

**ORDER ADOPTING FIFTH REVISED FRIO COUNTY
COMMISSIONERS COURT STANDARDS FOR SUBDIVISIONS**

THE STATE OF TEXAS §

COUNTY OF FRIO §

WHEREAS, the Commissioners' Court of Frio County has the authority to regulate the subdivision process pursuant to Local Government Code, Sec. 232.001 et seq.; and

WHEREAS, the Commissioners' Court of Frio County has been designated by the Texas Commission on Environmental Quality as the authorized agent for the licensing and regulation of on-site sewerage facilities within Frio County and these Regulations are a necessary component of such regulation; and

WHEREAS, the Commissioners' Court of Frio County has the authority and obligation to exercise general control over the roads, highways, bridges and related drainage structures and development within Frio County; and

WHEREAS, the Commissioners' Court of Frio County has the authority and obligation to protect the public health, safety, morals or general welfare of the citizens of Frio County as provided in Chapter 232.101, Texas Local Government Code; and

WHEREAS, the Frio County has the authority to insure that the health and safety of its citizens by assuring that an adequate supply of safe drinking water and safe sewer facilities are available to residential areas by incorporating the provisions of Chapter 364, Model Subdivision Rules into Subdivision Regulations of Frio County; and

WHEREAS, the Frio County Subdivision and Development Regulations are enacted to implement the powers conveyed to counties under the laws of the State of Texas;

WHEREAS, the Commissioners' Court of Frio has considered the potential burden on landowners and taxpayers if substandard development or poor quality construction were allowed and these Frio County Subdivision and Development Regulations are to be enacted to preserve and protect the resources, public health and private property interests of Frio County.

NOW THEREFORE, BE IT RESOLVED that the Commissioners' Court of Frio County does hereby ORDER the adoption of the Frio County Subdivision and Development Regulations will supersede and replace the previously adopted Rules, Regulations, and Requirements Relating to the Approval and Acceptance of Improvements in Subdivisions or Re-subdivisions.

The Following Standards for Subdivisions are **APPROVED, PASSED AND ADOPTED** by the Commissioners Court of Frio County, Texas, on this 10th day of November 2014, with the following members of the court voting: 3 AYE, 0 NAY, with 0 ABSTAINING, and 2 ABSENT.

Carlos A. Garcia

HON. CARLOS A. GARCIA
County Judge

HON. JESUS "CHUY" SALINAS
Commissioner, Precinct No. 1

Richard Graf
HON. RICHARD GRAF
Commissioner, Precinct No. 2

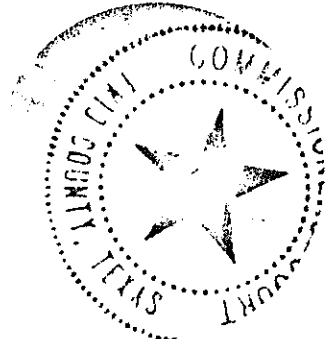
HON. RUBEN MALDONADO
Commissioner, Precinct No. 3

Jose Pepe Flores
HON. JOSE "PEPE" FLORES
Commissioner, Precinct No. 4

ATTEST:

Angie Tullis
HON. ANGIE TULLIS
Frio County Clerk
Ex officio Clerk of the
Frio County Commissioners Court

By: *[Signature]*
(Chief) Deputy Clerk



Section I

Required PLAT

100.001 According to Local Government Code Chapters 232.001 and 232.072, the owner of a tract of land located outside the limits of a municipality, including the ETJ, must have a plat of the subdivision prepared when the owner divides the tract into two or more parts as shown below:

1. a subdivision of the tract, including an addition;
2. lots; or
3. streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.

100.002 A subdivision of a tract under this section includes any subdivision of a real property by any method of conveyance, including a contract of deed, oral contract, a contract of sale, or other type of executory contract, regardless of whether the subdivision is made by using metes and bounds description.

100.003 In accordance with Local Government Code Chapter 232.0015, a Subdivision Plat is not required when the owner of a tract of land divides the tract into two or more parts and any of the following conditions exist:

1. The land is used primarily for agricultural use as defined by Section 1-d, Article VIII, Texas Constitution, **or** for farm, ranch, wildlife management, **or** timber production use, within the meaning of Section 1-d-1, article VIII, Texas Constitution; and does not lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use **or** the use of purchasers or owners of lots fronting on or adjacent to streets, alleys, squares, parks, or other parts. Applicant shall provide written documentation from the Frio County Appraisal District that the subdivision is approved for an Agricultural exception; or
2. The tract is divided into four or fewer parts and the parts are sold, given, or otherwise transferred to an individual who is related to the owner within the third degree of consanguinity or affinity, as determined under Chapter 573, Government Code, **and** does not lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use **or** the use of purchasers or owners of lots fronting on or adjacent to streets, alleys, squares, parks, or other parts. Applicant shall provide appropriate documentation to verify family relationship; or
3. All of the lots of the subdivision are more than 10 acres in area, **and** does not lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use **or** the use of purchasers or owners of lots fronting on or adjacent to streets, alleys, squares, parks, or other parts. Applicant shall provide a survey or deed describing the lot size; or
4. All of the lots are sold to veterans through the Veterans' Land Board program, **and** does not lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use **or** the use of purchasers or owners of lots fronting on or adjacent to streets, alleys, squares, parks, or other parts. Applicant shall provide an affidavit by the Owner to the effect or other reliable documentation from the Veterans' Land Board; or

5. The tract is owned by the state, other state agency, board, commission, the permanent school fund or any other dedicated funds of the state, **and** does not lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or the use of purchasers or owners of lots fronting on or adjacent to streets, alleys, squares, parks, or other parts. Applicant shall provide certified copies of the deeds and certified copies of the minutes from the agency, board, or commission; or
6. The owner of the land is a political subdivision of the state, the land is situated in a flood plain, and the lots are sold to adjacent landowners, **and** does not lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or the use of purchasers or owners of lots fronting on or adjacent to streets, alleys, squares, parks, or other parts. Applicant shall provide certified copies of the deeds and certified copies of the minutes from the agency, board, or commission; or
7. One new part is to be retained by the owner, and the other new part is to be transferred to another person who will further subdivide the tract, **and** does not lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or the use of purchasers or owners of lots fronting on or adjacent to streets, alleys, squares, parks, or other parts. Applicant shall provide copies of the deeds and an affidavit from the person to whom the other lot was transferred which affirms the intent to further subdivide the tract subject to the plat approval requirements; or
8. All parts of the tract are transferred to persons who owned an undivided interest in the original tract and a plat is filed before any further development of any part of the tract, **and** does not lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or the use of purchasers or owners of lots fronting on or adjacent to streets, alleys, squares, parks, or other parts. Applicant shall provide a certified copy to the deed by which the common Owner acquired their common ownership interests.

100.004 If the tract described above in Section 100.003 (1-8) of these regulations ceases to meet the exemption described therein, platting requirements shall immediately apply.

100.005 Subject to the above Section 100.003 (1-8) of these regulations and Local Government Code Sections 232.002 and 232.073, no land shall be divided and sold or conveyed until the Plat has:

1. final approval from the Commissioners' Court; and
2. been filed with the County Clerk, for recordation in the Map Records of the County.

100.006 Approval of a Plat by the Commissioners' Court shall not be deemed an acceptance of the proposed dedications, if any are shown thereon, and shall not impose any duty upon the County concerning maintenance or improvements of any such dedications. The Commissioners' Court determines which dedication will be accepted for County maintenance after the Owners' maintenance period has expired.

100.007 A property developed as a **manufactured home/RV rental community** and not subdivided from another tract, as defined above in Section 100.001, is not subject to the platting regulations established herein. However, the owner who intends to use the land for a manufactured home/RV rental community must have an infrastructure development plan prepared, as required in Local Government Code Chapter 232.007 (e) that complies with the minimum infrastructure standards established in the Frio County Infrastructure Requirements for Manufactured Home/RV Rental Communities. The transfer of title of one or more lots or units,

but less than the whole, within a tract will cause these Subdivision Regulations to become applicable.

Section II

Definitions

200.001 Applicant: A person or other legal entity who is authorized in writing to present matters regarding any plat, plan, or study submitted pursuant to these Regulations.

200.002 Architect: A person duly registered and licensed to practice the profession of architecture in Texas.

200.003 Bench Marks: A surveyor's mark made on a stationary object of a previous determined position and elevation.

200.004 Block: A parcel of land entirely surrounded by public highways, streets, streams, railway rights-of-way, parks, etc., or a combination thereof. The County Engineer serves as the County's authority as to the determination of questions regarding the limits or extent of a block.

200.005 Building Setback Line: A line established, in general, parallel to the front street line. No building/structure or part of a building/structure may be permitted in the area between the building setback line and the street right of way.

200.006 Business Day: A day other than Saturday, Sunday, or a holiday recognized by this state.

200.006 Clerks' Office: The Clerks' Office of Frio County.

200.007 Commissioners' Court: The Commissioners' Court of Frio County.

200.008 County: Frio County

200.009 County Engineer: The County Engineer of Frio County.

200.010 County Judge: The County Judge of Frio County.

200.011 County Road: Any street or road approved by Commissioners' Court to be maintained by the County Engineer.

200.012 Cul-de-Sac: A road/street having one end open to vehicular traffic and having one closed end terminated by a turnaround.

200.013 Daughter Tract: Any of the tracts created by division.

200.014 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.

200.015 Engineer: A person duly registered and licensed to practice the profession of engineering in Texas.

200.016 Extra Territorial Jurisdiction (ETJ): That area outside of the incorporated city limits and within the area defined in Chap. 42, Art. 42.021 of the Texas Local Government Code. Within their ETJ, cities shall enforce their subdivision regulations.

200.017 Flood Plain: That area subject to inundation by flood, having a one percent (100 Year) probability of occurrence in any given year, based on calculations of the existing and development conditions within the areas or shown on a Flood Insurance Study for Frio County provided by the Federal Emergency Management Agency (F.E.M.A.)

200.018 Floodway: The channel and adjacent areas of a water course within which no obstructions to flow are allowed, so that the 100-year flood may pass without cumulatively increasing the 100-year flood plain elevation more than one (1) foot, provided hazardous velocities are not produced.

200.019. Geometric Design Standards: The minimum allowable engineering geometric standards adopted by Frio County affecting the functional traffic operation and safety of highways, roads, and streets in Frio County.

200.020 Homeowners Association: A formal organization operating under recorded land agreements through which (a) each lot and/or homeowner in a specific residential area is automatically or voluntarily becomes a member and (b) each lot or property interest is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as the maintenance of common property.

200.021 Lot: Any plot of land occupied or intended to be occupied by one building, a group of buildings, or accessory buildings and uses or having principal frontage on a road/street (public or private).

200.022 Main Arterial: A primary street or road whose function is the movement of traffic into and out of a subdivision or has multiple intersecting streets or roads within the subdivision.

200.023 Manufactured Homes/RV Rental Communities: A plot or tract of land separated into two or more spaces or lots that are rented, leased, or offered for rent or lease, for a term of less than 60 months without a purchase option, for the installation of manufactured homes/RVs for the use as residences. The title or ownership of the lots or spaces is retained in the name of the original owner or developer or his assignees.

200.024 Minor Plat: A subdivision in which only one lot (1) is being platted or in which no road or drainage improvements are required.

200.025 Parent Tract: The original tract prior to any division.

200.026 Plat: A map of a tract of land planned to be subdivided and meets the requirements listed above in Section 100.001 of these regulations.

1. **Preliminary Plat:** A map of a proposed land subdivision showing the character and proposed layout of the tract in sufficient detail to indicate the suitability of the proposed development. (See Section 303.003 of these regulations for more information.)
2. **Final Plat:** A map of a land subdivision prepared for submittal to the Commissioners' Court for approval and recording in the County Clerks' office. (See Section 300.004 of these regulations for more information.)

200.027 Private Roads: A road/street **NOT** approved by Commissioners' Court to be maintained by the County Engineer.

200.028 Revision: The redesign of an existing subdivision, together with any changes of lot size therein or the relocation of any street lines or lot lines.

200.029 Roadway: That portion of any street or road, between curbs or edge of shoulder, designated for vehicular traffic.

200.030 Road/Street/Alley Ways: A road/street whose function is the movement of traffic within a subdivision.

200.031 Subdivider or Developer: Any person, partnership, firm, association, limited liability company, corporation, or combination thereof, or any officer, manager, agent, employee, servant, or trustee thereof, who performs or participates in the performance of any act toward the subdivision of land, within the intent, scope, and purview of these regulations.

200.032 Subdivision: A tract of land located outside the city limits of a municipality that is divided into two or more parts, including an addition; lots; or 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 street, alleys, square, parks, or other parts.

200.033 Surveyor: A person duly registered and licensed to practice the profession of surveying in Texas.

200.034 TCEQ: Texas Commission on Environmental Quality and any successor agencies.

200.035 TxDOT: Texas Department of Transportation.

200.036 Vacate: To annul or cancel a subdivision plat, street, or easement.

200.037 Variance: A form of relief granted to a subdivider by the Commissioners Court. (See Section 500.002 of these regulations for additional information.)

Section III

Procedure for Plat Review and Approval

300.001 The procedure herein shall be followed by the Applicant in order to secure approval of a Subdivision by the Frio County Commissioners' Court.

1. **Timely Approval of Plats.** Plats are to be reviewed in an expeditious manner by the Frio County Engineer in accordance with Local Government Code Chapter 232.0025 as follows:

- (a) All documents or other information identified on the Preliminary Plat and Final Plat Submission Checklist, attached to these Regulations, shall be provided to the County Engineer.
- (b) If an Applicant submits a Plat application to the County Engineer that does not include all of the documentation or other information identified on the Preliminary Plat or Final Plat Submission Checklist, the County Engineer shall, not later than the 10th business day after the date of receipt of the Plat, notify the Applicant of the missing documents or other information.
- (c) An application that contains all the documents and other information listed on the Preliminary Plat or Final Plat Submission Checklist is considered complete and ready for review.
- (d) Final action shall be taken by the on the Plat application by the Commissioners' Court, or the Court's designee, not later than the 60th day after the date the **completed** Plat application is received by the Commissioners' Court or the Court's designee.
- (e) If the County Engineer disapproves a Plat application, the applicant shall be given a complete list of the reasons for the disapproval.
- (f) The 60-day period:
 - (1) May be extended for a reasonable period, if agreed to in writing by the applicant and approved by the Commissioners' Court or the Court's designee; or
 - (2) May be extended 60 additional days if a takings impact assessment is required in connection with a Plat application as per Chapter 2007, Government Code; and
 - (3) Applies only to a decision wholly within the control of the Commissioners' Court or the Court's designee.
- (g) The Commissioners' Court or the Court's designee shall make a determination on whether the 60-day period will be extended no later than the 20th day after the date a complete Plat application is received by the Commissioners' Court or the Court's designee.
- (h) If the Commissioners' Court or the Court's designee fails to take final action on the Plat in accordance with this section, then:
 - (1) The Commissioners' Court or the Court's designee shall refund the greater of the unexpended portion of any plat application fee or deposit or 50 percent of a plat application fee or deposit that has been paid;
 - (2) The Plat application is granted by operation of law;
 - (3) The applicant may apply to a district court in Frio County for a writ of mandamus to compel the Commissioners' Court to issue documents recognizing the Plat's approval.

2. **Concept Plan:** Prior to submission of a Preliminary or Final Plat, the Applicant may submit a Concept Plan in accordance with Section 300.002 of these regulations.

Note: The developers of more complex developments are advised to consider submission of a concept plan.

3. **Preliminary Plat Approval:**

- (a) Three (3) copies of the Preliminary Plat, in accordance with Section 300.003 of these regulations, one (1) sets of construction plans for all proposed improvements, and the plat reviewing fee shall be provided to the County Engineer. No plat documents will be reviewed until the plat review fee has been received.
- (b) One copy of the Plat and the construction plans accepted by the County Engineer or marked to show the changes necessary for acceptance, will be returned to the Subdivider. All listed changes will be made to the documents and re-submitted to the County Engineer for review and acceptance.
- (c) The County Engineer shall schedule a presentation of the accepted Preliminary Plat submittal to the Commissioners' Court at their next available meeting.
- (d) Approval of the Preliminary Plat by the Commissioners' Court will permit the start of construction for the proposed drainage, roads/streets, parks, utilities, etc., but will not constitute approval for recording, or for the sale of property in the subdivision.

4. **Final Plat Approval:**

(a) **Standard Procedure.**

- (1) The County Engineer shall inspect the drainage, roads/streets, alleys, parks, and other items intended for public use, or the use of purchasers and owners of lots fronting thereon or adjacent thereto during their construction to assure compliance with the county standards included within these regulations. All modifications of work required by the County Engineer shall be made to comply with the standards and requirements included within these regulations.
- (2) Upon completion of all work and acceptance by the County Engineer, a Final Plat (in accordance with Section 300.004 of these regulations) shall be prepared. Five (5) copies of the Final Plat (four paper prints and a Mylar sepia) and one (1) electronic file containing a .pdf copy of the plat and "As Built" construction plans shall be submitted to the County Engineer.
- (3) The County Engineer will present the Final Plat to the Commissioners' Court at their next available meeting and will certify that the requirements of Local Government Code Chapter 232, as amended, and these regulations have been complied with.
- (4) Upon approval by the Commissioners' Court, three (3) signed copies (including the Mylar) of the Final Plat will

be returned to the Applicant. The County Engineer will keep one (1) copy and forward one (1) copy to the 911 Office.)

- (5) Applicant shall then submit the approved plat and required filing fee to the County Clerk of Frio County. (One Mylar and one paper print with dedication instrument(s)). This leaves one (1) paper print for the Applicants' records.

(b) **Alternate Procedure (Early Construction):** The following alternate procedure, solely at Applicants' election, may be followed by the Applicant who desires approval of and permission to file the Final Plat prior to the complete construction of roads/streets in the subdivision.

- (1) The Final Plat and construction plans complying with Section 300.004 of these regulations shall be submitted to the County Engineer for review and acceptance. Once the County Engineer has accepted the documents as correct, he will present the final plat to the Commissioners' Court at their next available meeting for approval. The number and distribution of plats is as enumerated above in Section 301.001 4(a) (2) of these regulations.
- (2) A construction bond in the amount of the actual cost of roadway and drainage construction shall be provided to Frio County by the Applicant in accordance with Local Government Code Chapter 232.004. This amount shall be determined by the Applicant awarding a construction contract to a reputable contractor skilled in the performance of such work. A copy of the contract and a construction bond, in favor of Frio County, shall be submitted with the Final Plat. If Applicant does not have a firm cost contract, the amount of the surety shall be as estimated by a licensed professional engineer. This estimate shall be submitted to and be subject to final approval by the County Engineer prior to delivery of the surety. Such surety shall include wording to automatically renew the bond on an annual basis until released by Frio County, or will provide for notice to Frio County should the Applicant allow the surety to lapse. Such notice will be made at least 30 days prior to expiration of said bond.

Note: See Section 300.09 of this regulation for optional financial guarantees in lieu of a bond.

- (3) The County Engineer shall inspect the drainage, roads, streets, alleys, parks, and other items intended for public use, or the use of purchasers and owners of lots fronting thereon or adjacent thereto during their construction to assure compliance with the county standards included

within these regulations. All modifications of work required by the County Engineer shall be made to comply with the standards and requirements included within these regulations.

- (4) Upon completion of all work and acceptance by the County Engineer, one (1) electronic file containing a .pdf copy of the plat and one (1) set of "As Built" plans shall be submitted to the County Engineer. Upon receipt of the "As Built" plans, the County Engineer shall schedule approval of the drainage, roads/streets, alleys, parks, and other items to be maintained by the County Engineer with the Commissioners' Court at their next available meeting.

5. Minor Plat Approval:

(a) The Applicant shall submit a Concept Plan to the County Engineer as described in Section 300.001.2 of this Regulation. When the County Engineer determines no improvements are to be constructed and no engineering plans are required, the County Engineer may declare the Plat to be a Minor Plat. Review and approval shall be in accordance with Section 300.011 of this Regulation.

300.002 Concept Plan Requirements: Prior to the submission of a Preliminary Plat for the subdivision of land within the jurisdiction of Frio County, an Applicant *may* submit a Concept Plan to the County Engineer. The Concept Plan serves the purpose of showing an intent to subdivide and it gives the Applicant an opportunity to discuss general concepts, details, policies, laws, etc., at an early stage in the development process with the County Engineer. Within two weeks of this meeting the County Engineer shall provide to the Applicant, in writing, a report regarding the proposed development and any comments or questions generated by the review process. There is **no fee** for this concept review.

The Concept Plan should contain the following information for a complete evaluation:

1. The location of the tract in relation to the surrounding area.
2. The approximate location of all existing buildings or structures within the tract.
3. The names of the owners of all property adjoining the tract as disclosed by the most recent Tax Assessor's records.
4. All existing streets, roads, wet and dry-weather water courses, and other significant physical features both within the tract and adjacent land within one hundred (100) feet of its boundaries.
5. The approximate location of proposed streets and property lines.
6. A north arrow and a graphic scale.
7. The direction of and the approximate distance(s) to the nearest major street intersection(s).
8. The location and size of existing and proposed utility services.

300.003 Preliminary Plat Approval: The Applicant shall submit three (3) copies of the Preliminary Plat, one (1) sets of construction plans for all proposed improvements, and the Preliminary Plat Fee to the County Engineer. The Preliminary Plat will remain valid for twenty-

four (24) months from the date of approval, after which it will automatically become null and void. **No plat documents** will be reviewed until the plat review fee has been received.

The Preliminary Plat must show the following information:

1. **Subdivision Name:** The proposed name of the subdivision. The name must not duplicate nor be easily confused with other subdivisions located in Frio County.
2. **Subdivision Ownership:** The name(s), address(es), and telephone number(s) of the owner(s) of the proposed subdivision and the name, address and telephone number of the Engineer and/or Surveyor responsible for the preparation of the Preliminary Plat.
3. **Location and Boundary Lines:** The vicinity or project location of the proposed subdivision, together with the boundary lines, and their relationship to an original corner of the original survey. The area of each lot and the total project area must be shown in each survey. A vicinity map must be shown. The Point of Beginning (POB) shall be shown in state plane coordinates (NAD 83).
4. **Lot, Block, and Road/Street Layout:** The location and width of existing and proposed roads/streets, lots, blocks, alleys, building lines, easements, parks, school sites, and any other features relating to the proposed subdivision. The plat must show the outline of adjacent properties for a distance of not less than one hundred (100) feet and how the streets in the proposed subdivision will connect with adjacent land or with adjacent subdivisions. The total acreage and the proposed acreage of each lot must be shown on the plat, as well as the width and depth of each lot. The Lots of each subdivision shall be numbered beginning at 1, even if the subdivision in question is an additional unit or phase to an existing subdivision.

NOTE: See Section 400.001 of this Regulation for more details.

5. **Road/Street Names and Addressing:** One (1) copy of the plat will be delivered to the 911 Project office for a review of proposed road numbers (names) and designate lot addresses. The County Engineer shall coordinate with the 911 Project office to determine the final road numbers (names) and lot addresses. The County Engineer will return the information to the Applicant. This information must be placed on the Final Plat.
6. **Topography:** The topography of the tract (existing and proposed) must be shown on the Preliminary Plat (or accompanying drawing) by means of contours of five (5) feet intervals tied to the United States Geological Survey (USGS) maps. A permanent concrete bench mark must be located in the Subdivision with the location and the elevation noted on the plat. Contours of lesser intervals may be required by the County Engineer to determine drainage.
7. **Drainage:** The Preliminary Plat must show the drainage plan, the physical features of the property, including existing and proposed water courses; the one-hundred (100) year flood plain boundaries and source of information; ravines; existing and proposed drainage structures (bridges and culverts); and other features of importance to lot and road/street layout, prepared by an Engineer.

Stormwater drainage facilities must be designed in accordance with Section 400.010 of these regulations.

8. **Road/Street and Drainage Easements:** A public easement shall be required for all roads/streets and cross drainage channels proposed to be maintained by Frio County. Road/street easements shall be as shown in Section 400.005 of these regulations. Drainage channel easements located upstream and downstream at each cross drainage structure shall be 200 feet in length from the road/street right of way and 20 feet wider than the design channel width.
9. **Land Use:** Designate the proposed uses of land within the Subdivision whether for residential, commercial, industrial, or public use. Any land use restrictions encompassed in the deed restrictions shall be indicated. This information must contain the location and characteristics of any existing buildings or structures which are to remain on the proposed subdivision site.
10. **Utility Service:** The Applicant must submit a plan for providing utility service within the proposed subdivision and must clearly present it on the Preliminary Plat or accompanying drawings.
 - (a) The proposed water supply must be shown, i.e., municipal water, rural water supply corporation, municipal utility district, privately owned water system, individual wells, etc., including the location of fire hydrants, if any. All water supplies must be approved by the TCEQ.
 - (b) The plan for sewage disposal must be shown, i.e., municipal sewer service, municipal utility district, privately owned/organized sewer disposal system, individual sewage facilities, etc.
 - (c) The plan for other services, electric and communications, must be clearly shown.
 - (d) Verification of the review and approval of the utility easement locations and size by the servicing electric, water, and communication companies will be provided.
11. **Drawing Requirements:** The Preliminary Plat must show the North point, scale and date. A scale of 1" = 100' will be used unless otherwise approved by the County Engineer. The plat and all accompanying drawings shall be drawn on uniform size sheets no larger than 24" by 36". Construction plan/profile drawings for road/street construction will be drawn to scale of 1" = 20' horizontal and 1" = 5' vertical unless otherwise approved by the County Engineer. Road/Street profiles will be shown in at least the following points: existing and proposed grades at centerline; flow lines of the left and right drainage ditches; and elevation at right of way line, when deemed necessary by the County Engineer due to variations in topography. The proposed Preliminary Plat or accompanying drawings must also depict the proposed road section from right of way to right of way, including ditches, subgrade, base, and type and width of paving. (See Section 400.005 for minimum requirements.) All construction plans/drawings and calculations will be sealed by an Engineer.
12. **Approval Procedure:** The County Engineer will review the Preliminary Plat and will either accept the plat or provide the Applicant with a list of items to be changed. All listed changes will be made to the documents and re-submitted to the

County Engineer for review and acceptance. Once the County Engineer has accepted the Preliminary Plat, it will be scheduled for the next available meeting of the Commissioners' Court for approval.

If the County Engineer does not take formal action or ask for clarification of the Preliminary Plat within thirty (30) days of the date of the initial meeting for the consideration of the Preliminary Plat, it will be scheduled for the next available meeting of the Commissioners' Court for approval. Approval of the Preliminary Plat does not constitute acceptance of the proposed subdivision, but is merely an authorization to proceed with construction of the roads/streets, drainage features/structures and utilities and the preparation of the Final Plat. **No Preliminary Plat** will be filed at the County Clerks' Office.

300.004 Final Plat: After the Preliminary Plat has been approved by the Commissioners' Court and all construction has been approved and accepted by the County Engineer, a Final Plat shall be prepared and submitted to the County Engineer. The Final Plat shall show all of the information required on the Preliminary Plat with the addition of the following:

1. **Location and Accuracy:** Location of lots, roads/streets, utility easements, parks, one hundred (100) year flood plain boundaries and source of flood plain information, and other pertinent features must be shown. Accurate dimensions in feet and decimals of feet and bearings, with length, radii, and angle of all curves, and with all other information necessary to duplicate the Final Plat on the ground shall be shown. The approved numbers of lots, blocks, and the roads/streets numbers (names) and all survey monuments and permanent bench marks shall be shown. The location of building lines on all streets, and drainage easements, and other public rights of way or future rights of way must be shown.
2. **Certification and Dedication of the Owner(s):** Certification must be provided by the Owner for the dedication of all public roads/streets, alleys, utility and drainage easements, parks, and other land dedicated for public use. This must be a separate document from the plat and acknowledged before a Notary Public by the Owner.
3. **Certificate of the Surveyor:** The following certification by the Surveyor of record shall be placed on the plat:

KNOW ALL MEN BY THESE PRESENTS:

THAT I, _____, do hereby certify I prepared this plat from an on the ground survey of the land and the corner monuments shown hereon were properly placed, under my personal supervision, in accordance with the Frio County Subdivision Regulations.

Seal of Licensed Surveyor

Signed

4. **Certificate of the Engineer:** The following certification by the Engineer who designed the street/roads and drainage shall be placed on the plat:

KNOW ALL MEN BY THESE PRESENTS:

THAT I, _____, do hereby certify I prepared all drainage calculations and designed all drains, streets/roads and appurtenances in accordance with the Frio County Subdivision Regulations.

Seal of Design Engineer

Signed

5. **Certification of Water System:**

- (a) Where water is to be provided to the subdivision by a public water supply, the developer is required to obtain certification that the proposed water supply and distribution system is adequate to provide water in sufficient quality, quantity, and pressure to serve the proposed subdivision from the service area entity, water district. The certification may be by separate instrument, but may be noted on the plat if signed by the Servicing entity.
- (b) Where groundwater is the source of water supply for the subdivision, the developer will follow Local Government Code Chapter 232.0032 and obtain certification by an Engineer or other professional designated by State law, that adequate groundwater is available for the subdivision, according to the certification form and content as promulgated by the TCEQ. A note shall be placed on the plat stating groundwater is to be the source of water.
- (c) **Lack of a certification** that suitable and adequate water is available is grounds for **denial** of plat approval.

6. **Certification for Waste Water:** The plan for sewage, waste water, and disposal shall be shown, i.e., municipal sewer service, municipal utility district, privately owned/organized sewer disposal system, individual on-site sewage system (OSSF), etc. If the developer intends each lot to be serviced by an OSSF, a copy of the Evaluation Letter prepared by either a site evaluator or an Engineer must be provided in accordance with Texas Administrative Code Chapter 285.30. The Frio County Engineers' office will issue permits and inspect all OSSFs.

7. **Certificate of Approval by the Frio County Commissioners' Court:** The following certification will be placed on the Plat for use by the County Judge.

I hereby certify this plat was approved this ___ day of _____, 20___, by the Frio County Commissioners' Court and may be filed for record in the Deed Records of Frio County by the County Clerk.

County Judge _____

Witness my hand this _____ day of _____, 20__.

Notary Public

8. **Owners' Responsibilities:** The following plat note regarding owners' responsibilities shall appear on the Plat:

OWNERS' RESPONSIBILITIES

In approving this Plat by the Commissioners' Court of Frio County, Texas, it is understood that the building of all roads/streets, other public thoroughfares, and any bridges or culverts necessary to be constructed or placed is the responsibility of the owners of the tract of land covered by this Plat in accordance with the plans and specifications submitted to the Commissioners' Court of Frio County. Said Commissioners' Court assumes no obligation to build any of the roads/streets shown on this Plat or of constructing any of the bridges or drainage improvements in connection therewith. The County will assume no responsibility for drainage ways or easements in the subdivision, other than those draining and road/street easements shown for public use. The County assumes no responsibility for the accuracy of representation by other parties in this Plat. Flood plain data, in particular, may change depending on subsequent development.

9. **Dedications & Restrictions:** All roads, utility easements, or road easements shall be created by a notarized statement executed by all property owners and any lienholder or their legal representatives. The standard format for approval by owners and lien holders of the Plat restrictions and dedication of easements shall be as follows:

(a) **Owner with Lienholder:**

STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF FRIO

That I, _____, sole owner (or co-owner) of the certain tract of land shown hereon and described in a deed recorded in Vol. _____, Pg. _____, of the Official Public Records of Frio County, Texas, do hereby join, approve, and consent to all dedications and plat note requirements shown hereon. I do hereby approve the recordation of this Subdivision Plat and dedicate to the public use forever any easements and roads shown hereon. This Subdivision is to be known as: _____

Owner's Signature

(Owner's Printed Name)

Owner's Street Address

City, State and Zip Code

Before me, the undersigned authority, on this day personally appeared _____ known by me to be the person whose name is subscribed to the foregoing instrument. It has been acknowledged to me that he/she executed the foregoing instrument as the owner of the property described hereon.

Notary Public in and for the State of Texas

Printed Name of Notary and Notary Stamp

Date Notary Commission Expires

STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS:

COUNTY OF FRIO

That I, _____, the lien holder of the certain tract of land shown hereon and described in a (Name of document creating lien such as Deed of Trust etc.) recorded in Vol. ____, Pg. ____, of the Official Public Records of Frio County, Texas, do hereby join, approve, and consent to all dedications and plat note requirements shown hereon. I do hereby approve the recordation of this Subdivision Plat and dedicate to the public use forever any easements and roads that are shown hereon. This Subdivision is to be known as _____.

Lienholder's Signature

(Lienholder's Printed Name)

Lienholder's Street Address

City, State and Zip Code

Before me, the undersigned authority, on this day personally appeared known by me to be the person whose name is subscribed to the foregoing instrument. It has been acknowledged to me that he/she executed the foregoing instrument as the legal representative of the lienholder of the property described hereon.

Notary Public in and for the State of Texas

Printed Name of Notary and Notary Stamp

_____ Date Notary Commission Expires

- (b) **Alternate Certificate for owners without lienholder**, who provide current abstractors' certificate which reflects no outstanding liens:

STATE OF TEXAS

KNOW ALL MEN BY THESE PRESENTS;

COUNTY OF FRIO

That I, _____, sole owner (or co-owner) of the certain tract of land shown hereon and described in a deed recorded in Vol. ____, Pg. __, of the Official Public Records of Frio County, Texas, do hereby join, approve, and consent to all dedications and plat note requirements shown hereon. I do hereby approve the recordation of this Subdivision Plat and dedicate to the public use forever any easements and roads that are shown hereon. This Subdivision is to be known as _____. I hereby acknowledge that I am the sole (or co-owner) owner of this property and do hereby state that there are no lienholders or any unpaid debt for which this property represents collateral on any loan.

Owner's Signature

(Owner's Printed Name)

Owner's Street Address

City, State and Zip Code

Before me, the undersigned authority, on this day personally appeared _____ known by me to be the person whose name is subscribed to the foregoing instrument. It has been acknowledged to me that he/she executed the foregoing instrument as the owner of the property described hereon.

Notary Public in and for the State of Texas

Printed Name of Notary and Notary Stamp

Date Notary Commission Expires

9. **Utility Easements:** Easements will be provided for existing utility lines and proposed utility improvements on the property.

NOTE: See Section 400.001 of this Regulation for more details.

11. **Lien Free Right of Way:** Any required release of liens shall be completed prior to the Plat being approved by the Commissioners' Court. The following statement shall appear on the Plat:

All public roadways and easements as shown on this Plat are free of liens.

12. **Floodplain:** The Plat will show the location of the 100 year flood plain as identified on the most current Frio County Flood Hazard Boundary Map (FHBM), published by the Federal Emergency Management Agency. In addition, the Plat shall show either the location of special flood hazard areas identified by the engineering study under the seal of an Engineer for those water courses whose basin is larger than 64 acres or show a 100-foot building setback from the centerline of the water course. For those Subdivisions in which special flood hazard areas are identified, the placement of an elevation benchmark with the location, description, and elevation of the benchmark is required to be identified on the face of the plat. The elevation of this benchmark shall be tied into a benchmark shown on the Flood Insurance Rate Map (FIRM) panel, when available. Minimum first floor elevations for buildings shall be identified on each lot containing a flood hazard area, and shall be set at least one (1) foot above the elevation of the flood plain. For those Subdivisions in which there is an identified "floodway", the "floodway" shall be so noted on the Plat and a notation made that no structures or improvements will be permitted in the "floodway."

13. **Compliance with Federal, State and Local Laws:** The owner shall provide the County Engineer with a letter acknowledging it is the responsibility of the owner, not Frio County, to assure compliance with the provisions of all applicable federal, state, and local laws and regulations relating to the environment; including, but not limited to, the Endangered Species Act, State Aquifer Regulations, and municipal watershed ordinances.

14. **County Clerk's Approval:** The following statement shall appear on the plat:

Filed for Record this _____ day of _____, A.D. 20__, in
Cabinet _____, slide _____, Plat Records of Frio County,
Texas.

County Clerk

15. **Tax Certificate:** The Applicant shall obtain a Tax Certificate from the Frio County Appraisal District, Frio County Tax Collector and every other tax collector of a political subdivision in which the property is located, to show all taxes owing the state, county, school district, water district, hospital district, or any other ad valorem taxes, for both current and prior years, have been paid. In addition to the separate certificate, the Plat will include the following Tax Certificate:

TAX CERTIFICATE:

The Frio County Tax Appraisal District, a taxing authority for the taxing entities in Frio County, Texas, does hereby certify that there are currently no delinquent taxes due or owing on the property described for the taxing entities for whom it acts as a collector.

Dated this the _____ Day of _____, A.D. 20__

FRIO COUNTY TAX APPRAISAL DISTRICT

By: _____

The Frio County Tax Collector, a taxing authority for the taxing entities in Frio County, Texas, does hereby certify that there are currently no delinquent taxes due or owing on the property described by this Plat for the taxing entities for whom it acts as a collector.

Dated this the _____ Day of _____, A.D. 20__

FRIO COUNTY TAX COLLECTOR

By: _____

300.005 Approval by Commissioners' Court: Upon review of the completed construction of the roads/streets and other public items by the County Engineer, the Final Plat will be scheduled for the next available meeting of the Commissioners' Court for approval. If the Final Plat is approved by the Commissioners' Court, the Applicant shall be responsible for delivering all necessary documents, Final Plat and any fees, to the Frio County Clerk. A single six-month extension may be granted by the Commissioners' Court.

If the plat is disapproved, it shall be returned to the Applicant with an explanation for the disapproval. All requested changes will be made by the Applicant and resubmitted to the Commissioners' Court.

300.006 County Engineers' Acceptance: Upon acceptance of the Final Plat by the Commissioners' Court and the recording of the Plat, the County Engineer will provide an acceptance letter for the roads/streets, drainage structures, and public items to the Applicant. The County Engineer will provide no information for Private Roads. If the Applicant has posted security for construction prior to the acceptance of the Final Plat, the County Engineers' acceptance letter will release this security.

The acceptance letter will **not be issued** by the Frio County Engineer until the Applicant has recorded the Plat and submitted a Warranty Bond as shown in Section 300.008 of this regulation.

300.007 Maintenance Guarantees: The Applicant will be responsible for all maintenance of the roads/streets and drainage structures/ditches resulting from faulty or defective construction practices, materials, or engineering. The Applicant shall be responsible for such defects for a period of not less than one (1) year from the date of the County Engineers' acceptance letter. Normal routine maintenance such as mowing or sign replacement will be the responsibility of the County and will begin with the delivery of the acceptance letter.

Periodic inspection of all of the roads/streets and drainage facilities will be made during the one (1) year period. In the event defects in materials or construction are found, the Applicant will be notified in writing of the defects. If after a reasonable time the Applicant fails to properly repair said roads/streets and/or drainage facilities, funds from the bond, letter of credit, or cash deposit may be used by Frio County for such maintenance. Drainage ditches or culverts that "silt up" or become filled with eroded materials will be considered faulty in design or construction and all repairs needed to return these facilities to design profile or grades will be at the expense of the Applicant. All drainage easements and road/street rights of way will be substantially (70%) grassed over prior to the County's acceptance of same for maintenance.

Note: If the drainage easements and road/street rights of way have not substantially grassed over within the one (1) year warranty period, the warranty period for these areas will be extended until these areas are substantially grassed over.

300.008 Maintenance Bond: In accordance with Local Government Code Chapter 232.004 and to insure adequate maintenance, the Applicant will file a maintenance bond, executed by a surety company authorized to do business in the State of Texas, payable to the County Judge of Frio County, in an amount of ten (10%) percent of the amount of the construction/performance Bond as described in Section 300.001 4(b)(2) of this regulation.

The Condition of said maintenance bond shall be that the applicant shall guarantee to maintain, to the satisfaction of the Frio County Commissioners Court, all of the streets and roads shown on the accepted and approved subdivision plat in a good state of repair for a period of one year from the date of completion of the paved roads and streets.

The maintenance bond by its terms shall provide that liability thereunder shall begin on any or all of the streets and roads shown on the accepted and approved subdivision plat and remain in full force and effect for a period of one year from the date of the completion of the construction of each street or portion thereof and the acceptance thereof of the commissioners court in writing. Periodical inspection of all of the streets and roads that have been approved and accepted will be made by the county engineer during the period of liability covered by the maintenance bond and in the event that any or all of said streets and roads are not being maintained in a good state of repair, the applicant will be so advised in writing, and if, after a reasonable time, he fails or refuses to properly maintain said streets and roads, they shall then be maintained at the cost and expense of applicant.

Note: See Section 300.09 of this regulation for optional financial guarantees in lieu of a bond.

300.009 Financial Guarantee in Lieu of Bond: At the Applicants' option and as allowed in Local Government Code Chapter 232.0045, the Applicant may deposit with the Frio County Treasurer cash or a cashier's check in an amount equal to the face value of a Bond specified in this regulation, or provide an irrevocable letter of credit drawn upon a bank licensed to do business in the State of Texas. Such funds shall be held by Frio County for the period specified in other sections of this regulation. Such funds may be used during this period for costs of such work not performed by the Applicant as required in other sections of this regulation. Upon the expiration of the specified time frame, such cash deposit, or the unexpended balance thereof, will be refunded to the Applicant. **No interest** will be paid on these funds while in the possession of Frio County.

300.010 County Maintenance: Frio County will begin maintenance of public roads/streets and other improvements one (1) year following the date of the County Engineers' acceptance

letter. The County Engineer shall release the County claim toward bond, credit, or cash funds upon the end of the warranty period. If the warranty period has been extended for the completion of the substantially grassed areas, a portion of the bond, credit, or cash funds will be released in the amount of the acceptable items.

If landscaping and/or irrigation are proposed within the County right of way, the owner shall create a homeowners association who will be responsible for the maintenance and liability of the landscaping and/or irrigation system. This body shall have assessment authority to insure the proper funding for maintenance of the above items.

300.011 Minor Plat: An owner and the owner's successors in title shall not be allowed more than three One Lot Minor Plats in any original tract. The lots of three One Lot Minor Plats shall not exceed twenty-five percent (25%) of the total area of the original tract. The provisions of this section shall not apply to any subdivision in which a portion of the original tract is to be dedicated to public roads/streets or drainage improvements.

1. All data required on the Preliminary Plat, Section 300.003, and Final Plat, Section 300.004, shall be provided on the Minor Plat. The County Engineer will review the Minor Plat for correctness. Once the County Engineer has accepted the Minor plat, it will be submitted to the Commissioners' Court at their next available meeting for approval.
2. If the Minor Plat is approved by the Commissioners' Court, the Applicant shall be responsible for delivering all necessary documents, Final Plat and any fees, to the Frio County Clerk within ten (10) business days of approval.

300.012 Cancellation of a Subdivision: The owner of a Subdivision may petition the Frio County Commissioners' Court to cancel a Subdivision or a part of a Subdivision. All requirements of Local Government Code Chapters 232.008, 232.083, or 232.085 will be followed. The Commissioners' Court will issue a written statement of their decision following their review of the request.

300.013 Amending Plats: The Frio County Commissioners' Court may approve an Amending Plat, which may be recorded without vacation of the preceding plat, in accordance with Local Government Code Chapter 232.010. The Amending Plat shall be submitted to the County Engineer for review and acceptance. Once the County Engineer has accepted the Amending Plat, he will schedule the review of the Amending Plat for the next available Commissioners' Court meeting.

A plat may be amended, within this Section, solely for one or more of the following purposes:

1. To correct an error in a bearing or distance shown on the preceding Plat;
2. To add a bearing or distance that was omitted on the preceding Plat;
3. To correct an error in a real property description shown on the preceding Plat;
4. To indicate monuments set after the preceding Plat;
5. To show the location or character of a monument that has been changed in location or character or is shown incorrectly as to location or character on the preceding Plat;
6. To correct any other type of scrivener or clerical error or omission on the preceding Plat including lot numbers, acreage, street names, and identification of adjacent recorded Plats.
7. To correct an error in bearings and distances of lot lines between two (2) adjacent lots if:

- (a) Both lot owners join in the application for amending the plat;
 - (b) Neither lot is abolished;
 - (c) The amendment does not attempt to remove recorded covenants or restrictions; and
 - (d) The amendment does not have a material adverse effect on the property rights of the other owners in the Plat;
8. To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvements on a lot line or easement;
9. To relocate one (1) or more lot lines between one (1) or more adjacent lots if:
- (a) The owners of all those lots join in the application for amending the plat;
 - (b) The amendment does not attempt to remove recorded covenants or restrictions; and
 - (c) The amendment does not increase the number of lots.
10. The relocation or abandonment of a utility or drainage easement that is not required by the utility companies serving the development, or for the conveyance of stormwater runoff from the development.

Notice: A hearing and the approval of other lot owners are not required for the approval and issuance of an Amending Plat.

Section IV
DESIGN STANDARDS AND
REQUIRED IMPROVEMENTS

400.001 Lots and Easements: A Plat submitted for approval in Frio County must clearly show the location of all blocks, lots, roads/streets, drainage easements, and utility easements, drawn to scale, together with accurate dimensions in feet and decimals of feet with bearings, curve data, and other information necessary to duplicate the subdivision as it will be constructed. All roads/streets will be numbered, names can be added, and lots will be numbered or lettered as directed by the 911 Coordinator.

In accordance with the requirements of the Texas Administrative Code Chapter 285.4, minimum lot sizes shall be as follows:

1. Subdivisions of single family dwellings not served by a public water supply and using individual OSSFs, shall have lots sized of at least one (1) acre.
2. Subdivisions of single family dwellings served by a public water supply and using individual OSSFs, shall have lots sized of at least a half (1/2) acre.
3. Subdivisions of single family dwellings served by both a public water supply and a public sewage disposal system shall not be restricted in size. However, all requirements of Section 400.002 must be met.

The location and size of utility easements shall be reviewed and approved by the servicing electric, water, and communication companies. Utility easements shall be provided for proposed or future utilities as follows:

1. Lots adjoining other lots on their back property lines shall have a minimum ten (10) feet utility easement on the back line, twenty (20) feet total easement.
2. Lots not adjoining other lots on their back property line shall have a minimum fifteen (15) feet utility easement on the back line.

400.002 Building Setback Lines: Building setback lines shall be in accordance with Local Government Code, Chapter 233, Subchapter B as follows:

1. The front Setback line on all public roads/streets shall be twenty-five (25) feet from the edge of right of way. Corner lots shall also have a twenty-five (25) feet Setback on the side adjoining the road/street.
2. The side Setback on each side of the lot shall be five (5) feet, accept as required above.

400.002 Property Corner Markers: All lot corners, street right of way, drainage easements, and utility easement boundaries shall be marked with iron pins or iron pipes driven into the ground and protected during construction.

400.004 Streets and Drainage Design: All improvements will be designed according to generally accepted engineering standards and meet the minimum requirements shown blow. All roads/streets will be constructed by the developer, designed in accordance with the latest edition of TxDOT "Roadway Design Manual," and meeting the material specifications shown in the latest edition of the TxDOT "Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges." TxDOT manuals may be found on line at <http://www.txdot.gov/inside-txdot/forms-publications.html>.

The internal street system design will minimize road cuts to existing County or other public roadways. However, at least two (2) entrances will be provided when possible.

400.005 Minimum Road Specifications: The following specifications are for ideal conditions. Dependent on the grades of the property and other conditions, these specifications will vary to meet the intended specifications.

<u>Characteristic</u>	<u>Main Artery</u>	<u>Other</u>
Right of Way	50' to 100'	40' to 70'
Minimum Design Speed	30 MPH	30 MPH
Pavement Width	32' to 56'	25' to 35'
Travel Lane Width	12'	11'
Shoulder Width	6' to 4'	2' to 6'
Surface Type	2 – CST or 1.5" HMAC	2–CST or 1.5" HMAC
Minimum Depth of Base	6"	6"
Intersection Curve Radii	20'	20'
Drainage Ditch	Design of ditches will be such to keep water off the pavement during a 10 year storm.	

2-CST – Two Course Surface Treatment
 HMAC – Hot Mix Asphalt Concrete

400.006 Cross Roads/Streets and Dead End Streets: Cross roads/streets will be provided at a maximum spacing of 1, 500 feet to facilitate the movement of emergency vehicles, except when such streets are impractical and approved by the County Engineer. Dead end streets, which may subsequently be developed, may remain as dead end streets. However, the right of way shall be extended to the subdivision property line and a temporary cul-de-sac will be constructed. Dead end streets that will remain as dead end streets shall end on a cul-de-sac with a minimum right of way of 60 feet radius, and a pavement width of 45 feet radius or an approved design alternative.

400.007 TxDOT Coordination: The platting of residential lots fronting existing roads that are maintained by TxDOT is discouraged and will not be approved unless extenuating circumstances preclude the fronting on an interior road/street. Where it can be shown no alternative exists, lots may be platted so as to maintain a minimum 150 feet spacing between driveway openings. The minimum building setback shall be in accordance with Section 400.002 of this regulation.

Note: Final approval of all driveway locations rests with TxDOT. Because of sight distance, some locations may not be approved for construction of a driveway.

400.008 Signs & Traffic Control Devices: The Applicant shall place all traffic control and street name signs. Any safety items required such as guard rail, reflective markers or delineators will be placed by the developer. All items of this section will be placed prior to final acceptance of the roads. Upon final acceptance, all items will become the property of and maintained by Frio County.

400.009 Right of Way: The minimum right of way indicated above in Section 400.005, of these regulations, will be considered adequate for streets under ideal conditions. The minimum acceptable right of way on all streets and roads will be dependent upon the width of pavement, shoulders, drainage ditches, and the amounts of cut or fill involved by the design.

400.010 Drainage: All drainage ditches, drainage structures, and appurtenances shall be designed by an Engineer. Drainage calculations shall be made using the Rational Method for determining storm water runoff and Manning's Equation for ditch and pipe capacities or by other accepted methods approved by the County Engineer. All data and calculations shall be presented with the Preliminary Plat to the County Engineer and shall assume fully developed upstream conditions. Unit Hydro graph or Regional Curve Methods may be required for larger drainage areas.

Cross drainage structures will be designed for a minimum of a twenty-five (25) years frequency storm. Drainage ditches and driveway structures will be designed for a minimum of a ten (10) years frequency storm. No more than twelve (12) inches over topping of a road/street and no flooding of a building will be allowed during a one hundred (100)- year frequency storm, a larger cross drainage structure or channel may be required to prevent this condition.

All roads/streets ditches will have a minimum depth of twelve (12) inches below the subgrade of the shoulder and a minimum grade of 1/2 percent. Greater depths shall be provided as required to accommodate the design flows. Maximum grass lined ditch velocity is five (5) feet per second, concrete lining shall be used for higher velocities. Exceptions to ditch depth and/or elimination of the ditch will be considered on a case by case basis after analyzing all relevant factors.

The County will assume no responsibility for the maintenance of drainage ways or easements in the subdivision, other than those required in Section 300.003 of these regulations. Maintenance of drainage facilities, other than those listed, shall be the responsibility of the property owner or homeowners association.

Gates and/or warning devices will be constructed at all road crossings that has water flowing over the road surface for any frequency storm. Such devices will be installed by the applicant and maintained by Frio County.

400.011 Road/Street Material /Testing: Road/street materials will be tested and conform to the requirements of the TxDOT "Standard Specification for Construction of Highways, Streets, and Bridges." All required testing will be conducted by and at the expense of the Applicant. The County reserves the right to perform any material testing prior to accepting the work.

1. **SUBGRADE:** Subgrade material will meet TxDOT Item 132 Type A specifications.

Any subgrade with a plasticity index greater than twenty-five (25) shall be lime stabilized, to a depth of six (6) inches, with six (6) percent by weight, unless laboratory tests indicate less than six (6) percent lime will reduce the plasticity index to less than fifteen (15).

Testing will be performed for each 500 linear feet of roadway crown surface with a minimum of one report per road/street. Test reports showing material compliance, from a certified testing laboratory, will be submitted to the County Engineer and written acceptance will be provided prior to the placement of any base on subject grade.

3. **Base Material:** Base material will meet TxDOT Item 247, Type "A", Grade 2 specifications. Material gradations test reports will be provided prior to the placement of the material. Testing will be performed for each 500 linear feet of roadway crown surface with a minimum of one report per road/street.

Test reports showing material compliance, from a certified testing laboratory, will be submitted to the County Engineer and written acceptance will be provided prior to the placement of any surface.

4. **Surface Material:** All roads/streets will be surfaced with one of the following two types of material and will conform to the requirements for the respective type used. A prime coat asphaltic material, at a minimum rate of 0.25 gallons per square yard, shall be applied to the base material prior to the placement of the surface.

- (a) **Two Course Surface Treatment (2-CST):** All work shall conform to requirements of the TxDOT Item 300 Asphalts, Oils, and Emulsions; Item 302 Aggregate; and Item 316 Surface Treatments. The type and grade of all asphaltic material will be approved by the County Engineer prior to application. Variations in asphaltic materials may be required due to weather conditions. The aggregate for the first course shall be Grade 3 Type PB and the second course shall be Grade 4 Type PB.

- (b) **Hot Mix Asphalt Concrete (HMAC):** Compacted depth of HMAC shall be a minimum of 1 ½ inches of Class "B", Type "D." Asphaltic concrete shall conform to the requirements of the TxDOT Item 340, Hot Mix Asphaltic Concrete Pavement. HMAC pavement shall not be placed when general weather conditions are not suitable. The mix design will be submitted to the County Engineer two weeks prior to the placement of any HMAC pavement. Test reports from a certified testing laboratory, showing material densities, shall be submitted to the County Engineer. Minimum tests made will be one for each day of production or one per every 1,000 tons, or portion of, placed in a day, with a minimum of one per project. Additional tests may be required.

400.012 Mailboxes: For purposes of public safety, the County requires the use of clustered or community mail facilities meeting the US Postal requirements. A widened area of roadway will be provided at each mailbox location.

400.013 Vegetation: All drainage easements and road/street right of ways designated to be maintained by the County shall have established grass. The Applicant shall use native grasses in like kind of the undisturbed property.

Section V

Administrative Items

It shall be the responsibility of the Frio County Engineer to serve as administrative officer for purposes of this Regulation.

500.001 Appeals: A person aggrieved by an action or decision of the County Engineer pertaining to this Regulation may, within thirty (30) days of the date of the notice of the action or decision, appeal same to the Frio County Commissioners' Court. These appeals are not exclusive but are cumulative of any other remedies at law or in equity.

500.002 Variances: The Commissioners' Court of Frio County will have the authority to grant variances from these Regulations when the public interest or the requirements of justice demand relaxation of the strict requirements of the rules, as the laws of the United States and the State of Texas permit. Any person who wishes to receive a variance should apply to the County Engineer for placement of the matter on the agenda of the Commissioners' Court, along with the County Engineer's recommendation. The decision of the Commissioners' Court to grant or deny a variance will be final. A variance may be granted on the basis of the following criteria:

1. The grant of a variance is not simply a matter of convenience or expedience but is founded on the principles of reasonableness and substantial justice;
2. The Applicant offers evidence the variance will not be detrimental to the health, safety and general welfare of the citizens or real property in Frio County; and
3. The existence of circumstances or conditions affecting the property in such a manner that strict application of these regulations would deprive the Applicant of the reasonable use of that property.

500.003 Enforcement and Penalties: The Texas Local Government Code, Chapter 232.005 provides for the enforcement of the State subdivision laws and of these Regulations. A person commits an offense if the person knowingly or intentionally, directly or as a party, violates a requirement of these Regulations. Besides prosecuting a criminal complaint, the County Attorney may file a civil action in a court of competent jurisdiction to enjoin any violation or threatened violation of these Regulations, or to recover damages.

In accordance with the Texas Local Government Code, Chapter 232.0291, a tract that has been subdivided without compliance with these Regulations shall be ineligible to obtain a permit for the construction or modification to an on-site Sewage Facility located on the tract. Other utility services shall also be prohibited.

500.004 Amendments: The Frio County Commissioners' Court may, from time to time, adopt and amend these regulations and the rules, procedures, and policies associated with this Regulation. This Regulation may be amended by the Commissioners' Court after a public hearing in which due notice has been given to the citizens of Frio County.

If any part, section, paragraph, clause, provision, or portion of this Regulation is held to be invalid or unconstitutional by a court of competent jurisdiction, such a holding will not affect any other part, section, paragraph, clause, provision, or portion of this Regulation. All ordinances or parts of ordinances of Frio County in conflict with this Regulation are hereby repealed.

500.005 Plat Fees: See Appendix A.

Appendix A

Preliminary Plat Review - \$25/lot with a maximum fee of \$600

Plat Revision - \$15/lot with a maximum of \$300

Plat Variance - \$50/lot

Minor Plat - \$100

Final Plat Review - \$200

Additional fees for recording the plat in the County Clerk's office and application for On Site Sewage Facilities, if required, will be charged in addition to the above fees.

Subject to change – The fees in this Appendix are subject to change at any time by the Frio County Commissioners Court, provided the action is properly posted under the Texas Open Meeting laws.

Fee Schedule is Stand-Alone – This appendix is attached to the Frio County Subdivision Regulations and Standards for the convenience of Applicants, but it is intended as a stand-alone Order and not as an integral part of the Subdivision Order.