



Chambers County  
Texas  
Subdivision  
Regulations

Adopted August 9, 2005



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## **Article I GENERAL PROVISIONS**

### ***A. Authority***

The following rules and regulations are hereby adopted as the subdivision regulations of Chambers County Texas, and shall be applicable to the filing of plats and the subdivision of land, as that term is defined herein and in Chapter 232 of Texas Local Government Code, and as authorized by provisions of Title 13, Local Government Code; by Title 6 of the Transportation Code; by Title 7, Subtitle B, et. Seq. Local Government Code; Title 12, Subtitle C, Chapter 395, Local Government Code; and Title 13, Subtitle B, Chapter 411, Local Government Code.

### **1. Findings**

- a. The Commissioner's Court hereby finds that the construction, enlargement, placement or substantial renovation of structures for residential purposes including private residences, rental or occupancy for a fee, or temporary lodging in the 100 year flood plain of the Trinity River as depicted on the current FEMA FIRM Community Panel creates a danger to the health and safety of persons. The Court finds that the dangers of flooding and the potential harm caused to private and public facilities require that no subdivision of land, or erection, placement, expansion or significant renovation of residential land uses be permitted within the 100 year flood plain of the Trinity River.
- b. The Commissioner's Court hereby finds that compliance with the provisions of the National Flood Insurance Program requires that a system of building permits be established to ensure the proper location, placement, development, flood proofing, and elevation of all structures in the County.
- c. The Commissioner's Court hereby finds that manufactured home rental communities require special regulation to assure the health and safety of lessees, tenants, and transitory occupants and therefore must meet a minimum standard for infrastructure.
- d. The Commissioner's Court hereby finds that all of Chambers County is a flood prone area influenced by the Gulf of Mexico and its tidal influenced bays, estuaries and water bodies and those



minimum standards for construction and use of buildings is necessary to comply with the National Flood Insurance Program.

- e. The Commissioner's Court hereby finds that the prevention of flood damage to property and structures in the County requires that all new or substantially redeveloped property exceeding five (5) acres under common ownership must demonstrate through competent engineering investigation and design that any development will not result in increased velocities or raising of the 100 year flood plain water surface elevations both upstream and downstream of the development and shall not result in the alteration of any existing flood plain unless full mitigation of such impacts is accomplished and approved by the County and/or the Trinity Bay Conservation District, as applicable.
- f. The Commissioner's Court hereby finds that the health, safety, and welfare of the citizens and landowners of Chambers County will best be advanced and protected by joint regulation of public utilities, drainage and flood control. The Commissioner's Court therefore adopts and incorporates by reference the regulations, policies and procedures of the Trinity Bay Conservation District as applicable.

## **B. Interpretation and purpose.**

In the interpretation and application of the provisions of these regulations, it is the intention of the Commissioner's Court that the principles, standards and requirements provided for herein shall be minimum requirements for the subdivision and development of land in Chambers County within the unincorporated portions of the county and within the Extra-Territorial Jurisdictions of those cities which have elected to have Chambers County enforce the provisions of the various statutes, regulations, and authorities that apply under state law.

The subdivision of land is the first step in the process that makes property available for sale, lease, or development. The establishment of rules and regulations to control the division and development of land is a necessary exercise of the powers of the public to protect and enhance public safety, the environment, and to ensure the highest and best utilization of land, water and air resources.

The procedure and standards for the development, layout and design of subdivisions of land within Chambers County are intended to:



- Promote and develop the utilization of land in a manner to assure the best possible community environment in accordance with the adopted Comprehensive Plans of Chambers County, the Trinity Bay Conservation District and the Comprehensive Plans of the cities and towns in Chambers County.
- Guide and assist subdividers in the correct procedures to be followed and to inform them of the standards which shall be required; Protect the public interest by supervising the location, design, class and type of streets, sidewalks, utilities and essential areas and services required;
- Assist orderly, efficient and coordinated development within Chambers County;
- Protect the public from flooding and preserve wetlands and conservation areas of the county;
- Protect and preserve the shorelines, bays and estuaries of the county;
- Harmoniously relate the development of the various tracts of land to the existing community and facilitate the future development of adjoining tracts;
- Prevent pollution of the ground, air and water; to assure the adequacy of drainage facilities; to safeguard both surface and groundwater supplies; and to encourage the wise preservation, use and management of natural resources throughout the county in order to preserve the integrity, stability, and beauty of the community and the value of the land;
- Establish adequate and accurate records of land subdivision;
- Ensure that public or private facilities are available and will have a sufficient capacity to serve proposed subdivisions and developments;
- Protect and provide for the public health, safety, and general welfare of the county;



- Protect and conserve the value of land throughout the county and the value of buildings and improvements upon the land, and minimize the conflicts among the various uses of land and buildings; and
- Guide public and private policy and action in providing adequate and efficient transportation systems, public utilities, and other public amenities and facilities.

### **C. Application of Standards for Development**

Minimum standards for subdivision and development are contained herein and in the Chambers County Development Design Standards and the regulations of the Trinity Bay Conservation District, private and public utility agencies, the Texas Department of Transportation, the National Flood Insurance Program, and state and federal regulations as applicable to land within Chambers County.

The developer of a subdivision is responsible for all costs of design, construction, inspection and fees required for the review and approval of all plans and specifications for facilities intended to be dedicated to the public or used by purchasers or lessees of the lots or tracts being subdivided. Reimbursement cost participation by Chambers County and/or the Trinity Bay Conservation District shall be provided only for oversize facilities required of the developer to comply with the relevant Master Plans of such facilities. Such reimbursement shall be made in accordance with the policies in effect at the time of processing of the Preliminary Subdivision plat.

### **D. Definitions**

For the purpose of these regulations, the following terms, phrases, words and their derivations shall have the meaning given herein. When consistent with the context, words used in the present tense include the future; words in the plural number include the singular number; and words in the singular number include the plural number. Definitions not expressly prescribed herein are to be determined in accordance with customary usage in municipal planning and engineering practices. Terms and words not expressly defined herein or not customary to the planning and engineering fields shall have the meanings defined in Black's Law Dictionary, latest edition. The word "shall" is always mandatory, while the word "may" is permissive.



*Access Easement:* An easement designated on the Final Plat which provides access to platted tracts excepting single-family and duplex residential. The easement shall meet all of the requirements as set forth for a dedicated street, including, but not limited to, construction standards, width, building lines, and function, but shall be privately maintained.

*Administrative Officer:* The person designated by the Commissioner's Court to administer these Subdivision Regulations and who is responsible for coordinating the review of all plats and construction documents. Such person may also be empowered to administratively approve plats in accordance with the provisions of these regulations.

*Administrative plat or minor plat:* A type of Final Plat, limited in application, that may be approved by the Administrative Officer.

*Amending plat:* A plat which is controlling over the preceding plat without vacation of that plat which is submitted for approval of certain dimensional and notational corrections and lot line adjustments under the provisions of the Texas Local Government Code. An amending plat is a Final Plat.

*Build Out:* The completion of all improvements to a lot or reserve in a subdivision to the point where a building or structure is eligible for issuance of a certificate or permit that permits occupancy and connection and operation of permanent public or private utilities. A subdivision may be built out in sections, phases or individual lots in accordance with these regulations and the adopted policies of the County.

*Building Line:* A line parallel to and measured from the front property line (frontage) of a lot, which establishes an area in which no building or structure, or portion thereof, shall encroach or otherwise be established or constructed.

*Certificate of Approval:* A Permit issued by the designated County Official or Trinity Bay Conservation District that approves and certifies all necessary public services have been installed and tested to meet current standards; and that all fees and sureties have been properly submitted and accepted. Certificate of Approval (or "C.A.") includes the terms "Authorization to Construct", "Notice of Approval" and "Customer Service Inspection". Such certificates are issued by Chambers County, municipalities and the Trinity Bay Conservation District and other public service providers.



County Engineer: This term shall apply only to such Registered Professional Engineer or firm of registered professional consulting engineers that has been specifically designated as such by the Chambers County Commissioner's Court.

Comprehensive Plan: The Comprehensive Plan of the county, cities and towns as adopted by the Commissioner's Court and the cities and towns in Chambers County, including all revisions. This plan indicates the general location recommended for various land uses, transportation routes, public and private buildings, streets, parks, water, sewer, drainage and other public and private developments and improvements. The comprehensive plan may also be defined as the series of plans such as the Major Thoroughfare Plan, Water and Sewer Plan, Master Drainage Plans, among others.

Condominium: Joint ownership and control, as distinguished from sole ownership and control ownership, of specified horizontal layers of air space; each condominium unit is individually owned, while the common elements of the condominium building, structure or development are jointly owned. Condominiums may be commercial, industrial, recreational, or residential.

Cul-de-sac: A circular right-of-way in which a vehicle can turn one hundred eighty (180) degrees around a center point or area. The following are variations of cul-de-sac.

Court: A cul-de-sac with a depth of less than one hundred fifty (150) feet.

Crescent: A cul-de-sac with no depth but up to two hundred (200) feet of width. Elbow: A corner intersection of two streets marked with a cul-de-sac for vehicular turnarounds.

Cul-de-sac street: A street having but one outlet to another street and terminated on the opposite end by a cul-de-sac.

Radial lot: A lot fronting onto a curvilinear street.

Dead-end street: A street, other than a cul-de-sac with only one outlet.

Design standards: The currently adopted document which provides the technical and planning requirements for the design of public improvements, private improvements that connect to or affect the public infrastructure and the supporting documents for approval in Chambers County.



**Development:** A planning or construction project involving substantial property involvement and usually including the subdivision of land and change in land use character.

**Easement:** This term shall mean an area for restricted use on private property upon which a public utility 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 its respective systems on any of these easements. The public utility shall at all times have the right of ingress and egress to and from and upon the 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 of procuring the permission of anyone.

**Edge of Pavement:** The outermost point of pavement on a street. On a street constructed of concrete with curbs and gutters the edge of pavement is the face of the curb. On streets that have ditches and no curbs it is the edge of the paved portion of the shoulder. On unimproved roads edge of pavement is the point where the rock, gravel or other applied material intersects the ditch or fence line. On any street or road, the edge of pavement whether paved or not, shall never be less than 22 feet from the opposite side of the road or street.

**Engineer:** A person duly authorized under the provisions of the Texas Engineering Registration Act, as heretofore or hereafter amended, to practice the profession of engineering and who is specifically qualified to design and prepare construction plans, specifications and documents for subdivision development.

**Final Plat:** A map or drawing of a proposed subdivision prepared to meet all of the requirements for approval by the Commissioner's Court and recordation in conformance with the requirements of these regulations. Distances shall be accurate to the nearest hundredth of a foot. The Final Plat of any lot, tract, or parcel of land shall be recorded in the records of Chambers County, Texas. An amended plat is also a Final Plat.

**No Impact:** A term which describes the effect of storm water releases generated from the increase in impervious surfaces on land; the alteration of the absorptive and permeability qualities of land; or the alteration of natural or man-made drainage facilities and structures to manage storm water in such a way that storm water released from a site neither increases downstream velocities within defined floodplains or increase the



water surface elevation of those floodplains under the 100 year frequency rainfall event. The term also includes the requirement that any development must not result in any increase in water surface elevations or floodplain area on or affecting upstream property or other lands within the watershed that are hydraulically related or whose water surfaces or floodplains would be enlarged by the proposed development. The "No Impact" condition is demonstrated by the use of Engineering Models prepared by a competent Registered Professional Engineer.

Land plan: A general, conceptual or master plan for an area proposed for partial or complete subdivision. The land plan shall show the proposed locations of land uses, streets, phasing of development, important physical features, and other applicable information for the entire area to be subdivided.

Land Planner: Persons other than surveyors or engineers who also possess and can demonstrate a valid proficiency in the planning of residential, commercial, industrial, and other related developments, such proficiency often having been acquired by education in the field of landscape architecture or other specialized planning curriculum and/or by actual experience and practice in the field of land planning, and may be a member of the American Institute of Certified Planners.

Letter of Availability. A letter issued by a public utility provider as herein defined, that certifies that adequate utility services are available and will be reserved for the development proposed to be subdivided. Such Letter may be issued upon application and approval in accordance with the policies and regulations of the utility provider.

Letter of Plat exemption. A letter issued by the County Engineer exempting a tract of land from these regulations in accordance with the exemptions provided in state law for property that is exempt from platting requirements.

Minor Plat. A subdivision of land of four or fewer lots that will require no new access, utility services requiring easements, or which are not in conflict with the Comprehensive Plan or component plans of the county, any city in which the land is situated and which does not involve the re-subdivision or revision of an existing subdivision that would change or abolish any deed restrictions and which are not subject to the public hearing procedures established under Chapter 232.009 Texas Local Government Code.



*Mobile Home.* A manufactured dwelling that is constructed on a frame and is intended to be movable using trucks and which can be permanently or semi-permanently installed on a plot and fitted with public or private utilities.

*Mobile Home Rental Community.* Also called a Manufactured home rental community. 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 occupancy as residences.

*Mobile Home Subdivision.* A subdivision designed and arranged for the permanent installation of mobile homes or manufactured homes on individual lots having public or private utility services and including common open space and master planned for the unique features and requirements of mobile home residents.

*Patio home or zero lot line home:* A single-family detached dwelling unit with a zero building line on one side and a minimum ten-foot side yard on the other. There shall be right to access from the adjoining side yard for maintenance purposes.

*Pavement width:* The portion of a street available for vehicular traffic from face of curb to face of curb on streets constructed with curbs and gutters, or from the edge of the pavement on streets constructed with open ditches.

*Person:* Any individual, association, firm, corporation, governmental agency, or political subdivision.

*Planned Unit Development:* A form of development which promotes the development of a tract of land in a unified manner and which may allow for certain variances from the established development standards for lot sizes, lot width, building lines, as established in these regulations. Town Homes, Patio Homes, Cluster Homes, Condominiums and Multifamily Developments may be considered as Planned Unit Developments.

*Planning and Zoning Commission:* Same as Commission. The Commission is appointed by the Governing Body of a municipality under the provisions of the City Charter to review and approve or make recommendations on subdivision plats, Zoning, and other planning issues. The term includes any such Commission or Governing Body empowered by state law or Home Rule Charter within Chambers County or whose city



limits or extra-territorial jurisdiction extends partially or completely into Chambers County. Such term also includes a Joint Airport Zoning Commission where authorized by law or any advisory body appointed by the Commissioner's Court to render advice on planning and development matters.

Plat certificate: A certificate issued upon request certifying to the approval and recordation of the subdivision certifying that the subdivision has met all the requirements for a plat.

Preliminary Plat: A map or drawing of a proposed subdivision illustrating the features of the development for review and approval by the Commissioner's Court or applicable municipality, or both, but not complete or suitable for recordation in the county records.

Record plat: A plat of any lot, tract or parcel of land that is recorded with the Chambers County Clerk following final approval by the Commissioner's Court, the municipal authority empowered to approve plats, or both as applicable under state law.

RV Park: Also known as a Recreational Vehicle Park, is a master planned facility designed for the temporary lodging of travelers in Recreational Vehicles, Motor homes, 5<sup>th</sup> wheel trailers, and similar vehicles but not including mobile homes, manufactured homes or structures not certified and licensed for roadway operation by a state. RV Parks offer lodging but not long term rental exceeding 3 to 6 months for travelers, tourists and seasonal visitors.

Regional drainage improvements means the storm water drainage improvements and facilities proposed to be constructed by the public on the effective date of this article to meet the future storm drainage requirements of the flood hazard area.

Replat: The re-subdivision of all or any part or all of any block or lots of a previously platted subdivision.

Reserve: A reserve is the same as a lot and subject to the same platting requirements.

Setback Line: A line parallel to and measured from a property line, which establishes an area in which no building or structure, or portion thereof, shall encroach or otherwise be established or constructed. Setback line requirements refer to both sides and backs of lots.



Street (right-of-way) width: The shortest perpendicular distance between the lines which delineate the right-of-way of a street.

Subdivider: Any person or any agent thereof dividing or proposing to divide land so as to constitute a subdivision as that term is defined herein. In any event, the term “subdivider” shall be restricted to include the legal owner, equitable owner, or authorized agent and is synonymous with developer.

Subdivision Regulation Agreement. An agreement between incorporated cities and towns in the county that provides for county enforcement and administration of subdivision regulations as provided for under Chapter 242, Texas Local Government Code, as amended.

Subdivision (also addition): A division of a lot, tract, or parcel into two (2) or more lots, tracts, or parcels or other divisions of land for sale or development. Subdivision shall include the dedication of public streets, access easements, utility easements and fire lanes. The re-subdivision or replatting of lots in a previous subdivision is a subdivision.

Surveyor: A Registered Professional Land Surveyor, as authorized by statutes, to practice the profession of surveying.

Thoroughfare Plan: A plan adopted by the Commissioner’s Court or governing body of a city or town which identifies the general routing and classification of proposed streets and thoroughfares. The plan may also establish the function and capacity of the various thoroughfares as they relate to the land uses they are proposed to serve.

Townhouse: A residential unit that shares at least one common or party wall with another unit. Each unit and the land upon which it stands are individually owned, subject to a party wall agreement with the adjacent owner. Townhouse developments generally are cluster developments or planned unit developments in which the land surrounding the house units is owned in common by the townhouse owners.

Tract: A tract is the same as a lot and shall be subject to the same platting requirements.

Water Service Provider: The agency or organization, either public or private, that is responsible by contract, regulations, franchise or charter for providing water, sewer and drainage, or any of the three, within a



particular geographic area of Chambers County. The Water Service Provider serves the public with potable drinking water; collects and treats sanitary and/or industrial sewage and may regulate, maintains and constructs all such facilities. As used in these regulations the Water Service Provider is that agency that has been recognized by the Chambers County Commissioners Court as a public utility regardless of the form of ownership or operations.

#### **E. Application of Regulations.**

These regulations shall apply to the subdivision of lands as authorized by Chapter 212 and Chapter 232, Texas Local Government Code and applicable ordinances that may apply in the unincorporated portions of Chambers County and within the extra-territorial jurisdiction of those cities and towns that have entered into an agreement with Chambers County to have these regulations apply.

1. Final Plat required. No plat of a subdivision within Chambers County or extraterritorial jurisdiction of those cities and towns that have agreed to have Chambers County regulate subdivision in the extra territorial jurisdiction of their cities or towns shall be recorded until a Final Plat has been prepared in accordance with these subdivision regulations and approved by the Commissioner's Court.
2. Permits, Acceptances and Improvements. No building permit, or Certificate of Approval, or plumbing permit, or electrical permit, or floodplain reclamation permit, or utility tap or acceptance of required public improvements within the unincorporated limits of the county shall be issued without a recorded plat or letter of plat exemption filed with the County Engineer.
3. Conformance with Regulations and Standards. Any subdivision within the county and the extraterritorial jurisdiction of those cities and towns that have entered into a subdivision agreement with the county shall conform to these subdivision regulations, the county's current design standards and other applicable regulations and standards.
4. Plat approval certification is required before any utility service connection, including, but not limited to, water, gas, sewer and electricity, may be made or any such utility service provided:
5. Upon approval of a plan, plat or Replat by Commissioner's Court, the county shall issue to the person or entity applying for the approval a



certificate stating that the plan, plat or Replat has been reviewed and approved by Commissioner's Court.

6. Upon written request of an owner of land or a public utility, the county shall make the following determinations regarding the owner's land or the land in which the public utility is interested and that is located within the county's platting jurisdiction:
  - a. Whether a plan, plat or Replat is required by law; and
  - b. If a plan, plat or Replat is required, whether it has been prepared as required and reviewed and approved by Commissioner's Court.
  - c. Such request must identify the land by metes and bounds, address or other adequate legal description, that is the subject of the request.
7. If the County determines that a Plan, Plat or Replat is not required, the County shall issue a written certification of that determination to the requesting party. If the county determines that a plan, plat or Replat is required, that such a document has been prepared, reviewed and approved by Commissioner's Court, the county shall issue a written certification of that determination to the requesting party.
8. The County shall make its determination within twenty (20) days after the date it receives the request and shall issue the certificate within ten (10) days after the date the determination is made.
9. For purposes of this subsection only, the following definitions shall apply:
  - a. "County" shall mean the County Engineer or other appropriate official, as designated from time to time by the Commissioner's Court.
  - b. "Public utility" shall mean any entity, other than a municipality, that provides water, sewer, electricity, drainage, gas or other utility service.

#### **F. Lands Subject to Platting**

1. The provisions of these subdivision regulations and the current design standards shall apply to the following forms of land subdivision and development activity:



- a. The division of land into two (2) or more lots, tracts, reserves, sites or parcels for the purpose of sale, lease, or development; or
- b. The division of land previously subdivided or platted into tracts, lots, sites or parcels not recorded, that were subject to and not in accordance with adopted subdivision regulations in effect at the time of such subdividing or platting;
- c. The dedication or vacation of streets, parks, schools, open spaces, easements providing services to lots or tracts that are occupied, fire lanes and alleys, through any tract of land regardless of the area involved.
- d. The vacation of a previously recorded subdivision plat;
- e. The creation of building sites that includes any means of access or egress or lands that will be used, dedicated or intended for the benefit of purchasers or users.

**2. Exemptions:** The provisions of these subdivision regulations shall not apply to:

- a. Land legally platted and approved prior to the effective date of these subdivision regulations except as otherwise provided herein (construction of facilities shall conform to the current design standards in effect at the time of construction);
- b. Land constituting a single tract, lot, site or parcel for which a legal deed of record describing the boundary of such tract, lot site or parcel was filed of record in the Deed Records of Chambers County, Texas, on or before December 31, 1959;
- c. The division of land into two or more parts where no lot is less than ten acres and there is no dedication of streets, alleys, parks, squares or other parcels in the subdivision or for sale or use by the owners or purchasers of the lots;
- d. Divisions of land created by order of a court of competent jurisdiction;
- e. Subdivision development that is exempt by state law; or
- f. Individual structures located in the Trinity River Flood Plain that are in lawful existence prior to the enactment of these regulations shall



be permitted to repair, renovate, or enlarge such structures in accordance with the rules and regulations established in the Flood Insurance Program of Chambers County.

3. If platting is not required, the County Engineer shall, upon request, issue a certificate of exemption prior to issuing a building permit or granting site plan approval.

#### **G. Acceptance of Roads for Public Maintenance**

1. By accepting a subdivision plat for filing, the Commissioners Court does not thereby accept the streets in the subdivision for ownership or maintenance by the County. The owner or owners of the platted lots are responsible for maintenance of all streets or roads within the subdivision until such time as the construction of the roads have been accepted by the County.
2. If the owner desires to have the plat placed on record before completion of construction of the streets, roads and drainage, then the owner shall give a good and sufficient bond, cash, or letter of credit. This security must be payable to the Chambers County Judge, or his successors in office. The estimated cost of construction shall be prepared by a Registered Professional Engineer. The security shall be conditioned on the completion (in compliance with the Design Standards) of all the roads, streets and drainage shown on the plat.

#### **H. Performance and Maintenance Sureties**

1. Subdividers shall complete all improvements to infrastructure to be dedicated to the public in the area covered by the Plat before the plat will be released for recordation. Subdividers shall provide Chambers County with a financial surety in the amount of ten percent (10%) of the Design Engineer's estimate for the cost of construction of the streets and drainage in the subdivision prior to offering the plat for approval. This security must be payable to the Chambers County Judge, or his successors in office, and may be provided by the contractor. Upon receipt of the surety and the acceptance of the construction, Chambers County will approve the plat for filing. The surety will be released after fifty percent (50%) of the subdivision has been built out AND two years have elapsed from the date of the Design Engineer's certification, unless failure of workmanship or material has occurred. If fifty percent (50%) of the subdivision has not been built out within two years from the date of the Design Engineer's certification, the subdivider will have



the option to extend the surety in one year or two year increments until fifty percent (50%) build out has occurred.

2. As an option, the subdivider may post a financial surety in an amount not less than 115% of the Design Engineer's estimate for the cost of construction of the streets and drainage in the subdivision if the subdivider desires to have the plat placed on record before the completion of the streets and drainage. The subdivider will be allowed to make monthly draws or reductions of the surety. Chambers County will release up to ninety percent (90%) of the surety. At the end of construction, the owner may substitute a warranty bond in the amount of ten percent (10%) of the cost of construction of the streets and drainage in the subdivision. The security must be payable to the Chambers County Judge or his successors in office, and may be provided by the contractor. The surety will be released after fifty percent (50%) of the subdivision has been built out AND two years have elapsed from the date of the Design Engineer's certification, unless failure of workmanship or material has occurred. If fifty percent (50%) of the subdivision has not been built out within two years from the date of the Design Engineer's certification, the subdivider will have the option to extend the surety in one year or two year increments until fifty percent (50%) build out has occurred.
3. The approval of the County Engineer and County Auditor shall be required for the style and amount of all sureties. In addition to the surety described above, the subdivider may place cash or irrevocable Letter of Credit, in a like amount drawn on a bank or savings and loan association licensed to do business in the State of Texas, on deposit with the County. Such deposit will make the County the exclusive beneficiary of the funds for the period of time required above.
  - I. The enforcement of plat restrictions is the responsibility of the developer and other owners in the subdivision; however, in an Extraterritorial Jurisdiction both the city and the Commissioners Court of Chambers County shall have the right and authority to enforce plat restrictions through appropriate legal procedure to prohibit the construction or connection of utilities, or issuing of permits unless or until the requirements of the plat restrictions have been achieved.
  - J. The County will assume no responsibility for drainage ways or easements in the subdivision, other than those running on or along the streets and roads. Maintenance and liability of landscaped areas within the right-of-



way will be the responsibility of the developer, the municipal utility district, neighborhood association, or other legal entity.

- K.** No lots or conveyance of any property within the area of an unrecorded plat may be made until the improvements necessary to ensure access, utilities and drainage have been completed to a point that the land or lots to be conveyed have full public services available directly to such property. The County Engineer shall inspect and approve any partial completion of infrastructure to be dedicated and recommend approval to the Commissioner's Court. Until approval of Commissioner's Court no conveyances of any property shall be made. Upon approval, the subdivider may reduce his pledged surety in an amount equal to the cost of completed improvements, subject to certification of the contract amounts paid for such improvements by the County Engineer and County Auditor.



## **Article II PROCEDURES and REQUIREMENTS**

### **A. Purposes.**

The purpose of this article is to establish the procedures and requirements for the submittal, review, consideration and action by the Commissioner's Court and to provide the necessary details and orderly processing of the subdivision of land in the county and the extraterritorial jurisdiction of those cities and towns which have executed a Subdivision Regulation Agreement with the County.

### **B. Pre-Application Assistance.**

Persons considering subdivision are encouraged to consult with the County Engineer to obtain advice and assistance before preparing a land study or the Preliminary Plat and before formal application for its approval.

### **C. Master Plan Submission.**

When a subdivision is large enough or complicated by special topographic, geologic or hydrologic conditions, or the subdivider expects to convey or improve lots in phases, the county encourages the preparation of a Master Plan before creation of a Preliminary Plat. Such a Plan allows the county and utility providers to learn of the needs and schedules of the developer so that proper public facilities may be scheduled. At the Master Plan stage overall public service needs can be determined, rights of way located and all required permits can be identified. Although not a requirement for Preliminary Plat submission, the approval of a Master Plan by the County Commissioner's Court will constitute the "first in a series of permits" that vests the developer with the protections afforded by Texas Law. A Master Plan shall remain in effect and therefore a valid "first in a series of permits" for a period of two years. If a Preliminary Plat of the development or any phase of the development is filed within two years of the date of approval of the Master Plan the vesting rights shall continue. If the Master Plan expires without the filing of a Preliminary Plat the Master Plan is considered to have been abandoned and no rights shall vest with the developer.



#### **D. Contents of the Master Plan**

The purpose of the land plan is to allow the County Engineer and Commissioner's Court to review proposed major thoroughfare and collector street patterns, land use, environmental issues, conformance to the Comprehensive Plans of the various cities, towns and public districts, and the property's relationship to adjoining subdivisions or properties.

Where a phased or partial development is proposed, the land plan area shall include the entire property from which the phase is being subdivided. Where the applicant can demonstrate that natural or man-made features, such as thoroughfares and creeks make unnecessary the inclusion of the entire property in the land plan to adequately review the items listed in the preceding paragraph, the subdivider may request approval from the County Engineer for a submittal of a smaller land plan area. Boundaries such as thoroughfares (existing or proposed), creeks, political subdivisions, or other such natural or man-made features may be used to delineate the smaller plan area.

1. The submittal of the land plan shall be accompanied by the completed application as specified by the County. The submittal fees established are set by separate Resolution and must accompany the application.
2. The approval in concept of the land plan by the Commissioner's Court does not constitute approval of the subsequent plats within the plan boundaries.
3. Graphic requirements for the Master Plan shall conform to the requirements of these regulations.
4. The following items shall be included in a Master Plan
  - a. The full boundary of all land to be included in the proposed development for which later Preliminary and Final Plats will be submitted for approval showing the ownership and property lines (generally) of all adjacent properties;
  - b. Topographic contours consistent with the mapping features of the USGS 7.5 minute quadrangle maps for the quadrant in which the land lies;
  - c. All existing roads, right of ways, and easements;



- d. All existing drainage ways, water bodies, canals, rivers, streams, and impoundments;
- e. Location and elevation of the 100 year and 500 year flood plains and all floodways, with cross section elevations, as depicted on the most current FEMA Flood Rate Map;
- f. Outlines of all forested areas with a general description of the types and sizes of vegetation and trees;
- g. Approximate location and sizes of all utility lines including water, sewer, storm sewers, electric and gas, telephone, cable and a listing of the owners and providers of utility services that will serve the development;
- h. General layout of proposed lots, blocks, tracts, reserves, amenities and streets to be constructed and noted as to whether they will be proposed as private or for public dedication;
- i. A preliminary schedule for phasing and construction;
- j. If not held in fee by the applicant the Master Plan must be accompanied by a Notarized Affidavit from the record owner consenting to the submission and development of the land;
- k. A current tax certificate issued by each taxing entity showing all taxes are current; and
- l. A statement as to how the property will be developed to protect against flooding and traffic congestion.

#### 5. Manufactured Rental Home Communities

Use of land for a manufactured rental home community as defined in Chapter 232.007, Local Government Code, Vernon's 2003, as amended, shall prepare and submit an Infrastructure Development Plan and obtain the approval of Commissioner's Court before any permit or utility services will be connected to any point or part of the property. The Infrastructure Development Plan shall include the information required for a Preliminary Plat and shall provide bonds or other acceptable sureties required for the construction of facilities required of a Final Plat.



## **E. Preliminary Plat.**

### *General requirements*

1. A Preliminary Plat of any proposed subdivision shall be submitted for Commissioner's Court review and action in compliance with the schedule and requirements set forth in this Article.
2. The Preliminary Plat shall be accompanied by the completed application as provided and appropriate fees.
3. Copies of the proposed subdivision, drawn on sheets at a size of twenty-four inches by thirty-six inches (24" X 36") and drawn to a minimum scale of one hundred feet to the inch (1" = 100'), shall be submitted in the number of copies specified by the County. Additional copies for review of utility companies and other governmental entities may be required. The applicant will be informed of the need for additional copies either at the Master Plan meeting or at the time of application.
4. The Preliminary Plat shall be in accordance with the land plan and all approved comprehensive, water, sewer, and thoroughfare plans.
5. The Preliminary Plat may be prepared by an engineer, land planner, or surveyor but need not be signed or sealed. Preliminary plats shall contain a prominent notation that it is not eligible, nor authorized, to be recorded in any county records and that filing of a preliminary plat shall be prima facie evidence of a fraudulent filing under the Texas Property Code subject to the penalties thereunder.
6. The County Engineer shall be furnished with copies of letters verifying contact with the following agencies:
  - a. Trinity Bay Conservation District (only where the property to be subdivided lies within the jurisdictional limits of the District), stating that the proposed subdivision is in compliance with the drainage, water and sewer requirements of the District and any applicable fees have been addressed.
  - b. The appropriate school district official, stating that the school district has reviewed the land plan of the proposed subdivision and the preliminary subdivision plat for planning purposes.



- c. All applicable utility companies including gas, electric and telephone, stating that the utility companies have knowledge of the proposed subdivision and are currently negotiating the necessary service easements. A copy of the Preliminary Plat should be sent to the utility company at this time for the establishment of the easements.
  - d. The appropriate post office, stating that postal service will be available.
  - e. Any other applicable district or entity with jurisdiction in the area to verify adequate capacities and applicable fees. These verification letters must be received by the County Engineer prior to the Final Plat recommendation to the Commissioner's Court. If the letters are not available at this time, approval of the Preliminary Plat will be contingent upon the receipt of the letters and satisfactory services being available.
7. The County Engineer shall make a study of the Preliminary Plat and give a written report to the Commissioner's Court before its consideration for recommendation. The subdivider or his designated representative shall be provided, upon request, with a copy of this report prior to the meeting.
  8. Following review of the Preliminary Plat and other materials submitted, and discussions with the subdivider on changes deemed advisable and the kind and extent of improvements to be made, the Commissioner's Court shall Approve, Disapprove or Approve Subject to Conditions. The Commissioner's Court shall make written findings and include such findings in any motion to approve, disapprove or approve subject to conditions which shall be come part of the official record.
  9. Approval of a Preliminary Plat by the Commissioner's Court shall be deemed an expression of conditional approval to the layouts submitted on the Preliminary Plat as a guide for the preparation of the Final Plat and the future installation of streets, water, sewer, and other required improvements and utilities and to the preparation of the construction plans. The subdivider is responsible for the resolution of the review conditions and any additional requirements of these regulations and other applicable regulations.
  10. Approval of a Preliminary Plat shall be effective for one year from the date of Commissioner's Court action. Upon application, and for good



cause shown, a Preliminary Plat approval may be extended for an additional year by the County Engineer however, if conditions have changed that would impact the subdivision or the surrounding properties or any public facilities such Preliminary Plat shall be reviewed and acted upon by the Commissioner's Court.

11. Any excavation prior to approval of the Final Plat shall be at the subdivider's risk and any work done is to facilitate the subdivider's schedule and does not imply approval of the work. All required permits shall be issued prior to commencement of work.
12. A Preliminary Plat shall not be required if the proposed subdivision meets the criteria of a Minor Plat.
13. Any plat within the extraterritorial jurisdiction of any city or town that has executed a subdivision agreement with Chambers County shall comply with the provisions of that city's Comprehensive Plan.

## **F. Final Plat**

### *General requirements*

1. A Final Plat and engineering construction drawings and specifications are required for any area in the county or the extraterritorial jurisdiction of any city or town that has executed a Subdivision Agreement with Chambers County. The Final Plat shall be in general conformance with the Preliminary Plat as approved and shall incorporate all conditions, changes, directions and additions required by the Commissioner's Court. A Final Plat will not be approved by the Commissioner's Court until detailed engineering plans have been submitted and approved by the County Engineer. Plats shall be drawn on sheets at a size of twenty-four inches by thirty-six inches (24" X 36") and drawn to a minimum scale of one hundred feet to the inch (1" = 100').
2. The Final Plat shall be submitted for review and action by the Commissioner's Court at least twenty-one (21) calendar days prior to a regularly scheduled meeting.
3. The submittal for a Final Plat shall include the following:
  - a. Completed application form;
  - b. Signed and sealed original Mylar drawings and requisite copies;



- c. All Final Plats shall be signed and sealed by a Registered Professional Land Surveyor and in any case where state lands are involved or a boundary of state owned lands abuts a plat the seal and signature of a Licensed State Land Surveyor shall also be affixed to the plat.
  - d. A Transmittal letter signed by the applicant or a designated agent;
  - e. A Check payable to Chambers County, Texas in the proper amount;
  - f. Letter of Title Examination or Title Commitment issued by a title company, and signed by an attorney licensed to practice in Texas;
  - g. Engineering construction plans, or as a minimum requirement, the final utility layout showing the sizes and depths of all utilities as well as street widths; and
  - h. Tax certificates issued by all applicable tax jurisdictions showing all current taxes are paid;
  - i. The filing date of an application for Final Plat consideration by the Commissioner's Court shall be the date when the application is certified complete and marked "filed" by the County Engineer. The date the application is certified and marked "filed" is the date to be considered as the initial date of the statutory thirty-day time period in which the Commissioner's Court is required to act upon a plat submitted to it under the Texas Local Government Code. All submittal requirements as stated for a Final Plat (subsection F.3. above) shall be met before an application is marked as "filed."
4. The County Engineer shall review the Final Plat for compliance with these regulations and make a written recommendation to the Commissioner's Court. The subdivider or his designated representative shall be furnished with a copy of the written recommendation.
  5. The Commissioner's Court will consider the Final Plat and the written recommendation of the County Engineer at the regularly scheduled meeting and may only approve or disapprove a Final Plat.
  6. If a Final Plat is disapproved it may be revised and submitted without prejudice one time without the payment of additional fees.



7. Any substantial change to the approved Final Plat prior to recordation shall require re-submittal to the Commissioner's Court. With the approval of the County Engineer minor changes including addition of easements, correction of clerical errors or omissions may be made prior to submittal for signatures and recordation.
8. Prior to the submittal of the Final Plat for Commissioner's Court approval engineering construction plans showing paving and design details of streets, alleys, culverts, bridges, storm sewers, water mains, sanitary sewers and other engineering details of the proposed subdivision shall be submitted to the County Engineer for approval. Two (2) copies shall be submitted with the Final Plat. Such plans shall be prepared by a Registered Professional Engineer and shall conform to the current Design Standards of Chambers County and any providers of utilities or public services. Subdivisions proposing on-site sanitary waste treatment shall provide copies of approval of percolation and design layouts from the County Environmental Health Department.
9. Following approval the plat(s) will be recorded in the County records and the subdivider shall submit proper recording fees to the County Engineer or County Clerk. Plats will not be returned to the subdivider after approval but copies will be available after recordation.
10. No construction work shall begin on any improvements in the proposed subdivision prior to the approval and recordation of the Final Plat except as provided herein. The subdivider may undertake certain ground excavations for grading and drainage purposes after required permits are issued. Any excavation prior to approval of the Final Plat shall be at the subdivider's risk and any work done is to facilitate the subdivider's schedule and does not imply approval of the work.
11. Each purchase contract made between a subdivider and a purchaser of land in the subdivision shall contain a statement describing the extent to which water will be made available to the subdivision and, if it will be made available, how and when such service will be provided.



## **G. Minor Plat**

A Minor Plat as defined herein is not required to go through the full review and approval process and may, at the discretion of the County Engineer, be administratively approved. Upon approval a Minor Plat will be recorded as a Final Plat provided all required fees have been paid.

1. A Minor Plat procedure may be requested if the final plat is authorized by the County Engineer and meets the following requirements:
  - a. No more than four (4) lots, tracts or reserves are included;
  - b. The area to be platted lies within an existing public street circulation system already approved by the Commissioner's Court;
  - c. The plat does not propose to vacate public street rights-of-way or easements;
  - d. The plat does not propose creation or extension of public rights-of-way;
  - e. The proposed development does not require any significant drainage improvements and if contained wholly or partially within the 100-year floodplain, conforms to Federal Emergency Management Agency floodplain management rules;
  - f. The proposed development is consistent with the thoroughfare plan and creates no significant traffic congestion on the existing public street system;
  - g. The proposed development creates no variance requests, and
  - h. Plats shall be drawn on sheets at a size of twenty-four inches by thirty-six inches (24" X 36") and drawn to a minimum scale of one hundred feet to the inch (1" = 100').
2. This procedure shall not be available if there is evidence of previous repeated use by the owner of the short form procedure in a manner to circumvent the intent of these regulations or the requirements for larger scale development.



3. The Minor Plat shall meet all of the technical and graphic requirements of a Final Plat.
4. The County Engineer may approve, and the County Judge shall sign, a plat involving four (4) or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of public facilities. The County Engineer may, for any reason, elect to present the minor plat to the Commissioner's Court for approval or disapproval, as in the case of other plats. The County Engineer may not disapprove a minor plat. If the County Engineer refuses to approve the plat, he shall refer it to the Commissioner's Court, as in the case of other plats, within the time period applicable to other plats.

#### **H. Vacating Plats.**

A plat may be vacated by request of the subdivider. In addition to the procedure outlined below and in conformance with the Texas Local Government Code, as amended, the submittal requirements for a Plat Vacation are the same as for approval of a final plat.

1. The plat vacating procedure is as follows:
  - a. The owners of the tract covered by a plat may vacate the plat any time before any lot in the plat is sold. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is approved and recorded in the manner prescribed herein for a final plat.
  - b. If lots in the plat have been sold, the plat, or any part of the plat, may be vacated on the application of all the owners of lots in the plat with approval obtained in the manner prescribed for the original plat. Developed property within a recorded plat may not be vacated. It must be replatted in conformance with these regulations.
  - c. The county clerk shall write legibly on the vacated plat the word "Vacated" and shall enter on the plat a reference to the volume and page at which the vacating instrument is recorded.
  - d. On the execution and recording of the vacating instrument, the vacated plat has no effect.
  - e. Plats shall be drawn on sheets at a size of twenty-four inches by thirty-six inches (24" X 36") and drawn to a minimum scale of one hundred feet to the inch (1" = 100').



2. The Commissioner's Court may reject any vacation instrument which abridges or destroys any public rights in improvements, easements, streets, alleys, or similar public areas which are deemed necessary to serve the surrounding area.
3. An approved vacated plat must be recorded and operates to destroy the effect of the recording of the vacated plat and to divest all public rights to the streets, alleys, and other public areas laid out or described in the plat.

#### **I. Replats**

1. A Replat is a redesign of all or a part of a recorded plat or subdivision of land which substantially changes the elements of the plat. The same procedures shall be followed as for preliminary, final or short form plat. The Replat must be in accordance with the current Texas Local Government Code. A public hearing shall be required on all residential Replats when the previous plat is not vacated and not in compliance with paragraph 2. below. The application request for the public hearing for the Replat shall be made at least thirty-five (35) days prior to a regularly scheduled Commissioner's Court meeting. Plats shall be drawn on sheets at a size of twenty-four inches by thirty-six inches (24" X 36") and drawn to a minimum scale of one hundred feet to the inch (1" = 100').
2. A Replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the Replat:
  - a. Is signed and acknowledged by all the owners of the property being replatted;
  - b. Is approved, after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard, by the Commissioner's Court; and
  - c. Does not attempt to amend or remove any covenants or restrictions.
3. In addition to compliance with paragraph 2. above, a Replat without vacation of the preceding plat, must conform to the requirements of this paragraph if any of the area proposed for replatting was limited to residential use for not more than two (2) residential units per lot or any



lot was deed restricted for same within the preceding five (5) years. If these conditions apply the following procedure is required:

- a. Notice of the hearing required in accordance with Texas Local Government Code shall be given before the fifteenth day before the date of the hearing by:
  - 1) Publication in an official newspaper or a newspaper of general circulation in Chambers County; and
  - 2) Written notice, with a copy of subparagraph 3 below, sent to the owners of property in the original subdivision, as indicated on the most recently approved ad valorem tax roll within two hundred (200) feet of the property upon which the Replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a United States post office.
4. If the proposed Replat is protested in accordance with this subparagraph, the proposed Replat must receive the affirmative vote of at least three-fourths of all members of the Commissioner's Court, in order to be approved. For a legal protest, written instruments signed by the owners of at least twenty (20) percent of the area of the lots or land immediately adjoining the area covered by the proposed Replat and extending two hundred (200) feet from that area, but within the original subdivision, must be filed with the county prior to the close of the public hearing. The property owners shall be furnished with these requirements with the written notice of the public hearing.
  - a. In computing the percentage of land area under the subparagraph above, the area of streets and alleys shall be included.
  - b. Compliance with subparagraphs a, 1 & 2 above is not required for approval of a Replat of part of a preceding plat if the area to be replatted was designated or reserved for other than single-family or duplex-family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.
5. If action on a residential Replat application must be deferred because sufficient written protest has been submitted, the thirty-day period in which action must be taken by the Commissioner's Court is extended by the period of time necessary to verify the written protest.



6. The Replat of the subdivision shall meet all the requirements for a new subdivision that may be pertinent, as provided for herein. It shall show the existing property being re-subdivided. No preliminary plat shall be required on Replats if waived by the County Engineer.
7. The title shall identify the document as "Being a Replat of Lots \_\_\_\_\_ of Block \_\_\_\_\_ of the \_\_\_\_\_ Subdivision." A reason for the Replat shall also be stated on the plat.
8. A Partial Replat of only the affected lots will be accepted when the conditions and/or options allowed by the amending plat procedure are not applicable.

#### **J. Amending Plats**

Amending plat procedure shall be in accordance with the current Texas Local Government Code.

1. An amending plat shall meet all of the informational requirements set forth for a final plat.
2. The County Engineer may approve, and the County Judge shall sign an amending plat that complies with this section. The County Engineer may, for any reason, elect to present the amending plat to the Commissioner's Court for approval or disapproval, as in the case of other plats. The County Engineer may not disapprove an amending plat. If the County Engineer refuses to approve the plat, he shall refer it to the Commissioner's Court as in the case of other plats, within the time period applicable to other plats. Plats shall be drawn on sheets at a size of twenty-four inches by thirty-six inches (24" X 36") and drawn to a minimum scale of one hundred feet to the inch (1" = 100'). The amending plat, which may be recorded and is controlling over the preceding plat without vacation of that plat, may be approved if the amending plat is signed by the applicants only and is solely for one or more of the following purposes:
  - a. Correct an error in a course or distance shown on the preceding plat;
  - b. Add a course or distance that was omitted on the preceding plat;
  - c. Correct an error in a real property description shown on the preceding plat;



- d. Indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
- e. 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;
- f. Correct any other type of scrivener or clerical error or omission previously approved by the Commissioner's Court. Such errors may include, but are not limited to, lot numbers, acreage, street names, and identification of adjacent recorded plats;
- g. To correct an error in courses and distances of lot lines between two (2) adjacent lots where both lot owners join in the application for amending the plat, neither lot is abolished, the amendment does not attempt to remove recorded covenants or restrictions, the amendment does not have a materially adverse effect on the property rights of the owners in the plat;
- h. Relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement; or
- i. Relocate one or more lot lines between one or more adjacent lots if:
  - 1) The owners of all those lots join in the application for amending the plat;
  - 2) The amendment does not attempt to remove recorded covenants or restrictions;
  - 3) The amendment does not increase the number of lots.
- j. To make necessary changes to the preceding plat to create six (6) or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if:
  - 1) The changes do not affect applicable land use regulations and other regulations of the county;
  - 2) The changes do not attempt to amend or remove any covenants or restrictions; and



- 3) The area covered by the changes is located in an area that an appropriate governing body has approved a Master Plan or Preliminary or Final Plat, or
- 4) To Replat one or more lots fronting on an existing street if:
  - i. The owners of all those lots join in the application for amending the plat;
  - ii. The amendment does not attempt to remove recorded covenants or restrictions;
  - iii. The amendment does not increase the number of lots; and;
  - iv. The amendment does not create or require the creation of a new street or make necessary the extension of public facilities.
3. Notice, a public hearing, and the approval of other lot owners are not required for the approval and issuance of an amending plat.
4. When an amending plat is prepared, the surveyor shall be required to survey only those lots which are affected by the changes. The surveyor shall sign the Replat stating the lots which have changed in addition to any other corrections which have been made.
5. The property owners for the lots which are changed shall be the only additional signatures necessary to the original signatures.

#### **K. Graphic Requirements for Preliminary Plats and Master Plans.**

1. Preliminary Plats and Master Plans shall show the following information:
  - a. Boundary lines drawn in heavy lines dimensioned with at least two corners identified by Texas State Plane Coordinates (NAD 1983);
  - b. North arrow with north shown to the top or right side of the sheet;
  - c. Headright Survey Abstract name and course and distance to a known corner of the survey in which the land is being divided; *(Note: The state law required tie to an original Headright corner is not required to be actually found on the ground. It may be a computed course and distance derived from Headright Maps or*



*other references obtained by the surveyor. The source of the calculation such as a county map or other plat must be noted beside the course and distance shown on the plat.)*

- d. Location, rights of way, pavement widths and names or designations of all roads, alleys, streets or access/egress easements;
- e. Purpose of all reserves and the general size of lots to be created;
- f. Names of all adjoining subdivisions, or if not subdivided, the owners of all properties abutting the proposed subdivision;
- g. Location and owners of all easements adjacent or within the property being subdivided;
- h. Topographic Contours sufficient to indicate the slope of the land at not less than .5 feet on land that has a slope less than 5 percent and 1 foot for land with a slope greater than 5.1 percent. There shall be no less than two contours on any plat;
- i. Location and description of wooded areas, streams, water bodies, transmission towers, pipelines, towers, and all existing buildings;
- j. Location and identification of recognized and visible mineral extraction sites (oil and gas wells, mines, and other minerals) including lease holder and operator with Texas Railroad Commission Permit Number;
- k. Location and description of jurisdictional wetlands; environmental or archeological sites or features, and any recorded environmental hazards listed on any local, state, or federal data base;
- l. Location of rivers, streams, floodways, flood plains and general routing of proposed drainage system;
- m. Location and general description of roads, trails, and amenities to be constructed to serve the development;
- n. Location and general description of water and sanitary sewer services to be provided and nearest public system connection point and the name of the public entity that may or would provide such services;





all modifications and corrections have been made and before the Plat is recorded. The CD shall be given a volume code of the Subdivision Name and the disc shall contain the Owner, Engineer and Surveyor names, dates and telephone numbers.

#### **L. Graphic Standards for Minor, Amended, Replats, and Final Plats**

1. Minor Plats, Amended Plats, Replats and Final Plats shall contain the following information:
  - a. Boundary lines drawn in heavy lines dimensioned with calls and distances and at least two corners identified by Texas State Plane Coordinates (NAD 1983);
  - b. North arrow with north shown to the top or right side of the sheet;
  - c. Headright Survey name with a survey tie to a known corner of the survey in which the land is being divided; *(Note: The state law required tie to an original Headright corner is not required to be actually found on the ground. It may be a computed course and distance derived from Headright Maps or other references obtained by the surveyor. The source of the calculation such as a county map or other plat must be noted beside the course and distance shown on the plat.)*
  - d. Location, rights of way, pavement widths and names or designations of all roads, alleys, streets or access/egress easements;
  - e. Names of all adjoining subdivisions, or if not subdivided, the owners of all properties abutting the proposed subdivision;
  - f. Location and owners of all easements adjacent or within the property being subdivided;
  - g. Location and right of way description of all roads, easements and reservations with dimensions;
  - h. Dimensions of all lots and reserves with lot numbers, addresses and block numbers, setbacks, corner cuts and number of square feet in each lot or reserve;
  - i. Restrictions on land uses if being deed restricted and purpose of any reservations or bulk parcels;



- j. Road and highway setbacks and proposed or required dedications for rights of way for widening or relocation of roadways;
- k. Metes and Bounds description of the subdivision prepared from a survey made on the ground by a Registered Professional Land Surveyor or Licensed State Land Surveyor, including signature and seal with the date of preparation of the survey;
- l. Dedication statement by owner in accordance with the requirements herein;
- m. Statement of lien holder(s) as appropriate agreeing to the subdivision;
- n. Notary acknowledgments for all signatures;
- o. Tax Certificates from all tax jurisdictions showing all taxes are current;
- p. Flood Hazard Statement and depiction on the plat by Surveyor identifying the location of 100 year flood plain and any floodways referenced to the latest FEMA Flood Rate Map(s);
- q. Approval and Recording Blocks in accordance with the requirements herein;
- r. A title block containing:
  - 1) Proposed name of subdivision;
  - 2) Date;
  - 3) Graphic Scale;
- s. A Subdivision Title that includes:
  - 1) The Name of the Subdivision drawn at a size no less than 3 times the height of the size of lettering on the plat;
  - 2) The Headright Survey Abstract of which it is a part;
  - 3) Total number of lots, blocks and reserves;
  - 4) Total acreage in the plat; and



5) Owner, Engineer, Surveyor and Planner, if applicable with company name, address and telephone numbers.

- t. Plats shall be drawn annotated using a consistent font that is easily readable such as Arial, Times New Roman, Courier, etc. and shall not use complex fonts. Lettering shall be not less than 12 point type regardless of the scale of the drawing or plot and all line weights shall be a minimum of  $\frac{3}{4}$  point in black ink.

**M. Copies to be submitted:**

1. Preliminary Plat: 10 copies (signatures and seals are not required);
2. Final Plat: One Mylar original and 10 copies of the proposed subdivision;
3. Minor Plat, Amending Plat, Replat: One Mylar original and 10 copies of the proposed subdivision.



## **Article III VARIANCES AND LIMITATIONS**

### **A. Variances**

The Commissioner's Court may grant a Variance from the requirements of these Regulations to prevent undue hardship or where special conditions exist that makes the compliance with these Regulations unreasonably difficult. Such special circumstances shall be of a nature not of the owners or subdividers making and shall be limited in scope to such variances as are necessary for the subdivider to enjoy the substantially equivalent rights common to other properties in the immediate area. No Variances shall be granted that would allow development in floodways or the "V" Velocity zone; the Trinity River Flood Plain or on unprotected shores of Lake Anahuac, Trinity Bay, or Galveston Bay.

### **B. Flood Plain, Shoreline, and Riverine Restrictions:**

1. No land within the Trinity River flood plain may be subdivided for development of residences or human occupancy and no structures may be erected except for agricultural purposes;
2. No land may be subdivided for development of residences or any structures added within the floodways of any flood plain as depicted on the most current FEMA Flood Rate Map(s);
3. No land may be subdivided for development of residences or any structures added on the shores of Lake Anahuac, Trinity Bay or Galveston Bay unless shore protection designed by a Registered Professional Engineer is constructed or such a requirement is included in a Plat or Deed Restriction or Covenant by the subdivider. No building permit shall be issued until such protection is committed and no Certificate of Approval will be issued until such protection has been completed and approved by the County Engineer.



## **Article IV DESIGN STANDARDS**

### **A. General Planning Standards**

Subdivisions shall be planned to provide convenient and safe building sites without undue concentration of people, congestion of traffic, or limitations on the access for emergency vehicles and services. Block lengths, utility services, drainage, street widths and pavements shall conform to applicable Thoroughfare Plans and any adopted Comprehensive Plans. It is the responsibility of the subdivider to research the requirements of all planning documents and to comply with them.

### **B. Design Standards**

The Design Standards of Chambers County shall apply to all subdivisions unless a Variance is granted by Commissioner's Court. Such Variances must first be submitted to the County Engineer for review and recommendation. If the County Engineer determines that the granting of the requested Variance(s) would create a threat to health or safety the Commissioner's Court may not grant approval.

### **C. Streets and Highways.**

1. The arrangement, character, extent, width, grade, and location of all streets shall conform to the Chambers County Thoroughfare Plan, the current design standards, and shall be considered in their relation to existing and planned streets or driveways, to topographical conditions, to public safety and in their appropriate relation to the proposed uses of the land to be served by such streets. Unless required by the county, strips of land controlling access to or egress from other property, or to or from any street or alley, or having the effect of restricting or damaging the adjoining property for subdivision purposes, or which will not be taxable or accessible for special improvements, shall not be permitted in any subdivision. All streets shall be paved in accordance with the current design standard. All lots, tracts, and reserves shall have frontage on an approved public right-of-way or access easement(s).
2. Private streets are prohibited except that the Commissioner's Court may approve private streets if they meet the following regulations:



- a. The private street complies with the County's design and construction standards;
- b. The private street is so designated on the plat;
- c. The private street is not an arterial or collector street, does not affect the circulation of local or through traffic or have a negative impact on planning for the area;
- d. There are natural or manmade boundaries contiguous to the subdivision, including creeks, lakes, levees, utility easements or golf courses that would make it difficult or undesirable to extend the streets beyond the subdivision;
- e. The subdivision contains no more than twenty-five (25) lots;
- f. The subdivision is not within one mile of another subdivision with private streets and would not result in an undesirable concentration of private street subdivisions in one area of the county. The developer shall disclose to the county all other land the developer owns within one mile of the private street subdivision;
- g. The maximum travel distance along the private street is two thousand (2,000) feet from a connecting public street;
- h. A portion of the private street shall be designated on the plat as a fire lane in accordance with the design standards and the developer shall properly mark or post notice of the designated fire lane;
- i. Access control devices shall be designed and located to accommodate the normal turning characteristics of a single unit bus (BUS) and accommodate the combined stacking length of a BUS and passenger car (P) with normal separation between, as a BUS and P are defined by American Association of State Highway and Transportation Official standards. The design of the entryway shall allow a vehicle to pass around the front and side of a BUS stopped at the entry control device;
- j. Access control devices for a private street shall meet regulations adopted by the county, including redundancy requirements. The description and specifications for the access control devices shall be submitted for approval with the plat. The developer shall provide all equipment necessary to operate the access control devices, as



determined by fire authorities, at no cost to the local volunteer or professional fire department.

- k. The developer, his successor and assigns shall agree to install and maintain a readily visible sign where any public street provides access to a private street, giving notice that the street is private prior to the sale of any lot.

### **3. Covenants**

The developer shall record subdivision covenants approved by the County prior to the sale of any lot in the subdivision that require at a minimum:

- a. The lot owners to pay monthly assessments into a maintenance fund restricted for use for maintenance and repair cost for the private streets in the subdivision. The monthly assessments shall be in an amount that will, at the end of the first five (5) years of the assessments, create and thereafter maintain a fund that will not be less than three (3) percent of the initial cost of constructing the private streets in the subdivision;
- b. The lot owners to pay monthly assessments into a capital replacement fund restricted for use for the reconstruction and replacement of the private streets in the subdivision. The monthly assessment shall be an amount that will, at the end of thirty-five (35) years, create a fund that will not be less than the reconstruction cost of the private streets;
- c. The lot owners to pay monthly assessments to perpetually maintain the markings or postings required for fire lanes and the required signs giving notice of the private street and to provide access control mechanisms for emergency vehicles.
- d. No existing public street in a subdivision shall be converted to a private street.
- e. No private street in a developed subdivision shall be accepted as a public street unless and until it has been inspected by the County Engineer and found to conform to the requirements of a public street including right of way width, pavement widths and structural conditions and that all signs and traffic control devices have, or will be, installed prior to acceptance. The County Engineer shall make a written recommendation to the Commissioner's Court who shall



be under no obligation to accept the proposed dedication, notwithstanding the fact that it complies with public street standards. At such time as dedication is accepted all funds in the subdivision street maintenance fund and capital replacement fund that are applicable to the street shall be tendered to the County.

#### **D. Access Easements**

Primary access through an access easement in a commercial, town home or condominium development shall conform to all design and construction standards stated herein and in the current design standard. An access agreement between the property owners and lessors shall be submitted to the County for approval and so noted on the plat prior to recordation of the plat. A note shall be placed on the plat defining the accessibility to the access easement by police, fire, emergency vehicles and utility operations and maintenance personnel.

#### **E. Arrangement of streets not identified on an adopted Thoroughfare Plan.**

1. When a street is not on the thoroughfare plan, the arrangement of streets in a subdivision shall:
  - a. Provide for the continuation or appropriate protection of existing streets in surrounding areas; or conform to a plan for the neighborhood approved or adopted by the county to meet a particular situation where topographical or other conditions make continuance or conformity to existing streets impracticable.
  - b. Provide for future access to adjacent vacant areas which will likely develop in the future.
  - c. Resolve alignment with existing right-of-way and driveway openings.



## **F. Geometric Street Design**

All streets shall comply with the Design Standards herein with regard to rights of way, lane widths, geometry, structure, markings, signing, median design and widths and the specific requirements of the County Engineer when, in his judgment, safety or functionality alteration are required.

### **1. Half streets.**

Half-streets shall be prohibited, except when essential to the reasonable development of the subdivision in conformance with the other requirements of these regulations and the County Thoroughfare Plan, and where the Commissioner's Court finds it will be practical to require the dedication of the other one-half when the adjoining property is subdivided. Whenever a partial street previously has been platted along a common property line, the other portion of the street shall be dedicated.

### **2. Cul-de-Sac's**

Cul-de-Sac termination of residential streets are encouraged provided they are no longer than 800 feet and do not serve other than single family residences. Turnarounds shall meet the minimum geometric dimensions in the Design Standards.

### **3. Dead end or stub streets**

Dead-end or stub streets are temporary in nature and are not allowed except to provide for access to adjacent land areas and in no case shall be more than two hundred fifty (250) feet in length or equal to one lot depth, whichever is greater. A temporary turnaround shall be provided and indicated on the plat and built in accordance with the design standards.

### **4. New Streets**

New streets which are an extension of existing streets shall bear the names of existing streets and shall be constructed with appropriate transitions and widths.

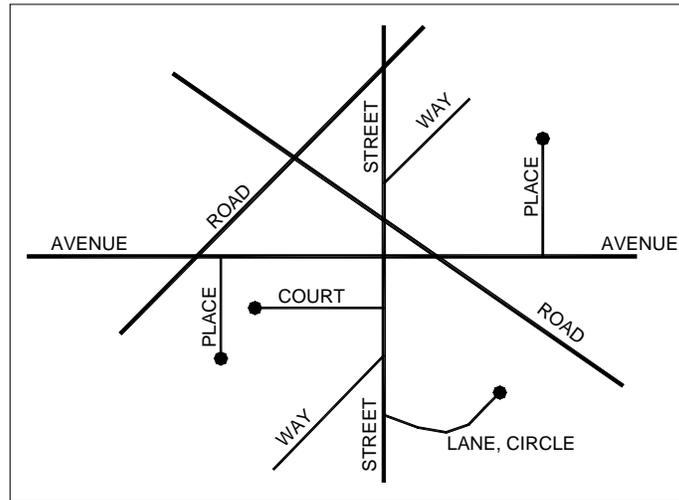


## 5. Street Names

New street names shall not be named to duplicate or cause confusion with existing street names. New street names shall be approved by the County Rural Addressing Coordinator. Approval of a Preliminary Plat by the Commissioner's Court shall reserve street names during the period such plat is valid. Courts shall have street names. Crescents and elbows shall not have separate street names. Streets that have no houses fronting on them shall also have a street name.

The naming convention for streets is as follows:

- 1) Avenues run east – west;
- 2) Streets run north – south;
- 3) Ways are straight streets that run north east – south west or south east – north west and are less than 1000 feet in length;
- 4) Roads are continuous streets that run north east – south west or south east – north west and are major facilities;
- 5) Courts are streets that run east – west and are less than 1000 feet in length;
- 6) Lane or Circle may be used for Cul de Sac's and are less than 800 feet in length;
- 7) Place is a straight street than runs north – south that is less than 1000 feet in length.



## 6. Street Addresses.

Street addresses will be assigned by the Post office or public utility at the time of processing of the final plat or other recordable plat.

## 7. Construction Standards

- a. All streets dedicated within a subdivision of the county shall be constructed in accordance with paving widths and specifications as set forth in the current design standards of the county at the time at which the final plat is recorded unless a suitable financial surety has been posted by the subdivider.
- b. By accepting a subdivision plat for filing, the Commissioners Court does not thereby accept the streets in the subdivision for ownership or maintenance by the County. The owner or owners of the platted lots are responsible for maintenance of all streets or roads within the subdivision until such time as the construction of the roads have been accepted by the County.
- c. The county will not accept a road for maintenance without the following preconditions:
  - i. A dedication to the public of an easement or fee interest in the entire roadway;



- ii. Written certification from a Registered Professional Engineer that the road was constructed in accordance with the design standards in effect when the subdivision was legally platted (or has been upgraded to those standards). If the subdivision where the road is located was never legally platted, it must meet the current standards; and
- iii. Written certification from a Registered Professional Engineer that the road is currently in compliance with the applicable standards. The cost of any improvements, maintenance, or repairs required to reach that standard shall be borne by the developer or current landowners, not by the County.

**8. Street Lighting**

- a. Street lighting, if provided, shall be designed and installed at the developer's expense and shall be paid for in accordance with the requirements and conditions set by the electrical service provider. Chambers County shall not be responsible for street lighting in subdivisions.

**9. Alleys**

- a. Alleys shall be allowed in commercial and industrial districts. The Commissioner's Court may require that definite and assured provision is made for service access, such as off-street loading, unloading and parking consistent with and adequate for the use proposed. Service alleys in commercial and industrial districts shall be a minimum pavement width of fifteen (15) feet. An access easement may be substituted upon approval by the County Engineer if the easement is also a fire lane easement.
- b. Residential alleys shall not be required but may be allowed to connect to a subdivision with existing alleys for the purpose of providing continuity or providing parallel secondary access. If alleys are constructed, they shall meet the requirements of the design standards.
- c. Dead-end alleys shall be avoided where possible, but if unavoidable, shall be provided with adequate turnaround facilities at the dead-end as determined by the County Engineer.
- d. Alleys may not exceed a maximum length of fourteen hundred (1400) feet unless otherwise approved by the Commissioner's Court.



## **G. Easements**

1. All utility easements, including those for water, sewer, and storm sewer, shall be dedicated and shown on the final plat.
2. Easements across lots or centered on or adjacent to rear or side lot lines shall be provided for utilities where necessary and shall be of such widths as may be reasonably necessary for the utility or utilities using same. It shall be the subdivider's responsibility to determine appropriate easement widths as required by the current design standards.
3. Where a subdivision is traversed by a watercourse, ditch, drainage way, or channel, there shall be provided a fee strip or drainage right-of-way conforming substantially with such course and of such additional width as may be designated by the County and/or Trinity Bay Conservation District, subject to determination using proper engineering considerations. Maintenance easements not less than 15 feet in width on each side of the fee strip or right of way shall also be specified or in accordance with the Chambers County drainage Criteria Manual, if and when adopted, or upon the specific approval of the Trinity Bay Conservation District or the Chambers County Engineer for sound engineering reasons.

## **H. Blocks**

1. The length, width, and shapes of blocks shall be determined with due regard to:
  - a. Provision of adequate building sites suitable to the special needs of the type of use contemplated.
  - b. Size, area and use of lots with due regard to setbacks, building lines and easements;
  - c. Needs for convenient access, circulation, control, and safety of street traffic.
2. Length and widths shall be in conformance with the design standards. In general, intersecting streets, determining the blocks, lengths and widths, shall be provided at such intervals as to serve cross-traffic



adequately and to meet existing streets or customary subdivision practices.

3. The minimum block length shall be five hundred (500) feet; unless physical barriers or property ownership creates conditions where it is appropriate that these standards be varied having due regard for connecting streets, circulation of traffic and public safety.
4. The maximum block length shall be twelve hundred (1200) feet, unless physical barriers or property ownership creates conditions where it is appropriate that these standards be varied having due regard for connecting streets, circulation of traffic and public safety.
5. Residential block width or depth shall allow two (2) tiers of lots back-to-back except when prevented by the size of the property or the need to back on an arterial street. When adjacent to a major classified roadway (freeway, major thoroughfare, arterial), lots will not be permitted access to the major roadway;
6. Blocks shall be numbered or lettered consecutively within the overall plat and shall be consistent with adjacent sections or phases of the same development.

#### **I. Lots**

1. Each lot must front on a dedicated public street or an approved private street.
2. The minimum lot width on any lot shall be sufficient to accommodate vehicular access to the structures or improvements on the lot such that vehicles are completely off the right of way of a street or highway when parked and that the front of the principal building or structure can be seen, and house or address numbers clearly visible from the street.
3. Lot widths are measured as follows:
  - a. Lot fronting on a straight front building line: The length of the front lot line.
  - b. Lot located on the outside of the arc of a curved right-of-way: The length of the shortest line that connects the side lot lines and is tangent to the required front building line.



- c. Lot located on the inside of the arc of a curved right-of-way: The distance of a straight line that connects the two points at which the required front building line intersects the side lot lines.
  - d. Other irregular lots. (Irregular building lot lines or side lot lines not perpendicular or radial to the street right-of-way): The length of the shortest line tangent to the required building line drawn in a location that demonstrates a building area width similar to that of regular lots.
4. Double frontage and reverse frontage lots shall be avoided except where essential to provide separation of residential development from arterial streets designated on the thoroughfare plan or to overcome specific problems of topography and orientation. Where lots have double frontage, a front building line shall be established for each street and access shall not be allowed from the arterial street.
  5. Each subdivision must provide one access street to a collector or other major street for each 75 lots, or portion thereof, within the subdivision. The requirement applies to each platted phase of a subdivision. In this paragraph, a "major" street means a street that meets the Geometric Street Design Standards for such streets as set forth in the Chambers County Design Standards.
  6. Lots may be labeled with their proposed use or as Unrestricted Reserves. Lots reserved for landscape and detention uses may also be designated as utility easements. When in the determination of the Commissioner's Court the proposed use is essential to the provision of public facilities, they may require the intended use of the lot be specified.
  7. All nonresidential and multifamily lots must front on a dedicated public street or dedicated access and fire lane easement. The design of all driveways, access easements and fire lanes shall be in conformance with the current design standards.



**8. Building Lines and Setbacks**

Minimum setback and buildings lines shall be shown on the Final Plat and shall be not less than:

Table 1 Building Lines and Setbacks

<b>Front Building Lines</b>	Residential/Minor Streets	25 feet
	Collector/Arterial Street	50 feet
	Major Thoroughfare	50 feet
<b>Side lot setbacks</b>		
<b>Single Family Detached Residential:</b>	Lots less than 7200 square feet in area	10 feet
	Lots > than 7200 but < 10,000 sq. ft.	10 feet
	Lots > 10,000 sq. ft.	10 feet
<b>Non-Residential</b>		20 feet when abutting a residential platted lot; residentially developed property, or undeveloped property. May be reduced to 5 feet when the common property line abuts a non-residential developed or plat restricted lot.
<b>Rear Lot setbacks</b>		
<b>Single Family Detached Residential:</b>	Lots less than 7200 square feet in area	10 feet
	Lots > than 7200 but < 10,000 sq. ft.	10 feet
	Lots > 10,000 sq. ft.	10 feet
<b>Non-Residential</b>		20 feet



## J. Utility Services

1. All utility service lines for residential distribution for electricity, telephone, gas, cable television and any other such service shall be underground with the exception of electric major transmission or feeder lines. These lines are identified as three-phase lines and shall be located on the perimeter of a subdivision whenever possible, but not along street rights-of-way. It is recommended that commercial developments have an underground feed from the nearest power line for individual service. The standards for easement requirements for utility service lines are stated in the design standards.
2. All lots, tracts and reserves shall be served wherever possible by public utilities, water, wastewater and storm drainage designed, constructed, inspected and accepted in accordance with the requirements set forth in the current design standards. Any subdivision whose boundary is located within Three Hundred feet (300') of a public water or sewer system that has available capacity shall connect to such system. Where approved, on site wastewater treatment facilities shall be designed in accordance with the Chambers County Environmental Health Department requirements and shall strictly adhere to the standards of the County and the Texas Commission on Environmental Quality (TCEQ).
3. All subdivisions utilizing groundwater shall meet the requirements of the TCEQ for public or private water supply systems, or the requirements of Chambers County or the Trinity Bay Conservation District, whichever is greater.
4. Property within any 100-year flood plain or property whose elevation is below the Minimum Floor Elevation as defined by the National Flood Insurance Program that intends to utilize a non-public water or sewer system shall be required to use On Site Disposal Systems that conform to the requirements of the National Sanitation Foundation ("NSF") Standards.
5. Subdivisions utilizing on-site sanitary sewage systems shall place the following note on the face of the plat and include the same in the deed to the property as a covenant:

*"The owner, purchaser and successors in interest to the land shown on this plat are served by on-site sanitary sewage facilities. The owners agree and covenant that they will connect to public sewers at such*



*time as sewer service becomes available to any boundary line of the lots shown hereon. This covenant shall be enforceable upon the owners of said lots by Chambers County and shall run with the land.”*

6. Subdivisions of five or more lots, any of which are less than 1.0 acres in size, and that are not served by a public water system, shall either extend public sewers to serve the property (in accordance with the policies of the Water Service Provider) or construct a central private system that meets all the requirements of the Texas Commission on Environmental Quality (TCEQ), and the Chambers County Health Department. Where the subdivision is to be served by a public water system, on site waste disposal systems may be approved when they conform to the requirements established by the Texas Commission on Environmental Quality (TCEQ) and the Chambers County Health Department.
7. All public utilities and improvements shall be designed according to the latest edition of the design standards, comprehensive plan, water and wastewater phasing plan, and any other applicable plans approved for the area by the County, Trinity Bay Conservation District, or any other public service provider, whichever is applicable.

#### **K. Adoption of Design Standards**

The Chambers County Design Standards, as amended from time to time, are adopted and incorporated herein as if fully set out. The Design Standards shall be effective on the date of these regulations for all development in the county. The County Engineer shall have discretion to establish and amend the design standards as needed to carry out the policies of Chambers County.

#### **L. Open Space**

The subdivider shall give consideration to suitable sites for parks, playgrounds, schools, and other areas for public use so as to conform to Comprehensive Plans and Open Space Plans of the County. Any provision for schools, parks, and other public uses, shall be indicated on the preliminary plat.



### **M. Wetlands**

Wetland areas that have been identified as jurisdictional wetlands under Section 404 of the Clean Water Act shall be shown on the preliminary plat. If such wetlands are proposed to be filled and are subject to the provisions of a U.S. Army Corps of Engineers Permit all mitigation or substitution of lands for wetlands shall be located in the same watershed. The subdivider may contribute such funds as are necessary to purchase compensatory land and mitigate wetlands to the County and land will be purchased and developed within critical wetland areas by the County or other public or private agency prepared to manage and protect such wetlands in perpetuity. The specifications and suitable signage or monumentation to reflect the subdividers contribution will be determined jointly with the county and the subdivider.

### **N. Drainage and Flood Control.**

Drainage facilities shall be designed to serve the needs of the developed property within the area to be subdivided to protect against flooding under the 100 year frequency storm as defined by the Federal Emergency management Agency (FEMA). The following standards shall apply to all subdivisions of land greater than 5 acres in total area.

1. All drainage facilities shall be designed by a Registered Professional Engineer;
2. Drainage design shall meet or exceed the standards adopted in the Chambers County Public Infrastructure Design Standards.
3. All drainage shall be designed to flow into public waterway conveyances without increasing upstream water surface elevations or downstream velocities;
4. All proposed outfalls to public storm conveyances (storm sewers, channels, ditches, etc.) shall be approved by the County or Trinity Bay Conservation District, as applicable. Such approvals shall be evidenced by a properly issued Utility Availability Letter which shall be obtained by the Subdivider prior to approval of the Preliminary Plat, Replat or Conceptual Plan. Costs for reservation of capacity shall be established by the agency with jurisdiction over the outfall facility.
5. All drainage design shall be approved by the County Engineer or the Trinity Bay Conservation District, as applicable;



6. Drainage facilities that serve an area larger than the land to be subdivided (excluding all land held under common or related ownership of the subdivider) may be eligible for cost participation by the County or Conservation District on a case by case basis. The Subdivider must contact the appropriate agency prior to approval of the Final Plat or no public participation will occur.
7. Appropriate engineering models shall be utilized and certified to by a Registered Professional Engineer before any plans are approved by the County or Conservation District and no permits shall be issued until such plans have been approved and improvements completed for all on site drainage infrastructure.
8. A Drainage and Flood Control Impact Fee, if applicable, shall be paid by the subdivider in accordance with the Chambers County Master Drainage Plan, if and when adopted by the Chambers County Commissioners Court, as a condition of approval and recordation of the Final Plat.
9. All drainage improvements proposed for dedication to the public shall be dedicated on the plat as easements or in fee simple without reverters, reservations or limitations.

#### **O. Fire Protection**

All subdivisions with a common public or private water supply system shall have water mains with a minimum size of 6" with fire hydrants spaced so that the furthest point of any lot in the subdivision is not more than 500 feet from the nearest hydrant.

*A variance to this requirement may be granted if it can be shown that adequate pressures and volumes cannot be maintained during fire events. As an alternative, the subdivision shall install a "wet" pond or storage tank that is capable of sustaining the pumping of 250 gallons per minute over a 2-hour time frame (30,000 gallons). The wet pond or storage tank shall be equipped with a "dry" fire hydrant and shall be capable of replenishing itself.*



## Article V DEDICATION and CERTIFICATION LANGUAGE.

1

STATE OF TEXAS §

COUNTY OF CHAMBERS §

*(Separate statements may be made for each owner, or a joint statement made for all owners.)*

I (or We), (name of owner or owners, or in the case of corporations, name of President and Secretary, together with the words "President" and "Secretary" respectively of name of corporation) owner (or owners) of the property subdivided in the above and foregoing map of the (Name of Subdivision), do hereby make subdivision of said property (in case of corporation use words "for and on behalf of said name of company") according to the lines, streets, alleys, parks and easements shown herein, and designate said subdivision as (name of subdivision) in the (name of Headright Survey), Abstract (number), an addition in Chambers County Texas; and (in case of corporation use words "for and on behalf of said name of company" )do dedicate to public use, the streets, alleys, parks and easements shown thereon forever except where noted on the map for private streets; and do hereby waive any claims for damages occasioned by the establishing of grades as approved for the streets and alleys dedicated, or occasioned by the alteration of the surface of any portion of the streets or alleys to conform to such grades; and do hereby bind myself (or ourselves), my (or our) successors and assigns to warrant and forever defend the title of the land so dedicated.

*(to be added if overhead utilities are used for service to the subdivision):*

There is also dedicated for utilities an unobstructed aerial easement five feet wide from a plane 20 feet above the ground upward located adjacent to each side of all utility easements shown hereon.

I (or We) do hereby dedicate forever to the public a strip of land 25 feet wide on each side of any and all gullies, ravines, draws; sloughs, rivers, or other natural drainage conveyances located in or adjacent to said subdivision as easements for drainage purposes, giving the County, Trinity Bay Conservation District (as applicable), or any public agency the right to enter upon said easement at any and all times for any public purpose.



Further, I (or We) hereby relinquish all rights of access to major streets or thoroughfares shown hereon except by way of the platted streets shown.

I (or We) certify that the plat of this subdivision complies with all the applicable Ordinances, Laws, and Statutes of Chambers County, the State of Texas and the United States of America as they may apply to this property.

WITNESS MY (or OUR) HAND(S) IN Chambers County, Texas, this \_\_\_\_ day of \_\_\_\_\_, 2005.

/s/ \_  
Signature of Owner  
Printed Name

/s/ \_  
Signature of Owner  
Printed Name

2

Notary Acknowledgment. *(May use separate acknowledgement for each owner or joint acknowledgement as applicable)*

STATE OF TEXAS §  
COUNTY OF CHAMBERS (or County where plat is signed)

Before me, the undersigned authority on this day personally appeared (name of owner or owners) known to me to be persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and considerations therein expressed, and in the capacity therein and herein set out.

Given under my hand and seal of office, this \_\_\_\_ day of \_\_\_\_\_, 2005.

/s/ \_  
Notary Public in and for (County), Texas





3

Lien Holders Release  
*(May use separate statement for each lien holder or joint statement as applicable)*

I (or We), (Name of lien holder), owner and holder of a lien (or liens) upon the land described herein, do hereby ratify and confirm said subdivision and dedication(s), and do hereby in all things subordinate to said subdivision and dedication the lien (or liens) owned and held by me (or us) against said land.

Witness my (or our) hand in . (city or town), . County,  
(State), this \_\_\_\_\_ day of \_\_\_\_\_, 2005.

/s/ \_  
Signature of Lien holder  
Printed Name

/s/ \_  
Signature of Lien holder  
Printed Name

4

Lien Holder Notary Acknowledgement  
*(May use the following corporate statement or, if an individual, the statement above)*

STATE OF TEXAS §  
COUNTY OF CHAMBERS (or County where plat is signed)

Before me, the undersigned authority on this day personally appeared (name of President or authorized officer), and (name of Secretary), Secretary of (Name of corporation) known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they executed the same for the purposes and considerations therein expressed, and in the capacity therein and herein set out, as the act and deed of said corporation.



Given under my hand and seal of office, this \_\_\_\_ day of \_\_\_\_\_, 2005.

/s/ \_\_\_\_\_  
Notary Public in and for (County), Texas



5

Surveyors Certification

This is to certify that I, (name of surveyor), a Registered Professional Land Surveyor (or Texas State Land Surveyor), in the State of Texas, have platted the above subdivision from an actual survey made under my supervision on the ground on or during (date); that all monuments, block corners, angle points and points of curve are, or will be properly marked with iron rods a minimum of 1/2 inch in diameter and 24 inches in length with cap stamped \_\_\_\_\_. This subdivision is located in Flood Zone ("C" and/or "A#") according to FIRM Community Panel No. \_\_\_\_\_, dated \_\_\_\_\_. (If A# give Base Flood Elevation)

Date

Signature of Surveyor  
Printed Name and Title  
Texas Registration No.



6

County Engineer's Certification

I, (name of County Engineer), do hereby certify that the plat of this subdivision complies with the Subdivision Regulations of Chambers County, Texas and Design Standards applicable thereto, this \_\_\_\_ day of \_\_\_\_\_, 2005.

Date

/s/ \_\_\_\_\_ P.E.  
Signature Of County Engineer  
Printed Name and Title





7

COUNTY JUDGE APPROVAL CERTIFICATION

I, (name of County Judge), Chambers County Judge, upon approval and recommendation by the County Engineer and in accordance with the Chambers County Subdivision Regulations, do hereby certify that this subdivision plat complies with the aforementioned regulations as such and order said plat filed of record in the Office of the County Clerk of Chambers County, Texas this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

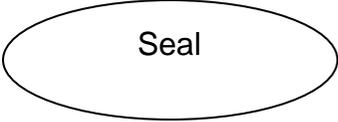
\_\_\_\_\_  
County Judge

8

COMMISSIONER'S COURT APPROVAL CERTIFICATION

This is to certify that the Commissioner's Court of Chambers County, Texas, on motion made, seconded, and adopted, has approved this Plat and Subdivision of (name of Subdivision) as shown heron, and ordered said plat filed of record in the office of the County Clerk of Chambers County, Texas this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

/s/ \_\_\_\_\_  
County Judge  
Printed Name and Title





9

County Clerks Certification

CLERK'S FILE NO. \_\_\_\_\_

FILED FOR RECORD

This the \_\_\_\_\_ day of \_\_\_\_\_

A.D. \_\_\_\_\_ at \_\_\_\_\_ O'clock \_\_\_\_M.

Clerk's File No. \_\_\_\_\_ Vol. \_\_\_\_\_Pg. \_\_\_\_\_

SUSAN E. ROSHTO  
County Clerk, Chambers County, Texas

By \_\_\_\_\_ Deputy

STATE OF TEXAS }  
COUNTY OF CHAMBERS }

I, SUSAN E. ROSHTO, hereby certify that this instrument was filed on the date and at the time stamped hereon by me; and was duly recorded, in the Volume and Page of the named RECORDS of Chambers County, Texas, as stamped hereon by me, on



COUNTY CLERK  
CHAMBERS COUNTY, TEXAS

10

ENVIRONMENTAL HEALTH NOTES

NOTE: (When Individual Water Wells and On-Site Sewer Facilities Are Utilized): IT IS HEREBY ACKNOWLEDGED that neither waste water treatment facilities or potable water will be provided to any lots in the subdivision platted hereon. Let it be known that each individual property owner shall be solely responsible for these services with the following restrictions:

To minimize the possibility of the transmission of waterborne diseases due to the pollution of the water supplied for domestic use, each lot in the platted subdivision shall have a site-specific design by a registered professional engineer or a registered sanitarian and approved by the local jurisdictional authority. In no instance shall the area available for such systems be less than two times the design area.

The Owner, Purchaser and Successors in interest to the land shown on this plat are served by on-site Sewage facilities. The owners agree and covenant that they will connect to public sewers at such as sewer service becomes available to any boundary line of the lots shown hereon. This covenant shall be enforceable of said lots by Chambers County and shall run with the land.



NOTE: The top of all water wells and all mechanical parts associated with the on-site sewer facilities shall be a minimum of 12-inches above the Base Flood Elevation.

Environmental Health Certification

I, (name of Environmental Health Officer), Environmental Health Officer for Chambers County Texas, do hereby certify that the plat of this subdivision complies with the On Site Sewage Disposal Regulations of Chambers County, Texas, and design standards applicable thereto, this \_\_\_\_ day of \_\_\_\_\_ 2005.

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*(If subdivision lies within the jurisdiction of the Trinity Bay Conservation District this certification is required.)*

Trinity Bay Conservation District Certification

I, (name of District Official), do hereby certify that the plat of this subdivision complies with the Regulations of the Trinity Bay Conservation District and Design Standards applicable thereto.

\_\_\_\_ Date

/s/ \_\_\_\_\_  
Signature Of Certifying Official  
Printed Name and Title



NOTE:

“Any structure placed within a Trinity Bay Conservation District easement must be designed and constructed in accordance with all federal, state, and local regulations, and must have all appropriate permits in place prior to commencement of construction. These permits must include, but are not limited to, U.S. Army Corps of Engineers Section 404 and Section 10 permits. Design of said structure shall be reviewed, and approved by the Trinity Bay Conservation District prior to construction in attempt to reduce the potential for negative impacts to the regional drainage system.”