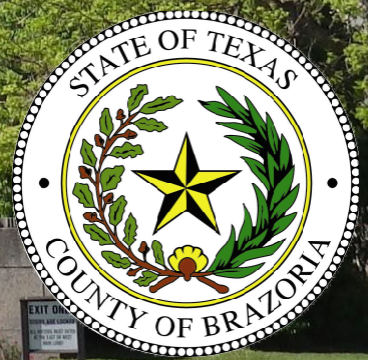
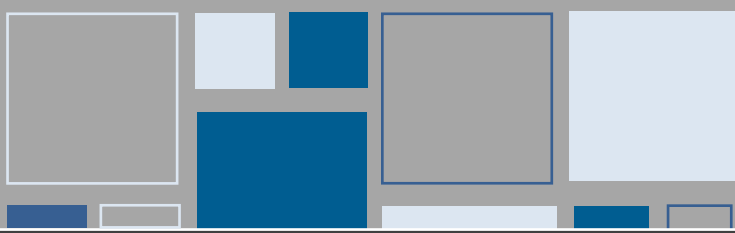




Brazoria County



SUBDIVISION
REGULATIONS



Subdivision Regulations

Brazoria County, Texas



EFFECTIVE DATE: August 28, 2023

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Section 1. General Provisions

1.01. Title

These regulations of Brazoria County, Texas shall be known as the "Brazoria County Subdivision Regulations" and may be cited as, the "Subdivision Regulations."

1.02. Authority

These Subdivision Regulations have been prepared and are adopted pursuant to the authority granted by the U.S. Constitution, the Texas Constitution, and the Laws of the State of Texas, specifically, Texas Local Government Code, Chapter 232.

1.03. Purpose and Intent

A. Purpose

It is the purpose of these Subdivision Regulations to help promote, protect and improve the public health, safety, comfort, convenience, prosperity and general welfare of the citizens of Brazoria County.

B. Intent

1. It is the intention of these Subdivision Regulations to secure:
 - a) The establishment of standards of Subdivision design that will encourage the development of sound and economically stable communities, and the creation of healthful living environments, including drainage, water treatment and distribution, and sewage treatment and disposal;
 - b) The efficient, adequate and economic supply of utilities and services to new land development;
 - c) The provision of safe and convenient traffic circulation, both vehicular and pedestrian, in new land development;
 - d) Accurate land records for the convenience and protection of the public and for adequate identification and permanent location for real estate boundaries and those structures erected pursuant to these Subdivision Regulations; and
 - e) Equitable handling of all Subdivision Plats by providing uniform procedures and standards applicable to both the Applicant and the County.
2. It is also the intention of these Subdivision Regulations to prevent:
 - a) Hazards due to flooding; and
 - b) Hazards due to inadequate traffic management and congestion.

1.04. Jurisdiction and Application

A. Platting Authority

1. These Subdivision Regulations have been prepared and are adopted under the authority of Texas Local Government Code, Chapter 232.

B. Jurisdiction

1. The Subdivision Regulations established herein shall be applicable to all unincorporated areas of Brazoria County, Texas (the "County"), and shall be



construed to be minimum requirements. They may also apply to any Municipality in the County that elects to use them.

2. Encompassed in this County are other entities that may have regulations applicable to developing land, which include, but are not limited to, municipalities located within the County, drainage districts created by the Texas Legislature, Municipal Utility Districts (“MUD”) and the Brazoria County Groundwater Conservation District. The State Legislature has created seven drainage districts in the County. It is the Applicant’s responsibility to determine in which drainage district, if any, the property is located and obtain that particular drainage district’s drainage criteria manual. If the property is not located within one of the seven drainage districts, the Brazoria County Engineering Department (“Engineering Department”) will review and approve all drainage Plans. Please be advised that the drainage districts and the Brazoria County Groundwater Conservation District are not a part of the County and are operated under independent commissioners and/or boards.
3. The County recognizes Extraterritorial Jurisdictions (“ETJ”) for all municipalities in the County. Boundaries of the County and the boundaries of the municipalities and ETJs located herein are as shown on the map available at <https://brazoriacountytx.gov/departments/engineering/gis/maps>. It is the responsibility of the Applicant to verify the boundaries of each Municipality and its ETJ.
4. Many of the municipalities’ ETJs are governed by the Subdivision regulations of the individual Municipality. It is the Applicant’s responsibility to determine if the Tract lies within a Municipality’s ETJ and to determine if that Municipality enforces its authority for subdividing/platting within its ETJ. A Municipality may require that its road standards be used for construction, as long as they are more stringent than County requirements. However, such roads, if dedicated to the public and accepted by the County, shall be ultimately maintained by the County and therefore the County shall review Plans for those roads and the construction to ensure they are built, at a minimum, to County road standards.
 - a) Where a Municipality and the County have executed an interlocal agreement, the platting authority of the ETJ shall be as defined in the agreement and the Platting regulations of the entity with authority shall apply.
 - b) Municipal Platting authority within the ETJ does not negate the County’s regulation of all permitting activity. The Applicant is still subject to County requirements even with the Platting authority vested with the Municipality.
5. If the Applicant chooses to opt-out of the ETJ, then these Subdivision Regulations and all other County Regulations must be followed.
6. Within the jurisdiction of these Subdivision Regulations, except as hereinbefore and hereinafter provided, no Subdivision shall be made, Platted, or recorded, nor shall any Building permit be issued, unless such Subdivision meets all requirements of these Subdivision Regulations and has been approved in accordance with the requirements as hereinafter provided.



1.05. Legal Status

A. Severability

It is the intention of these Subdivision Regulations that the sections, paragraphs, sentences, clauses and phrases of these Subdivision Regulations are severable; and if any section, paragraph, sentence, clause or phrase of these Subdivision Regulations shall be declared void, ineffective or unconstitutional by a valid judgment or final decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining sections, paragraphs, sentences, clauses or phrases hereof, since the same would have been enacted by the Commissioners Court without the incorporation herein of any such unconstitutional section, paragraph, sentence, clause or phrase.

B. Effective Date

These Subdivision Regulations and any provisions herein contained shall supersede all previous applicable resolutions and policies and shall take effect and be enforced from and after the adoption by the Commissioners Court on August 22, 2023, Court Order No. 8.O.5 effective August 28, 2023.

1.06. Development Fees

A. The Development Fees

The County has adopted Development Fees related to platting. The Development Fees schedule is applicable to all Plats approved by Commissioners Court, Plans, and inspections, and is payable to the Engineering Department. The Fee Schedule and Fee Calculation Worksheet can be found on the Engineering Department website at www.brazoriacountytx.gov/departments/engineering.

B. Plat Recordation Fees

The Plat Fees are applicable to all Plats approved by Commissioners Court and is payable to the County Clerk's Office at the time the Plat is presented for recordation.

1.07. Enforcement, Violations, and Penalties

A. Enforcement

The Commissioners Court shall have the authority to refuse to approve any Plat of any such subdivision, unless such Plat meets the requirements as set forth in these Subdivision Regulations.

B. Violations

1. An Applicant commits an offense if the Person knowingly or intentionally violates a requirement established by these Subdivision Regulations adopted by the Commissioners Court pursuant to Texas Local Government Code, Chapter 232. An offense is a Misdemeanor as defined in Texas Local Government Code, Chapter 232.
2. If it appears that a Person has violated, is violating, or is threatening to violate these Subdivision Regulations in any manner, the Commissioners Court, through the District Attorney's Office, may institute a civil suit in the appropriate court for injunctive relief to restrain the Person from continuing the violation or threat of violation.



C. Penalties

1. The Commissioners Court, through the District Attorney's Office, may institute a civil suit to recover damages in an amount adequate for the County to undertake any construction or other activities necessary to bring about compliance with these Subdivision Regulations and state laws.
2. If a structure is erected, constructed, or reconstructed in violation of a Building or Setback Line, the Commissioners Court, the District Attorney, or an owner of real property may seek an injunction, mandamus, abatement, or other appropriate action in a court of competent jurisdiction to prevent, abate, remove, or enjoin the unlawful erection, construction or reconstruction.

1.08. Platting Required Under County Authority

A. Platting Required

An Applicant is required to abide by these Subdivision Regulations and the Texas Local Government Code, Chapter 232 and prepare and file a Plat when the following occurs:

1. The Applicant owns a Tract of land located outside the limits of a Municipality as described in Section 1.04; and
2. Divides the Tract into two (2) or more parts to lay out:
 - a) A Subdivision of the Tract, including an addition; or
 - b) Lots; or
 - c) Streets, Alleys, squares, parks, or other parts of the Tract intended by the owner of the Tract to be dedicated to public use.
3. Any Commercial development in a Municipality's ETJ that regulates such development pursuant to Texas Local Government Code, Chapter 212, subchapter B, must consult that Municipality regarding platting.

B. Division of Tracts

A division of a Tract includes a division made by using a metes and bounds description in a deed of conveyance or in a contract for deed, by using a contract of sale or other executory contract to convey the property, or by using any other method that divides the Tract into two (2) or more Parcels.

1.09. County Approval Required

A. Approval

The Commissioners Court must approve, by an order entered in the minutes of the Commissioners Court, a Plat as required under Section 2 of these Subdivision Regulations.

B. Disapproval

The Commissioners Court may refuse to approve a Plat if It does not meet the requirements prescribed by these Subdivision Regulations or the Texas Local Government Code, Chapter 232.



1.10. Timely Approval of Plats

A. Requirements for Timely Approval of Plats

1. The Engineering Department has a written Checklist of the documentation and other items that must be submitted with a Final Plat Application "Platting Checklist" in accordance with this section or other applicable law. This Platting Checklist can be found on the Engineering Department website at www.brazoriacountytx.gov/departments/engineering.
2. If an Applicant submits a Final Plat Application to the Engineering Department that does not include all of the documentation and other items required as shown on the Platting Checklist, the Engineering Department shall, no later than the tenth (10th) business day after the date the Engineering Department receives the Application, notify the Applicant of the missing documents and other items. The Engineering Department shall allow an Applicant to submit the corrected missing items and other information.
3. An Application is considered administratively complete when all documentation, fees, and other items required on the Platting Checklist are received by the Engineering Department. Acceptance by the Engineering Department of an administratively complete Final Plat Application shall not be construed as approval.
4. The Commissioners Court shall approve, approve with conditions, or disapprove an administratively complete Final Plat Application no later than the thirtieth (30th) day after the date that such completed Final Plat Application is received by the Engineering Department.
5. If the Final Plat Application is approved with conditions or disapproved, the Engineering Department, on behalf of Commissioners Court, will provide Applicant a written statement of the conditions for the conditional approval or the reasons for disapproval pursuant to Texas Local Government Code, section 232.0026.
 - a) The Applicant may submit a written response to the Engineering Department that satisfies each condition for the conditional approval or remedies each reason for disapproval.
 - b) Commissioners Court shall determine whether to approve or disapprove the Plat within 15 days of receipt of response.

1.11. Drainage Systems

A. Drainage System Authority

1. The design and construction of all drainage systems within the County shall comply with the established standard principles and practices given in the applicable drainage authority. The Applicant must consult with the appropriate drainage authority to determine its policies, procedures, and requirements. The applicable drainage authority may be one of seven drainage districts or the County Engineering Department in areas with no district.
2. If applicable, the Applicant shall be responsible for obtaining a letter of no objection from the applicable drainage authority.
3. If the Tract of land is not within a drainage district, the County will assume the responsibilities of the drainage district and the Application will be reviewed in



accordance with the Brazoria County Drainage Criteria Manual (“Drainage Criteria Manual”).

4. A Final Plat Application shall not be considered administratively complete until the drainage authority or its outside drainage consultant has adequate time to review, approve, and issue a letter of no objection.
5. Any actual costs incurred by the County for these additional responsibilities, or for the acquisition of consultant services to complete these responsibilities, will be assessed to the Applicant.

1.12. Road and Street Design

A. Design and Construction

The design and construction of all roads and streets within the County shall, at a minimum, comply with the requirements of these Subdivision Regulations and the Brazoria County Roadway Design Criteria Manual (“Roadway Design Criteria Manual”).

1.13. Public Improvements

A. Constructing Public Improvements

The Commissioners Court may make a contract with an Applicant to construct public Improvements, not including a Building, relating to a development. Under such contract, the Applicant shall construct the Improvements, and the County shall participate in the cost of the Improvements. The County may not participate more than thirty (30) percent of the total contract price. The Commissioners Court will include in the contract safeguards against undue loading of cost, collusion, or fraud and comply with Texas Local Government Code, section 232.105.

1. The contract may allow participation by the County at a level not to exceed one hundred (100) percent of the total cost for any oversizing of Improvements required by the County, including but not limited to increased capacity of Improvements to anticipate other future development in the area.
2. The County is liable only for the agreed payment of its share, which shall be determined in advance either as a lump sum or as a factor or percentage of the total actual cost as determined by an order of the Commissioners Court.
3. Applicant will be required to execute a performance bond for the construction of the Improvements to ensure completion of the project. The bond must be executed by a corporate surety in accordance with Texas Local Government Code, Chapter 2253.

1.14. Rough Proportionality

A. Purpose

Standards relating to the dedication or construction requirements shall be roughly proportionate to the nature and extent of the impacts created by the proposed development on the County's roadways or drainage facilities or a public Utility provider's water or wastewater facilities.



B. Requirements

1. If the Applicant is required to bear a portion of the costs of County infrastructure Improvements by the making of dedications, the payment of fees, or the payment of construction costs, the Applicant's portion of the costs shall not exceed the amount required for infrastructure Improvements that shall be roughly proportionate to the proposed Subdivision as approved by the Engineering Department.
2. The County, at a minimum, expects the Applicant to dedicate the Right-of-Way and construct all the road infrastructure requirements for the proposed Subdivision per Section 4, including Thoroughfares in accordance with Section 4.01 of these Subdivision Regulations. If an Applicant submits a determination request because they believe these minimum requirements exceed rough proportionality, the County will perform a rough proportionality determination.
3. An outside consultant will be hired by the County to perform this determination and the cost for this consultant will be passed to the Applicant.
4. The County's determination shall be completed within thirty (30) days from the County's receipt of the determination request and the cost for the outside consultant from the Applicant.
5. If there is a change in use for the proposed subdivision, a new rough proportionality determination may be required and permits may be withheld until the new determination is complete.

C. Appeal

1. The Applicant may appeal the determination to Commissioners Court. At the appeal, the Applicant may present evidence and testimony under procedures adopted by Commissioners Court. After hearing any testimony and reviewing the evidence, the Commissioners Court shall make the applicable determination within thirty (30) days following the final submission of any testimony or evidence by the Applicant. See Appendix K.
2. An Applicant may appeal the determination of Commissioners Court to a County or district court of Brazoria County within thirty (30) days of the final determination by Commissioners Court.
3. The County may not require an Applicant to waive the right of appeal authorized by Texas Local Government Code, section 232.110 as a condition of approval for a development project.

1.15. Utility Services and Connections

A. General

1. All utilities identified in Texas Utility Code, Chapter 181 may place utilities in the public road right of way beginning on the outside of curb to the edge of the right-of-way. Said utilities must obtain a permit from the Engineering Department and all utilities shall be constructed in accordance with the Utility and Work in the Right-of-Way Design Standards which can be found on the Engineering website at www.brazoriacountytx.gov/departments/engineering.
 - a) Exceptions may be granted on a case-by-case basis at the discretion of the



Engineering Department.

2. All other utilities must be placed in a Utility Easement established by the Plat.
3. Utilities to be abandoned within the Right-of-Way greater than eight (8) inches diameter shall be backfilled with flowable fill.

B. Water Systems and Sewer Systems

A Utility may not serve or connect any subdivided land with Water Systems or sewer systems until:

1. The Applicant provides to the Utility a certificate from Commissioners Court stating that the Plat has been reviewed and approved; or
2. The Applicant receives a determination from Commissioners Court stating that a Plat has been prepared, reviewed and approved.
 - a) If the Subdivision is to contain OSSFs, the determination must state that the Lots can be adequately and legally served by OSSFs.

C. Electricity and Gas

A Utility may not serve or connect any subdivided land with electricity or gas until the Applicant receives a determination from Commissioners Court that adequate Water Systems and sewer systems have been installed to service the Subdivision and are fully operable.

D. Exceptions

An electric, gas, water, or sewer service may serve or connect subdivided land with water, sewer, electricity, gas or other Utility if the property meets the exceptions set out in Texas Local Government Code, section 232.029(c) and complies with Texas Local Government Code, sections 232.029(d) and (e).

1.16. Inspection of Improvements

A. Requirements

1. For acceptance by the County, all Improvements must meet the requirements of the Roadway Design Criteria Manual and Drainage Criteria Manual.
2. An Engineer shall be employed by the Applicant to design required physical Improvements, including but not limited to streets, drainage facilities, bridges, sidewalks, bulkheads and utilities. All Plans for Improvements submitted both at the preliminary and final stage of development shall be prepared by an Engineer.
3. All physical Improvements (including all utilities) shall be installed under the direction, supervision, and coordination of the Applicant's Engineer. The Applicant shall have available, when necessary, a qualified Registered Professional Land Surveyor ("RPLS") for the purposes of setting all line and Grade stakes when required by the Engineering Department. The Engineering Department may, at its discretion, inspect all construction subject to these Subdivision Regulations, the Drainage Criteria Manual, the Roadway Design Criteria Manual, and all other County Regulations.
4. The Applicant or the Applicant's Engineer will notify the Engineering Department and the applicable drainage district by letter at least seven (7) days prior to



commencement of construction of Improvements. Applicant shall provide a minimum of twenty-four (24) hours advance notice to the Engineering Department of each day's construction. Failure to do so may result in rejection by the County for acceptance and maintenance. Inspections shall be scheduled on normal County business days.

5. The Engineering Department shall be authorized to call to the attention of the Applicant's Engineer any failure of work or materials to conform with the Plans and specifications. Inspection or lack of inspection by the Engineering Department of construction shall not in any way impair or diminish the obligation of the Applicant to install Improvements in the Subdivision in accordance with Plans and specifications as approved by the Engineering Department in accordance with these Subdivision Regulations. The Engineering Department may require laboratory tests or field measurements for:
 - a) Subgrade width, depth, density and plasticity index;
 - b) Base width, depth, density, crown;
 - c) Surface width, depth, extraction and stability; and
 - d) Concrete compressive strength.
6. Such tests are to be made by an approved testing laboratory at the Applicant's expense and keeping with best engineering practice.
7. After required Improvements have been installed, the Applicant's Engineer shall submit a certification that the Improvements were inspected and tested by an Engineer or Engineer's representative and have been constructed according to approved Plans and specifications along with such changes requested in writing and approved by the Engineering Department. Further, a letter from the applicable drainage authority should be submitted stating that the drainage facilities are constructed in accordance with the approved Plans and specifications.
8. Prior to final inspection by the County, the Applicant's Engineer shall submit a statement to the Engineering Department that all materials used meet the Texas Department of Transportation's (TxDOT's) current specifications and the tests and measurements meet the requirements of the Plans and specifications. To accomplish this requirement, it is suggested that the Applicant's Engineer require that all material suppliers submit certifications of materials.
9. Copies of all test reports shall be submitted to the Engineering Department as they are prepared.
10. After all of the documentation listed above is received by the Engineering Department, a final inspection will be scheduled and deficiencies, if any, communicated to the Applicant in writing. Re-inspection by the Engineering Department will be made following receipt of a letter from the Applicant's Engineer stating that all noted deficiencies have been corrected. If more than three (3) months have passed since the date of the first deficiency report provided by the Engineering Department, the project is subject to complete re-inspection and all noted deficiencies found at that time shall be identified and reported to the Applicant's Engineer for correction. After said deficiencies are addressed, Improvements will be deemed complete, and Subdivision Bond (see Section 2.05) released to the Applicant. If the Improvements are to be accepted into the County



maintenance system, then a Warranty Bond must be provided, and the roads will be conditionally accepted for a warranty period.

11. **Warranty Period:** At the expiration of a minimum of one (1) year following completion and approval of construction, the Applicant will notify the Engineering Department, in writing, that these Improvements have been maintained at the Applicant's expense for a period of at least one (1) year following completion and approval of the construction of the roads, streets and drainage facilities. The length of this warranty period may be longer than one (1) year determined by the Engineering Department if certain criteria during construction were not met. This will be an option for deficiencies only if determined by the Engineering Department. The Applicant must include a letter from the applicable drainage authority, if any, stating that the drainage facilities of the Subdivision are still in conformance with the approved Plans and all drainage authority requirements have been met.
12. At the end of the Warranty Period, and upon receipt of request for final acceptance by the Applicant's Engineer, the Engineering Department will make a final inspection of the Improvements. If the roads are in conformance with the approved Plans and these Subdivision Regulations, the Commissioners Court, upon recommendation of the Engineering Department, will accept said roads for County maintenance and the Warranty Bond will be returned to the Applicant.

B. Additional Procedures for Subdivisions within a Municipality's ETJ

1. Acceptance of Roads

The County will consider acceptance of the roads within a Subdivision complying with these Subdivision Regulations, the Drainage Criteria Manual, the Roadway Design Criteria Manual , and all other County Regulations only after receiving a request to do so from the Applicant, having approved the Plans prior to construction and inspected the Improvements.

a) The request must include:

- i. A letter requesting conditional acceptance;
- ii. A twenty-five (25) percent Warranty Bond between the Applicant and the County. The amount shall be twenty-five (25) percent of construction cost based on contracted amount as provided by Applicant. The bond will be held for a specified warranty period which must be at least one (1) year in length; and
- iii. The Engineer's certification stating that the Improvements were made in accordance with the approved Improvement Plans and County Subdivision Regulations or as-built drawings containing an Engineer's certification stating that the changed Improvements are in accordance with the County's Subdivision Regulations. The Applicant must retain construction, inspection, and material testing services to ensure infrastructure to be maintained by County is built per all requirements.

b) Once the request is received, the Engineering Department will schedule an inspection with the Applicant.

c) After the inspection and all concerns have been addressed, the Engineering Department will request conditional acceptance of the roads by



Commissioners Court with a specified warranty period (minimum of one (1) year).

- d) At the end of the warranty period, the Applicant may request final acceptance by written request. Upon written request an inspection will be performed. If the condition of the Improvements still meet the County’s requirements, the Engineering Department will recommend to Commissioners Court to accept the roads. Once acceptance has passed through Commissioners Court, the Warranty Bond will be returned to the Applicant.

1.17. On-Site Sewage Facility Planning

A. Land Planning and Site Evaluation

If a development is going to utilize OSSFs in any portion of the development, it is recommended that the Plat conform to the Onsite Sewage Facilities Rules and Regulations (“OSSF Rules and Regulations”) contained within Title 30 Texas Administrative Code, Chapter 285. It is further recommended that the Applicant confer with the Brazoria County Environmental Health Department prior to submitting the Plat for approval.



Section 2. Plat Submittal and Processing

2.01. General Provisions

A. Purpose

The purpose of this section is to establish a systematic procedure in preparing, reviewing and approving Subdivision Plans and Plats.

B. Transmittal Letters

1. All submissions made to the Engineering Department must be accompanied by a transmittal letter identifying the purpose of the submission such as:
 - a) For information only;
 - b) Preliminary or final review;
 - c) The name and location of the project; and
 - d) The controlling jurisdiction such as Municipality or County.
2. A list of all enclosed documents and drawings must be included.

2.02. Summary of the General Subdivision Procedure

Any Applicant who wishes to subdivide any Lot, Tract, or Parcel of land located within the County shall conform to the following general procedure.

A. General Overview of the Platting Procedure

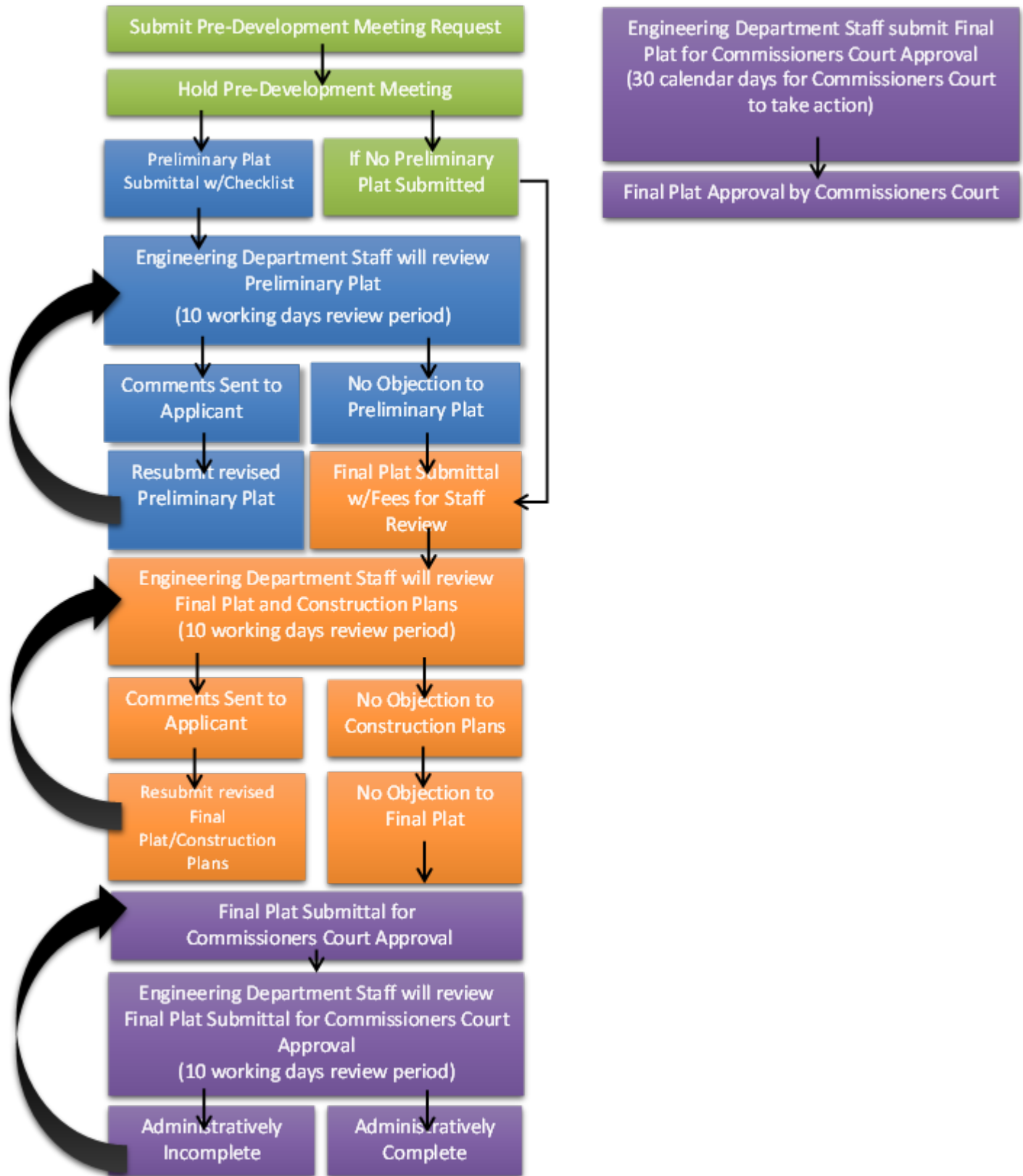
1. Pre-Development Meeting. See Section 2.03.B;
2. Preliminary Plat Submittal and Review. See Section 2.04;
3. Final Plat Application and all items listed on the Platting Checklist and Construction Plans Submittal and Approval/Signatures. See Section 2.05.A, 2.05.B and 3.04;
4. Inspection of Improvements. See Section 1.16;
5. Completion and Conditional Acceptance of Improvements, if applicable. See Section 2.05.C.5 and 2.05.C.6; and
6. Filing of the Final Plat. See Section 2.05.C.2 and 3.05.

B. Detailed Steps

The detailed steps within each phase of the Subdivision development procedure are shown in the following graphic flow chart.



Figure 1. Illustration of Platting Procedure





2.03. Pre-Application Procedure

A. General

1. Before any preliminary work is prepared, the Applicant should obtain and become familiar with these Subdivision Regulations, other County Regulations, the Platting Checklist, and other items that must be submitted with a Final Plat Application. The Platting Checklist may be found on the Engineering Department website at www.brazoriacountytx.gov/departments/engineering. This should help avoid heavy expenditures of time, effort, and money, only to find that costly changes are required to make the Plans conform to these requirements.
2. Plans shall be submitted to the Engineering Department before the Tract is subdivided establishing more than one (1) Lot or, any street, Alley, Easement or Right-of-Ways for public use or before any Building, street, drainage, or Utility construction begins.
3. These procedures are the County's requirements. The Applicant must also comply with the requirements of the appropriate municipal ETJ and drainage authority, if applicable. The Applicant must determine those requirements.

B. Pre-Development Meeting

1. Purpose

- a) The Pre-Development Meeting is intended to allow for the exchange of non-binding information between the Applicant and County to ensure that the Applicant is informed of pertinent development regulations and processes.
- b) The Pre-Development Meeting takes place prior to submittal of the Plat and provides an opportunity for the Applicant and County to discuss major development considerations such as utilities, roadways, drainage, the Thoroughfare Plan, historic information and other County Regulations. This meeting generally includes all County permitting representatives in order for the Applicant to understand the full spectrum of County authority through the project and prevent pitfalls during execution of the planned Subdivision.
- c) This exchange of information is intended to promote an efficient and orderly review process.

2. Process

- a) Pre-Development Meeting Application:
 - i. Site location map;
 - ii. Master Plan, conceptual site Plan, Sketches or other graphic information depicting the proposed project, if available; and
 - iii. Any other pertinent project information that may be useful to help assess the project.
- b) The Engineering Department will provide written confirmation of Application receipt and/or items needing to be addressed within ten (10) business days.
- c) A Pre-Development Meeting will then be scheduled to discuss County permitting requirements and/or Master Plan.
- d) At the Pre-Development Meeting the Applicant may be represented by a land



Planner, Engineer, RPLS, or other qualified professional.

- e) The Applicant or at least one of the Applicant’s representatives must attend the Pre-Development Meeting in Person.

2.04. Preliminary Platting Procedure

A. Preliminary Plat Purpose

The purpose of a Preliminary Plat is to review compliance with these Subdivision Regulations, the Development Regulations for Floodplain Management, Brazoria County Street Name Standards (“Street Name Standards”), OSSF Rules and Regulations, the International Fire Code and, if not in a drainage district, the Drainage Criteria Manual and Roadway Design Criteria Manual, and all other County Regulations.

B. Preliminary Plat Submittal for Review

- 1. Preliminary Plats are required on divisions of fifteen (15) Lots or more or laying out a road.
- 2. The Applicant must deliver to the Engineering Department the following:
 - a) The Preliminary Plat Checklist and all documents listed on said checklist; and
 - b) One (1) paper and one (1) PDF of the Preliminary Plat.
- 3. The Engineering Department will provide a letter of no objection or comments within ten (10) business days.
 - a) If comments are provided, the Applicant will address the comments and resubmit to the Engineering Department for review.

2.05. Final Platting Procedure

These procedures are the County’s requirements. The Applicant must also comply with the requirements of the appropriate Municipality and drainage authority, if applicable. The Applicant must determine those requirements.

A. Final Plat Purpose

The purpose of a Final Plat is to confirm compliance with these Subdivision Regulations, the Development Regulations for Floodplain Management, Street Name Standards, OSSF Rules and Regulations, the International Fire Code and, if not in a drainage district, the Drainage Criteria Manual and Roadway Design Criteria Manual, and all other County Regulations.

B. Final Plat Submittal for Review

- 1. Applicant must deliver to the Engineering Department the following:
 - a) Completed Final Plat Application;
 - b) Completed Platting Checklist; and
 - c) All items required on the Platting Checklist which can be found on the Engineering Department website at www.brazoriacountytx.gov/departments/engineering.
- 2. The Engineering Department will provide a letter of no objection or comments within ten (10) business days.
 - a) If the Plat does not meet all requirements, the Engineering Department will



send a letter notifying the Applicant of any missing or incorrect items and provide comments or concerns.

- b) If comments are provided, the Applicant will address the comments and resubmit to the Engineering Department for review.
- c) Final Plat Application shall not be deemed administratively complete until all items on the Platting Checklist are submitted in accordance with these Subdivision Regulations.

C. Final Plat Submittal for Commissioners Court Approval

- 1. Once all of the requirements of these Subdivision Regulations have been met, the Applicant shall submit the Final Plat Application. Once the Final Plat Application is administratively complete the Engineering Department will recommend approval to the Commissioners Court.
 - a) The Applicant must deliver to the Engineering Department the following:
 - i. Completed Final Plat Application and Platting Checklist;
 - ii. Final Plat Submittal No Objection Letter; and
 - iii. Two (2) mylar copies and one (1) PDF of the Final Plat.
 - b) The Commissioners Court will take final action on the Final Plat Application within thirty (30) days of the Engineering Department receiving an administratively complete Final Plat Application.
- 2. Once approved by the Commissioners Court, the Applicant will have two options regarding the filing of the approved Plat:
 - a) The Engineering Department will withhold the two (2) signed copies until all Improvements are completed in accordance with the Improvement Plans; or
 - b) Give a good and sufficient Subdivision Bond for the proper construction of all the Improvements and drainage requirements as set out below. Once the Subdivision Bond is in place and approved by the County, the Applicant may begin developing the proposed subdivision.
- 3. Bonding Procedures
 - a) The Applicant shall give a good and sufficient Subdivision Bond for the proper construction of the streets, roads, and drainage Improvements in a subdivision. The bond form can be found in Appendix J. Any proposed bond modification must be approved by the District Attorney's Office.
 - b) Such Subdivision Bond shall be made payable to "County Judge or his Successors in Office", conditioned that the owner or owners of any such Tract of land to be subdivided will construct all roads, streets, and drainage requirements within such Subdivision in accordance with these Subdivision Regulations, the Drainage Criteria Manual, the Roadway Design Criteria Manual, and all other County Regulations.
 - c) The Subdivision Bond shall be in an amount equal to the actual cost of constructing such streets, roads, and drainage requirements, as determined by the Commissioners Court, and shall be presented for final approval. The District Attorney must approve any modification, in writing, of the form of said Subdivision Bond prior to the date of submission to Commissioners Court.



- d) The Subdivision Bond must remain in full force and effect until all Improvements in the Subdivision have been deemed complete in accordance with approved Plans and specifications. If the Improvements are to be accepted into the County maintenance system a Warranty Bond must be provided to the County before the Subdivision Bond is released. For more information regarding the Warranty Period, refer to subsection 1.16 of these Subdivision Regulations.

2.06. A Small Subdivision County Exceptions to Platting Requirements

A. Requirements

The Engineering Department will recommend that Commissioners Court approve a Small Subdivision if:

- 1. The Tract is not within the ETJ of a Municipality, or if within the ETJ of a Municipality, Applicant provides a letter from the Municipality deferring Platting authority to the County in this instance;
- 2. The Applicant does not lay out streets, Alleys, squares, parks, or other parts of the Tract intended to be dedicated to public use;
- 3. No more than four (4) parts result from the Subdivision of a Tract of land including the parent Tract and each part is at least one (1) acre in area;
- 4. The original Parcel to be divided cannot be the result of a division using the Small Subdivision process within five (5) years from the date of Small Subdivision approval;
- 5. Each Parcel has adequate, separate (not shared) access to a publicly-maintained road, with at least sixty (60) feet of Lot Frontage along such road and adequate Lot Frontage to meet minimum driveway spacing requirements;
- 6. If the proposed Subdivision is along a state Right-of-Way, an approval letter from TxDOT in reference to access onto the state Right-of-Way as well as Right-of-Way requirements is required;
- 7. The proposed division is not expected to have an adverse impact on drainage as confirmed in writing by the drainage district in which it is located, or by the Engineering Department if not located in a drainage district;
- 8. Each part is suitable size and condition to allow the provision of adequate Water Systems and sewer service facilities;
- 9. The owner(s) submits an "Application for Property Adjustment" in the format prepared by the Engineering Department, along with the required information and documents; and
- 10. The Applicant provides adequate Right-of-Way or Easements for existing and proposed road and drainage facilities, if such are required by the Engineering Department or the relevant drainage district.

B. Procedure

- 1. The Applicant shall meet with the Engineering Department and provide a Sketch of the proposed division and a copy of the recorded deed of the Tract being divided.



2. If the proposed division meets the County requirements, the Applicant will then be responsible for obtaining a letter of no objection from the appropriate drainage authority, and a tax certificate showing that all taxes are paid on the Tract. The Applicant will also be responsible for obtaining a Plat of survey from an RPLS containing a legal description of all Tracts created. When appropriate, the Engineering Department will request a letter of no objection from the Environmental Health Department.
3. Once these items are delivered to the Engineering Department, the proposed Subdivision will be brought before the Commissioners Court.
4. Upon approval by the Commissioners Court, the Engineering Department will supply the Applicant with an affidavit granting approval, which shall be filed in the Official Records of Brazoria County with the Plat of survey signed and sealed by an RPLS along with a certified copy of the Commissioners Court order.

2.07. Division to Change Line Between Two (2) Existing Tracts and/or to Reconfigure Existing Tracts

A. Purpose

The division of a Tract of land solely to change the line between two (2) or more existing Tracts or to Reconfigure two (2) or more Tracts shall not be considered a division subject to platting regulations as long as the resulting number of Tracts is the same number of Tracts or less.

B. Requirements

1. This exception applies only if the portion divided off of one (1) Tract is conveyed to the Applicant of the adjoining Tract or both Tracts are owned by the same individual. Any conveyance of the divided portion separate from the adjoining Tracts will require compliance with Subdivision Regulations in effect at that time.
2. The resulting Tracts must comply with applicable water and wastewater regulations.
3. The access to either Tract cannot diminish in importance due to this division (meaning public road to public Easement, public Easement to private Easement, etc.).
4. County may require the Applicant to adhere to the terms of these Subdivision Regulations with regards to setbacks and Lot Frontages.
5. In order to qualify for this exception, the Applicant must present to the Engineering Department:
 - a) An Application requesting an exception under this section;
 - b) A copy of the recorded deed for the Tract to be Reconfigured; and
 - c) A Plat of survey prepared by an RPLS showing the division with legal descriptions to all Tracts identifying all old Lots and new Lots named as designated by the Engineering Department.
6. Once these items are delivered to the Engineering Department, the Engineering Department will supply the Applicant with an affidavit granting approval, which shall be filed in the Official Records of Brazoria County with the Plat of survey signed and sealed by the RPLS.



2.08. Street Dedication Plat

Street dedication Plats follow the same procedure as described for Final Plat in Section 2.05.

2.09. State Exceptions to Plat Requirements

A. Notification to the Engineering Department

The Applicant shall provide an Application and supporting documents for proof of exception qualification to the Engineering Department of the intent to divide the land. Said notice must identify the exception said division qualifies and provide a Sketch illustrating the division. The Engineering Department will provide the Applicant notification of receipt and acceptance of exception based upon the representations and information received.

B. Requirements

1. Applicant will not be required to have a Plat of the Subdivision if the Applicant does not lay out a part of the Tract by laying out streets, Alleys, squares, parks or other parts of the Tract intended to be dedicated to public use and meets one of the following requirements:

- a) Division for Mortgage or Tax Purposes

- i. The division of a Tract of land into two (2) parts solely for one of the following purposes shall not be considered a division subject to platting regulations:

- (a) To establish a lien upon a portion of the Tract, said lien being required by a financial institution to grant a loan for construction of a residence or related structure on said portion; or

- (b) To establish a different tax status on a portion of the Tract (for example, to obtain a homestead exemption).

- ii. Under this exception, ownership of the divided portion may not be conveyed separately from the remainder of the Tract unless said conveyance is due to foreclosure on a loan or due to a tax sale.

- iii. The County may require the Applicant to adhere to the terms of these Subdivision Regulations with regards to setbacks and Lot Frontages.

- iv. The Applicant must present to the Engineering Department the following:

- (a) Application requesting an exception under this section;

- (b) A copy of the recorded deed for the Tract to be divided; and

- (c) A Plat of survey prepared and sealed by an RPLS showing the division with legal descriptions of both Tracts.

- v. The Engineering Department will determine if the exception is valid.

- vi. The Engineering Department will supply the Applicant with an affidavit granting approval, which shall be filed along with the Plat of survey signed and sealed by an RPLS.

- b) Division for Family

- i. The Tract is divided into four (4) or fewer parts and each Lot is to be sold,



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

- ii. If any Lot is sold, given, or otherwise transferred to an individual who is not related to the owner within the third degree by consanguinity or affinity, platting requirements apply.
- c) Agricultural Use/Farm, Ranch, Wildlife, Timber
 - i. The land is to be used primarily for agricultural use, farm, ranch, wildlife management, or timber production use within the meaning of the Texas Constitution.
 - ii. If a Tract ceases to be used in any of the above-described uses, the platting requirements apply.
- d) More than Ten (10) Acres
 - i. The Applicant divides Tract of land into two (2) or more parts and all of the Lots of the Subdivision are more than ten (10) acres in area.
- e) Sold to Veterans
 - i. The Applicant divides the Tract into two (2) or more parts and all parts are sold to veterans through the Veterans Land Board program.
- f) Undivided Interest
 - i. The Applicant divides the Tract into two (2) or more parts and all parts are transferred to Persons who own an undivided interest in the original Tract and a Plat is filed before any further development of any part of the Tract.
- g) Further Development
 - i. The Applicant divides the Tract into two (2) or more parts and one (1) new part is retained by the Applicant and one (1) new part is to be transferred to another Person who will further subdivide the Tract subject to the Plat approval requirements.

2.10. Procedure for Variances

A. Procedure

When an Applicant can show, that due to no fault of the Applicant, but because of strict interpretation of these Subdivision Regulations, a hardship has been created, the County may vary the Subdivision Regulations or exempt partially developed Subdivisions, but only after the following events happen:

1. Application

The Applicant shall submit a letter to the Engineering Department stating clearly and definitely the reason for a request of Variance.

2. Determination

- a) The County Engineer shall determine the following facts:



- i. A hardship exists that is a result of the order or the natural features of the land and not the fault of the Applicant; and
 - ii. The Variance will not adversely affect the adjacent property nor will it be detrimental to public interest.
- 3. Approval
 - a) Once a Variance is determined to be warranted by the County Engineer, the Engineering Department will present the Variance request to Commissioners Court.
 - b) Once the Variance request is approved by Commissioners Court, the Subdivision may be approved by separate and subsequent Commissioners Court action.

2.11. Cancellation of Subdivision

This section applies only to real property located outside municipalities and outside the ETJ regulated by municipalities.

A. Procedure

- 1. A Person owning real property that has been subdivided into Lots and Blocks or into Small Subdivisions may apply to the Commissioners Court for permission to cancel all or part of the Subdivision, including a dedicated Easement or roadway, or to reestablish the property as acreage Tracts as it existed before the Subdivision.
- 2. The Commissioners Court shall publish notice of the Application for cancellation in a newspaper of general circulation for three (3) weeks. The notice must direct any Person who is interested in the property and who wishes to protest the proposed cancellation to appear at the time specified in the notice. The Commissioners Court shall take action on the Application at a regular term.
 - a) If it is shown on the Application that cancellation of all or part of the Subdivision does not interfere with the established rights of any purchaser who owns any part of the Subdivision; or it is shown that the purchaser agrees to the cancellation, the Commissioners Court by order shall authorize the owner of the Subdivision to file an instrument canceling the Subdivision in whole or in part.
 - b) On Application by the owners of seventy-five (75) percent of the property included in the Subdivision, phase, or identifiable part, the Commissioners Court by order shall authorize the cancellation of the Subdivision after complying with notice and hearing provisions required by law.
 - c) If the owners of at least ten (10) percent of the property affected by the proposed cancellation files written objection to the cancellation with Commissioners Court, the grant of an order of cancellation is at the discretion of the Commissioners Court.
 - d) Commissioners Court may deny a cancellation if Commissioners Court determines the cancellation will prevent the proposed interconnection of infrastructure to pending or existing development.
- 3. The instrument must describe the Subdivision or the part of it that is cancelled. The Commissioners Court shall enter the order in its minutes.



After the cancellation instrument is filed and recorded in the Official Records of Brazoria County, the tax assessor-collector shall assess the property as if it had never been subdivided.

2.12. Amending Plat

A. Procedure

1. Commissioners Court may approve and issue an amending Plat, if the amending Plat is signed by the Applicants and is filed for one or more of the following purposes:
 - a) To correct an error in a course or distance shown on the preceding Plat;
 - b) To add a course or distance that was omitted on the preceding Plat;
 - c) To correct an error in a real property description shown on the preceding Plat;
 - d) To show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding Plat;
 - e) To correct any other type of scrivener or clerical error or omission previously approved by Commissioners Court, including Lot numbers, acreage, street names, and identification of adjacent recorded Plats;
 - f) To correct an error in courses and distances of Lot lines between two (2) adjacent Lots if;
 - i. Both Lot owners join in the Application for amending the Plat;
 - ii. Neither Lot is abolished;
 - iii. The amendment does not attempt to remove recorded covenants or restrictions; and
 - iv. The amendment does not have a material adverse effect on the property rights of the other owners in the Plat.
2. Notice, a hearing, and the approval of other Lot owners are not required for the approval and issuance of an amending Plat.



Section. 3 Document Specifications

3.01. Plat Graphic Requirements

All Plats of proposed Subdivisions that are to be submitted to Commissioners Court shall be drawn pursuant to industry standards and contain the following specific information:

A. Document Preparation

All Plats shall be prepared by engineering or surveying firms. Plats prepared by architectural firms will not be accepted. The engineering or surveying firm's name, address and telephone number shall be shown on the Plat.

B. Graphic Requirements

1. Plat Size

The Plat size shall be twenty-two (22) inches by thirty-four (34) inches and the minimum print or type sizes shall be six (6) characters per inch (cpi).

2. Orientation

The preferred orientation of the drawing of the Subdivision is with the north point to the top of the drawing. It is acceptable to have north to the right of the drawing. A north arrow and title Block shall be in the lower right-hand corner.

3. Scale

The scale shall be shown both numerically and graphically. The minimum scale is one (1) inch equals one hundred (100) feet. If more than one (1) sheet must be used, the scale shall not exceed one (1) inch to two hundred (200) feet.

4. Vicinity Map

A vicinity map shall be provided and made a part of the Plat indicating the general location of the Subdivision and its relationship with well-known streets, railroads, water courses and similar features adjacent to and within one (1) mile of the Subdivision. The vicinity map should be in the upper right-hand corner of the Plat or on the cover sheet and shall be oriented with north to the top of the drawing.

5. Date

The Plat shall be dated.

6. Legend

The Plat shall include all pertinent legend data.

7. Owner Information

The name, address, and telephone number of the Subdivision owner and Applicant, Engineer, and RPLS shall be shown on the Plat. If the Applicant is a company or corporation, the name of the principal officer of the company or corporation responsible for the Subdivision must also be shown.

C. Engineering and Surveying Requirements

Engineering and surveying data shall be shown on the Plat in sufficient detail to accurately locate, by surveying methods, all features of the Subdivision on the ground. This data shall include, but not be limited to, full dimensions along all boundaries of the Plat, street and



Alley Right-of-Ways, Easements and drainage ways, gullies, creeks, and bayous together with the location of the high bank of such drainage ways and water courses, street center lines, Lots, Building Setback Lines, Blocks, Reserves, out Tracts or any other Tracts designated separately within the Plat boundaries, fee strips, pipelines or any other physical or topographical features. Such information shall include line dimensions, widths, bearings of deflecting angles, radii, central angles and degree of curvature, length of curves and tangent distances, all of which are to be shown in feet and decimal fractions thereof.

1. Legal Description

A legal description of the property to be subdivided listing the name of the County, survey and abstract number shall be noted on the Plat.

2. Contour Lines

Contours with intervals of one (1) foot or less, when the general Grade is less than three (3) percent, and at interval of five (5) feet or less when the general Grade exceeds three (3) percent (shall refer to Mean Sea Level ("MSL") data). Benchmarks shall be provided at convenient points with locations and elevations indicated on the Preliminary Plat.

3. Minimum Slab Elevation

The Floodplain Administrator will set the minimum slab elevation for each Subdivision based upon the latest FEMA Guidelines.

4. Surveyor Certification

The Plat must be in full accordance with the required certification made upon the Plat by the RPLS ascertaining that the Subdivision boundary represents a survey made by RPLS and that all boundary corners, angle points, points of curvature and other points of reference have been marked with iron (or other suitable permanent ferrous metal) pipes or rods having a minimum outside diameter of five eighths (5/8) inch and a minimum length of three (3) feet. The monuments shall be driven securely into solid ground and the top of the monument shall be flush with the ground.

5. Survey Closure

The boundary survey shall close to within one in fifteen thousand (1:15,000) and shall be tied to an original corner of the original abstract survey. The metes and bounds description of this tie shall be shown on the Plat.

6. Dedication Statements and Certificates

All dedication statements and certificates shall be made a part of the Plat drawing. All dedications shall include and not be limited to the general form and content of the statements provided by the Engineering Department.

7. Adjacent Areas

The adjacent areas outside the Plat boundaries shall be identified to indicate the name of adjacent Subdivisions, churches, schools, parks, drainage ways, acreage, and all existing streets, Alleys, Easements, pipelines or other restricted uses.

D. Lots, Tracts, Reserves, Easements and Right-of-Way

All Lots, Tracts, Reserves, Easements and Rights-of-Way shall be designated within the Plat boundaries and noted on the Plat.



1. Acreage
The total acreage and total number of Lots, Blocks, Reserves and approximate lineal feet in streets shall be noted on the Plat.
2. Plat Boundaries
The Plat boundaries shall be drawn with heavy lines to indicate the subdivided area and shall show overall survey dimensions and bearings. Lines outside the Plat boundary shall be drawn as dashed lines.
3. Pipeline and Pipeline Easements
The Plat shall have a note stating that all existing pipelines or pipeline Easements through the proposed Subdivision have been shown or that there are no existing pipelines or pipeline Easements within the limits of the proposed Subdivision. If pipelines do exist within the Subdivision, written "crossing" approvals must be submitted from each owner.
4. Drainage Statement
The Plat shall have a note requiring that all drainage Easements be kept clear of fences, Buildings, vegetation and other obstructions for the purpose of the operation and maintenance of the drainage facility by the appropriate entity. The Plat shall also have a note requiring all property to drain into the drainage Easement only through an approved drainage structure.
5. Easements
 - a) All Easements or fee strips created prior to the Subdivision of any Tract of land shall be shown on the Subdivision Plat of said land with appropriate notations indicating the:
 - i. Name of the holder of such Easement or fee strip;
 - ii. The purpose of the Easement; and
 - iii. The dimensions of the Easement or fee strip tied to all adjacent:
 - (a) Lot lines;
 - (b) Street Right-of-Way; and
 - (c) Plat boundary lines.
 - b) The recording reference of the instruments creating and establishing said Easement or fee strip.
 - c) In those instances where Easements have not been defined by accurate survey dimensions such as "over and across" type Easements, the Applicant shall request the holder of such Easement to accurately define the limits and location of the Easement through the property within the Subdivision boundaries.
 - d) If the holder of such undefined Easement does not define the Easement involved and certifies the refusal to define such Easement to the Engineering Department, the Subdivision Plat shall show accurate recorded information as to the centerline location of all such undefined Easements and the centerline of all existing pipelines or other Utility facilities placed in conformance with the Easement holder's rights.



6. Building Lot Lines

Where all side Lot lines are either perpendicular and at right angles or radial to adjacent street Right-of-Ways, a suitable notation stating same may be placed upon the Plat in lieu of Lot line bearings.

7. Flag Lots

Where Flag Lots are permitted and used, the Plat shall bear a note restricting the staff portion of such Lots from the construction of any Building, structure, or OSSF.

8. Access Denied

Where vehicular access from Lots to major Thoroughfares or other streets is not permitted, the Plat shall bear a note that such access is denied. Such note shall be shown adjacent to those Lots from which access is denied.

3.02. Master Plan

A. Master Plan Drawing

The Master Plan drawing should include:

1. Street layout including designations of private or public, concrete or asphalt, two (2) lane four (4) lane divided, etc.;
2. Commercial and Residential designations;
3. Right-of-Way for major streets;
4. Average Lot sizes (for each section if more than one (1) section);
5. Utility designations (Water System and sewer system) of private or public;
6. Detention/mitigation areas;
7. Parks, squares, common areas, and other places of Green Space; and
8. Any other pertinent information the Applicant feels is appropriate.

3.03. Preliminary Plat

A. Requirements

The Applicant shall have an RPLS prepare the Preliminary Plat in conformance with the format, design, and construction standards required by these Subdivision Regulations, the Drainage Criteria Manual, the Roadway Design Criteria Manual, and all other County Regulations.

B. Preliminary Plat Information

The Preliminary Plat shall provide the following items:

1. Legal description;
2. Owner information;
3. Scale;
4. North arrow;
5. Date of preparation;
6. Other pertinent legend data;



7. Total area, number of Lots and approximate linear feet in streets;
8. Vicinity map;
9. Lotting design scheme in Subsection 3.03.C below;
10. 100-year floodplain map showing proposed Plat boundary;
11. Soil survey showing proposed Plat boundary, Geotechnical Report or USGS survey;
12. Report of compatibility of proposed OSSFs with area-wide drainage and Groundwater;
13. Boundary closure calculation (computer printout or calculation sheet);
14. The names and boundaries of all adjoining subdivisions;
15. Location of existing and proposed Water Systems, location and type of proposed OSSFs and their potential replacement areas in the event of such facilities' failure; and
16. Contours with intervals of one (1) foot or less, when the general Grade is less than three (3) percent, and at interval of five (5) feet or less when the general Grade exceeds three (3) percent shall refer to MSL data. Benchmarks shall be provided at convenient points with locations and elevations indicated on the Preliminary Plat.

C. Lotting Design Scheme

The design scheme shall show the following:

1. The location of existing property lines, boundaries of incorporated areas, existing Easements, streets, Buildings, lakes, water courses, and culverts within the Tract or immediately adjacent within two hundred (200) feet thereof;
2. The proposed location and width of street Rights-of-Way;
3. Street names; and
4. Lot lines and numbers must be shown, but no dimensions are required.

3.04. Construction Plans

A. Requirements

1. All construction Plans shall be reviewed by the Engineering Department, for conformance with these Subdivision Regulations and other County Regulations. Variance from the requirements shall be permitted only by Commissioners Court action. The review of the Plans by the Engineering Department does not relieve the Applicant's responsibility to construct all Improvements in accordance with these Subdivision Regulations, the Drainage Criteria Manual, the Roadway Design Criteria Manual, and all other County Regulations.
2. The Applicant shall have an Engineer prepare the construction Plans in conformance with the format, design, and construction standards required by these Subdivision Regulations, the Drainage Criteria Manual, the Roadway Design Criteria Manual, and all other County Regulations. Utility companies and other affected public agencies should be consulted before these Plans are prepared.
3. Construction Plan Drawings
The sheet size shall be twenty-two (22) inches by thirty-four (34) inches. The



drawings shall be referenced to the name and unit number of the proposed Subdivision, shall show elevations based on MSL datum Plan, and shall be in compliance with the following information:

a) Street Plan Profile

The Plan of each proposed street indicating the existing ground elevations and proposed street Grade surface including existing street Grade for a distance of one hundred (100) feet beyond the Tract boundary at a scale of not more than one hundred (100) feet per one (1) inch.

b) Typical Street Sections

A typical section of each proposed street, if all are not the same, to scale, having horizontal and vertical measurements showing the width of proposed stabilization, road base, wearing surface, curbs, shoulders, ditches, etc.

c) Water System and Sanitary Sewer System

The Plans and profiles of proposed and existing Water Systems and sewer systems, if submitted to the required state agencies for approval, shall also be submitted to the Engineering Department prior to commencement of construction.

d) Storm Sewer Drainage

The size, location, and typical sections of drainage ditches (or storm sewers, if used) including Easements, shall be shown. All drainage Plans, profiles and computations shall be submitted to the Engineering Department for approval prior to construction.

e) Existing Utilities

Plans and profiles of existing utilities shall be shown where applicable.

f) Benchmarks

One or more shall be provided for all subdivisions at convenient points, with description, location and MSL elevations indicated on the construction Plan prepared in reference to Texas Coordinate System, South Central Zone, NAD 83.

g) Comprehensive Drainage and 100-Year Flood Plain Impact Plan

Shall conform to the regulations of the appropriate drainage authority and these Subdivision Regulations.

h) Construction Plan Review

The Engineering Department shall review the construction Plans and notify the Applicant in writing, of its approval, conditional approval or denial. In no case shall the Engineering Department be authorized to vary the requirements of these Subdivision Regulations. Variances can only be granted by action of Commissioners Court as prescribed herein.

i) Physical Improvement Drawings

A blackline set of the original drawings showing the "as-built" Plans of the installed Improvements shall be provided prior to conditional acceptance of Improvements.



j) Lane Closures and Detour Plans

A detour Plan shall be submitted where it is necessary to close a County road, or portion thereof to accommodate road widening, road reconstruction or Utility work. The detour Plan shall include the type, size and location of traffic control devices that shall be used during construction. If a public road at a drainage structure is to be totally closed, a detour Plan shall be submitted that indicates the route traffic will be diverted to during construction. Total road closures require approval of Commissioners Court and may take up to four (4) weeks.

3.05 Final Plat

A. Final Plat Materials

The Final Plat materials, which all Applicants are required to submit, shall consist of two (2) groups of materials – Plats for recording and documents and items provided to the Engineering Department. The Applicant shall have an RPLS prepare the Final Plat in conformance with the format, design, and Improvement requirements of these Subdivision Regulations.

B. Unit Plat for Recording

The drafting of this Plat shall be such that the original, presented to Commissioners Court for signing, will be on mylar or stable base film (0.004 inches thick, minimum) and shall contain dark, stable India ink lines which cannot be smudged or removed by ordinary handling. The overall sheet size shall be twenty-two (22) inches by thirty-four (34) with a one-half (½) inch margin on all sides. If necessary, more than one (1) sheet may be used as long as a key map is shown to relate each sheet to the entire Platted area. The information required on the face of this sheet is as follows:

1. Title Block

Title Block located in lower right corner with Subdivision name, Plat type (i.e. Final Plat), Block and Lot numbers, survey name and abstract number, number of acres, preparation date, city, County and state.

2. Legal Description

3. Vicinity Map

4. Lotting Design Scheme

The design scheme shall show the following:

a) Street lines with names and widths, control point references;

b) Subdivision Plat - boundary lines of Tract, monuments of Tract, street centerlines with bearings and distances, Easements, Lot lines with accurate dimensions, street names, Lot numbers, Blocks lettered alphabetically or numbered, reservations and dedications; and

c) The size of each Lot.

5. Benchmarks

One (1) or more shall be provided for all Subdivisions at convenient points with description, location and MSL elevations indicated on the Plat prepared in reference to Texas Coordinate System, South Central Zone, NAD 83.



6. Dedication
The dedication shall include the following:
 - a) Corporate Dedication. See Appendix A; or
 - b) Individual(s) Dedication. See Appendix B.
7. Lienholder Acknowledgement
See Appendix C.
8. Lienholder Subordination (Stand Alone Document)
See Appendix D.
9. Certificate of RPLS
See Appendix E.
10. Certificate of County Engineer
See Appendix F.
11. Certificate of Commissioners Court
See Appendix G.
12. Certificate of County Clerk
See Appendix H.
13. Drainage Authority Approval
A signature block for the appropriate drainage authority to sign as provided by the drainage authority.
14. Plat Notes.
See Appendix I.
 - a) Pipelines.
 - b) Floodplain.
 - c) Private Streets/Roads, if applicable.
 - d) MUD Streets/Roads, if applicable.
 - e) Flag Lot.
 - f) Drainage.
 - g) One Foot Reserve.
15. Final Plat Application
Attach appropriate Application for:
 - a) Final Plat approval;
 - b) Small Subdivision approval; or
 - c) Variance.
16. Joint Use Agreement (if applicable)



A letter from the Utility company stating that it has no objection to the proposed road crossing its Easement. If the Utility company operates a pipeline within the Easement, the letter shall further state that the pipeline either meets the requirements in Roadway Design Criteria Manual or has been adjusted to meet these requirements.

17. Certificate of Ownership

Provide either (1) an opinion of an attorney at law based upon an examination of an abstract or title, showing that the Person submitting a Plat for approval is the owner(s) of the real estate included in said proposed Plat; or (2) the certificate of an abstract company or title insurance company licensed to do business in the State of Texas, certifying that the Applicant submitting a Plat for approval, is the owner or the legal representative of the owner of the Tract included in said proposed Plat. Such opinion of attorney or certificate of an abstract or title insurance company shall show the names of all Persons or entities holding recorded liens on said real estate.

18. Groundwater Certification

Provide certificate from an Engineer or geoscientist certifying that adequate Groundwater is available for the Subdivision. The TCEQ Groundwater Availability Certification Form may be used.

19. Groundwater Conservation District Permit or Letter of No Objection

Attach either a permit or letter of no objection from the Brazoria County Groundwater Conservation District.

C. Recording Final Plat

The Final Plat shall be recorded pursuant to Section 2.05.

1. The Applicant must provide a tax certificate from each tax collector of a political Subdivision in which the property is located, with the Plat to be recorded, showing that all taxes owing to the County, school district, drainage district and/or all other political Subdivisions have been paid in full to date.
2. The Applicant shall furnish three (3) copies to be distributed as follows:
 - a) County Clerk's Office – Original mylar; and
 - b) Engineering Department - One (1) mylar copy and one (1) paper copy. Original and copies shall conform to "Unit Plat for Recording."



Section 4. Subdivision Design Standards

4.01. Roads

A. General Considerations

All proposed streets shall:

1. Provide satisfactory alignment for continuation of existing Platted streets with which they are to connect;
2. Compliment any Comprehensive Plan adopted by Commissioners Court;
3. Follow the contour of the land so as to produce usable Lots and roads of reasonable gradient;
4. Ensure access to all Lots;
5. Be constructed by the Applicant to County standards unless within a Municipality's ETJ and maintained by the MUD district pursuant to a Developer's Agreement;
6. Be extended to the boundary lines of the Subdivision when extension is required to provide for normal circulation of traffic within the vicinity. Where such boundaries are adjacent to canals or drainage facilities, at least half of the proposed streets shall extend across the water feature; and
7. Be designed in accordance with the Roadway Design Criteria Manual and Drainage Criteria Manual.

B. Stub Streets

1. At least one (1) street stub out shall be required for Subdivisions of fifty (50) Lots or more.
2. When any public street is established by Plat and where such public street forms either a stub street into adjacent acreage or where such public street lies along and parallel with the Subdivision boundary and adjacent to acreage, a one (1) foot wide Reserve shall be established within the street Right-of-Way to form a figure strip, dedicated to the public, between the public street Right-of-Way and the adjacent un-subdivided acreage to prevent access to this public street from the adjacent un-subdivided acreage unless and until a Plat of the adjacent property is duly recorded. The conditions associated with the establishment of a one (1) foot Reserve on a Plat are contained in the following notation which shall be placed upon the face of any Plat where a one (1) foot Reserve is to be established.
 - a) "One-foot Reserve dedicated to the public in fee as a buffer separation between the side and end of streets where such streets abut adjacent property. The condition of such dedication being that when the adjacent property is subdivided or re-subdivided in a recorded Plat, the one-foot Reserve shall thereupon become vested in the public for street Right-of-Way purposes and the fee title thereto shall revert to and revest in the dedicator, dedicator heirs, assigns or successors."

C. Sight Visibility Easements

Intersection quadrants shall include 25-foot x 25-foot Right-of-Way corner clips.

D. Alleys

Alleys may be provided to serve as a secondary access to a business, Commercial, industrial,



and/or Residential areas, for the purpose of service access, off-street loading, unloading and/or parking consistent with and adequate for the uses permissible on the property. The Right-of-Way width of an Alley shall be twenty (20) feet or more. Changes in alignment of Alleys shall be made on the centerline radius of not less than fifty (50) feet. Dead-end Alleys shall be avoided where possible but, if unavoidable, shall be provided with adequate turn around facilities for service trucks at the dead end, with a minimum external Right-of-Way diameter of one hundred (100) feet. Alleys will not be maintained by the County, but instead must be maintained by the Applicant, present property owner or any future Property Owner.

E. Thoroughfares

Where a Subdivision abuts or contains an existing or proposed Thoroughfare, the Engineering Department may require Access Streets to afford separation of through and local traffic.

F. Thoroughfare and Collector Intersections

New street entrances on roads designated or classified as a Thoroughfares shall not be less than one thousand three hundred (1,300) feet apart. New street entrances on roads, designated or classified as collector streets, shall not be less than five hundred (500) feet apart. All median openings on divided Thoroughfares should not be less than one thousand three hundred (1,300) feet apart.

G. Bridges and Structures

Bridges and structures or other ditch-type crossings may be required in order to maintain a smooth flow of vehicular traffic through any given area. In the event uncertainty exists concerning whether or not a bridge will be required, it is advisable to contact the Engineering Department so that the issue can be resolved while the project is in the Planning stage.

H. Dead-End Streets

1. Permanent Dead-End Streets are not permitted.
2. Temporary Dead-End Streets may be permitted upon approval by the Engineering Department and will require temporary cul-de-sacs, meeting the above requirements and the Roadway Design Criteria Manual, and be provided for streets exceeding one (1) Lot Depth.
3. A one (1) foot Reserve shall be provided within the street Right-of-Way as a buffer strip dedicated to the public to prevent access to public streets when a proposed public street stub ends into adjacent acreage or where the proposed public street is adjacent to the Plat boundary and abutting acreage.
 - a) The one (1) foot Reserve shall dissolve upon the platting of the adjacent property and the continuation of the infrastructure meeting the County's requirements.

I. Roadside Ditch Design

1. Roadside ditches shall conform with the Roadway Design Criteria Manual.
2. When roadside ditch drainage is preferred, additional Right-of-Way may be required to accommodate the ditch within the Right-of-Way.



J. Half Streets

1. Unless contiguous to an existing Subdivision with a half street or bordering a Thoroughfare where the development is only obligated to build a half-boulevard, half streets shall not be permitted.
2. When any public street is established by Plat and where such public street forms either a half street into adjacent acreage or where such public street lies along and parallel with the Subdivision boundary and adjacent to acreage, a one (1) foot wide Reserve shall be established within the street Right-of-Way to form a figure strip, dedicated to the public, between the public street Right-of-Way and the adjacent un-subdivided acreage to prevent access to this public street from the adjacent un-subdivided acreage unless and until a Plat of the adjacent property is duly recorded. The conditions associated with the establishment of a one-foot Reserve on a Plat are contained in the following notation which shall be placed upon the face of any Plat where a one-foot Reserve is to be established.
 - a) "One-foot Reserve dedicated to the public in fee as a buffer separation between the side and end of streets where such streets abut adjacent property. The condition of such dedication being that when the adjacent property is subdivided or re-subdivided in a recorded Plat, the one-foot Reserve shall thereupon become vested in the public for street Right-of-Way purposes and the fee title thereto shall revert to and revest in the dedicator, dedicator's heirs, assigns or successors."

K. Local Streets

Streets within Subdivisions should be laid out and designed so that use by through traffic and speeding traffic will be discouraged.

L. Ingress / Egress to a Publicly Maintained Facility

All Subdivisions with one hundred fifty (150) or more Lots shall have two (2) or more means of ingress and egress to two or more publicly maintained roads for mobility access. A Traffic Impact Analysis report will be required.

M. Street Jogs

Street jogs, or centerline offsets in the horizontal alignment of streets across intersections of less than one hundred twenty-five (125) feet shall be prohibited.

N. Street Names and Numbers

All streets within a Subdivision hereafter established shall be named. No names shall be used that will duplicate or be confused with existing street names. All street names shall be approved by the Engineering Department in accordance with the Street Name Standards.

O. Street Signs and Markers

Street signs and markers shall be installed per the Texas Manual of Uniform Traffic Control Device ("TXMUTCD") guidelines.

P. Thoroughfares and Planned Thoroughfares

The County has an official Thoroughfare Plan. It is the duty of the Applicant to adhere to said Plan. Coordination and adherence to the Plan consists of the following:

1. Should a planned or existing Thoroughfare run through a proposed Subdivision, the Applicant is to dedicate the necessary Right-of-Way of at least one hundred



and twenty (120) feet as well as construct the Thoroughfare to Planned capacity (usually four (4) lanes divided).

2. Should the planned or existing Thoroughfare run adjacent to the proposed subdivision:
 - a) The Applicant shall dedicate half of the necessary Right-of-Way.
 - b) The Applicant will be required to build half of the Thoroughfare if the proposed Subdivision is an Urban Subdivision.
 - c) Rural Subdivisions (1/2 acre or more) and Small Subdivision exceptions (see Section 2.06) will have to dedicate the adequate Right-of-Way for Thoroughfares adjacent to the Subdivision but will not be required to construct any portion of them.
 - d) Subdivisions that are exceptions (see Section 2.09) to these Subdivision Regulations may not be required to dedicate Right-of-Ways or construct any portion of the Thoroughfare but may be required to Plan setbacks and Lot Frontage restrictions in accordance with these Subdivision Regulations.
 - e) Designated on street parking within public Right-of-Way is prohibited. Where an intended use generates the need for parking, adequate parking will be provided onsite with the generating facility and outside public Right-of-Way.

Q. Right-of-Way Provisions for Dedicated Roads

1. Overall Site Plan

The Applicant shall provide a table of all proposed streets, listing classifications and design of roadway segments.

2. Minimum Right-of-Way

Required Right-of-Way for roads will be provided by the Applicant when a proposed Subdivision is developed in a corridor of a proposed road as shown in the County's Thoroughfare Plan and as outlined below by applicable classification.

Table 4-1. Minimum Right-of-Way Widths

| Thoroughfare Type | Minimum Right-of-Way Width |
|-------------------|----------------------------|
| Thoroughfare | 120 feet |
| Collector | 80 feet |
| Local | 60 feet |

3. Additional Right-of-Way

A proposed Subdivision that adjoins or encompasses an existing public street, that does not conform to minimum Right-of-Way requirements of these Subdivision 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 Subdivision Regulations can be established. If the proposed Subdivision abuts only one (1) side of said street, then a minimum of half of the required Right-of-Way shall be dedicated by such Subdivision.



- a) Road Drainage Easements are prohibited. When roadside open ditch drainage facilities do not fit within the minimum required Right-of-Way, additional Right-of-Way shall be dedicated to support minimum requirements in accordance to the Drainage Criteria Manual. Additional Right-of-Way shall be provided in five (5) foot increments.

R. Traffic Impact Analysis

A Traffic Impact Analysis may be required by the Engineering Department in accordance with the Roadway Design Criteria Manual.

4.02. Lots

A. General Lot Design, Arrangement and Layout

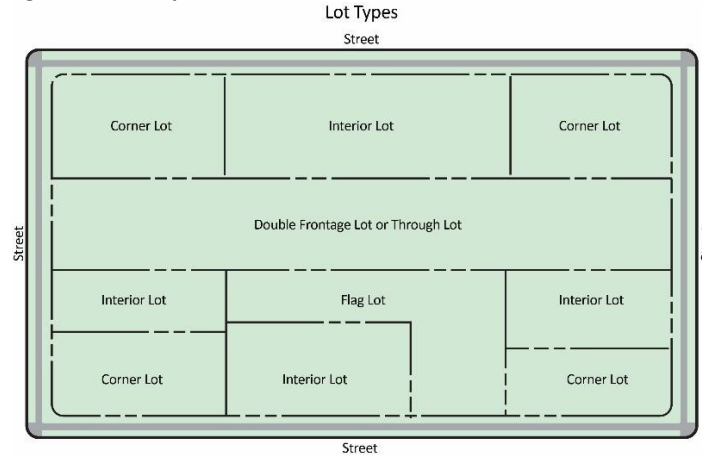
1. The general Lot design within any Subdivision shall be based upon the concept that such Lots are created and established as undivided Tracts of land and that purchasers of such Lots will be assured that these Tracts of land are only intended to serve single family Residential uses and meet the following basic criteria:
 - a) All Lots shall have Lot Frontage on either an existing publicly-maintained road, proposed publicly-maintained road, or a private road/public road equivalent.
 - b) The Lot shall be of sufficient size and shape to allow the construction of a Residential Dwelling unit that can meet the requirements of established Building or construction codes, housing and public health codes, and regulations and other County or City Regulations.
 - c) The Lot shall be of sufficient size and shape to accommodate Easements for all public and private Utility services and facilities that adequately serve the Residential Dwelling unit constructed thereon.
 - d) The Lot shall be of sufficient size and shape and shall be so located that direct vehicular access is provided from a public street or through an approved permanent access Easement.
 - e) Lots or roadways shall not encroach on any drainage Easements that contain drainage facilities sized to accommodate the runoff from a 100-year event.

B. Lot Shapes

1. Flag Lots may be permitted under unusual circumstances. However, the narrowest part of such a Lot, being the staff portion of the Flag Lot, shall not be less than sixty (60) feet in width or have a length of more than two hundred (200) feet without the approval of the Engineering Department. Such Lots shall also be restricted to prevent the construction of any Building, structure, or OSSF within the staff portion of such Lot and that the staff portion of such Lot will be restricted for access to such Lot only.
2. Double Frontage Lots will not be approved except in those instances where Lots are restricted for Residential use and back upon an adjacent designated Thoroughfare or where special circumstances would warrant a Variance to this regulation.



Figure 2. Lot Shapes



C. Street Access Limitations

Rear and side vehicular driveway access from Lots, restricted for the construction of Residential Dwelling units, to adjacent streets designated as Thoroughfares, freeways, highways, or any other public street that carries a traffic volume where additional vehicular driveways would create a traffic hazard or impede the flow of traffic will not be approved. Such access restriction must be noted directly upon the Plat adjacent to the Lots in question.

D. Lot and Block Identification

All Blocks established in any Subdivision shall be designated by number with said numbers being consecutive within the whole Subdivision Plat. Lots established within said Blocks shall also be numbered with said numbers being consecutive within the Block.

E. Minimum Lot Sizes

1. The minimum Lot area for Lots not serviced by sanitary sewer and public water shall be determined by the Engineering Department after approval from the Environmental Health Department, and in no case shall be less than one (1) acre in size, as outlined in the OSSF Rules and Regulations. The one (1) acre minimum size must be clear, free from any Easements, roads, ponds or lakes.
 - a) Subdivisions of single-family Dwellings served by a public water supply and using individual OSSFs for sewage disposal, shall have Lots of at least one-half (½) acre.
 - b) Subdivision of single-family Dwellings not served by a public water supply and using individual OSSFs shall have Lots of at least one (1) acre.

F. Setback Lines

1. All Lots fronting public Right-of-Way and private access Easements shall have the appropriate setbacks in accordance with the classification of the road that they are fronting. These setbacks are as follows:

Table 4-2. Setback from Right-of-Way

| Thoroughfare Type | Setback from Right-of-Way |
|-------------------|---------------------------|
| Thoroughfare | 40 feet |
| Collector | 35 feet |
| Local | 25 feet |



2. Building Setback Lines must be established a minimum of fifteen (15) feet on each side of and parallel to the centerline of any pipelines, pole lines, or other Utility facilities located in such undefined Easement.
3. All Lots shall have a minimum side and rear setback of ten (10) feet.
4. Where a Lot line borders an existing or proposed Thoroughfare and the Applicant is not required to dedicate Right-of-Way, a larger setback may be required to preserve the public's ability to acquire Right-of-Way in the future at fair market value and not then infringe on the minimum required setback.

G. Lot Frontages

The County minimum Lot frontage on a County maintained road or a road to be accepted as a County road is eighty (80) feet.

4.03. Reserve Tracts

All Reserve Tracts shall be labeled and designated on the Plat. Any restrictive covenants applicable to the Reserves shall be set forth by separate instrument and referenced on the Plat.

4.04. Easements

The following are the required standards to be observed for the design of Easements in a Subdivision.

A. Utility Easements

1. Easements for utilities, when required, shall be ten (10) feet wide on back Lot lines and eight (8) feet wide on side Lot lines. Ten (10) foot wide Utility Easements are required on both sides of the road outside of the Right-of-Way line and contiguous thereto for placement of all utilities except those specifically identified within the Texas Utility Code, Chapter 181. Exceptions can be made with respect to the Easements along the back and side property lines should the Applicant provide concurrence with affected utilities along with information explaining why less Easement is adequate.
2. Utility Easements provided prior to acceptance of the Plat must be temporary and shall dissolve once the Easement has been adequately dedicated and shown on the Plat.

B. Drainage Easements

When required for drainage, the area to be subdivided shall be of such width as is necessary to permit proper construction of drainage facilities based on the drainage system of the area and should be designed and dedicated in accordance with the regulations of the appropriate drainage authority. A Subdivision shall not block or obstruct the natural drainage of an adjoining area unless permitted by the appropriate drainage authority.

C. Private Access Easements

Private access Easements, when proposed, shall be evaluated on an individual basis.



4.05. Public and Other Improvements

Every Applicant will be required to install the following Improvements:

A. Water Systems (Private Well or Central System)

Governed by the current Texas State regulations and local governmental entity requirements.

B. Sanitary Sewer Systems (Septic Tank or Central System)

1. Governed by the current Texas State regulations and local governmental entity requirements.
2. Sanitary sewer treatment systems shall not outfall directly into roadside ditch or storm sewer systems, but may convey treated sanitary flows within the Right-of-Way by dedicated conduit to an appropriate cross drainage outfall.

C. Drains or Open Ditches

1. An adequate drainage system, including open ditches, storm sewers, drain inlets, manholes, culverts, bridges, and other appurtenances, shall be provided in all Subdivisions and must be designed in accordance with the Drainage Criteria Manual or in accordance with the governing drainage district criteria manual. All natural drainage ways shall be preserved at the natural gradient and shall not be filled or interfered with in any way, except as approved by the Engineering Department or the governing drainage district.
2. Valley gutters across roads are prohibited. Where unavoidable, extreme event spillways across roads may only convey flow meeting or exceeding the 500-year event. The underlying cross drainage structure(s) shall be sized to pass all extreme events less than the 500-year event.
3. Cross drainage structures shall be designed to accept parallel roadside storm drainage flow whenever possible.

D. Canals and Waterways

All canals or waterways to be constructed within a Subdivision shall conform to accepted engineering standards and must be designed in accordance with the Drainage Criteria Manual or in accordance with the governing drainage district criteria manual.

4.06. Drainage Specifications

A. Requirements

1. Responsibility for drainage will not be accepted by the County other than that accepted in connection with draining or protecting the road system and streets.
2. The drainage system shall be designed in accordance with the most recently adopted Drainage Criteria Manual, which is incorporated by reference as a part of these Subdivision Regulations or by the appropriate drainage district criteria manual. If a Subdivision is located within a drainage district, the Applicant's Engineer shall cooperate with the drainage district's Engineer in order to comply with its requirements. As evidence of this compliance, the Final Plat shall contain the signatures of the applicable drainage district commissioners. The system shall provide for drainage of Lots, streets, roads and other public areas as well as



handling any run-off from adjacent areas that naturally flow into the subject area unless permitted by a drainage district. Runoff coefficients shall be based on completed projects.

4.07. Green Space Regulations

A. Purpose

The purpose of this section is to promote the health, safety, morals or general welfare of the County, and the sage, orderly and healthful development of the unincorporated areas of the County and provide adequate drainage for each street or road in a Subdivision and to comply with Texas Pollutant Discharge Elimination System (“TPDES”) and/or National Pollutant Discharge Elimination System (“NPDES”) requirements.

B. Green Space Along Thoroughfares

The following requirements shall apply to all development, Residential or Commercial, that is either adjacent to or surrounds a County Thoroughfare:

1. Landscape Reserves are required adjacent to Thoroughfares per the provisions of this section regardless of land use (i.e. for Residential Lots as well as Commercial/other Reserves).
2. An additional ten (10) feet of land on each side of a Thoroughfare Right-of-Way shall be dedicated as landscape Reserves. If the Applicant exclusively owns property on one (1) side of a Thoroughfare, they are to dedicate the above requirement to this side only.
3. Landscape Reserves may not be Easements and must be dedicated exclusive of Lots.
4. Access is permitted across landscape Reserves and shall be noted in the Plat.
5. Green Spaces shall conform the County Landscaping Policy.



Section 5. Other Regulations and Permits

5.01. Other Applicable Regulations and Permits

In addition to these Subdivision Regulations, all development must also consider the following regulations and requirements. Developments located within a Municipality's ETJ will follow regulations/ordinances of both entities.

A. Development Regulations for Floodplain Management

Brazoria County has adopted Development Regulations as required by FEMA which must be complied with in the development of Tracts of land or Building of any structure . Copies of these regulations may be obtained from the Floodplain Administrator or www.brazoriacountytx.gov/departments/floodplain.

B. International Fire Code

Brazoria County has adopted the International Fire Code. Information pertaining to its requirements may be obtained from the Brazoria County Fire Marshal or www.brazoriacountytx.gov/departments/fire-marshal. The Plat must comply with the International Fire Code.

C. Drainage Criteria Manual

Brazoria County has adopted a Drainage Criteria Manual, which must be followed in the development of Tracts of land or Building of any structure not located within an existing drainage district. Information pertaining to its requirements or a copy of the Plan may be obtained from the Engineering Department or www.brazoriacountytx.gov/departments/engineering.

D. Local Drainage Districts

If the development is located within a drainage district, the Applicant shall consult with the local drainage district to determine if Plans, drawings or designs need to be submitted for its approval and obtain its drainage criteria manual.

E. Manufactured Home Rental Community Regulations

Brazoria County has adopted Regulations governing Manufactured Home Rental Communities, which must be complied with in the development of a manufactured home park. Copies of these regulations may be obtained at <https://www.brazoriacountytx.gov/departments/engineering/mobile-home>.

F. OSSF Rules and Regulations

OSSF permits are required through the Texas Health and Safety Code and the County's Rules and Regulations for all properties that are less than ten (10) acres and do not have access to a public wastewater treatment facility or are larger than ten (10) acres but have more than one (1) structure requiring a septic system. To determine if a Person must have an OSSF permit, contact the Environmental Health Department. Rules and Regulations pertaining to OSSFs can be found at www.brazoriacountytx.gov/departments/environmental-health.

G. Groundwater Conservation District

Brazoria County has a Groundwater Conservation District. The Applicant shall consult with the District to determine if permitting will be required as it pertains to use of Groundwater. Failure to meet permitting requirements could result in the inability to obtain other



necessary permits and/or shut down of the development project. Information pertaining to permitting requirements can be found at www.bcgroundwater.org.

H. Stormwater Discharge

The State of Texas has adopted rules pertaining to discharge of stormwater runoff as set out by Section 402 of the Clean Water Act and Chapter 26 of the Texas Water Code, known as the TPDES. Through the TPDES program, the Texas Commission on Environmental Quality (“TCEQ”) regulates stormwater runoff through a Construction General Permit (TXR150000) that regulates stormwater runoff from large and small construction projects, a Municipal Separate Storm Sewer System (“MS4”) permit (TXR040000) that regulates discharge of stormwater into a MS4 (local government) drainage system, and an Industrial Multi-Sector permit (TXR050000) that regulates stormwater runoff from industrial sources. The Applicant is responsible for ensuring compliance with all applicable TPDES requirements. The Applicant will also be required to comply with Brazoria County Stormwater MS4 program requirements as maintained by the Brazoria County Stormwater Quality Coalition. Development sites will be subject to being shut down for failure to comply with TPDES and Brazoria County stormwater requirements.

1. Link to TPDES program and general permits TXR150000, TXR040000, and TXR050000: <https://www.tceq.texas.gov/permitting/stormwater>
2. Link to Brazoria County MS4 stormwater program: <http://www.ljams4.com/brazoria/index.htm#loaded>
3. Link to Brazoria County Stormwater Quality Ordinance: <http://www.ljams4.com/brazoria/Docs&Maps/Brazoria%20County%20Court%20Order.pdf>
4. Email to engineer-MS4@brazoriacountytx.gov

I. Texas Department of Transportation (“TxDOT”)

The State of Texas has rules regulating access on state Rights-of-Way as well as state Right-of-Way and drainage requirements. If the proposed Subdivision is along a state Right-of-Way, the Applicant shall consult with TxDOT and provide a letter from TxDOT approving the access to the Subdivision.

J. Roadway Design Criteria Manual

Brazoria County has adopted a Roadway Design Criteria Manual, which must be followed in the development of Tracts of land, Building of any structure and construction of any roadway outside a Municipality. Information pertaining to its requirements or a copy of the Plan may be obtained from the Engineering Department or www.brazoriacountytx.gov/departments/engineering.

K. Thoroughfare Plan

Brazoria County has adopted a Thoroughfare Plan. Any proposed roadways must correspond with the Planned roadways designated in the Plan. Information pertaining to its requirements or a copy of the Plan may be obtained from the Engineering Department or www.brazoriacountytx.gov/departments/engineering.



L. Cemetery Regulations

All proposed Subdivisions shall comply with the regulations of Texas Health and Safety Code Chapters 711, 712, 713, 714, and 715 regarding Cemeteries and Crematories. Information pertaining to these regulations can be found at <https://statutes.capitol.texas.gov/>.

M. Brazoria County Street Name Standards

Address assignments for all unincorporated areas of the County are issued by the Engineering Department. Information regarding Street Name Standards may be obtained from the Engineering Department, www.brazoriacountytx.gov/departments/engineering or engineer-addressing@brazoriacountytx.gov.

N. Coastal Development Regulations

The County has adopted the Dune Protection and Beach Access Plan as required by the General Land Office ("GLO") for development along the coast. Copies of these regulations may be obtained from the Floodplain Administrator or at <https://www.brazoriacountytx.gov/departments/floodplain/building-permits>.

O. Utility and Work in the Right-of-Way Design Standards

All Utility installation and work conducted within the Right-of-Way must be approved and permitted by the Engineering Department. Design standards and permit Application for the utilities and Right-of-Way work may be obtained from the Engineering Department, www.brazoriacountytx.gov/departments/engineering or engineer-permits@brazoriacountytx.gov.

P. Landscaping Policy

Brazoria County has adopted a Landscaping Policy. All landscaping must comply with this policy and be approved by the Engineering Department. This policy may be obtained from the Engineering Department, www.brazoriacountytx.gov/departments/engineering or engineer-permits@brazoriacountytx.gov.

Q. Additional Engineering Department Permits

All driveway and heavy haul permits will be issued through the Engineering Department. Information pertaining to these permits may be obtain from the Engineering Department, www.brazoriacountytx.gov/departments/engineering or engineer-permits@brazoriacountytx.gov.



Section 6. Definitions

6.01. Usage and Interpretation

A. Usage and Interpretation Rules

For the purpose of these Subdivision Regulations, certain terms or words herein shall be interpreted or defined as follows:

1. Words used in the present tense include the future tense;
2. The singular includes the plural;
3. The word "Person" includes a corporation as well as an individual;
4. The term "shall" is always mandatory; and
5. The term "may" is discretionary.

B. Words and Terms not Expressly Defined

Words and terms not expressly defined herein are to be construed according to the normally accepted meaning of such words or terms or, where no definition appears, then according to their customary usage in the practice of municipal planning and engineering.

6.02. Words and Terms Defined

For the purpose of these Subdivision Regulations, certain terms and words are herewith defined and shall have the meaning here applied:

1. Alleys

A road or street provided to serve as a secondary access to a business, Commercial, industrial, and/or Residential areas, for the purpose of service access, off-street loading, unloading and/or parking consistent with and adequate for the uses permissible on the property.

2. Applicant

The Person or entity responsible for the submission of an Application. The Applicant must be the actual owner of the property for which an Application is submitted, or shall be a duly authorized representative of the Property Owner. Also see Developer.

3. Applicant's Engineer

An Engineer registered in the State of Texas engaged by the Property Owner and/or Applicant to prepare engineering Plans and to certify required construction.

4. Application

A form submitted to the Engineering Department for the purpose of subdividing land. (i.e., Application for Final Plat approval, Application for Small Subdivision and Application for Variance, etc.).

5. Benchmark

An RPLS's mark made on a stationary object of previously determined position and elevation and used as a reference point in tidal observations and surveys.



6. Block

A Tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad Right-of-Ways, shorelines of waterways, and any other definite barrier or boundary of a city, town or village.

7. Building

Any structure designed or built for the support, enclosure, shelter, or protection of Persons or property.

8. Building Setback Line

A line established, in general, parallel to the property line. No Building or structure may be permitted in the area between the Building Setback Line and the street Right-of-Way.

9. Commercial

Any development not used for single family Residential purposes.

10. Commissioners Court

The governing body of Brazoria County, Texas.

11. Comprehensive Plan

The Plans, or parts thereof, prepared and adopted by the Commissioners Court for guiding the County's future physical development in regard to transportation, public facilities, utilities and other physical needs. This includes, but is not limited to, the Thoroughfare Plan, Roadway Design Criteria Manual, Drainage Criteria Manual, and any other regulation, ordinance, Plan, study, code, and/or order approved/accepted and added to the Comprehensive Plan added by the Commissioners Court.

12. Corner Lot

A Lot abutting upon two (2) or more streets at a street intersection, or abutting upon two (2) adjoining and deflected lines of the same street.

13. County

Land area within the jurisdictional boundaries of Brazoria County not in a Municipality; or, Brazoria County, the governmental entity established pursuant to Texas Local Government Code, Chapter 71.001.

14. Cul-De-Sac Streets

Local Streets having only one (1) open end providing access to another street; the closed end provides a turn-around circle for vehicles.

15. Dead-End Street

A road that has no outlet, without a cul-de-sac.

16. Developer

A Property Owner or authorized agent proposing to divide land so as to constitute a Subdivision according to the terms and provisions of the Subdivision rules.

17. Developer's Agreement

An agreement by a Developer with the County that clearly establishes the obligations of both parties and specifies the standards and conditions that will govern development of the property.



18. Development Controls

These Subdivision Regulations, Development Regulations, Fire Code, On-Site Sewage Facility Permitting, Drainage Criteria Manual, Roadway Design Criteria Manual and Manufactured Home Ordinance, etc., and any other ordinances/regulations adopted or used by Brazoria County with respect to development.

19. Double Frontage Lot

A Lot having two (2) or more of its non-adjointing property lines abutting upon a street or streets.

20. Dwelling

A Building or portion thereof designed or used primarily for Residential occupancy.

21. Easement

Right given by the owner of a Parcel of land to another Person, the general public, a public agency, or private corporation for the specific and limited use of that Parcel. It usually constitutes a privilege or right-of-use or enjoyment granted on, above, under, or across a particular Tract of land by one owner to another.

22. Engineer

A qualified Person currently licensed as a professional Engineer to practice engineering in the State of Texas.

23. Engineering Department

The County Engineer of Brazoria County or authorized representative. The Brazoria County Engineering Department may issue certificates as required by these rules subject to general policies of the Commissioners Court or to specific orders of the Commissioners Court.

24. Extraterritorial Jurisdiction ("ETJ")

The unincorporated territory extending beyond the city limits of a city as set forth by Local Government Code, Chapter 42.021. The unincorporated area which is contiguous to the corporate boundaries of the Municipality.

25. Final Plat

The final map or drawing completed to the specifications of these Subdivision Regulations with all necessary dedications, approvals, and requirements for recording in the Official Records of Brazoria County.

26. Flag Lot

A Lot with a minimum of sixty (60) foot frontage on the road, but widens to a greater width beyond an adjacent Lot.

27. Floodplain Administrator

Enforces the development regulations established pursuant to the FEMA regulations and the Texas Water Code for the benefit of Brazoria County.

28. Foundation

Lowest level of a residence whether it is a masonry slab, or a pier and beam structure, that is partly or wholly below the surface of the ground and on which the Residential structure rests or will rest.



29. Grade

The slope or inclination of a feature with respect to the horizontal, generally expressed by stating vertical rise or fall as a percentage of the horizontal distance. This term is generally used in these Subdivision Regulations to describe the slope of Planes, ridges, and inverts found on roads, ditches, ponds, and unimproved land.

30. Green Space

Any public or private land that would serve as an area to provide relaxation or recreation to all residents within a specific Subdivision. Green Space may be designed for active or passive activities. It may be an open field, and may or may not have Improvements such as benches, shade structures, playground equipment, or trails located within the boundaries of the property.

31. Groundwater

Subsurface water occurring in soils and geologic formation that are fully saturated either year-round or on a seasonal or intermittent basis.

32. Groundwater Certification

An Engineer or geoscientist licensed in the State of Texas provides a document certifying that adequate Groundwater is available when the source of the Groundwater supply is under the development.

33. Groundwater Permit

Registration of or renewal of a water well with the Brazoria County Groundwater Conservation District pursuant to its rules and regulations.

34. Hammerhead Road

Local Streets having only one (1) open end providing access to another street; the closed end being a "T"-shaped turnaround adequate for vehicular turn around.

35. Improvements

May include, but are not limited to, street pavement, curbs and gutters, sidewalks, Alley pavements, walkway pavements, watermains, Water Systems, sanitary sewers, storm sewers or drains, or facilities that efficiently manage the flow of storm water runoff in the Subdivision and coordinate Subdivision drainage with the general storm drainage pattern for the area, street name signs, landscaping, Permanent Reference Monuments, permanent control points, or any other Improvement required by the Commissioners Court.

36. Joint Use Agreement

A letter from the Utility company stating that it has no objection to the proposed road crossing its Easement. If the Utility company operates a pipeline within the Easement, the letter shall further state that the pipeline either meets the requirements in the Roadway Design Criteria Manual or has been adjusted to meet these requirements.

37. Lot

A portion of a surface of land contained within property lines of a specific area, including land within Easements and Building Setback Lines of said area, but excluding any land within a street Right-of-Way intended for homestead and single-family Residential use.

38. Lot Depth

The average distance measured between the front and rear property lines of the Tract.



39. Lot Frontage

The length of the property lines of Lots, or Tracts of land abutting a public street, road, highway or undeveloped Right-of-Way measured at the Right-of-Way line.

40. Lot Width

The distance, measured along the Right-of-Way. See Lot Frontage.

41. Master Plan

A drawing showing the general Lot and street layout and other pertinent features of a proposed Subdivision for the purpose of discussion prior to the formal Subdivision platting process.

42. Municipality

Any incorporated city or town.

43. Official Records of Brazoria County

The official public records of Brazoria County, Texas that are maintained by the Brazoria County Clerk's office.

44. Parcel

See Tract.

45. Permanent Reference Monument ("P.R.M.")

Such monument can be (1) a one-half inch iron rod at least 24 inches long; **or** (2) a 1 ½ inch diameter metal pipe at least 24 inches long. The monument shall be encased in a solid Block of concrete or set in natural bedrock. Said Block shall be a minimum of 6 inches in diameter and extending at least 18 inches below the top of the monument; **or** (3) a concrete monument 4 inches by at least 24 inches long with the reference marked thereon. A metal cap marker with the referenced marked thereon shall bear the registration of the RPLS certifying the Plat of record and the letters P.R.M. shall be placed in the top of the monument.

46. Person

An individual, sole proprietorship, corporation, nonprofit corporation, partnership, joint venture, organization, limited liability company or any other entity recognized by Texas law.

47. Plan

The first official submission of a Subdivision scheme to the County Engineer which consists of an Application and drawing showing general Lot and street layout and other pertinent features of a proposed Subdivision for the purpose of discussion prior to the formal Subdivision platting process.

48. Plat

A map or drawing of a proposed Subdivision prepared in a manner suitable for recording in the County Clerk's records and containing accurate and detailed engineering data, dimensions, and dedicatory statements and certificates. See Preliminary Plat, Final Plat, or Street Dedication Plat for definition of specific type of Plats.

49. Platting Checklist

The written list of all documentation and other information that must be submitted with a Final Plat Application pursuant to Texas Local Government Code, section 232.0025.



50. Pre-Development Meeting

A meeting between an Applicant and County Staff that takes place prior to the submittal of a development Application for the purpose of discussing major development considerations such as utilities, roadways, drainage concerns, compliance with the Thoroughfare Plan and other County Plans and historic information.

51. Preliminary Plat

A preliminary map or drawing of a proposed Subdivision with sufficient detail to fully describe or convey the full intent of the proposed Subdivision including, but not limited to, Thoroughfares, local and interior streets.

52. Private Road / Public Road Equivalent

Streets or Alleys not intended by the owner of the Tract for public use.

53. Property Owner

An individual, partnership, corporation, or other legal entity recognized by Texas law who owns the property, or agent thereof, which undertakes the activities covered by these Subdivision Regulations.

54. Reconfigure

The process of taking two (2) or more Tracts and changing the geometric size and shape of the Tracts into the same number or fewer Tracts of adequate size (as required by state and local regulations), Lot Frontage, and shape.

55. Registered Professional Land Surveyor ("RPLS")

A surveyor registered under Chapter 1071, Texas Occupation Code, who is in good standing with the Texas State Board of Professional Engineers and Land Surveyors.

56. Reserve

A Parcel of land that is not a Lot but is created within a Subdivision Plat for uses other than single-family Residential such as landscape, drainage, or Commercial.

57. Residential

Single-family Residential, or any other development intended for Residential use and predominately for housing, not including multi-family Residential.

58. Right-of-Way

A dedication of land to be used generally for streets, Alleys, drainage, canals, lakes, or other public uses, wherein the owner gives up his rights to the property.

59. Rural Subdivision

Subdivisions in which the minimum Lot size is one-half (1/2) acre or greater.

60. Sanitary Sewer System

A system for collection, treatment and disposal of sewage, whether said system is a wastewater treatment Plant permitted by the TCEQ or an on-site sewage facility ("OSSF") permitted by the Environmental Health Department or the TCEQ.

61. Sketch

An informal drawing prepared by the Applicant or authorized agent requesting a Variance indicating the general Lot and street layout, and pertinent features of a proposed Subdivision



highlighting the Variance being requested for the purpose of discussion prior to the formal Variance Application.

62. Small Subdivision

A Parcel of land divided into four (4) or fewer parts and meeting the requirements set out in Section 2.06. A Small Subdivision.

63. Street Classifications

Thoroughfare: the first rank in the classification of streets and used primarily for the movement of vehicles and secondarily for providing vehicular access to adjoining properties. When access to adjoining properties is permitted, it is to serve several properties, rather than permitting each Property Owner to have his private driveway access point.

Collectors: the second rank in the classification of streets, and used more for the movement of vehicles than for providing access to adjacent properties.

Local Streets: the third rank in the classification of streets and used primarily for providing access to adjacent individual properties. Local Streets can be classified into three (3) types:

- a. Continuing Streets – Local Streets having two (2) open ends with each end generally connecting with different streets.
- b. Access Streets – Local Streets generally having two (2) or more open ends, and property fronts on only one (1) side of the street (the other side is parallel and adjacent to a higher classification street arterials).
- c. Loop Streets – Local Streets having two (2) open ends, each end connecting with the same street.

64. Street Dedication Plat

A Street Dedication Plat is a Plat that may be filed to dedicate one or more public streets.

65. Subdivision

The division of any Tract of land, situated outside the corporate limits of any city located in Brazoria County, Texas, into two (2) or more parts, for the purpose of laying out a Subdivision of any Tract of land, including an addition, creation of Lots, or the laying out of streets, Alleys, squares, or parks, or other portions intended for public use.

66. Subdivision Bond

A bond executed by a surety company authorized to do business in the State of Texas or an irrevocable letter of credit from an acceptable Texas bank.

67. Thoroughfare

A roadway that is on the Brazoria County Thoroughfare Plan, which may presently exist or is to be Planned for the future.

68. Thoroughfare Plan

The most recent Brazoria County Thoroughfare Plan adopted by the Commissioners Court.

69. Tract

A specified Parcel of land that is contiguous, has established boundaries and a known size. When platted, Subdivided Tracts are known as Lots and Reserves.



70. Urban Subdivision

Subdivisions in which the Lot size is less than one-half (1/2) acre.

71. Utility

A Person, as defined herein, engaged in this State in the:

- a. production, generation, transmission, distribution, sales, or furnishing of electric power;
- b. transportation, conveyance, distribution, sales through a local distribution system of natural or other gas for domestic, Commercial, industrial, or other use;
- c. ownership, management, operation, leasing or controlling of a pipeline for the transmission, conveyance, distribution, delivery, or sale of natural or other gas, natural gas liquids, crude oil or petroleum products to other pipeline companies, refineries, local distribution systems, municipalities, or industrial consumers;
- d. conveyance, transmission, or receiving communications over a telephone system and providing telephone or telegraph service to others including fiber optic, cable, or any other telecommunication technology implemented;
- e. production, transmission, distribution, or sale of steam or water;
- f. operation of a railroad; and/or
- g. the provision of sewer service to others.

72. Variance

A grant of relief to a Person from the requirements of these Subdivision Regulations when specific enforcement would result in unnecessary hardship, not including financial hardship. A Variance permits construction or development in a manner otherwise prohibited by these Subdivision Regulations.

73. Warranty Bond

Also called a maintenance bond is for the proper construction of the streets, roads, and drainage requirements in all Subdivisions prior to subdividing the Tract. Such bond may either be a performance bond executed by a surety company authorized to do business in the State of Texas or an irrevocable letter of credit from an acceptable Texas bank and in the format approved by the District Attorney and the Engineering Department.

74. Water System

A system for the supply of potable water, whether said system is publicly-owned, community owned, or privately-owned.

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A. CORPORATE DEDICATION

(TO BE UTILIZED ON SUBDIVISION AND RE-SUBDIVISION PLATS) (FACE OF PLAT)

We, **(name of president)** and **(name of secretary)**, President and Secretary respectively, of **(name of company)**, owner of the property subdivided, in this plat of **(name of subdivision)**, do hereby make subdivision of said property for and on behalf of said corporation, according to the lines, lots, building lines, streets, alleys, parks and easements as shown hereon and dedicate for public use, the streets, alleys, parks and easements shown hereon forever, and do hereby waive all claims for damages occasioned by the establishment of grades as approved for the streets and drainage easements dedicated, or occasioned by the alteration of the surface, or any portion of the streets or drainage easements to conform to such grades, and do hereby bind ourselves, our heirs, successors and assigns to warrant and defend the title to the land so dedicated.

In Testimony, hereto, the **(name of company)**, has caused these presents to be signed by **(name of president)**, its President, thereunto authorized, attested by its Secretary, **(name of secretary)**, and its common seal hereunto affixed, this ____ day of _____, 20_____.

Name of Company

By: _____
President

Attest: _____
Secretary

Notary Public (for Corporation)

STATE OF _____ §

COUNTY OF _____ §

BEFORE ME, the under signed authority, on this day personally appeared **(name of president)**, President, and **(name of secretary)**, Secretary of **(name of company)**, known to me, to be the persons whose names are subscribed to the foregoing instruments, and acknowledged to me that the same was the act of said corporation, for the purposes and considerations therein expressed, and in the capacities therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS ____ DAY OF _____ 20_____.

Notary Public in and for the State of _____.

(SEAL)

B. INDIVIDUAL(S) DEDICATION

(TO BE UTILIZED ON SUBDIVISION AND RE-SUBDIVISION PLATS) (FACE OF PLAT)

I, (or we), (**name of owner or names of owners**), owner (or owners) of the property subdivided in the above and foregoing map of the (**name of subdivision**), do hereby make subdivision of said property, according to the lines, streets, lots, alleys, parks, building lines and easements as shown hereon, and dedicate for public use, the streets, alleys, parks and easements shown hereon, forever, and do hereby waive all claims for damages occasioned by the establishment of grades, as approved for the streets and drainage easements dedicated, or occasioned by the alteration of the surface, or any portion of the streets or drainage easements to conform to such grades, and do hereby bind ourselves, our heirs, successors and assigns, to warrant and defend the title to the land so dedicated.

WITNESS my (or our) hand in (City), _____ (County) _____, (State) _____, this _____ day of _____, 20_____.

(Signature of Owner)

(Signature of Owner)

Notary Public [For individual(s)]

STATE OF _____ §

COUNTY OF _____ §

BEFORE ME, the undersigned authority, on this day personally appeared [name(s) of owner(s)], known to me to be the person(s), whose name(s) is (or are) subscribed to the foregoing instrument, and acknowledged to me that he (she)(they) executed the same for the purposes and consideration therein set forth.

Given under my hand and seal of office, this _____ day of _____, 20_____.

Notary Public in and for the State of _____.

(SEAL)

C. LIENHOLDER ACKNOWLEDGEMENT

(TO BE UTILIZED ONLY IF THERE IS A LIEN AGAINST THE PROPERTY) (FACE OF PLAT)

(THE LIENHOLDER SUBORDINATION IN APPENDIX D MAY BE USED IN LIEU OF THIS ACKNOWLEDGMENT.)

I (or we), [name(s) of mortgagee(s)], owner and holder (or owners and holders) of a lien (or liens) against the above-described property, said lien (or liens), being evidenced by an instrument of record in Volume _____, Page _____, County Clerk's No. _____, filed in the Deed Records or Official Records of Brazoria County, Texas, do hereby in all things subordinate to said subdivision and dedication said lien (or liens), and I (or we) hereby confirm that I am (or we are) the present owner (or owners) of said lien (or liens) and have not assigned the same, nor any part thereof.

LIENHOLDER

Notary Public

STATE OF _____ §

COUNTY OF _____ §

Choose either individual or corporate notary.

Individual Lienholder -- BEFORE ME, the undersigned authority, on this day personally appeared [name(s) of owner(s)], known to me to be the person(s), whose name(s) is (or are) subscribed to the foregoing instrument, and acknowledged to me that he (she)(they) executed the same for the purposes and consideration therein set forth.

Corporate Lienholder: BEFORE ME, the under signed authority, on this day personally appeared (**name of president**), President, and (**name of secretary**), Secretary of (**name of company**), known to me, to be the persons whose names are subscribed to the foregoing instruments, and acknowledged to me that the same was the act of said corporation, for the purposes and considerations therein expressed, and in the capacities therein stated.

Given under my hand and seal of office, this _____ day of _____, 20_____.

Notary Public in and for the State of _____.

(SEAL)

D. LIENHOLDER SUBORDINATION

**(TO BE UTILIZED IN LIEU OF LIENHOLDER ACKNOWLEDGEMENT IN APPENDIX C)
(SUBMITTED WITH PLAT)**

STATE OF _____ §

COUNTY OF _____ §

WHEREAS, _____, [a corporation *or* an individual] (hereinafter referred to as "Land Owner") is the owner of that certain _____ acre tract of land out of the _____ Survey, Abstract _____, in Brazoria County, Texas, which property has been platted as the subdivision known as _____, according to the plat thereof recorded in the Official Records of Brazoria County, Texas; and

WHEREAS, _____, (hereinafter referred to as "Lien Holder"), is the present owner and holder of lien against that certain acres of land covering portions of the aforementioned _____, as well as other property, said lien being evidenced by Deed of Trust and Security Agreement recorded in the Official Records of Brazoria County, Texas, under County Clerk's File No. _____, and desires to subordinate said lien to all streets, right-of-ways, easements, and dedications shown on said recorded plat of _____.

NOW, THEREFORE, KNOW ALL MEN BY THESE PRESENTS that in return for good and valuable consideration paid to the afore named Lien Holder, the receipt and sufficiency of which consideration is hereby acknowledged, the said Lien Holder, being the present owner and holder of the above referred to lien, hereby subordinates said lien to the subdivision and dedications evidenced thereby, and does hereby ratify, confirm and approve said subdivision plat and dedications.

Except to the extent expressly subordinated herein, the above referred to Deed of Trust and Security Agreement lien shall remain in full force and effect in accordance with the provisions thereof.

EXECUTED as of the _____ day of _____, 20_____.

LIENHOLDER

ACKNOWLEDGEMENT

STATE OF _____ §

COUNTY OF _____ §

Choose either individual or corporate notary

Individual Lienholder -- BEFORE ME, the undersigned authority, on this day personally appeared [name(s) of owner(s)], known to me to be the person(s), whose name(s) is (or are) subscribed to the foregoing instrument, and acknowledged to me that he (she)(they) executed the same for the purposes and consideration therein set forth.

Corporate Lienholder: BEFORE ME, the under signed authority, on this day personally appeared (**name of president**), President, and (**name of secretary**), Secretary of (**name of company**), known to me, to be the persons whose names are subscribed to the foregoing instruments, and acknowledged to me that the same was the act of said corporation, for the purposes and considerations therein expressed, and in the capacities therein stated.

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

Notary Public in and for the State of _____.

(SEAL)

E. CERTIFICATE OF RPLS (FACE OF PLAT)

This is to certify that I (name), a Registered Professional Land Surveyor of the State of Texas, have platted the above subdivision from an actual survey on the ground; and that all block corners, lot corners and permanent referenced monuments have been set, that permanent control points will be set at completion of construction and that this plat correctly represents that survey made by me.

RPLS

State Registration No. _____(Seal)

F. CERTIFICATE OF COUNTY ENGINEER (FACE OF PLAT)

I, _____, County Engineer of Brazoria County, do hereby certify that the plat of this subdivision complies with all existing rules and regulations of the County, as adopted by Commissioners Court.

Date County Engineer

G. CERTIFICATE OF THE COMMISSIONERS COURT (FACE OF PLAT)

APPROVED by the Commissioners Court of Brazoria County, Texas, this _____ day of _____, 20_____.

County Judge

Commissioner, Precinct 1

Commissioner, Precinct 2

Commissioner, Precinct 3

Commissioner, Precinct 4

H. CERTIFICATE OF COUNTY CLERK

Top Right Corner of First Page - Provide a box for the County Clerk's Statement - 2 inches (right to left) and 2 inches (top to bottom); and

Bottom Right Corner of Last Page - Provide a box for the County Clerk's documentation on the last page - 4 inches (right to left) and 4 inches (top to bottom).

**I. PLAT NOTES
(TO BE UTILIZED ON SUBDIVISION AND RE-SUBDIVISION PLATS) (FACE OF
PLAT)**

- 1) Pipelines: The Plat shall have a note stating that “All existing pipelines or pipeline easements through the proposed subdivision have been shown” or that “No pipeline or pipeline easement exists within the boundaries of this plat.”
- 2) Floodplain: The following note shall appear on the face of the plat, "Structures built on lots in the designated floodplain must be elevated to the FEMA Base Flood Elevation (BFE). No development permits will be issued below the BFE. Contact the Floodplain Administrator's Office for specific information."
- 3) Private Streets/Roads: if applicable “This subdivision contains one or more private streets/roads that have not been dedicated to the public or accepted by Brazoria County as public rights-of-way. Brazoria County has no obligation to maintain or improve any private streets within the subdivision.”
- 4) MUD Streets/Roads: if applicable “This subdivision contains one or more public streets/roads that have been dedicated to the public but will not be accepted for maintenance by Brazoria County. The obligation for maintenance shall be the sole responsibility of the Municipal Utility District ____.”
- 5) Flag Lot: The pole or staff portion of the Flag Lot shall be restricted from the construction of any building, structure, and/or OSSF.
- 6) Drainage:
 - a. All drainage easements to be kept clear of fences, buildings, vegetation, and other obstructions to the operation and maintenance of the drainage facility.
 - b. All property to drain into the drainage easement only through an approved drainage structure.
- 7) One Foot Reserve: “One-foot reserve dedicated to the public in fee as a buffer separation between the side and end of streets where such streets abut adjacent property. The condition of such dedication being that when the adjacent property is subdivided or re-subdivided in a recorded plat, the one-foot reserve shall thereupon become vested in the public for street right-of-way purposes and the fee title thereto shall revert to and revest in the dedicator, his heirs, assigns or successors.

NOW, THE CONDITION OF THIS OBLIGATION IS SUCH, that if the above bounded Principal, its heirs, executors, administrators, successors, assigns and legal representatives, and each and every one of them do in all things well and truly observe, perform, fulfill, keep and comply with all and singular the rules, regulations, requirements and specifications above referred to, including any deletions, additions, changes or modifications of any kind or character, in the construction of all Improvements in the above named Subdivision, and that upon completion of construction by Principal and approval of said Improvements by the County Engineer, and provision of a Warranty Bond if the Improvements are to be accepted into the County Road System, then this obligation to be void and of no force and effect.

The Principal and Surety hereon each agree, bind, and obligate themselves to pay L.M. “Matt” Sebesta, Jr., County Judge of Brazoria County, Texas, or his successors in office, for the use and benefit of Brazoria County, all losses or damages to it occasioned by reason of the failure of the Principal to comply strictly with each and every provision contained in the rules, regulations, requirements and specifications above referred to relating to the construction of Improvements in the above named Subdivision.

The word Principal when used herein means Principal or Principals, whether an individual, individuals, partnership, corporation or other legal entity having the capacity to contract.

The word “Improvements” is used herein to mean each and every road, street, bridge and each and every ditch, culvert, channel, inlet, pond or other drainage improvement in the rights-of-way and easements in said Subdivision.

The word Surety when used herein means Surety or Sureties, and it is understood by the parties that any and all liabilities of any kind or character assumed or imposed upon the Principal by the terms hereof extends in full force and vigor to each and every Surety jointly and severally.

In the event of suit hereunder, such suit shall be brought in Brazoria County, Texas.

(Signature Page Follows)

EXECUTED this the _____ day of _____, 20_____.

PRINCIPAL:

By: _____

Name: _____

Title: _____

SURETY:

By: _____

Name: _____

Title: _____

(Surety to Attach Power of Attorney)

BRAZORIA COUNTY

L.M. "Matt" Sebesta, Jr.
County Judge of Brazoria County, Texas

ATTEST:

Joyce Hudman
Brazoria County Clerk

construction and maintenance of all Improvements in the above named Subdivision, and that upon approval of the construction of said Improvements by the County Engineer, and upon the approval of such maintenance by the County Engineer, and upon acceptance of such Improvements for maintenance by the Commissioners Court of Brazoria County, Texas, then this obligation to be void and of no force and effect.

The Principal and Surety hereon each agree, bind, and obligate themselves to pay L.M. “Matt” Sebesta, Jr., County Judge of Brazoria County, Texas, or his successors in office, for the use and benefit of Brazoria County, all losses or damages to it occasioned by reason of the failure of the Principal to comply strictly with each and every provision contained in the rules, regulations, requirements and specifications above referred to relating to the construction and maintenance of Improvements in the above named Subdivision.

The word Principal when used herein means Principal or Principals, whether an individual, individuals, partnership, corporation or other legal entity having the capacity to contract.

The word “Improvements” is used herein to mean each and every road, street, bridge and each and every ditch, culvert, channel, inlet, pond or other drainage improvement in the rights-of-way and easements in said Subdivision.

The word Maintenance as used herein means all needful, necessary and proper care and repair from completion of the Improvements and approval thereof by the County Engineer until final acceptance of the Improvements for maintenance by the Commissioners Court.

The word Surety when used herein means Surety or Sureties, and it is understood by the parties that any and all liabilities of any kind or character assumed or imposed upon the Principal by the terms hereof extends in full force and vigor to each and every Surety jointly and severally.

In the event of suit hereunder, such suit shall be brought in Brazoria County, Texas.

(Signature Page Follows)

EXECUTED this the _____ day of _____, 20_____.

PRINCIPAL:

By: _____

Name: _____

Title: _____

SURETY:

By: _____

Name: _____

Title: _____

(Surety to Attach Power of Attorney)

BRAZORIA COUNTY

L.M. "Matt" Sebesta, Jr.
County Judge of Brazoria County, Texas

ATTEST:

Joyce Hudman
Brazoria County Clerk

K. ROUGH PROPORTIONALITY APPEAL PROCESS

An Applicant may appeal the rough proportionality determination made by the County. The appeal is perfected by filing written notice with the County Judge's Office no later than 30-days after receipt of a rough proportionality determination from the County.

The notice of appeal must contain the name of the Applicant, the name of the development, the address or property ID of the development, and a copy of the rough proportionality determination with a brief statement explaining how the determination exceeds rough proportionality. In addition, the full name, address, phone number, and email address of the person to receive all notifications relating to the appeal must be included.

Notice is to be delivered as follows:

Brazoria County Judge
237 E. Locust, Suite 401
Angleton, Texas 77515

Once an appeal has been perfected, the County Judge's Office shall set a hearing date and send a Notice of Hearing to the person filing the appeal ("Appellant"), all County Commissioners, the Engineering Department, and the District Attorney's Office – Civil Division.

The Notice of Hearing shall state the date, time, and place of the hearing and shall be provided at least ten (10) days prior to the date of the hearing. The ten-day notice requirement may be waived by the person filing the appeal if such waiver is in writing and signed.

The County Judge shall exercise reasonable control over the mode and order of presenting preliminary matters, opening statements, witness testimony, other evidence, oral or written and other processes in the hearing.

The County Judge will designate the order in which the parties will present evidence and testimony. Generally, the party with the burden of proof will present evidence first and will open and conclude oral argument.

The Commissioners Court members shall be allowed to question any person testifying.

All participants shall conduct themselves with dignity, show courtesy and respect for one another and for the County Judge and the Commissioners. The Judge may take appropriate action, if necessary to maintain the decorum of the hearing including issuing a warning, excluding persons from the proceeding and/or recessing the proceeding.

The Appellant shall be entitled to present testimony and other evidence and examine witnesses.

The District Attorney's Office will represent the County and is entitled to present testimony and other evidence and examine witnesses.

All persons testifying at the hearing shall be under oath.

Commissioners Court shall assess the testimony fairly and impartially and in accordance with the law.

Unless otherwise ordered by the County Judge, the record will close at the end of the hearing.

The Commissioners Court shall make a written determination as to the matters appealed within 30-days following the hearing. A copy shall be sent to the Appellant, all County Commissioners, the Engineering Department and the District Attorney's Office – Civil Division.