

Nacogdoches County Subdivision Regulations

ORDER

Pursuant to Section 232.003, Texas Local Government Code, the Commissioners Court of Nacogdoches County, Texas adopts regulations governing the subdivision of land. Said regulations shall be known as the Nacogdoches County Subdivision Regulations.

The Nacogdoches County Subdivision Regulations shall become effective on April 2, 2001 following publication of notice as prescribed by Section 232.003. These regulations shall supercede in total all prior subdivision regulations.

Order adopted by Commissioners Court
on 26 March, 2001

Attest: Carol Wilson
Carol Wilson, County Clerk

Sue Kennedy
Sue Kennedy, County Judge

Tom Bush
Tom Bush, Commissioner Precinct 1

Norman Henderson, Commissioner Precinct 2

Charles W. Simmons
Charles Simmons, Commissioner, Precinct 3

Tom Strickland
Tom Strickland, Commissioner, Precinct 4

NOTE: Order adopted by unanimous vote of all members of the Court present.

Nacogdoches County Subdivision Regulations

Acting pursuant to Section 232.003, 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 in 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.

10.1 To prevent the county road system from being burdened with substandard streets or roads in the future.

10.2 To regulate on-site sewage facilities and to protect rights of owners of interest in groundwater.

I To respond to a real and substantial threat to public health and safety and to significantly advance the health and safety purpose overall, and not to impose a greater burden than is necessary to achieve the health and safety purposes for the general public.

II To fulfill the obligations mandated upon Nacogdoches County as dictated by state law, in particular Texas Local Government Code Section 232.003.

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 a 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 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 street or roads

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

3 **2.5 Local Streets or Roads**

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

6 **2.6 Urban Street**

7 For the purposes of this ordinance, an urban street is any street situated such that
8 the spacing of driveways is less than 100 feet apart for a distance of 1/4 of a mile.
9 This distance does not apply to a subdivision using curb and gutter. Any curb and
10 gutter street will be considered an urban street.

11 **2.7 Rural Street**

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

14 **2.8 Major Highway or Road**

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

17 **2.9 Precinct Commissioner**

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

23 **2.10 Subdivision Coordinator**

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

28 **2.11 Minimum Requirement**

29 Requirements when defined as minimum shall be the minimum acceptable
30 requirements. The county due to issues pertaining to each unique subdivision
31 may increase such requirements.

32 **2.12 Owner**

33 All references in these Regulations to an "Owner" shall be construed to refer to
34 the person or persons possessing title and/or lien to the property within the
35 subdivision. This can also refer to the owner's surveyor, engineer, attorney, or
36 planner who has been given written authority to represent the owner.

37 **2.13 Developer**

38 Persons, corporations, organizations, governmental or governmental subdivision
39 or agency, estates, trust, partnerships, associates, incorporations or other entities,
40 which undertake the activities covered by these regulations.

41 **2.14 Preliminary Plat**

42 A map or drawing of a proposed subdivision meeting the requirements of Section
43 3.2.

44 **2.15 Final Plat**

45 A map or drawing of a proposed subdivision prepared in a manner suitable for
46 recording in the County records and prepared in conformance with the conditions
47 of preliminary approval previously granted by the Commissioners' Court and
48 meeting the requirements of Section 3.3.

49 **2.16 Parent Tract**

50 The original tract prior to any division.

51 **2.17 Daughter Tract**

52 Any of the tracts created by divisions of a parent tract, including the remainder of
53 the parent tract itself.

54

3. Platting Procedure

- 1 3.1 The preliminary and final platting procedure for subdivisions within Nacogdoches
2 County will be as follows:
 - 3 3.1.1 Prior to any subdivision of land and any official submittal of a plat for
4 review, the Owner shall set a meeting with the Precinct Commissioner.
5 The Owner shall present a preliminary plat showing the street alignments
6 and the lots. The Precinct Commissioner will provide general comments
7 and requirements to the Owner. Based upon these comments and
8 requirements, the Owner or his representative will submit four (4) copies
9 of the revised preliminary plat of the subdivision to the Precinct
10 Commissioner's office.
 - 11 3.1.2 The Precinct Commissioner and/or the Subdivision Coordinator will
12 review the plat for compliance with the Nacogdoches County Subdivision
13 Regulations.
 - 14 3.1.3 The Precinct Commissioner and/or the Subdivision Coordinator will return
15 his/their comments and recommendations to the Owner or his agent.
 - 16 3.1.4 The Owner will address the comments and recommendations and set a
17 meeting with the Precinct Commissioner to resolve the comments.
 - 18 3.1.5 The Precinct Commissioner will request placement of the plat on the
19 Commissioners' Court agenda for approval if all comments have been
20 addressed or placement of a variance request on the Commissioners' Court
21 agenda.
 - 22 3.1.6 If the property to be platted lies within the extraterritorial jurisdiction
23 (ETJ) of a city, this procedure will be accomplished simultaneously with
24 the platting procedure of the city. The owner must obtain approval of the
25 city before approval by the Nacogdoches County Commissioners' Court.

26 Preliminary Plat

- 27 3.2 The preliminary plat shall be drawn to a scale of one hundred (100) feet to one (1)
28 inch or larger and shall include the following:
 - 29 3.2.1 Proposed name of the recorded subdivision, which shall not have the same
30 spelling as or be pronounced similar to the name of any other subdivision
31 located within Nacogdoches County.
 - 32 3.2.2 Acreage and number of lots within the subdivision.
 - 33 3.2.3 A transmittal letter containing the name, address, telephone number and
34 fax number for the subdivision owner.
 - 35 3.2.4 Names of contiguous recorded subdivisions and the owners of contiguous
36 parcels of unsubdivided land, and whether or not contiguous properties are
37 platted.
 - 38 3.2.5 Date of preparation, scale of plat and north arrow.
 - 39 3.2.6 Vicinity sketch map that shall show the relation of the subdivision to well-
40 know streets, railroads, and water courses in all directions to a distance of
41 at least one (1) mile.
 - 42 3.2.7 Topographical information shall include contour lines on a basis of five
43 (5) vertical feet in terrain with a slope of two (2) percent or more, and on a
44 basis of two (2) vertical feet in terrain with a slope of less than two (2)
45 percent, which can be obtained /available from public sources.
46 Topographical information is not required for final plat.
 - 47 3.2.8 Tangent lengths, centerline radii, names, and right-of-way dimensions for
48 all proposed and existing roads and streets. Names of all proposed roads or
49 streets shall not have the same spelling or be pronounced similar to the
50 name of any other street located within Nacogdoches County unless such
51 proposed road or street is an extension of an existing road or street, in
52 which case it shall be named the same as the existing road or street.
 - 53 3.2.9 Proposed easements, existing easements and detention ponds.
 - 54 3.2.10 Proposed approximate property line dimensions.

1 3.2.11 A statement whether the property is in the extraterritorial jurisdiction
2 (ETJ) of a city or not.

3 **Final Plat**

4 **3.3** Since the county must approve or reject the submission within 60 days, it is the
5 obligation of the owner or developer to submit information, provide notices, and
6 schedule hearings in adequate time to permit proper review by the County. If this
7 is not done, the submission will be rejected and a new application must be filed.
8 Every final plat submission must include all of the following:

9 **3.3.1** Owners and any lien holder's dedication, and restrictions if any duly
10 acknowledged in the manner required for acknowledgement of deeds. The
11 landowners shall dedicate the fee ownership in the land for street, drainage
12 and utility purposes. (See "Street or Road" definition, section 2.2). Right-
13 of-way easements for widening roadways or improving drainage must be
14 accompanied by a plat note as found in Section C.1 placing the burden of
15 maintaining the property upon the landowner until a road or drainage
16 improvements are actually constructed on the property.

17 The plat must also contain the note as found in Section C.2

18 **3.3.2** A plat note as found in Section C.3 stating that dedication of all public
19 roadways and easements shall be accomplished free of liens except those
20 liens stated in Section 5.2. Any required release of liens shall be provided
21 to the Commissioners' Court.

22 **3.3.3** Perimeter field notes certified by a Registered Professional Land Surveyor.
23 All lot and block monumentations will be set by a Registered Professional
24 Surveyor before recordation of the plat.

25 **3.3.4** All easements of record and visible and apparent that have a designated
26 route shall be shown on the plat. The owner and/or developer will be
27 responsible for coordinating with all utility providers so that the
28 location(s) of all public utility easements that are shown on the final plat.

29 **3.3.5** The plat shall have a statement as indicating if all or any portion of the
30 property falls within a flood hazard boundary area as identified on the
31 most current Nacogdoches County Flood Hazard Boundary Map (FHBM)
32 published by the Federal Emergency Management Agency.

33 **3.3.6** A plat note as found in Section C.4 for Commissioners' Court approval,
34 including authorization for the County Clerk to file the plat for record as
35 found in Section C.5. These notes are to be located in the lower right hand
36 corner of the last sheet of the plat.

37 **3.3.7** A statement of the total length of all streets in the proposed subdivision.

38 **3.3.8** Approval of the incorporated city when the subdivision is within the
39 extraterritorial jurisdiction (ETJ) of that city. The owner must obtain
40 approval by the city before approval by Commissioners' Court.

41 **3.3.9** A letter of serviceability from an entity or entities providing water service,
42 or if no service is available within 300 feet of the subdivision the Owner
43 shall provide documentation prepared by an engineer registered to practice
44 in this state, certifying that adequate groundwater is available for the
45 subdivision and that lots are suitable for private wells.

46 **3.3.10** A person may not file for record or have recorded in the county clerk's
47 office a plat or replat of a subdivision of real property unless the plat or
48 replat has attached to it an original tax certificate from each taxing unit
49 with jurisdiction of the real property indicating that no delinquent ad
50 valorem taxes, including roll back taxes, are owed on the real property.

51 **3.3.11** A statement from the owner acknowledging that it is the responsibility of
52 the owner, not the County, to assure compliance with the provision of all
53 applicable state, federal, and local laws and regulations relating to the
54 environment. This shall be part of the owner's dedication statement on the
55 face of the plat.

1 3.3.12 Certification by an engineer registered to practice in this state under his or
2 her professional seal that all engineering for roads and drainage within the
3 subdivision have been completed in compliance with these Regulations
4 (including the Engineering Guidelines incorporated as Appendix B) and
5 with all generally accepted engineering standards. The owner may defer
6 this certification by meeting the security requirements of Section 5.2 or
7 Section 5.3.

8 3.3.13 A signature block as found in Section C.6 on the plat for approval by the
9 Nacogdoches Health and Environmental Department, showing that they
10 have examined the plat and that the plat is in compliance with the
11 Nacogdoches County Private Sewage Facility Regulations, Construction
12 Standards for On Site Sewage Facility Regulations (TNRCC). A
13 representative of the Nacogdoches Health and Environmental Department,
14 prior to final plat approval, must sign this signature block. This signature
15 block must be incorporated into the plat during the draft stage.

16 3.3.14 It is the responsibility of the Owner to assure that the proposed name of
17 the subdivision and all road and street names are not duplicated. The
18 Owner shall check with the County Clerk's records for verification.

19 3.4 Until the owner meets every subdivision requirement, no approval shall be
20 granted by the Commissioners' Court with regard or concern to any subdivision.

21 3.5 At least one week before the date of the Commissioners' Court's meeting for final
22 plat approval, the owner shall submit to the county clerk the original plat and one
23 identical copy. The final plat shall be drawn in permanent ink on reproducible
24 film sheets twenty-four (24) inches wide and thirty-six (36) inches long, with
25 margins of not less than one (1) inch on all sides. The plat shall be drawn at a
26 scale of one hundred (100) feet to one (1) inch or larger. Where more than one
27 sheet is necessary to accommodate the entire area, an index showing the entire
28 subdivision at an appropriate scale shall be attached to the plat. The County
29 Judge's approval and the County Clerk's approval shall be located on the last plat
30 page on the lower right hand corner with the County Clerk's approval being last.

31 3.6 Following final approval of the subdivision, the County Clerk will record the plat
32 in the Plat Records of Nacogdoches County, Texas, and return the copy to the
33 owner with approval and recording information. The Clerk will retain the original
34 of the plat for the county's files.

35 3.7 Unless the preliminary plat approval is followed by a final plat approval within
36 one year, the preliminary plat lapses and the subdivision must be resubmitted for
37 approval.

38 3.8 The final plat must be recorded within six (6) months of approval by the
39 Nacogdoches County Commissioners' Court. The Commissioners' Court may
40 grant a single six (6) month extension.

41 4. Resubdivisions

42 4.1 Once the owner of an existing lot or lots in a legally platted subdivision has
43 followed the procedure as found in Sections 3.1 and 3.3, the owner of an existing
44 lot or lots in a legally platted subdivision may initiate a resubdivision by notifying
45 the Precinct Commissioner. The Commissioner will place the plat on a
46 Commissioners' Court agenda in order to set a public hearing on the proposed
47 resubdivision.

48 4.2 The person proposing the resubdivision must publish notice of the hearing in a
49 local newspaper of general circulation, at private expense. Notice of public
50 hearing signs shall be placed next to all adjacent streets. The signs will be placed
51 on 300-foot intervals. Whoever places the signs will be required to verify in
52 writing at the public hearing that the signs remained in place during the previous
53 21 days. This will give other owners within the subdivision the opportunity to
54 assert any legal claims against the proposed subdivision.

- 1 4.3 A proposed plat meeting the requirements of these Regulations must be submitted
2 to the Court signed by each owner (including lien-holders) of the property to be
3 resubdivided. The owners of property elsewhere in the subdivision need not give
4 specific written consent.
- 5 4.4 If the Court finds after the public hearing that the resubdivision will affect no
6 established legal rights, it will enter its order partially vacating the original plat
7 and approving the plat of the resubdivision. If the Court finds that the
8 resubdivision will affect established legal rights, it shall not approve the
9 resubdivision without the consent of all affect parties.
- 10 4.5 A public hearing will not be required if a public hearing for the proposed
11 resubdivision was held by a municipality.

12 **5. Road and Drainage Construction**

- 13 5.1 To protect the public interest, the Commissioners' Court of Nacogdoches County
14 hereby decrees under the provision of Chapter 232, Local Government Code, that
15 the owner of any tract of land that desires to obtain approval of a subdivision plat
16 for recording a plat in the county records shall construct all streets, roads and
17 drainage in said subdivision to the standards and specifications set forth by the
18 Nacogdoches Commissioners Court.
- 19 5.2 If the owner desires to have the plat placed on record before completion of
20 construction of the streets, roads and drainage, then the owner shall give a good
21 and sufficient bond, cash, or letter of credit. This security must be payable to the
22 County Judge, or his/her successors in office, of Nacogdoches County, Texas, the
23 estimated cost of construction according to the calculations of an engineer
24 registered to practice in this state. The security shall be conditioned on the
25 completion (in compliance with the road and drainage standards and
26 specifications set forth by the Nacogdoches County Commissioners' Court) of all
27 the roads, streets and drainage shown on the plat, and such streets, roads and
28 drainage are accepted by the Commissioners' Court.
- 29 5.3 The developer may request partial reductions of the security requirement upon
30 approval by the County Commissioners' Court, upon partial completion of
31 construction of said road and/or drainage.
- 32 5.4 The owner shall submit construction plans for streets, roads and drainage and
33 utilities within a platted subdivision to the County Commissioners' Court for
34 approval prior to beginning construction. These plans shall show the location all
35 utilities and easements.
- 36 5.5 If landscaping and/or irrigation are proposed within the right-of-way, the owner
37 shall create a body (home-owners association, neighborhood association, etc.) that
38 will be responsible for the maintenance and liability of the landscaping and/or
39 irrigation system. This body shall have assessment authority to insure the proper
40 funding for maintenance.
- 41 5.6 Once the construction has been completed and the Nacogdoches Road and Bridge
42 Department has approved the construction, the Owner shall file with the County
43 Clerk a set of "As Built" plans to be attached and recorded with the original plat.
44 These plans are to show the improvements as they were actually built.
- 45 5.7 If the County determines that the plat contains flag lots that are a detriment to the
46 public interest, welfare and/or safety, the County may require internal road
47 construction at the sole discretion of the Commissioners' Court.
- 48 5.8 All postal mailboxes shall meet current U.S. Postal Service and Texas Department
49 of Transportation standards.

50 **6. Road Maintenance**

- 51 6.1 By accepting a subdivision plat for filing, the Commissioners' Court does not
52 thereby accept the streets in the subdivision for ownership or maintenance by the
53 County. The owner or owners of the platted lots are responsible for maintenance
54 of all streets or roads within the subdivision until such time as the construction of
55 the roads have been accepted by the Commissioners' Court.

- 1 6.2 The County will not accept a road for maintenance without the following
2 preconditions:
 - 3 6.2.1 A dedication for the public use of an easement or fee interest in the entire
4 roadway to Nacogdoches County.
 - 5 6.2.2 Written certification from an engineer registered to practice in this state
6 that the road was constructed in accordance with the road and drainage
7 standards and specifications set forth by the Nacogdoches County
8 Commissioners' Court in effect when the subdivision was legally platted
9 (or has been upgraded to those standards). If the subdivision where the
10 road is located was never platted, it must meet the current guidelines.
 - 11 6.2.3 Written certification from an engineer registered to practice in this state
12 that the road is currently in compliance with the applicable guidelines.
13 The cost of any improvements, maintenance, or repairs required to reach
14 that standard shall be borne by the developer or current landowners, not by
15 the County.
- 16 6.3 The enforcement of plat restrictions is the responsibility of the developer and
17 other owners in the subdivision.
- 18 6.4 The County will assume no responsibility for drainage ways in the subdivision,
19 other than those running on or along the streets and roads. Maintenance and
20 liability of landscaped areas within the right-of-way will be the responsibility of
21 the developer, the neighborhood association or other owner entity.

7. Private Subdivisions

- 23 If a developer wishes to create a subdivision utilizing private roads, it must meet the
24 following requirements:
- 25 7.1 The roads must meet all county road standards, except where specific variance has
26 been granted by the Commissioners' Court for adequate cause in each case.
 - 27 7.2 The subdivision plat and restrictions must contain a statement that Nacogdoches
28 County will never accept or maintain the roads unless they meet the county
29 standards in effect on the date of acceptance.
 - 30 7.3 The subdivision plat must contain a statement that the roads will be maintained in
31 perpetuity by the owners in the subdivision, and must contain a mechanism for
32 assessing the owners to produce adequate revenue for perpetual maintenance.
 - 33 7.4 The plat must contain a requirement that every deed contain notice to the grantee
34 that all roads and streets are private, that the owners will be perpetually liable for
35 maintenance, that the county will never accept it for maintenance, and that the
36 quality of the roads and streets affect access by public services such as police, fire
37 and EMS.
 - 38 7.5 All arterial and major collector streets required by Section B.2.1 must be
39 dedicated to the public and constructed to county standards. Other streets will be
40 dedicated to the homeowners association for the use of the property owners, their
41 assigns and successors, and emergency response individuals.
 - 42 7.6 The owner and/or developer will place a sign at the entrance of the subdivision
43 clearly stating that the roads are private roads.
 - 44 7.7 The owner and/or developer will form a homeowners association with assessment
45 authority. Membership in the association will be mandatory for each lot owner of
46 the private subdivision. The association will be responsible for the maintenance
47 of the roads in the subdivision.
 - 48 7.8 Any owner that gates the entrances to the subdivision shall provide either a crash
49 gate or a lock box and a letter of approval from all the affected emergency
50 response agencies stating their approval of full time access to the subdivision.

8. Building Setbacks

- 52 8.1 The setback line on major highways and roads is set at 50 feet from the edge of
53 the right-of-way.
- 54 8.2 The setback line on all public roads other than major highways and roads is set at
55 a minimal of 25 feet from the edge of the right-of-way.

9. Variances

1
2 9.1 The Nacogdoches County Commissioners' Court shall have the authority to grant
3 variances from these Regulations when the public interest or the requirements of
4 justice demands relaxation of the strict requirements of the rules.

5 9.2 Any person who wishes to receive a variance should apply to the Precinct
6 Commissioner, who will place it on the agenda of the Court and present it with his
7 or her recommendation whether the variance should be granted.

8 9.3 The decision of the Court whether to grant or deny a variance is at its complete
9 discretion, and will be final.

10. Penalties

10
11 10.1 Section 232.005 of the Texas Local Government Code provides for the
12 enforcement of the state subdivision laws and of these Regulations.

13 10.2 A person commits an offense if the person knowingly or intentionally violates a
14 requirement of these Regulations, including the attached appendices. That
15 offence is a Class B Misdemeanor (punishable by a \$2000 fine and up to six (6)
16 months in jail).

17 10.3 Under Texas law, a person may be jointly responsible as a party to an offense if
18 the person (acting with intent to promote or assist the commission of the offense)
19 solicits, encourages, directs, aids, or attempts to aid another person to commit the
20 offense. Thus, a real estate agent or broker, a lender, an attorney, a surveyor, an
21 engineer, a title insurer, or any other person who assists in violating these
22 Regulations may also face criminal penalties.

23 10.4 Besides prosecuting a criminal complaint, the County Attorney may file a civil
24 action in a court of competent jurisdiction to enjoin any violation or threatened
25 violation of these Regulations, and to recover damages.

26 10.1 A tract that has been subdivided without compliance with these Regulations will
27 be ineligible to obtain a permit for the construction or modifications of a Private
28 Sewage Facility located on the tract.

11. Savings Clause

29
30 10.1 If any specific section of these regulations be deemed unenforceable and/or void,
31 said determination will have no adverse effect on the enforceability of the
32 Nacogdoches County Subdivision Regulations as a whole.
33
34

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 1/2 acre per single family resident or one (1) acre if a private water well is to be placed on land.

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 plat 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

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

A9. Partial Financing

14
15 A9.1 A plat is not required when a smaller tract is surveyed out of the parent tract
16 solely for the purposes of obtaining financing for purchase or improvement of that
17 part of the property, provided that possession and primary beneficial ownership of
18 the entire parent tract are intended to remain unified, as provided that each tract
19 has 50 feet of frontage on a public road.

A10. Foreclosure

20
21 A10.1 A plat is not required when a smaller tract is created by the legitimate foreclosure
22 of a valid lien on a part of the parent tract. This provision does not exempt sham
23 transactions or foreclosures staged to avoid the platting requirement.

A11. Partition

24
25 A11.1 A plat is not required if the property has been divided by the final decree of a
26 court of record with appropriate jurisdiction.
27 A11.2 A plat is not required if all parts of the parent tract are transferred to persons who
28 own an undivided interest in the original tract, and each tract created has direct
29 access to a public road. A plat must be filed in accordance with these regulations
30 before any further development of any part of the tract.

A12. Agricultural Use

31
32 A12.1 A plat is not required if every daughter tract is to be used primarily for
33 agricultural use, as defined by Art. VII, Sec. 1d, Texas Constitution, or for farm,
34 ranch, wildlife management, or timber production use within the meaning of Art.
35 VIII, Sec. 1-d-1, Texas Constitution. If a tract of land ceases to be used primarily
36 for these uses, the owner will be required to comply with these regulations on the
37 same basis as any newly divided tract.

A13. Sale to Veterans

38
39 A13.1 A plat is not required if all daughter tracts are to be sold to veterans through the
40 Veteran's Land Board Program.

A14. Sale by State Government

41
42 A14.1 A plat is not required if the owner of the land is the State of Texas, an agency,
43 board or commission of the State of Texas, or a permanent school fund or other
44 dedicated fund of the state, and the owner does not lay out any part of the tract for
45 roads, parks, or other areas for the common use of two or more tracts or for the
46 use of the public.

A15. Sale of Floodplain by Government

47
48 A15.1 A plat is not required if the owner is a political subdivision of the State of Texas,
49 the land is situated in a floodplain, and all lots are sold to adjoining landowners.

A16. Documentation

50
51 A16.1 Any owner who claims to be entitled to any exclusion to platting set out in these
52 Guidelines must provide the following prior to the issuance of any development
53 permits:

54 (a) An affidavit claiming the exemption and setting out the detailed basis for
55 exclusion from the platting requirement, subject to penalties of perjury.

1 (b) A copy of the deeds or other instruments creating the daughter tracts
2 referenced in the affidavit.
3
4

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 widening 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. The Nacogdoches County or other federal, state, or local laws or 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 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 radius of 100 feet (minimum base radius to be 44 foot) 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 amount of traffic.

B3. Street Names and Markers

B3.1 All streets and roads to be dedicated to the public with a subdivision shall be named. The street names 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.

B3.2 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 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. The placement of these signs shall be shown in the construction plans.

B3.3 The speed limit shall be set by the Nacogdoches County Commissioners' Court upon recommendation of the Nacogdoches County Road and Bridge Department.

B3.4 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 names, street signs and traffic control signs have been complied with.

B3.5 A street name sign 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

1
2
3 C1.1 Right-of-way easements for widening roadways or improving drainage shall be
4 maintained by the landowner until a road or drainage improvements are actually
5 constructed on the property. The County has the right at any time to take
6 possession of any road widening easement for the construction, improvement or
7 maintenance of the adjacent road.

C2. Owner's Responsibility

8
9 C2.1 In approving this plat the Commissioner's Court of Nacogdoches County, Texas,
10 it is understood that the building of all streets, roads, and other public
11 thoroughfares and any bridges or culverts necessary to be constructed or placed in
12 the subdivision is the responsibility of the owners of the tract of land covered by
13 this plat in accordance with the plan and specifications prescribed by the
14 Commissioner's Court of Nacogdoches County, Texas. Said Commissioners'
15 Court assumes no obligation to build any of the streets, roads, or other public
16 thoroughfares shown on this plat or to construct any of the bridges or drainage
17 improvements in connection therewith. The County will assume no responsibility
18 for drainage ways or easements in the subdivision, other than those draining or
19 protecting the road system and streets.

20 C2.2 The County assumes no responsibility for the accuracy of representations by other
21 parties in this plat. It is further understood that the owners of the tract of land
22 covered by this plat must install at their own private expense all traffic control
23 devices and signage that may be required before the streets in the subdivision are
24 finally accepted for maintenance by the County.

C3. Certificate of Ownership and Dedication

25
26 C3.1. The following statement shall be placed on the final plat of all subdivisions:

27 *STATE OF TEXAS*

28 *COUNTY OF NACOGDOCHES*

29 *I (or We), (Name of owner or name of owners), owner (or owners) of the property*
30 *subdivided in the above and foregoing map of the (Name of Subdivision), do*
31 *hereby make subdivision of said property, according to the lines, streets, lots,*
32 *parks, and easements therein shown, and designate said subdivision as (Name of*
33 *Subdivision), in the (Name of Survey) Survey, Nacogdoches County, Texas; and*
34 *dedicate to public use, as such, the streets, parks and easements shown thereon*
35 *forever, and do hereby waive any claims for damages occasioned by the*
36 *establishing of grades as approved for the streets dedicated, or occasioned by the*
37 *alteration of the surface of any portion of streets to conform to such grades; and*
38 *do hereby bind myself (or ourselves), my (or our) heirs and assigns to warrant*
39 *and forever defend the title to the land so dedicated.*

40 C3.2. The following statement is to be used where there is a lien against the property, or
41 a separate instrument may be filed:

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

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

51 *There is also dedication for utilities an unobstructed aerial easement five (5) feet*
52 *wide from a plan twenty (20) feet above the ground upward located adjacent to*
53 *all easements shown hereon.*

54 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 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. The following statement shall be placed on the final plat of all subdivisions: I (or We) hereby covenant and agree that all lots within the boundaries of this subdivision are for residential purposes unless otherwise noted

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 nor 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 eight thousand two hundred fifty (8,250) 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: WITNESS my (or our) hand in Nacogdoches County, Texas this ___ day of _____, 20__.

(Signature of Owner or Owners)

STATE OF TEXAS
COUNTY OF NACOGODCHES

BEFORE ME, the undersigned authority, on this day, personally appeared (Name of owner or names of owners), known to be 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

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

2 **CERTIFICATE OF REGISTERED ENGINEER**

3 *This is to certify that I, (Name of Engineer), a Registered Engineer (or Registered*
4 *Professional Surveyor) of the State of Texas, have platted the above subdivision*
5 *from an actual survey on the ground; and that all block corners, angle points and*
6 *points of curve are properly marked with iron pipes, and that this plat correctly*
7 *represents that survey made by me.*

8
9
10 (SEAL) _____ Engineer
11 Texas Registration No.

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

13 STATE OF TEXAS

§

14 § KNOW ALL MEN BY THESE PRESENTS

15 COUNTY OF NACOGDOCHES §

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

22 _____
23 _____
24 (Name of Current County Judge), County Judge Date
25 Nacogdoches County, Texas

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

27 STATE OF TEXAS

§

28 § KNOW ALL MEN BY THESE PRESENTS

29 COUNTY OF NACOGDOCHES §

30 I, (Name of Current County Clerk), County Clerk of Nacogdoches County, Texas,
31 do hereby certify that the foregoing instrument in writing, with its certificate of
32 authentication was filed and duly recorded in my office on the day of
33 _____, 20__ A.D., at _____ o'clock, __.A., in
34 Volume _____ Page _____, of record of _____ for said County.
35 WITNESS my hand and seal of office, at Nacogdoches, the day and date last
36 above written.

37 _____
38 (Name of County Clerk), County
39 Clerk
40 _____ Nacogdoches County, Texas
41 (SEAL) By _____ Deputy

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

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

51 _____
52 (Name of Current Director) Date
53 Director, Environmental Services
54 Nacogdoches County, Texas
55
56