

**RULES AND REGULATIONS  
FOR  
NEW SUBDIVISIONS**

**IN**

**HENDERSON COUNTY, TEXAS**

**EFFECTIVE AS OF**

**NOVEMBER 18, 2008**

**APPROVED AND ACCEPTED**

**BY**

**HENDERSON COUNTY COMMISSIONERS COURT**

David H. Holstein, County Judge  
Joe Hall, Commissioner Precinct 1  
Wade McKinney, Commissioner Precinct 2  
Ronny Lawrence, Commissioner Precinct 3  
Jerry West, Commissioner Precinct 4

**ON**

**NOVEMBER 18, 2008**

# HENDERSON COUNTY RESIDENTIAL SUBDIVISION REGULATIONS

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### Exhibit "A" - Fee Schedule and Payment Requirements

# HENDERSON COUNTY RESIDENTIAL SUBDIVISION REGULATIONS

## 1. INTRODUCTION

1.1 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 efficient maintenance and upkeep without imposing an extraordinary monetary burden on the taxpayers of Henderson County, Texas.

1.2 All departments and agencies of Henderson County stand ready to assist individuals, builders, contractors and developers in achieving overall performance standards as outlined in the following sections of these regulations.

1.3 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 total 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 forthcoming, a meeting between the Applicant, respective County Commissioner and the County's Designated Engineer will be arranged. If that meeting is not successful in achieving a resolution, the Applicant can appear before the Henderson County Commissioners Court for a final resolution.

1.4 These regulations are in no way intended to restrict the residential growth within Henderson County; rather, through public and private sector cooperation under these regulations, Henderson County can achieve and maintain a quality and standard of life that reflects the highest traditions and standards of its citizens.

1.5 Applications for any subdivision approval shall be processed on a case-by-case basis and a given application may name only one (1) Subdivision as the subject for approval.

## 2. ENFORCEMENT

2.1 The Commissioners Court of Henderson County shall have the authority to refuse approval or authorization of any map or plat of any proposed Subdivision not meeting the regulations as set forth in this document.

2.2 At the request of the Commissioners Court of Henderson County, the County Attorney (or any other prosecuting attorney representing the County) may file an action in a court of competent jurisdiction to:

2.2.1 Enjoin the violation or threatened violation of a requirement established by or adopted by the Commissioners Court under Chapter 232 of the Local Government Code; or

2.2.2 Recover damages in an amount adequate for the County to undertake any construction, remedial action or other activity necessary to bring about compliance with a requirement, established by the Commissioners Court, under Chapter 232 of the Local Government Code.

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2.3 A person commits an offense if the person knowingly or intentionally violates a requirement established by, or adopted by, the Commissioners Court under Chapter 232 of the Local Government Code. An offense under this subsection is a Class B Misdemeanor. This subsection does not apply to a violation for which a criminal penalty is prescribed under Section 232.0048 of the Local Government Code.

2.4 A person commits an offense if the person knowingly or intentionally violates a requirement that was established by or adopted under Chapter 436, Acts of the 55th Legislature, Regular Session 1957, as amended (Article 6626, a., Vernon's Civil Statutes), or Chapter 151, Acts of the 52nd Legislature, Regular Session 1951 (Article 2372, K., Vernon's Texas Civil Statutes). Before September 1, 1983, and that, after that date, continues to apply for Subdivision of land is enforceable under Subsection 2.2. A knowing or intentional violation of this requirement is an offense under Subsection 2.3.

### 3. DEFINITIONS

**3.1 AASHTO** – American Association of State Highway and Transportation Officials.

**3.2 APPLICANT** – An Owner or its authorized representative seeking approval of a proposed Subdivision pursuant to these Regulations.

**3.3 BASE FLOOD PLAIN (Flood Plain)** - That area subject to inundation by flood, having a one percent probability of being equaled or exceeded in any given year, based on existing conditions of development within the watershed area, as determined by the Flood Insurance Study for Henderson County provided by the Federal Emergency Management Agency (FEMA).

**3.4 BUILDING LINE OR SETBACK LINE** - A line established, in general, parallel to the front street line. No building or structure may be permitted in the area between the building line and the street right-of-way line.

**3.5 COMMISSIONERS COURT** - The Henderson County Commissioners Court.

**3.6 COUNTY** – Henderson County, Texas.

**3.7 COUNTY ROAD** – A public road/street, which is maintained by Henderson County.

**3.8 CUL-DE-SAC** - A street having one outlet to another street with a vehicular turnaround at the ("remaining" or "other") end.

**3.9 DESIGNATED ENGINEER** - A Professional Engineer who is licensed to practice in the State of Texas and employed by Henderson County or is on a consultant status with the County.

**3.10 DEVELOPER** - Persons, corporations, organizations, government or a governmental subdivision or agency, estates, trusts, partnerships, associates, incorporations or other entities, which undertake the activities addressed by these regulations.

**3.11 DRIVEWAY** - An area surfaced with asphalt, gravel, concrete, or a similar surface, designed to provide vehicular access between a public or private street and private property.

**3.12 EASEMENT** - A right given by the Owner of a parcel of land to another person, public agency or private corporation for specific and limited use of that parcel.

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**3.13 ENGINEER** - Any person registered and currently licensed to practice engineering by the Texas State Board of Registration for Professional Engineers.

**3.14 EXTRATERRITORIAL JURISDICTION (ETJ)** - The unincorporated area, not a part of any city, which is contiguous to the corporate limits of any city. The extraterritorial jurisdiction of the various population classes of cities shall be as defined in Chapter 42 of the Texas Local Government Code and summarized as follows:

3.12.1 The extraterritorial jurisdiction of any city having a population of less than five thousand (5,000) inhabitants shall consist of all the contiguous unincorporated area, not a part of any other city, within one-half (1/2) mile of the corporate limits of such city.

3.12.2 The extraterritorial jurisdiction of any city having a population of five thousand (5,000) or more inhabitants, but less than twenty-five thousand (25,000) inhabitants shall consist of all the contiguous unincorporated area, not a part of any other city, within one (1) mile of the corporate limits of such city.

3.12.3 The extraterritorial jurisdiction of any city having a population of twenty five thousand (25,000) or more inhabitants, but less than fifty thousand (50,000) inhabitants, shall consist of all the contiguous unincorporated area, not a part of any other city within two (2) miles of the corporate limits of such city.

3.12.4 The extraterritorial jurisdiction of any city having a population of fifty thousand (50,000) or more inhabitants, but less than one hundred thousand (100,000) inhabitants shall consist of all the contiguous unincorporated area, not a part of any other city, within three and one-half (3 1/2) miles of the corporate limits of such city.

3.12.5 The extraterritorial jurisdiction of any city having a population of one hundred thousand (100,000) or more inhabitants shall consist of all the contiguous unincorporated area, not a part of any other city, within five (5) miles of the corporate limits of such city.

**3.15 FEMA** - Federal Emergency Management Agency.

**3.16 GATED SUBDIVISION** - A limited access Subdivision.

**3.17 G.I.S.** - Geographic Information System.

**3.18 G.P.S.** - Global Positioning System.

**3.19 INFRASTRUCTURE** - The term 'infrastructure' refers to the technical details and physical installations of subdivision facilities to accommodate road travel, storm water drainage and utilities (water service, sewage disposal, telephone systems, etc.) routing and installation.

**3.20 LOT** - An undivided tract or parcel of land having frontage on a road and designated as a separate and distinct tract.

**3.21 MAY** - Is permissive and not mandatory.

**3.22 ON-SITE SEWAGE FACILITIES (OSSF)** - One or more systems of treatment devices and disposal facilities that produce no more than five thousand (5,000) gallons of waste each day and are used only for disposal of sewage produced on a site on which the system is located.

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**3.23 OWNER** – Any individual or legal entity, who possesses a recordable deed to one or more lots or tracts of land located in Henderson County.

**3.24 PAPER** – High quality tracing paper on which all preliminary plats and final plats shall be drawn before being submitted to Commissioners Court (and filed in the County Clerk's records).

**3.25 PLAT** - A map or drawing depicting the division or subdivision of lands into lots, blocks, parcels, tracts, or other portions. A re-plat or re-subdivision will also be considered a plat.

**3.25.1 PRELIMINARY PLAT** - One or more maps or drawings showing the physical conditions of a tract of land and the surrounding area intended to be subdivided. This preliminary plat shall show, in sufficient detail, the Developer's intended development program in order to assure compliance with all applicable regulations.

**3.25.2 FINAL PLAT** - A map or drawing and any accompanying material of a proposed land subdivision prepared in a form suitable for filing in the County records and prepared as described in these regulations.

**3.26 PROPERTY OWNER** – The Owner of the land subject to the approved and platted Subdivision.

**3.27 PUBLIC ROAD** - A roadway/street that is dedicated to public usage without restriction. A "public" designation does not imply Henderson County maintenance of or local municipal maintenance of such roadway/street, only that any and all persons can use the roadway within Texas Law.

**3.28 ROAD MAINTENANCE** - The practices, techniques, or responsibilities of maintaining any particular roadway/street being public or private.

**3.28.1 "Private Road" Maintenance** – The responsibility for maintenance of a public or private road that **has not been** accepted into either a municipal road maintenance system or the Henderson County Road Maintenance System.

**3.28.2 "Public Road" Maintenance** – The responsibility for maintenance of a public or private road that **has been** accepted into either a municipal road maintenance system or the Henderson County Road Maintenance System.

**3.29 SHALL** - Is mandatory and not discretionary.

**3.30 STATE PLANE COORDINATE SYSTEM** - A coordinate system used by States to locate spatial information with a high degree of accuracy. This coordinate system is widely used in North Central Texas for GIS purposes.

**3.31 SUBDIVISION** – The division of a tract of land situated within Henderson County and outside the corporate limits of any adjacent municipality. It is the intent of the Commissioners Court of Henderson County that the term "subdivision" be interpreted to include all divisions of the land to the fullest extent permitted under the laws of the State of Texas.

**3.31.1** If the Owner of a tract divides that tract into two or more lots of five acres or less intended for residential purposes, then a subdivision of the tract is created which may include an addition, lots; 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.

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**3.31.2** A subdivision is created regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executor contract to convey, or by using any other method.

**3.31.3** For purposes of this regulation, a subdivision shall be platted as one (1) contiguous land area of privately owned property in a size and shape as may be identified by an Applicant.

**3.31.4** Lots of five acres or less are presumed to be for residential purposes unless the land is restricted to nonresidential use on the final plat and in all deeds, and contracts for deeds.

**3.32 SURVEYOR** - Any person registered and currently licensed to practice surveying by the Texas Board of Professional Land Surveyors.

**3.33 TCEQ** - Texas Commission on Environmental Quality.

**3.34 Two-Year Road Program** - Henderson County's acceptance of maintenance for newly constructed roadway.

**3.35 TxDOT** - Texas Department of Transportation.

**3.36 Working Day** – Any day not including Saturday, Sunday or a legal holiday.

**3.37 (1) One Acre Net** - One acre of land after drainage easements, street and road rights of way, and flood plains have been subtracted from the gross area of the lot or tract. Utility easements do not affect the net area calculation.

**(Note:** Definitions not expressly prescribed herein are to be construed in accordance with customary usage in subdivision planning and engineering practices.)

## 4. ENFORCEMENT AREA

The provisions of these Subdivision Regulations shall apply to all of the unincorporated areas of Henderson County, Texas; provided, however, that, if requested by a political subdivision to exercise its zoning powers under Subchapter E, Chapter 231, Local Government Code, the County shall exercise zoning powers therein and, except for Section 5.2.8.4 hereof, which shall nevertheless remain effective, shall enforce the subdivision regulations adopted by such political subdivision in lieu of these Subdivision Regulations.

## 5. PLATTING PROCEDURE

5.1 Preliminary Plats:

5.1.1 The submission of a preliminary plat is necessary to:

5.1.1.1 eliminate the duplication of subdivision names and street names;

5.1.1.2 assure proper alignments of streets, sewer and storm drainage facilities;

5.1.1.3 assure compliance with the provisions of the Floodplain Regulations so no lot or any tract will have a storm water drainage problem;

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5.1.1.4 assure compliance with all provisions of TCEQ Regulations for On-Site Sewage Facilities;

5.1.1.5 assure that all necessary permits or plan approvals for utility services (including water and sewer) have, or will be, obtained by the Developer;

5.1.1.6 assure that the streets will be properly constructed and maintained.

5.1.2 A pre-application conference between the Applicant and the appropriate County Commissioner is required; inclusion of the County's Designated Engineer within that pre-application conference is strongly encouraged. The objective of the meeting is to initiate an informal review of the plans; to expedite the application process; and to reduce site plan design and development costs. The Applicant shall not be bound by the determinations made at the pre-application conference, nor shall the County Commissioner or the Commissioners Court be bound by decisions made during any such review. The pre-application conference shall be scheduled and performed upon request of the Applicant. Applicant's request for a pre-application conference shall be submitted in letter form to the respective County Commissioner's office and the pre-application conference shall be scheduled within 30 days of receipt of the letter.

5.1.3 Two (2) "black and white" copies or reproductions of the preliminary plat shall be submitted to the Commissioners Court prior to or concurrent with the submission of any preliminary plats to a city exercising its extraterritorial authority. In the event the subdivision falls within the jurisdiction of both Henderson County and the city, the more stringent set of the regulations shall prevail. No preliminary plat will be approved by the Henderson County Commissioners Court prior to approval of the plat by a city exercising its extraterritorial authority (if applicable). The Applicant bears the burden of establishing whether or not plat approval by an affected municipality is required. The entire preliminary plat application, including submission of the required filing fee and a deposit of funds (See Fee Schedule and Deposit Requirements attached in Exhibit "A") to be applied toward the County's Designated Engineer's review fee, shall be submitted at least ten (10) working days before the Commissioners Court at which approval is requested.

5.1.3.1 In addition, two (2) sets of all proposed construction plans and specifications for infrastructure improvements within the subdivision shall also be submitted to the Commissioners Court for review. An Engineer licensed to practice in the State of Texas shall sign and seal all construction plans, drawings and calculations. All data to be provided in the plans and specifications is listed in Subsection 5.3 titled, "Construction Plans."

5.1.3.2 If an Applicant or a Developer submits either an incomplete application or the information presented in the application is deemed to be incomplete, in error or otherwise deficient, the respective County Commissioner shall notify the Applicant or Developer about the deficiencies no later than the tenth (10th) business day after the date the Commissioners Court reviewed the application. The Commissioners Court shall allow the Applicant no more than 90 days to submit any corrected information. Until such time the Applicant submits the corrected information, the Commissioners Court will take no further action. If the Applicant takes no corrective action within 90 days, then an application shall be considered as "withdrawn," and no further consideration will be given to the application.

5.1.4 The appropriate Henderson County Commissioner and the Court's Designated Engineer shall review preliminary plats for compliance with these regulations before a preliminary plat can be submitted to the Court for approval.

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5.1.5 Preliminary plat(s) shall be drawn on an 18-inch by 22-inch sheet of Paper, at a scale of 1 inch = 200 feet, except in those instances where a city exercising its extraterritorial authority requires a different size sheet and/or scale. No plat shall be drawn on a sheet of polyester film ("Mylar"), and all notations, data, etc. shall be legible to the unaided eye.

In general, these drawings shall display all information "known" to the Applicant at the time of application affecting the proposed subdivision construction site. Standard engineering, architectural and geographic symbols and notation, as appropriate, shall be employed on all drawings. At least one (1) plat will display an overview of the entire proposed subdivision construction site and shall contain sufficient detail to evaluate the full scope and intentions of the applicant with regard to the proposed development. All drawings shall be drawn "to scale." The preferred scale of overview drawings is 1 inch = 200 feet. Auxiliary or supporting views may be drawn at a scale consistent with the need for detail or precision.

5.1.6 Preliminary plats shall show, **or be accompanied by**, the following information:

5.1.6.1 The name, address and telephone number of the Applicant, Developer, Owner, Surveyor and/or the Engineer responsible for preparing the plat;

5.1.6.2 The name, address and telephone number of the Surveyor responsible for surveying the subdivision and/or the preparation of the plat;

5.1.6.3 The proposed name of the subdivision, and the names, locations, widths and dimensions of all proposed and existing streets within the property. The proposed name of the subdivision shall not conflict with the name of any other subdivision in the County or names of adjacent subdivisions. (Consultation with the Henderson County 911 Communication District office would be prudent);

5.1.6.4 Sufficient data to reproduce (on the ground) the bearings and lengths of all streets, blocks, lots and easements. Curves on streets, blocks and easements shall include the radius, length and central angle of the curve. Curves on lots shall show the radius and length of the curve;

5.1.6.5 A legal description of the property (with respect to an original corner of the original survey of which it is a part) and the number of acres being subdivided;

5.1.6.6 All blocks, corners and angles shall be marked in accordance with minimum standards set forth by the Texas Board of Professional Land Surveyors. All corners shall be marked;

5.1.6.7 The location of the existing boundary lines in sufficient detail to accurately locate the property (i.e., location of the subdivision with respect to an original corner of the original survey of which it is a part);

5.1.6.8 The location and width of existing and proposed streets, roads, lots, alleys, building lines, easements, parks, school sites and any other features relating to the property;

5.1.6.9 A description of the subdivision by metes and bounds;

5.1.6.10 The description, location, width and dimensions of proposed and existing utility, drainage and pipeline easements within and adjacent to the property;

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5.1.6.11 The accurate location of adjacent subdivision streets, blocks, lots and easements, or the names of adjacent Owners of undeveloped tracts of land;

5.1.6.12 The names, physical locations and dimensions of all adjacent subdivisions and streets. If no adjacent subdivisions exist, the preliminary plat shall show:

5.1.6.12.1 The recorded name of all adjacent property Owners with the volume and page of recordation for each;

5.1.6.12.2. The location and distance to adjoining public roads and streets, and how the streets in the proposed subdivision may connect with those existing roads; and

5.1.6.12.3 In those cases where a proposed subdivision does not abut or have direct physical access to an established County road or, where access to a proposed subdivision crosses the property of a third party who is not the Applicant, the Applicant shall demonstrate that free and perpetual access to the proposed subdivision, using common modes of road transport over an all-weather route from a County road, is guaranteed by deed or other suitable legal instrument.

5.1.6.13 Existing and proposed contour lines at the following intervals:

5.1.6.13.1 When the property, in general, has less than a five percent (5%) slope, the contour interval shall be no greater than two feet (2 ft.); or

5.1.6.13.2 When the property, in general, has more than a five percent (5%) slope, the contour interval shall be no greater than five feet (5 ft.).

5.1.6.14 The exact locations, dimensioned descriptions and flow line elevation values for all existing and proposed drainage routes and structures;

5.1.6.15 The published 100-year floodplain boundary as identified on the most current Henderson County Flood Insurance Rate Map (FIRM) published by the Federal Emergency Management Agency (Note: FIRMs can be viewed and purchased on the World Wide Web at <http://msc.fema.gov>);

5.1.6.16 The location of the published 100-year flood plain in a manner that will show all lots, or any part of a lot, which lies within that (the 100-year) floodplain, to include an assessment of any flood jeopardy that may be introduced by the proposed subdivision site preparation or construction. In the event that no impact is assessed, such condition shall be reported;

5.1.6.17 The existing drainage areas upstream of the proposed subdivision, along with the drainage calculations to determine the amount of storm water entering, crossing, and leaving the proposed subdivision in detail sufficient to show any changes in the 100-year flood elevation across the proposed subdivision, and on the property both upstream and downstream from the proposed subdivision;

5.1.6.18 The date the plat was prepared;

5.1.6.19 A north arrow and the scale of the plat drawing;

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5.1.6.20 A local area (or vicinity) map showing the location of the proposed subdivision within the County and to the nearest incorporated areas with a north arrow and scale of the vicinity map;

5.1.6.21 Proposed water and sewer utility layout plans, if centralized utility functions are planned;

5.1.6.22 A certificate stating that the subdivision's water supply and sewerage system plans have been given approval from the appropriate State agency or designated authority, if applicable;

5.1.6.23 A sixty foot (60 ft.) buffer around existing physical features including, but not limited to; family cemeteries, monuments and historic burial grounds. The Applicant shall state whether or not there are any objects of historical significance known to be within the proposed subdivision boundaries and shall provide a letter from the Henderson County Historical Commission (HCHC) attesting to that fact. The HCHC letter shall be provided to the respective Commissioner within ten (10) working days of the request for preliminary plat approval;

5.1.6.24 A statement (designation) of the proposed uses of land within the subdivision (e.g., such statement shall indicate areas for residential, commercial, industrial or public use, such as parks, churches, etc);

5.1.6.25 A statement that the site of the proposed subdivision has not been environmentally contaminated by prior employment or use; such declaration to be confirmed by an environmental study done by a recognized authority; and

5.1.6.26 A signed agreement to the benefit of the Henderson County Commissioners Court, specifying that the Commissioners Court or its Designated Engineer shall have the right to halt subdivision development if given clear and sufficient cause.

5.1.6.27 The following statement under the County's signature block:

**“Construction not completed within one (1) year of the preliminary plat approval date shall be subject to County standards and regulations in effect on the approval anniversary date and at all times thereafter.”**

5.1.7 All information listed in Section 5.1.6 (above) is considered to be the minimum amount of information required to assure compliance with these Subdivision Regulations. Any deviations from the requirements listed above shall have the written approval of the Henderson County Commissioners Court, prior to submission of the preliminary plat for review.

5.1.8 If the proposed subdivision is a portion of a tract which is later to be subdivided in its entirety, then a tentative master plan of the entire subdivision shall be submitted with the preliminary plat of that portion to be subsequently subdivided.

5.1.9 The Henderson County Commissioners Court, in consultation with its Designated Engineer, will review the preliminary plat and send written comments to the Developer stating the conditions required for approval, if any.

5.1.10 Approval of the preliminary plat does not constitute acceptance of the subdivision, but is merely an authorization to proceed with the preparation of the final plat for record. The

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approval will be in effect for one year from the date of notification to the Applicant by the Commissioners Court. (The Henderson County 9-1-1 Coordinator shall assign all applicable emergency numbers and addresses after approval of the preliminary plat by the Commissioners Court).

5.1.11 No grading of streets or utility construction within the subdivision is authorized until the Commissioners Court approves the preliminary plat and construction plans.

5.1.12 Approval of the preliminary plat and construction plans by the Commissioners Court establishes the requirement that infrastructure and utility improvements be made, or construction bond or other financial security is provided, before the final plat is submitted for approval.

5.1.13 After approval of construction plans is received by the Applicant, all construction of roads and infrastructure shall be completed within twelve months (or within a reasonable timeframe as set forth by the Commissioners Court) and shall be in accordance with the applicable terms and specifications contained in these Regulations.

5.1.14 The Developer shall comply with all requirements listed in the Construction Standards portion of the Henderson County Subdivision Regulations.

5.1.14.1 The County Commissioner, County Designated Engineer or the County's representative shall be utilized for inspection of the construction at the expense of the Developer.

5.1.14.2 All construction and testing reports (e.g., subgrade density tests, optimum moisture content tests, etc.) shall be furnished to the respective County Commissioner, or the Commissioner's designee, certifying that the construction requirements of this regulation have been met.

5.1.14.3 Forty eight (48) hours prior to the commencement of any major construction event items such as subgrade stabilization and concrete or asphalt paving, the respective County Commissioner of the appropriate precinct or the Commissioner's designee, shall be notified by the Developer.

5.1.14.4 All applicable test results shall be approved by the County Commissioner or the Commissioner's designee prior to commencing the next phase of construction.

5.1.15 Upon completion of storm drainage infrastructure, roads, streets and other facilities intended for use by the public or purchasers or Owners of lots fronting or adjacent thereto, the Developer shall request (in writing) from the respective County Commissioner a final inspection of all infrastructure improvements within the subdivision.

5.1.15.1 Attached to the written request shall be one set of "Record Drawings" showing the work to be accepted for use by the County. A computer diskette or CD-ROM containing the "Record" plan sheets in the format and medium specified by the Commissioners Court may be submitted in lieu of the Paper drawings. The preferred format will be a portable document format (PDF). View only is a required file attribute.

5.1.15.2 The County Commissioner or the Commissioner's designee will inspect the completed work for compliance with all applicable Henderson County Residential Subdivision Regulations.

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### 5.2. Final Plats

5.2.1 The submission of final plats is necessary to:

5.2.1.1 Assure proper identification and location of all streets, lots and easements;

5.2.1.2 Assure that all proper dedications have been made for streets, easements and public spaces; and

5.2.1.3 Assure that all necessary permits have been obtained by the Developer.

5.2.2 A final plat is required unless the subdivision meets the requirements for exceptions detailed in Section 232.0015, Texas Local Government Code.

5.2.3 The Developer shall submit to the Henderson County Clerk's office the original plat on Paper along with two (2) black and white paper copies of the final plat, at least ten (10) working days prior to the date of Commissioners Court when the plat will be considered.

5.2.4 The Commissioners Court shall take action on the final plat submission no later than 60 days after the date a completed plat application is received by the Commissioners Court. However, an extension of the 60 day period may be given as set out under Section 232.0025, Texas Local Government Code.

5.2.5 For subdivisions located, wholly or in part, within either the extraterritorial jurisdiction or authority of any city, the Developer shall submit to the Henderson County Commissioners Court, two (2) black and white paper copies of the final plat, prior to or concurrent with the submission of the final plat to a city exercising its extraterritorial jurisdiction or authority. No final plat shall be presented to the Commissioners Court without a letter of approval or waiver provided by the city exercising its extraterritorial jurisdiction or authority.

5.2.6 Final plats shall be drawn on an 18-inch by 22-inch Paper sheet with a scale of 1 inch = 200 feet except in those instances where a city exercising its extraterritorial jurisdiction or authority requires a different sheet size and/or scale.

5.2.7 The following statements shall be noted on the face of the final plat, when appropriate:

5.2.7.1 "Blocking the flow of storm water or construction of improvements in drainage easements, and filling or obstruction of the floodway is prohibited;"

5.2.7.2 "The existing creeks or drainage channels traversing along or across this addition will remain as open channels and will be maintained by the individual Owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots;"

5.2.7.3 "Henderson County will not be responsible for the maintenance and operation of said drainage ways or for the control of erosion;" and

5.2.7.4 "Henderson County will not be responsible for any damage, personal injury or loss of life or property occasioned by flooding or flooding conditions."

5.2.8 Final plats shall show, **or be accompanied by**, the following information:

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5.2.8.1 The name of the subdivision, the names of the streets, the date that the plat was prepared, a north arrow and a graphic scale;

5.2.8.2 The number of all lots and blocks arranged in a systematic order, and clearly shown on the plat in distinct and legible figures;

5.2.8.3 The dedication of all streets, roadways, alleys, utility easements, parks, conservation easements, and other land intended for public use, and the Developer's certification that all parties with any interest in the title to the subject property have joined in such dedication, duly executed, acknowledged and sworn to by said Developer before a Notary Public;

5.2.8.4 The following statements to appear on any plat containing private streets, drives, emergency access easements, recreation areas and open spaces:

"NOTE: All private roads (drives and streets) will be signed in a manner that indicates its private status."

"HENDERSON COUNTY SHALL NOT BE RESPONSIBLE FOR MAINTENANCE OF PRIVATE STREETS, DRIVES, EMERGENCY ACCESS EASEMENTS, RECREATION AREAS AND OPEN SPACES; THE OWNERS SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF PRIVATE STREETS, DRIVES, EMERGENCY ACCESS EASEMENTS, RECREATION AREAS AND OPEN SPACES, AND SAID OWNERS AGREE TO INDEMNIFY AND SAVE HARMLESS HENDERSON COUNTY FROM ALL CLAIMS, DAMAGES AND LOSSES ARISING OUT OF OR RESULTING FROM PERFORMANCE OF THE OBLIGATIONS OF SAID OWNERS SET FORTH IN THIS PARAGRAPH."

5.2.8.5 The seal and signature of the Surveyor responsible for surveying the subdivision and/or the preparation of the plat;

5.2.8.6 A signature space for the County Judge of Henderson County indicating the approval of the Henderson County Commissioners Court;

5.2.8.7 A signature space(s) for the approval of a city exercising its extraterritorial authority; and

5.2.8.8 Various signature spaces for the approval of the appropriate electrical and natural gas suppliers (if natural gas is available).

5.2.9 All information listed in Subsection 5.2.8 (above) is considered to be the minimum amount of information needed to assure compliance with these Regulations.

5.2.10 The respective Henderson County Commissioner of the precinct, or the Commissioner's designee, shall review the final plat for its conformance to these regulations, and if acceptable, will place the request for approval of the final plat on the Commissioners Court Agenda.

5.2.11 When submitted to Commissioners Court, the final plat shall be accompanied by:

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5.2.11.1 An order adopted and entered in the minutes of the Commissioners Court, and after written notice is published in a newspaper of general circulation in the County, the Commissioners Court may require the Applicant or Owner to execute a good and sufficient bond as set out in Section 232.004, Texas Local Government Code;

5.2.11.2 A written statement of approval of construction plans from all conservation districts, municipal utility districts, or drainage districts;

5.2.11.3 A certificate from the Henderson County Tax Assessor-Collector stating that all property taxes are paid and not delinquent, and showing that rollback taxes are paid (if applicable);

5.2.11.4 A certificate or letter stating that construction plans for the subdivision's water supply and sewerage systems have been given approval from the Texas Commission on Environmental Quality;

5.2.11.5 Two (2) sets of "Record Drawing" construction plans;

5.2.11.6 A copy of proposed deed restrictions to be recorded by the Clerk of Henderson County;

5.2.11.7 A notation on the face of the final plat indicating that no more than one single family detached dwelling shall be located on each lot within the subdivision; and

5.2.11.8 An engineering report bearing the signed and dated seal of a professional engineer registered in the State of Texas. The engineering report shall discuss the availability and methodology of providing water facilities and wastewater treatment to individual lots within the subdivision. A detailed cost estimate per lot acceptable to the County shall be provided for those unconstructed water supply and distribution facilities and wastewater collection and treatment facilities which are necessary to serve each lot of the subdivision. The plan shall include a construction schedule for each significant element needed to provide adequate water or wastewater facilities. If financial guarantees are to be provided by the Applicant, the schedule shall include the start dates and completion dates.

Where water supplies are to be provided by an existing public water system, the Developer shall furnish an executed contractual agreement between the Developer and the retail public water utility. Before final plat approval, plans and specifications for the proposed water facilities shall have been approved by all entities having jurisdiction over the proposed project which may include, in addition to the County, the TCEQ and the County Health Department. If groundwater is to be the source of the water supply, the final engineering report shall include a groundwater availability study that complies with the requirements of 30 TAC §§230.1 through 230.11 for water availability for a public water supply system and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision.

Where there is no existing retail public utility to construct and maintain the proposed water facilities, the Developer shall establish a retail public utility and obtain a Certificate of Convenience and Necessity (CCN) from the TCEQ and include evidence of the CCN issuance with the plat. Before final plat approval, plans and specifications for the proposed water facilities shall have been approved by all entities having jurisdiction over the proposed project. If groundwater is to be the source of the water supply, the final engineering report shall include a groundwater availability study that complies with the requirements of 30 TAC §§230.1 through 230.11 for water availability for a public water

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supply system and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. If surface water is the source of supply, then the final engineering report shall include evidence that sufficient water rights have been obtained and dedicated, either through acquisition or wholesale water supply agreement, which will provide a sufficient supply to serve the needs of the subdivision for a term of not less than 30 years.

Where individual wells are proposed for the supply of drinking water to residences, the final engineering report shall include the quantitative and qualitative results of sampling the test wells. The results of such analyses shall be made available to the prospective property owners. If the water quality of the test well does not meet the water quality standards as set forth in 30 TAC §290.104, §290.106, §290.108 and §290.109 without treatment by an identified and commercially available water treatment system, then the final report must state the type of treatment system that will treat the water produced from the well to the specified water quality standards, the location of at least one commercial establishment within the County at which the system is available for purchase, and the cost of such system, the cost of installation of the system, and the estimated monthly maintenance cost of the treatment system. The final engineering report shall include a groundwater availability study that complies with the requirements of 30 TAC §§230.1 through 230.11 for water availability for individual water supply wells on individual lots and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. The description of the required sanitary control easement(s) shall also be included.

Where wastewater treatment is to be provided by an existing retail public utility, the Developer shall furnish evidence of a contractual agreement between the Developer and the retail public utility. Before final plat approval, an appropriate permit to dispose of wastes shall have been obtained from the TCEQ, and plans and specifications for the proposed wastewater collection and treatment facilities shall have been approved by all entities having jurisdiction over the proposed project.

Where there is no existing retail public utility to construct and maintain the proposed sewerage facilities, the Developer shall establish a retail public utility and obtain a CCN from the TCEQ. Before final plat approval, a wastewater treatment permit authorizing the treatment of the wastewater for the ultimate build-out population of the subdivision shall have been obtained from the TCEQ, and plans and specifications for the proposed sewerage facilities shall have been approved by all entities having jurisdiction over the proposed project.

Where private on-site sewerage facilities are proposed, the final engineering report shall include planning materials required by 30 TAC §285.4(c), including the site evaluation described by 30 TAC §285.30, and all other information required by the County's OSSF order.

5.2.12 After the final plat has been approved and signed by the Commissioners Court, the plat will be recorded with the County Clerk. The Applicant or the Owner's agent shall acknowledge the plat in the manner required for the acknowledgement of deeds.

5.2.13 Commissioners Court may refuse to approve a plat if it does not meet the requirements prescribed by these rules or if any bond required under these rules is not filed with the County Clerk. In the event of a refusal, the Applicant shall be given a complete list of the reasons for the disapproval by the respective County Commissioner.

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5.2.14 Upon approval, the final plat will be filed with the County Clerk's office. The County will collect the appropriate filing fee from the person submitting the plat. The final plat is subject to the filing and recording provisions of Section 12.002, Texas Property Code.

5.2.15 Security shall be payable to the Henderson County Judge and held by the County Clerk in a secure location.

5.2.16 The Henderson County 911 Coordinator shall assign emergency numbers and addresses which shall be used by the Developer after both final plat approval, and after construction of the roads and storm drainage system is complete.

5.2.17 Conveyance or sale of lots depicted on a preliminary plat **shall not be permitted** until the final plat has been approved, and filed with the County Clerk.

### 5.3 Construction Plans

5.3.1 All construction plans, drawings and design calculations shall be signed and sealed by a Registered Professional Engineer licensed to practice in the State of Texas. The plans, drawings and design calculations shall be submitted for review and approval with the preliminary plat. Plans may be presented in a portable document format (PDF).

5.3.2 Two (2) sets of all construction plans shall be submitted to and approved by the Henderson County Commissioners Court, unless a waiver is granted prior to the start of any construction. The construction plans shall consist of:

5.3.2.1 Street paving plans;

5.3.2.2 Storm water drainage plans, including outfall channels, storm sewers and inlets design;

5.3.2.3 Potable water distribution system plans (if applicable);

5.3.2.4 Sewage collection and treatment system plans (if applicable);

5.3.2.5 Plans for adjustment of existing utility lines and pipelines; and

5.3.2.6 Locations and descriptions of all easements.

5.3.3 Street paving plans shall show:

5.3.3.1 The plan of the street, in no larger than a 1 inch = 50 foot scale, showing the location of the proposed pavement, ditches and drainage structures within the street right-of-way;

5.3.3.2 The profile of the street in no larger than a 1 inch = 50 foot scale horizontal and a 1 inch = 5 foot scale vertical;

5.3.3.3 The street grades and elevations;

5.3.3.4 All vertical and horizontal curve information;

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5.3.3.5 The ditch grades, design flow of storm water, design depth of storm water and design velocity of storm water;

5.3.3.6 The typical street paving sections; and

5.3.3.7 The seal and signature of the Engineer responsible for the design on all sheets of the plan set.

5.3.4 Storm water drainage plans shall show:

5.3.4.1 The plan of the drainage ditches in no larger than a 1 inch = 50 foot scale;

5.3.4.2 The profile of the drainage ditches in no larger than a 1 inch = 50 foot scale horizontal and a 1 inch = 5 foot scale vertical;

5.3.4.3 The ditch grades, design flow of storm water, design depth of storm water and design velocity of storm water;

5.3.4.4 A plan and profile of all culverts under any street with the design flow of storm water, head water and tail water depths and velocities;

5.3.4.5 The sizes (lengths and diameters) of all driveway culverts to carry the design flow of storm water at each lot in the subdivision when the culverts are installed at the designed ditch grades;

5.3.4.6 Typical ditch sections;

5.3.4.7 The seal and signature of the Engineer responsible for the design on all sheets of the plan set; and

5.3.4.8 The size of each lot indicated on the final plat in square feet and in acres.

5.3.5 Potable water distribution system plans shall show:

5.3.5.1 The location and size of all proposed water lines in relation to the right-of-way or easements in which the lines are to be located;

5.3.5.2 The locations of all appurtenances (e.g., fire hydrants, flush valves, etc.) proposed to be installed;

5.3.5.3 The minimum depth of 36 inches to which the water lines are to be installed; and

5.3.5.4 The seal and signature of the Engineer responsible for the design on all sheets of the plan set (unless signed and sealed by the water company's Engineer).

5.3.6 Sewage collection and treatment system plans shall show:

5.3.6.1 The plan of the sewage collection system in no larger than a 1 inch = 50 foot scale, showing the location and size of all proposed sewer lines in relation to the right-of-way or easements in which the lines are to be located;

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5.3.6.2 The profiles of the sewer lines in no larger than a 1 inch = 50 foot scale horizontal, and a 1 inch = 5 foot scale vertical;

5.3.6.3 The locations of all appurtenances (e.g., manholes, cleanouts, etc.) proposed to be installed;

5.3.6.4 The gravity sewer line grades and elevations at all junction points;

5.3.6.5 The minimum depth of 36 inches to which all low-pressure sewer lines are to be installed; and

5.3.6.6 The seal and signature of the Engineer responsible for the design on all sheets of the plan set.

5.3.7 All construction plans shall be submitted with the preliminary plat.

5.3.8 Commissioners Court (with assistance from their Designated Engineer) will review the construction plans for their compliance with local and State design criteria, and return one (1) set of the construction plans to the Developer stating:

5.3.8.1 The plans have been approved, or;

5.3.8.2 Changes will need to be made before the plans can be approved. If any changes are required, the Developer shall make the necessary changes and resubmit two (2) copies of the corrected plans to the Henderson County Commissioners Court. If all necessary changes have been made, Henderson County will return one (1) set of the corrected plans to the Developer stating that the plans have been approved.

## **6. WATER AND SEPTIC SYSTEM REQUIREMENTS**

6.1 The Applicant shall submit a plan for providing utility service within the proposed subdivision. The proposed water supply source should be indicated clearly (e.g., municipal water, rural water supply corporation, privately owned water system, individual well, etc.) including locations of fire hydrants or filler plugs (unless the water lines are not sized for fire hydrants). All water supplies shall be designed, constructed, operated and maintained in accordance with TCEQ regulations. The plan shall also indicate whether or not the proposed subdivision is located within an existing Certificate of Convenience and Necessity (CCN) service area.

6.2 The plan for sewage collection, treatment and disposal should be indicated clearly (e.g., municipal sewer service, privately owned/organized sewage disposal system, private sewage facilities, etc.). If it is the Applicant's intent that each lot purchaser provides private sewage treatment facilities, those facilities shall meet all requirements of the TCEQ for on-site sewage treatment facilities (OSSFs).

6.3 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 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 proposed subdivision for a minimum of 30 years. The agreement must reflect that the Developer has paid the cost of water meters and other necessary connection equipment, membership fees, water rights acquisition costs, or other fees associated with connection to the public water system so that

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service is available to each lot upon completion of construction of the water facilities described in the utility service plan.

6.4 Where there is no existing retail public utility to construct and maintain the proposed water facilities, the Developer shall establish a retail public utility and obtain a CCN from the TCEQ. If groundwater is to be the source of the water supply, the Developer shall have prepared and provide a copy of a groundwater availability study that complies with the requirements of 30 Texas Administrative Code (TAC) §§230.1 through 230.11 for water availability for new public water supply systems and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. If surface water is the source of supply, the Developer shall provide evidence that sufficient water rights have been obtained and dedicated, either through acquisition or wholesale water supply agreement, that will provide a sufficient supply to serve the needs of the subdivision for a term of not less than 30 years.

6.5 Where individual wells or other non-public water systems are proposed for the supply of drinking water to residential establishments, the Developer shall have prepared and provide a copy of a groundwater availability study that complies the requirements of 30 TAC §§230.1 through 230.11 for individual water supply wells on individual lots and certifies the long term (30 years) quantity and quality of available groundwater supplies relative to the ultimate needs of the subdivision. The 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 Chapter 290, either: (1) without any treatment to the water, or (2) with treatment by an identified and commercially available water treatment system.

6.6 The conveyance of potable water by transport truck or other mobile device to supply the domestic needs of the subdivision is not an acceptable method, 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.

6.7 Developers who propose the development of an organized wastewater collection and treatment system must obtain a permit to dispose of wastes from the TCEQ in accordance with 30 TAC Chapter 305 and obtain approval of engineering planning materials from the TCEQ for such systems under 30 TAC Chapter 317.

6.8 Developers who propose to dispose of wastewater by connecting to an existing permitted facility must provide a written agreement with the retail public utility. The agreement must provide 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 proposed subdivision for a minimum of 30 years. The agreement must reflect that the Developer has paid the cost of all fees associated with connection to the wastewater collection and treatment system have been paid so that service is available to each lot upon completion of construction of the wastewater facilities described in the utility service plan.

6.9 OSSFs which serve single family or multi-family residential dwellings with anticipated wastewater generations of no greater than 5,000 gallons per day (gpd) must comply with 30 TAC Chapter 285. Proposals for sewerage facilities for the disposal of sewage in the amount of 5,000 gpd or greater must comply with 30 TAC Chapter 317.

6.10 The TCEQ or its authorized agent shall review proposals for OSSFs and make inspections of such systems as necessary to assure that the system is in compliance with the Texas Health and Safety Code, Chapter 366 and rules in 30 TAC Chapter 285. In addition to the unsatisfactory OSSFs listed in 30 TAC §285.3(i), pit privies and portable toilets are not acceptable waste disposal systems for lots platted under these rules.

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6.11 Any proposal for sewage collection, treatment and disposal by organized or municipal sewerage systems which includes greywater reuse shall meet minimum criteria of 30 TAC Chapter 210 promulgated and administered by the TCEQ. Any proposal for on-site sewage disposal which includes provisions for greywater reuse shall meet the minimum criteria of 30 TAC Chapter 285.

6.12 The disposal of sludge from water treatment and sewerage facilities shall meet the criteria of 30 TAC Chapters 312 and 317.

6.13 Plats or plans that depict OSSFs proposed for installation on lots located within the jurisdictional boundary of a Lake or River Authority (e.g., Tarrant Regional Water District, Upper Neches River Municipal Water Authority, Athens Municipal Water Authority, etc.) must be submitted to the affected Authority for review, approval and permitting in accordance with the procedures established by ordinance or other lawful guidelines. Copies of the approved permits for OSSF installation shall be provided to the Commissioners Court for record purposes.

6.14 The Developer, for review and approval by the Commissioners Court, shall provide Sanitary Control Easements for each deep water well proposed as a water supply source. (A Sanitary Control Easement is a legally binding document securing all land, within 150 linear feet of a public water supply well location, from pollution hazards). The form and the content of the engineer's certification and easements shall be in compliance with all requirements of the TCEQ.

### **7. SUBDIVISION REQUIREMENTS**

Soil composition throughout Henderson County varies greatly depending upon the location of the proposed subdivision. Therefore, an "optimum design," based upon site-specific soil conditions found within the proposed subdivision, prepared by the Developer's Engineer may be considered as an alternative to the following requirements.

Without the use of a Registered Engineer to specify and seal an "optimum design" based upon the site-specific soil conditions, the following Subdivision Requirements will be implemented:

#### **7.1 Roads or Streets**

Residential streets shall have a minimum width of right-of-way at sixty feet (60'); more may be required if needed for drainage purposes. Minimum pavement width shall be twenty feet (20') and shall consist of either six inch (6") thick concrete with one half inch (1/2") diameter rebar on twenty-four inch (24") centers (as further described below in "Option 1"), or at least two inches (2") of hot-mix asphaltic concrete overlay (as further described below in "Option 2"). The base course of the roadway section shall have a minimum width of twenty two feet (22') of crushed stone at a depth of four inches (4").

##### **7.1.1 OPTION 1. Concrete Pavement**

The roads or streets shall consist of concrete being at least six inches (6") thick with one-half inch (1/2") diameter rebar on twenty-four inch (24") centers. The base shall be twenty two feet (22') wide and may be constructed in the following manner:

7.1.1.1 A maximum four inch (4") flexible base compacted to 95% of Standard Proctor Density or;

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7.1.1.2 A minimum of a three inch (3") thick sand cushion (if appropriate for that area of the County) or;

7.1.1.3 An optimum design based upon site-specific soil conditions found within the proposed subdivision.

### 7.1.2 OPTION 2. Hot Mix Asphaltic Concrete (HMAC) Pavement

The roads or streets shall consist of at least two inches (2") of hot-mix asphaltic concrete overlay. The flexible base shall be twenty two feet (22') wide and be to a depth of four inches (4") compacted to 95% of Standard Proctor Density. The flexible base shall be either:

7.1.2.1 Covered with a primer at an application rate of one-third (1/3) gallon per square yard or;

7.1.2.2 Designed to optimize the site-specific soil conditions found within the proposed subdivision.

7.1.3 All roads or streets more than one hundred feet (100') in length shall be either connected at both ends to a dedicated street, or be provided with a turnaround having a minimum paved radius of forty five feet (45') and a minimum right of way radius of sixty five feet (65').

7.1.4 All roads or streets shall have a minimum grade of five tenths of one percent (0.50%). Grades of more than ten percent (10%) shall be allowed only upon approval of the County.

7.1.5 A proposed subdivision that adjoins or encompasses an existing public street which does not conform to minimum right-of-way requirements of these regulations, shall provide for the dedication of additional right-of-way along either or both sides of said street so that the minimum right-of-way required by these regulations can be established. If the proposed subdivision abuts only one side of said street, then a minimum of half of the required right-of-way shall be dedicated by such subdivision.

7.1.6 Where any portion of a road or street has been dedicated in an adjoining subdivision, adjacent to and along the common property line of the two subdivisions, enough width of right-of-way shall be dedicated in the new subdivision to provide the minimum width specified herein.

7.1.7 Roads or streets, which are a continuation of any existing road or street, shall take the same name of the existing road or street.

7.1.8 New roads or streets, which are a continuation of an existing road or street, shall be a continuation, without off-set, of the existing road or street.

7.1.9 A cul-de-sac shall have a maximum length of six hundred feet (600') measured along the centerline of the pavement.

7.1.10 All roads or streets preferably shall intersect at a ninety-degree angle. Where this is not possible, the intersection (on the side of the acute angle) shall be rounded with a curve or a cutback, but in no case shall the curve have less than a twenty five foot (25') radius.

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7.1.11 Where roads or streets in an adjoining subdivision end at the property line of the new subdivision, the said roads or streets shall be continued throughout the new subdivision. Where there are no adjacent connections, any new roads in the new subdivision shall be a reasonable projection of the roads or streets in the nearest subdivisions.

7.1.12 No decorative squares, trees, "islands," ornamental entrances or any other obstruction to traffic shall be constructed or preserved within the right-of-way of a road dedicated to the public without the written approval of the Henderson County Commissioners Court. If landscaping and/or irrigation systems are proposed for installation within the right-of-way, the Applicant shall create a governmental body (e.g., municipal utility district, homeowners association, neighborhood association, etc.), that will be responsible for the maintenance of the landscaping and/or irrigation systems and be liable for all risks associated with any such right-of-way construction. This governmental body shall have assessment authority to assure the proper funding for maintenance and liability coverage.

7.1.13 The entrances and/or exits to a subdivision shall be either by public road or street, and each lot shall front upon a public road or street. Entrances and exits shall be separated from any other intersection of a Federal Highway, State Highway or County Road by at least four hundred feet (400'). No subdivision will be approved by the Commissioners Court which will use a single road or street as the sole ingress/egress point for the entire subdivision.

7.1.14 Flared entrances to subdivisions shall be provided to accommodate access by large trucks.

### 7.2 Private Streets and Roads

7.2.1 Private streets and roads cannot be included in a subdivision without prior approval of the Commissioners Court.

7.2.2 Private streets, roads, and emergency access easements each shall be identified on the plat as a "vehicular access way" under private ownership and maintenance.

7.2.3 Private streets, roads, etc. shall conform to all applicable requirements of the Henderson County Subdivision Regulations.

7.2.4 Gated subdivisions (with security gates or guard stations) are considered privately owned and will not be maintained by the County.

7.2.5 The following statement shall appear on any final plat containing private streets, drives, emergency access easements, recreation areas and open spaces:

***"Note: Henderson County shall not be responsible for maintenance of private streets, drives, emergency access easements, recreation areas and open spaces; the Owner(s) shall be responsible for the maintenance of private streets, drives, emergency access easements, recreation areas and open spaces, and said Owner(s) agree to indemnify and save harmless Henderson County from all claims, damages and losses arising out of or resulting from performance of the obligations of said Owner(s) set forth in this paragraph."***

### 7.3 Drainage and Utility Easements

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7.3.1 Utility easements shall be a minimum of fifteen feet (15') in width, and shall be located on at least one side of every lot. It shall be the duty of the Developer to ensure that all easements are of the proper width and are located to accommodate the local utility providers.

7.3.2 No road will be accepted for maintenance by Henderson County if a petroleum pipeline is located in the right-of-way of the road and is either parallel to the road or is at an angle to the road, which is less than forty five degrees (45°).

7.3.3 The right-of-way shall be used only for the purposes of paving and maintaining streets and installing, continuing and maintaining storm sewers. Any additional utilities will require separate utility easements or rights-of-way.

7.3.4 Water lines and sanitary sewer mains may be located within dedicated street right-of-way if approved by the governmental entity responsible for the maintenance of the water and sanitary sewer improvements. If approved by the governmental entity, water and sanitary sewer improvements shall be located in the area between the back of curb or pavement edge and right-of-way line.

7.3.5 The County shall not provide maintenance of storm water drainage infrastructure.

7.3.6 Any area identified as part of a drainage easement will be subtracted from the gross lot size in the determination of an acceptable net lot size for construction.

7.3.7 Drainage easements shall be located along the existing drainage way, and shall meet the following standards:

7.3.7.1 All drainage easements in a new subdivision shall be of adequate width to permit drainage and flood control for all land whose natural drainage runs through the property;

7.3.7.2 All easements shall be designed to allow maintenance equipment to enter the easement and be able to perform the necessary work.

### 7.4 Lot Sizes, Number of Dwellings per Lot and Building Setbacks

7.4.1 Minimum lot frontage on existing County roads shall be eighty feet (80') for lots with a net area less than one (1) acre; eighty feet (80') chord length for lots located along a curve; one hundred and fifty feet (150') for lots with a net area equal to or greater than one (1) acre and less than three (3) acres; two hundred feet (200') for lots with a net area equal to or greater than three (3) acres and less than five (5) acres; and three hundred feet (300') for lots with a net area equal to or greater than five (5) acres and less than ten (10) acres. If construction of public roadway access is required for lots equal to or greater than ten (10) acres, the minimum lot frontage shall be four hundred and fifty feet (450').

7.4.1.1 Private driveways connecting subdivision lots to a County road shall have a minimum distance of twenty feet (20') from any other driveway entering onto the County road. The minimum paved width of all driveways shall be twelve feet (12').

7.4.1.2 Locations of driveway access to a State maintained highway should be placed in accordance with current TxDOT Driveway and Access Management policies. If access to a State maintained highway is proposed for each individual

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subdivision lot, then access concurrence from TxDOT shall be obtained for each ingress/egress location.

7.4.2 A Developer with plans that vary from the above-referenced minimum direct lot frontage requirements or minimum driveway spacing requirements shall appear before Commissioners Court for a ruling on the said variance.

7.4.3 Based on the presence of an on-site sewage facility, the minimum lot size on which development activity will be allowed shall be one (1) net acre if the subdivision will not be served by a public water supply. This minimum lot size may vary depending upon an evaluation by the Court's Designated Engineer, but in no case shall the minimum lot size be less than one-half (1/2) net acre if the subdivision will be served by a public water supply.

7.4.4 Subdivisions served by a public water supply and by a public sewage disposal system shall have an average density of not more than one (1) lot per one-half (1/2) acre. Subdivisions served by both a public water supply and a public sewage disposal system **and that have curbed and guttered paved streets or roads**, shall have an average density of not more than four (4) lots per acre.

7.4.5 Side lot lines shall be at a ninety-degree angle to the street whenever practical. All lots, so far as is practical, shall have their sidelines at right angles to the road on which the lot faces, or radial to curved road lines.

7.4.6 All straight lines shall show clearly the length of the line, and the plat shall show enough information to determine readily the bearings of all lot lines.

7.4.7 All curved lot lines shall show clearly the length of the arc and radius of the curve, or show enough information on the plat to determine readily the radius of the curve.

7.4.8 No more than one single family detached dwelling shall be located on each lot. This restriction shall be placed in all deeds and contracts for deeds for real estate sold within the Subdivision.

7.4.9 Building and setback lines shall be **50 feet** from the edge of the right-of-way on all state and federal roads, **25 feet** on all other public and private roads, and **5 feet** from adjoining lots or tracts. Building and setback lines shall be shown on both the preliminary and final plats. If the above setback lines differ from those adopted by a municipality with extraterritorial jurisdiction, the setbacks of the municipality shall apply.

### 7.5 Floodplains

7.5.1 Subdivisions located in a flood zone as shown on the current Flood Insurance Rate Map (FIRM) for Henderson County will comply with the following requirements:

7.5.1.1 Permanent benchmarks shall be set in appropriate locations with the description and elevation for each shown on the plat. The elevation of the benchmark shall be tied to a benchmark shown on the FIRM panel (if available);

7.5.1.2 All subdivision proposals shall be developed consistent with Henderson County's Flood Damage Prevention Ordinance;

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7.5.1.3 Elevation contours at one foot (1') intervals shall be shown on the floodplain portion of the lots shown on the plat;

7.5.1.4 The required building finished floor elevation value shall be shown for each lot located within the floodplain;

7.5.1.5 The floodplain area of each lot shall be subtracted from the overall lot size to determine minimum lot size; and

7.5.1.6 The provision and maintenance of storm water drainage for the purpose of flood damage reduction on individual private lots shall not be the responsibility of Henderson County.

### 8. CONSTRUCTION STANDARDS

Henderson County soil composition varies greatly depending upon the location of the "proposed subdivision." Therefore, dictating a specific construction standard or technique for all locations within the County could prove to be problematic. An optimum standard, based upon site-specific soil conditions found within the proposed subdivision and prepared by the Developer's Engineer, may be considered as an alternative to the following requirements.

Without the use of the Developer's Engineer to specify and recommend an optimum standard based upon the site-specific soil conditions, the following construction standards will be implemented:

The driving surface of all subdivision streets shall be concrete or hot mix asphaltic concrete (HMAC). The following items shall be the minimum specifications for the preparation and construction of streets dedicated to the public. All work, methods, materials, and equipment not covered by these Regulations shall conform to Items listed within the most recent revision of TxDOT's "Standard Specifications for Construction and Maintenance of Highways, Streets, and Bridges" (adopted by reference within these Regulations). All construction plans and design calculations shall be signed and sealed by a Registered Professional Engineer licensed to practice in the State of Texas.

The County Commissioner of the appropriate precinct shall be notified by the Developer or Contractor at least forty eight (48) hours prior to the commencement of any major construction activities such as subgrade stabilization and concrete or asphalt paving. County inspection will be provided on a "**when available**" or "**as needed**" basis. In addition, the Designated Engineer or respective Commissioner or the Commissioner's designee shall be utilized for the inspection of construction. All construction and testing reports shall be furnished to the Commissioner, or the Commissioner's designee, certifying that the construction requirements of this regulation have been met by the Developer or Contractor. All applicable testing results shall be approved prior to commencement of the next phase of construction.

The Designated Engineer or the Commissioner's designee shall issue a **STOP WORK ORDER** whenever the Developer or the Contractor fails to adhere to the preliminary plat, plans or specifications approved by the Commissioners Court. The Developer shall not continue construction until the deficiencies listed in the **STOP WORK ORDER** are corrected. If the Developer or the Contractor fails to correct the deficiencies, the Henderson County Commissioners Court shall not accept the subdivision for final platting purposes.

The following requirements may vary, if the Designated Engineer files a written report to the Commissioners Court stating why a variance should be granted:

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### 8.1 Preparing and Clearing the Right-Of-Way

8.1.1 The Developer shall clear the right-of-way in a manner conforming to TxDOT Item 100.

8.1.2 All unstable subgrade soils or objectionable materials shall be removed and replaced with fill materials acceptable to the County.

### 8.2 Roadway Excavation and Embankment

8.2.1 Any roadway excavation necessary to attain conformity with proposed road grades and typical cross-sections shall be done in accordance with the requirements of TxDOT Item 110. In cases where the proposed road grades and cross-sections require the placing of fill material to raise the roadway, such embankment fill shall be constructed in compliance with TxDOT Item 132. Completed side slopes shall not be steeper than a grade of 3-to-1. Completed cuts shall have side slopes no steeper than a grade of 3-to-1.

8.2.2 Requirements for slopes in cuts and on fills may be modified if the Developer presents plans designed, signed and sealed by an Engineer licensed to practice in the State of Texas, to the Commissioners Court, substituting adequate retaining walls or demonstrating that any cut will be made within materials possessing adequate stability. If blasting is required, all parties concerned shall follow the guidelines listed in TxDOT Item 7.10.

### 8.3 Subgrade and Base Courses

8.3.1 All streets and roads shall be constructed with a stabilized subgrade. Prior to construction of the subgrade, a soil analysis shall be conducted by a certified soil laboratory to determine if a soil stabilizer is required. If analysis reveals that existing soil properties are not acceptable, tests shall be made to determine the appropriate stabilizers and optimum quantities for desired results to meet road design. The subgrade material under all streets and roads shall meet or exceed the following minimum requirements:

8.3.1.1 Plasticity index value shall be a minimum of 6 and a maximum of 45;

8.3.1.2 Subgrade shall be bladed to a depth of twelve inches (12");

8.3.1.3 Subgrade shall be compacted with a weighted roller;

8.3.1.4 Subgrade shall be watered, bladed and rolled before any flexible base material is placed upon it; and

8.3.1.5 Subgrade shall be at least twenty four feet (24') wide.

8.3.2 Materials used for the base course shall meet the requirements of the specifications for such materials as established by the Developer's Engineer. If, in the interest of economy, the Developer's Engineer has elected to specify suitable base materials that are cheaper than base materials of higher quality, the construction drawings shall indicate the required thickness of the compacted base material, but in no case shall that thickness value be less than six inches (6"). Samples for testing of the materials shall be taken with the frequency listed within Subsection 8.7, "Testing and Inspections."

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8.3.3 Before placing any material, the Developer shall furnish the County Commissioner, or the Commissioner's designee, with reports of analysis from testing of the proposed materials which shall be made by an approved laboratory.

8.3.4 At least forty eight (48) hours before placing the base material, the sub-grade shall be inspected for conformity with grade and section and shall be tested for density in accordance with the provisions of Subsection 8.7, "Testing and Inspections." The Developer shall provide the required amount of specified material in each one hundred foot (100') station.

8.3.5 In addition to the requirements specified for density, the full depth of flexible base shown on the plans shall be compacted to the extent necessary to remain firm and stable under construction equipment loads. Construction equipment shall be limited to gross weight units not exceeding legal loads for roads and bridges within Henderson County.

8.3.6 If the base material fails to meet the density requirements, the material shall be reworked as necessary to meet those requirements.

8.3.7 All irregularities, depressions or weak spots that might develop shall be corrected immediately by scarifying the areas affected, adding suitable material as required, reshaping and recompacting by sprinkling and rolling.

8.3.8 If the base course (for any reason or cause) loses the required density or finish before the surfacing is complete, the base course shall be re-compacted and refinished at the sole expense of the Developer.

### 8.4 Subgrade Stabilization

8.4.1 Subgrade that might be stabilized using lime treatment (road mixed) shall conform to all requirements of TxDOT Item 260. Subgrade that might be stabilized using fly ash treatment (road mixed) shall conform to all requirements of TxDOT Item 265. Subgrade that might be stabilized using cement treatment (road mixed) shall conform to all requirements of TxDOT Item 275.

8.4.1.1 A lime application rate (mix design) shall be determined by the Developer's Engineer in accordance with TxDOT Item 260.2, E. A fly ash application rate (mix design) shall be determined by the Developer's Engineer in accordance with TxDOT Item 265.2, F. A cement application rate (mix design) shall be determined by the Developer's Engineer in accordance with TxDOT Item 275.2, E.

8.4.2 An independent testing laboratory (prior to construction) shall verify the optimum percent content of stabilizing agent (lime, fly ash or cement) within the subgrade.

8.4.3 Lime, fly ash or cement treated subgrade shall be compacted to a minimum 95% of Standard Proctor Density in accordance with ASTM D-698.

8.4.4 Roadway density testing shall be as outlined in TxDOT Item 260.4, E., 2.

### 8.5 Pavement Widening

8.5.1 Before any pavement is widened, the existing pavement shall be cut back two feet (2') to assure an adequate subgrade and pavement joint, as per TxDOT Specifications.

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### 8.6 Pipe Culverts and Structures

8.6.1 Pipe culvert design and specification shall be completed by the Developer's Engineer and a map or list containing the size of each pipe culvert required for installation within the subdivision shall be attached to the final plat. The Developer shall be held responsible for notifying builders and lot Owners of this requirement and ensuring that the properly sized culvert is installed at each affected lot within the subdivision.

8.6.2 Concrete, wherever mentioned in these Regulations, shall be "Class A" concrete as defined in TxDOT Item 421, except for machine-laid curbs, which shall be "Class C" concrete. Concrete materials, placement methods, placement temperatures, curing, etc., shall be provided, completed or performed in accordance with TxDOT Items 420 and 421.

8.6.3 Pipe culverts composed of corrugated metal pipe shall conform to the requirements of TxDOT Item 460. Pipe culverts composed of reinforced concrete pipe shall conform to the requirements of TxDOT Item 464. Pipe culverts composed of high-density polyethylene (HDPE) pipe shall conform to the requirements of AASHTO M-252 or AASHTO M-294. Manholes and inlets shall conform to the requirements of TxDOT Item 465, and Frames, Grates, Rings and Covers shall conform to the requirements of TxDOT Item 471.

8.6.4 When concrete box culverts and storm drains are constructed, materials shall be provided and installation shall be completed in accordance with the requirements of TxDOT Item 462. Headwalls and wingwalls shall comply with TxDOT Item 466, and Safety End Treatments shall comply with TxDOT Item 467.

8.6.5 Where metal, concrete or HDPE pipe culverts are installed, either concrete headwalls or four inches (4") of reinforced concrete riprap shall be installed at the inlet and outlet and shall comply with the requirements of TxDOT Item 466. Headwalls, on culverts at locations other than driveways, shall have a slope corresponding to the embankment slope, but not exceeding a 3-to-1 slope.

8.6.6 Pipe culvert sizes (diameters) shall be as determined by the Developer's Engineer and approved by the respective County Commissioner.

8.6.7 In high embankments, structures may not be carried to top of slope if wingwalls and adequate parapet headwalls are provided with an adequate concrete apron.

8.6.8 For outlet velocities exceeding eight (8) feet per second, an energy dissipater shall be installed at the outlet end of the culvert or storm drain.

8.6.9 Designs of wingwalls and parapets shall be submitted for approval and bear the signature and seal of the Developer's Engineer.

8.6.10 Property Owners constructing a private driveway that intersects a public road or street shall contact the respective Commissioner and obtain approval from the Commissioner concerning the appropriate culvert size for their location.

8.6.11 Any culvert shall be constructed and/or installed to match the flowline of the ditch.

### 8.7 Testing and Inspections

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8.7.1 The Developer shall be responsible for coordinating and paying for all inspections, on-site collections, and delivery of samples to an authorized laboratory, and for all on-site and off-site testing done by the laboratory. In addition, the Developer shall be responsible for coordinating and paying all costs associated with the County's Designated Engineer or the Commissioner's designee, which might be incurred for the inspection of any construction phases within the subdivision.

8.7.2 Street, Road and Structures testing by an authorized laboratory is required as follows:

8.7.2.1 Subgrade Proctor Density determination shall be made on each class of soil encountered. Density testing frequency shall be one (1) test each per five hundred linear feet (500') of street with retests as necessary with a minimum of three (3) tests;

8.7.2.2 Base Course Proctor Density tests shall be required to establish quality and moisture/density relationship. Density testing frequency shall be one (1) test each per five hundred linear feet (500') of street with retests as necessary with a minimum of three (3) tests;

8.7.2.3 Concrete Structure Inspections shall be made by either a County Commissioner, or the Commissioner's designee, prior to concrete placement. Concrete cylinders for compressive strength tests shall be poured during placement, with a minimum of one (1) cylinder collected for each one hundred linear feet (100') of roadway poured, with a minimum of three (3) cylinders collected per structure poured. Testing shall not be required for concrete curbs.

8.7.3 The Developer shall provide the respective Commissioner or the Commissioner's designee a minimum of forty eight (48) hours notice prior to any operations that the County shall inspect. The County's Designated Engineer shall approve the use of any laboratory testing organizations, prior to being employed by the Developer.

### 8.8 Street and Road Plans

8.8.1 Typical cross-sections showing the proposed pavement width, type, thickness, and crown, and the proposed curb type and sidewalk (if any), and relation to curbs and property lines shall be submitted by the Developer to the Commissioners Court for approval. This information shall be provided for each of the different types of streets proposed for construction within the subdivision.

8.8.2 Construction details shall be submitted for approval for all storm drainage structures including dimensions, reinforcing and components such as grates, manhole covers, etc. A complete cross-section, showing flow line elevations, roadway, fill over structure and inlet / outlet configuration for every storm drainage structure shall be submitted to the Commissioners Court for review and approval.

8.8.3 Alignment of each street and drainage easement shall be shown, including the following:

8.8.3.1 A beginning and ending station;

8.8.3.2 Each deflection angle of the centerline and the station of the point of intersection;

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8.8.3.3 The station of the point of curvature and the point of tangency of each curve;

8.8.3.4 The station and angle of intersection of each intersection with another street or drainage easement;

8.8.3.5 The station and radius of each curb return; the location of adjacent right-of-way lines; the location and limits of sidewalks and curbs of each street;

8.8.3.6 The location of each drainage structure; the location and size of all storm sewers;

8.8.3.7 The location, description, and elevation of bench marks;

8.8.3.8 The top of curb grade at each curb return;

8.8.3.9 The centerline grade at each end and at grade changes along drainage ditches;

8.8.3.10 The gradient of each tangent grade and the location and length of each vertical curve;

8.8.3.11 The direction of storm drainage flow at each intersection; and

8.8.3.12 The flow line elevation of each storm sewer at each point of change of grade, at each end, and at intervening gradients.

8.8.4 The profiles of streets and drainage ditches shall show the natural ground at adjacent property lines and the proposed centerline.

8.8.5 Plan and profile drawings shall include the scale, a north arrow and date, and shall be drawn to scale of one inch (1") equals fifty feet (50') horizontally and one inch (1") equals five feet (5') vertically.

8.8.6 All street plans and profiles shall bear the signature and seal of a Registered Engineer licensed to practice in the State of Texas.

### 8.9 Signs

8.9.1 All roads and streets shall be provided with standard road safety and directional signs common to highways in Texas. Signs and guard posts shall be installed by the Developer in accordance with the latest revision of the "Texas Manual on Uniform Traffic Control Devices."

8.9.2 All roads and streets shall be named and marked by the Developer with permanent reflectorized metal signs mounted on metal posts. The letters on the signs shall be at least four inches (4") tall.

8.9.3 The sign background colors shall be green with white lettering for public streets and roads, and red with white lettering for private streets and roads.

8.9.4 Roads and streets within the subdivision shall be named and numbered for each lot given a postal address. The numbers assigned shall be shown on the final plat. Roads

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and street names and numbers shall be checked by the Henderson County 9-1-1 Coordinator to avoid duplication of names or similar spellings for other roads in the County. The Commissioners Court shall be responsible for final approval of the name and numbering scheme proposed by the Developer.

8.9.5 For ease in locating an address in an emergency, all Owners within the subdivision shall have the numerical street address displayed prominently on their property for easy recognition by emergency service providers.

8.9.6 All hazardous locations within the subdivision shall be marked with reflecting yellow object markers that conform to all requirements within TxDOT Item 658.

8.9.7 All subdivision streets and storm drainage structures shall be marked and protected in accordance with the provisions of the "Texas Manual on Uniform Traffic Control Devices."

8.9.8 For vehicular traffic safety and pedestrian safety, all street signs shall be installed, inspected and approved by the Commissioners Court before any Maintenance Bond can be released.

### 8.10 Mailboxes

8.10.1 For purposes of public safety, the County encourages the use of clustered or community mail facilities whenever possible to reduce vehicular collision hazards.

8.10.2 Mailboxes shall be set a minimum of 3 feet from the edge of the pavement or one foot behind curbs. All mailboxes within the County right-of-way shall meet the current TxDOT standards if the speed limit on the County road is more than 40 miles per hour (mph).

8.10.3 Mailboxes in subdivisions with speed limits at or below 40 mph must meet Post Office requirements, and must be placed in a manner that does not interfere with the traffic's line of sight or field of vision.

### 8.11 Construction Completion

8.11.1 Upon completion of construction at each street, road, and alley, all trash, debris, scraps, and other waste material created by said construction shall be removed by the Developer and disposed of at a TCEQ authorized refuse and/or fill site. All trees, brush, and other organic plant materials native to the developed property may be burned on-site, provided that no County-wide burn ban is in effect at that time.

8.11.2 After the preliminary plat and plans for a subdivision have received approval by the Commissioners Court, the Court may specify a date by which construction of all streets, roads, and storm drainage structures shall be completed. If Commissioners Court does not specify any such date, then the Developer shall be required to have all construction of streets, roads, and storm drainage structures completed within a twelve (12) month period from the date the Commissioners Court approves the Developer's preliminary plat.

8.11.3 To provide for the safety of residents and to avoid a situation where homeowners are living on roads/streets under construction, lots shall not be sold within the subdivision

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until the applicable roads/streets have been approved for public use by the Commissioners Court.

### 9. STORM DRAINAGE STANDARDS

A Registered Engineer licensed to practice in the State of Texas shall design all storm drainage structures within the subdivision. Drainage calculations shall be based on the assumption that all of the property within the subdivision and all of the area within the watershed will be fully developed at some point in the future. A minimum 100-year recurrence interval for the design storm shall be used to size storm drainage structures within the proposed subdivision. Calculations and methods for determination of design frequency discharges shall be subject to review and approval by the Court's Designated Engineer.

Construction of all roads and street drainage structures shall be complete within twelve (12) months from the date of preliminary plat approval, unless the Commissioners Court grants an extension of time to the Developer.

#### 9.1 Lot Requirements

9.1.1 Lots and private property tracts within the subdivision shall be graded so that all surface drainage from every lot will be taken to the streets or drainage courses as directly as possible. Drainage of storm water from roads and streets shall be diverted to defined drainage courses as directly as possible. Roads and streets shall not be used as primary drainage courses within the subdivision. If the contour lines on the final plat indicate that any lot or lots may not drain properly, the Commissioners Court shall not approve the final plat until correction of said improper drainage has been completed.

9.1.2 Any house foundation built on a sloping lot, which is lower than the road on which it fronts, shall be built at an elevation high enough to prevent damage from storm drainage flow from the road. ***The Developer is responsible for notifying all prospective lot or tract buyers of this requirement.***

#### 9.2 Drainage Ditches for Streets without Curbs

All streets or roads without curbs and gutters shall have drainage ditches adjacent to and running parallel to those specific streets or roads. Drainage ditches shall have a minimum flow line depth of eighteen inches (18") below the level of the edge of the adjacent streets or roads.

#### 9.3 Drainage Course Crossing

Permanent drainage structures including, but not limited to, pipe culverts, drainage boxes and bridges shall be installed at all crossings of drainage courses, including drainage ditches with driveways, roads and streets.

#### 9.4 Permanent Drainage Structures

The County's Designated Engineer shall review and approve the geometric dimensions and types of permanent drainage structures, including pipe culverts, drainage boxes and bridges, for each subdivision. The minimum physical length for pipe culverts within any subdivision shall be twenty feet (20'); if the culvert is made of steel, it shall have a minimum gauge thickness of sixteen (16).

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### 9.5 Erosion Control

All drainage ways shall be designed to function properly without the creation of erosive flow velocities. Where specifically required by the County's Designated Engineer, permanent obstacles, such as concrete rip rap or rock retards, shall be installed on the sloping sides of drainage ditches and drainage courses to prevent erosion.

### 9.6 Cross-Slope Grade

Open drainage channels and ditches shall be constructed with a proper cross-slope grade and an alignment, which will facilitate less destructive velocities of storm drainage waters.

## 10. STORM WATER MANAGEMENT DURING CONSTRUCTION

The Developer shall keep construction activities under surveillance, management and control to avoid pollution of surface water and groundwater. Special management techniques shall be implemented to control water pollution from construction activities.

For subdivision project sites greater than five (5) acres in size, the Developer shall prepare a detailed Storm Water Pollution Prevention Plan (SWPPP) and complete a Notice of Intent (NOI) for Storm Water Discharges as required for a Texas Pollutant Discharge Elimination System (TPDES) General Permit No. TXR150000 as administered by the TCEQ. The Developer shall submit the NOI to TCEQ no later than forty eight (48) hours prior to the start of construction work. A dated copy of the NOI and the SWPPP shall be submitted to the respective County Commissioner or the Commissioner's designee for review and comment prior to the commencement of construction activities.

For subdivision project sites less than five (5) acres in size but greater than one (1) acre in size, the Developer shall prepare a detailed SWPPP in accordance with the TPDES Construction General Permit No. TXR150000. A site notice shall then be completed and posted in a conspicuous place at the jobsite. Before construction work begins, the Developer shall complete and submit to TCEQ a low rainfall erosivity waiver form (if the site qualifies per all applicable guidelines in the Construction General Permit).

For subdivision project sites less than one (1) acre in size and that are not part of a larger common plan of development, coverage under TPDES Permit No. TXR150000 is not required.

## 11. BONDS AND SECURITY

### 11.1 Construction Bonds

11.1.1 To ensure that roads, streets, and storm drainage structures are constructed in a timely manner, the Developer shall submit a construction bond with the final plat prior to Commissioners Court approval of the final plat. The construction bond shall remain in full force and effect until all of the roads, streets, street signs, gas/electric utilities, drainage structures and all other associated construction improvements in the subdivision have been completed to the satisfaction of the County's Designated Engineer, and the construction bond has been released by the County Judge on recommendation from the County's Designated Engineer.

If any or all of the roads, streets, drainage structures, gas/electric utilities, etc. as constructed by the Developer fail to meet the requirements of the Subdivision Regulations and the Owner fails or refuses to correct the defects within sixty (60) days

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from the date the County's Designated Engineer issues written notice to the Owner, the unfinished or faulty improvements shall be completed at the cost and expense of the Obligor or surety of financial securities as provided below.

If an adequate public or non-public water system or sewerage facility is not available from a retail public utility, or the facilities are not constructed by the Developer to serve lots intended for residential purposes of five acres or less at the time final plat approval is sought, then the Commissioners Court shall require the Owner of the subdivided tract to execute an agreement with the County secured by a construction bond, irrevocable letter of credit, or other alternative financial guarantee such as a cash deposit which meet the requirements set forth below.

11.1.2 A construction bond that is submitted in compliance with subsection 11.1.1 shall meet the following requirements:

11.1.2.1 The construction bond or financial guarantee shall be made payable to the Henderson County Judge, in his/her official capacity, or the Judge's successor in office.

11.1.2.2 The construction bond or financial guarantee shall be in an amount determined by the Commissioners Court to be adequate to ensure proper construction or installation of the roads, streets, drainage structures, gas/electric utilities, public or non-public water facilities and wastewater facilities, etc. to service the subdivision, including reasonable contingencies, but in no event shall the amount of the construction bond be less than the total amount needed to serve the subdivision as established by the Engineer who certifies the plat.

11.1.2.3 The construction bond shall be executed with sureties as may be approved by the Commissioners Court. The County shall establish criteria for acceptability of the surety companies issuing bonds that include but are not limited to:

- (A) registration with the Secretary of State and be authorized to do business in Texas;
- (B) authorization to issue bonds in the amount required by the Commissioners Court; and
- (C) rating of at least B from Best's Key Rating Guide; or if the surety company does not have any such rating due to the length of time it has been a surety company, the surety company must demonstrate eligibility to participate in the surety bond guarantee program of the Small Business Administration and must be an approved surety company listed in the current United States Department of Treasury Circular 570. Such bonds shall meet the criteria contained in the rules and regulations promulgated by the United States Department of Treasury.

11.1.2.4 The construction bond shall be conditioned upon construction or installation of roads, streets, drainage structures, gas/electric utilities, water and wastewater facilities, etc. meeting the criteria established within these regulations and upon construction of facilities within the time stated on the plat, or on the document attached to the plat for the subdivision, or within any extension of time granted by the Commissioners Court.

11.1.3 A letter of credit that is submitted in compliance with 11.1.1 shall meet the following requirements:

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11.1.3.1 Any letter of credit submitted as a financial guarantee for combined amounts greater than \$10,000 and less than \$250,000 must be from financial institutions which meet the qualifications listed below.

- (A) Bank qualifications:
  - (i) must be federally insured;
  - (ii) Sheshunoff rating must be 10 or better and primary capital must be at least 6.0% of total assets; and
  - (iii) total assets must be at least \$25 million.
- (B) Savings and loan association qualifications:
  - (i) must be federally insured;
  - (ii) tangible capital must be at least 1.5% of total assets and total assets must be greater than \$25 million or tangible capital must be at least 3.0% of total assets if total assets are less than \$25 million; and
  - (iii) Sheshunoff rating must be 30 or better.
- (C) Other financial institutions qualifications:
  - (i) the letter of credit must be 110% collateralized by an investment instrument that would meet the qualifications for a County investment; and
  - (ii) the investment instrument must be registered in the County's name and the County must receive safekeeping receipts for all collateral before the letter of credit is accepted.

11.1.3.2 Any letter of credit submitted as a financial guarantee for combined amounts greater than \$250,000 must be from financial institutions which meet the qualifications listed below.

- (A) Bank qualifications:
  - (i) must be federally insured;
  - (ii) Sheshunoff rating must be 30 or better and primary capital must be at least 7.0% of total assets; and
  - (iii) total assets must be at least \$75 million.
- (B) Savings and loan association qualifications:
  - (i) must be federally insured;
  - (ii) tangible capital must be at least 3.0% of total assets and total assets must be greater than \$75 million, or tangible capital must be at least 5.0% of total assets if total assets are less than \$75 million; and
  - (iii) Sheshunoff rating must be 30 or better.
- (C) Other financial institutions qualifications:
  - (i) the letter of credit must be 110% collateralized by an investment instrument that would meet the qualifications for a County investment; and
  - (ii) the investment instrument must be registered in the County's name and the County must receive safekeeping receipts for all collateral before the letter of credit is accepted.

11.1.3.3 The letter of credit shall list as sole beneficiary the Henderson County Judge, in his/her official capacity, or the Judge's successor in office, and must be approved by the Henderson County Judge.

11.1.4 The letter of credit shall be conditioned upon installation or construction of roads, streets, drainage structures, gas/electric utilities, water and wastewater facilities, etc. meeting the criteria established within these regulations and upon construction of

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facilities within the time stated on the plat, or on the document attached to the plat for the subdivision, or within any extension of time granted by the Commissioners Court.

11.1.5 The County will determine the amount of the construction bond, letter of credit, or cash deposit required to ensure proper construction of adequate roads, streets, drainage structures, gas/electric utilities, water and wastewater facilities, etc. in the subdivision.

11.1.6 The County may approve a final plat under this section without receiving a financial guarantee in the name of the County if:

11.1.6.1 the property being subdivided lies wholly within the jurisdiction of the County;

11.1.6.2 the property being subdivided lies wholly within the extra-territorial jurisdiction of a municipality; and

11.1.6.3 the municipality has executed an interlocal agreement with the County that imposes the obligation on the municipality to:

- (A) accept the construction bonds, letters of credit, or other financial guarantees, that meet the requirements of this section;
- (B) execute the construction agreement with the Developer; and
- (C) assume the obligations to enforce the terms of the financial guarantee under the conditions set forth therein and complete construction of the facilities identified in the construction agreement.

### 11.2 Maintenance Bonds

11.2.1 To ensure that roads, streets, street signs, gas/electric utilities, water and sewer facilities, storm drainage structures and all other subdivision appurtenances are maintained to the satisfaction of the Commissioners Court, a maintenance bond executed by a surety company authorized to do business in the State of Texas, and made payable to the Henderson County Judge, or the Judge's successor in office, shall be substituted for the construction bond at the time of release of said construction bond.

11.2.2 The maintenance bond amount shall be equal to forty percent (40%) of the estimated construction cost of roads, streets, street signs, storm drainage structures, water and sewer facilities, etc. within the subdivision. The estimated construction costs shall be prepared by the Developer's Engineer and accepted by the County's Designated Engineer prior to establishing the amount of any such maintenance bond.

11.2.3 The conditions of the maintenance bond shall be such that the Developer shall be obligated to maintain, to the satisfaction of Henderson County, all of the streets, roads, drainage structures, drainage ditches and channels, water and sewer facilities, etc. which were constructed according to the specifications of the Commissioners Court, in a good state of repair for a period of two (2) years from the date of official release of construction security.

11.2.4 Periodic inspection of roads, streets, street signs, gas/electric utilities, water and sewer facilities, drainage structures and all other construction for which maintenance bond is held, shall be made by the respective Commissioner or the Commissioner's designee during the period of liability covered by the maintenance bond. In the event any or all of the roads, streets, street signs, gas/electric utilities, water and sewer facilities, drainage structures and all other appurtenances are not being maintained in a good state of repair, the Developer shall be so advised in writing and, if after a reasonable time, the

## HENDERSON COUNTY RESIDENTIAL SUBDIVISION REGULATIONS

Developer fails or refuses to repair said items, then the roads, streets, street signs, gas/electric utilities, water and sewer facilities, drainage structures and all other constructed facilities shall be maintained at the cost and expense of the Obligor or surety of financial securities.

### 11.3 Final Inspection to Release Maintenance Bond

11.3.1 The Developer, upon completion of storm drainage infrastructure, roads, streets, water and sewer facilities, and other facilities constructed and intended for use by the public, or purchasers or Owners of lots fronting or adjacent thereto, shall request from the County a final inspection as a prerequisite for release of the maintenance bond. The request shall contain a statement by the Engineer responsible for the design of all improvements stating that he/she has made an inspection of such improvements, and recommends their acceptance by the Commissioners Court. Attached to the Engineer's statement shall be one set of Record Drawings showing the work to be accepted for use by the County, if not already provided per Subsection 5.1.15.1. A computer diskette or compact disk containing an electronic file version of the Record Drawings in a format or medium as specified by the County's Designated Engineer shall be submitted along with the paper copy of the Record Drawings.

11.3.2 The County Commissioner or the Commissioner's designee shall inspect the completed work for compliance with all applicable design criteria and regulations. The Developer shall be notified in writing of any work found to not be in compliance with the Subdivision Regulations.

11.3.3 If substantial road or street repairs are required during the two-year maintenance period, roads or streets shall be reconstructed or resurfaced by the Developer with appropriate materials and at the Developer's cost.

11.3.4 The release of any maintenance bond shall be by an order of the Commissioners Court. To request any such release, the Developer who posted the maintenance bond shall present a written request to the respective Commissioner or the Commissioner's designee to release said bond. Within ten (10) days following the receipt of release request notice, a final report from the respective Commissioner or the Commissioner's designee with a recommendation of approval or disapproval shall be filed with the Commissioners Court. The request for a bond release shall be addressed by Henderson County Commissioners Court within fourteen (14) working days following that date when the Commissioner submits a recommendation to the Commissioners Court.

### 11.4 Irrevocable Letter of Credit (In lieu of a Construction or Maintenance Bond)

11.4.1 An Irrevocable Letter of Credit may be submitted in lieu of a construction or maintenance bond, for the purpose of ensuring a Developer's obligation to build and then maintain the roads, streets, storm drainage facilities, water and sewer facilities, etc. within the subdivision for a period of at least two (2) years.

11.4.2 The Irrevocable Letter of Credit shall be accompanied by a letter from the lending institution listing the cumulative amount of all Irrevocable Letters of Credit issued to the County by that institution on behalf of the Developer and/or the Developer's DBA's. The accompanying letter shall also list each current Irrevocable Letter of Credit in force in Henderson County along with the name of each project and the amount of each letter.

11.4.3 Any Irrevocable Letters of Credit in lieu of construction and maintenance bonds shall be required under the same conditions as construction and maintenance bonds.

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### 11.5 Other Security

Any type of security or other type of bond intended to be used for construction bonds, maintenance bonds or Irrevocable Letters of Credit, shall be submitted initially to the respective County Commissioner, and presented to the Commissioners Court for acceptance or denial.

## 12. REVISION AND CANCELLATION OF PLATS

### 12.1 Application for Plat Revision

12.1.1 The Owner of an existing lot or lots in a platted subdivision may submit an application to revise the portion of the existing plat affecting such lot(s), unless prohibited by restrictive covenants or plat notes filed pursuant to these Subdivision Regulations, by submitting the following to the Commissioners Court:

12.1.1.1 Three (3) 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 a Developer in the subdivision, other materials acceptable to the Commissioners Court clearly setting forth the desired amendment;

12.1.1.2. A statement giving the reason(s) for the proposed revision; and

12.1.1.3 A filing fee, as specified, which may be amended from time to time by the Commissioners Court.

### 12.2 Public Notice

12.2.1 After the application submittal date, the County Clerk will post the re-subdivision for consideration by the Commissioners Court. However, before any application is considered by the Court, the Applicant shall file proof that the Owner, at the Owner's (or Applicant's) expense, has delivered or published all notices required by the Texas Local Government Code, Section 232.009, including:

12.2.1.1 A notarized publisher's affidavit demonstrating publication of the application in a newspaper of general circulation in the area affected by the re-subdivision, including a statement of the time and place at which the Commissioners Court will meet to consider the application and hear protests, if any. As required by the Texas Local Government Code, Section 232.009, the notice shall be published three (3) times during the period beginning on the thirtieth (30th) day and ending on the seventh (7th) day prior to date of Commissioners Court; and

12.2.1.2 Delivery of notice of the application to all Owners within the original subdivision by certified or registered mail, return receipt requested, at the Owners' addresses in the subdivided tract;

12.2.1.3 If all or part of the subdivided tract has been sold to non-developer Owners, the Owner shall also give notice to each of those Owners by certified or registered mail, return receipt requested, at the Owners' address in the subdivided tract;

12.2.1.4 The Commissioners Court is not required to give notice by mail under Subsection 12.2.1.2, if the plat revision only combines existing tracts and the revision does not increase the number of lots in the subdivision.

## HENDERSON COUNTY RESIDENTIAL SUBDIVISION REGULATIONS

### 12.3 Criteria for Approval

12.3.1 The Commissioners Court may approve an application to revise a subdivision upon finding that:

12.3.1.1 The revision will not interfere with the established rights of any Owner of a part of the subdivided land, or each Owner whose rights may be interfered has agreed to the revision; and

12.3.1.2 The plat as revised conforms to the requirements of the Henderson County Subdivision Regulations.

### 12.4 Filing of Plat Revision

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

### 12.5 Cancellation of Subdivision

12.5.1 A real property Owner may apply to the Commissioners Court for permission to cancel all or part of the subdivision.

12.5.2 The application for cancellation shall show that the cancellation of all or part of the subdivision does not interfere with the established rights of any Owner who owns any part of the subdivision or that the other Owners agrees to the cancellation.

12.5.3 The Commissioners Court shall authorize the Owner to file the instrument canceling the subdivision in whole or in part. The instrument shall describe the subdivision or the part that is cancelled.

12.5.4 Notice of an application for cancellation shall be published in a County newspaper one day each week for at least three (3) consecutive weeks. Notice shall 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.

12.5.5 Any assessment of the property by the County Tax Assessor-Collector shall be done as specified in Section 232.008 of the Texas Local Government Code.

12.5.6 The authorization of the cancellation by the Commissioners Court shall be conducted as specified in Section 232.008 of the Texas Local Government Code.

## 13. PRIOR APPROVALS

### 13.1 Prior Preliminary Plat Approval

A plat application for a subdivision that already has received preliminary plat approval prior to the effective adoption date of these Subdivision Regulations shall be based upon the subdivision regulations in effect immediately prior to these Regulations, and such regulations are kept in effect for such purposes. Development of land subject to this Section may be subject to development permits or on-site sewage facilities permit regulations duly adopted by County Order.

## HENDERSON COUNTY RESIDENTIAL SUBDIVISION REGULATIONS

### 13.2 All Other Plat Applications

Following the effective date of these Subdivision Regulations, all other plat applications, including replats, plat amendments or applications for plat approval following plat cancellation, shall be subject to the regulations and development standards contained in these Subdivision Regulations.

## **14. SEVERABILITY**

If any provision of this Subdivision Regulation Order, or the application thereof, to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the Order which can be given effect without the invalid provision or application, and to this end, the provisions of this Order shall be declared to be severable.

## **15. AMENDMENT TO REGULATIONS**

The Commissioners Court may amend this Order from time to time, and may adopt new requirements to this Order by vote of simple majority.

HENDERSON COUNTY RESIDENTIAL  
SUBDIVISION REGULATIONS

THESE SUBDIVISION REGULATIONS WERE INTRODUCED, READ AND PASSED by an affirmative vote of the Commissioners Court of Henderson County, Texas on the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
David Holstein, County Judge

\_\_\_\_\_  
Joe Hall, Commissioner Pct. 1

\_\_\_\_\_  
Wade McKinney, Commissioner Pct. 2

\_\_\_\_\_  
Ronny Lawrence, Commissioner Pct. 3

\_\_\_\_\_  
Jerry West, Commissioner Pct. 4

ATTESTED:

\_\_\_\_\_  
Gwen Moffeit, County Clerk

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**Exhibit "A"**

**Fee Schedule and Payment Requirements**

<b><u>Preliminary Plat, with no required flood plain review:</u></b> (For example, a Preliminary Plat involving the creation of four lots has an application fee of \$400.)	\$300, plus \$25 per lot
<b><u>Preliminary Plat, with required flood plain review:</u></b> (For example, a Preliminary Plat involving the creation of four lots has an application fee of \$800.)	\$600, plus \$50 per lot
<b><u>Final Plat, with no street improvements:</u></b>	\$600
<b><u>Final Plat, with street improvements:</u></b> (For example, a Final Plat involving the creation of 500 linear feet of street improvements has an application fee of \$1,550.)	\$300, plus \$2.50 per LF aggregate street length
<b><u>Variance Request:</u></b> (If variance is sought for more than one lot/tract/parcel, each lot/tract/parcel constitutes a separate request and, therefore, requires the appropriate application fee — for example, a request involving four lots/tracts/parcels has an application fee of \$400.)	\$100 per request
<b><u>Replat, Revision or Amendment of Plat:</u></b> (For example, a replat, revision or amendment of a plat involving four affected lots within the subdivision has an application fee of \$240.)	\$200, plus \$10 per lot

The following forms of payment may be used to satisfy subdivision development application fees (for the exact amount only; no cash, please):

- Personal Check (with Texas drivers license number shown, and made payable to Henderson County)
- Business/Corporate Check (made payable to Henderson County)
- Cashier's Check (made payable to Henderson County)
- Money Order