

Cooke County Subdivision Regulations



Cooke County, Texas

Adopted January 28, 2019



Schedule of Amendments

1. January 8, 2019 – Adopted
2. April 8, 2019 – maintenance bond reduced from 5 years to 2 years
3. October 14, 2019:
 - a. changed time frame for approvals from 60 days to 30 day to comply with HB3167
 - b. require complete Construction Plans for Public Improvements to be submitted with Preliminary Plat

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Section 1. Definitions

For the purpose of these [Subdivision Regulations](#), certain terms or words herein shall be interpreted or defined as follows: words used in the present tense include the future tense; the singular includes the plural; the word "person" includes a corporation as well as an individual; the term "shall" is always mandatory; and the term "may" is discretionary.

Words and terms not expressly defined herein are to be construed according to the normally accepted meaning of such words or terms or, where no definition appears, then according to their customary usage in the practice of municipal planning and engineering.

For the purpose of these [Subdivision Regulations](#), certain terms and words are herewith defined and shall have the meaning here applied; any word not defined herein shall be determined by the [Commissioners Court](#).

1.01. A

1. [Abutting](#)

Adjacent, adjoining and contiguous to. It may also mean having a lot line in common with a right-of-way or easement, or with a physical improvement such as a road, waterline, park, or open space.

2. [Access](#)

A means of approaching or entering a property, or the ability to traverse a property (such as in the use of the phrase "pedestrian access easement").

3. [Alley](#)

A public [Right-of-Way](#), not intended to provide the primary means of access to abutting lots, which is used primarily for vehicular service access to the back or sides of properties otherwise abutting on a road.

4. [Amending Plat](#)

An [Amending Plat](#) applies minor revisions to a recorded plat consistent with provisions of State law, see Section [5.06](#)

5. [Applicant](#)

The person or entity responsible for the submission of an [Application](#). The [Applicant](#) must be the actual owner of the property for which an [Application](#) is submitted, or shall be a duly authorized representative of the property owner. Also see [Developer](#).

6. [Application](#)

The package of materials, including but not limited to an Application Form, Plat, completed checklist, tax certificate, Construction Plans, special drawings or studies, and other informational materials, that is required by the County to initiate [County](#) review and approval of a development project.

7. [Application Form](#)

The written form (as provided by and as may be amended by the [Commissioners Court Designated Representative](#)) that is filled out and executed by the [Applicant](#) and submitted to the [County](#) along with other required materials as a part of an [Application](#).

8. [Approval](#)

- a. Approval constitutes a determination by the official, board, commission or [Commissioners Court](#) responsible for such determination that the [Application](#) is in compliance with the minimum provisions of these [Subdivision Regulations](#).

- b. Such approval does not constitute approval of the engineering or surveying contained in the plans, as the design engineer or surveyor that sealed the plans is responsible for the adequacy of such plans.

9. Arterial Road

- a. A road designated as an Arterial Road within the Cooke County Thoroughfare Plan; typically a Farm-To-Market Road or similar road owned and controlled by the State of Texas.
- b. A principal traffic-way more or less continuous across the County or areas adjacent thereto and shall act as a principal connecting road with highways as indicated in the Cooke County Thoroughfare Plan.

1.02. B

10. Base Flood

The flood having a one (1) percent chance of being equaled or exceeded in any given year, determined based upon FEMA (Federal Emergency Management Agency) guidelines and as shown in the current effective Flood Insurance Study.

11. Block

A tract or parcel of land bounded by roads, or by a combination of roads and public parks, cemeteries, railroad [Right-of-Way](#), highway, stream, or corporate boundary lines.

12. Building

Any structure built for support, shelter or enclosure of persons, animals, personal property, records or other movable property and when separated in a manner sufficient to prevent fire, each portion of such building shall be deemed a separate building.

1.03. C

13. Collector Road

A road designed or used to carry traffic from [Local Roads](#) to [Arterial Roads](#). (See the Cooke County Thoroughfare Plan for detailed standards.)

14. Commissioners Court

The duly elected governing body of Cooke County, Texas.

15. Commissioners Court Designated Representative

The person(s) so designated by the [Commissioners Court](#) to provide oversight for and have responsibility of reviewing plats. Also, this term shall be inclusive of any future variations of the term, as deemed appropriate by the [County Judge](#), such as "Planning Director."

16. Commissioners Court Engineering Designated Representative or Subcontractor

The person(s) or firm of licensed professional consulting engineers so designated by the [Commissioners Court](#) to serve as the Engineer.

17. Construction Plans

A set of drawings and/or specifications, including paving, water, wastewater, drainage, or other required plans, submitted to the [County](#) for review in conjunction with a subdivision or a development.

18. Cooke County Thoroughfare Plan

The plan that guides the development of adequate circulation within the [County](#), and connects the [County](#) road system to regional traffic carriers. Also, referred to as the Thoroughfare Plan or Master Thoroughfare Plan.

19. County

Cooke County, Texas, together with all its governing and operating bodies.

20. County Attorney

The person(s) so designated by the Commissioners Court to provide oversight for and have legal responsibility for the County. This term shall also include any licensed attorney designated by the County Attorney.

21. County Clerk

The person(s) designated to provide clerical and official services for the County.

22. County Judge

The constitutional County Judge of Cooke County, Texas.

23. Cul-de-Sac

A road terminated at one end with a vehicular turnaround, with only one outlet.

1.04. D

24. Date of Adoption

The date of adoption of these [Subdivision Regulations](#) shall be the date this ordinance becomes effective.

25. Dead-End Road

A road, other than a cul-de-sac, with only one outlet.

26. Decision-Maker

The County official or group, such as the [County Judge](#) or [Commissioners Court](#), responsible for deciding an [Application](#) authorized by these [Subdivision Regulations](#).

27. Developer

- a. A person or entity, limited to the property owner or duly authorized representative thereof, who proposes to undertake or undertakes the division, developments, or improvement of land and other activities covered by these [Subdivision Regulations](#).
- b. The word [Developer](#) is intended to include the terms [Subdivider](#), property owner, and, when submitting platting documents, [Applicant](#).

28. Development

Any manmade change to improved or unimproved real estate, including but not limited to, buildings and/or other structures, paving, drainage, utilities, storage, and agricultural activities.

29. Development Agreement

Agreement between the County and a [Subdivider](#) or [Developer](#), which includes provisions for construction of [Public Improvements](#), County participation, pro rata agreements, escrow deposits, and other provisions for the development of land.

30. Development Application

An [Application](#), developed and updated by the [County Judge or Commissioners Court](#), for any type of plan, permit, plat or [Construction Plans](#)/drawings authorized or addressed by these [Subdivision Regulations](#).

31. Development Manual

A collection of [Application Forms](#) created, updated, and managed by the [County Judge or Commissioners Court](#). The Development Manual also contains checklists, additional information, fees, and forms and is a policy document for the public to reference.

32. Driveway Approach

The area between the roadway of a public road and private property intended to provide access for vehicles from the roadway of a public road to a definite area of the private property (such as a parking area or driveway) and used for the ingress and egress of vehicles.

33. Drainage Plan

A plan detailing requirements, see Section [7.07.C Water Utility Plan](#) for details.

34. Dwelling Unit

One or more rooms, which are arranged, designed, used, or intended to be used for occupancy by a single-family or group of persons living together as a family or by a single person.

1.05. E

35. Easement

- a. Authorization by a property owner for another to use any designated part of the owner's property for a specified purpose or use and evidenced by an instrument or plat filed with the County Clerk. Among other things, easements may be used to install and maintain utility lines, drainage ditches or channels, or for other [County](#) or public services.
- b. An area established for public purposes on private property upon which the [County](#) shall have the right to remove and keep removed all or part of any buildings, fences, trees, shrubs, or other improvements or growths which in any way endanger or interfere with the construction, maintenance, or efficiency of [County](#) systems.
- c. The [County](#) shall at all times have the right of ingress and egress to and from and upon the said easements for the purpose of constructing, reconstructing, inspecting, patrolling, maintaining, and adding to or removing all or part of its respective systems without the necessity at any time or procuring the permission of anyone.

36. Engineer

A person duly authorized under the provisions of the Texas Engineering Practice Act, as heretofore or hereafter amended, to practice the profession of engineering and who is specifically qualified to design and prepare [Construction Plans](#) and specifications for public works improvements.

37. Engineering Plans

See [Construction Plans](#).

38. Extraterritorial Jurisdiction (ETJ)

The unincorporated area, not a part of any other municipality, which is contiguous to the corporate limits of a City or Town, the outer limits of which are measured from the extremities of the corporate limits of the City or Town outward

for the distance as stipulated in [Chapter 42 of the Texas Local Government Code](#), according to the inhabitants of the City or Town.

1.06. F

39. Fee Schedule

A listing of fees for various [County Applications](#), which is prepared by the [County Judge](#) and approved by [Commissioners Court](#) and may be amended periodically. The [Fee Schedule](#) is approved separately from these [Subdivision Regulations](#).

40. Feeder Road

An existing road serving the function of a [Collector Road](#) that residents of a new subdivision will utilize to access another [Collector Road, an Arterial Road or Highway](#).

41. Final Plat

- a. The one official and authentic map of any given subdivision of land prepared from actual field measurement and staking of all identifiable points by a Surveyor or Engineer with the subdivision location referenced to a survey corner and all boundaries, corners and curves of the land division sufficiently described so that they can be reproduced without additional references.
- b. The Final Plat of any lot, tract, or parcel of land shall be recorded in the Deed Records of Cooke County, Texas.
- c. A Final Plat may also be referenced as a Record Plat.

42. Floodplain

The area subject to be inundated by water from the [Base Flood](#).

43. Floodway

A natural drainage area that accommodates the [Base Flood](#) for existing creeks and open drainage ways.

44. Frontage

All the property abutting on one (1) side of the road, or between two (2) intersecting roads, measured along the road line.

1.07. G

1.08. H

45. Homeowners' or Property Owners' Association

A formal organization operating under recorded land agreements through which:

- a. Each lot and/or property owner in a specific area is automatically a member; and

- b. Each lot or property interest is automatically subject to a charge for a proportionate share of the expense for the organization's activities, such as the maintenance of common property; and
- c. The charge, if unpaid, becomes a lien against the nonpaying member's property.

1.09. I**46. Improvement**

Any man-made fixed item that becomes part of or placed upon real property, see also [Public Improvement](#).

47. Infrastructure

All roads, alleys, sidewalks, storm drainage, water, and wastewater facilities, utilities, lighting, transportation, and other facilities as required by the County.

1.10. J**1.11. K****1.12. L****48. Local Road**

A [Local Road](#) is a road used primarily for access to abutting property especially residential areas. Local roads also provide secondary or minor access and circulation to community facilities (school, parks, etc.) and other traffic generators such as commercial and industrial areas.

49. Lot

Land occupied or to be occupied by a building and its accessory buildings, together with such open spaces as are required under these [Subdivision Regulations](#), and having its principal frontage upon a road or officially approved place.

50. Lot, Corner

- a. A lot situated at the junction of two or more roads.
- b. A corner lot shall be deemed to front on the road on which it has its smallest dimensions.

51. Lot, Depth

The mean distance from the front road line to the rear line.

52. Lot, Interior

A lot, the side line of which does not abut on any road.

53. Lot, Flag

A lot that is designed such that it is located directly behind another lot with sixty (60) feet or less of access.

54. Lot, Through

An interior lot having frontage on two roads.

55. Lot Lines

The lines bounding a lot as defined herein.

56. Lot of Record

A lot that is part of a subdivision, a map of which has been recorded in the office of the [County Clerk](#).

57. Lot Width

The mean distance between side lines measured at right angles to the depth.

1.13. M

58. Manual on Uniform Traffic Control Devices

The Manual on Uniform Traffic Control Devices, or MUTCD defines the standards used by road managers nationwide to install and maintain traffic control devices on all public roads, highways, bikeways, and private roads open to public traffic. The MUTCD is published by the Federal Highway Administration (FHWA) under 23 Code of Federal Regulations (CFR), Part 655, Subpart F.

59. Manufactured Home Rental Community

"Manufactured home rental community" means a plot or tract of land that is separated into two or more spaces or lots that are rented, leased, or offered for rent or lease, for a term of less than 60 months without a purchase option, for the installation of manufactured homes for use and occupancy as residences.

1.14. N

1.15. O

60. Official Submission Date

The date a completed [Plat Application](#) is received by the [County Judge](#) or the [Commissioners Court Designated Representative](#). See [4.02.G Complete Applications](#) for information regarding completed [Plat Applications](#).

61. Order of the Commissioners Court for Final Acceptance

An express order of the [Commissioners Court](#), entered of record into the minutes of the [Commissioners Court](#) of Cooke County, Texas, which states that all public improvements are completed, inspected, tested (if applicable), and determined by the County to be in conformance with both these [Subdivision Regulations](#) and the County's design/engineering standards and therefore are accepted by the County.

1.16. P

62. Pavement Width
The portion of a road available for vehicular traffic. Where curbs are laid, it is the portion between the face of the curbs.
63. Perimeter Road
A road that abuts a parcel of land to be subdivided on one side.
64. Person
Person means an individual, firm, association, organization, partnership, trust, foundation, company or corporation.
65. Plat
a. A map or chart of the subdivision, lot or tract of land.
b. It shall include the term plan, plat or re-plat, in both singular and plural.
66. Plat, Amending
See [Amending Plat](#).
67. Plat, Final
See [Final Plat](#).
68. Plat, Preliminary
See [Preliminary Plat](#).
69. Plat, Replat
See [Replat](#).
70. Preliminary Drainage Plan
This plan shows the watershed affecting the development and how the runoff from the fully-developed watershed will be conveyed to, through, and from the development see [7.10.I Drainage Plan](#) for details.
71. Preliminary Plat
a. The graphic expression of the proposed overall plan for subdividing, improving and developing a tract shown by superimposing a scale drawing of the proposed land division on a topographic map and showing in plan view existing and proposed drainage features and facilities, road layout and direction of curb flow, and other pertinent features with notations sufficient to substantially identify the general scope and detail of the proposed development.
b. The [Preliminary Plat](#) shall serve as a means for the County to review and study the proposed division of land and/or improvements.
c. See Section [5.03 Preliminary Plat](#).
72. Private Road
See [Road, Private](#).
73. Proportionality/Proportional Share
The [Developer's](#) portion of the costs of an exaction or [Public Improvement](#).

74. Public Improvement

Any [Improvement](#), facility or service together with its associated public site, [Right-of-Way](#) or easement necessary to provide transportation, storm drainage, and public or private utilities for which the County ultimately assumes the responsibility, upon an [Order of the Commissioners Court for Final Acceptance](#) being issued, for maintenance, operation and/or ownership.

1.17. Q

1.18. R

75. Record Drawings

A group of drawings or plans that depicts the final configuration of the installed or constructed improvements of a development, improvements that have been verified by the contractor as their installation or construction occurs during development. The Record Drawings shall reflect the Construction Plans (or working drawings) used, corrected, and/or clarified in the field.

76. Record Plat

See [Final Plat](#).

77. Replat

A plat that re-subdivides any part or all of a recorded Plat.

78. Residential Road

A road that is intended primarily to serve traffic within a neighborhood and which is used primarily for access to abutting properties.

79. Residential Use

Residential use means use of a structure as a residence.

80. Right-of-Way

- a. A parcel of land occupied or intended to be occupied by a public road or alley.
- b. A [Right-of-Way](#) may be used for other facilities and utilities, such as sidewalks, railroad crossings, electrical communication, oil or gas, water or sanitary or storm sewer facilities, or for any other use.
- c. The use of Right-of-Way shall also include parkways and medians outside of pavement.
- d. For platting purposes, the term "[Right-of-Way](#)" shall mean that every Right-of-Way shown on a [Final Plat](#) is to be separate and distinct from the lots or parcels adjoining such Right-of-Way and not included within the dimensions or areas of such lots or parcels.

81. Road:

A public [Right-of-Way](#) that provides vehicular traffic access to adjacent lands; may also be referred to as a street or roadway

82. Road Plan

A plan detailing road requirements, see Section [7.07.C Water Utility Plan](#) for details.

83. Road, Private

A privately owned road within a Subdivision for which the private owners assume full responsibility for maintenance and controls and that has not been dedicated to the use of the public.

84. Road Right of Way Width

The shortest distance between the property or easement lines that delineates the [Right-of-Way](#) of a road.

1.19. S

85. Security

The financial guarantee provided by an [Applicant](#) that secures the construction of [Public Improvements](#) and any other contractual obligations stated within a [Development Agreement](#).

86. Sketch Plan

A sketch or informal plan prepared prior to the preparation of the [Preliminary Plat](#) describing the proposed design of the subdivision to be reviewed during the pre-application review process.

87. Street
See *Road*.

88. Structure
Anything constructed or erected that requires location on the ground, or attached to something having a location on the ground, including, but not limited to advertising signs, billboards and poster panels, but exclusive of customary fences or boundary of retaining walls, sidewalks and curbs.

89. Subdivider
- a. Any person or any agent thereof, dividing or proposing to divide land so as to constitute a subdivision.
 - b. In any event, the term “subdivider” shall be restricted to include only the owner, equitable owner or authorized agent of such owner or equitable owner, of land to be subdivided.

90. Subdivision
- a. The division of a tract or parcel of land into two or more parts or lots for the purpose, whether immediate or future, of sale or building development or transfer of ownership with the exception of transfer to heirs of an estate, and shall include re-subdivision.
 - b. Any other subdivision or re-subdivision of land contemplated by the provisions of [Chapter 212, Local Government Code](#).

91. Subdivision Regulations
The adopted Subdivision Regulations of the County, as may be amended in the future, and may be referred to as “these regulations.”

92. Subdivision Plat
A [Plat](#) (i.e., [Preliminary Plat](#), [Final Plat](#), or [Amending Plat](#)) established in [TLGC 232](#) involving the subdividing of land in two (2) or more parts or the amending of a recorded [Plat](#).

93. Subdivision Waiver
A waiver of a particular standard or requirement of the Subdivision Regulations.

94. Surveyor
A licensed State Land Surveyor or a Registered Public Land Surveyor, as authorized by the State to practice the profession of surveying.

1.20. T

95. Thoroughfare

- a. A road or street designated as a Thoroughfare within the Cooke County Thoroughfare Plan.
- b. A principal traffic-way more or less continuous across the [County](#) or areas adjacent thereto and shall act as a principal connecting road or street with highways as indicated in the Cooke County Thoroughfare Plan.
- c. See the Cooke County Thoroughfare Plan for detailed standards.

1.21. U

96. Usable Open Space

An area or recreational facility that is designed and intended to be used for outdoor living and/or recreation. Usable Open Space may include recreational facilities, water features, required perimeter landscape areas, floodplain areas, and decorative objects such as art work or fountains. Usable Open Space shall not include the following:

- a. Rooftops;
- b. Buildings, except those portions or any building designed specifically for recreation purposes;
- c. Landscaped parking requirements;
- d. Driveways;
- e. Turnarounds; or
- f. Right-of-Way or easements for roads, streets and alleys.

97. Utility Connection Certificate

An official certificate issued by the [County](#) that indicates conformance with the [County's](#) rules and regulations and that authorizes legal use of the premises.

98. Utility Easement

See [Easement](#).

1.22. V

99. Vested Right

A right of an [Applicant](#) requiring the [County](#) to review and decide the [Application](#) under standards in effect prior to the effective date of the standards of these [Subdivision Regulations](#) in accordance with [Chapter 245, LGC](#).

1.23. W

100. Water Utility Plan

A plan detailing [Water Utility](#) requirements, see Section [7.07.C Water Utility Plan](#) for details.

101. Wastewater Utility Plan

A plan detailing [Wastewater Utility](#) requirements, see Section [7.07.C Water Utility Plan](#) for details.

1.24. X

1.25. Y

102. Yard

- a. An open space other than a court, on the same lot with a building, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.
- b. In measuring to determine the width of a side yard, the depth of a front yard or the depth of a rear yard, the least horizontal distance between the lot line and the main building shall be used.

1.26. Z

Section 2. General Provisions

2.01. Title

These regulations of Cooke County, Texas, shall be known as, and may be cited and referred to as the “[Subdivision Regulations](#)” (Page [12](#)).

2.02. Authority

These [Subdivision Regulations](#) (Page [12](#)) are adopted pursuant to the authority granted by the U.S. Constitution, the Texas Constitution, and the laws of the State of Texas, specifically including [Chapter 232](#) of the Texas Local Government Code (LGC), as amended.

2.03. Purpose

These regulations shall be administered so as to achieve the following specific purposes:

A. Specific Purposes of the Subdivision Regulations

1. Promote the health, safety and general welfare of the community within the County;
2. Ensure the adequacy of drainage facilities; and encourage the wise use and management of natural resources throughout the County in order to preserve the integrity, stability, and beauty of the community;
3. Ensure proper legal descriptions and documentation of subdivided land;
4. Establish orderly policies and procedures to guide development;
5. Establish reasonable design standards for development;
6. Provide for the establishment of minimum specifications for construction and engineering design criteria for public infrastructure, reduce inconveniences to residents of the area, and to reduce related unnecessary costs to the County for correction of inadequate facilities that are designed to serve the public;
7. Provide the most beneficial circulation of vehicle traffic throughout the County, and to provide for the proper location and width of roads;
8. Ensure public facilities with sufficient capacity to serve the proposed subdivision are available for every building site, and to provide public facilities for future development;
9. Preserve the topography of the County and ensure appropriate development with regard to natural features; and
10. Ensure that new development adequately and fairly participates in the dedication and construction of [Public Improvements](#) (Page [11](#)) and infrastructure that are necessitated by or attributable to the development.

2.04. Applicability

A. General

It is hereby declared to be the policy of the County to consider the subdivision and development of land as subject to the control of the County in order to promote the orderly, planned, efficient and economical development of the County.

B. Subdivision and Development of Land Policies

1. Land shall not be subdivided or developed until proper provision has been made for drainage, water, wastewater, transportation and other facilities required by these regulations.
2. All public and private facilities and improvements shall be of at least the capacity necessary to adequately serve the development and shall conform to these [Subdivision Regulations](#) (Page [12](#)).
3. These regulations shall supplement, and facilitate the enforcement of, provisions and standards contained in the zoning regulations and building codes adopted by the County where applicable.

C. Purpose of Platting

Platting is required for the following purposes unless otherwise stated per Section [2.04.E](#):

1. To divide a lot or tract into two or more parcels;
2. To combine lots or tracts;
3. To amend a Plat; or
4. To correct errors on an approved and recorded Plat.

D. Requirement to Plat For the Subdivision of Land

1. The owner or owners of any tract of land outside the limits of a municipality in the County, other than the ETJ of a municipality who has entered into a resolution with the [Commissioners Court](#) (Page [4](#)) 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; and/or
 - c. Roads, streets, alleys, water and wastewater infrastructure, or other improvements intended to be used by the purchasers or owners of subject lots.
2. A division of a tract of land under [2.04.D Requirement to Plat For the Subdivision of Land](#) (Page [16](#)) 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; and regardless of whether there is a transfer of title to individual tracts .

E. Exemptions to the Requirement to Plat For the Subdivision of Land

These [Subdivision Regulations](#) (Page [12](#)) 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 [2.04.D.1.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 [2.04.D Requirement to Plat For the Subdivision of Land](#) 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 [2.04.D Requirement to Plat For the Subdivision of Land](#) 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 [2.04.D Requirement to Plat For the Subdivision of Land](#) 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 [2.04.D Requirement to Plat For the Subdivision of Land](#) 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; or
8. The owner or owners of the tract of land does not or do not lay out the tract of land as described in [2.04.D Requirement to Plat For the Subdivision of Land](#) 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.

2.05. Documents Comprising Subdivision Rules

The provisions of these [Subdivision Regulations](#) (Page [12](#)), the standards governing constructed facilities applicable to [Plats](#), and the technical standards contained within constitute the subdivision rules of the County, which apply to Applications for Plat approval.

2.06. Compliance Required with County Plans and Ordinances

Compliance with all County regulations pertaining to the subdivision and development of land and the [Cooke County Thoroughfare Plan](#) (Page [4](#)) shall be required prior to approval of any Application pursuant to these [Subdivision Regulations](#). All such County regulations and plans shall be construed to mean those documents as they exist or may be amended. It is the property owner's responsibility to be familiar with, and to comply with County regulations and the provisions of these [Subdivision Regulations](#).

A. [Applicable County Codes, Ordinances, and Plans](#)

Applicable County codes, ordinances, and plans with which all Applications must comply include, but are not limited to, the following.

1. [Cooke County Thoroughfare Plan](#) (Page [4](#)) for guidance and future planning;
2. Other development-related engineering standards;
3. Other Applicable portions of the County's Regulations; and
4. Federal, State, and local environmental regulations, provided however that the County shall not be liable for the non-enforcement of the same.

2.07. Public Improvements Required

A. Subdivider's Responsibility

1. The subdivider shall furnish, install and/or construct the [Public Improvements](#) (water and wastewater systems and the road and drainage facilities) necessary for the proper development of the [Subdivision](#).
2. All such [Public Improvements](#) (Page 11) shall be designed and constructed in accordance with these [Subdivision Regulations](#) and any other standards, specifications, and drawings as may be hereafter adopted, approved by the [Commissioners Court](#) and placed on file in the office of the [County Clerk](#).

B. Sizing of Public Improvements

Where considered necessary by the [Commissioners Court](#), the Public Improvements required for a development that will be constructed in phases shall be sized in excess of that required for the development of a single phase to ensure the necessary public improvements are provided for the entire development.

2.08. General Plat Requirements

A. Development Application

The [County](#) shall have the authority to prepare standard [Development Applications](#) (Page 6) that outline specific submission requirements. All submittals shall conform to the requirements within the appropriate [Development Application](#).

B. Application Fees

The following fees shall be paid with a Development Application:

Table 1: Development Application Fees	
Development Application	Application Fee
Preliminary Plat	\$500 plus \$20/lot
Final Plat	\$500 plus \$20/lot
Replat	\$700 plus \$20/lot
Amending Plat	\$200 plus \$20/lot
Plat Vacation	\$200 plus \$20/lot
Engineering Review Fee	Fee will be determined at the time plans are submitted for review
Inspection Fee	\$5,000 or 3% of the cost of road and drainage improvements (whichever is greater). Any remaining fee amount will be refunded after inspection is completed.

C. Lake Ray Roberts Zoning Regulations

These Subdivision Regulations, in addition to the Lake Ray Roberts Zoning Regulations, shall be adhered to within the Lake Ray Roberts Zoning area as shown on the Lake Ray Roberts Zoning Map.

D. Drainage

If provisions are necessary for drainage facilities in the unplatted future phases of the development, then the [Plat](#) shall include separate instruments for off-site drainage needs and shall include appropriate notes and descriptions providing the County the appropriate permissions and approvals needed for access and for maintaining and improving the drainage system.

2.09. Special Provisions, Enforcement, and Violations

A. Provisions

1. Final Plat Required for Lake Ray Roberts Zoning Area Compliance Permits

No Lake Ray Roberts Zoning Area Compliance Permit shall be issued by the County for any structure on a lot in a Subdivision for which a [Final Plat](#) has not been approved and filed for record, nor for any structure on a lot within a Subdivision that the standards contained herein or referred to herein have not been complied with in full.

2. Selling or Transferring Lots Prohibited Until Completion

No lot in any subdivision shall be sold or transferred until the Subdivision Plat is approved and recorded, and all the standards, specifications or requirements contained or referred to herein have been complied with in full.

3. Platting Within the Extraterritorial Jurisdiction (ETJ) Boundaries of an Adjacent Municipality

A plat for property within the ETJ of a municipality who has entered into a resolution with the [Commissioners Court](#) to regulate subdivisions within the municipality's ETJ shall comply with the subdivision regulations and engineering standards of the municipality.

4. Services Prohibited to Subdivision Until Completion

No person or entity shall sell or supply any utility service such as water, gas, electricity, telephone, cable, communication or wastewater service within a [Subdivision](#) for which a [Plat](#) has not been approved and filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.

5. Compliance with Standards Required

The County shall not authorize any other person nor shall the County itself be required to repair, maintain, install or provide any roads or public utility services in any Subdivision for which the standards contained herein or referred to herein have not been complied with in full.

6. Dedications

Approval of a Plat shall not impose any duty upon the County concerning maintenance or any improvement.

B. Enforcement

The [Commissioners Court](#) 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.

1. At the request of the [Commissioners Court](#), the [County Attorney](#) or other prosecuting attorney representing the county may file an action in a court of competent jurisdiction to:

- a. 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
- b. 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.

2. A person who 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.
3. A requirement that was established by or adopted under Chapter 436, Acts of the 55th Legislature, Regular Session 1957, as amended (Article 6626a, Vernon's Texas Civil Statutes), or Chapter 151, Acts of the 52nd 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 [2.09.B.2](#). A knowing or intentional violation of the requirement is an offense.

2.10. Summary of the General Subdivision Procedure

Any owner or [Developer](#) of any lot, tract, or parcel of land located within the County who wishes to subdivide such land shall conform to the following general procedure.

A. General Overview of the Platting Process

1. Pre-Application Meeting
2. Preliminary Plat Submittal and Approval
3. [Construction Plans](#) Submittal and Approval
4. Final Plat Submittal and Approval, with Construction Bond
5. Signature and Filing of the Final Plat
6. Construction of Improvements
7. Final Inspection
8. Maintenance Bond Submitted and Construction Bond Released.
9. If applicable, County Issuance of [Order of the Commissioners Court for Final Acceptance](#) for Public Improvements
10. If applicable, Lake Zoning Compliance Permits Issued

B. Detailed Steps

The detailed steps within each phase of the Subdivision development procedure are shown in [Figure 1: Overview of the General Preliminary and Final Platting Process](#) below and covered in [Section 5](#), [Section 6](#), and [Section 7](#).

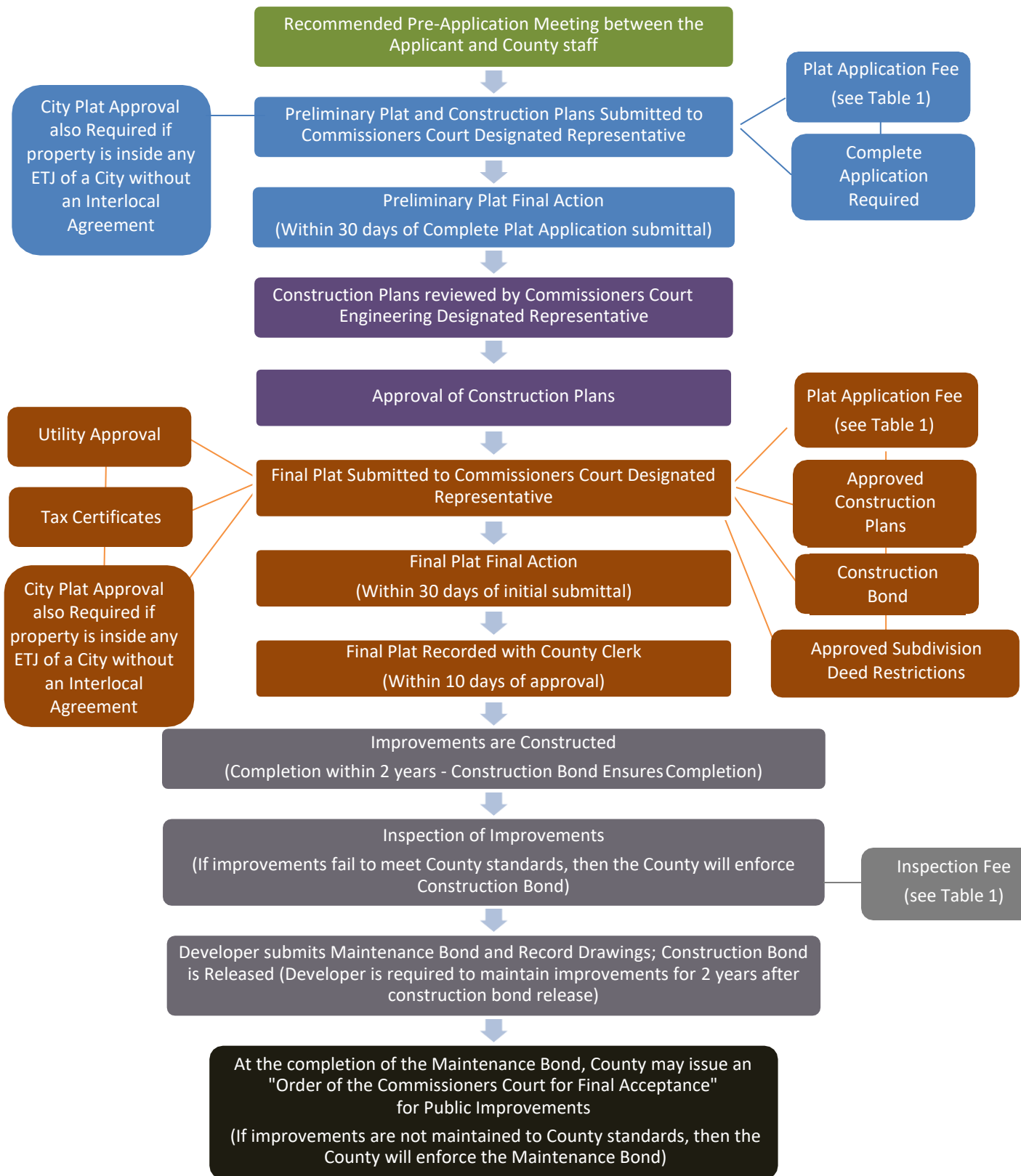


Figure 1: Overview of the General Preliminary and Final Platting Process

Section 3. Development Review Bodies

3.01. Commissioners Court

A. Responsibilities

Table 2 is a summary of the [Commissioners Court's](#) responsibilities within the Subdivision Regulations.

Table 2: Commissioners Court Responsibilities	
4.03.B	Approving/Denying a Waiver of Right to 30-Day Action
5.03.F	Approving/Denying a Preliminary Plat
5.03.J	Approving/Denying a Preliminary Plat Extension
5.04.H	Approving/Denying a Final Plat
5.05.F	Approving/Denying a Replat
5.06.F	Approving/Denying an Amending Plat
5.07.J	Approving/Denying a Plat Vacation
6.06.G	Approving/Denying a Construction Bond Release
6.07.B.1	Conducting a Preliminary Inspection of Public Improvements*
6.07.B.2	Conducting a Final Inspection of Public Improvements*
6.08.F	Approving/Denying a Maintenance Bond Release
6.09.A.2	Issuing an Order of the Commissioners Court for Final Acceptance
* Inspections are conducted (either together or separately) by the Precinct Commissioner and the Commissioners Court Engineering Designated Representative or Subcontractor; not the entire Commissioners Court. See Section 6.07 for inspection procedures.	

3.02. Commissioners Court Designated Representative

A. Responsibilities

Table 3 is a summary of the [Commissioners Court Designated Representative's](#) responsibilities within the Subdivision Regulations.

Table 3: Commissioners Court Designated Representative Responsibilities	
4.01.B	Scheduling and Holding a Pre-Application Meeting
4.02.D	Creating and Maintaining Application Forms
4.02.G	Notifying Applicants of Incomplete Applications
5.03.E	Reviewing a Preliminary Plat
5.03.K.3	Approving/Denying a Determination of Minor or Major Preliminary Plat Amendments
5.04.F	Reviewing a Final Plat
5.04.M	Developing and Maintaining Signature Blocks
5.05.F	Reviewing a Replat
5.06.E	Reviewing an Amending Plat
5.07.I	Reviewing a Plat Vacation
6.03.A	Scheduling and Holding a Pre-Construction Meeting

3.03. Commissioners Court Engineering Designated Representative or Subcontractor

A. Responsibilities

Table 4 is a summary of the [Commissioners Court Engineering Designated Representative](#) or Subcontractor's responsibilities within the Subdivision Regulations.

Table 4: Commissioners Court Engineering Designated Representative or Subcontractor Responsibilities	
6.02.D	Approving/Denying Construction Plans
6.02.I	Approving/Denying an Extension of Construction Plans beyond Expiration Date
6.03.A	Scheduling and Holding a Pre-Construction Meeting
6.04.A	Approving a Construction Release
6.07.C.2	Reviewing the Cost for Construction

Section 4. Application Submittal and Processing Procedures

4.01. Pre-Application Meeting

A. Purpose

1. The [Pre-Application Meeting](#) is intended to allow for the exchange of non-binding information between the [Applicant](#) and [County](#) Staff to ensure that the Applicant is informed of pertinent development regulations and processes.
2. The [Pre-Application Meeting](#) provides an opportunity for the Applicant and County Staff to discuss major development considerations such as utilities, roadways, and drainage concerns.
3. This exchange of information is intended to promote an efficient and orderly review process.

B. Pre-Application Meeting occurs before the Submission of Plans and Applications

1. Prior to formal submittal of any required plan or Application, the [Applicant](#) is encouraged to consult with the [Commissioners Court Designated Representative](#) and any other pertinent [County](#) Staff in order for the Applicant to become familiar with the County's development regulations and the development process.
2. At the Pre-Application Meeting, the Applicant may be represented by his/her agent, engineer, surveyor, or other qualified professional.
3. Pre-Application Meetings are encouraged for all [Plat Applications](#), see Sections [5.03](#) through [5.07](#).
4. Pre-Application Meetings do not vest a permit, application or other type of development approval, pursuant to [Chapter 245, LGC](#).

4.02. General Application Processing

A. Initiation of Application

1. Initiation by Owner or Owner's Agent
 - a. Unless provided by these Subdivision Regulations, any petition or Application may be initiated only by the property owner, owner of interest in the land, or by the owner's designated agent.
 - b. If the [Applicant](#) is a designated agent, the Application shall include a written statement from the property owner authorizing the agent to file the Application on the owner's behalf.
 - c. The Application shall provide evidence of ownership, such as an affidavit from the owner.

B. Universal Application Contents

1. Application Forms Generally

The County is hereby authorized to provide [Application Forms](#) that include checklists, architectural or engineering drawing sizes, [Applicant](#) contact information, and any other information necessary to show compliance with County standards.

2. All [Application Forms](#) are available from the [Commissioners Court Designated Representative](#).

C. Digital Mapping for Plat Applications

1. A [Plat Applications](#) shall include a digital map that is compatible with other mapping systems used by the County and that georeferenced the subdivision plat and related public infrastructure using the Texas Coordinate Systems adopted under Section 21.071, Natural Resources Code.

2. A digital map required under this subsection shall be in PDF format.
 3. A [Plat Application](#) may be exempt from the digital mapping requirement if the owner of the tract submits with the [Plat Application](#) an acknowledged statement indicating that the digital mapping technology necessary to submit a map that complies with this subsection was not reasonably accessible.
- D. Application Forms
The [Commissioners Court](#) shall create, manage, and update [Application Forms](#) for all [Development Applications](#) authorized under [4.02.B.1](#).
- E. Application Fees
1. Every [Application](#) shall be accompanied by the prescribed fees set forth in the adopted [Fee Schedule](#).
 2. The prescribed fee shall not be refundable.
 3. The [Fee Schedule](#) may be amended from time to time by the Commissioners Court.
- F. Payment of all Indebtedness Attributable to the Subject Property
1. No Application shall be accepted or reviewed for completeness from a person who owes delinquent taxes, assessments, any fees, or is otherwise indebted to the [County](#) for the subject property until the taxes, assessments, debts, or obligations shall have been first fully discharged by payment, or until an arrangement has been made for the payment of such debts or obligations.
 2. It shall be the [Applicant's](#) responsibility to provide evidence or proof that all taxes, fees, etc. have been paid, or that other arrangements have been made for payment of said taxes, fees, etc.
- G. Complete Applications
1. An [Application](#) is considered complete when all documentation or other information required by the [County](#) is received.
 2. If an [Applicant](#) submits a [Plat Application](#) to the [Commissioners Court](#) that does not include all of the documentation or other information required by the [County](#), the [County Judge](#) or the [Commissioners Court Designated Representative](#) shall, not later than the tenth (10th) business day after the date the [Application is received](#), notify the [Applicant](#) of the missing documents or other information.
 3. The [Applicant](#) shall submit the missing documents or other information not later than the tenth (10th) business day after the [Applicant](#) receives the notice or twelfth (12th) business day after the [County](#) issued the notice, whichever date occurs first.
 4. Acceptance by the [County Judge](#) or the [Commissioners Court Designated Representative](#) of a completed [Plat Application](#) with the documentation or other information required by the [County](#) shall not be construed as approval of the documentation or other information.
- H. Modification of Applications
1. Modifications Requested by the [County](#)
If the modification is for revisions requested by the County, and the modification is received not later than the tenth (10th) business day prior to the time scheduled for decision on the Application, then the Application shall be decided within the period for decision prescribed by these Subdivision Regulations.
 2. Modifications not Requested by the [County](#)

In all other instances (i.e., when the [Applicant](#) chooses to submit a revised [Application](#) of his/her own accord because of a change in development decisions), submittal of a modified Application shall be treated as a new [Application](#) with regards to review time periods.

I. Action by the Commissioners Court Designated Representative

1. Circulate and Compile Comments

After an Application has been determined to be complete, the [Commissioners Court Designated Representative](#) may circulate all applicable application materials to all other administrative officials and departments whose review is required for a decision on the [Application](#) and shall compile the comments and recommendations of the [County](#) officials.

2. Forward Application and Provide Notification

- a. The [Commissioners Court Designated Representative](#) shall forward the [Application](#) for review to the [Commissioners Court](#) and shall prepare a report to the [Commissioners Court](#), including the compilation of any comments and recommendations by other administrative officials.
- b. The [Commissioners Court Designated Representative](#) shall prepare required notices and schedule the [Application](#) for decision within the time and in the manner required by these [Subdivision Regulations](#) and as otherwise may be required by law.

J. Action by the Commissioners Court

The [Commissioners Court](#) shall approve or deny the [Application](#) within the time prescribed by these Subdivision Regulations, see [4.03 30-Day Time Frame for Plat Approvals](#).

4.03. 30-Day Time Frame for Plat Approvals

A. Right to 30-Day Action for Plat Applications Begins on the Official Submission Date

The statutory 30-day time frame for [Plat](#) approvals, established by [TLGC 232](#), shall commence on the [Official Submission Date](#).

B. Waiver of Right to 30-Day Action

The [Commissioners Court](#) may approve a Waiver of Right to 30-Day Action.

1. Request

An Applicant may submit in writing a Waiver of Right to 30-Day Action at any time prior to a final decision on an Application.

2. Received

- a. If the Applicant requests a Waiver of Right to 30-Day Action, the Waiver of Right to 30-Day Action must be received by the [Commissioners Court](#) not later than the 5th business day prior to the [Commissioners Court](#) meeting at which action would have to be taken (based on the 30-day requirement in State law) on the Application.
- b. Waiver requests that are not received by the time for final decision shall not be considered properly submitted, and action shall be taken on the Application at such meeting as scheduled.

3. Requirements Maintained

Action pursuant to a Waiver of Right to 30-Day Action shall not be deemed in any way a waiver to any requirement within these Subdivision Regulations.

4.04. Notification Following Subdivision Application Decision

A. Notification of Decision

If the [Commissioners Court](#) disapproves a [Plat Application](#), the Applicant shall be given a complete list of the reasons for the disapproval.

B. Type of Notice

Notice may be given by electronic mail (email) or by postal service.

4.05. Public Hearings for Replat and Plat Vacation Applications

A. Public Hearing Required

1. All [Replat](#) and [Plat Vacation Applications](#) require a public hearing.
2. When the Application is determined to be complete, the notice and public hearing process required by Section [5.05.C Public Hearing and Notice Requirements](#) and Section [5.07.D Public Hearing and Notice Requirements](#) shall begin.
3. The time set for the public hearing shall conform to the time periods required by Section [5.05.C Public Hearing and Notice Requirements](#), Section [5.07.D Public Hearing and Notice Requirements](#), and by State law.

B. Conduct of the Hearing

1. The public hearing shall be conducted in accordance with State law.
2. Any person may appear at the public hearing and submit evidence, either individually or as a representative of an organization.
3. Each person who appears at a public hearing shall state his or her name and address, and if appearing on behalf of an organization or Applicant, state the name of the organization or Applicant for the record.

C. Record of Proceedings

The County shall record the hearing proceedings using standard municipal record-keeping procedures.

4.06. Amendments and Expiration to Approved Subdivision Applications

A. Amendments/Revisions to an Approved Subdivision Application

Unless another method is expressly provided by these Subdivision Regulations, any request to amend or revise an approved [Application](#) shall be considered a new [Application](#), which must be decided in accordance with the procedures governing the original [Application](#) and the standards in effect at the time such new [Application](#) is filed with the County.

B. Expiration of an Approved Subdivision Application

1. Subdivision Application Expiration – Two (2) Years

Unless otherwise expressly provided by these Subdivision Regulations, an approved application shall automatically expire two (2) years following the approval date of the [Application](#) (see [6.02.H Expiration Date for Construction Plans](#) for expiration of Construction Plans), and shall become null and void.

2. Applications with No Time Limit

If no time limit for satisfaction of conditions is specified in the decision on the Application or in the regulations governing, the time shall be presumed to be two (2) years following the date the Application was approved.

3. Applications with Vested Right

Unless a different date is determined, an Application approved prior to the effective date of these Subdivision Regulations shall expire in accordance with the terms of the regulations in effect at the time the Application was filed.

4. Effect of Expiration

A new [Application](#) must be submitted for consideration and approval subject to regulations in effect at the time the new [Application](#) is filed.

Section 5. Platting Requirements

5.01. General Subdivision and Platting Procedures

A. Plats Required for Land Subdivision

A [Final Plat](#) shall be approved prior to any land division that is subject to these regulations and prior to commencement of any new development.

B. Amending Plats

In the case of minor revisions to recorded Plats or lots, an [Amending Plat](#) may also be utilized if in accordance with Section [5.06 Amending Plat](#).

C. Lake Ray Roberts Zoning Regulations

1. Conformance with Existing Lake Zoning

All Applications for land within the County's Lake Ray Roberts Zoning Regulations shall be in conformance with the existing zoning on the property.

2. Request to Rezone Prior to Platting

- a. If an [Applicant](#) seeks to amend the zoning for property, the request to rezone the property shall be submitted and approved prior to acceptance of an Application for filing of a Plat, unless otherwise provided below.
- b. The [Applicant](#) may request approval from the [Commissioners Court](#) to submit a [Plat Application](#) simultaneously with the zoning change Application, in which case the Application for the zoning change shall be acted upon first, provided that the Application is accompanied by a properly executed [Waiver of Right to 30-Day Action](#) (due to the more lengthy time frame necessary to advertise and process zoning Applications).

5.02. Sketch Plan

A. Purpose

1. The purpose of a Sketch Plan shall be to serve as a visual aid to the [Applicant](#) and the [Commissioners Court Designated Representative](#) during the [Pre-Application Meeting](#) (Section [4.01](#)).
2. The Sketch Plan shall be used to identify major development considerations such as utilities, roadways, drainage concerns, specific neighborhood characteristics, and historic information.

B. Sketch Plan for the Pre-Application Meeting

The Applicant shall provide a Sketch Plan during a scheduled Pre-Application Meeting.

C. Sketch Plan Standards

The Sketch Plan shall be a freehand pencil sketch or computer drawn sketch to approximate scale and shall show the following elements:

1. Road layouts,
2. Lots,
3. The boundaries of the original property in its entirety,
4. Proposed improvements/permanent, and
5. Other significant features.

5.03. Preliminary Plat

A. Purpose

The purpose of a Preliminary Plat shall be to determine the general layout of the subdivision, the adequacy of public facilities needed to serve the intended development, and the overall compliance of the land division with applicable requirements of these Subdivision Regulations.

B. Applicability

No subdivision of land shall be allowed without proper submittal and approval of a Preliminary Plat.

C. Accompanying Applications

1. Preliminary and Other Types of Plans

An Application for a Preliminary Plat shall be accompanied by the following:

- a. A Preliminary Plat [Application Form](#), which can be obtained from the County;
- b. [Construction Plans](#); and
- c. Other plans, if deemed necessary, for thorough review by the Commissioners Court Designated Representative or the [Commissioners Court Engineering Designated Representative or Subcontractor](#), such as a Planned Development Master Plan.

2. Proof of Ownership Required

The Applicant shall furnish with the Application to the County:

- a. A current title commitment issued by a title insurance company authorized to do business in Texas,
- b. A title opinion letter from an attorney licensed to practice in Texas,
- c. A tax certificate from the County, or
- d. Some other acceptable proof of ownership, identifying all persons or entities having an ownership interest in the property subject to the Preliminary Plat, including all lienholders.

D. Preliminary Plat Requirements

1. Preliminary plats shall be drawn on a 24" x 36" sheet at a scale of 1" = 200'.
2. Preliminary plats shall also be submitted in digital pdf format.
3. The following items shall be shown on a Preliminary Plat:
 - a. The name, address and telephone number of the developer, surveyor and/or engineer.
 - b. The proposed name of the subdivision, and the names, locations, width and dimensions of all proposed and existing roads within the property.
 - c. The location of the existing boundary lines in sufficient detail to accurately locate the property.
 - d. The description, location, width and dimensions of proposed and existing utility and pipeline easements within and adjacent to the property.
 - e. The name, location and dimensions of all adjacent subdivisions and roads. Where there are no adjacent subdivisions, the preliminary plat shall show:
 - f. The name of all adjacent property owners with the volume and page of recordation.
 - g. The location and distance to the nearest subdivisions, and how the roads in the proposed subdivision may connect with those in the nearest subdivisions or other roads in the area.
 - h. Contours at ten (10) foot intervals.

- i. The date the plat was prepared.
 - j. A north arrow and the scale of the plat.
 - k. 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.
 - l. The location of setback lines on each lot.
 - m. 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.
 - n. Subdivisions that are located in a flood zone as shown on the current Flood Insurance Rate Map (FIRM) for Cooke County must show the following on the plat:
 - i. 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.
 - ii. Contours at one (1) foot intervals.
 - iii. The finished flood elevation must be shown for each lot located in the base floodplain.
 - iv. The base floodplain area of each lot shall be subtracted from the overall lot size to determine minimum lot size.
- E. Review by the Commissioners Court Designated Representative
The [Commissioners Court Designated Representative](#) shall:
- 1. Initiate review of the plat and materials submitted;
 - 2. Make available Plats and reports to the [Commissioners Court](#) for review; and
 - 3. Upon determination that the Application is ready to be acted upon, schedule the Preliminary Plat for consideration on the agenda of the next available meeting of the [Commissioners Court](#).
- F. Action by the Commissioners Court
The [Commissioners Court](#) shall:
- 1. Review the Preliminary Plat Application, the findings of the [Commissioners Court Designated Representative](#), and any other information available.
 - a. From all such information, the [Commissioners Court](#) shall determine whether the Preliminary Plat conforms to these Subdivision Regulations.
 - 2. Act within thirty (30) calendar days following the [Official Submission Date](#), unless the Applicant submits a Waiver of Right to 30-Day Action as outlined in [4.03.B](#).
 - a. If no decision is rendered by the [Commissioners Court](#) within the thirty (30) day period described above, then the following may occur according to [Chapter 232.0025](#).
 - i. The [Commissioners Court](#) shall refund the greater of the unexpended portion of any [Plat Application](#) fee or deposit or 50 percent of a [Plat Application](#) fee or deposit that has been paid;
 - ii. The [Plat Application](#) is granted by operation of law; and
 - iii. The [Applicant](#) may apply to a district court in the county where the tract of land is located for a writ of mandamus to compel the Commissioners Court to issue documents recognizing the plat's approval.

3. Take one of the following actions:
 - a. Approve the Preliminary Plat;
 - b. Approve the Preliminary Plat with conditions; or
 - c. Deny the Preliminary Plat.

G. Criteria for Approval

The following criteria shall be used by the [Commissioners Court](#) to determine whether the Preliminary Plat shall be approved or denied:

1. If a plat is submitted for property located in the Lake Ray Roberts Zoning Area and a zoning change for the property is also proposed, the zoning change must be completed before the approval of any Preliminary Plats/Final Plats;
2. The proposed provision and configuration of Public Improvements including, but not limited to, roads, water, wastewater, storm drainage, electric, easements and [Right-of-Way](#) that are adequate to serve the development, meet applicable standards of these Subdivision Regulations, and conform to the County's adopted master plans for those facilities;
3. The Preliminary Plat has been duly reviewed by applicable County staff;
4. The Preliminary Plat conforms to design requirements and construction standards as set forth in these [Subdivision Regulations](#) and other development-related engineering standards;
5. The proposed development represented on the Preliminary Plat does not endanger public health, safety or welfare; and
6. The Preliminary Plat conforms to the Preliminary Plat Requirements.

H. Effect of Approval

1. Approval of a Preliminary Plat shall allow the Applicant to proceed with the development and platting process by submitting [Construction Plans \(6.02\)](#) and a subsequent [Final Plat \(5.04\)](#).
2. Approval of the Preliminary Plat shall be deemed general approval of the subdivision's layout only, and shall not constitute approval or acceptance of [Construction Plans](#) or a Final Plat.

I. Expiration

1. Two-Year Validity
 - a. The approval of a Preliminary Plat shall remain in effect for a period of two (2) years following the date of approval, during which period the Applicant shall submit and receive approval for [Construction Plans](#) for the land area shown on the [Preliminary Plat](#).
 - b. If [Construction Plans](#) have not been approved within the two (2) year period, the Preliminary Plat shall expire.
2. Remain Valid for Construction Plans

If [Construction Plans](#) have been approved, a Preliminary Plat shall remain valid for the period of time in which the approved Construction Plans are valid ([6.02.H Expiration Date for Construction Plans](#)).
3. Portion of Preliminary Plat

All portions of the Preliminary Plat that do not have approved [Construction Plans](#) prior to expiration or any extension shall become void. A new Preliminary Plat application shall be submitted and processed.

4. Void If Not Extended

If the Preliminary Plat is not extended as provided in [5.03.J Preliminary Plat Extension](#), it shall expire and shall become null and void.

J. Preliminary Plat Extension

A [Preliminary Plat](#) may be extended for a period not to exceed one (1) year beyond the Preliminary Plat's initial expiration date. A request for extension shall be submitted to the [Commissioners Court](#) in writing at least thirty (30) calendar days prior to expiration of the [Preliminary Plat](#), and shall include reasons why the [Preliminary Plat](#) should be extended.

1. Decision by the Commissioners Court

- a. The [Commissioners Court](#) will review the extension request and shall approve or deny the extension request within thirty (30) calendar days following the date of the request.
- b. Should the [Commissioners Court](#) fail to act on an extension request within thirty (30) calendar days, the extension shall be deemed to be approved.

2. Considerations

In considering an extension, the [Commissioners Court](#) shall consider whether the following conditions exist:

- a. A Final Plat has been submitted and/or approved for any portion of the property shown on the Preliminary Plat;
- b. Construction Plans have been submitted and/or approved for any portion of the property shown on the Preliminary Plat;
- c. Construction, which includes the installation of public improvements, is occurring on the subject property; and/or
- d. The Preliminary Plat complies with new ordinances that impact the health, safety and general welfare of the community.

3. Conditions

- a. In granting an extension, the [Commissioners Court](#) may impose such conditions as are needed to ensure that the land will be developed in a timely fashion and that the public interest is served.
- b. Any extension may be predicated upon compliance with new development regulations and/or the Applicant waiving any vested rights.

K. Amendments to Preliminary Plats Following Approval

1. Minor Amendments to Preliminary Plats

- a. Minor amendments to the design of the subdivision may be incorporated into an [Application](#) for [Final Plat](#) approval without the necessity of filing a new [Application](#) for re-approval of a [Preliminary Plat](#).
- b. Minor amendments may only include minor adjustments in road, street or alley alignments, lengths and paving details, and minor adjustments to lot lines that do not result in creation of additional lots or any non-conforming lots.
- c. Any increase to the size of a property shown on a Preliminary Plat, or increase to the density of single-family residential lots shown on a Preliminary Plat, shall not be considered minor amendments.

2. Major Amendments to Preliminary Plats

All other proposed changes to the design of the subdivision subject to an approved [Preliminary Plat](#) shall be deemed major amendments that require submittal and approval of a new [Application](#) for approval of a [Preliminary Plat](#) (including new fees, new reviews, etc.) before approval of [Construction Plans](#) and/or a [Final Plat](#).

3. Determination of Minor or Major Preliminary Plat Amendments

The [County Judge](#) and Precinct Commissioner shall make a determination of whether proposed amendments are deemed to be minor or major, thereby requiring new submittal of a Preliminary Plat.

5.04. Final Plat

A. Purpose

The purpose of a [Final Plat](#) is to ensure that:

1. The proposed Subdivision and development of the land is consistent with all standards of these Subdivision Regulations pertaining to the adequacy of public facilities,
2. Public Improvements to serve the Subdivision or development have been approved by Construction Plans and a Construction Bond securing the completion of those Public Improvements has been submitted and accepted by the County, and
3. All other County requirements and conditions have been satisfied or provided for to allow the Final Plat to be recorded.

B. Applicability

No subdivision of land shall be allowed without proper submittal and approval of a Final Plat.

C. Proof of Ownership Required

1. The Applicant shall furnish with the Application to the County a current title commitment issued by a title insurance company authorized to do business in Texas, a title opinion letter from an attorney licensed to practice in Texas, or some other acceptable proof of ownership, identifying all persons having an ownership interest in the property subject to the Final Plat.
2. The Final Plat shall be signed by each owner, or by the representative of the owners authorized to sign legal documents for the owners and lienholder, effectively denoting that they are consenting to the platting of the property and to the dedications and covenants that may be contained in the [Final Plat](#).

D. Accompanying Applications

1. A Final Plat [Application Form](#), which can be obtained from the County.
2. An Application for a Final Plat shall be accompanied by approved [Construction Plans](#), which have been approved by the County separately in accordance with [Construction Plans](#).
3. A copy of the deed restrictions/restrictive covenants imposed within the subdivision must accompany the Final Plat.

E. Prior Approved Preliminary Plat

The Final Plat and all accompanying data shall conform to the approved Preliminary Plat, or as the Preliminary Plat may have been amended per Section [5.03.K Amendments to Preliminary Plats Following Approval](#), if applicable, incorporating all conditions imposed or required, if applicable.

F. Final Plat Requirements

1. Final plats shall be drawn on a 24" x 36" sheet at a scale of 1" = 200'.
2. Final plats shall also be submitted in digital pdf format.
3. In addition to the items to be shown on a Preliminary Plat, the following items shall be shown on a Final Plat:
 - a. The following statements shall be noted on the face of the plat in all caps and bold red lettering:
 - i. Blocking the flow of water or construction improvements in drainage easements, and filling or obstruction of the floodway is prohibited.
 - ii. 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.
 - iii. Cooke County will not be responsible for the maintenance and operation of said drainage ways for the control of erosion.
 - iv. Cooke County will not be responsible for any damage, personal injury or loss of life or property occasioned by flooding or flooding conditions.
 - v. Cooke County will not be responsible for the availability or delivery of any private well water in a subdivision.
 - b. Sufficient data to reproduce, on the ground, the bearing and length of all roads, blocks, lots and easements. Curves on roads, 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.
 - c. The accurate location of adjacent subdivision roads, blocks, lots and easements, or the property owner if the adjacent land is undeveloped.
 - d. The location and dimension of guardrails.
 - e. The location and dimension of culverts.
 - f. The number of all lots and blocks arranged in systematic order, and clearly shown on the plat in distinct and legible figures.
 - g. The size of each lot shall be indicated on the plat in square feet and in acreage.
 - h. 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.
 - i. All blocks, corners and angles shall be marked in accordance with minimum standards set forth by the Texas Board of Professional Land Surveyors.
 - ii. All corners shall be marked with caps stamped with the surveyor and/or company name.
 - i. A dedication, by the developer, of all streets, roadways, alleys, and utility easements 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.
 - j. A notation on the plat that states the following: "No road, street, or public improvement dedicated by this Plat shall be maintained by Cooke County in the absence of an express Order of the Commissioners Court, entered of record in the minutes of the Commissioners Court of Cooke County, specifically identifying any such road, street, or public improvement and specifically accepting such for County maintenance."

- k. The following statement shall appear in bold red caps on any plat containing private roads, drives, emergency access easements, recreation areas and open spaces: NOTE: All private streets (drives and roads) will be signed in a manner that indicates its private status:
 - i. Cooke County shall not be responsible for maintenance of private roads, drives, emergency access easements, recreation areas and open spaces, and the owners shall be responsible for the maintenance of private roads, 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.
 - l. The seal and signature of the surveyor responsible for surveying the subdivision and/or the preparation of the plat.
 - m. A space for the approval of the [Commissioners Court](#).
 - n. A space for the approval of a city exercising its extraterritorial authority other than a municipality that has entered into an resolution with the [Commissioners Court](#) granting full authority to the municipality for regulating subdivisions within the municipalities ETJ.
- G. Review by Commissioners Court Designated Representative
The [Commissioners Court Designated Representative](#) shall:
- 1. Initiate review of the plat and materials submitted,
 - 2. Make available [Plats](#) and reports to the [Commissioners Court](#) for review, and
 - 3. Upon determination that the Application is ready to be acted upon, schedule the Final Plat for consideration on the agenda of the next available meeting of the [Commissioners Court](#).
- H. Action by the Commissioners Court
The [Commissioners Court](#) shall:
- 1. Review the Final Plat Application, the findings of the [Commissioners Court Designated Representative](#), and any other information available.
 - a. From all such information, the [Commissioners Court](#) shall determine whether the Final Plat conforms to these Subdivision Regulations.
 - 2. Act within thirty (30) calendar days following the [Official Submission Date](#), unless the Applicant submits a Waiver of Right to 30-Day Action as outlined in [4.03.B](#).
 - a. If no decision is rendered by the [Commissioners Court](#) within the thirty (30) day period described above, then the following may occur according to [Chapter 232.0025](#).
 - i. The [Commissioners Court](#) shall refund the greater of the unexpended portion of any [Plat Application](#) fee or deposit or 50 percent of a [Plat Application](#) fee or deposit that has been paid;
 - ii. The [Plat Application](#) is granted by operation of law; and
 - iii. The [Applicant](#) may apply to a district court in the county where the tract of land is located for a writ of mandamus to compel the Commissioners Court to issue documents recognizing the plat's approval.
 - 3. Take one of the following actions:
 - a. Approve the Final Plat; or
 - b. Deny the Final Plat.

4. A motion to approve a Final Plat shall be subject to the following conditions, whether or not stated in the motion to approve:
 - a. All required fees shall be paid.
 - b. All covenants required by ordinances have been reviewed and approved by the County.
 - c. On-site easements and [Right-of-Way](#) have been dedicated and filed of record and properly described and noted on the proposed plat.
 - d. All required abandonments of public [Right-of-Way](#) or easements that must be approved by the [Commissioners Court](#) and are required to be noted on the plat are shown on the plat.
 - e. Original tax certificates have been presented from each taxing unit with jurisdiction of the real property showing the current taxes are paid.

I. Final Plat Criteria for Approval

The following criteria shall be used by the [Commissioners Court](#) to determine whether the Final Plat shall be approved or denied.

1. The Final Plat conforms to the approved Preliminary Plat except for minor amendments that are authorized under Section [5.03.K Amendments to Preliminary Plats Following Approval](#) and that may be approved without the necessity of revising the approved Preliminary Plat;
2. All conditions imposed at the time of approval of the Preliminary Plat, as applicable, have been satisfied;
3. The final layout of the Subdivision or development meets all standards for adequacy of public facilities contained in these Subdivision Regulations;
4. The Plat conforms to design requirements and construction standards as set forth in in these [Subdivision Regulations](#) and other development-related engineering standards; and
5. The Final Plat conforms to the Final Plat Requirements.

J. Procedures for Final Plat Recordation after Approval

1. Number of Copies of the Final Plat and Applicant Signatures

Contained within the [Final Plat Application](#), the [Applicant](#) shall provide the required number of signed and executed copies of the [Final Plat](#) for filing with the County.

2. County Signatures

After approval of the [Final Plat](#) by the [Commissioners Court](#), the [Commissioners Court Designated Representative](#) shall procure the appropriate County signatures on the Final Plat within ten (10) business days from the date at which the [Commissioners Court](#) approved the Final Plat.

K. Effect of Recordation

The recordation of a Final Plat:

1. Supersedes any prior approved Preliminary Plat for the same land.
2. Authorizes the Applicant to start construction of Public Improvements and sell or transfer lots.

L. Revisions Following Recording/Recordation

Revisions may only be processed and approved as an [Amending Plat](#).

M. Signature Blocks

The [Commissioners Court Designated Representative](#) shall develop and maintain wording for [Final Plat](#) signature blocks. This wording shall be made available to the general public via the County's development manual or similar type document.

5.05. Replat**A. Purpose**

The purpose of a Replat is to re-subdivide any part or all of a recorded Plat as authorized by [Texas Local Government Code 232.0095](#).

B. Applicability

1. A Replat of all or a portion of a recorded Plat may be approved in accordance with State law without vacation of the recorded Plat, if the Replat:
 - a. Is signed and acknowledged by only the owners of the property being replatted;
 - b. Is approved after a public hearing; and
 - c. Does not propose to amend or remove any covenants or restrictions previously incorporated in the recorded Plat.
2. A Replat shall be subject to approval by the [Commissioners Court](#).

C. Public Hearing and Notice Requirements

1. A public hearing shall be conducted by the Commissioners Court on all Replat Applications.
2. Additional Public Hearing and Notice Requirements for Residential Replats
 - a. Applicability of Residential Replats

Pursuant to Texas Local Government Code Chapter 212.015 (which is authorized by Texas Local Government Code 232.0095), a Replat without vacation of the preceding Plat must conform to the requirements of this Section if:

- i. During the preceding five (5) years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two (2) residential units per lot; or
- ii. Any lot in the preceding plat was limited by deed restrictions to residential use for not more than two (2) residential units per lot.

- b. Notice and Public Hearing Requirements for Residential Replats

Notice of the required public hearing shall be given before the fifteenth (15th) day before the date of the hearing by:

- i. Publication in an official newspaper or a newspaper of general circulation in the County (as applicable) in which the proposed Replat property is located; and
- ii. Written notice, with a copy of Section 212.015(c) of the Texas Local Government Code (as amended) attached, forwarded by the County to the owners of lots that are in the original Subdivision and that are within two hundred feet (200') of the lots to be replatted, as indicated on the most recently published county tax roll upon which the Replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the County.

c. Protest

- i. If the Replat Application is protested in accordance with this Section, approval of the Replat shall require the affirmative vote of at least three-fourths of the voting members of the Commissioners Court present at the meeting.
- ii. For a legal protest, written instruments signed by the owners of at least twenty percent (20%) of the area of the lots or land immediately adjoining the area covered by the Replat Application and extending two hundred feet (200') from that area, but within the original Subdivision, must be filed with the Commissioners Court prior to the close of the public hearing.
- iii. The area of roads, streets and alleys shall be included in the area computations.

D. Application Requirements

1. The Application for a Replat of a Subdivision shall meet all Application requirements of a Final Plat. The Applicant shall acknowledge that the Replat will not amend or remove any covenants or restrictions previously incorporated in the recorded Plat.
2. The Replat of the Subdivision shall meet Final Plat Requirements as listed in Section 5.04.F.
3. The Replat document shall be prepared by a Texas Registered Professional Land Surveyor.

E. Partial Replat Application

If a Replat is submitted for only a portion of a previously platted subdivision, the Replat must reference the previous Subdivision name and recording information, and must state on the Replat the specific lots which are being changed along with a detailed "Purpose for Replat" statement.

F. Replat Review and Approval

1. The review process for a Replat shall be the same as the review process for a Final Plat.
2. The approval process for a Replat shall be the same as the approval process for a Final Plat.
 - a. The approval process shall include the special public hearing and notice requirements described in Section 4.05.C Public Hearing and Notice Requirements.

G. Effect

Upon approval of the Application, the Replat may be recorded and is controlling over the previously recorded Plat for the portion replatted.

5.06. Amending Plat

A. Purpose

The purpose of an [Amending Plat](#) shall be to provide an expeditious means of making minor revisions to a recorded [Plat](#), as authorized by [Texas Local Government Code 232.011](#).

B. Applicability

The [Commissioners Court](#) may approve and issue an [Amending Plat](#), if the [Amending Plat](#) is signed by the Applicants and filed for one or more of the following purposes:

1. To correct an error in a course or distance shown on the preceding plat;
2. To add a course or distance that was omitted on the preceding plat;
3. To correct an error in a real property description shown on the preceding plat;
4. To show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
5. To correct any other type of scrivener or clerical error or omission of the previously approved plat, including lot numbers, acreage, road names, and identification of adjacent recorded plats; or
6. To correct an error in courses and distances of lot lines between two adjacent lots if:
 - a. Both lot owners join in the application for amending the plat;
 - b. Neither lot is abolished;
 - c. The amendment does not attempt to remove recorded covenants or restrictions; and
 - d. The amendment does not have a material adverse effect on the property rights of the other owners of the property that is the subject of the plat.

C. Notice, Public Hearing, and Approval of Other Lot Owners Not Required

Per [TLGC 232.011\(c\)](#), notice, a hearing, and the approval of other lot owners are not required for the filing, recording, or approval of an [Amending Plat](#).

D. Application Requirements

The [Amending Plat Application Form](#) can be obtained from the County.

E. Review by Commissioners Court Designated Representative

The Commissioners Court Designated Representative shall initiate review of the [Amending Plat](#) and materials submitted.

F. Action by the Commissioners Court

The [Commissioners Court](#) shall:

1. Review the [Amending Plat](#) Application, the findings of the [Commissioners Court Designated Representative](#), and any other information available.
 - a. From all such information, the [Commissioners Court](#) shall determine whether the [Amending Plat](#) conforms to these Subdivision Regulations.
2. Act within thirty(30) calendar days following the [Official Submission Date](#), unless the Applicant submits a Waiver of Right to 30-Day Action as outlined in [4.03.B](#).
 - a. If no decision is rendered by the [Commissioners Court](#) within the thirty (30) day period described above, then the following may occur according to [Chapter 232.0025](#).

- i. The [Commissioners Court](#) shall refund the greater of the unexpended portion of any [Plat Application](#) fee or deposit or 50 percent of a [Plat Application](#) fee or deposit that has been paid;
 - ii. The [Plat Application](#) is granted by operation of law; and
 - iii. The [Applicant](#) may apply to a district court in the county where the tract of land is located for a writ of mandamus to compel the Commissioners Court to issue documents recognizing the plat's approval.
3. Take one of the following actions:
 - a. Approve the [Amending Plat](#); or
 - b. Deny the [Amending Plat](#).

G. Amending Plat Criteria for Approval

The following criteria shall be used by the [Commissioners Court](#) to determine whether the [Amending Plat](#) shall be approved or denied.

1. The [Amending Plat](#) fulfills the requirements of [5.06.B Applicability](#); and
2. The [Amending Plat](#) conforms to the [Amending Plat Application](#) checklists.

H. Effect of Approval

The [Amending Plat](#) controls over the preceding [Plat](#) without the vacation, revision, or cancellation of the preceding [Plat](#).

5.07. Plat Vacation

A. Purpose

1. The purpose of a Plat Vacation is to provide an expeditious means of vacating a recorded Plat in its entirety, consistent with provisions of State law.
2. This section applies only to real property located outside municipalities and outside the extraterritorial jurisdiction of municipalities.

B. Initiation of a Plat Vacation

A person owning real property that has been subdivided into lots and blocks or into small subdivisions may apply to the [Commissioners Court](#) for permission to cancel all or part of the subdivision, including a dedicated easement or roadway, to reestablish the property as acreage tracts as it existed before the subdivision.

C. Instrument Canceling the Subdivision

1. If, on the [Plat Vacation Application](#), it is shown that the cancellation of all or part of the subdivision does not interfere with the established rights of any purchaser who owns any part of the subdivision, or it is shown that the purchaser agrees to the cancellation, the [Commissioners Court](#) by order shall authorize the owner of the subdivision to file an instrument canceling the subdivision in whole or in part.
2. The instrument must describe the subdivision or the part of it that is canceled.
3. The [Commissioners Court](#) shall enter the order in its minutes.
4. After the cancellation instrument is filed and recorded in the deed records of the County, the Cooke County Appraisal District shall assess the property as if it had never been subdivided.

D. Public Hearing and Notice Requirements

1. The [Commissioners Court](#) shall publish notice of a [Plat Vacation Application](#).
2. The notice must be published in a newspaper, published in the English language, for at least three (3) weeks before the date on which action is taken on the [Plat Vacation Application](#).
3. The [Commissioners Court](#) shall take action on an application at a regular term.
4. The published notice must direct any person who is interested in the property and who wishes to protest the proposed cancellation to appear at the time specified in the notice.

E. Delinquent Taxes

1. If delinquent taxes are owed on the subdivided tract for any preceding year, and if the application to cancel the subdivision is granted by the [Commissioners Court](#), the owner of the tract may pay the delinquent taxes on an acreage basis as if the tract had not been subdivided.
2. For the purpose of assessing the tract for a preceding year, the county tax assessor-collector shall back assess the tract on an acreage basis.

F. Criteria for Approval and Subsequent Actions

1. On [Application](#) for [Plat Vacation](#) by the owners of seventy-five (75) percent of the property included in the subdivision, phase, or identifiable part, the [Commissioners Court](#) by order shall authorize the cancellation in the manner and after notice and a hearing as provided by Subsection [5.07.D](#)
2. If the owners of at least ten (10) percent of the property affected by the proposed cancellation file written objections to the cancellation with the [Commissioners Court](#), the grant of an order of cancellation is at the discretion of the court.
3. Regardless of the date land is subdivided or a plat is filed for a subdivision, the [Commissioners Court](#) may deny a cancellation if the [Commissioners Court](#) determines the cancellation will prevent the proposed interconnection of infrastructure to pending or existing development.

G. Closing of a Roadway or Easement in a Subdivision

To maintain an action to enjoin the cancellation or closing of a roadway or easement in a subdivision, a person must own a lot or part of the subdivision that:

1. Abuts directly on the part of the roadway or easement to be canceled or closed; or
2. Is connected by the part of the roadway or easement to be canceled or closed, by the most direct feasible route, to:
 - a. The nearest remaining public highway, county road, or access road to the public highway or county road; or
 - b. Any uncanceled common amenity of the subdivision.

H. Damages for Protestors

1. Pursuant to [TLGC 232.008\(g\)](#), a person who appears before the [Commissioners Court](#) to protest the cancellation of all or part of a subdivision may maintain an action for damages against the person applying for the cancellation and may recover as damages an amount not to exceed the amount of the person's original purchase price for property in the canceled subdivision or part of the subdivision.
2. The person must bring the action within one (1) year after the date of the entry of the [Commissioners Court's](#) order granting the cancellation.

I. Review and Recommendation by the Commissioners Court Designated Representative

The Commissioners Court Designated Representative shall:

1. Initiate review of the [Plat Vacation Application](#) and materials submitted; and
2. Recommend action on [Plat Vacation](#) to the [Commissioners Court](#).

J. Action by the Commissioners Court

The Commissioners Court shall:

1. Review the Plat Vacation Application, the findings of the Commissioners Court Designated Representative, and any other information available. From all such information, the Commissioners Court shall make a finding as to whether or not the plat should be vacated per subsection [5.07.F](#).
2. Take one of the following actions:
 - a. Approve the Plat Vacation; or
 - b. Deny the Plat Vacation.

K. Procedures for Recordation Following Approval

See [5.07.C Instrument Canceling the Subdivision](#).

Section 6. Subdivision Development Procedures

6.01. Development Process

The detailed steps within each phase of the Subdivision development process are shown in [Figure 2: Detailed Overview of the Development Process](#) and covered in [Section 4](#), [Section 5](#), [Section 6](#), and [Section 7](#).

6.02. Construction Plans

A. Purpose

To require that [Public Improvements](#) be installed to serve a development in accordance with all Subdivision Regulations.

B. Plans to be Included in Construction Plan

The following plans shall constitute a complete set of Construction Plans:

1. [Road Plan](#),
2. [Drainage Plan](#),
3. [Water Utility Plan](#), and
4. [Wastewater Utility Plan](#).

C. Submitting Plans

1. Plans shall be submitted in accordance with County requirements, as provided in the related [Application Form](#).
2. Plans shall be prepared by a licensed Professional Engineer at the [Developer's](#) expense.
3. Incomplete Construction Plans shall not be accepted and such plans shall be returned to the Applicant.

D. Decision Authority for Construction Plans

1. Review and Approval Authority

The [Commissioners Court Engineering Designated Representative or Subcontractor](#) shall be responsible for the review and approval of [Construction Plans](#).

2. Outside Review

If an outside consultant is contracted to review Construction Plans, then the Applicant shall be required to reimburse the County for the review fees.

E. Criteria for Approval

The Commissioners Court Engineering Designated Representative or Subcontractor shall approve Construction Plans if:

1. The Construction Plans are consistent with the approved Preliminary Plat; and
2. The Construction Plans conform to the subject property's Lake Zoning Regulations, if applicable, and to the standards for adequate public facilities, contained in these Subdivision Regulations and all other applicable County codes.

F. Effect

Approval of Construction Plans authorizes the Applicant to submit a [Final Plat Application](#).

G. Notice

The Applicant shall receive written or electronic notice from the [Commissioners Court Engineering Designated Representative or Subcontractor](#) that [Construction Plans](#) have been approved.

H. Expiration Date for Construction Plans

Unless Construction Plans are extended in accordance with Section [6.02.I Extension of Construction Plans beyond Expiration Date](#), the approval of Construction Plans shall remain in effect for a period of two (2) years from the date of [Final Plat](#) approval or for the duration of construction of the project, provided that progress or development of the project continues to be demonstrated.

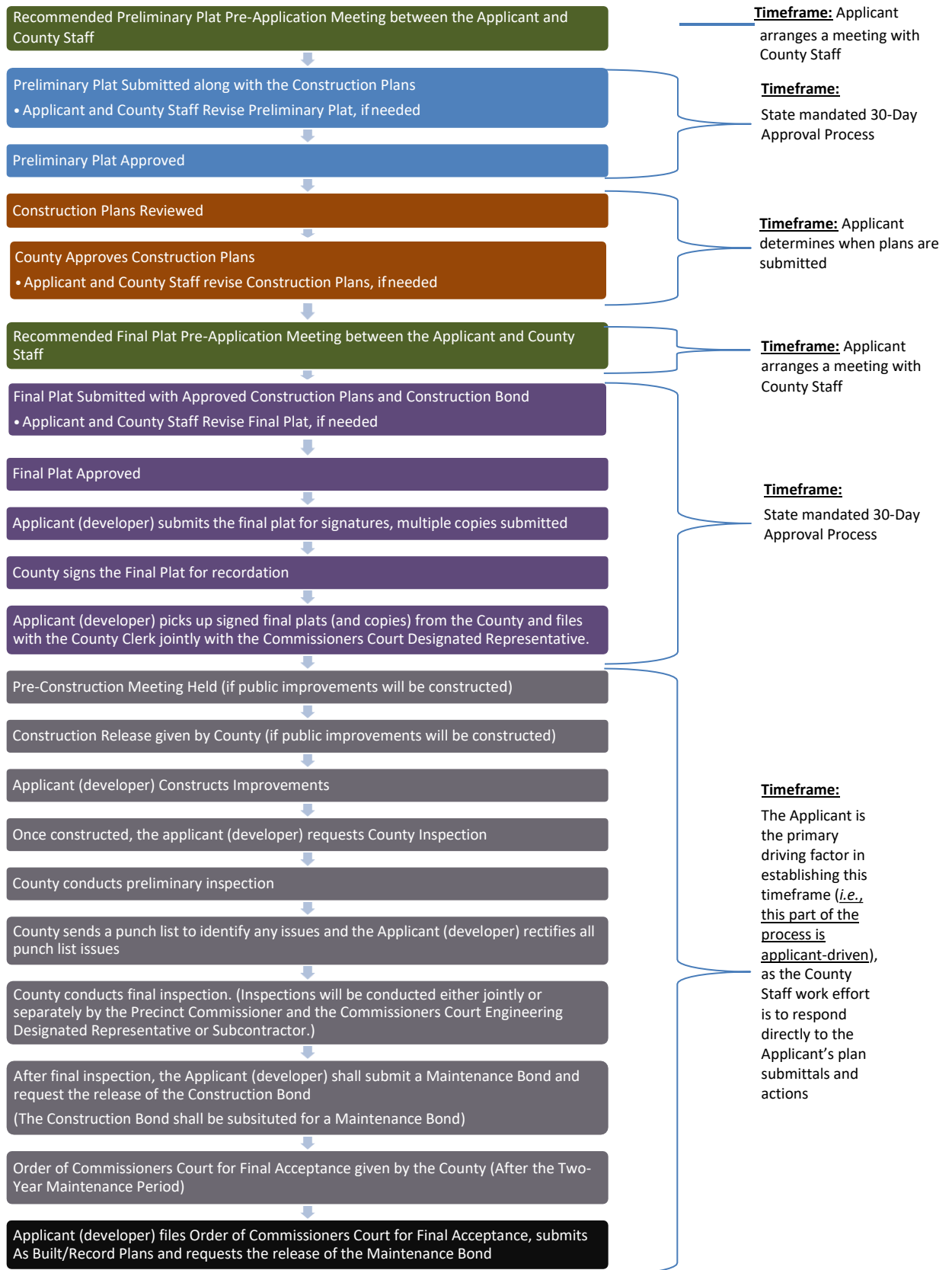


Figure 2: Detailed Overview of the Development Process

I. Extension of Construction Plans beyond Expiration Date

1. General

- a. Construction Plans may be extended for a period of six (6) additional months beyond the expiration date.
- b. A request must be made in writing to the [Commissioners Court Engineering Designated Representative or Subcontractor](#) for such extension prior to expiration of the plans, and shall include reasons why the plans should be extended.

2. Decision by the Commissioners Court Engineering Designated Representative or Subcontractor

- a. The Commissioners Court Engineering Designated Representative or Subcontractor will review the extension request, and shall approve or deny the extension request within thirty (30) calendar days following the date of the extension request.
- b. Should the Commissioners Court Engineering Designated Representative or Subcontractor fail to act on an extension request within thirty (30) calendar days, the extension shall be deemed to be approved.

3. Consideration

The Commissioners Court Engineering Designated Representative or Subcontractor may extend [Construction Plans](#) approval for a period of six (6) additional months beyond the expiration date if:

- a. The Construction Plans comply with new regulations (i.e., regulations that have been adopted after approval of the original Construction Plans) that impact the health, safety and general welfare of the County; or
- b. Demonstrable forward progress has been made to proceed with construction or required improvements.

4. Conditions

In granting an extension, the Commissioners Court Engineering Designated Representative or Subcontractor may impose such conditions as are needed to ensure that the land will be developed in a timely fashion and that the public interest is served. Any extension may be predicated upon compliance with new development regulations and/or the Applicant waiving any vested rights.

5. Total Extension

A second six (6) month extension may be requested using the same process outlined above.

6.03. Pre-Construction Meeting

A. Requirement

1. The Applicant(s) shall attend a [Pre-Construction Meeting](#) with the [Commissioners Court Designated Representative](#) and [Commissioners Court Engineering Designated Representative or Subcontractor](#) if Public Improvements will be constructed on the property or if requested by the [Commissioners Court](#).
2. The pre-construction meeting shall be scheduled following the approval of [Final Plat](#) and prior to commencement of any construction on the property.
3. The [Applicant](#) shall be responsible for contacting the [Commissioners Court Designated Representative](#), requesting a meeting time, and notifying all participants of the meeting.
4. After receiving a meeting request from the [Applicant](#), the [Commissioners Court Designated Representative](#) shall promptly schedule a [Pre-Construction Meeting](#).

B. Purpose

1. Discussion of Procedures

The purpose of the [Pre-Construction Meeting](#) is to discuss administrative, communication, and operating procedures for project construction prior to [Construction Release](#).

2. Review of Criteria

A list of typical inspection items, procedures, and acceptance criteria for items in public Right-of-Way and easements will also be furnished to the Applicant.

C. Effect

Following the [Pre-Construction Meeting](#) and full compliance with all pre-construction requirements, the [Commissioners Court Engineering Designated Representative or Subcontractor](#) shall authorize a [Construction Release](#).

6.04. Construction Release

A. Requirements for a Construction Release

1. Upon approval of the [Construction Plans](#), receipt of all required documentation, fees (if applicable), and after the [Pre-Construction Meeting](#) with County staff, the Commissioners Court Engineering Designated Representative or Subcontractor shall release the plans for the construction of Public Improvements if all County requirements pertaining to construction have been met.
2. The [Construction Release](#) shall remain in effect for a period of one (1) year from the date of issuance, or for the duration of construction of the project, provided that progress or development of the project continues to be demonstrated.

B. Construction Release Expiration and Extension

Expiration, and possible extension, of the [Construction Release](#) shall be the same as for the [Construction Plans](#) (see Sections [6.02.H](#) and [6.02.I](#)).

6.05. Construction of Public Improvements

A. Phased Development

If the development is being platted and constructed in phases, improvements shall be completed as platted areas are approved and phases are constructed.

B. Easements for Utility Providers

1. The Applicant is responsible for contacting all utility providers prior to beginning construction, and for securing all necessary easements for same prior to Final Plat approval and recordation.
2. The Applicant's engineer shall provide the Commissioners Court Engineering Designated Representative or Subcontractor with written certification that all necessary easements are secured for the various utility providers, and such easements shall be shown on the Final Plat with the recording information for each.

C. Off-Site Easements

1. All necessary off-site easements required for installation of required off-site Public Improvements to serve the development shall be acquired by the Applicant.
2. Off-site easements shall be conveyed and recorded by an instrument approved by the County.
3. If the property on which the off-site easement is required has been platted, a separate instrument shall be required to dedicate the easement.
4. The Applicant shall be responsible for the acquisition of all required off-site easements. If the Applicant is unable to acquire the necessary off-site easements, the Applicant may request assistance from the County. The Applicant shall provide the County with easements or Right-of-Way survey documents and exhibits, documentation, including evidence of a reasonable offer made to the affected property owner. Upon receiving a written request for assistance, the County may, at its option, acquire these easements either through negotiations, or in appropriate situations through eminent domain proceedings.
5. The Applicant shall reimburse the County for the costs of acquiring the necessary easements including but not limited to attorney fees and costs.

D. Timing of When Public Improvements are Constructed

1. [Public Improvements](#) Completed After [Final Plat](#) Recordation

Completion of all required [Public Improvements](#) shall occur after [Final Plat](#) recordation (see [Figure 2](#) for a visual depiction of the platting process).

2. [Public Improvements](#) Guaranteed to be Constructed by Construction Bonds

In order to ensure [Public Improvements](#) are constructed after [Final Plat](#) recordation, the County requires Applicants to submit Construction Bonds with [Final Plat Applications](#).

6.06. Construction Bond

A. Timing of Construction

All construction shall be completed within two (2) years after approval the [Final Plat](#) in a timely manner, and in accordance with the terms and specifications contained in these Subdivision Regulations.

B. Construction Bond Format

The developer shall file a Construction Bond, executed by a Surety Company authorized to do business in this State, and made payable to the [County Judge](#) or his or her successor in office.

C. Construction Bond Amount

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

D. Timing of Construction Bond Submittal

A Construction Bond shall be submitted with a [Final Plat Application](#).

E. Duration of the Construction Bond

The Construction Bond remains in full force and in effect until all the roads, road signs, streets, street signs, underground utilities, required drainage structures and all other construction in the subdivision have been completed to the satisfaction of the [Commissioners Court](#).

F. County Redemption of the Construction Bond

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 using the Construction Bond provided.

G. Construction Bond Release

If all Public Improvements are completed to the satisfaction of the [Commissioners Court](#), then the [Commissioners Court](#) shall issue a Court Order that will release the Construction Bond contingent to a Maintenance Bond being submitted.

H. Irrevocable Letter of Credit in Lieu of Construction Bond

At Commissioners Court discretion, an irrevocable letter of credit may be allowed in lieu of the Construction Bond. The letter of credit shall be for the same duration and amount as the Construction Bond requirements. The letter of credit shall be issued by an institution guaranteed by the FDIC and made payable to the "County Judge of Cooke County". The issuance and expiration date must be clearly stated in the letter.

6.07. Inspection of Public Improvements

A. Conformance with Construction Plans and County Standards

1. Construction shall be in accordance with the approved Construction Plans and County standards.
2. Any significant change in design required during construction shall be made by the Applicant's engineer, funded by the [Developer](#), and shall be subject to approval by the Commissioners Court Engineering Designated Representative or Subcontractor.

B. Inspection of Public Improvements

1. Preliminary Inspection
 - a. 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 preliminary inspection.
 - b. The Precinct Commissioner and Commissioners Court Engineering Designated Representative or Subcontractor will inspect the completed work jointly or separately for compliance.
 - c. After preliminary inspection, the County will notify and provide the Applicant with a written punch list of any issues the [Developer](#) must rectify in order for the Public Improvements to be in accordance with the approved Construction Plans and County standards.
2. Final Inspection
 - a. The [Developer](#), upon rectifying the issues identified in the preliminary inspection punch list, shall request from the County a final inspection.
 - b. The Precinct Commissioner and Commissioners Court Engineering Designated Representative or Subcontractor will inspect the completed work jointly or separately for compliance.
 - c. After final inspection, the County will provide written notification to the Applicant regarding if the issues identified in the preliminary inspection punch list have been properly addressed and are now in accordance with the approved Construction Plans and County standards.
 - d. After final inspection, the Applicant (Developer) shall submit a [Maintenance Bond](#) and the [Construction Bond](#) shall be released once the [Maintenance Bond](#) is in effect. (See [6.08.A Maintenance Bond](#) for more details.)
3. Contact

The Applicant, or Applicant's contractor, shall maintain contact with the [Commissioners Court Designated Representative](#) during construction of improvements.
4. Hours of Inspections
 - a. Inspections shall be conducted during normal business hours, Monday through Friday, except as noted below.
 - b. Inspection During Non-Business Hours
 - i. Inspections may be conducted at times other than normal working hours with prior approval from the Precinct Commissioner.
 - ii. After-hour inspections will require a minimum of forty-eight (48) hours' notice.
 - iii. No inspections will be conducted on Sundays, holidays, and long holiday weekends. Holiday weekends are weekends with a holiday that lands on Monday or Friday of a given weekend.

C. Inspection Fees**1. Fee Standards**

- a. The Developer will be charged a three percent (3%) inspection fee for the cost of the [Public Improvements](#) to be dedicated to the County.
- b. The Developer may be charged an additional inspection fee to reimburse the County the actual inspection cost if the County is required to have third party inspections of the public infrastructure in each Subdivision or development.

2. Cost for Construction

- a. The [Developer](#) shall submit to the [County](#) an itemized cost for construction of the [Public Improvements](#) and upon which the [Maintenance Bond](#) and inspection fees will be based. (See [6.08.A Maintenance Bond](#) for more details.)
- b. The cost of construction shall be reviewed and approved by the [Commissioners Court Engineering Designated Representative or Subcontractor](#).

6.08. Maintenance Bond**A. Maintenance Bond Substituted for Construction Bond**

To ensure roads road signs, streets, street signs, underground utilities, required drainage structures and all other construction are maintained to the satisfaction of the [Commissioners Court](#), a [Maintenance Bond](#) executed by a Surety Company authorized to do business in this state, and made payable to the County Judge or his or her successor in office, or cash escrow shall be substituted for the [Construction Bond](#) at the time of release of said construction bond.

B. Maintenance Bond Duration

The conditions of the maintenance bond shall stipulate that the developer shall guarantee to maintain, to the satisfaction the County, all of the roads, road signs, streets, street signs, underground utilities, required drainage structures and all other construction is maintained to County specifications and is in a good state of repair for a period of two (2) years from the date of [Final Inspection](#) (See [6.07.B.2 Final Inspection](#)).

C. Maintenance Bond Amount

The [Maintenance Bond](#) amount shall be equal to one hundred and twenty percent (120%) of the estimated cost of roads, road signs streets, street signs, underground utilities, required drainage structures and all other construction.

D. Periodic Inspections

Periodic inspection of roads, road signs, streets, street signs, underground utilities, required drainage structures and all other construction for which the [Maintenance Bond](#) is held, will be made by the Precinct Commissioner during the period of liability covered by the maintenance bond.

E. County Redemption of the Maintenance Bond

In the event any or all of the roads, road signs, 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 or she fails or refuses to repair said items, the maintenance and repair of Public Improvements shall be completed using the [Maintenance Bond](#) provided.

F. Maintenance Bond Release

1. The release of the [Maintenance Bond](#) shall be by order of the [Commissioners Court](#).

2. To request a release the [Developer](#) who posted the bond in question shall present a written request to release said bond. The request shall include a copy of the [Order of the Commissioners Court for Final Acceptance](#) and a set of As-Built/Record Plans (See [6.09.C Submission of As-Built/Record Plans](#)).
3. The [Developer](#) may request the release of the [Maintenance Bond](#) two (2) years from the date of [Final Inspection](#).

G. Irrevocable Letter of Credit in Lieu of Maintenance Bond

At Commissioners Court discretion, an irrevocable letter of credit may be in lieu of the Maintenance Bond. The letter of credit shall be for the same duration and amount as the Maintenance Bond requirements. The letter of credit shall be issued by an institution guaranteed by the FDIC and made payable to the "County Judge of Cooke County". The issuance and expiration date must be clearly stated in the letter.

6.09. Acceptance of Public Improvements

A. Acceptance or Rejection of Improvements

1. Two-Year Maintenance Inspection

Two years from the date that the [Maintenance Bond](#) was substituted for the [Construction Bond](#), a [Two-Year Maintenance Inspection](#) shall be performed by the Precinct Commissioner and one (1) other County Commissioner to ensure all of the roads, road signs, streets, street signs, required drainage structures and all other construction is maintained to County specifications and is in a good state of repair.

2. [Order of the Commissioners Court for Final Acceptance](#)

If the [Two-Year Maintenance Inspection](#) finds that all improvements are completed, in good repair, and are determined by the County to be in conformance with County standards, the [Commissioners Court](#) shall issue an [Order of the Commissioners Court for Final Acceptance](#) to the Applicant/Developer/Owner, thereby notifying the Applicant of the County's acceptance of any dedications (including [Right-of-Way](#) and [Public Improvements](#)) offered on the [Final Plat](#). The Court Order shall be filed of record with the approved and filed [Final Plat](#).

3. Meaning of Acceptance

Acceptance of the Improvements shall mean that the Applicant has transferred all rights to all the Public Improvements to the County for ownership and maintenance.

4. Rejection

The County shall reject those Improvements that fail to comply with the County's standards and specifications. The County shall enforce the [Maintenance Bond](#) to ensure Public Improvements are maintained.

B. Acceptance Disclaimer

1. Approval of a [Preliminary Plat](#), [Construction Plans](#), or [Final Plat](#) shall not constitute acceptance of any of the Public Improvements.
2. No Public Improvements shall be accepted for dedication by the County except in accordance with this Section.

C. Submission of As-Built/Record Plans

1. The purpose of the County requiring As-Built/Record Plans is to have a record of how Public Improvements were constructed in the field.

2. In order to release the [Maintenance Bond](#), an Applicant is required to submit As-Built/Record Plans for all Public Improvements.
3. Each record drawing sheet shall show all changes made in the Construction Plans during construction, and on each sheet, there shall be a “record” stamp bearing the signature of the engineer and date.
4. Digital files of all the Record Drawings shall be submitted by the Applicant in AutoCAD and Adobe PDF formats, as required by the County.

Section 7. Subdivision Design Standards

7.01. General Standards

A. Conformance to Plans and Codes

Design and construction of [Public Improvements](#) must conform to the standards, criteria, and requirements of the following, as they may from time to time be amended by those responsible for their promulgation:

1. [Cooke County Thoroughfare Plan, if applicable](#);
2. Federal, State and Local Environmental Regulations;
3. Texas Water Code; and
4. All other codes and ordinances of the [County](#).

B. Observation of Construction Work for Public Improvements

1. All construction work, such as road grading, road paving, storm sewers, curb and/or gutter, sanitary sewers or water mains performed by the owner, developer, or contractor, shall be subject to observation during construction by the proper authorities of the [County](#).
2. All construction work, as mentioned above, shall be constructed in accordance with the specifications approved by the [County](#).
3. The standards herein are minimum standards for safety and adequacy.

7.02. Adequate Public Facilities

A. Services Required

Land proposed for development in the [County](#) must be served adequately by essential public facilities and services, including water facilities, wastewater facilities, roadway facilities, and drainage facilities.

B. Approval Timing

Land shall not be approved for platting or development unless and until adequate public facilities necessary to serve the development exist or provision has been made for such facilities, whether the facilities are to be located within the property being developed or off-site.

7.03. Roads

A. Adequate Roads

1. The property owner shall ensure that the Subdivision is served by adequate roads and shall be responsible for the costs of Right-of-Way and road improvements in accordance with the following policies and standards.
2. Additional Right-of-Way may be required at some road intersections to accommodate utilities, sidewalks, traffic control devices and/or sight distances.

B. General Requirements

1. Roads must be designed with guidance from the [Cooke County Thoroughfare Plan](#), (Page 4) existing and proposed roads, the terrain, streams, and other physical conditions.
 - a. The arrangement of roads must provide for the continuation of roads between adjacent properties when the continuation is necessary for the safe and efficient movement of traffic and for utility efficiency.
 - b. The arrangement, character, extent, pavement width, Right-of-Way width, grade and location of each road shall be considered in its relationship to the Cooke County Thoroughfare Plan, to existing and planned roads, topographical conditions, public safety and convenience, and its relationship to the proposed uses of land to be served by such road.
2. Whenever a tract to be subdivided abuts any part of any road so designated on the Cooke County Thoroughfare Plan, or where a road designated on the Cooke County Thoroughfare Plan crosses any part of the tract to be subdivided, such part of the proposed public road shall be platted, the Right-of-Way shall be dedicated, and the road shall be constructed by the Developer, consistent with the location as indicated on the Cooke County Thoroughfare Plan, and the requirements contained within these regulations; if required by Commissioners Court.
3. The reservation in private ownership of strips of land (e.g., reserve strips) at the end of proposed or existing roads and intended solely or primarily for the purpose of controlling access to property not included in the Subdivision shall be prohibited.

C. Road Plan

1. Illustrate the Location and Size of Proposed Roads
 - a. The Developer shall submit a map or plan showing the location and size of proposed roads, which will be required to provide adequate access to the lots specified on the proposed plat.
 - b. The [Road Plan](#) shall show the following items:
 - i. The plan of the road, in no larger than a 1" = 50' scale, showing the location of the proposed pavement, ditches and drainage structures within the road right-of-way.
 - ii. The profile of the road in no larger than a 1" = 50' scale horizontal and a 1" = 5' scale vertical.
 - iii. The road grades and elevations.
 - iv. Vertical and horizontal curve information.
 - v. The ditch grades, design flow of water, design depth of water and design velocity of water.
 - vi. Typical road sections.
 - vii. The seal and signature of the Engineer responsible for the design on all sheets.
 - viii. Any required easements.

2. Plan Document

The plan shall be prepared as noted in the County's [Application Forms](#).

D. Road Classification Descriptions

1. Arterial Roads

- a. Arterial Roads are principal traffic-ways that are more or less continuous across the [County](#).
- b. Arterial Roads act as principal connecting roads with highways.
- c. Arterial Roads are used for longer trips and carry a high portion of the total traffic with a minimum of mileage.
- d. Existing and proposed Arterial Roads that are designated on the Cooke County Thoroughfare Plan may be required to be dedicated to the County and serve as a public Thoroughfare.

2. Collector Roads

- a. Collector Roads carry traffic from Local Roads to Arterial Roads.
- b. Existing and proposed Collector Roads that are designated on the Cooke County Thoroughfare Plan may be required to be dedicated to the County and serve as a public Thoroughfare.

3. Local Roads

- a. Local Roads distribute traffic to and from residences.
- b. Local Roads are short in length and non-continuous to discourage through traffic.
- c. A Local Road is a road used primarily for access to abutting property, especially residential areas.
- d. Local Roads also provide secondary or minor access and circulation to community facilities (school, parks, etc.) and other traffic generators such as commercial and industrial areas.

E. Road Specifications

All [Thoroughfares](#) shall conform to the following specifications:

Table 5: Road Specifications			
Specification	Arterial Road	Collector Road	Local Road
Minimum Right-of-Way	100 feet	80 feet	60 feet
Minimum Pavement Width	40 feet	40 feet	24 feet
Minimum Compacted Depth of Base Material	6"	6"	6"
Maximum Allowable Grade	9%	9%	12%

F. Road Design Criteria

Road design shall conform to specifications included within these Subdivision Regulations, those included within any other development-related County engineering standards, and the Cooke County Thoroughfare Plan.

1. The arrangement and location of all proposed roads shall conform to the Cooke County Thoroughfare Plan, to the extent required by Commissioners Court.
 - a. Where roads are not shown within the Cooke County Thoroughfare Plan, the arrangements of roads in a [Subdivision](#) shall provide for the continuation or appropriate projection of existing principal roads in surrounding areas.
2. Where a Subdivision is developed in phases, roads in all phases shall be designed to coordinate with the roads within the initial phase of the Subdivision.
3. Where adjoining areas are not subdivided, the arrangement of roads in the Subdivision shall make provision for the proper projection of roads into such unsubdivided area.
4. To ensure adequate access to each Subdivision, the [Commissioners Court](#) may require at least two (2) points of ingress and egress for subdivisions with fifty (50) lots or more.
5. All roads or roads more than one hundred (100) feet in length shall either be connected at both ends to a dedicated road, or be provided a cul-de-sac in conformance with Section [11 Cul-de-Sacs and Dead-End Roads](#).
6. Driveway cuts to residential uses shall not be allowed on [Arterial Roads](#) or [Collector Roads](#).
7. No decorative squares, trees, "islands", ornamental entrances or any other obstruction to traffic shall be constructed or preserved within the right-of-way of any road.
8. Road Intersections
 - a. Intersections of Arterial Roads and Collector Roads shall not vary from a ninety (90) degree angle of intersection by more than five (5) degrees.
 - b. Intersections of Collector Roads and Local Roads shall not vary from ninety (90) degrees by more than fifteen (15) degrees.
9. Driveway Approach
 - a. The minimum radius for a driveway approach shall be thirty (30) feet.
 - b. The driveway approach for driveways on Local Roads shall be a minimum of five (5) feet.
 - c. The driveway approach for commercial or industrial driveways shall be a minimum of ten (10) feet.
10. **Local Roads**
 - a. [Local Roads](#) shall be designed and provided in accordance with these [Subdivision Regulations](#).
 - b. [Local Roads](#) shall be laid out so that their use by through traffic shall be discouraged.
 - c. To encourage lower motor vehicle speeds through residential neighborhoods, [Local Roads](#) should be designed to avoid straight sections in excess of eight hundred (800) feet in length.
 - d. Local Roads shall be extended through the tract to the tract boundary to provide future connections with adjoining unplatted lands at intervals necessary to facilitate internal vehicular circulation with adjoining unplatted lands.
 - e. The Developer shall, at the Developer's cost and expense, pay for constructing all Local Roads and alleys within the Developer's Subdivision.

11. Cul-de-Sacs and Dead-End Roads

a. Cul-de-sacs

A cul-de-sac road shall be platted and constructed with a paved cul-de-sac at the closed end having a turnaround with a minimum outside paving diameter of at least one hundred twenty (120) feet and a minimum road Right-of-Way diameter of at least one hundred fifty (150) feet.

b. Dead-End Roads

i. Dead-end roads are prohibited unless the road design meets the above cul-de-sac requirements or unless the road is intended to be extended in the future and the dead-end design is only temporary in nature.

ii. If a temporary dead-end road is permitted, turnaround pavement meeting the dimensions listed for cul-de-sacs in Subsection [7.03.F.11.a Cul-de-sacs](#) (above) and a temporary turnaround easement meeting the dimensions listed for the Right-of-Way in Subsection [7.03.F.11.a](#) shall be provided on the Plat.

(a) The portion of the temporary turnaround easement lying outside of the road Right-of-Way shall be designated on the Final Plat that shall denote a temporary easement.

(b) In the event that the temporary dead-end road (as approved and shown on the [Final Plat](#)) is extended in the future, the portions of the temporary turnaround easement shall revert back to the lot(s) abutting the temporary turnaround easement.

c. Drainage Improvements

Provisions shall be made for adequate storm drainage at the ends of dead-end roads.

d. Barricades

i. Barricades and other traffic controls shall be installed by the Developer at dead-ends in accordance with County specifications.

ii. Barricades and other traffic control signs and markings shall be maintained by the Developer or Homeowners' or Property Owners' Association.

G. Road Right-of-Way Dedications

Any Subdivider laying out and constructing new roads or whose Subdivision includes any portion of or is adjacent to an existing road shall dedicate sufficient Right-of-Way in accordance with the following conditions:

1. New Roads

New roads shall be provided where there is not an existing road, roadway, or passage.

a. A maximum of two (2) miles of roads per precinct may be accepted annually by the County as public Thoroughfares. The maximum two (2) miles of roads may be any combination of Arterial Roads, Collector Roads, and Local Roads. _

b. No roads shall be accepted by the County in excess of the above requirement. If a developer desires to build any roads, then the roads shall be [Private Roads](#), unless it is determined, by the [Commissioners Court](#), that a road or roads may be dedicated to the [County](#) to ensure access and connectivity necessary to maintain health, safety, and general welfare of the [County](#).

2. Perimeter Roads

- a. When a proposed residential or nonresidential Subdivision is developed abutting an existing or planned [Arterial Road](#) or [Collector Road](#), the Developer shall dedicate sufficient [Right-of-Way](#) within the Subdivision.
- b. The Developer shall be responsible for their proportional share of the abutting road (see definition of [Proportionality/Proportional Share](#)) and shall construct the entire abutting road and its appurtenances to the [County](#)'s design standards for that type of road.

3. Existing Roads

a. Cases Where Existing Right-of-Way does not Meet Minimum County Standards

Where [Subdivisions](#) are adjacent to existing roads and the [Right-of-Way](#) widths of those existing roads are less than the minimum [Right-of-Way](#) standards found in section [7.03.E Road](#), the [Developer](#) is required to dedicate on the plat the [Right-of-Way](#) width required adjacent to the land being platted to bring the existing road to the [Right-of-Way](#) width as set out in these [Subdivision Regulations](#) according to the following:

- i. Both Sides of an Existing Road Abut a Subdivision:
- ii. One hundred (100) percent of the Right-of-Way necessary to bring the road into conformance with Subsection [7.03.E Road](#) when the Subdivision abuts both sides of the existing road; or
- iii. One Side of an Existing Road Abuts a Subdivision:
- iv. Fifty (50) percent of the Right-of-Way necessary to bring the roads into conformance with Subsection [7.03.E Road](#) when the Subdivision abuts only one side of the existing road.

b. Cases Where Additional Right-of-Way is Needed above the Minimum Standard

Roads may currently exist by reasons of [Plat](#), metes and bounds description, general description or by prescription. If the existing geometrical configuration does not address safety, design, topography, and traffic management considerations, then the [County](#) may require the dedication of additional [Right-of-Way](#) to address such.

- i. Adjacent to a platted [Subdivision](#):
 - (a) The Right-of-Way dedication shall be based upon the distance from the platted Subdivision boundary.
 - (b) Reasonable geometric adjustments will be made to accommodate safety, design, topography, and traffic management considerations.
- ii. Along a Right-of-Way described by a metes and bounds or a general written description:
 - (a) The Right-of-Way dedication shall be based upon the geometric centerline of the Right-of-Way as described.
 - (b) Reasonable geometric adjustments will be made to accommodate safety, design, topography, and traffic management considerations.
 - (c) All existing Right-of-Way dedication within the Subdivision shall be converted from "separate instrument" to a platted Right-of-Way by being a part of the Final Plat.
- iii. Along a prescriptive Right-of-Way:
 - (a) The Right-of-Way dedication shall be based upon the apparent centerline of the existing pavement or of the travel way if unpaved.

- (b) Reasonable geometric adjustments will be made to accommodate safety, design, topography, and traffic management considerations.
 - (c) The Developer shall indicate on the Preliminary Plat and Final Plat property lines and features that identify prescriptive Right-of-Way.
 - (d) These features may include fences, borrow ditches, utility lines, drainage improvements, limits of plowed or improved fields, etc.
 - (e) All existing prescriptive Right-of-Way dedications within the Subdivision shall be converted from prescriptive to a platted Right-of-Way by being a part of the Final Plat.
- c. Cases Where a Feeder Road Needs Improvement
 - i. A Feeder Road is an existing road serving the function of a [Collector Road](#) that residents of a new subdivision will utilize to access another [Collector Road](#) or [Arterial Road](#). In these cases, the existing Feeder Road may need to be improved to accommodate the increase of traffic from the new subdivision.
 - ii. If no improvements occur, the existing Feeder Road may deteriorate with the new traffic from the subdivision and have a negative result for other users of the road.
 - iii. Therefore, the [Commissioners Court](#) may require the [Developer](#) of a new subdivision with a Feeder Road within 3,000' of the subdivision to enter into a [Development Agreement](#) to improve the Feeder Road to accommodate the increase in traffic and to prevent the deterioration of the Feeder Road.
 - iv. It is acknowledged that the new residents of the subdivision will not be the only user of the Feeder Road, as others will have access and utilize the Feeder Road. Therefore, the [Developer](#) shall submit a Traffic Impact Analysis (TIA) for the subdivision to determine the amount of new traffic added to the Feeder Road.
 - (a) A proposed subdivision that contains 50 lots or more must submit a Traffic Impact Analysis (TIA).

H. Road Construction Standards

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

All layers shall be compacted at no less than six (6) inch layers.
3. Paving Requirements
 - a. Minimum pavement shall be blacktop with two (2) courses of hot oil and chip rock with a minimum application of 0.4 tenths gallon per square, per course (type of hot oil used will be at the discretion 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.
 - b. Minimum pavement without curb and gutter for all classifications of roads is twenty-four feet.

- c. 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.

I. Road Names

1. Roads shall be named to provide continuity with existing roads.
2. Names of new roads shall not duplicate or cause confusion with the names of existing roads.
3. Names of public roads shall begin with the designation of "C.R."
4. Names for private roads shall begin with the designation of "P.R."

J. Road Name Signs and Traffic Control Signs

1. Road name signs and all required traffic control signs shall be furnished and installed by the [Developer](#) for all areas, intersections within or abutting the [Subdivision](#).
2. Road name signs shall be of a type approved by the County and include the block number.
3. Road name signs shall be mounted on steel posts (minimum eight (8) feet clearance height).
4. Road name signs shall be manufactured with engineer grade reflective white letters (minimum of four (4) inches in height).
 - a. Public road signs shall be manufactured with green engineer grade reflective sheeting background.
 - b. Private road signs shall be manufactured with blue engineer grade reflective sheeting background.
5. Traffic control signs shall be installed in accordance with the prescribed type currently in use by the [Manual on Uniform Traffic Control Devices](#).

7.04. Subdivisions with Gated Entries and/or Private Roads

A. General

1. Requirements

Subdivisions with [Private Roads](#) and gated communities shall meet the following requirements:

- a. The general provisions of these [Subdivision Regulations](#) and other County regulations as they relate to development, roads, and utilities will apply.
- b. A vehicular turn around shall be provided at entry gates to allow vehicles that have been denied entry the ability to exit without having to backup.
- c. All plans concerning private subdivisions are subject to review by the County.
- d. The definition of a "subdivision" and "road", as contained in the [Subdivision Regulations](#), will apply to all subdivisions or roads, whether public or private.

2. Authority Maintained by County

- a. All roads, gates, and other fire protection features, signage, and equipment must be repaired immediately if found to be in a condition of disrepair or inadequate for public access.
- b. The County shall have the right to enter private roads and disable, open, or remove any gate, device, or other feature that impedes or controls vehicle access at the sole expense of the developer or Homeowners' or Property Owners' Association.

3. Owner's Responsibility

The person or corporation in control of the property is responsible for, and liable for, any violations of this private road requirement. This includes, but is not limited to, the developer, property owner, the [Homeowners' or Property Owners' Association](#) and its officers, if applicable, or others who may own or exercise control over the property.

4. Private Road Lot

Each [Private Road](#) and alley must be constructed within a separate lot owned by the [Homeowners' or Property Owners' Association](#).

- a. Each lot must conform to the County's standards for design of a public road and alley right-of-way. An easement covering the road lot shall be granted to the County providing unrestricted use of the property for utilities and the maintenance of the same. This right shall extend to all utility providers including telephone and cable companies, operating within the County.
- b. The easement shall also provide the County with the right of access for any purpose related to the exercise of a governmental service or function, including but not limited to fire and police protection, inspection and code enforcement. The easement shall permit the County to remove any vehicle or obstacle within the road lot that impairs emergency access.

5. Construction and Maintenance Costs

The County shall not pay for any portion of the cost of constructing or maintaining a [Private Road](#).

6. Plans and Inspections

An applicant for a proposed subdivision with [Private Roads](#) must submit to the County the same plans and engineering information required to construct public roads and utilities. Requirements pertaining to inspection and approval of improvements prior to [Final Plat](#) approval shall apply. Fees charged for these services shall also apply. The County may periodically inspect private roads and require repairs necessary to ensure emergency access.

7. Waiver of Services

The [Final Plat](#), property deeds and [Homeowners' or Property Owners' Association](#) documents shall note that certain County services may not be provided on private roads. Among the services that may not be provided are the following:

- a. Routine sheriff patrols,
- b. Enforcement of traffic and parking regulations and preparation of accident reports, or
- c. Depending on the characteristics of the proposed development, other services may not be provided.

8. Signs

- a. All private traffic regulatory signs shall conform to the Texas Manual of Uniform Traffic Control Devices.
- b. Subdivisions 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.

9. Indemnification Language for the Final Plat

The [Final Plat](#) shall contain the following language:

- a. Whereby the [Homeowners' or Property Owners' Association](#), as owner of the [Private Roads](#) and appurtenances, agrees to release, indemnify, defend and hold harmless the County, any governmental entity and public utility:
 - i. For damages to the private road occasioned by the reasonable use of the private road by the County, governmental entity of public utility;
 - ii. For damages and injury (including death) arising from the condition of said [Private Road](#);
 - iii. For damages and injury (including death) arising out of the use by the County, governmental entity or public utility of any restricted access gate or entrance; and
 - iv. For damages and injury (including death) arising out of any use of the Subdivision by the County, governmental entity or public utility. Further, such language shall provide that all lot owners shall release the County, governmental entities and public utilities for such damages and injuries.
- b. The indemnifications contained in the above language apply regardless of whether or not such damages and injury (including death) are caused by the negligent act or omission of the County, governmental entity or public utility, or their representative officers, employees, or agents.

B. Gates

1. Each gate installation in a gated Subdivision must conform to the following provisions:
 - a. Fire Marshal Approval Required
 - i. Each gate installation must be approved by the [County](#) prior to installation.
 - ii. The installation must be completed and tested prior to the County's acceptance of the Subdivision.
 - b. Gate Openings and Clearances
 - i. Gate design may incorporate one or two gate sections to meet the required minimum gate width of twenty-four (24) feet.
 - ii. If the entrance will incorporate a median, guard booth, or similar structure that necessitates a divided gate arrangement, the gate widths may be reduced if approved by the Fire Marshal, but in no case shall any gate or road pavement have a clear opening of less than eighteen (18) feet.
 - c. If a gate design incorporates any overhead obstruction, the obstruction must be a minimum of fourteen (14) feet above the finished road surface.
2. Setback Required

Approach and departure areas on both sides of a gated entrance must provide adequate setbacks and proper alignment to allow free and unimpeded passage of emergency vehicles through the entrance area.
3. Gates to be Constructed in Agreement with Fire Marshal Guidelines

An automatic gate installation must conform to the design and performance guidelines established by the County.
4. Good Working Order Required

- a. All components of the gate system must be maintained in an approved operating condition, with all components serviced and maintained on a regular basis as needed to ensure proper gate operation.
- b. A proper power supply shall be maintained to all electrical and electronic components at all times.

C. Homeowners' or Property Owners' Association Required

1. Homeowners' or Property Owners' Association Required

Subdivisions developed with private roads and alleys must have a mandatory [Homeowners' or Property Owners' Association](#) that includes all property to be served by [Private Roads](#). The association shall own and be responsible for the maintenance of private roads and appurtenances.

2. The [Homeowners' or Property Owners' Association](#) documents must establish a reserve fund for the maintenance of roads and other improvements. The association documents shall be reviewed and approved by the County to ensure that they conform to this and other applicable County ordinances. The documents shall be filed and recorded prior to the approval of the [Final Plat](#). Lot deeds must convey membership in the association and provide for the payment of dues and assessments required by the association. The association may not be dissolved without the prior written consent of the County. No portion of the association documents pertaining to the maintenance of the private roads and alleys and assessment therefore may be amended without the written consent of the County.

D. Construction and Utilities

Water, sewer, drainage facilities, road lights and signs placed within the private road and alley lot shall be installed to County standards prior to acceptance of the Subdivision. All County regulations relating to infrastructure financing and developer cost participation shall apply to Subdivisions with private roads.

E. Entrance Design Standards

1. Visitor Entrance Design Standards

- a. At least one entrance to a subdivision with [Private Roads](#) shall be equipped for visitor access.
- b. In addition to meeting the above design standards, the visitor entrance shall be equipped with a call or code box located at least fifty (50) feet from the boundary of the subdivision to provide for visitors calling in and automobile queuing.
- c. A turn-around space with a minimum outside radius of thirty (30) feet shall be located between any call or code box and the access control device to allow vehicles denied access to safely exit onto public roads in a "headout" position.
- d. A sign shall be erected next to the edge or such turn around space to prohibit vehicle parking in such space.
- e. A resident entrance used in combination with a visitor entrance shall comply with the requirements of this Subsection.

2. Resident-Only Entrance Design Standards

- a. In addition to meeting the above design standards, an access control device that requires residents to use a key, card, code, or other method to gain access shall be set back internally a minimum of fifty (50) feet from the boundary of the subdivision to provide for automobile queuing; except that resident entrances equipped with an electronic opener that allows residents to remotely open the access control device and enter the subdivision without having to stop are exempted from this requirement.

- b. A sign shall be erected next to any resident entrance that does not meet the fifty (50) foot setback requirement and does not provide a turn-around space with a minimum outside radius of thirty (30) feet to indicate that it is for resident use only and not for visitors.

F. Converting Private Roads to Public Roads

1. The [Homeowners' or Property Owners' Association](#) documents shall allow the association to request the County accept private roads and alleys and the associated property as public roads and right-of-way upon written notice to all association members and to convey the same to the County upon the consent by written signatures of the owners of 75% of the affected lots on the road. However, in no event shall the County be obligated to accept said [Private Roads](#) and alleys as public.
2. Should the County elect to accept the roads and alleys as public, the County may inspect the private roads and assess the [Homeowners' or Property Owners' Association](#) or lot owners for the expense of needed repairs concurrent with the County's acceptance of the roads and alleys. The County will be the sole judge of whether repairs are needed.
3. The County may also require, at the [Homeowners' or Property Owners' Association's](#) expense, the removal of guard booths, access control devices, landscaping or other aesthetic amenities located within the road. The association documents shall provide for the County's right to such assessment. Those portions of the association documents pertaining to the subject matter contained in this paragraph shall not be amended without the written consent of the County.

7.05. Lots**A. Lot Design**

Lot design shall provide adequate width, depth, and shape to provide open area, to eliminate overcrowding, and to be appropriate for the location of the Subdivision for the type of development and use contemplated, and shall meet all requirements of the County.

B. Lot Frontage Requirement

1. Except as noted below, every lot shall have frontage on, and access to a public road.
2. All lots shall have a minimum 50 feet of frontage along a road.
3. It is recognized that certain nonresidential developments may contain lots that cannot achieve access to a public road. The [Commissioners Court](#) may grant a waiver if adequate access including required fire lanes are provided through dedicated public access easements from a public road.

C. Right Angles for Side Lot Lines

All side lines of lots shall be as close to right angles as possible to straight road lines and radial to curved road lines except where a variation to this rule will provide a better road and lot layout.

D. Lot Area Related to Private Sewer Facilities

All lots or tracts in any new Subdivision using private sewer facilities shall be a minimum of one (1) acre.

E. Land Subject to a 100-Year Floodplain

1. Any land that, in its natural state, is subject to a 100-year flood or that cannot be properly drained shall not be subdivided, re-subdivided, or developed until receipt of evidence that the construction of specific improvements proposed by the Developer can be expected to yield a usable building site (i.e., Flood Study and FEMA CLOMR [Conditional Letter of Map Revision]).
2. Building construction upon such land shall be prohibited until the specific drainage improvements have been planned, constructed, and a LOMR (Letter of Map Revision) has been received from FEMA.

F. Prohibition of Reserve Strips

No subdivision or addition showing reserve strips of landing controlling the access to public ways or adjoining properties will be approved either in whole or in part.

G. Flag Lots

Flag lots are prohibited.

7.06. Easements and Dedications

Easements and dedications of property needed for the construction of roads, alleys, sidewalks, trails, storm drainage facilities, floodways, water mains, wastewater mains and other utilities, and any other property necessary to serve the platted area and to implement the requirements of the Subdivision Regulations shall be provided on [Plats](#) and maintained by the property owner.

A. Utility Easements

1. Utilities shall be laid in the public Right-of-Way or with the [Commissioners Court](#) approval may be laid in easements.
2. When utilities are not laid in the public Right-of-Way, easements at least ten (10) feet wide shall be provided for utility construction, service, and maintenance shall be provided where necessary.
3. Easements accommodating both water and wastewater facilities and easements accommodating both public utilities and franchise utilities shall be at least twenty (20) feet wide.
 - a. More easements or additional easement width may be required if deemed necessary by the [Commissioners Court](#).
4. Easements at least fifteen (15) feet wide for utility construction, service, and maintenance shall be provided for lots that have frontage along state highways.
5. Easements having greater width dimensions may also be required along or across lots where engineering design or special conditions make it necessary for the installation of utilities and drainage facilities outside public Right-of-Way.
6. The following full statement of restrictions shall be placed in the dedication instrument:

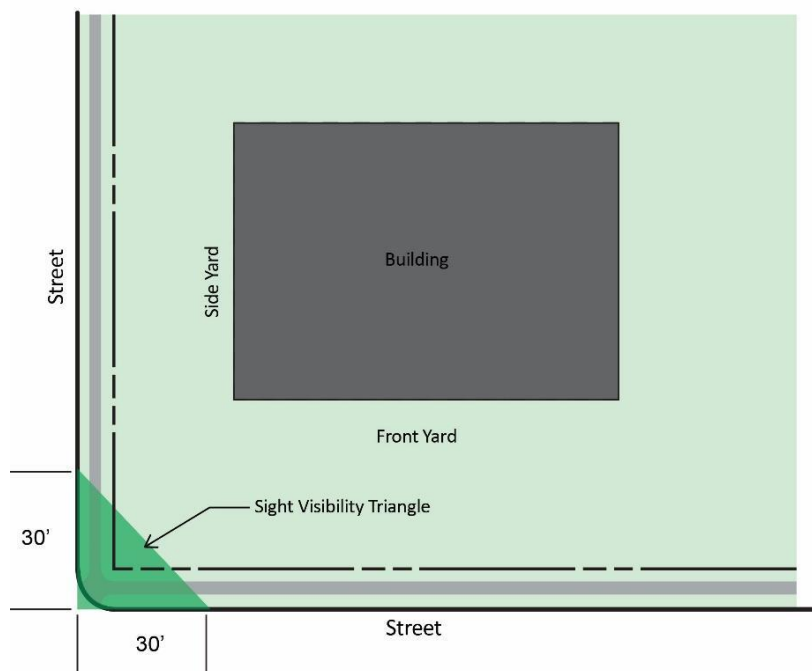
Easements: Any public utility, including the County, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of the easements or Right-of-Way shown on the Plat (or filed by separate instrument that is associated with said property); and any public utility, including the County, shall have the right at all times of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone. Easements shall be maintained by property owners. The County can remove trees or any other improvements and does not have the responsibility to replace them.

B. Nonresidential Fire Lane Easement

1. Emergency access and fire lane easements for nonresidential property shall be provided in locations required by the County.
2. These easements shall have a minimum width of twenty-four (24) feet and a minimum height clearance of fourteen (14) feet.
3. All turns shall have a minimum inside radius of twenty-two (22) feet and a minimum outside radius of fifty (50) feet.
4. Any emergency access and fire lane easement more than one hundred fifty (150) feet in length shall either connect at each end to a dedicated public road or private way or be provided with a cul-de-sac having one hundred (100) feet diameter of paving with an additional distance of ten (10) feet on all sides clear of permanent structures or other obstructions.
5. These easements shall be maintained by the owner or the [Homeowners' or Property Owners' Association](#) and a statement shall appear on the face of the Plat indicating maintenance responsibility.

C. Triangular Sight Visibility Easements

1. Triangular sight visibility easements shall be required as follows:
 - a. Residential Subdivisions:
 - i. 30' x 30' sight visibility easements on corner lots at the intersection of two roads.
 - ii. 30' x 30' sight visibility easements on corner lots at the intersection of an alley and a road.
 - b. Nonresidential Subdivisions:
 - i. 30' x 30' sight visibility easement on corner lots at the intersection of two roads.
 - ii. 30' x 30' sight visibility easements at the main driveways.



2. The following full statement of restrictions shall be placed in the dedication instrument or on the face of the [Plat](#):

Sight Visibility Restriction: No structure, object, or plant of any type may obstruct vision from a height of twenty-four (24) inches to a height of ten (10) feet above the top of the curb or edge of pavement, including, but not limited to buildings, fences, walks, signs, trees, shrubs, cars, trucks, etc., in the sight visibility easement as shown on the Plat. These sight visibility easements will remain in effect unless the property is vacated.

D. Drainage Easements

1. Easements for storm drainage facilities shall be provided at locations containing proposed or existing drainage ways.
2. Drainage easements of twenty (20) feet minimum width shall be provided for existing and proposed enclosed drainage systems.
 - a. Easements shall be centered over the drainage system.

- b. Larger easements, where necessary, shall be provided for open channel drainage systems.
- 3. Storm drainage easements shall be provided for emergency overflow drainage ways of sufficient width to contain, within the easement, storm water resulting from a 100-year frequency storm less the amount of storm water carried in an enclosed system of a capacity required by the County.
- 4. Where a Subdivision is bounded by a water-course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage Right-of-Way conforming substantially to the lines of such water course, and of such width to provide for increased drainage from anticipated future upstream developments, plus a minimum of ten (10) feet on each side.
- 5. Drainage easements shall include provisions for access ingress and egress by crews and equipment for maintenance purposes.
- 6. The County is not required to provide maintenance of drainage easements.

E. Floodplain Easements

- 1. Floodplain easements shall be provided along natural drainage ways and lakes or reservoirs.
- 2. Floodplain easement locations shall be shown on the [Final Plat](#).
- 3. Floodplain easements shall be provided to accommodate the 100-year storm drainage flows or the flow of the flood of record, whichever is greater.
- 4. Floodplain easements shall encompass all areas beneath the water surface elevation of the [Base Flood](#), plus such additional width as may be required to provide ingress and egress to allow maintenance of the banks and for the protection of adjacent property.
- 5. The following full statement of structures shall be placed in the dedication instrument of the Plat:

100-Year Floodplain Easement Restriction:

Construction within the floodplain may not occur until approved by the County. (A request for construction within the floodplain easement must be accompanied with detailed engineering plans and studies indicating that no flooding will result, that no obstruction to the natural flow of water will result; and subject to all owners or the property affected by such construction becoming a party to the request.) Where construction is approved, all finished floor elevations shall be a minimum of one (1) foot above the 100-year flood elevation as determined by analyzing the ultimate build-out conditions of the entire drainage basin.

Existing creeks, lakes, reservoirs, or drainage channels traversing along or across portions of this addition, will remain as an open channel at all times and will be maintained by the individual owners of the lot or lots that are traversed by the drainage courses along or across said lots. The County will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion. Each property owner shall keep the natural drainage channels traversing his/her property clean and free of debris, silt, or any substance that would result in unsanitary conditions. The County shall have the right of ingress and egress for the purpose of inspection and supervision of maintenance work by the property owner to alleviate any undesirable conditions, which may occur. The County is not obligated to maintain or assistance with maintenance of the area.

The natural drainage channel, as in the case of all natural drainage channels, are subject to storm water overflow and natural bank erosion. The County shall not be liable for damages of any nature resulting from the occurrence of these natural phenomena, nor resulting from a failure of any structure(s) within the natural drainage channels. The natural drainage channel crossing each lot is shown by the Floodway easement line as shown on the plat. If a Subdivision alters the horizontal or vertical floodplain, a FEMA Floodway map revision may be required.

F. Needs/Benefits Determination

No dedication otherwise required by these Subdivision Regulations may be imposed upon a property owner unless the County determines that the dedication is:

1. Related to the impact of the proposed development;
2. Roughly proportional to the needs created by the proposed development; and
3. Provides a benefit to the development.

7.07. Water Utility

A. General

1. All Subdivisions shall provide an approved water distribution system connected to either a rural water supply corporation, privately owned water system, or individual well in conformance with all applicable County regulations.
2. A Subdivision that is within 1,000 feet of an existing water distribution system must connect to and be served by the existing system.
3. In the absence of specific standards, all water supply, distribution, pumping, and storage improvements shall be designed in accordance with the most current criteria included in the [Texas Administrative Code, Chapter 290](#).
4. The County shall make the final determination of the adequacy of the proposed system. The County may reject a plat if it finds that the Subdivision will not have adequate water service or that the proposed system will negatively impact existing water supply or distribution.

B. Basic Requirements

1. Water Main Construction

All water mains shall be constructed within the road Right-of-Way or easements dedicated to the County.

2. Water Lines Extended to Subdivision Borders

All water lines installed within a Subdivision must extend to the borders of the Subdivision as required for future extensions of the distribution system, regardless of whether such extensions are required for service within the Subdivision.

3. Fire Hydrant Locations and Hose-Lay

- a. If fire hydrants are provided, fire hydrants shall be spaced no greater than 500 feet apart for a residential development and spaced no greater than 300 feet apart for a nonresidential development.
- b. If fire hydrants are provided, fire hydrant shall be placed at the entrance of all cul-de-sacs.

4. Subdivision not Served by Fire Hydrants

For a subdivision of ten (10) or more houses that is not served by fire hydrants, the [Commissioners Court](#) may require the Developer to construct a limited fire suppression system that provides adequate storage to pump 250 gallons per minute for a minimum of two (2) hours.

C. Water Utility Plan

1. Illustrate the Location and Size of Water Utility Mains

- a. The Developer shall submit a map or plan showing the location and size of Water Utility mains, which will be required to provide adequate service and fire protection to the lots specified on the proposed plat.
- b. The [Water Utility Plan](#) shall the following:
 - i. 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.
 - ii. The location of all appurtenances proposed to be installed.

- iii. The minimum depth to which the water lines are to be installed.
 - iv. The seal and signature of the Engineer responsible for the design on all sheets.
 - v. The location of electric utilities.
 - vi. All required easements.
 - c. Plans and specifications for fire hydrant systems shall be submitted to the [Commissioners Court Engineering Designated Representative or Subcontractor](#) for review prior to construction.
2. Plan Document
- The plan shall be prepared as noted in the County's [Application Forms](#).
3. Coordination with other Water Utility Providers
- a. Preliminary Plat
 - i. When the subdivision is located in an area served by a utility provider, the Developer must provide a water system analysis, indicating adequate water supply and water quality.
 - ii. If the subdivision is not served by a water utility provider, the source of water utility shall be indicated on the plat.
 - b. Final Plat
- The [Final Plat](#) will not be filed until a letter has been provided from the utility provider stating that they have accepted the plans for construction and will provide service.

7.08. Wastewater Utility

A. General

1. Approved Means of Wastewater Collection and Treatment Required

- a. All lots, tracts or parcels on which development is proposed shall be served by an approved means of wastewater collection and treatment.
- b. Lots served by septic tanks or On-Site Sewage Facilities (OSSF) shall be a minimum of one (1) acre and sufficiently large enough to accommodate adequate drainage fields and to meet the standards set forth by the State of Texas and the County.

2. Possible Phasing of Development Required

The [Commissioners Court Engineering Designated Representative or Subcontractor](#) may require the phasing of development and/or improvements in order to maintain adequate wastewater capacity.

B. Basic Requirements

1. Wastewater Disposal System Required

- a. All [Subdivisions](#) shall provide an approved wastewater disposal system conforming to all applicable [County](#) plans and regulations and the requirements of [Texas Health and Safety Code, Chapter 366](#).

2. Wastewater Lines Extended to Subdivision Borders

All laterals and sewer mains installed within a subdivision must extend to the borders of the subdivision as required for future extensions of the collection system, regardless of whether such extensions are required for service within the subdivision.

C. Wastewater Utility Plan

1. Illustrate the Location and Size of Wastewater Lines

- a. The Developer shall submit a map or plan showing the location and size of laterals and sewer mains.

2. The [Wastewater Utility Plan](#) shall show the following:

- i. 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.
- ii. The profile of the sewer line in no larger than a 1" = 50' scale horizontal and a 1" = 5' scale vertical.
- iii. The location of all appurtenances proposed to be installed.
- iv. The sewer line grades and elevations at all junction points.
- v. The seal and signature of the Engineer responsible for the design on all sheets.
- vi. The location of electric utilities.
- vii. All required easements.

3. Plan Document

The plan shall be prepared as noted in the County's [Application Forms](#).

4. Coordination with other Utility Providers

a. Preliminary Plat

When the subdivision is located in an area served by a utility provider, the Developer must provide a wastewater system analysis, indicating adequate wastewater collection and treatment.

b. Final Plat

The [Final Plat](#) will not be filed until a letter has been provided from the utility provider stating that they have accepted the plans for construction and will provide service.

7.09. Utility Connection Certificate Required

A. Enforcement Tool to Ensure Compliance with the Subdivision Regulations

No entity that serves land with water, sewer, electricity, gas, or other utility service, may serve or connect with such service, any land within [County](#), unless the entity has been presented with or holds one of the following:

1. A [Utility Connection Certificate](#), applicable to such land, issued by the [County Judge](#), stating that such land, with any uses or buildings, is in conformance with the [Subdivision Regulations](#).
 - a. The primary purpose of the above provision is to prohibit the connection of utilities until the land is confirmed to be in agreement with the [Subdivision Regulations](#).
2. A utility connection certificate, applicable to such land, issued by the [County Judge](#), stating the [Commissioners Court](#) have determined that a conformance is not required. This certificate is issued on request of an owner of land or a utility provider.

B. Procedure for Plats

1. Written Application

Written [Application](#) for a [Utility Connection Certificate](#) for a new subdivision shall be made at the same time as the [Application](#) for a [Final Plat](#).

2. Timing of Certificate Issuance

Said [Utility Connection Certificate](#) shall be issued within fourteen (14) calendar days after the [Final Plat](#) is approved.

7.10. Drainage and Storm Water

A. General

1. Components of the Drainage System

Drainage systems, including all conveyances, inlets, conduits, structures, basins, or outlets used to drain storm water, must be designed and constructed to promote the health, safety, and welfare of the property owner and the public.

2. Management of Storm Water Runoff

Adequate provision must be made for the acceptance, collection, conveyance, detention, and discharge of storm water runoff drainage onto, through and originating within the [Subdivision](#).

3. Maintenance Responsibility

- a. Detention and retention pond maintenance is the responsibility of the property owner or the [Homeowners' or Property Owners' Association](#), unless noted on the [Final Plat](#) or agreed to by the County.
- b. It is a violation of these Subdivision Regulations for a detention/retention pond or a structural control to be unable to operate for its intended purpose due to lack of maintenance.

4. Discharge of Storm Water Runoff

Storm water must be discharged in an acceptable form and at a controlled rate so as not to endanger human life or public or private property.

5. Drainage Facilities

Drainage facilities shall be provided and constructed by the Developer in accordance with the requirements within these Subdivision Regulations.

B. Planning and Construction

1. Plans, profiles, and specifications shall be prepared for storm water improvements to be constructed and shall show the locations, sizes, grades, hydraulic gradients, flow arrows, and other details for the proposed pipe, inlets, channels, manholes, culverts, outlet structures, and other appurtenances.
 - a. Each sheet of the plans and profiles shall bear the seal and signature of the Licensed Professional Civil Engineer in the State of Texas who prepared them.
2. The [Developer](#) shall incur the cost of all drainage improvements connected with development of the [Subdivision](#) and acceptance of current upstream flows necessary to safely and adequately drain the [Subdivision](#), including any necessary off-site channels or storm sewers and acquisition of any required easements.
 - a. The 100-year storm must be contained within the road [Right-of-Way](#) and/or the drainage easement boundaries.
 - b. Any necessary off-site channel or storm sewers that are required to be within easements must have a separate instrument easement filed in the County Real Property Records and a filed copy shall be submitted to the County before Construction Plans will be approved.

C. Residential Grading and Drainage**1. Lot to Lot Drainage Standards**

- a. Surface runoff from residential lots shall cross no more than one (1) additional lot before being directed toward the road or a dedicated drainage easement or public Right-of-Way.
- b. When the flow reaches the second lot, side lot swales shall be in place to direct the flows to the road or to a public Right-of-Way or dedicated drainage easement within the rear yard.
- c. Furthermore, no more than one lot may drain to a second lot (*i.e.*, two lots drain onto one lot) before the flow is directed to the public Right-of-Way or dedicated drainage easement.

D. Nonresidential Grading and Drainage**1. Lot to Lot Grading and Drainage Standards**

- a. Grading and drainage plans shall provide that surface runoff from nonresidential individual lots cross no more than one (1) additional lot before being directed toward a private on site system or a dedicated County drainage system.
- b. When the flow reaches the second lot, side lot swales may be utilized to direct the flows to private enclosed systems or to a dedicated County drainage system within a dedicated easement or in road Right-of-Way.
- c. No runoff may drain to a third lot.
 - i. The flow must be directed to the road system or to a dedicated County drainage system with a dedicated easement.
- d. Concentrations of storm water shall not be discharged to County Roads through driveways or flumes but shall be collected into an enclosed system, either private or public, prior to reaching the curb line of the roadway.
- e. Specific deviations from these guidelines may be addressed on an individual basis.

E. Design Criteria

1. The design of the swales and enclosed systems located within a dedicated drainage easement shall utilize the County's adopted drainage design criteria for channel and pipe systems.
2. Side yard swales shall have a minimum slope of one (1) percent to ensure adequacy of flow during and after a rain event.
3. 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.
4. 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.
5. 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. 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 Construction Plans 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.

- a. The [Commissioners Court Engineering Designated Representative or Subcontractor](#) shall approve the determination of what constitutes adequate mitigation.

F. Materials

1. Swales on Residential Lots

Swales on residential lots shall be fully sodded.

2. Swales on Nonresidential Lots

Swales on nonresidential lots may be constructed in a natural state fully sodded in cases where the surrounding area has been sodded and velocities and depth of flow can be contained within the proposed swale without erosive damage.

- a. Swales within the parking and private driving lanes of nonresidential properties shall be constructed of materials similar to those of the parking and driving lanes.

3. Systems on Residential Lots

Enclosed systems may be designed utilizing concrete or approved plastic pipe and collection inlets on residential lots.

4. Systems on Nonresidential Lots

Enclosed systems on nonresidential lots that will be dedicated to the County shall be designed utilizing concrete pipe and collection inlets.

G. Roof Drains For Lots 0.25 acres or Less

1. All roof drains of residential structures on lots that are 0.25 acres or less shall be directed to the road or toward a rear swale and shall not be discharged directly onto the side lot.
2. Side downspouts may be directed to side lot swales at a 45 degree angle to the direction of flow of the side lot swale to ensure that the flows are directed away from the house foundation yet providing a less severe entry into the swale.

H. Maintenance

1. All grassed swales shall be designed and constructed with 3:1 side slopes that will be gentle enough to allow easy mowing.
2. Runoff coefficients shall be 5 cubic feet per second or less.
3. Mowing and maintenance shall be the responsibility of the property owner or [Homeowners' or Property Owners' Association](#).

I. Drainage Plan

1. Illustrate the Drainage Impacts of the Proposed Development

- a. The [Drainage Plan](#) shall show the watershed affecting the development and how the runoff from the fully-developed watershed will be conveyed to, through, and from the development.
- b. 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.
- c. The Drainage Plan shall the following:
 - i. The plan of the drainage ditches in no larger than a 1" = 50' scale.

- ii. The profile of the drainage ditches in no larger than a 1" = 50' scale.
 - iii. The ditch grades, design flow of water, design depth of water and design velocity of water.
 - iv. A plan and profile of all culverts under any road with the design flow of water, headwater and tail water depths and the tail water velocity.
 - v. 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.
 - vi. Typical ditch sections.
 - vii. The seal and signature of the Engineer responsible for the design on all sheets.
 - viii. All required easements.
2. Plan Required, Previous Plans, and Waivers
- a. For any property involved in the development process, a Preliminary Drainage Plan shall be provided, at the Developer's expense, for the area proposed for development.
 - b. For property with a previously accepted Preliminary Drainage Plan, the accepted Preliminary Drainage Plan may be submitted and enforced unless a revised Preliminary Drainage Plan is required by the County due to lot reconfiguration or other conditions created by the new Plat.
 - c. The [Commissioners Court Engineering Designated Representative or Subcontractor](#) may waive the requirement for a Preliminary Drainage Plan if the submitted plat is not anticipated to cause any significant change in runoff characteristics from a previously accepted drainage study or for single residential properties where no drainage problems are anticipated.
 - d. If the applicant requests a waiver in writing, a copy of any previous drainage plan prepared for the property shall be provided.
3. Submittal
- a. Copies of the [Preliminary Drainage Plan](#) shall be submitted with the submittal of a [Preliminary Plat](#) for review and acceptance in accordance with the Development Manual.
 - b. The [Preliminary Drainage Plan](#) shall be labeled as "Preliminary."
 - c. The [Preliminary Drainage Plan](#) shall be signed and sealed by an Engineer.

7.11. Utility Construction Standards

A. Utility Lines

1. Utility lines crossing a road shall be installed a minimum of thirty – six (36) inches below the ditch line or a minimum of forty - two (42) inches below the crown line of the road, whichever is greater.
2. All lines carrying liquid products must be encased in metal or PVC schedule 40 and a minimum length of five (5) feet from ditch line to ditch line.
3. If new roads are constructed over existing petroleum pipeline crossings, the pipelines must meet the following requirements:
 - a. Encased pipe must be at least three (3) feet below the deepest proposed ditch grade and vented with a minimum length of the road right-of-way.
 - b. Non-cased pipe (of extra wall thickness meeting Federal Regulations) must be at least four (4) feet below the deepest proposed ditch.
4. All petroleum pipeline shall be marked per State and Federal guidelines.

7.12. Miscellaneous Construction Standards

A. Guardrails

1. 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.
2. 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.

B. Headwalls

1. Headwalls shall be used to protect the embankment from erosion and the culvert from displacement.
2. The headwalls shall be constructed in accordance with county standards as required by the physical condition of the particular installation.
3. 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.

C. Culverts

1. 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.
2. The developer will be held responsible for notifying builders and lot owners of this requirement and ensuring the properly sized culvert is installed.
3. 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.
4. All cost of culverts and all cost of installation of culverts is the responsibility of the developer, subdivider and or owner of said lots.

7.13. Homeowners' or Property Owners' Associations

A. Applicability

When a Subdivision contains common areas, common property, [Usable Open Space](#), or improvements not intended to be owned and maintained by the County (e.g., Private Roads), a Homeowners' or Property Owners' Association shall be created, and the duties and responsibilities shall be established in a declaration consistent with State laws.

B. Dedication

The common areas shall be shown on the [Preliminary Plat](#) or [Final Plat](#) along with an adequate form for dedication thereof. This dedication form shall:

1. Save the title to common area properties for the benefit of the Homeowners' or Property Owners' Association; and
2. Express a definite undertaking by the subdivider to convey the common properties to the Homeowners' or Property Owners' Association.

C. Membership

A [Homeowners' or Property Owners' Association](#) shall be an incorporated organization operating under recorded land declarations through which:

1. Each lot owner in a described land area is automatically a member; and
2. Each lot is automatically subject to a charge for a proportionate share of the expenses for the Homeowners' or Property Owners' Association's activities, such as maintenance of common areas, common open spaces or the provision and upkeep of [Usable Open Space](#) and common recreational facilities.

D. Legal Requirements

To ensure the establishment of a permanent Homeowners' or Property Owners' Association, including its financing and the rights and responsibilities of the homeowners in relation to the use, management and ownership of common areas or common property, the Subdivision plat, dedication documents, covenants, and other recorded legal agreements must:

1. Legally create an automatic membership into a Homeowners' or Property Owners' Association;
2. Place title to the common property in the Homeowners' or Property Owners' Association or give definite assurance that it automatically will be so placed within a reasonable, definite time;
3. Place responsibility for operation and maintenance of the common property in with the [Homeowners' or Property Owners' Association](#);
4. Provide for or place an association charge or assessment on each lot in a manner that will ensure sufficient association funds to maintain the common property or improvements;
5. Identify the land area within the association's jurisdiction including, but not limited to, the following:
 - a. The property to be transferred to public agencies;
 - b. The individual residential lots;
 - c. The common properties to be transferred by the Developer to the Homeowners' or Property Owners' Association; and
 - d. Other parcels.

E. Protective Covenants

Protective covenants shall be developed that shall make the [Homeowners' or Property Owners' Association](#) responsible for, including, but not limited to, the maintenance and operation of all common property, and include provisions for assessments, to be enforced by lien.

F. Procedure

Prior to filing the [Plat](#), the [Subdivider](#) shall:

1. Draft the articles of incorporation of the [Homeowners' or Property Owners' Association](#), its bylaws, and the restrictive covenants;
2. Submit draft articles, bylaws, and covenants to the [Commissioners Court Designated Representative](#);
3. Create the appropriate legal entity following approval;
4. Record approved covenants, at the County Clerk's office, which automatically make every lot owner a member of the association, give him/her the right to use the common property, and establish his/her voting rights and his/her obligations to pay assessments;
5. Provide evidence of the recorded articles, bylaws, and the restrictive covenants prior to Final Plat approval.

7.14. Manufactured Home Rental Community Regulations

A. Subdivision Design Standards Apply

Per [Section 232.007 of the Texas Local Government Code \(TLGC\)](#), all standards listed in [Section 7 Subdivision Design Standards](#) shall apply to [Manufactured Home Rental Community](#) developments.

B. Utility Connection Certificate Application

Since [Manufactured Home Rental Community](#) developments may not be required to submit a plat, per [TLGC 232.007.\(b\)](#), the [Utility Connection Certificate](#) shall be issued within fourteen (14) calendar days after the development is inspected per [6.07 Inspection of Public Improvements](#).

Section 8. Subdivision Waiver

8.01. Petition for Subdivision Waiver

A. Purpose

The purpose of a petition for a [Subdivision Waiver](#) of a particular standard or requirement of these Subdivision Regulations, as such are applicable to Plats or Construction Plans, is to determine whether such particular standard or requirement should be applied to an Application or modified.

B. Subdivision Waiver Applicability

1. Waiver of Standard or Requirement

- a. An Applicant may request a Subdivision Waiver of a particular standard or requirement applicable to a [Preliminary Plat](#), to [Construction Plans](#), to a [Final Plat](#), or to a [Replat](#).
- b. A Subdivision Waiver petition shall be specific in nature, and shall only involve relief consideration for one particular standard or requirement.
- c. An Applicant may submit more than one Subdivision Waiver petition if there are several standards or requirements at issue.

C. Subdivision Waiver Submission Procedures

1. Written Waiver Request with Application

- a. A request for a Subdivision Waiver shall be submitted in writing by the Applicant with the filing of a Preliminary Plat, Construction Plans, Final Plat or Replat, as applicable.
- b. No Subdivision Waiver may be considered or granted unless the Applicant has made such written request.

2. Grounds for Waiver

- a. The Applicant's request shall state the grounds for the Subdivision Waiver request, based upon the [Subdivision Waiver](#) Criteria and all of the facts relied upon by the Applicant.
- b. Failure to do so will result in denial of the Application.

D. Subdivision Waiver Criteria

1. Undue Hardship Present

A Subdivision Waiver to regulations within these Subdivision Regulations may be approved when, in the [Commissioners Court's](#) opinion, undue hardship will result from strict compliance to the regulations.

2. Consideration Factors

The [Commissioners Court](#) shall take into account the following factors:

- a. The nature of the proposed land use involved and existing uses of the land in the vicinity;
- b. The number of persons who will reside or work in the proposed development; and
- c. The effect such Subdivision Waiver might have upon traffic conditions and upon the public health, safety, convenience and welfare in the vicinity.

3. Findings

No Subdivision Waiver shall be granted unless the [Commissioners Court](#) finds:

- a. That there are special circumstances or conditions affecting the land involved or other physical conditions of the property such that the strict application of the provisions of these Subdivision Regulations would deprive the Applicant of the reasonable use of his or her land; and
- b. That the Subdivision Waiver is necessary for the preservation and enjoyment of a substantial property right of the Applicant, and that the granting of the Subdivision Waiver will not be detrimental to the public health, safety or welfare or injurious to other property in the area; and
- c. That the granting of the Subdivision Waiver will not have the effect of preventing the orderly subdivision of other lands in the area in accordance with the provisions of these Subdivision Regulations.

4. Intent of Subdivision Regulations

- a. A Subdivision Waiver may be granted only when waiving the requirement requested is in harmony with the general purpose and intent of the Subdivision Regulations so that the public health, safety and welfare may be secured and substantial justice done.
- b. Financial hardship alone to the Applicant shall not constitute undue hardship.

5. Minimum Degree of Variation

No Subdivision Waiver shall be granted unless it represents the minimum degree of variation of requirements necessary to meet the objective of the Applicant in requesting the waiver.

6. Violations and Conflicts

The [Commissioners Court](#) shall not authorize a Subdivision Waiver that would constitute a violation of, or conflict with, any other valid regulations or plans of the County.

7. Falsification of Information

- a. Any falsification of information by the Applicant shall be cause for the Subdivision Waiver request to be denied.
- b. If the Subdivision Waiver request is approved based upon false information, whether intentional or not, discovery of such false information shall nullify prior approval of the Subdivision Waiver, and shall be grounds for reconsideration of the Subdivision Waiver request.

E. Burden of Proof

The [Applicant](#) bears the burden of proof to demonstrate that the requirement for which a Subdivision Waiver is requested imposes an undue hardship on the Applicant. The Applicant shall submit the proof with the Application.

F. Subdivision Waiver Decision

1. The [Commissioners Court](#) shall consider the Subdivision Waiver petition and, based upon the criteria set forth in the [Subdivision Waiver](#) Criteria, shall take one of the following actions:
 - a. Deny the petition, and impose the standard or requirement as it is stated in these Subdivision Regulations; or
 - b. Grant the petition and waive, in whole or in part, or modify the standard or requirement as it is stated in these Subdivision Regulations.

G. Notification of Decision on Petition – 14 Days

The Applicant shall be notified of the decision of the Subdivision Waiver by the [Commissioners Court Designated Representative](#), (as applicable), within fourteen (14) calendar days following the decision.

H. Effect of Approval

1. Submission and Processing

Following the granting of a Subdivision Waiver, the Applicant may submit or continue the processing of a Plat or Construction Plans, as applicable.

2. Expirations

The Subdivision Waiver granted shall remain in effect for the period the [Plat](#) or [Construction Plans](#) are in effect, and shall expire upon expiration of either or both of those Applications.

3. Extensions

Extension of the [Plat](#) or [Construction Plans](#) Applications shall also result in extension of the Subdivision Waiver.