits of any incorporated city, other than the ETJ of a municipality who has entered into a resolution with the Cooke County Commissioners' Court granting full authority to the municipality for regulating subdivisions within the municipalities ETJ.

**VI. INTERPRETATION – CONFLICT, SEVERABILITY, SAVINGS AND AMENDMENTS**

- A. **Interpretation** – In their interpretation and application, the provisions of these Regulations shall be held to be minimum requirements for the promotion of public health, safety, and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.
- B. **Public Provisions** – These Regulations are not intended to interfere with, abrogate, or annul any other County regulation, state statute, or other provision of law except as provided in these Regulations. Where any provision of these Regulations or any other rule or regulation or other provision of law are in conflict the provision which is more restrictive or imposes higher standard shall control.
- C. **Private Provisions** – These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that the provisions of these Regulations are more restrictive or impose higher standards or regulations than such easement, covenant, or other private agreement or restriction, the requirements of these Regulation shall governed.
- D. **Severability** – If any part or provision of these Regulations, or the application of these Regulations to any person or circumstance is adjudged invalid by any court of competent jurisdiction, the judgment shall be confined in its operation to the part, provision, or application

directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of these Regulations or application of them to other persons or circumstances.

- E. **Saving Provision** – These Regulations shall not be construed as abating any action now pending under or by virtue of, prior existing subdivision regulations, or as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue, or as affecting the liability of any person, firm, or corporation or as waiving the right of the State or Country under any section or provision existing at the time of adoption of these Regulations, or as vacating or annulling any rights obtained by any person, firm, or corporation by lawful action of the County except as shall be expressly provided for in these Regulations.
  
- F. **Amendments** – For the purpose of protecting the public health, safety and general welfare or for any other valid purpose, the Commissioners' Court may, from time to time, amend these Regulations at a public meeting following public notice in the manner prescribed by law.

**SECTION O. EXHIBITS**

**EXHIBIT A**

**APPROVAL FOR FILING BY COUNTY JUDGE**

I, \_\_\_\_\_ Name of County Judge \_\_\_\_\_, County Judge, Cooke County, Texas, do hereby approve the Final Plat of \_\_\_\_\_ Name of Subdivision \_\_\_\_\_ for filing in the deed records of Cooke County, Texas.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
County Judge, Cooke County, Texas

**EXHIBIT B**

**STATE OF TEXAS \***  
**COUNTY OF COOKE \***

**REQUEST FOR WAIVER**

DATE: \_\_\_\_\_

I, \_\_\_\_\_ (name of developer) \_\_\_\_\_, hereby make a written request for a waiver of drainage and topography information on the following subdivision.

\_\_\_\_\_  
Name of Subdivision

\_\_\_\_\_  
Printed Name of Developer

\_\_\_\_\_  
Signature of Developer

The above REQUEST FOR WAIVER is hereby (denied) (granted).

\_\_\_\_\_  
Cooke County Commissioner Precinct # \_\_\_\_

EXHIBIT C

CROSS SECTION OF MINIMUM SPECIFICATIONS FOR COLLECTOR STREETS

