

## **Nacogdoches County Subdivision Regulations**

Pursuant to Chapter 232 of the Texas Local Government Code, the Commissioners Court of Nacogdoches County, Texas hereby adopts the following regulations governing the subdivision of land. These regulations shall be known as the Nacogdoches County Subdivision Regulations.

### **1. Purpose**

- 1.1 These regulations have been prepared in general to aid the orderly development of Nacogdoches County, Texas, and provide guidelines that will lead to a desirable environment. These regulations supercede all previous Nacogdoches County Subdivision Regulations. Specifically, they have been prepared for the following purposes:
- 1.2 To furnish the developer with guidance and assistance in the expedient preparation and approval of his or her plat.
- 1.3 To protect the citizens of Nacogdoches County by insuring minimum subdivision and development guidelines for residential, commercial and industrial subdivisions.
- 1.4 To provide for the welfare of the public by providing guidelines for the location, design and construction of roadways, roadway intersections, drainage, water and waste water improvements and other features that provide for the safety of the general public.
- 1.5 To prevent the county road system from being burdened with substandard streets or roads in the future
- 1.6 To regulate on-site sewage facilities and protect rights of owners of interest in groundwater.
- 1.7 To respond to a real and substantial threat to public health and safety and to significantly advance and promote the health, safety and general welfare purposes overall, and not to impose a greater burden than is necessary to achieve the health, safety and orderly development purposes for the general public.
- 1.8 To fulfill the obligations mandated upon Nacogdoches County as dictated by state law, in particular Texas Local Government Code Chapter 232.

### **2. Definition of Terms**

- 2.1 Subdivision  
Defined by Section 232.001, Local Government Code, as “The division of a tract of land into two or more parts to lay out (1) a subdivision of the tract, including an addition; (2) lots; or (3) streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of the purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.” The Nacogdoches County Commissioners’ Court has adopted guidelines, incorporated in these Regulations as Appendix A, stating when they require owners to file a plat for subdivision.
- 2.2 Street or Road  
The terms “street” or “road” are interchangeable and mean a vehicular way or a way for vehicular traffic and are used to describe all vehicular ways regardless of any other

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designation they may have. Streets and roads shall be dedicated to the public except as indicated in Section 7.

2.3 Arterial Streets or Roads

Arterial streets or roads are those that are principally regional in nature and are used for through or heavy traffic and shall be divided into two classifications:

2.3.1 Streets or roads that will serve vehicular traffic beyond the limits of the subdivision; and/or connect one collector or arterial with one or more collectors or arterials.

2.3.2 Streets or roads that are existing county roads, and carry a numerical designation.

2.4 Collector Streets or Roads

Collector streets or roads are those that connect arterial streets or roads with local streets or roads.

2.5 Local Streets or Roads

Local streets or roads are those that principally provide direct access to lots within a subdivision

2.6 Urban Street

For the purposes of this ordinance, an urban street is any street situated such that the spacing of driveways is less than 100 feet apart for a distance of ¼ of a mile. This distance does not apply to a subdivision using curb and gutter. Any curb and gutter street will be considered an urban street.

2.7 Rural Street

For the purposes of this ordinance, a rural street is any street situated such that the spacing of driveways is greater than 100 feet apart.

2.8 Major Highway or Road

All roads maintained by the Texas Department of Transportation are considered a major highway or road.

2.9 Precinct commissioner

All references in these Regulations to a “Precinct Commissioner” shall be construed to refer to the Nacogdoches County Commissioner in whose precinct the subdivision is located. If the subdivision is located in more than one precinct, approvals affecting the subdivision as a whole shall be obtained from each of the affected Precinct Commissioners.

2.10 Subdivision Coordinator

All references in these Regulations to a “Subdivision Coordinator” shall be construed to refer to the Nacogdoches County Commissioner in whose precinct the subdivision is located, and/or the Commissioner’s designated authority. (Such as another county employee)

2.11 Minimum Requirement

Requirements when defined as minimum shall be the minimum acceptable requirements. The county due to issues pertaining to each unique subdivision may increase such requirements. Any increase in minimum standards must be based upon statutory grounds or other legal authority and solely for the purpose of furthering public safety, health, morals and general welfare in furtherance of the orderly development of the unincorporated areas of Nacogdoches County.

- 2.12 Owner  
All references in these Regulations to an “Owner” shall be construed to refer to the person or persons possessing title and/or lien to the property within the subdivision. This can also refer to the owner’s surveyor, engineer, attorney, or planner who has been given written authority to represent the owner.
- 2.13 Developer  
Persons, corporations, organizations, governmental or governmental subdivision or agency, estates, trust, partnerships, associates, corporations or other entities, which undertake the activities covered by these regulations.
- 2.14 Preliminary Development Plan  
A map or drawing of a proposed subdivision meeting the requirements of Section 3.2.
- 2.15 Final Plat  
A Map or drawing of a proposed subdivision prepared in a manner suitable for recording in the County records and prepared in conformance with the conditions of preliminary development plan approval previously granted by the Commissioners’ Court and meeting the requirements of Section 3.3.
- 2.16 Parent Tract  
The original tract prior to any division.
- 2.17 Daughter Tract  
Any of the tracts created by divisions of a parent tract, including the remainder of the parent tract itself.

### **3. Platting Procedure**

- 3.1 The preliminary development plan and final platting procedure for subdivisions within Nacogdoches County will be as follows:
- 3.1.1 Prior to any subdivision of land and any official submittal of a plat for review, the Owner shall set a meeting with the Precinct Commissioner. The Owner shall present a preliminary development plan showing the street alignments and the lots. The Precinct Commissioner will provide general comments and requirements to the Owner. Based upon these comments and requirements, the Owner or his representative will submit four (4) copies of the revised preliminary development plan of the subdivision to the Precinct Commissioner’s office.
- 3.1.2 The Precinct Commissioner and/or the Subdivision Coordinator will review the preliminary development plan and final plat for compliance with the Nacogdoches County Subdivision Regulations.
- 3.1.3 The Precinct Commissioner and/or the Subdivision Coordinator will return his/their comments and recommendations to the Owner or his agent.
- 3.1.4 The Owner will address the comments and recommendations and set a meeting with the Precinct Commissioner to resolve the comments.
- 3.1.5 As part of the County’s Anti-NIMBYism Action Plan, the County will hold a public hearing on any proposals of new subdivisions to allow public input prior to the Commissioners Court taking action on the preliminary development plan. The County will post notices of such public hearing at least 72 hours in advance on its website and in a local newspaper. The County will notify the property owners within 200 feet, by mail, of the posting of the public hearing.

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- 3.1.6 The Precinct Commissioner will request placement of the preliminary development plan on the Commissioners' Court agenda for approval if all comments have been addressed or placement of a variance request on the Commissioners' Court agenda. It should be noted, approval of the preliminary development plan in no way constitutes approval of a subdivision plat nor should same be deemed as acceptance of a completed plat application for purposes of Section 232.0025 of the Texas Local Government Code. Following approval of the preliminary development plan and after submission of a final plat, the precinct commissioner will request placement of the final plat on the commissioners court agenda for approval.
  - 3.1.7 If the property to be platted lies within the extraterritorial jurisdiction (ETJ) of a city, this procedure will be accomplished by complying with the platting procedure of the city. Once the owner obtains final approval from the city, the requirements of the Nacogdoches County subdivision regulations will be deemed satisfied.
  - 3.1.8 If all or part of a subdivision for which a plat is required under these Regulations is located within a future transportation corridor identified in an agreement under Section 201.619, Texas Transportation Code the commissioners court of a county in which the land is located may refuse to approve the plat for recordation unless the plat states that the subdivision is located within the area of the alignment of a transportation project as shown in the final environmental decision document that is applicable to the future transportation corridor. Moreover, the Commissioners Court may refuse to approve the plat for recordation if all or part of the subdivision is located within the area of the alignment of a transportation project as shown in the final environmental decision document that is applicable to the future transportation corridor. Should the provisions of 3.1.7 be applicable to a subdivision subject to these Regulations, each purchase contract or lease between the subdivider and a purchaser or lessee of land in the subdivision must contain a conspicuous statement that the land is located within the area of the alignment of a transportation project as shown in the final environmental decision document that is applicable to the future transportation corridor.
- 3.2 Preliminary Development Plan
- The preliminary development plan shall be drawn to a scale of one hundred (100) feet to one (1) inch or larger and shall include the following:
- 3.2.1 Proposed name of the recorded subdivision, which shall not have the same spelling as or be pronounced similar to the name of any other subdivision located within Nacogdoches County.
  - 3.2.2 Acreage and number of lots within the subdivision.
  - 3.2.3 A transmittal letter containing the name, address, telephone number and fax number for the subdivision owner.
  - 3.2.4 Names of contiguous recorded subdivisions and the owners of contiguous parcels of unsubdivided land, and whether or not contiguous properties are platted.
  - 3.2.5 Date of preparation, scale of plat and north arrow.

- 3.2.6 Vicinity sketch map that shall show the relation of the subdivision to well-known streets, railroads, and water courses in all directions to a distance of approximately one (1) mile.
  - 3.2.7 Topographical information shall include contour lines on a basis of five (5) vertical feet in terrain with a slope of two (2) percent or more, and on a basis of two (2) vertical feet in terrain with a slope of less than two (2) percent, to the extent that same can be readily obtained and or available from public sources. Topographical information is not required for final plat.
  - 3.2.8 Names and right-of-way dimensions for all proposed and existing roads and streets. Names of all proposed roads or streets shall not have the same spelling or be pronounced similar to the name of any other street located within Nacogdoches County unless such proposed road or street is an extension of an existing road or street, in which case it shall be named the same as the existing road or street.
  - 3.2.9 Proposed easements, existing easements and detention ponds.
  - 3.2.10 Proposed approximate property line dimensions.
  - 3.2.11 A statement whether the property is in the extraterritorial jurisdiction (ETJ) of a city or not.
- 3.3 Final Plat
- Since the county must approve or reject the submission within 60 days, it is the obligation of the owner or developer to submit information, including but not limited to, required bond and/or financial guarantees, provide notices, and schedule hearings in adequate time to permit proper review by the County. If this is not done, the submission will be rejected and a new application must be filed. Every final plat submission must include all of the following:
- 3.3.1 Owners and any lien holder's dedication and restrictions, if any, duly acknowledged in the manner required for acknowledgement of deeds. The landowners shall dedicate either the fee ownership or right of way easement in the land for street, drainage and utility purposes. (See "Street or Road" definition, section 2.2). Right-of-way easements for widening roadways or improving drainage must be accompanied by a plat note as found in Section C.1 placing the burden of maintaining the property upon the landowner until a road or drainage improvements are actually constructed on the property.
  - 3.3.2 A plat note found in Section C.3 stating that dedication of all public roadways and easements shall be accomplished free of liens except those liens stated in Section 5.2. Any required release of lien shall be provided to the Commissioners' Court.
  - 3.3.3 Perimeter field notes certified by a Registered Professional Land Surveyor. All sufficient lot and block monumentations will be set by a Registered Professional Surveyor before recordation of the plat.
  - 3.3.4 All easements of record which are visible and apparent that have a designated route shall be shown on the plat. The owner and/or developer will be responsible for coordinating with all utility providers so that the location(s) of all public utility easements are shown on the final plat.
  - 3.3.5 The plat shall have a statement indicating if all or any portion of the property falls within a flood hazard boundary area as identified on the most current Nacogdoches County Flood Hazard Boundary Map (FHBM) published by the Federal Emergency Management Agency.

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- 3.3.6 A plat note as found in Section C.4 for Commissioners' Court approval, including authorization for the county Clerk to file the plat for record as found in Section C.5. These notes are to be located on the last sheet of the plat.
- 3.3.7 A statement of the total length of all streets in the proposed subdivision.
- 3.3.8 Approval of the incorporated city when the subdivision is within the extraterritorial jurisdiction (ETJ) of that city. The owner must obtain approval by the city, which will be deemed as satisfaction by the owner of the Nacogdoches County Subdivision Regulations.
- 3.3.9 A letter of serviceability from an entity or entities providing water service, or if no service is available within 2500 feet of the subdivision the Owner shall provide documentation prepared by an engineer registered to practice in this state, certifying that adequate groundwater is available for the subdivision and that lots are suitable for private wells. Moreover, the Owner must comply with all rules and requirements set forth by the Texas Commission on Environmental Quality (hereafter referred to as T.C.E.Q.) and execute the appropriate T.C.E.Q certification which shall be attached to the final plat application.
- 3.3.10 A person may not submit for county review, file for record or have recorded in the county clerk's office a plat or replat of a subdivision of real property unless the plat or replat has attached to it an original tax certificate from each taxing unit with jurisdiction of the real property indicating that no delinquent ad valorem taxes, including roll back taxes, are owed on the real property.
- 3.3.11 Certification by an engineer registered to practice in this state under his or her professional seal that all engineering for roads and drainage within the subdivision have been completed in compliance with these Regulations (including the Engineering Guidelines incorporated as Appendix B) and with all generally accepted engineering standards. The owner may defer this certification by meeting the security requirements of Section 5.2 or Section 5.3.
- 3.3.12 A signature block as found in Section C.6 on the plat for approval by Nacogdoches Health and Environmental Department, showing that they have examined the plat and that the plat is in compliance with the Nacogdoches County Private Sewage Facility Regulations, Construction Standards for On Site Sewage Facility Regulations (T.C.E.Q.). A representative of the Nacogdoches Health and Environmental Department, prior to final plat approval, must sign this signature block. This signature block must be incorporated into the plat during the draft stage. The provisions of section 3.3.13 in no way relieve the Owner from compliance with other Federal, State or local regulatory provisions.
- 3.3.13 It is the responsibility of the Owner to assure that the proposed name of the subdivision and all road and street names and/or numbers are not duplicated. The Owner shall obtain documented verification of a lack of road and street name/number duplicates from the County's designated 911 Addressing Authority.
- 3.4 Until the owner meets every subdivision requirement, no final approval shall be granted by the Commissioners' Court with regard or concern to any subdivision.
- 3.5 At least fourteen (14) days before the date of the Commissioners' Court's meeting for final plat approval, the owner shall submit to the county clerk the original and one identical copy. The final plat shall be drawn in permanent ink on reproducible film sheets twenty-four (24) inches wide and thirty-six (36) inches long, with margins of not

- less than one (1) inch on all sides. The plat shall be drawn at a scale of one hundred (100) feet to one (1) inch or larger. Where more than one sheet is necessary to accommodate the entire area, an index showing the entire subdivision at an appropriate scale shall be included. The County Judge's approval and the County Clerk's approval shall be located on the last plat page on the lower right hand corner with the county clerk's approval being last.
- 3.6 Following final approval of the subdivision, the County Clerk will record the plat in the Plat Records of Nacogdoches County, Texas, and return the copy to the owner with approval and recording information. The Clerk will retain the original of the plat for the county's files.
- 3.7 Unless the preliminary development plan approval is followed by a final plat approval within one year, the preliminary development plan lapses and the subdivision must be resubmitted for approval.
- 3.8 The final plat must be recorded within 90 days immediately following approval by the Nacogdoches County Commissioners' Court. The Commissioners' Court may grant a single six (6) month extension.

#### **4. Resubdivision**

- 4.1 Once the owner of an existing lot or lots in a legally platted subdivision has followed the procedure as found in Sections 3.1 and 3.3, the owner of an existing lot or lots in a legally platted subdivision may initiate a resubdivision by notifying the Precinct Commissioner. The Commissioner will place the plat on a Commissioners' Court agenda in order to set a public hearing on the proposed resubdivision.
- 4.2 The person proposing the resubdivision must publish notice of the hearing in a local newspaper of general circulation, at private expense. Notice of public hearing signs shall be placed along all adjacent streets to the lot(s). The signs will be placed at 300-foot intervals with a durable, weather-resistant design with lettering at least 3 inches in height. Whoever places the signs will be required to verify in writing at the public hearing that the signs remained in place during the previous 21 days. This will give other owners within the subdivision the opportunity to assert any legal claims against the proposed resubdivision.
- 4.3 A proposed plat meeting the requirements of these Regulations must be submitted to the Court signed by each owner (including lien-holders) of the property to be resubdivided. The owners of property elsewhere in the subdivision need not give specific written consent.
- 4.4 If the court finds after the public hearing that the resubdivision will affect no established legal rights, it will enter its order partially vacating the original plat and approving the plat of the resubdivision. If the Court finds that the resubdivision will affect established legal rights, it shall not approve the resubdivision without the consent of all affected parties.
- 4.5 A public hearing will not be required if a public hearing for the proposed resubdivision was held by a municipality.

## **5. Road and Drainage Construction**

- 5.1 To protect the public interest, the Commissioners' Court of Nacogdoches County hereby decrees under the provision of Chapter 232, Local Government Code, that the owner of any tract of land that desires to obtain approval of a subdivision plat for recording a plat in the county records shall construct all streets, roads and drainage in said subdivision to the standards and specifications set forth by the Nacogdoches Commissioners Court.
- 5.2 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 County Judge, or his/her successors in office, of Nacogdoches County, Texas, the estimated cost of construction according to the calculations of an engineer registered to practice in this state. The security shall be conditioned on the completion, in compliance with the road and drainage standards and specifications set forth by the Nacogdoches County Commissioners' Court, of all the roads, streets and drainage shown on the plat, and such streets, roads and drainage are accepted by the Commissioners' Court.
- 5.3 The developer may request partial reductions of the security requirement upon approval by the County Commissioners' Court, upon partial completion of construction of said road and/or drainage.
- 5.4 The owner shall submit construction plans for streets, roads and drainage and utilities within a platted subdivision to the County Commissioners' Court for approval prior to beginning construction. These plans shall show the location of all utilities and easements and same must meet the requirements as set forth in the Nacogdoches County Subdivision Regulations and specifications for the construction of subdivision roads and streets.
- 5.5 If landscaping, lighting, irrigation and/or improvements are proposed within the right-of-way, the owner shall create a body (home-owners association, neighborhood association, etc.) that will be responsible for the maintenance and liability of the landscaping and/or irrigation system. This body shall have assessment authority to insure the proper funding for maintenance. The County shall not accept any landscaping, lighting, irrigation and/or improvements for maintenance in said right-of-way. In the event a road is accepted for maintenance by the County, no impediment may be placed in the County right-of-way which would impede county maintenance.
- 5.6 Once the construction has been completed and the Nacogdoches Road and Bridge Department has approved the construction, the Owner shall file with the County Clerk a set of "As Built" plans to be attached and recorded with the original plat. These plans are to show the improvements as they were actually built.
- 5.7 If the County determines that the plat contains flag lots that are a detriment to the public interest, welfare and/or safety, the County may require internal road construction at the sole discretion of the Commissioners' Court.
- 5.8 All postal mailboxes shall meet current U.S. Postal Service and Texas Department of Transportation standards.

## **6. Road Maintenance**

- 6.1 By accepting a subdivision plat for filing, the Commissioners' Court does not thereby accept the streets in the subdivision for 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 Commissioners' Court.
- 6.2 The County will not accept a road for maintenance without the following preconditions:
  - 6.2.1 A dedication for the public use of an easement or fee interest in the entire roadway to Nacogdoches County.
  - 6.2.2 Written certification from an engineer registered to practice in this state that the road was constructed in accordance with the road and drainage standards and specifications set forth by the Nacogdoches County Commissioners' Court 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 platted, it must meet the current guidelines.
  - 6.2.3 Written certification from an engineer registered to practice in this state that the road is currently in compliance with the applicable guidelines. 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.
- 6.3 The enforcement of plat restrictions is the responsibility of the developer and/or other owners in the subdivision.
- 6.4 The County will assume no responsibility for drainage ways 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 neighborhood association or other owner entity.

## **7. Private Subdivisions**

If a developer wishes to create a subdivision utilizing private roads, it must meet the following requirements:

- 7.1 The roads must meet all county road standards for applicable road type, except where specific variance has been granted by the Commissioners' Court for adequate cause in each case.
- 7.2 The subdivision plat and restrictions must contain a statement that Nacogdoches County will never accept or maintain the roads unless they meet the county standards in effect on the date of acceptance.
- 7.3 The subdivision plat must contain a statement that the roads will be maintained in perpetuity by the owners in the subdivision, and must contain a mechanism for assessing the owners to produce adequate revenue for perpetual maintenance.
- 7.4 The plat must contain a requirement that every deed contain notice to the grantee that all roads and streets are private, that the owners shall be perpetually liable for maintenance, that the county has not, and possibly will never, accept it for maintenance, and that the quality of the roads and streets affect access by public services such as police, fire and EMS.

- 7.5 All arterial and major collector streets required by Section B.2.1 must be dedicated to the public and constructed to applicable county standards. Other streets will be dedicated to the homeowners association for the use of the property owners, their assigns and successors, and emergency response individuals.
- 7.6 The owner and/or developer shall place a sign at the entrance of the subdivision clearly stating that the roads are private roads.
- 7.7 The owner and/or developer shall form a homeowners association with assessment authority. Membership in the association shall be mandatory for each lot owner of the private subdivision. The association will be responsible for the maintenance of the roads in the subdivision.
- 7.8 Any owner that gates the entrances to the subdivision shall provide either a crash gate or a lock box and a letter of approval from all the affected emergency response agencies stating their approval of full time access to the subdivision.

## **8. Building Setbacks**

- 8.1 The setback line on highways and roads maintained by federal or state authorities is set at a minimum of 50 feet from the edge of the right-of-way.
- 8.2 The setback line on all public roads and highways not maintained by federal and state authorities is set at a minimum of 25 feet from the edge of the right-of-way.

## **9. Variances**

- 9.1 The Nacogdoches County Commissioners' Court shall have the authority to grant variances from these Regulations when the public interest or the requirements of justice demands relaxation of the strict requirements of the rules.
- 9.2 Any person who wishes to receive a variance should apply to the Precinct Commissioner who will place it on the agenda of the Court and present it with his or her recommendation whether the variance should be granted.
- 9.3 The decision of the Court whether to grant or deny a variance is at its complete discretion and will be final.

## **10. Penalties**

- 10.1 Section 232.005 of the Texas Local Government Code provides for the enforcement of the state subdivision laws and of these Regulations.
- 10.2 A person commits an offense if the person knowingly or intentionally violates a requirement of these Regulations, including the attached appendices. That offense is a Class B Misdemeanor (punishable by a fine up to \$2000 and/or up to six (6) months in jail).
- 10.3 Under Texas law, a person may be jointly responsible as a party to an offense if the person (acting with intent to promote or assist the commission of the offense) solicits, encourages, directs, aids, or attempts to aid another person to commit the offense. Thus, a real estate agent or broker, a lender, an attorney, a surveyor, an engineer, a title insurer,

- or any other person who assists in violating these Regulations may also face criminal penalties.
- 10.4 Besides prosecuting a criminal complaint, the County Attorney may file a civil action in a court of competent jurisdiction to enjoin any violation or threatened violation of these Regulations and to recover damages.
- 10.5 A tract that has been subdivided without compliance with these Regulations will be ineligible to obtain a permit for construction or modifications of a Private Sewage Facility located on the tract.

## **11. Savings Clause**

If any specific section of these regulations is deemed unenforceable and/or void, said determination will have no adverse effect on the enforceability of the Nacogdoches County Subdivision Regulations as a whole.

## **Appendix A Platting Guidelines**

As a guide to the public in determining when it is necessary to file a plat and comply with these Regulations, the Commissioners' Court (as an incident of its power to enforce the subdivision laws and regulations under Section 232.003, Texas Local Government code, and with the specific authority of Section 232.0015) has adopted the following policy guidelines stating when the division of an existing tract will be considered by the Court to be a subdivision requiring the filing of a plat by law, and thus requiring compliance with these Regulations.

### **A1. Form of Sale**

- A1.1 If a plat is required under these guidelines, it is immaterial that the sale of daughter tracts is by contract, option, long-term lease (60 months or more), or lease-purchase, rather than by deed, or that the daughter tracts are described by metes and bounds rather than lot and block.

### **A2. Commercial Development**

- A2.1 Unless otherwise specifically exempted, a plat is always required when a parent tract is divided into two or more daughter tracts for sale as part of a unified plan for development of the property. The existence of such a plan may be inferred from circumstances, such as the form of advertising or the sale of multiple tracts within a one-year period.

### **A3. Resubdivision**

- A3.1 A plat is always required to divide a parent tract that is already located within a subdivision, even if one of the following exemptions would otherwise apply. In addition, partial vacation of any existing subdivision plat will be required simultaneously to resubdivision.

### **A4. Size of Lots**

- A4.1 Lots will be a minimum of ½ acre per single family residence or one (1) acre if a private water well is to be placed on land. No acreage located in a road right-of-way or drainage easement may be included for purposes of calculating the minimum of ½ acre per family residence.
- A4.2 A plat is required if any daughter tract will be less than 10 acres in area. If any daughter tract is out of compliance with this requirement, the owner and/or developer must plat the entire subdivision (including any tracts that do have 10 acres or more).

### **A5. Adjacent Lots**

- A5.1 A plat is not required when the owner of two or more distinct adjacent tracts sells one or more of them, so long as all existing tracts remain intact. To be distinct the tracts must have a history of separate use.

### **A6. Family Grants**

- A6.1 A plat is not required when a person makes a conveyance of four or fewer tracts, each of which is sold, conveyed, given, or otherwise transferred to persons who are related to the owner within the third degree of blood relation (parent, child, grandparent, grandchild, sister, brother, great-grandparent, great-grandchild, aunt, uncle, niece, nephew) or affinity (the spouse of anyone listed above, or so related to the owner's spouse for their personal use; provided, however, that each daughter tract is either located on a public road or has access to such a road by a private easement. However, if the family members sell the land to a non-family member within two years, it will be presumed that the conveyance was not for personal use.

### **A7. Phased Subdivisions**

- A7.1 A plat is not required when daughter tracts are created solely for purposes of platting them as individual subdivisions in their own right. The owner and/or developer must submit to the Court the preliminary development plan for the project as a whole before claiming this exception.
- A7.2 A plat is not required when the owner retains title to a lot or portion of the land with direct access to a public road, and the other lot or portion is transferred to another person who will further subdivide the tract subject to the platting requirements herein.

### **A8. Property-Line Adjustments**

- A8.1 A plat is not required when two adjacent landowners adjust or change the property lines which separate their respective tracts, so long as there are the same number of tracts and owners after the transaction as existed before it. This exemption applies whether the transaction requires an exchange of land by either owners, or only a transfer of land from one owner to the other, and whether the transaction takes the form of a sale or an exchange in kind. However, any land added to a tract through such a transaction shall become an integral part of that tract and may not be separately conveyed except in compliance with the subdivision laws. Each resulting tract shall, of course, be subject to the minimum lot size requirements of these Regulations and other applicable laws. This exception does not apply if the adjustment will change the boundary between two legally platted lots or subtract land from a legally platted subdivision.

### **A9. Partial Financing**

- A9.1 A plat is not required when a smaller tract is surveyed out of the parent tract solely for the purposes of obtaining financing for purchase or improvement of the part of the property, provided that the possession and primary beneficial ownership of the entire parent tract are intended to remain unified, as provided that each tract has 50 feet of frontage on a public road.

### **A10. Foreclosure**

- A10.1 A plat is not required when a smaller tract is created by legitimate foreclosure of a valid lien on a part of the parent tract. This provision does not exempt sham transactions or foreclosures staged to avoid the platting requirement

### **A11. Partition**

- A11.1 A plat is not required if the property has been divided by the final decree of a court of record with appropriate jurisdiction.
- A11.2 A plat is not required if all parts of the parent tract are transferred to persons who own an undivided interest in the original tract, and each tract created has direct access to a public road. A plat must be filed in accordance with these regulations before any further development of any part of the tract.

### **A12. Agricultural Use**

- A12.1 A plat is not required if every daughter tract is to be used primarily for agricultural use, as defined by Art. VII, Sec. 1d, Texas Constitution, or fur farm, ranch, wildlife management, or timber production use within the meaning of Art. VIII, Sec. 1-d-1, Texas Constitution. If a tract of land ceases to be used primarily for these uses, the owner will be required to comply with these regulations on the same basis as any newly divided tract.

### **A13. Sale to Veterans**

- A13.1 A plat is not required if all daughter tracts are to be sold to veterans through the Veteran's Land Board Program.

### **A14. Sale by State Government**

- A14.1 A plat is not required if the owner of the land is the State of Texas, an agency, board or commission of the State of Texas, or a permanent school fund or other dedicated fund of the state, and the owner does not lay out any part of the tract for roads, parks, or other areas for the common use of two or more tracts or for the use of the public.

### **A15. Sale of Floodplain by Government**

A15.1 A plat is not required if the owner is a political subdivision of the State of Texas, the land is situated in a floodplain, and all lots are sold to adjoining landowners.

### **A16. Documentation**

A16.1 Any owner who claims to be entitled to any exclusion to platting set out in these Guidelines must provide the following prior to the issuance of any development permits:

- (a) An affidavit claiming the exemption and setting out the detailed basis for exclusion from the platting requirement, subject to penalties of perjury.
- (b) A copy of the deeds or other instruments creating the daughter tracts referenced in the affidavit.

## **Appendix B Engineering Guidelines**

### **B1. Lot Size**

- B1.1 Minimum lot size shall be one acre for lots that have a private water well and septic system. Drainage easements and road easements are to be excluded from the one-acre calculation. There shall be a 100-foot radius between the well and any septic system drainfield. Nacogdoches County or other federal, state, or local laws and regulations may impose further lot restrictions.

### **B2. Road Alignments**

- B2.1 Streets shall be laid out so as to align with existing streets in adjoining or nearby subdivisions, leaving the possibility of connecting such subdivisions with a minimum of road construction. No voids may be left within the subdivision with the intent of avoiding responsibility for construction of roads or bridges.
- B2.2 When two (2) or more arterial streets are in a subdivision, cross-streets at a maximum spacing of 1500 feet shall be provided to facilitate the movement of emergency vehicles such as fire trucks and ambulances. More frequent spacing for urban roads may be required, depending on traffic conditions and density.
- B2.3 Dead end streets shall have a cul-de-sac with a minimum right-of-way diameter of 100 feet (minimum base radius to be 50 feet) with “Dead End” or “No Outlet” street signs, at private expense, placed over the street name sign.
- B2.4 The County may require an internal street system that minimizes road cuts to existing County or other public roadways.

### **B3. Minimum Road Requirements**

- B3.1 As of the date of the submission of the plat application, the minimum road requirements of a subdivision shall be of the same standard as those imposed upon Nacogdoches County concerning the construction of streets and roads with a similar type and amount of traffic.

### **B4. Street Names and Markers**

- B4.1 All streets and roads to be dedicated to the public within a subdivision shall be assigned a County Road designation which complies with applicable local, state and federal provision. The street designations shall be displayed on standard intersection street markers erected by the owner, at private expense, at each street intersection. All houses shall be numbered, as approved by the Nacogdoches County 9-1-1 coordinator and/or the Commissioners’ Court designated authority.
- B4.2 Traffic control signs (such as stop, yield, and speed limit signs), as approved by the Commissioners’ Court, shall be installed at private expense, by the owner and or developer of the subdivision at all intersections. Other traffic control signs shall be

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installed to indicate any unusual traffic or road hazard or conditions that may exist. All traffic control devices shall be placed in compliance with the current standards of the Texas Department of Transportation and the construction costs shall be included in the security.

- B4.3 The speed limit shall be set by the Nacogdoches County Commissioners' Court upon recommendation of the Nacogdoches County Road and Bridge Department.
- B4.4 The streets or roads in any subdivision will not be accepted for final maintenance by the Commissioners' Court until all of the aforesaid requirements and conditions regarding street designations, street signs and traffic control signs have been complied with.
- B4.5 A street designation shall be placed, at owner's expense, at the end of all streets that are proposed to be extended at some time in the future. The sign will state the following:  
"Future Extension of <name of street>."

## Appendix C Plat Notes

### C1. Road Widening Easements

- C1.1 Right-of-way easements for widening roadways or improving drainage shall be maintained by the landowner until road or drainage improvements are actually constructed on the property. The County has the right at any time to take possession of any road widening easement for the construction, improvement or maintenance of the adjacent road.

### C2. Owner's Responsibility

- C2.1 In approving a plat by the Commissioners' Court of Nacogdoches County, Texas, it is understood that the building of all streets, roads, and other public thoroughfares and any bridges or culverts necessary to be constructed or placed in the subdivision is the responsibility of the owners of the tract of land covered by this plat in accordance with the plan and specifications prescribed by the Commissioners' Court of Nacogdoches County, Texas. Said Commissioners' Court assumes no obligation to build any of the streets roads, or other public thoroughfares shown on this plat or to construct any of the bridges or drainage improvements in connection therewith. The County will assume no responsibility for drainage ways or easements in the subdivision, other than those draining or protecting the road system and streets.
- C2.2 The County assumes no responsibility for the accuracy of representations by other parties in this plat. It is further understood that the owners of the tract of land covered by this plat must install at their own private expense all traffic control devices and signage that may be required before the streets in the subdivision are finally accepted for maintenance by the County.

### C3. Certificate of Ownership and Dedication

- C3.1 The following statement shall be placed on the final plat of all subdivisions:  
*STATE OF TEXAS  
COUNTY OF NACOGDOCHES  
I (or We), (Name of owner or name of owners), 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, according to the lines, streets, lots, parks, and easements there shown, and designate said subdivision as (Name of Subdivision), in the (Name of Survey), Survey, Nacogdoches County, Texas; and dedicate to public use, as such, the streets, parks and easements shown thereon forever, and do hereby waive any claims for damages occasioned by the establishing of grades as approved for the streets dedicated, or occasioned by the alteration of the surface of any portion of streets to conform to such grades; and do hereby bind myself (or ourselves), my (or our) heirs and assigns to warrant and forever defend the title to the land so dedicated.*
- C3.2 The following statement is to be used where there is a lien against the property, or separate instrument may be filed:

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*I (or We), (Name of mortgagee or names of mortgagees), owner and holder (or owners and holders) of a lien (or liens) against the above described property, said lien (or liens) being evidenced by an instrument of record in Volume \_\_\_\_, Page \_\_\_\_, of the Mortgage Records of Nacogdoches County, Texas, do hereby in all things subordinate to said subdivision and dedication of said lien (or liens), and I (or we) hereby confirm that I am (or we are) the present owner (or owners) of said lien (or liens) and have not assigned the same nor any part thereof.*

- C3.3 The following paragraph is not required except when there are to be overhead lines in easements:

*There is also dedication for utilities an unobstructed aerial easement not less than ten (10) feet wide from a plane no less than twenty (20) feet above the ground upward located adjacent to all easements shown hereon.*

- C3.4 The following statement shall be placed on the final plat of all subdivisions:

*FURTHER, I (or We), do hereby dedicate forever to the public a strip of land fifteen (15) feet wide on each side of the center line of any and all gullies, ravines, draws, sloughs, or other natural drainage courses with a drainage area in excess of five acres located in said subdivision, as easements for drainage purposes, giving Nacogdoches County and/or any other public agency the right to enter upon said easement at any and all times for the purpose of construction and/or for maintaining drainage work and/or structures. FURTHER, all of the property subdivided in the above and foregoing map shall be restricted in its use, which restrictions shall run with the title of the property, and shall be enforceable, at the option of Nacogdoches County and any citizen thereof, by injunction, as follows:*

- 1. The drainage of septic tanks into road, street, or other public ditches, either directly or indirectly, is strictly prohibited.*
- 2. Drainage structures under private driveways shall have a net drainage opening area of sufficient size to permit the free flow of water without backwater, and shall be a minimum of one and three quarters (1-3/4) square feet. Culverts or bridges must be used for driveways and/or walks.*

C3.5

- C3.6 The following statement shall be placed on the final plat of all subdivisions where a city sanitary sewer system is not to be installed along with the development of the subdivision not prior to the occupancy of any lot or building site in the subdivision:

*I (or We) hereby covenant and agree with Nacogdoches County and/or any property owner that no dwelling unit shall be constructed and/or that no dwelling unit shall be constructed and/or occupied on any lot having an area of less than twenty-one thousand seven hundred eighty (21,780) square feet. A sanitary sewer system or septic tank system meeting the approval of the County and State Health authorities shall first have been extended to the lot, plot or site.*

- C3.7 The following statement may be placed on the final plat of all subdivisions to be used as a dedication clause preventing rear driveway access to any street and side driveway to a major street:

*I (or We) hereby covenant and agree with Nacogdoches County that lots backing or siding on (name of street or highway) shall not have direct driveway access to said street.*

- C3.8 The following statement shall be placed on the final plat of all subdivisions:

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WITNESS my (or our) hand in Nacogdoches County, Texas this \_\_\_\_ day of \_\_\_\_\_,  
20\_\_.

(Signature of Owner or Owners)

STATE OF TEXAS

COUNTY OF NACOGDOCHES

BEFORE ME, the undersigned authority, on this day, personally appeared (Name of owner or names of owners), known to me to be the person (or persons) whose name (or names) is (or are) subscribed to the foregoing instrument, and acknowledge to me that he (or they) executed the same for the purposes and considerations therein set forth. (If a husband and wife join in the dedication, the following form should be added:) and the same said (Name of wife), having been examined by me privately and apart from her husband and having the same fully explained to her by me, acknowledged said instrument to be her act and deed, and that she had willingly signed the same.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Public in and for \_\_\_\_\_ County, Texas

C3.9 The following statement shall be placed on the final plat of all subdivisions:

**CERTIFICATE OF REGISTERED PROFESSIONAL LAND SURVEYOR**

*This is to certify that I, (Name of Professional Land Surveyor), of the State of Texas, have platted the above subdivision from an actual survey on the ground; and that all block corners, angle points and points of curve are properly marked with iron rods or other appropriate monuments, and that this plat correctly represents that survey made by me.*

\_\_\_\_\_  
Registered Professional Land Surveyor  
Texas Registration No. \_\_\_\_\_

(SEAL)

C3.10 The following statement shall be place on the final plat of all subdivisions:

STATE OF TEXAS

§

§

**KNOW ALL MEN BY THESE PRESENTS**

COUNTY OF NACOGDOCHES

§

*I, (Name of Current County Judge), County Judge of Nacogdoches County, Texas, do hereby certify that this map or plat, with field notes hereon, that a subdivision having been fully presented to the Commissioners' Court of Nacogdoches County, Texas, and by the said court duly considered, were on this day approved and plat is authorized to be registered and recorded in proper records of the County Clerk of Nacogdoches County, Texas*

(Name of Current County Judge), County Judge  
Nacogdoches County, Texas

Date

C3.11 The following statement shall be placed on the final plat of all subdivisions:

STATE OF TEXAS

§

§

**KNOW ALL MEN BY THESE PRESENTS**

COUNTY OF NACOGDOCHES

§

*I, (Name of Current County Clerk), County Clerk of Nacogdoches County, Texas, do hereby certify that the foregoing instrument in writing, with its certificate of authentication was filed and duly recorded in my office on this \_\_\_\_ day of*

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\_\_\_\_\_, 20\_\_ A.D., at \_\_\_\_\_ o'clock, \_\_.M., in Volume \_\_\_\_\_ Page \_\_\_\_\_, of record of \_\_\_\_\_ for said County.

*WITNESS my hand and seal of office, at Nacogdoches, the day and date last above written.*

*(Name of County Clerk), County Clerk  
Nacogdoches County, Texas*

*(SEAL) By \_\_\_\_\_ Deputy*

C3.12 The following statement shall be placed on the final plat of all subdivisions:

*Based upon the representations of the surveyor whose seal is affixed hereto, and after review of the plat as represented by the said surveyor, I find that this plat complies with the requirements of flood plain regulations and on-site sewage facility regulations. This certification is made solely upon such representations and should not be relied upon for verifications of the facts alleged. Nacogdoches County disclaims any responsibility to any member of the public for independent verification of the representations, factual or otherwise, contained in this plat and the documents associated within it.*

*(Name of Current Director)  
Director, Environmental Services  
Nacogdoches County*

*Date: \_\_\_\_\_*

Last Amended October 22, 2013