Tyler County
Subdivision Regulations

Approved and Accepted by
Tyler County Commissioners Court
On
July 20, 2021

INTRODUCTION

The purposes of these Subdivision Regulations are to provide for the safety, health and well-being of the general public by requiring that adequate streets, storm drainage, water and sewage facilities be installed in all residential subdivisions and to provide guidelines for the construction and installation of such streets and facilities in a manner that will allow for the efficient maintenance and upkeep without imposing an extraordinary burden on the taxpayers of Tyler County, Texas.

In specific cases where a literal interpretation of any section would create an undue economic hardship on the builder or developer, variances may be sought, provided the overall performance standards are met. It should not be inferred, however, that specific requirements might be ignored. Enforcement authority and penalties for violations are outlined and the Commissioners Court will pursue its legal rights to gain compliance.

In any case where questions arise as to the interpretation of the language in any section (s) of these regulations, then such question (s) will be directed to the County Commissioner having jurisdiction; for resolution. If a resolution is not fourth coming the Applicant can appear before the Tyler County Commissioners Court for a final resolution.

Applications for any subdivision approval shall be processed on a case-by-case basis and a given application may name only on (1) Subdivision as the subject for approval. The Commissioners Court may amend this Subdivision Rules Regulations Order to make non-substantive changes from time-to-time following notice and the vote of a simple majority of the Commissioners Court, and may adopt new, substantive requirements pursuant to this Order following public notice, hearing and compliance with requirement of law.

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Chapter 1
GENERAL AND ADMINISTRATIVE PROVISIONS

REGULATING THE FILING FOR RECORD OF SUBDIVISION PLATS AND OTHER REQUIREMENTS PERTINENT THERETO AND ESTABLISHING CONSTRUCTION STANDARDS FOR ALL SUBDIVISIONS SITUATED OUTSIDE THE BOUNDARIES OF ANY INCORPORATED CITY IN TYLER COUNTY, TEXAS.

THE STATE OF TEXAS, COUNTY OF TYLER, IN THE COMMISSIONERS COURT OF TYLER COUNTY, TEXAS, this 20th day of July, 2021:

WHEREAS: The Commissioners Court finds it is in the best interest of Tyler County to establish and update its standards and specifications for the development of subdivisions of land, as defined by Chapter 232, Texas Local Government Code, including for the provision of utilities, the construction of roads and drainage, the provision of drinking water, the disposal of waste-water, and development within the floodplain; and,

WHEREAS: These regulations are enacted to implement the powers granted to counties under the laws of the State of Texas, including but not limited to: Texas Local Government Code, Chapter 232 (granting counties authority to adopt and enforce subdivision regulations and to require plat approval); Texas Local Government Code, Chapter 233, Subchapter B, (granting counties authority to establish building set-back lines on the public roads); Texas Local Government Code, Chapter 242 (governing the power of counties to regulate subdivisions within the extraterritorial jurisdiction of municipalities); Texas Transportation Code, Chapter 251 (granting counties general control over all roads, highways and bridges); Texas Health and Safety Code, Chapter 364 (authorizing counties to cooperate with other entities for the safe and economical collection, transportation, and disposal of solid waste); Texas Health and Safety Code, Chapter 366 (granting counties authority to adopt standards for on-site sewerage facilities); Texas Water Code, Chapter 16 (granting counties authority to set standards for the provision of water, sewage, and waste-water disposal, and construction within floodplains and to guide development of future development to minimize damage caused by floods); and Texas Water Code, Chapter 26 (governing water quality control). These statutes, listed here as illustrative and not exclusive grants of authority, empower the County to enact certain subdivision rules and regulations and to provide for their administration, enforcement, and amendment; and,

WHEREAS: The Commissioners Court is empowered to formulate these regulations by the foregoing authorities, and the Commissioners Court has favorably received and voted on these regulations in order to preserve and protect the resources, public health and private property interests of the citizens of Tyler County; and,

WHEREAS: Following public notice, investigation, and public hearing, the Commissioners Court declares these regulations to be necessary and appropriate to accomplish the purposes and goals enumerated above.

NOW, THEREFORE, IT IS ORDERED BY THE COMMISSIONERS COURT OF TYLER COUNTY, TEXAS, THAT THE FOLLOWING SUBDIVISION REGULATIONS ARE ADOPTED:

1.1. Authority

a. Notwithstanding any provision to the contrary, these regulations apply to any subdivision of land in Tyler County which divides the tract 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 purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.

b. A division of a tract to which these regulations apply includes any division regardless of whether it is made by using a metes and bounds description, or any description of less than the whole tract, in a deed of conveyance, executory contract, or by using any other method to transfer title.

c. A division of a tract to which these regulations apply includes any division to lay out lots within the tract, regardless of whether there is a change of ownership of any part of the tract.

1.2. Plat and application required

a. A developer must present an application in compliance with these regulations to the Commissioners Court for approval, unless the subdivision is exempt by state law, these regulations, or by an act of the Commissioners Court in response to a request for a discretionary exemption.

b. Unless otherwise exempt, no subdivided land may be sold or conveyed until the developer:

1. Has received approval of an application; and,

2. Has filed for record an approved plat of the subdivision with the Tyler County Clerk's Office.

c. A utility may not provide utility services, including water, sewer, gas, and electric services, to property within a subdivision, unless the developer or owner provides the utility with a copy of a certificate of approval or a certificate of exemption from the Commissioners Court to confirm compliance with these regulations.

d. If a subdivision is located within the extraterritorial jurisdiction of a municipality, the developer is responsible for complying with the applicable regulations of the municipality, and the provisions of any applicable inter-local agreements between the County and the municipality. Generally, in cases where the County and a

municipality have regulations that differ, the more stringent regulations will control.

e. Each developer must submit a written, affirmative acknowledgement of the requirements of this section with their application.

1.3. General exceptions to these regulations

a. Pursuant to Section 232.0015, Texas Local Government Code, if a proposed division of land is described by one or more of the following exemptions, the requirements of these regulations are not applicable to that division of land.

b. A division of a tract of land into agricultural tracts is exempt if:

1. The owner does not lay out a part of the tract as streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts of the tract; and,

2. The land is to be used primarily for agricultural use, as defined by Section 1-d, Article VIII, Texas Constitution, or for farm, ranch, wildlife management, or timber production use within the meaning of Section 1-d-1, Article VIII, Texas Constitution.

3. If a tract described by this exemption ceases to be used primarily for agricultural use or for farm, ranch, wildlife management, or timber production use, the requirements of these regulations will apply.

c. A division of a tract of land into family tracts is exempt if:

1. The division divides the tract into four or fewer parts; and,

2. The division does not lay out a part of the tract as streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts; and,

3. Each of the parts is to be sold, given, or otherwise transferred to an individual who is related to the owner within the third degree by consanguinity or affinity, as determined under Chapter 573 of the Texas Government Code.

4. If, within two years of the division, any part of the subdivided tract is sold, given, or otherwise transferred to an individual who is not related to the owner within the third degree by consanguinity or affinity, the requirements of these regulations apply.

d. A division of a tract of land into rural home tracts is exempt if:

1. All of the divided tracts are more than ten (10) acres in area; and,

2. The owner does not lay out a part of the tract as streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.

e. A division of a tract of land into veterans' tracts is exempt if:

1. The owner does not lay out a part of the tract as streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts; and,

2. All the lots are sold to veterans through the Veterans' Land Board program.

f. A division of a tract of land into public tracts is exempt if:

1. The land is owned by the state or any state agency, board, or commission or owned by the permanent school fund or any other dedicated funds of the state; unless,

2. The subdivision lays out a part of the tract as streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.

g. A division of a tract of land into public floodplain tracts is exempt if:

1. The owner of the land is a political subdivision of the state; and,

2. The land is situated in a floodplain; and,

3. All of the divided tracts are sold to adjoining landowners.

h. A division of a tract of land into a tract for future development is exempt if:

1. The owner does not lay out a part of the tract as streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts; and,

2. One new part is to be retained by the owner, and the other new part is to be transferred to a developer who will further subdivide the tract subject to these regulations.

i. A division of a tract of land into partitioned tracts is exempt if:

1. The owners do not lay out a part of the tract as streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts; and,

2. All parts of the subdivided tract are transferred to persons who owned an undivided interest in the original tract.

3. Any further subdivision of a partitioned tract must comply with these regulations.

1.4. Development tiers

a. Any subdivision of land in the County established after the effective date of these regulations will be classified as either a first-tier development or a second-tier development.

b. A first-tier development is any subdivision of a tract of land that lays out a part of the tract as streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to such internal streets, alleys, squares, parks, or other parts.

c. A second tier development is any subdivision of land that involves not more than four (4) lots or tracts, with each lot or tract having direct frontage or side-access to an existing, publicly maintained road or highway, and the developer does not propose to lay out, as a portion of the subdivision, any other internal streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other such parts.

d. Any developer seeking to establish a second-tier development that is intended for residential purposes must provide the Commissioners Court with the following:

1. A plat of the subdivision showing the linear dimensions and area/acreage of each lot or tract.

2. A certificate from the developer confirming the availability of water and sewage service in compliance with these regulations.

3. A certificate from the developer confirming compliance with set-back lines in compliance with these regulations.

4. A certificate from the developer confirming the dedication of all necessary utility easements.

5. A certificate from the developer confirming the installation of culverts in compliance with the minimum length dimension of twenty-four (24') and

such diameter dimension as may be required by the County Commissioners with jurisdiction over the development site, based upon the topographical requirements of that location.

6. A survey that shows sufficient topographic information adequate to demonstrate that the proposed subdivision will adequately drain and that any proposed development will not alter the natural flow of water to adjoining properties.

7. If OSSF is proposed for the Tier 2 subdivision, a certificate from the Tyler County Fire Marshall stating that the subdivision plans comply with all applicable TCEQ rules, including housing density requirements.

e. All other requirements in these regulations are applicable to first tier developments, and not applicable to second tier developments.

f. A property owner or developer may request the issuance of a certificate of exemption from the Commissioners Court for any subdivision of land covered by the exemptions in these regulations.

g. Lots of five acres or less are presumed to be for residential purposes, unless the land is restricted to nonresidential uses on the plat and all instruments of conveyance.

1.5. Subdivision names

The name of a subdivision may not conflict in spelling, pronunciation, or in any way with the name of any other subdivision within the County, and may not be so similar in spelling or pronunciation to the name of any existing subdivision in the County as to cause confusion, unless the subdivision is contiguous to an existing subdivision and is an additional phase of that development.

1.6. Conflict of laws

a. These regulations supersede any prior regulations of subdivisions adopted by the Commissioners Court.

b. If any other rule or regulation adopted under the authority of proper legal jurisdiction is in conflict with these regulations, the most stringent rules will apply.

c. These regulations will not be interpreted to permit actions which would otherwise be prohibited by another valid County regulation which has not been superseded by these regulations.

1.7. Severability

If any part or provision of these regulations, or any application of these regulations, to any person or circumstance is adjudged invalid by any court of competent jurisdiction, such

judgment will be confined in its operation to the part, provision, or application directly involved in the controversy in which such judgment will have been rendered and will not affect or impair the validity of the remainder of these regulations or the application thereof to other persons or circumstances. The Commissioners Court hereby declares that it would have enacted the remainder of these regulations without any such invalidated part, provision, or application.

1.8. Agents

Whenever an act is required by any person or entity under these regulations, that act may be performed by an agent of that person or entity.

1.9. Effective date

a. These regulations apply to all subdivisions which are made subsequent to the effective date of these regulations.

b. Any subdivision existing prior to the effective date of these regulations, whether or not a plat of the subdivision has been filed in the records of the County, and for which the owner or owners of lots within said subdivision wish to modify, expand, alter or otherwise change in any way the actual layout of the subdivision, must comply with these regulations.

1.10. Definitions

a. The following words and terms, when used in these regulations, have the following meanings, unless the context clearly indicates otherwise.

1. **Application**—A plat application for subdivision approval under these regulations, which must include a complete plat, a survey, and all other materials and information detailing infrastructure (including utilities, drainage structures, and roads) to be constructed within a subdivision, to be submitted by a developer with their application as required by these regulations, and as published in the application checklist as required by the Commissioners Court, which may be amended and republished from time to time, and is attached to these regulations as Appendix A.

2. **Commissioners Court**--The Commissioners Court of Tyler County, Texas.

3. **Precinct Commissioner**--The County Commissioner representing the precinct in which a majority of a subdivision is situated.

4. **County**--Tyler County, Texas.

5. **Developer**--Any owner of land in the County who proposes to divide the land so as to constitute a subdivision of any kind.

6. **Plat application**--All documents

7. **Drinking water**--All water distributed by any agency or individual, public or private, for the purpose of human consumption, use in the preparation of foods or beverages, cleaning any utensil or article used in the course of preparation or consumption of food or beverages for human beings, human bathing, or clothes washing.

8. **Engineer**--A person licensed and authorized to practice engineering in the State of Texas under the Texas Engineering Practice Act.

9. **Non-public water system**--Any water system supplying water for domestic purposes which is not a public water system.

10. **OSSF**--On-site sewage facilities as that term is defined in rules and regulations adopted by TCEQ, including but not limited to 30 TAC Chapter 285.

11. **Petition for road maintenance**--A petition filed with the Commissioners Court by a developer or property owner to accept a private road for public maintenance by the County.

12. **Platted**--Recorded in the Official Plat Records of Tyler County, Texas.

13. **Private driveway**--An improved surface which permits ingress/egress to a particular lot or tract from a public road or street, and used for ingress and egress by the owners of the lot or tract or their invitees, whether the ownership or license of the property upon which the private driveway sits is in fee simple or by easement or use agreement. A private driveway, as defined herein, is not a road or street for the purposes of these regulations, but any entrance from a public road under county maintenance will conform to the minimum dimensions required by this regulation 1.4 (d)(5), and shall not provide access to another lot or tract not adjoining the public road.

14. **Public water system**--A system for the provision to the public of drinking water through pipes or other constructed conveyances. Such a system must have at least 15 service connections or serve at least 25 individuals at least 60 days out of the year. This term includes any collection, treatment, storage, and distribution facilities under the control of the operator of such system and used primarily in connection with such system; and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Two or more systems with each having a potential to serve less than 15 connections or less than 25 individuals but owned by the same person, firm, or corporation and located on adjacent land will be considered a public water system when the total potential service connections in the combined systems are 15 or greater or if the total number of individuals served by the combined systems total 25 or more at least 60 days out of the year. Without excluding other meanings of the terms "individual" or "served," an individual is deemed to

be served by a water system if they live or work in a place to which drinking water is supplied from the system.

15. **Purchaser**--Includes purchasers of land by a deed of conveyance, an executory contract, or by using any other method to transfer title to real property.

16. **Retail public utility**--Any entity meeting the definition of a retail public utility as defined in Section 13.002, Texas Water Code.

17. **Sewerage facilities**--The devices and systems which transport domestic wastewater from residential property, treat the wastewater, and dispose of the treated water in accordance with the minimum state standards contained or referenced in these regulations.

18. TAC--Texas Administrative Code, as compiled by the Texas Secretary of State.

19. TCEQ--the Texas Commission on Environmental Quality and any of its predecessor or successor entities.

20. **Water facilities**--Any devices and systems which are used in the supply, collection, development, protection, storage, transmission, treatment, and/or retail distribution of drinking water.

b. Use of either the singular or the plural form of a word will be interpreted, when necessary, to include the other form.

Chapter 2
Minimum Standards for Water and Sewage Service

2.1. Scope of standards

The establishment of any subdivision with two or more lots where the water supply and sewer services do not meet the minimum standards of these regulations is prohibited.

2.2. Water facilities development

a. A subdivision must provide for an adequate supply of drinking water, either by connecting to an existing public water system, establishing a new public water system, drilling individual wells, or through any other non-public water system in accordance with these regulations.

b. Developers who propose to supply drinking water by connecting to an existing public water system must provide a written agreement with the retail public utility. The agreement must:

i. Provide that the retail public utility has or will have the ability to supply the total flow anticipated from the ultimate development and occupancy of the subdivision.

ii. Reflect that the developer will pay the costs associated with connection to the public water system so that service is available to each lot or tract within the subdivision upon completion of construction of the water facilities described in the plat application, and detail the costs to be paid by the purchasers of lots or tracts within the subdivision pursuant to the tariff of the retail public utility.

c. Where there is no existing retail public utility to provide adequate drinking water to a subdivision, a developer may provide drinking water by establishing a retail public utility and obtaining a certificate of convenience and necessity from the Texas Public Utility Commission.

d. Where individual wells or other non-public water systems are proposed for the supply of drinking water to a subdivision, the developer must include in their plat application a groundwater availability study that complies with the requirements of 30 TAC Chapter 230, or in such other rules as may be published by TCEQ, and certifies the long-term quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision for a term of not less than 30 years. The water quality of the water produced from the test well must meet the standards of water quality required for community water systems as set forth in 30 TAC, Sections 290.104, 290.106, 290.108 and 290.109, either: without any treatment to the water; or, with treatment by an identified and commercially available water treatment system. The requirements of this section may be certified by an engineer, or by a water well driller licensed in Texas and in good standing pursuant to Chapter 1901, Texas Occupations Code.

e. The conveyance of drinking water by transport truck or other mobile device to supply the domestic needs of the subdivision is not an acceptable method of supplying drinking water, except on an emergency basis. Absence of a water system meeting the standards of these regulations due to the negligence of the developer does not constitute an emergency.

2.3. Wastewater disposal

a. A subdivision must provide for adequate sewage and wastewater disposal, either by connecting to a public sewage disposal system, connecting to a privately owned sewage disposal system, or allowing purchasers to install OSSF which are compliant with TCEQ rules and these regulations. If OSSF systems are to be utilized, the Plat must bear a notation that all such systems must comply with TCEQ regulations.

b. Developers who propose to dispose of wastewater by connecting to existing sewerage facilities operated by a retail public utility must provide a certificate from the utility that:

1. Provides that the retail public utility has or will have the ability to treat the total flow anticipated from the ultimate development and occupancy of the subdivision for a minimum of 30 years.

2. Reflects that the developer will pay the costs associated with connection to the sewerage system so that service is available to each lot or tract within the subdivision upon completion of construction of the sewerage facilities described in the plat application, and detail the costs to be paid by the purchasers of lots or tracts within the subdivision pursuant to the tariff of the retail public utility.

c. Developers who propose to establish a sewerage system must obtain a permit to dispose of wastes from TCEQ in accordance with 30 TAC Chapter 305 and obtain approval from TCEQ of engineering planning materials for such systems under 30 TAC Chapter 317.

d. Sewerage facilities for the disposal of sewage in an amount no greater than 5,000 gallons per day must comply with 30 TAC Chapter 285.

e. Sewerage facilities for the disposal of sewage in the amount of 5,000 gallons per day or greater must comply with 30 TAC Chapter 317.

f. The Tyler County Fire Marshall, or another authorized agent of TCEQ, must:

1. Review proposals for OSSF;

2. Make inspections of such systems as necessary to ensure adequate service for a subdivision; and,

3. Certify that a plat application is in compliance with all applicable state statutes and TCEQ rules.

g. In addition to the unsatisfactory on-site disposal systems listed in 30 TAC § 285.3(i), pit privies and portable toilets are not acceptable waste disposal systems within a subdivision, except on an emergency basis not to exceed thirty-days (30) in duration. Absence of a waste disposal system meeting the standards of these regulations due to the negligence of the developer or owner does not constitute an emergency.

2.4. Greywater systems for sludge and reuse of treated wastewater

a. Any plat application including the provision of sewage collection, treatment, and disposal which includes greywater reuse must meet minimum criteria of 30 TAC Chapter 210, and any other applicable rules published by TCEQ.

b. Any proposal for on-site sewage disposal which includes provisions for greywater use must meet the minimum criteria of 30 TAC Chapter 285, and any other applicable rules published by TCEQ.

c. The disposal of sludge from water treatment and sewerage facilities must meet the criteria of 30 TAC Chapter 312 and Chapter 317, and any other applicable rules published by TCEQ.

2.5. Public utility easements

a. A developer must provide for utility service within a subdivision, with utility easements of no less than fifteen (15) feet to be provided along each property line of all lots.

1. Surface utilities are to be placed within five (5) feet of the property line.

2. Subsurface utilities are to be placed with ten (10) feet of the property line or in conformity with other law.

b. All utility easements are to be described in any deed to any purchaser of a portion of a subdivision, and must be depicted on the plat.

2.6. Public utility easements and fire-fighting standards

a. If water is provided to a subdivision by a public water system with adequate water capacity to support fire hydrants or filler plugs, and such fire hydrants or filler plugs must have a proper hose connection every 750 feet, or in compliance to fit the equipment of the fire department serving the jurisdiction.

b. If fire hydrants or filler plugs are proposed to be installed in a subdivision in a plat application, the application must include a certificate from the public utility serving the subdivision to confirm sufficient water capacity is available to operate the fire hydrants or filler plugs.

2.7. Housing density

a. A subdivision that will rely upon OSSF and water wells must comply with TCEQ regulations and state law regarding the density of housing units.

b. If OSSF or water wells or both are included in a plat application, the developer must provide with the application a statement that the subdivision complies with TCEQ density requirements or limitations.

Chapter 3
Minimum Standards for Roads and Streets

3.1. General requirements

a. A sixty-foot (60') right-of-way is required for all roads and streets, notwithstanding any provisions of these regulations to the contrary.

b. A developer shall establish a set-back line of twenty-five (25') from the edge of any public road, or fifty-feet (50') from the edge of a major road. A "major road" is understood to include all state or federal highways, and any county-maintained road specifically designated by the Commissioners Court as a major highway.

b. All streets, roads, and alleys must be paved in conformity with the construction standards set out in these regulations.

c. All material used in constructing roads and streets must be inspected and approved by the Precinct Commissioner.

d. No utility lines may be placed under a road or street except at 90-degree angles, installed before the subgrade is in place, and cased at a depth of no less than thirty-six (36") inches below drainage ditches. Any other crossing must be bored and cased beneath a road or street.

e. The actual right-of-way for alleys must not be less than twenty (20) nor more than thirty-five (35) feet in width.

f. All permanent dead-end or cul-de -sac roads or streets must have a turn-a-round with a right-of-way diameter of not less than one hundred forty feet (140') with a radius of fifty-feet (50' of improved surface with a minimum of six inches (6") of compacted rock.

3.2. Intersections

a. Roads and streets must be designed and constructed so as to intersect with each other at ninety (90) degree angles.

b. Where the terrain makes it impossible to design and construct roads and streets to intersect at ninety-degree (90°) angles, the developer may file a petition for a variance contemporaneously with the submission of the application.

1. Said petition will state concisely why the condition of the terrain makes it impossible to comply with this regulation.

2. The Commissioners Court must rule on said petition in its order granting or denying authorization of the application.

c. If a variance for intersection construction is granted, the portion of the intersection on the side of the acute angle must be cut back so as to eliminate the point of the acute angle. The intersection must be cut back a minimum of twenty-five (25) feet away from the point where the streets would have otherwise intersected. The Commissioners Court will specify the exact size of the cut-back, up to a maximum of fifty (50) feet, in its order granting or denying authorization of an application. No road or street may be constructed with an abrupt offset or "jog" in it.

3.3. Location of roads and streets

a. Where streets of an existing subdivision end at the property line, any new subdivision which is intended to utilize connecting roads and streets in the existing subdivision must be constructed so as to be a continuation and extension of said existing streets in said adjoining subdivision.

b. When possible, roads and streets must be designed and constructed so as to permit the continuation or extension of said roads and streets in other subdivisions in the future.

c. No streets, roads, or alleys may be constructed across dams or embankments used for purpose of holding water.

3.4. Plat Approval is Not Acceptance of roads and streets for public maintenance

a. Approval of a developer's application does not mean that the Commissioners Court accepts any roads or streets within the subdivision for maintenance by the County. The decision to accept one or more roads or streets within a subdivision will be made only upon a petition for road maintenance and a separate order entered of record by the Commissioners Court.

b. No petition for road maintenance will be considered any earlier than after two (2) years have elapsed from the date of completion of construction of the roads and streets of a subdivision, said date to be certified by the Commissioners Court.

c. A petition for road maintenance may be made by a developer or by the owners of a majority of the lots or tracts within a subdivision.

d. The Commissioners Court may grant a petition for road maintenance and accept one or more of the roads and streets of the subdivision upon a finding that the roads and streets to be taken into the County maintenance program serve a public purpose greater than the private benefit realized by persons living within the subdivision. Typically, subdivision roads to be deemed suitable for public maintenance will be limited to primary arterial or connecting streets that provide efficient interconnectivity with existing County or State maintained roads.

e. An application must contain a certificate stating that the developer understands that approval of the application and filing of the plat does not mean that the County will be responsible for maintenance of subdivision roads and streets.

3.5. Subgrade and flexible base

a. All roads and streets must be constructed with a stabilized subgrade. The subgrade material under all roads and streets must meet or exceed the following minimum requirements.

1. Plasticity index value must be a minimum of ten (10) and a maximum of fourteen (14).

2. Subgrade must be bladed to a depth of twelve inches (12").

3. Subgrade must be compacted with a weighted roller.

4. Subgrade must be watered, bladed, and rolled before any flexible base material is placed upon it.

5. Subgrade must be at least twenty-four feet (24') wide.

b. All roads and streets must have a flexible base.

1. The flexible base material for all roads and streets in every subdivision may be only the following:

A. #1 crushed limestone rock;

B. Iron ore gravel; or,

C. Texas road oil at 6% by weight of the sand.

2. The flexible base must have a minimum thickness of 8 inches compacted to 6 inches, and be at least twenty-four (24) feet wide.

3. A flexible rock or iron ore gravel base must be covered with a primer at least twenty-four (24) feet wide, and using at least one-third (1/3) gallon per square yard.

c. The base must be an optimum design based upon site-specific soil conditions found within the subdivision and confirmed by an engineer's specifications.

3.6. Surface materials

a. Paved roads must have a traveled road-bed width of not less than twenty feet (20') and be paved with either:

1. Hot mix (oil sand, D-mix, etc.) of asphaltic nature; or,

2. A rock base with AC-5 or similar sealcoat surface treatment; or,

3. A combination of these.

b. Asphalt roads must have one prime coat and one course penetration asphalt surface treatment or tack coat and hot mix, in accordance with the following:

1. The paving material must have a thickness of not less than two (2) inches of hot mix asphaltic compacted, or one (1) course of sealcoat surface treatment.

2. A prime coat of asphalt must be applied to the base, the road blocked or barricaded, and allowed to set for an adequate period of time (a minimum of 24 hours). One course penetration asphalt surface treatment must then be applied by use of clean, tough and durable aggregate of type 4 maximum sized aggregate. Aggregates must be applied in quantities necessary to thoroughly and properly cover the improved road surface with asphalt.

3. After aggregates have been applied, a pneumatic roller is to be used on the entire surface until the aggregates are worked into the asphalt property to the satisfaction of the Precinct Commissioner.

c. All roads and streets constructed with concrete must consist of concrete being at least six inches (6") thick with one half inch (1/2") diameter rebar on centers no wider than eighteen inches (18").

3.7. Road crown

The center line of the improved surface of each road and street must have a minimum elevation of 2% minimum cross slope from the elevation of the edge of said road or street, unless otherwise designed by an engineer when necessitated by terrain.

3.8. Seep areas

a. Seep areas must be marked by visual inspection made by the Precinct Commissioner and the developer during the pre-application meeting.

b. Seep areas must be drained to a depth of a least eighteen (18") inches below subgrade elevation by use of subsurface drainage.

c. After seep areas are drained, the subgrade is to be compacted as described in these regulations.

3.9. Street numbers, signage, and dedication

a. All roads and streets must be numbered and marked by the developer in compliance with these regulations, the Tyler County addressing protocols, and the regulations of the regional 9-1-1 network managed by the East Texas Council of Governments ("ETCOG").

b. The application must include a certificate from ETCOG confirming the private road numbers reserved for roads laid out in the subdivision.

c. All road signs must be designed in conformity with the Texas Manual on Uniform Traffic Control Devices, and approved by the Precinct Commissioner.

d. A developer must dedicate any new roads, streets, rights-of-way, alleys, or easements, in the manner required by law to set aside such roads, streets, rights-of-way, alleys, or easements to public use, or for the private use of owners of lots in the subdivision.

3.10. Setbacks

a. The Commissioners Court finds that the establishment of set-back lines from all public roads in the County will promote the general welfare, pursuant to Section 233.032, Texas Local Government Code.

b. The Commissioners Court prohibits the construction or location of a new building any closer than 25 feet from the edge of the right-of-way of any public road in the County other than major highways and roads; and no closer than 50 feet from the edge of the right-of-way of any major highways and roads in the County.

c. The Commissioners Court reserves the right to designate public roads that presently have, or are anticipated to have, higher densities of traffic as a result of development or other changes in the normal traffic burden previously experienced on any particular roadway as a major highway. The commissioners Court shall give public notice of any such designation prior to such designation. The following roads are, on the date of adoption of this regulation, deemed to be major highways

1. Any state or federal highway.

2. _____.

3. _____.

d. The Commissioners Court may designate as major highways and roads additional public roads that abut a subdivision at the time of the approval of an application for the subdivision.

Chapter 4
Minimum Standards for Drainage

4.1. General requirements

a. Lots in a subdivision must be graded so that surface drainage from the lots will flow to drainage courses as directly as possible.

b. Drainage water from roads and streets must flow to defined drainage courses as directly as possible.

c. Roads and streets may not be used as drainage courses.

d. Blocking the natural flow of water, constructing improvements in the area of a drainage easement, or filling in floodways within a subdivision are all prohibited.

e. The location, dimension, description, and flow lines of existing drainage structures and drainage structures proposed to be installed within a subdivision must be shown on the survey, including existing topography of the subdivision by use of contour lines.

f. If the contour lines on the survey indicate that a lot or lots within a subdivision may not drain, the Commissioners Court may not approve the application without establishing the conditions that must be corrected to address the potential failure of drainage.

g. A subdivision must not alter the flow of surface water to the detriment of any adjacent landowner, and must, to the extent necessary by prudent engineering design, provide for the diversion of surface water into natural drainage courses or holding ponds constructed within the subdivision for the purpose of diffusing runoff.

4.2. Drainage ditches and structures

a. All roads and streets without curbs and gutters must have drainage ditches adjacent to and running parallel to said roads and streets. Said drainage ditches must have a minimum depth of eighteen inches (18") below the level of the edge of the adjacent road or street.

b. Permanent drainage structures including, but not limited to, culverts, pipes, drainage boxes, and bridges, must be installed at all crossings or drainage courses, including drainage ditches with driveways, roads, and streets.

c. Each tract or lot within a subdivision must have at least one permanent entrance entry from a road or street within the subdivision for a private drive, including sufficient drainage structures where necessary in conformity with the requirement of this regulation.

d. Permanent water velocity dissipaters must be installed on the sloping sides of drainage ditches and drainage courses to prevent erosion for any road or street constructed as a water crossing, and where specifically designated by the Commissioners Court.

e. Open drainage channels and ditches must be constructed with a proper cross slope grade and alignment which will facilitate proper functioning without destruction velocities of drainage waters.

f. Any construction within the right-of-way of a road maintained by the County must be conducted pursuant to a permit for construction within the right-of-way.

4.3. Drainage easements

a. A developer must dedicate drainage easements of adequate size to permit drainage and flood control for all lands whose natural drainage runs through the subdivision, to allow for future maintenance of such drainage easements within the subdivision Tyler County is not responsible for maintenance of drainage easements within the subdivision.

b. Reference to drainage easements must be included in each instrument of conveyance from a developer to a purchaser.

Chapter 5
Minimum Standards Applicable to Recreational Vehicle Parks

5.1. Definitions

a. The following words and terms, when used in these regulations, have the following meanings, unless the context clearly indicates otherwise.

1. Operator--The person in charge of operating any recreational vehicle park, whether they are the owner of the recreational vehicle park or the occupant under a written or oral lease, or by any other arrangement whereby they exercise control over the recreational vehicle park.

2. Recreational vehicle--Includes any of the following:

A. Camping trailer--A folding structure for temporary shelter mounted on wheels and designed for travel, recreation, and vacation use.

B. Motor home--A portable, temporary dwelling to be used for travel, recreation and vacation, constructed as an integral part of a self-propelled vehicle.

C. Pickup coach--A structure designed to be mounted on a truck chassis for use as a temporary dwelling for travel, recreation, and vacation.

D. Travel trailer--A vehicular structure built on a chassis with body width not to exceed eight feet and body length less than 46 feet, that structure designed to be transported and intended for human occupancy as a dwelling for short periods of time and containing limited or no kitchen or bathroom facilities.

3. Recreational vehicle park--Any land designed to accommodate four or more recreational vehicles, and which exists as a privately owned and operated enterprise with or without charges for the parking of recreational vehicles occupied or intended to be occupied for dwelling or sleeping purposes for any length of time. Hunting camps that are temporary are also excluded from this definition.

4. Recreational vehicle space--A plot of land within a recreational vehicle park designed for the accommodation of one recreational vehicle.

b. Use of either the singular or the plural form of a word will be interpreted, when necessary, to include the other form.

5.2. Regulation of recreational vehicle parks

a. A recreational vehicle park existing in the County prior to the adoption of these regulations is exempt, unless expanded or altered in operations or intended purpose. Any recreational park developed after the effective date of this regulation is a subdivision subject to these regulations.

b. A developer of a recreational vehicle park must have a plat prepared that complies with these regulations.

c. These regulations do not apply to a property owner accommodating no more than three recreational vehicles on their property at any one time.

d. Prior to commencement of any construction, the owner/developer must consult with the County Commissioner having jurisdiction over the site for review.

5.3. Infrastructure Requirements for Recreational vehicle parks s

The subdivision application for a Recreational Vehicle Park must include each of the following:

a. A survey identifying the proposed community's boundaries and any significant feature of the community, including the proposed location of lots or spaces, utility easements and dedication of rights-of-way. The survey may also contain features to help provide the additional information required by this order.

b. Reasonable specified description of means and methods to provide adequate drainage in accordance with standard engineering practices, including specifying necessary drainage culverts and identifying areas included in the

100-year flood plain. The placement of any structure within the regulatory floodplain shall be in accordance with the Tyler County Floodplain regulations.

c. Reasonable specified description of means and methods to provide an adequate public or community water supply, including specifying the location of supply lines, in accordance with Subchapter C, Chapter 341, Health and Safety Code. If water is to be provided by a utility, a certification by the utility that water is available for each of the planned spaces or lots must be attached to the plan.

d. Certification that adequate groundwater is available for the development. If groundwater is the source of water supply for the development, the developer is required to obtain certification, by a licensed professional engineer (or other professionals designated by State law) registered to practice in Texas, that adequate groundwater is available for the development, according to the certificate form and content as promulgated by the Texas Commission On Environmental Quality (Lack of certification that suitable and adequate groundwater is available is grounds for denial of plat approval, if groundwater is the proposed source of water). The certification document shall be recorded as part of the dedication instrument and a note shall be placed on the plat that groundwater is to be the source of water.

e. Certification of adequate sewerage:

   i. Reasonably specified description of means and methods to provide access to sanitary sewer lines, including specifying the location of sanitary sewer lines. If sewage treatment is to be provided by a utility, a certification by the utility that service for each of the planned spaces or lots is available must be attached to the plan. If the sewage is to be treated in some other way, approval by the relevant government agency that is to license or inspect the treatment facilities must be attached; or

   ii. Reasonably specified description of means and methods for providing on-site sewage facilities in accordance with Chapter 366, Texas Health and Safety Code if estimated sewage flow does not exceed 5,000 gallons per day (gpd). These description of means and methods must meet minimum standards established under Chapter 285.4 of the OSSF rules and Tyler County local order. Approval by the Tyler County On Site OSSF Inspector's certificate must be attached to the plat. See Appendix H.

   iii. Reasonably specified description of means and methods for providing sewage treatment and disposal under Chapter 26 of the Texas Water Code if estimated flow exceeds 5,000 gpd. approval by Texas Commission on Environmental Quality must be attached to the plan

f. Reasonably specified description of means and methods for streets or roads in the Recreational Vehicle Park to provide ingress and egress for fire and emergency vehicles. Therefore, the Commissioners Court finds that it is

reasonably necessary that streets in these communities should be built to a standard no more stringent than the requirements adopted by the Commissioners Court for subdivisions, as approved by the precinct commissioner. The road design and construction standards contained in the Tyler County Subdivision Regulations, as amended from time to time, are therefore incorporated by reference into this order as fully and completely as if set out verbatim herein. The street or road specifications in the infrastructure development plan must comply with those standards to the maximum degree practicable. Building Set Backs shall be as specified in this Tyler County Subdivision Regulations. Drainage design for the development shall comply with this Tyler County Subdivision Regulations.

g. Only the Commissioners' Court may grant a variance when strict application of these standards would work an unusual hardship. Variances for OSSF can only be granted by Tyler County OSSF Designated Representative.

h. Each recreational vehicle park must provide recreational vehicle spaces, and each such space must be clearly defined.

i. Recreational vehicle parks must be designed so as not to exceed a maximum of 20 recreational vehicle spaces per acre.

j. Each recreational vehicle space must afford parking and maneuvering space sufficient so that the parking, loading, and movement of recreational vehicles will not necessitate the use of any public right-of-way or privately owned property which may abut the recreational vehicle park.

k. Each recreational vehicle space that is provided with electrical service must be so served through an underground distribution system. Other buildings within a recreational vehicle park may receive electrical service through overhead facilities.

l. Twenty percent (20%) of the recreational vehicle spaces within a recreational vehicle park must be not less than eighteen feet (18') by fifty feet (50').

m. There must be at least ten feet (10') of open space between parallel rows of recreational vehicle spaces.

n. Recreational vehicle spaces must be improved with either:

1. Compacted crushed road base material and asphalt; or,

2. Concrete adequate to support the weight of a recreational vehicle.

o. Recreational vehicle spaces must not heave, shift, or settle unevenly under the weight of a recreational vehicle due to frost action, inadequate drainage, vibration or other forces acting on the structure.

5.4. Recreational vehicle park roads

a. All weather private roads adequate to provide access to each recreational vehicle space must be laid out, constructed, and maintained in good condition by the owner or operator of a recreational vehicle park.

b. All roads within a recreational vehicle park must be at least twenty-four (24) feet wide.

c. An entrance to a recreational vehicle park must be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets.

5.5. Recreational vehicle park service building requirements

a. A plat application for a recreational vehicle park subdivision must address the minimal standards established in this subchapter.

b. Each recreational vehicle park must provide and maintain one or more service buildings for the use of park patrons. The service buildings must include:

1. One lavatory for women;

2. One lavatory for men;

3. One shower and dressing accommodation for each sex, provided in an individual compartment or stall;

4. One washing machine; and

5. One slop sink, measuring not less than 14 by 14 inches square and 14 inches deep.

c. The aforementioned service buildings will accommodate not more than 50 recreational vehicle spaces.

1. For each additional 1 to 30 recreational vehicle spaces after the first 50, the operator must provide and maintain one flush toilet, one shower with individual dressing accommodations, and one lavatory.

2. For each additional 1 to 50 recreational vehicle spaces after the first 50, the operator must provide and maintain one additional washing machine and one additional slop sink.

d. All lavatories must comply with the Americans with Disabilities Act (ADA).

e. Service buildings housing sanitation or laundry facilities must be permanent structures which comply with all applicable laws and ordinances regulating buildings, electrical installation, plumbing and sanitation systems, and confirm to the following minimum standards:

1. Service buildings must afford appropriate illumination, be well ventilated with screened openings, and be constructed of moisture-proof materials so as to permit frequent cleaning and washing.

2. Floors must be constructed of concrete or other equally impervious material, so as to permit frequent cleaning and washing, and include floor drains which are connected to the sanitary sewer.

3. Chemical cleaners used in a recreational vehicle park must be used only in accordance with TECQ rules.

4. The lavatory and other sanitation facilities for males and females either must be in separate buildings or separated, if in the same building, by soundproof walls.

5. All service buildings must be maintained in a clean, slightly condition and kept free of any condition that will menace the health of any person or constitute a nuisance.

f. An operator must provide and maintain garbage receptacles as follows:

1. A minimum of one (1) fly tight, water tight, rodent proof dumpster for the first fifty (50) recreational vehicle spaces, with one (1) additional dumpster for each additional fifty (50) recreational vehicle spaces or fraction thereof.

2. Refuse container stands must be provided for all refuse containers. Such container stands must be designed so as to prevent their containers from being tipped, to minimize spillage and container deterioration.

3. The storage, collection, and disposal of refuse in a recreational vehicle park must be conducted as to create no health hazards.

4. All dumpsters must be screened from public view.

g. Fuel containers in a recreational vehicle park must comply with the following restrictions:

1. Bottled gas must not be used at individual recreational vehicle spaces unless the containers are properly connected by copper or other suitable tubing.

2. Bottled gas cylinders must be securely fastened in place.

3. No cylinders containing bottled gas may be located in a recreational vehicle or within five (5) feet of a door thereof.

h. An operator must provide and maintain fire protection equipment as follows:

1. A recreational vehicle park must be equipped at all times with fire extinguishing equipment in good working order of such type, size, and number and so located within the recreational vehicle park as to satisfy the applicable regulations of the County.

2. No open fires will be permitted within a recreational vehicle park, except that this will not be construed to prevent barbecuing in a secure pit or grill.

i. An operator must maintain the entire area of a recreational vehicle park free of dry brush, leaves, and weeds.

5.6. Further recreational vehicle park regulations

a. Persons developing recreational vehicle parks should be aware that this order is not the exclusive law or regulation controlling development in the County. The following is only a partial list of regulations that may apply:

1. All subdivisions within the extra territorial jurisdiction of a municipality may also be subject to city subdivision regulations, or as per any interlocal cooperation agreements.

2. All recreational vehicle parks are subject to regulations of general applicability, including public health nuisances under Chapter 341 and 343 , Texas Health and Safety Code. The developer must address solid waste disposal, rodent and insect harboring, fly breeding, and improper water disposal in accordance with these Chapters.

3. Other agencies with regulatory authority that may apply to a recreational vehicle park include, but are not limited to, Emergency Services Districts, TCEQ, the Public Utilities Commission, the United States Parks and Wildlife Service, the Environmental Protection Agency and the U.S. Army Corps of Engineers.

b. To the extent it does not conflict with these regulations, the Tyler County Manufactured Home Rental Community Plan, a copy of which is recorded as Document No. 2019-007342 in the Official Public Records of Tyler County, Texas, is still in effect. To the extent the Tyler County Manufactured Home Rental Community Plan differs with these regulations, the more stringent regulations will control.

Chapter 6
Applications for Subdivision Approval

6.1. Pre-application meeting

The Developer shall request in writing a meeting with the Precinct Commissioner in sufficient time to allow a meeting with a developer at least fifteen (15) days prior to submission of an application to the Commissioners Court, to visually inspect the property, review the developer's intentions, establish any special requirements for the plat application, and to discuss the application process.

6.2. Applications for subdivision approval

a. Before a subdivision is approved under these regulations, the developer must file an application with the Commissioners Court, including a plat, a survey, and all other documentation or other information listed in Appendix A, or as may be amended and republished from time to time.

b. Each plat required by this subdivision regulation shall identify and detail compliance with required drainage to address a 100-year flood, provide a statement of compliance with street construction standards, and state the dimensions of the subdivision and of each lot, street, alley, square, park, or other part of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alley, square, park, or other part.

c. If a developer submits an application to the Commissioners Court that does not include all of the documentation or other information required by these regulations, the Commissioners Court must notify the developer of the missing documents or other information, not later than the 10th business day after the date the Commissioners Court receives the incomplete application. The Commissioners Court must allow a developer reasonable time to submit the missing documents or other information.

d. An application is considered complete when all documentation or other information listed in Appendix A is received.

e. Acceptance by the Commissioners Court of a completed application will not be construed as approval of the documentation or other information.

6.3. Plat application

a. A developer must submit a plat application including detailed documentation of all infrastructure to be constructed in a subdivision, including plans, drawings, and statements of the estimated costs to make each category of proposed improvements (i.e. water, wastewater, drainage, roads, etc.).

b. All engineering plans submitted as part of a plat application must bear the signed and dated seal of a professional engineer registered in the State of Texas, and a certificate in substantially the form as Appendix G.

c. A plat application must discuss the availability and methodology of providing drinking water, sewerage, and electrical service to each individual lot within a subdivision,

d. A plat application must include a construction schedule for each significant element of construction, including the start dates and completion dates.

e. Where water, sewerage, and electricity are to be provided by an existing public utility, the developer must submit an executed public utility certificate in substantially the form as Appendix B.

6.4. Oversight

a. A developer, by submitting an application, acknowledges the authority of the County and state agencies to lawfully enter and inspect the subdivision property for purposes of execution of their statutory duties and the enforcement of these regulations.

b. Any inspection of a subdivision will not release the developer from any obligation to comply with these regulations.

c. The Commissioners Court may refuse to approve or authorize any application, unless such application meets the full requirements as set forth in these regulations.

6.5. Application fees

a. All fees due to the County for the filing of an application must be paid to the County Clerk contemporaneously with the submission of the application.

b. All fees due to the County after the approval of an application must be paid to the County Clerk within ten (10) days of approval of the application.

c. Fees are published in these regulations under Appendix Q, which may be amended and republished from time to time by the Commissioners Court.

Chapter 7
Plat and Survey Requirements

7.1. Subdivision plat and survey requirements

a. A plat and a survey depicting the subdivision must be submitted with each application.

b. A plat must contain, at a minimum, the following information on the face of the plat, or attached to the plat by referenced addendum:

1. Name and mailing address of the developer.

2. Name of the subdivision.

3. North directional indication arrow.

4. Location map showing the subdivision in relation to major roads, towns, cities, and topographic features.

5. A description of the exterior boundary of the subdivision by metes and bounds, which locates the subdivision with respect to a corner of the original survey of which it is a part ("corner of the original survey" refers to a properly monumented survey point as determined by the surveyor suitable to recognition as the original corner of the tract being subdivided by commonly accepted surveying practice).

6. Total area/acreage within the subdivision.

7. Total number of lots within the subdivision.

8. Area/acreage of roads, including:

   A. Length of roads.

   B. Street right-of-way widths.

9. The area/acreage of each lot.

10. The bearing and distance for each lot boundary line.

11. Areas dedicated for public use.

12. Rights-of-way or easements, including all alleys, drainage easements, and utility easements.

13. Proposed land use of all lots being subdivided, as follows:

    A. Single family residential.

    B. Multi-family residential.

    C. Agricultural.

    D. Commercial.

    E. Dedicated for public use.

14. All 100-year floodplains.

15. Private road numbers for all roads or streets.

16. Lot and block numbers, arranged in a systematic order and shown on the plat in a distinct and legible manner.

c. The survey must contain, at a minimum, the following information on the face of the survey or attached to the survey by referenced addendum:

1. The real property records index information (instrument number or volume and page) and names of all current owners of property contiguous to the subdivision.

2. The location of all existing permanent, man-made structures within the subdivision, including houses, barns, shacks, other buildings and structures, fences, walls, ponds and stock tanks.

3. All major topographic features on or adjacent to the property as well as elevation contours at no greater than five-foot (5') intervals if in a floodplain, and no greater than twenty-foot (20') intervals if not in a floodplain.

4. The approximate location of all wells, water, oil, and natural gas, when such wells are either visible and apparent or reflected in the applicable public records (whether maintained by the Texas Railroad Commission, TCEQ, or in the Official Public Records of Tyler County). If public records reflect that a well is capped or plugged, that information must be included as well.

7.2. Registered professional land surveyor

a. The plat and survey must be prepared from an actual survey made on the ground by, or under the direct supervision of, a registered professional land surveyor, and their certificate to that effect must appear on said plat and survey.

b. An application must include a certificate from the surveyor who prepared the plat and survey in substantially the form as Appendix F.

c. The land surveying firm's name and license number, address, and telephone number must be listed on the plat and the survey.

7.3. Plat scale and filing

a. Plats must be based on a scale of not more than one inch (1") equals two hundred feet (200'). A plat must be drawn on paper measuring no less than eleven inches (11") by seventeen inches (17") and no longer than twenty-four inches (24") by thirty-six inches (36").

b. If two or more pages are needed to depict a plat, a key (may be drawn to larger scale) showing the entire area must be drawn on the first page, and each page must be numbered in a way as to note its location within the set.

c. A developer must submit the following copies of the plat:

1. Two full size copies for filing, one on mylar or vellum paper in black ink for filing within the County Clerk's records, and the other on bond paper in black ink for use by the Tyler County Appraisal District's mapping department.

2. Six (6) reduced size (not to scale) copies of the plat submitted with the application to be used by the Commissioners Court.

7.4. Digital map

a. An application must include a digital map that is compatible with mapping systems that geo-references the subdivision plat and related public infrastructure using the Texas Coordinate Systems adopted under Section 21.071 , Texas Natural Resources Code.

b. A digital map required under this subchapter may be required only in a format widely used by common geographic information system software. A digital map in a format that is accepted by the Tyler County Appraisal District at the time of the application will be suitable for compliance with this subchapter.

c. A developer is exempt from the requirements of this subchapter if they submit with the application an acknowledged statement indicating that the digital mapping technology necessary to submit a map that complies with this subchapter was not reasonably accessible.

Chapter 8
Application Approval Procedure

8.1. Approval procedure

a. The Commissioners Court must approve, approve with conditions, or disapprove an application not later than the 30th day after the date the completed application is received by the Commissioners Court.

b. An application is deemed approved by the Commissioners Court without conditions unless the application is disapproved within 30 days. This 30-day period may be extended for a period not to exceed 30 days, if, not later than the 20th day after the date a completed application is received:

1. Such extension is requested in writing by the developer and approved by the Commissioners Court; or Chapter 2007, Government Code, requires the County to perform a takings impact assessment in connection with the application; and

2. The extension applies only to a decision wholly within the control of the Commissioners Court.

c. If the Commissioners Court fails to timely approve, approve with conditions, or disapprove an application as required by these regulations:

1. The Commissioners Court must refund the greater of the unexpended portion of any application fee or deposit, or 50 percent of an application fee or deposit that has been paid;

2. The application is granted by operation of law; and

3. The developer may apply to the 294th District Court for a writ of mandamus to compel the Commissioners Court to issue documents recognizing the application's approval.

d. The Commissioners Court may not require a developer to waive the time limits or approval procedures contained in this chapter.

8.2. Conditional approval or disapproval

a. If the Commissioners Court conditionally approves or disapproves an application, it must provide the developer a written statement of the conditions for the conditional approval or the reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval.

b. Each condition or reason specified in the written statement may not be arbitrary, and must include a citation to the provision of these regulations, or another statute or order, that is the basis for the conditional approval or disapproval.

8.3. Response to conditional approval or disapproval

a. After the conditional approval or disapproval of an application, the developer may submit to the Commissioners Court a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided.

b. The Commissioners Court may not establish a deadline for a developer to submit their response.

8.4. Approval or disapproval after response

a. If the Commissioners Court receives a response to a conditional approval or disapproval pursuant to 232.0027 Texas Local Government Code, it must determine whether to approve or disapprove the developer's previously conditionally approved or disapproved application not later than the 15th day after the date the response was submitted.

b. If the Commissioners Court receives a response to a conditional approval or disapproval, it the application will be approved if:

1. The response adequately addresses each condition for the conditional approval or each reason for the disapproval; and,

2. The Commissioners Court does not disapprove the application on or before the 15th day after the date the response was submitted and in accordance with Section 232.0026, Texas Local Government Code.

c. If the Commissioners Court conditionally approves or disapproves an application following the submission of a response by a developer, the Commissioners Court:

1. Must comply with Section 232.0026 Texas Local Government Code; and

2. May disapprove the application only for a specific condition or reason provided to the developer for the original application under Section 232.0026, Texas Local Government Code.

8.5. Deadlines for completion of construction

a. The Commissioners Court may specify that construction of infrastructure must be started and completed within a reasonable time after the approval of an application.

b. A deadline for completion may not exceed twenty-four (24) months and must be specified by the Commissioners Court in its order granting or denying an application.

Chapter 9
Financial Guarantees

9.1. Financial guarantees for the construction of improvements

a. In its order granting approval of a subdivision, the Commissioners Court may require a developer to provide a financial guarantee sufficient to cover the cost of construction of all of the improvements to be constructed per the plat application. A required financial guarantee may be by bond, letter of credit, or deposit of cash for 100% of the estimated cost of construction estimated by the engineer.

b. A bond that is submitted for a financial guarantee must meet the following requirements:

1. The bond must be payable to the County Judge of the County, or the Judge's successor in office, in their official capacity.

2. The bond must be executed with sureties as may be approved by the Commissioners Court. The County will establish criteria for acceptability of the surety companies issuing bonds, including but not limited to:

A. Registration with the Secretary of State and be authorization to do business in Texas;

B. Authorization to issue bonds in the amount required by the Commissioners Court; and,

C. Being listed as a surety company in the most current United States Department of Treasury Circular 570.

3. The bond must be conditioned upon construction or installation of the improvements established in an approved plat application, and upon construction of facilities within the time stated in the plat application, or within any extension of time granted by the Commissioners Court.

c. A letter of credit that is submitted for a financial guarantee must meet the following requirements:

1. A letter of credit submitted as a financial guarantee for combined amounts less than $250,000 must be from a bank or savings and loan which meets the following qualifications:

A. Bank qualifications:

i. Must be federally insured; and

ii. Total assets of at least $25 million.

B. Savings and loan association qualifications:

i. Must be federally insured; and,

ii. Tangible capital must be at least 1.5% of total assets if total assets are greater than $25 million; or tangible capital must be at least 3.0% of total assets if total assets are less than $25 million.

2. Any letter of credit submitted as a financial guarantee for combined amounts greater than $250,000 must be from a bank or savings and loan which meets the following qualifications.

A. Bank qualifications:

i. Must be federally insured;

ii. Total assets must be at least $75 million and primary capital must be at least 7.0% of total assets.

B. Savings and loan association qualifications:

i. Must be federally insured;

ii. Tangible capital must be at least 3.0% of total assets if total assets are greater than $75 million; or tangible capital must be at least 5.0% of total assets if total assets are less than $75 million.

d. In the event any or all of the streets, roads, drainage and drainage structures, or other infrastructure within a subdivision as constructed by the developer should fail to meet the requirements of the plat application, the unfinished improvements may be completed at the cost and expense of obligees on the financial guarantee as provided.

e. Should there be any deficiency or failure to comply with these regulations, or should any guaranteed construction not be completed prior to the construction deadline, if any, the Commissioners Court will notify the developer of such deficiency or failure by certified mail. Should the condition not be corrected within thirty (30) days following receipt of notice, the Commissioners Court may declare the bond or surety forfeited and order any active construction operations suspended. The Commissioners Court reserves the right to complete the work by means most advantageous to the citizens of the County and the ultimate owners of the subdivision, utilizing any or all of the financial guarantee as may be necessary to accomplish such completion.

f. A financial guarantee for construction of improvements will remain in full force and in effect until all the roads, streets, street signs, underground utilities, required drainage structures and all other construction in the subdivision established in the plat application has been completed to the satisfaction of the Precinct Commissioner.

1. In the event progress and final inspections indicate no departure from these regulations, the Precinct Commissioner will certify completion to the Commissioners Court, and the Commissioners Court will release the financial guarantee.

2. It is the responsibility of a developer to advise the Precinct Commissioner of the status of construction prior to expiration of any construction deadline.

9.2. Financial guarantees for maintenance

a. In its order granting approval of a subdivision, the Commissioners Court may require a developer to provide a financial guarantee sufficient to cover the cost of maintenance of some or all of the improvements to be constructed per the plat application. A required financial guarantee may be by bond, letter of credit, or deposit of cash.

b. The conditions of a financial security for maintenance will be that the developer guarantees to maintain, to the satisfaction of the Precinct Commissioner, all of the streets, roads, drainage structures and drainage ditches and channels as described

in the plat application, in a good state of repair for a period of two (2) years from the date of official release of construction security.

1. The responsibility for maintenance of roads includes the repair of such items as drainage, spilled concrete, mud and debris on roads, damage from unknown springs, pumping, unraveling, etc.

2. The responsibility for maintenance of the drainage improvements includes removing debris, resodding eroded areas, and the installation of additional concrete riprap where designated by the Precinct Commissioner.

c. The Precinct Commissioner will make periodic inspections of infrastructure construction for which maintenance security is held during the period of liability covered by the security. In the event any or all of the infrastructure construction are not being maintained in a good state of repair, the Precinct Commissioner will notify the developer in writing and, if after a reasonable time, the developer should fail or refuse to repair said items, such improvements will be maintained at the cost and expense of obligees on the financial guarantee for maintenance.

d. In the event progress and final inspections indicate no departure from these regulations, the Precinct Commissioner will certify completion of the term of maintenance by the developer to the Commissioners Court, and the Commissioners Court will release the financial guarantee.

9.3. Bond Extensions

a. Where good cause exists, the Commissioners Court may extend the deadline for completion of construction for additional periods of time not to exceed six (6) months.

b. The Commissioners Court may grant an extension to the deadline for completion of construction if the Commissioners Court finds the extension is reasonable and not contrary to the public interest.

c. No extension may be granted for construction secured pursuant to these regulations unless the developer provides additional security to cover the extended period of time.

Chapter 10
Revision and Cancellation of Plats

10.1. Petition for plat revision

a. A developer or an owner of property within a platted subdivision (referred to in this Chapter as "petitioner"), may submit an application to revise all or a portion of the existing plat, unless prohibited by restrictive covenants or plat notes filed pursuant to these regulations.

1. A developer may apply for a revision to any part of their subdivision.

2. An owner of property within a platted subdivision may apply for a revision affecting their portion of the subdivision.

b. Petitioners must submit the following to the Commissioners Court:

1. Copies of the proposed revised plat, conforming in all respects to the requirements of these regulations; or, if submitted by a private homeowner who is not the developer of the subdivision, other materials acceptable to the Commissioners Court clearly setting forth the desired amendment.

2. A statement explaining why the proposed revision is being sought.

3. A certificate that the petitioner has complied with the requirements of Section 232.009, Texas Local Government Code.

4. A filing fee, as specified in Appendix Q, which may be amended and republished from time to time by the Commissioners Court. The amount of the fee must be based on the cost of processing the application, including publishing notices by the County as required under this chapter.

c. After a petition for revision or cancellation of a plat is filed with the Commissioners Court, the Commissioners Court must publish a notice of the application in a newspaper of general circulation in the County.

1. The notice must include a statement of the time and place at which the Commissioners Court will meet to consider the application for revision or cancellation and to hear protests of same.

2. The notice must be published at least three times during the period that begins on the 30th day and ends on the seventh day before the date of the meeting.

d. If all or part of a subdivision is owned by persons other than a developer, the Commissioners Court must also give notice to each of those owners by certified or registered mail, return receipt requested, at their address within the subdivision.

1. The Commissioners Court is not required to give notice by mail if the plat revision only combines existing tracts.

e. If the Commissioners Court determines that a requested revision to a plat does not affect a public interest or public property of any type, including, but not limited to,

a park, school, or road, the above notice requirements will not apply to the petition and the applicant will:

1. Provide written notice of the petition to the owners of the lots that are within 200 feet of the subdivision plat to be revised, at the mailing addresses for those owners as maintained by the Tyler County Appraisal District; and,

2. The applicant will provide appropriate notice of the petition to the County, who will post notice of the petition continuously on the County website for at least 30 days preceding the date of the meeting to consider the petition for revision or cancellation until the day after the meeting.

h. During a regular term of the Commissioners Court, the Commissioners Court must permit the revision of a subdivision plat if it is shown to the Commissioners Court that:

1. The revision will not interfere with the established rights of any owner of a part of the subdivided land; or,

2. Each owner whose rights may be interfered with has agreed to the revision.

i. If a petitioner obtains unanimous written consent from all owners of the property within a subdivision agreeing to the proposed amendment, the necessity for notice under this subchapter are waived.

10.2. Petition for cancellation of subdivision

a. A developer or an owner of a portion of a subdivision may petition the Commissioners Court for permission to cancel all or part of a subdivision.

b. A petition for cancellation must show that the cancellation of all or part of the subdivision will not interfere with the established rights of any person who owns any part of the subdivision or that the other owners agree to the cancellation.

c. A filing fee, as specified in Appendix Q, which may be amended and republished from time to time by the Commissioners Court. The amount of the fee must be based on the cost of processing the application, including publishing notices by the County as required under this chapter.

d. Notice of an application for cancellation must be published by the County in a newspaper of general circulation within the County one day each week for at least three (3) consecutive weeks. The published notice must direct any person who is interested in the property and who wishes to protest the proposed cancellation to appear at the time specified in the notice.

e. The review and authorization of a petition for the cancellation of a plat by the Commissioners Court will be conducted as specified in Section 232.008, Texas Local Government Code.

10.3. Approval of petition

a. The Commissioners Court may approve a petition to revise or cancel a subdivision upon finding that the revision or cancellation will not interfere with the established rights of any owner of any part of the subdivision, or that each owner whose rights may be interfered has agreed to the revision; and that the plat as revised conforms to the requirements of these regulations.

b. Following the approval of the Commissioners Court, the petitioner may file with the County Clerk a revised plat, or part of plat, or another instrument that indicates the changes made to the original plat.

10.4. Vacating plat

a. A developer may vacate a plat at any time before any lot in the subdivision is sold to a purchaser. The plat is vacated when a signed, acknowledged instrument declaring the plat vacated is recorded in the manner prescribed for the original plat.

1. If any lots or tracts in the subdivision have been sold, the plat, or any part of the plat, may be vacated on the application of all the owners of all parts of the subdivision.

2. The County Clerk will write legibly on a vacated plat the word "Vacated" and enter on the plat a reference to the volume and page at which the vacating instrument is recorded.

b. On the execution and recording of a vacating instrument, the vacated plat has no effect.

10.5. Amending plat by owners

a. The Commissioners Court may approve an amended subdivision plat, which may be recorded and is controlling over the preceding plat without vacation of that plat, if the amended plat is signed by the developer or owner of the subject property, and is solely for one or more of the following purposes:

1. To correct an error in a course or distance shown on the preceding plat.

2. To add a course or distance that was omitted on the preceding plat.

3. To correct an error in a real property description shown on the preceding plat.

4. To indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments.

5. To show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat.

6. To correct any other type of scrivener or clerical error or omission in the plat previously approved pursuant to these regulations, including lot numbers, acreage, street numbers, and identification of adjacent recorded plats.

7. To correct an error in courses and distances of lot lines between two adjacent lots if:

   A. Both lot owners join in the petition for amending the plat;

   B. Neither lot is abolished;

   C. The amendment does not attempt to remove recorded covenants or restrictions; and,

   D. The amendment does not have a material adverse effect on the property rights of the other owners in the plat.

8. To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement.

9. To relocate one or more lot lines between one or more adjacent lots if:

   A. The owners of all those lots join in the petition for amending the plat;

   B. The amendment does not attempt to remove recorded covenants or restrictions; and,

   C. The amendment does not increase the number of lots.

10. To replat one or more lots adjacent to an existing road or street if:

   A. The owners of all those lots join in the petition for amending the plat;

   B. The amendment does not attempt to remove recorded covenants or restrictions;

   C. The amendment does not increase the number of lots; and,

   D. The amendment does not create or require the creation of a new road or street, or make necessary the extension of utility facilities.

b. Notice, a hearing, and the approval of other owners of property within a subdivision are not required for the approval and issuance of an amended plat under this subchapter 10.5.

c. Corrections under this subchapter may be made by a surveyor by filing a certificate of correction in the plat records.

Chapter 11
Variance

11.1. Conditions of Variance

a. The Commissioners Court may authorize a variance from these regulations when, in its opinion, undue hardship will result from requiring strict compliance.

1. Any person who wishes to receive a variance may apply to the Commissioners Court with a list of, and a detailed justification for, each variance requested.

2. The decision of the Commissioners Court whether to grant or deny a variance is at its complete discretion and will be final.

b. In approving a variance, the Commissioners Court may prescribe conditions that it deems necessary or desirable to protect the public interest. In making their findings, the Commissioners Court will take into account the nature of the proposed use of the land involved and the probable effect of such variances upon traffic conditions and upon the public health, safety, convenience, and welfare in the vicinity.

c. No variance will be granted unless the Commissioners Court finds:

1. That there are special circumstances or conditions affecting the land involved such that the strict application of these regulations would deprive the applicant of the reasonable use of their land; and,

2. That the granting of the variance will not be detrimental to the public health, safety, or welfare, or injurious to other property in the area; and,

3. That the granting of the variance will not have the effect of preventing the orderly subdivision of other land in the area in accordance with the provisions of these regulations.

d. Variances may be granted only when in harmony with the general purposes of intent of these regulations so that the public health, safety, and welfare may be secured and substantial justice done. Pecuniary hardship to the developer, standing alone, will not be deemed to constitute hardship.

Chapter 12
Enforcement

12.1. Terms of enforcement

a. No part of any subdivision may be sold or transferred until the plat is approved and recorded, and all these regulations have been complied with in full.

b. A utility may not provide utility services, including water, sewer, gas, and electric services, to any structure located within a subdivision unless the owner or developer provides the utility with a copy of a certificate of county approval of subdivision to demonstrate compliance with these regulations.

c. The Commissioners Court may institute appropriate action in a court of competent jurisdiction to enforce the provisions of these regulations, or the other standards referred to herein. The County reserves the right to seek all remedies, including injunction, prohibition, damages, and criminal penalties in the enforcement of these rules and regulations.

d. If deeds, contracts of sale, transfers of title, or other transactions dealing with real property in the County do not comply with these regulations, the Commissioners Court may notify the transacting parties to comply with these regulations. In the event the notified party refuses to comply with the requirements of these regulations, the Commissioners Court may take appropriate action to obtain compliance.

f. Any person violating any provisions of these regulations will be guilty of a Class B misdemeanor, and each act of the violation will constitute a separate offense.

12.2. Required disclosures

a. The following notations, to be printed in a bold font, in not less than 14-point type, is shall be noted on the plat, and included within all instruments of conveyance from a developer to a purchaser for any part of a subdivision:

Approval of the subdivision plat for filing does not indicate any agreement or understanding that Tyler County will assume responsibility for maintenance of roads, streets, alleys or other areas dedicated to public use on the plat.

b. Where a lot or tract in a subdivision is to be served by a private OSSF, an instrument of conveyance for that lot or tract from a developer must bear the following notations in bold, 14-point type:

"Tyler County makes no representation that adequate sewerage facilities will be legally feasible within this subdivision."

"All OSSF systems must comply with regulations published by TCEQ."

c. Where a lot in a subdivision is to be served by a private water supply, an instrument of conveyance or that lot or tract from a developer must bear the following notation in bold, 14-point type:

"Tyler County makes no representation that adequate water suitable for human consumption will be available within this subdivision."

Passed and approved by Tyler County Commissioners Court this 20th day of July, 2021.

Commissioner Joe Blacksher, Pct. 1	Steven Sturrock, Pct. 2
Mike Marshall, Pct. 3	Charles "Buck" Hudson, Pct. 4
Jacques L. Blanchette, County Judge	Donece Gregory, County Clerk

Appendix A

SUBDIVISION APPLICATION CHECKLIST

The following tasks must be completed by the developer prior to filing any application for subdivision approval:

_____ Meet with the Precinct Commissioner at least 15 days prior to the date of filing the application at the subdivision property, to visually inspect the property, review the developer's intentions, establish any special requirements for the plat application, and to discuss the application process.

_____ Confirm whether the planned subdivision will be classified as Tier 1 or Tier 2.

_____ Check the proposed subdivision name for conflicts.

The following items must be included in any application for approval of a Tier 1 subdivision:

_____ A plat of the proposed subdivision in compliance with these regulations.

_____ Six (6) reduced size (not to scale) copies of the plat.

_____ A digital map or a certificate regarding the availability of a digital map.

_____ A signed receipt from the Tyler County Appraisal District for a copy of the plat and digital map, if any, delivered in compliance with these regulations.

_____ A survey of the proposed subdivision in compliance with these regulations.

_____ A certificate from the surveyor who prepared the plat and survey in substantially the form as Appendix F.

_____ A description by the developer of the manner and means of providing drinking water, sewerage, roads, electricity, and drainage structures.

_____ All engineering specifications, drawings, and plans for infrastructure to be constructed comprising a plat application in compliance with these regulations.

_____ A certificate from each engineer confirming compliance of their specifications, plans, and drawings, in substantially the form as Appendix G.

_____ A certificate from ETCOG confirming the private road numbers reserved for roads laid out in the subdivision.

_____ Tax certificates confirming that no property taxes are due and unpaid for the subdivision.

_____ A certificate from the developer confirming that approval of the application and filing of the plat does not mean that the County will be responsible for maintenance of subdivision roads and streets.

_____ If water, sewerage, and electricity are to be provided by a public utility, the developer must submit an executed public utility certificate in substantially the form as Appendix E.

_____ If OSSF is included in the plat application, a certificate from the Tyler County Fire Marshall stating that the subdivision plans comply with all applicable TCEQ rules, including housing density requirements.

_____ If fire hydrants or filler plugs are included in a plat application, a certificate from the public utility serving the subdivision to confirm sufficient water capacity is available to operate the fire hydrants or filler plugs.

_____ All fees due to the County for the filing of an application must be paid to the County Clerk contemporaneously with the submission of the application.

The following items must be included in any application for approval of a Tier 2 subdivision:

_____ A plat of the subdivision showing the area/acreage of each lot or tract.

_____ Certificates from the developer confirming the following:

- _____ Availability of water and sewage service.
- _____ Compliance with set-back lines.
- _____ Dedication of all necessary utility easements.
- _____ Confirming the installation of culverts in compliance with the County ordinance on culverts.

_____ If OSSF is proposed for the Tier 2 subdivision, a certificate from the Tyler County Fire Marshall stating that the subdivision plans comply with all applicable TCEQ rules, including housing density requirements.

_____ A survey that shows sufficient topographic information adequate to demonstrate that the proposed subdivision will adequately drain and that any proposed development will not alter the natural flow of water to adjoining properties.

_____ All fees due to the County for the filing of an application must be paid to the County Clerk contemporaneously with the submission of the application.

After an application is approved, the developer must:

_____ File a plat of the proposed subdivision in compliance with these regulations.

_____ Deliver a copy of the approved plat to ETCOG.

_____ Meet with the Precinct Commissioner to review all materials used in constructing roads in the subdivision.

_____ Ensure that the work described in the plat application is completed in a good and workmanlike manner, in accordance with these regulations, the plat application, and any conditions of the order approving the application.

_____ Advise the Precinct Commissioner of the status of construction prior to expiration of any construction deadline.

_____ All fees due to the County for an approved application must be paid to the County Clerk no later than ten (10) days after the approval of the application.

_____ Submit proof of any required financial security to the Precinct Commissioner no later than thirty (30) days after the approval of the application.

Appendix B

FLOW CHART OF SUBDIVISION APPROVAL

Appendix C (1)

CERTIFICATE OF DEDICATION BY DEVELOPER
(When the developer is an individual)

KNOW ALL MEN BY THESE PRESENT, that I, _____, ("Developer") am the developer of certain real property ("the Property"), being _____ acres of land out of the _____ Survey, Tyler County, Texas, as conveyed by deed dated _____, and recorded as Instrument No.:_____, in the Real Property Records of Tyler County, Texas.

(Note: if the subdivision lies in more than one survey, determine an acreage in each survey and submit a unique certificate for each portion of the subdivision in each original survey.)

I DO HEREBY SUBDIVIDE THE PROPERTY, and henceforth it shall be known as the _____ Subdivision, in accordance with the plat shown hereon; subject to any and all easements or restrictions heretofore granted and do hereby dedicate to the public (or "owners of the property shown hereon" for private streets) the use of the streets and easements shown hereon.

WITNESS MY HAND, this the ____ day of _____, A.D., 20___.

_____
Developer

THE STATE OF TEXAS §
COUNTY OF TYLER §

BEFORE ME, the undersigned authority, on this day personally appeared _____, known by me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration of therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, 20___.

_____
Notary Public, State of Texas

Appendix C (2)

CERTIFICATE OF DEDICATION BY DEVELOPER
(When developer is a corporation or other legal entity)

KNOW ALL MEN BY THESE PRESENT, that _____, ("Developer") is an entity organized and existing under the laws of the State of Texas, with its registered office located at _____, and is the developer of certain real property ("the Property"), being _____ acres of land out of the _____ Survey, in Tyler County, Texas, as conveyed by deed dated _____ and recorded as Instrument No.:_____, in the Real Property Records of Tyler County.

(Note: if the subdivision lies in more than one survey, determine an acreage in each survey and submit a unique certificate for each portion of the subdivision in each original survey.)

DEVELOPER DOES HEREBY SUBDIVIDE THE PROPERTY, and henceforth it shall be known as the _____ Subdivision, in accordance with the plat shown hereon, subject to any and all easements or restrictions heretofore granted and does hereby dedicate to the public (or "developer of the property shown hereon" for private streets) the use of the streets and easements shown hereon.

IN WITNESS WHEREOF Developer has caused this certificate to be executed by _____, duly authorized to act on behalf of Developer, this the _____ day of _____, 20____.

_____
Signatory for Developer

THE STATE OF TEXAS §
COUNTY OF TYLER §

BEFORE ME, the undersigned authority, on this day personally appeared _____ known to me to be the person whose name is subscribed to the foregoing instrument as an officer of _____ ("Developer") and acknowledged to me that the foregoing was executed in such capacity as the act of said corporation for the purposes and considerations therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, 20____.

_____
Notary Public, State of Texas

Appendix D

FORM PUBLIC UTILITY CONTRACT

Appendix E

PUBLIC UTILITY CERTIFICATE

Public Utility: _____

Public Utility Address: _____

Subdivision Name: _____

"No structure in the subdivision may be occupied until it is connected to facilities maintained by the public utility, subject to approval by the Tyler County Commissioners Court."

"The plans for construction of improvements to access service from the public utility comply with all applicable laws and rules, including the Tyler County subdivision regulations."

"All fees to be paid by the developer and by the purchasers of parts of the subdivision are detailed in materials attached to this certificate."

"The public utility has or will have the capacity to meet the anticipated needs of the ultimate development and occupancy of the subdivision for a minimum of 30 years."

_____ _____

Signature of Agent for the Public Utility Date

Appendix F

CERTIFICATE OF SURVEYOR

Subdivision Name: _____

Surveyor's Name: _____

Surveyor's License No.: _____

KNOW ALL MEN BY THESE PRESENT, that I, the undersigned, a Registered Professional Land Surveyor in the State of Texas, do hereby certify that the plat and survey of the subdivision comply with the plat and survey related requirements of the Tyler County Subdivision Regulations, and I further certify that the plat is true and correctly made and is prepared from an actual survey of the property made under my supervision on the ground and that the corner monuments were properly placed under my supervision.

_____ _____

Registered Professional Land Surveyor Date

Appendix G

CERTIFICATE OF ENGINEER

Subdivision Name: _____

Engineer's Name: _____

Engineer's License No.: _____

KNOW ALL MEN BY THESE PRESENTS, that I, the undersigned, a Registered Professional Engineer in the State of Texas, hereby certify that the plans I have created for the above-named Subdivision comply with the engineering related requirements of the Tyler County Subdivision Regulations.

_____ _____

Registered Professional Engineer Date

Appendix H

CERTIFICATE OF ON-SITE SEWAGE FACILITY INSTALLER

Subdivision Name: _____

OSSF Installer's Name: _____

OSSF Installer's License No.: _____

KNOW ALL MEN BY THESE PRESENTS, that I, the undersigned, a licensed On-Site Sewage Facility installer in the State of Texas, hereby certify that I have reviewed the On-Site Sewage Facilities in the plat application for the Subdivision, and the same complies with the related requirements of the Tyler County Subdivision Regulations and rules published by TCEQ.

_____ _____

OSSF Installer Date

Appendix I

CERTIFICATE OF PRIVATE ROAD MAINTENANCE
(When roads are to be maintained as Private Roads)

Subdivision Name: _____

"Upon approval of the plat of the subdivision by the Commissioners Court of Tyler County, Texas, it is understood that all roads shown thereon are private roads and shall remain the property of the developer and the subsequent owners of the property. The construction, repair, and maintenance of these roads and any associated drainage improvements will be the responsibility of the developer, then of subsequent owners of the subdivision, and will not be the responsibility of Tyler County."

_____ _____

Developer Date

Appendix J

CERTIFICATE OF ROAD MAINTENANCE
(When roads may, in the future, be accepted by Tyler County for maintenance)

Subdivision Name: _____

"Upon approval of the plat of the subdivision by the Commissioners Court of Tyler County, Texas, it is understood that all roads shown thereon are private roads and shall remain the property of the developer and the subsequent owners of the property until such time as the Commissioners Court approves the dedication of the roads to the County for maintenance. Acceptance of the plat of the subdivision does not constitute acceptance of the roads shown hereon by Tyler County."

_____ _____

Developer Date

Appendix K

CERTIFICATE OF COUNTY APPROVAL OF PLAT

THE STATE OF TEXAS §
COUNTY OF TYLER §

I, _____, County Clerk of Tyler County, Texas, do hereby certify that on the _____ day of _____, 2_____, the Commissioners Court of Tyler County, Texas, passed an Order authorizing the filing for record of the plat of _____, a subdivision of Tyler County, Texas, that said Order has been duly entered in the minutes of the said Court in _____, and that the plat of the subdivision has been recorded at Glide _____, in the Plat Records of Tyler County, Texas.

WITNESS MY HAND AND SEAL OF OFFICE this the _____ day of _____, 20_____.

_____
County Clerk, Tyler County, Texas

Appendix L

TYLER COUNTY
PERMIT TO CONSTRUCT DRIVEWAY WITHIN
COUNTY ROAD RIGHT-OF-WAY

Subdivision Name: _____

Developer: _____

County Road: _____

I, Commissioner _____ of Precinct No. _____ Tyler County, Texas, ("the Precinct Commissioner") authorize _____, hereinafter called the Developer, to construct an access driveway within the County road right of way abutting the County Road; subject to the following terms:

A. The Developer is responsible for the culvert costs and installation.

B. All construction and materials shall be subject to inspection and approval by the Precinct Commissioner.

C. The County reserves the right to require any changes, maintenance, or repairs as may be necessary to provide protection of life or property on or adjacent to the County Road. Changes in design will be made only with approval of the Precinct Commissioner.

D. Developer shall hold harmless the County and its duly appointed agents and employees against any action for personal injury or property damage sustained by reason of the exercise of this permit.

E. Developer shall not erect any sign on, or extending over, any portion of the County Road right of way.

F. Entrances must be constructed in such a way as to keep obstructions from being present in the right of way.

G. Mail boxes must be mounted on break away stands and be located so that boxes may be serviced and used from off the pavement.

H. This permit will become null and void if the above referenced driveway facilities are not constructed within six (6) months from the issuance date of this permit.

I. Developer will contact the Precinct Commissioner at least twenty-four (24) hours prior to beginning construction which is authorized by this permit.

Precinct Commissioner | Date

The undersigned hereby agrees to comply with the terms and conditions set forth in this permit for construction of an access driveway on the County Road right of way.

Developer | Date

Appendix M

SUMMARY OF TYLER COUNTY ROAD STANDARDS

Average Daily Traffic (one-way trips) **	0-1000	1001-2500	2501-5000	5001-15000
Functional Classification	Local Street	Minor Collector	Major Collector	Minor Arterial
Design Speed	25 mph	35 mph	45 mph	55 mph
Number of Lanes	2	2	2	4
ROW Width	60'	60'	70'	100'
Width of Traveled Way	20'	20'	28'	48'
Width of Shoulders	4'	5'	6'	8'
Minimum Centerline Radius	175'	375'	675'	975'
Minimum Tangent Length between Reverse Curves Or Compound Curves	75'	150'	300'	500'
Minimum Radius for Edge of Pavement At intersections	25'	25'	25'	25'
Intersecting Street Angle	80-100	80-100	80-100	80-100
Maximum Grade *	.11%	10%	9%	8%
Minimum Street Centerline Offset at Adjacent Intersections	125'	125'	125'	125'
Minimum Stopping Sight Distance	175'	250'	350'	550'
Minimum Intersection Sight Distance	250'	350'	450'	550'
Steepest Ditch Fore Slope Grade	4:1	4:1	4:1	6:1
Flood Design (year event)	10	15	25	25

Any deviation from these standards must be the subject of an approved variance. *

Lots that are restricted by plat note to one single-family residence shall be presumed to generate 10 one-way trips per day. Average daily traffic for all other lots shall be determined by the precinct

commissioner of their designee. Factors to consider are lot size, other plat restrictions and the potential for future development. **

The entire side ditch shall be totally contained within the road right-of-way or a dedicated drainage easement. Guardrails shall be required wherever the ditch depth exceeds 8' from the edge of the shoulder to the bottom of the ditch on local streets, 6' form the edge of the shoulder to bottom of the ditch on minor collectors and 4' from the edge of the shoulder to the bottom of the ditch on all others larger than a minor collector.

Any development generating more than 15000 average daily traffic counts will be designed according to TxDot standards.

Appendix N

REVISION TO PLAT

Subdivision Name: _____

Lots or Tracts to be revised: _____

Petitioner: _____

Petitioner's Mailing Address: _____

Petitioner's Phone Number: _____

Lienholder (if any): _____

(If there is a Lienholder, attach an executed Lienholder's Acknowledgement, Appendix O)

IF A REVISED PLAT INCLUDES ANY CHANGES TO AN EXISTING UTILITY EASEMENT, RELEASE OF SAID EASEMENTS BY THE UTILITY PROVIDERS IS REQUIRED BEFORE APPROVAL OR FILING OF SAID PLAT.

The signature affixed below will certify that the owner of the described property does hereby request to revise the plat of the property. The owner certifies that any and all lienholders have acknowledged this revision as per the attached Lienholder's Acknowledgement, if applicable.

_____
Petitioner

THE STATE OF TEXAS §
COUNTY OF TYLER §

BEFORE ME, the undersigned authority, on this day personally appeared _____, known by me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration of therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, 20___.

_____
Notary Public, State of Texas

APPROVED BY THE COMMISSIONERS COURT ON THE _____ DAY OF _____, 20___.

County Judge

County Clerk

Appendix O

LIENHOLDER'S ACKNOWLEDGEMENT OF PLAT REVISION

Lienholder: _____

Lienholder is the holder of a lien against the property described within the Revision to Plat, said lien being evidenced by instrument of record at Instrument No.: _____, of the Real Property Records of Tyler County, Texas, do hereby in all things subordinate to said Revision of Plat said lien. Lienholder hereby confirms that it is the present owner of said lien and have not assigned the same nor any part thereof.

_____
Signatory on behalf of Lienholder

THE STATE OF TEXAS §
COUNTY OF TYLER §

BEFORE ME, the undersigned authority, on this day personally appeared _____, known by me to be the person with authority to execute this instrument on behalf of _____ ("Lienholder") whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration of therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, 20___.

_____
Notary Public, State of Texas

Appendix P

CERTIFICATE OF DEVELOPER

Subdivision Name: _____

Lots or Tracts to be revised: _____

Applicant: _____

Applicant's Mailing Address: _____

Applicant's Phone Number: _____

Lienholder (if any): _____

(If there is a Lienholder, attach an executed Lienholder's Acknowledgement)

IF A REVISED PLAT INCLUDES ANY CHANGES TO AN EXISTING UTILITY EASEMENT, RELEASE OF SAID EASEMENTS BY THE UTILITY PROVIDERS IS REQUIRED BEFORE APPROVAL OR FILING OF SAID PLAT.

The signature affixed below will certify that the owner of the described property does hereby request to revise the plat of the property. The owner certifies that any and all lienholders have acknowledged this revision as per the attached Lienholder's Acknowledgement, if applicable.

_____
Applicant

THE STATE OF TEXAS §
COUNTY OF TYLER §

BEFORE ME, the undersigned authority, on this day personally appeared _____, known by me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration of therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the _____ day of _____, 20___.

_____
Notary Public, State of Texas

Appendix Q

SUBDIVISION DEVELOPMENT FEES

The following are a list of development fees for Tyler County. These fees are subject to change.

Initial Application Fees:

New First Tier Subdivision:	$750.00
New Second Tier Subdivision	$500.00
Replat of Existing Subdivision	$250.00

Approved Subdivision Fees:

Replat of Existing Subdivision	$250.00 + **publication fees**
Recording of Approved Plat:	$100.00

PASSED AND APPROVED THIS **27th** DAY OF **JUNE, 2022.**

Jacques Blanchette, County Judge

Donece Gregpry, County Clerk

Joe Blacksher, Commissioner Precinct 1

Stevan Sturrock, Commissioner Precinct 2

Mike Marshall, Commissioner Precinct 3

Charles "Buck" Hudson,Commissioner, Precinct4

Appendix R

Retainer for Engineer Review and Filing Fees

All engineer review fees will be paid by the owner/subdivision/developers. A retainer must be deposited with the County Clerk's Office along with the subdivision application in the following minimum amounts:

Subdivisions up to 10 acres or 10 lots:	$3,000
Subdivisions Larger than 10 acres or 10 lots:	$6,000
RV and/or Tiny Home Park	$5,000
Other Development or Exceptional Situations:	Retainer amount to be determined in consultation with the engineer on a case-by-case basis.
Filed Plat:	$100.00
Filed Deed Restrictions:	$26 + $4 per additional page

If engineer review fees exceed above-listed retainers, the owner/subdivider/developer must pay in full prior to approval of the subdivision.
If engineer review fees are less than above-listed retainers, or the application is withdrawn with the allotted time frame, a refund of the unused fees MAY be issued.

PASSES AND APPROVED THIS 27TH DAY OF JUNE, 2022

Jacques Blanchette, County Judge

Joe Blacksher, Commissioner Precinct 1

Stevan Sturrock, Commissioner Precinct 2

Mike Marshall, Commissioner Precinct 2

Charles "Buck" Hudson, Commissioner Precinct 4

ATTEST:

(seal)

Donece Gregory, Tyler County Clerk