



Medina County

SUBDIVISION RULES AND REGULATIONS



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ARTICLE I

1. PREAMBLE AND PURPOSE.

- 1.1 These Subdivision Rules and Regulations have been adopted by an Order of the Medina County Commissioners Court to promote public safety and the general welfare of the County, and to provide a framework for the orderly, safe, efficient, healthful, and moral development of the unincorporated parts of Medina County.
- 1.2 These Regulations are intended to govern the subdivision and development of land in the unincorporated areas of Medina County, and they apply to all unincorporated areas of the County, except where, by specific written agreement with a city, the County has modified these Regulations within the extraterritorial jurisdiction of that city, or delegated its responsibility for subdivision oversight to that city.
- 1.3 These Regulations are intended to allow for the orderly and healthful development of land within the County while allowing landowners the reasonable and rightful use of their land.
- 1.4 In the event any article, appendix, section, paragraph, sentence, clause, or phrase within these Regulations is declared unconstitutional or invalid, the valid judgment of unconstitutionality or invalidity shall not affect any remaining phrases, clauses, sentences, paragraphs, sections, appendices, or articles of these Regulations. It is the express intent of the Commissioners Court that the sections, paragraphs, sentences, clauses, or phrases of these Regulations be severable.
- 1.5 These Subdivision Regulations have been adopted based on the following findings:
 - 1.5.1 Medina County's location near San Antonio puts it on the edge of one of the nation's largest urban areas, the effects of which have resulted in the significant subdivision of land and rapid population growth in the County over the past several years; and
 - 1.5.2 Rapid population growth and land development, without proper regulation and management, have caused economic, health and environmental problems in other communities, and would likely cause similar problems in Medina County; and
 - 1.5.3 Various academic studies, reports, and news articles have chronicled the particular need for careful regulation of subdivision and development activity in suburban and "urban ring" counties such as Medina County; and
 - 1.5.4 These problems mentioned in 1.5.2 and 1.5.3 (above) could further strain County infrastructure; devalue existing property; impose an unwarranted tax burden on the citizens of the County; threaten the natural resources, natural beauty and historic character of the County; undermine efficient traffic management; and impede road maintenance, 9-1-1 addressing,

emergency response, adequate water and utility availability, the healthful disposal of wastewater, the control of disease, and floodplain management; and negatively impact the public health, safety, and general welfare in Medina County; and

- 1.5.5 The State of Texas has authorized the Commissioners Courts of Texas counties, including Medina County, to regulate the subdivision of land pursuant to Tex. Loc. Gov't Code Ann. §232.001 et seq.; and
- 1.5.6 The State has further recognized the special pressures on growing counties in urban areas, including Medina County, by enacting Tex. Loc. Gov't Code Ann., Chapter 232, Subchapter E, authorizing additional powers for certain urban counties (including Medina County) to regulate infrastructure planning and to adopt rules with respect to subdivision platting that are designed to promote the health, safety, morals and/or general welfare of the County, as well as to promote the safe, orderly, and healthful development of the unincorporated areas of the County; and
- 1.5.7 The Commissioners Court of Medina County has been designated by the Texas Commission on Environmental Quality (TCEQ) as the authorized agent for the licensing and regulation of on-site sewage facilities within Medina County, and these Regulations are a necessary component of such regulation; and
- 1.5.8 The Commissioners Court of Medina County has the authority and obligation to exercise general control over the roads, highways, bridges and related drainage structures and development within Medina County; and
- 1.5.9 The Commissioners Court of Medina County has been granted the authority and responsibility under the Federal Emergency Management Act to administer flood plain development regulations within the County and to regulate associated development; and
- 1.5.10 The Commissioners Court of Medina County has considered the potential pollution, nuisances and injury to public health that could be caused by the use of private sewage facilities within the County and has adopted these Regulations to abate or prevent the potential pollution, nuisances, or injury to public health; and
- 1.5.11 These Regulations are enacted to implement the powers conveyed to counties under the laws of the State of Texas, as amended from time to time, including, but not limited to: Tex. Loc. Gov't Code Ann., Chapter 232 (authority to adopt and enforce subdivision regulations and require plat approval, including Subchapter E related to Infrastructure Planning); Tex. Transp. Code Ann., Chapter 251 (general control over all roads, highways and bridges); Tex. Health & Safety Code Ann., Chapter 364 (County Solid Waste disposal systems); Tex. Util. Code Ann., §§ 181.021-.026 (regulation

of gas utility lines within county right-of-way); Tex. Health & Safety Code Ann., Chapter 366 (authority to adopt standards for on-site sewage facilities); Tex. Health & Safety Code Ann., Chapter 365 (regulation of litter near public highway); Tex. Loc. Gov't Code Ann., Chapter 233 (related to regulation of housing and other structures); Tex. Loc. Gov't Code Ann. §242.001 (authority to regulate subdivisions pursuant to all statutes applicable to counties within the extraterritorial jurisdiction of municipalities); Tex. Health & Safety Code Ann. §§ 121.003, 122.001 (authority to enforce laws and appropriate funds necessary to protect public health); Tex. Water Code Ann. §16.311 et seq. (authority to set standards for construction within floodplain and to guide development of future development to minimize damage caused by floods); Tex. Water Code Ann., Chapter 54 (municipal utility districts); Tex. Water Code Ann., Chapter 26 (Water Quality Control); and Tex. Water Code Ann. §§26.171, 26.175 (regulation of water quality by counties). In the event any provision of these Regulations conflicts with state law, as periodically amended, State law shall govern and control. These statutes, among others, empower the County to enact subdivision rules and regulations and to provide for its administration, enforcement, and amendment; and

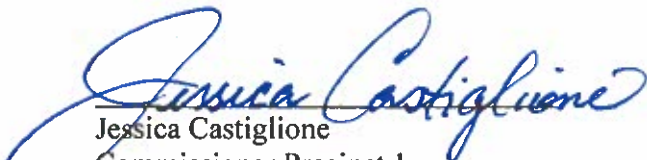
- 1.5.12 The Commissioners Court of Medina County has considered the potential burden on present and future landowners and taxpayers of substandard development or poor-quality road construction; and
- 1.5.13 The Commissioners Court of Medina County recognizes the importance of an interconnected road system throughout Medina County to provide efficient access by emergency vehicles and school transportation vehicles, and the responsible role of the Commissioners Court to ensure an appropriate level of road connectivity through the subdivision process; and
- 1.5.14 Significant portions of Medina County are subject to the Edwards Aquifer Rules of the Texas Commission on Environmental Quality (TCEQ) and, where feasible, reference is made to TCEQ Rules within these Regulations to provide property owners with a consistent framework for development throughout Medina County;
- 1.5.15 The Commissioners Court has considered the potential burden to private property rights, to property owners, and to taxpayers, of these Regulations, and has further considered the potential burden to property owners and taxpayers of substandard development, poor quality roads and infrastructure planning, flooding, and immoral and unhealthful development that might reasonably be expected to occur in the absence of these Regulations; and, finally,
- 1.5.16 The Commissioners Court has determined that these Regulations should apply broadly but the Court, in Article IV of these Regulations, has provided for exceptions consistent with state law.

1.6 The Commissioners Court of Medina County, having consulted with professionals in the field of engineering and land planning, and following public notice, investigation, and hearing, has declared and hereby declares these Regulations to be necessary and appropriate to protect the public health, morals, and resources of Medina County, to safeguard the private property rights of Medina County, and to accomplish the purposes and goals enumerated in the findings above.


ADOPTED this 10th day of February, 2025.



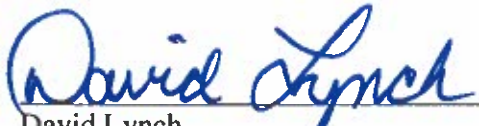
Keith Lutz
County Judge




Jessica Castiglione
Commissioner Precinct 1



Larry Sittre
Commissioner Precinct 2



David Lynch
Commissioner Precinct 3



Daniel Lawler
Commissioner Precinct 4

ATTEST:



Gina Champion
County Clerk



ARTICLE II

2. DEFINITIONS.

The following words and terms, when used in these Regulations, shall have the following meanings, unless the context clearly indicates otherwise. If a word or term used within these Regulations is not contained in this article, it shall have the same definition and meaning as used in the practices applicable to hydrology and aquifer testing.

- 2.1 Acre. A unit of area equal to 43,560 square feet. When calculating the acreage of any Lot, the gross square footage within the Lot shall be used.
- 2.2 Applicant. An Owner, or authorized representative of the Owner, seeking approval of a proposed Subdivision, or revision to an existing Subdivision, pursuant to these Regulations.
- 2.3 Application. A county-provided form completed by an Applicant and accompanied by multiple prints of plans or plats, and supported by the documentation required by these Regulations. See Appendices A, F, and G.
- 2.4 Aquifer. A geologic formation, group of formations, or part of a formation that contains water in its voids or pores and may be used as a source of water supply.
- 2.5 Aquifer Test. A test involving the withdrawal of measured quantities of water from, or addition of water to, a well and the measurement of resulting changes in water level in the aquifer, both during and after the period of discharge or addition, for the purpose of determining the characteristics of the aquifer. For the purposes of these Regulations, bail and slug tests are not considered to be aquifer tests.
- 2.6 Bond. See Performance Bond (below) at 2.35. See Maintenance Bond (below) at 2.29. See also Tex. Loc. Gov't Code Ann. §§ 232.004, 232.0045.
- 2.7 Building Line or Setback Line. A line established, in general, parallel to the front street line. No building or structure may be permitted in the area between the building line and the street right-of-way. See 9.2. See also Loc. Gov't Code §233.031.
- 2.8 Commissioners Court. The Commissioners Court of Medina County, Texas.
- 2.9 County. The county government of Medina County, Texas.
- 2.10 County Clerk. The County Clerk of Medina County, Texas.
- 2.11 County Commissioner. Any one of the four current Commissioners of Medina County, Texas. Wherever this term is used herein, it may include his or her designated representative.

- 2.12 Department. The Medina County Environmental Health Group, currently located at 1502 Avenue K, 2nd Floor, Hondo, Texas 78861. Accessible via phone at (830) 741-6195 or email at pat.browner@medinatx.org.
- 2.13 Designated Agent. A person designated by the Medina County Commissioners Court to implement, or review compliance with, certain parts of these Regulations.
- 2.14 Determination or Letter of Determination. The finding that an action meets or does not meet the definition of Subdivision, or the documentation of that finding.
- 2.15 Development. All land modification activity, including the construction of buildings, roads, paved storage areas, parking lots and other impervious structures or surfaces, golf courses and other recreational facilities.
- 2.16 Director. The Director of the Medina County Environmental Health Group and any successor thereto.
- 2.17 Drinking Water Standards. See Requirements Applicable to Public Water Systems below.
- 2.18 Edwards Aquifer Recharge Zone. Any area identified as such in 30 Tex. Admin. Code §213.3 (1996) (Tex. Nat. Res. Conservation Comm'n, Edwards Aquifer). Some properties in Medina County are located in the “contributing zone” of the Edwards Aquifer which encompasses all watersheds that feed runoff into rivers and streams that flow over the recharge zone. These properties are generally located from the northern edge of the Recharge Zone north to the Medina/Bandera county line. Property location within the contributing zone subjects the Owner to the Edwards Aquifer Rules. For assistance in determining whether a property lies within the contributing zone, see TCEQ’s online map viewer at the TCEQ website. The TCEQ website also contains links to sources for official maps. In the event an Applicant cannot determine with specificity the location of the boundary of the Edwards Aquifer Recharge Zone, the Applicant may submit appropriate maps and other evidence as may be requested by the Commissioner for assistance in such determination. Any determination by Commissioners Court will affect only these Regulations and will not in any manner be binding upon the TCEQ and/or the Edwards Aquifer Authority. Commissioners Court may require the Applicant to obtain a determination from the TCEQ or Edwards Aquifer Authority, and any determination by the TCEQ or Edwards Aquifer Authority will control for purposes of these Regulations. See also 9.4.
- 2.19 Edwards Aquifer Rules. The Regulations promulgated by the TCEQ relating to the Edwards Aquifer, currently set forth in 30 Tex. Admin. Code, ch. 213, as amended from time to time.

- 2.20 ETJ. Per Chapter 42 of the Tex. Loc. Gov't Code Ann., the extraterritorial jurisdiction of a municipality is the unincorporated area that is contiguous to the corporate boundaries of the municipality and that is located:
- (1) within one-half mile of those boundaries, in the case of a municipality with fewer than 5,000 inhabitants;
 - (2) within one mile of those boundaries, in the case of a municipality with 5,000 to 24,999 inhabitants;
 - (3) within two miles of those boundaries, in the case of a municipality with 25,000 to 49,999 inhabitants;
 - (4) within 3-1/2 miles of those boundaries, in the case of a municipality with 50,000 to 99,999 inhabitants; or
 - (5) within 5 miles of those boundaries, in the case of a municipality with 100,000 or more inhabitants.
- 2.21 Final Plat. A scaled drawing of a proposed Subdivision of land with survey data, notes, dedications, certifications, and acceptances as required by these Regulations, prepared for recording in the official records of Medina County, Texas in accordance with Texas Prop. Code Ann. §12.002. See also 3.2.10.
- 2.22 Flag Lot. A lot having the minimum required frontage on a public right of way with the largest portion of the lot area connected to the public right of way by a narrow strip of land, or “flagpole,” which is included in the area of the lot. See 9.14.
- 2.23 Full Build-out. The final expected number of residences, businesses, or other dwellings in the proposed subdivision.
- 2.24 Groundwater. As defined by regulations promulgated by the TCEQ at 30, Tex. Admin. Code.
- 2.25 Interlocal Agreement. An agreement or cooperation contract between two or more local governments made pursuant to and in accordance with Chapter 791 of the Texas Gov't Code Ann.
- 2.26 Letter of Determination. See Determination.
- 2.27 Licensed Professional Engineer. An engineer who maintains a current license through the Texas Board of Professional Engineers and Land Surveyors in accordance with the board's requirements for professional practice.
- 2.28 Lot. Any tract to be created by the division of the Original Tract pursuant to the proposed Subdivision Application, including the remainder of the Original Tract and excluding proposed public right of way.

- 2.29 Maintenance Bond. A fiscal guarantee provided by an Owner dedicating certain roads and/or streets to the public who desires the County to accept such completed roads and improvements for maintenance and operation. The Maintenance Bond ensures that any defects in newly constructed public improvements will have a funding source other than County tax dollars to repair such deficiencies. See 10.2.5.
- 2.30 Medina County 911 ECD. Medina County 911 Emergency Communications District located at 1613 Avenue K, Suite 101, Hondo, Texas 78861. Accessible via phone at (830) 741-8997 or email: medinacoordinator@gmail.com.
- 2.31 Order. The order of the Commissioners Court authorizing and implementing these Rules.
- 2.32 Original Tract. The original tract of land as it exists prior to the proposed subdivision.
- 2.33 OSSF. On-site sewage facility.
- 2.34 Owner. The person or private entity who holds record title to the real property being subdivided.
- 2.35 Performance Bond or Financial Guarantee. A guarantee of performance including, but not limited to, a cash deposit, surety bond, or letter of credit, in an amount and form acceptable to the Commissioners Court to ensure proper construction of roads, streets, and drainage improvements within a proposed Subdivision. See Tex. Loc. Gov't Code Ann. §§ 232.004, 232.0045. See also 3.2.5.6.
- 2.36 Permitted Street. As defined in section 8.1.
- 2.37 Precinct Commissioner. The member of the Commissioners Court who is elected or appointed to represent the Medina County precinct in which the land proposed for development and subject to this Order is located.
- 2.38 Preliminary Plan. A scaled drawing of a proposed Subdivision of land showing the general dimensions and boundaries of each Lot, the layout of the proposed streets, drainage improvements, utility infrastructure, if any, easements, and other information required by these Regulations, whose purpose is to demonstrate that the proposed Subdivision is feasible and can comply with the objectives and requirements of this Order. See Tex. Loc. Gov't Code Ann. §232.00285.
- 2.39 Public Water System. A system for the provision of water to the public for human consumption through pipes or other constructed conveyances, which includes all uses described under the State's definition of drinking water. Such a system must have at least 15 service connections or serve at least 25 individuals at least 60 days out of the year. This term includes any collection, treatment, storage, and

distribution facilities under the control of the operator of such system and used primarily in connection with such system, and any collection or pretreatment storage facilities not under such control which are used primarily in connection with such system. Two or more systems with each having a potential to serve less than 15 connections or less than 25 individuals but owned by the same person, firm, or corporation and located on adjacent land will be considered a public water system when the total potential service connections in the combined systems are 15 or greater or if the total number of individuals served by the combined systems total 25 or greater at least 60 days out of the year. Without excluding other meanings of the terms “individual” or “served,” an individual shall be deemed to be served by a water system if he lives in, uses as his place of employment, or works in a place to which drinking water is supplied from the system. 30 Tex. Admin. Code §290.38(73) (2023) (Tex. Comm’n on Env. Quality, Public Drinking Water).

- 2.40 Qualified Expert. A hydrologist or Licensed Professional Engineer.
- 2.41 Regulations. When capitalized, the Medina County Subdivision Rules and Regulations and related Orders.
- 2.42 Requirements Applicable to Public Water Systems. The requirements in the TCEQ rules covering public water systems in 30, Tex. Admin. Code, ch. 290 (relating to Rules and Regulations for Public Water Systems).
- 2.43 Rules. When capitalized, the Medina County Subdivision Rules and Regulations and related Orders.
- 2.44 Sketch Plan (Optional). A map or drawing which is not required to be drawn with precision, but serves as the basis for comments by the County to a landowner or potential applicant regarding general compliance with these Regulations.
- 2.45 Subdivision. The division of a tract of land situated wholly or partly within Medina County and outside the corporate limits of any municipality into two or more parts to lay out:
 - (1) a Subdivision of the tract, including an addition;
 - (2) lots; or
 - (3) streets, alleys, squares, parks, or other parts of the tract intended by the owner of the tract to be dedicated to public use. See Tex. Loc. Gov’t Code Ann. §232.001(a).
- 2.45.1 A division of a tract under Tex. Loc. Gov’t Code Ann. §232.001(a) includes a division regardless of whether it is 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 lease (other than an agricultural, hunting, or oil and gas lease); or other executory contract or any other method to convey an interest in land.

2.45.2 A division of land shall be considered as relating to the laying out of streets, whether public or private, if:

2.45.2.1 The division occurs prior to the later to occur of: two (2) years from the date of the completion of construction of any street onto which the Lot has frontage or, in the case of public streets, the expiration of the performance or maintenance bond for any such street;

2.45.2.2 The division of land creates one or more Lots without practical, physical vehicular access onto a permitted street or with less than fifty (50') feet of direct frontage onto a permitted street or calls for driveways onto permitted streets that are spaced fewer than fifty (50') feet apart;

2.45.2.3 The division of land will affect drainage on, in, or adjacent to a public street or any county drainage ditch, swale, culvert or other drainage facility; or

2.45.2.4 Other circumstances exist which, in the determination of Commissioners Court, cause such division of land to be related to the laying out of streets or related to drainage for any street or road to which any lot has access.

2.45.3 It is the intent of the Commissioners Court of Medina County that the term “subdivision” be interpreted to include all divisions of the land to the fullest extent permitted under the laws of the State of Texas.

2.46 Surface Water. As defined by the TCEQ at 30 Tex. Admin. Code, §307.3 (71) (2022) (Tex. Comm’n on Env. Quality, Texas Surface Water Quality Standards).

2.47 Surveyor. A Registered Professional Land Surveyor certified by the Texas Board of Professional Engineers and Land Surveyors.

2.48 TAC. Texas Administrative Code.

2.49 TCEQ. Texas Commission on Environmental Quality.

2.50 TCEQ Regulated Development. Any development or construction activity that would constitute a Regulated Activity under the Edwards Aquifer Rules (see 30 Tex. Admin. Code §213.3), but without regard to the aquifer over which the activity is conducted.

ARTICLE III

3. GENERAL SUBDIVISION REQUIREMENTS.

3.1 General Requirements. The Medina County Commissioners Court must approve, by an order entered in the minutes of the Court, a plat required by Tex. Loc. Gov't Code Ann. §232.001. The Court may disapprove a plat if it does not meet the requirements prescribed by or under Chapter 232 of the Tex. Loc. Gov't Code Ann., or if any required bond is not filed with the County. See Tex. Loc. Gov't Code Ann. §232.002.

3.2 Subdivision Approval Process. No subdivision shall be permitted until the Owner has completed the following steps:

3.2.1 **Communication with Precinct Commissioner (Optional).** Potential Applicants are encouraged, but not required, to meet with the Precinct Commissioner to discuss development ideas, understand road plans in the area, and discuss County rules and submittal procedures before investing the time and expense of detailed engineering design and submittal preparation. Only a Designated Agent of the Commissioners Court may approve inspections or submittals under these Regulations.

3.2.2 **Sketch Plan (Optional).** An Applicant is encouraged, but not required, to submit a Sketch Plan for comment by the County Commissioner in whose precinct the property lies. There are no requirements for the contents of a Sketch Plan and no associated submittal fees. Within ten (10) business days, the Commissioner will provide written comments in the form of feedback and guidance. See Article V, Sketch Plan.

3.2.3 **Preliminary Plat Application (Optional).** While not required, an Applicant may submit a Preliminary Plat Application for conditional approval. See Tex. Loc. Gov't Code Ann. §232.00285. To submit a Preliminary Plat Application:

- (1) Mark the box for “Preliminary Plat” on the first page of the Plat Application (Appendix A);
- (2) Calculate and submit the appropriate fee;
- (3) Complete Part 1 of the Plat Review Checklist; and
- (4) Provide required documentation and verification letters as noted.

Conditional approval of a Preliminary Plat expires in twelve (12) months. If a Final Plat for the subdivision of an Original Tract has not been approved and recorded within twelve months of the Order granting conditional approval or disapproval, the Applicant must submit a new Plat Application in accordance with the Subdivision Regulations in effect at that time.

3.2.4 **Final Plat Application with prior conditional approval of Preliminary Plat within last twelve (12) months.** To obtain Final Plat approval after having obtained conditional approval of a Preliminary Plat:

- (1) Mark the box for “Final Plat with prior conditional approval of Preliminary Plat” on the first page of the Plat Application;
- (2) Calculate and submit the appropriate fee;
- (3) Complete Part 2 of the Plat Review Checklist;
- (4) Submit a copy of the original Preliminary Plat Application, including Part 1 of the Plat Review Checklist;
- (5) Submit a copy of the Order granting conditional approval or disapproval of the Preliminary Plat;
- (6) Address each condition cited in the Order of conditional approval or remedy each reason stated for disapproval; and
- (7) Provide required documentation and verification letters as noted.

3.2.5 **Final Plat Application.** To submit a Final Plat Application:

- (1) Mark the box for “Final Plat” on the first page of the Plat Application (Appendix A);
- (2) Calculate and submit the appropriate fee;
- (3) Complete Parts 1 and 2 of the Plat Review Checklist; and
- (4) Provide required documentation and verification letters as noted.

Conditional approval of a Final Plat expires in twelve (12) months. If a Final Plat for the subdivision of an Original Tract has not been approved and recorded within twelve months of the Order granting conditional approval or disapproval, the Applicant must submit a new Plat Application in accordance with the Subdivision Regulations in effect at that time.

3.2.5.1 **Plats.** Five (5) 18” x 24” physical (paper) copies of the Plat and one (1) original Final Plat for signatures and filing. Mylar plats are not required. Provide one (1) electronic .pdf file of the Subdivision Plat for inclusion in the Commissioners Court agenda packets.

3.2.5.2 **Application Fee** as set forth in the Plat Application. Checks should be made payable to Medina County and submitted with the Plat Application to the office of the County Judge. A receipt for the Application Fee will be issued by the office of the County Judge. The receipt shall accompany the Plat Application presented to Commissioners Court. Commissioners Court may amend the fees stated in the Plat Application (Appendix A) from time to time without amending or affecting the remainder of these Regulations. See Tex. Loc. Gov’t Code Ann. §232.0021.

3.2.5.3 **Approval letter or email from the Medina County 911 ECD** certifying compliance with all requirements for **preapproval of street or road names and submission of digital map files** as described in Article VI. In accordance with Tex. Loc. Gov't Code Ann. §232.001(f), an Owner of the Original Tract seeking an exemption from the digital mapping requirement may submit an acknowledged statement with the Plat Application indicating that the digital mapping technology necessary to submit a compliant digital map is not reasonably accessible.

3.2.5.4 **Warranty Deed(s) or title policy** evidencing ownership of the property.

3.2.5.5 An original **tax certificate** from each taxing unit with jurisdiction of the real property indicating that no delinquent ad valorem taxes are owed on the Original Tract; and if filed after September 1 of a calendar year, tax receipt(s) showing that taxes for the current year have been paid. See Tex. Prop. Code Ann. §12.002(e).

3.2.5.6 **Performance Bond or Financial Guarantee.** If seeking Final Plat approval prior to the completion of the construction of roads, streets, and drainage improvements, Applicant must submit a Performance Bond or Financial Guarantee to ensure the required infrastructure is timely built per County specifications. See Tex. Loc. Gov't Code Ann. §§ 232.004, 232.0045. The Performance Bond must be executed before subdividing the property controlled by the Final Plat and be payable to the County Judge (or successor in office). Performance Bonds must be in an amount based on an assessment of one hundred percent (100%) of the construction costs deemed adequate to ensure proper construction of the roadway paving and required drainage improvements, with such estimated cost verified by the County Engineer. Performance Bonds must be executed with sureties by a company authorized to do business as a surety in the State of Texas; and be conditioned that the roads, streets, and drainage required for the Subdivision will be constructed within two (2) years from the date the Court approves the Final Plat.

3.2.5.7 **All other documents or reports required per these Regulations.** Submittal requirements may vary depending on the application of these Regulations and state law to the specific facts and circumstances of each proposed Subdivision.

3.2.6 **Completeness Check.** Within ten (10) business days of receipt, a Plat Application will be reviewed for completeness in accordance with Section 3.2.5 and the Plat Review Checklist.

3.2.6.1 Incomplete. If the County determines the Application is missing documents or other required information, the County will send you a written notice stating the deficiencies in the submittal. See Tex. Loc. Gov't Code Ann. §232.0025(b). The Applicant must pay an additional \$500.00 per submittal for repetitive incomplete submittals beginning with the third submittal involving the same Original Tract.

3.2.6.2 Complete. Once the County determines that the Plat Application is complete (the "completion date,") the Plat Application will be scheduled on an upcoming Commissioners Court agenda. Consideration of Plat Applications will not be tentatively placed on the agenda until the Application is complete. Acceptance by the County of a complete Plat Application shall not be construed as approval of the Application or related documents. See Tex. Loc. Gov't Code Ann. §232.0025(c).

3.2.7 Approval, Approval with Conditions, or Disapproval of Plat Application.

The Commissioners Court shall review and act on a Plat Application not later than the 30th day after the County Judge's office notifies the Applicant that the Application is complete. Extensions (if needed) must be requested by the Applicant in writing and approved by Commissioners Court. See Tex. Loc. Gov't Code Ann. §232.0025. If Commissioners Court conditionally approves or disapproves the Plat Application, the Court will issue a written statement of the specific conditions for the conditional approval or the reasons for disapproval. See Tex. Loc. Gov't Code Ann. §232.0026. Orders of conditional approval or Orders stating reasons for disapproval expire in twelve (12 months). If a Final Plat for the subdivision of an Original Tract has not been approved and recorded within twelve (12) months of the Order granting conditional approval or Order stating reasons for disapproval, the Applicant must submit a new Plat Application in accordance with the Subdivision Regulations in effect at that time.

3.2.8 Applicant's Response. If the Commissioners Court conditionally approves or disapproves a Plat Application, the Applicant may submit a written response that satisfies each condition for the conditional approval or remedies each reason stated for disapproval. There is no deadline for the Applicant's response. See Tex. Loc. Gov't Code Ann. §232.0027.

3.2.9 Approval or Disapproval of Applicant Response. Not later than the 15th day after an Applicant submits a response, the Commissioners Court shall determine whether to approve or disapprove the Applicant's previously conditionally approved or disapproved Plat Application. Commissioners Court may disapprove the application only for a specific condition or reason previously provided to the Applicant when considering the original Plat Application. The Court shall approve a Plat Application that was

conditionally approved or disapproved if the Applicant's response adequately addresses each condition for the conditional approval or each reason for the disapproval. See Tex. Loc. Gov't Code Ann. §232.0028.

3.2.10 **Record Plat.** After the Court issues an Order approving the Final Plat, Applicant shall present the Order and one (1) original 18" x 24" Plat to the Medina County Clerk for recording as the Record Plat in accordance with the filing and recording provisions of Tex. Loc. Gov't Code Ann. §232.001(b) and Tex. Prop. Code Ann. §12.002. All text and drawings of the Record Plat must be large enough to be easily legible following recording.

3.3 **Subdivisions within ETJ of a Municipality.** Whenever an Original Tract lies within the extraterritorial jurisdiction (ETJ) of a municipality and is subject to the subdivision regulations of such municipality, the Subdivision shall comply with the standards and approval procedures established by the interlocal agreement between Medina County and the City regarding subdivisions in the ETJ. See Tex. Loc. Gov't Code Ann. §232.0013. As required by Tex. Prop. Code Ann. §12.002, the County Clerk will not accept a record Plat for recording unless it has been approved in accordance with such an interlocal agreement. Medina County currently has interlocal agreements regarding development within the ETJ's of Castroville, Devine, Hondo, La Coste, and San Antonio. See Appendix B.

3.4 **Wastewater and Floodplain Development Permits.** The Medina County Environmental Health Group shall not issue an On-Site Sewage Facility (OSSF) Permit or Floodplain Development Permit on any parcel of land unless that property complies with these Subdivision Regulations and the Medina County Rules for On-Site Sewage Facilities, except that:

3.4.1 A division of land occurring before June 1, 1984, shall be considered grandfathered, but will be required to have a legal On-Site Sewage Facility; and

3.4.2 A completed OSSF or floodplain permit application received by the Medina County Environmental Health Group prior to the effective date of these Subdivision Regulations shall be considered solely on the basis of the Subdivision Regulations in effect at the time the Medina County Environmental Health Group receives a completed permit application.

ARTICLE IV

4. EXCEPTIONS. See Tex. Loc. Gov't Code Ann. §232.0015.

4.1 Exceptions to Plat Requirements. As stated in Article II, Section 2.45.3, the term “subdivision” shall be interpreted to include all divisions of land to the fullest extent permitted under state law. However, Tex. Loc. Gov't Code Ann. §232.0015 identifies specific divisions of land which are not subject to platting requirements. Accordingly, the following divisions shall not be required to obtain plat approval under Section 3.2 of these Regulations:

Any subdivision located outside the limits of a municipality in which the Owner does not lay out a part of the land as streets, alleys, squares, parks, or other parts of the tract intended by the Owner of the tract to be dedicated to public use; **and** in which one or more of the following conditions exists:

- 4.1.1 The land is to be used primarily for **agricultural use**, as defined by Tex. Const. art VIII, §1-d, or for farm, ranch, wildlife management, or timber production use within the constitutional meaning. However, if any part of a tract divided under this exception ceases to be used primarily for agricultural use or for farm, ranch, wildlife management, or timber production use as so defined, the platting requirements shall apply.
- 4.1.2 **The land is divided into four or fewer parts and each part is to be sold, given, or otherwise transferred to an individual who is related to the Owner within the third degree by consanguinity or affinity**, as determined under Chapter 573, Tex. Gov't Code Ann. (see 4.4 below); provided, however, that the division is not part of a larger planned development or a sham, or a contrivance to avoid these Regulations. 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, the platting requirements of this Order apply.
- 4.1.3 **All the lots are more than ten (10) acres in area**. Note that a septic permit is required for all OSSF systems regardless of lot size. See Medina County Rules for On-Site Sewage Facilities (Appendix C).
- 4.1.4 All the lots are sold to veterans through the **Veterans' Land Board** program.
- 4.1.5 **The land belongs to the state** or any state agency, board, or commission or the permanent school fund or any other dedicated funds of the state.

- 4.1.6 **The land belongs to a political subdivision of the state; and**
 - 4.1.6.1 **The land is situated in a floodplain; and**
 - 4.1.6.2 **The lots are sold to adjoining landowners.**
- 4.1.7 **One new part is to be retained by the Owner, and the other new part is to be transferred to another person who will further subdivide the tract subject to these Regulations;**
- 4.1.8 **All parts are transferred to persons who owned an undivided interest in the Original Tract and a plat is filed before any further development of any part of the tract.**

4.2 Compliance with On-Site Sewage and Floodplain Rules. An Owner whose division of land is excepted from the platting requirements of these Regulations must still comply with the Medina County Rules for On-Site Sewage Facilities (Appendix C) and the Medina County Flood Damage Prevention Court Order (Appendix D).

4.3 Letter of Determination. If requested, and on application of an Owner and approval of Commissioners Court, the Court shall issue a Determination acknowledging that an exception to the platting requirements exists for the specific set of facts and circumstances presented to the Court.

4.4 Relationship by Consanguinity or by Affinity. Tex. Gov't Code Ann., ch. 573.

Sec. 573.021. METHOD OF COMPUTING DEGREE OF RELATIONSHIP. The degree of a relationship is computed by the civil law method. Added by Acts 1993, 73rd Leg., ch. 268, Sec. 1, eff. Sept. 1, 1993.

Sec. 573.022. DETERMINATION OF CONSANGUINITY.

(a) Two individuals are related to each other by consanguinity if:

- (1) one is a descendant of the other; or
- (2) they share a common ancestor.

(b) An adopted child is considered to be a child of the adoptive parent for this purpose.

Sec. 573.023. COMPUTATION OF DEGREE OF CONSANGUINITY.

(a) The degree of relationship by consanguinity between an individual and the individual's descendant is determined by the number of generations that separate them. A parent and child are related in the first degree, a grandparent and grandchild in the second degree, a great-grandparent and great-grandchild in the third degree and so on.

(b) If an individual and the individual's relative are related by consanguinity, but neither is descended from the other, the degree of relationship is determined by adding:

(1) the number of generations between the individual and the nearest common ancestor of the individual and the individual's relative; and

(2) the number of generations between the relative and the nearest common ancestor.

(c) An individual's relatives within the third degree by consanguinity are the individual's:

(1) parent or child (relatives in the first degree);

(2) brother, sister, grandparent, or grandchild (relatives in the second degree); and

(3) great-grandparent, great-grandchild, aunt who is a sister of a parent of the individual, uncle who is a brother of a parent of the individual, nephew who is a child of a brother or sister of the individual, or niece who is a child of a brother or sister of the individual (relatives in the third degree).

Sec. 573.024. DETERMINATION OF AFFINITY. (a) Two individuals are related to each other by affinity if:

- (1) they are married to each other; or
- (2) the spouse of one of the individuals is related by consanguinity to the other individual.

(b) The ending of a marriage by divorce or the death of a spouse ends relationships by affinity created by that marriage unless a child of that marriage is living, in which case the marriage is considered to continue as long as a child of that marriage lives.

(c) Subsection (b) applies to a member of the board of trustees of or an officer of a school district only until the youngest child of the marriage reaches the age of 21 years.

Sec. 573.025. COMPUTATION OF DEGREE OF AFFINITY. (a) A husband and wife are related to each other in the first degree by affinity. For other relationships by affinity, the degree of relationship is the same as the degree of the underlying relationship by consanguinity. For example: if two individuals are related to each other in the second degree by consanguinity, the spouse of one of the individuals is related to the other individual in the second degree by affinity.

(b) An individual's relatives within the third degree by affinity are:

- (1) anyone related by consanguinity to the individual's spouse in one of the ways named in Section 573.023(c); and
- (2) the spouse of anyone related to the individual by consanguinity in one of the ways named in Section 573.023(c).

Relationship by Consanguinity

	1st Degree	2nd Degree	3rd Degree
Person	parent or child	brother, sister, grandparent or grandchild	great-grandparent, great-grandchild, aunt*, uncle*, niece*, nephew*

* An aunt or uncle is related to a person by consanguinity only if he or she is the sibling of the person’s parent. A niece or nephew is related to a person by consanguinity only if he or she is the child of the person’s sibling.

Relationship by Affinity

	1st Degree	2nd Degree	3rd Degree
Person	spouse, mother-in-law, father-in-law, son-in-law, daughter-in-law, stepson, stepdaughter, stepmother or stepfather	brother-in-law, sister-in-law, spouse’s grandparent, spouse’s grandchild, grandchild’s spouse or spouse of grandparent	spouse's: great-grandparent, great-grandchild, aunt*, uncle*, niece*, nephew* the spouse of the person’s great-grandparent, great-grandchild, aunt*, uncle*, niece*, nephew*

ARTICLE V

5. SKETCH PLAN

- 5.1 An Applicant or potential Applicant for subdivision approval is encouraged, but not required, to submit a Sketch Plan for comment by the County Commissioner in whose precinct the property lies. If the proposed use or development constitutes a subdivision, the Commissioner will provide the Applicant with a sense of whether the Sketch Plan is in general conformance with the underlying principles of these Rules and with local and state regulations. There are no requirements established by these Rules for the content of a Sketch Plan, and no submittal fees. Within ten (10) business days, the Commissioner will comment on the Sketch Plan at a level of detail corresponding to the detail that the Applicant chooses to present. The Sketch Plan should show the entire area of every tract that is wholly or partly included in the proposed subdivision to demonstrate that the Plan furthers the efficient and orderly development of the land. The Applicant is encouraged to also designate the classification of roads, the nature of water and wastewater service, approximate location of known floodplain areas, and the range of lot sizes intended.
- 5.2 An Applicant is encouraged to consult the Precinct Commissioner during the development of a Sketch Plan. It is important to note that an individual Precinct Commissioner can only give his or her interpretation of County policy, and an opinion on likely action by the Commissioners Court. Precinct Commissioners, as individuals, do not have the authority to approve or disapprove an Application, in whole or in part; only the Commissioners Court, meeting as a body, may grant approvals, variances, or amendments to these Regulations.
- 5.3 Applicants may submit a Plat Application without submitting a Sketch Plan; however, Applicants are encouraged to take advantage of the Sketch Plan process to identify regulatory issues before committing to the greater expense of developing a Plat Application. Applicants should be aware that county Regulations may be subject to change between the time an Applicant submits a Sketch Plan, and the time a formal Plat Application is submitted.

ARTICLE VI

6. PLAT REQUIREMENTS - FIRST STEPS (PRELIMINARY)

- 6.1 Preapproval of Desired Street Names or Road Numbers. Tex. Loc. Gov't Code Ann. §232.101 authorizes counties to adopt rules governing plats and subdivisions of land within the unincorporated area of the county to promote safety. Accordingly, Applicants who are subdividing property in a manner which creates new roads must obtain preapproval of desired street names through the Medina County 911 ECD. See 2.30.
- 6.1.1 A list of names, including alternates, should be provided to the Medina County 911 ECD early in the platting process. Proposed road names will be rejected if they are the same or sound similar to an existing road in the same or adjoining postal community. Proposed names are limited to no more than eighteen (18) characters. Proposed names cannot conflict with existing road names or names which have been previously reserved for other subdivisions.
- 6.1.2 If utilizing road numbers, Applicants must designate whether the proposed roads will be County Roads (CR) or Private Roads (PR). This issue should be discussed with the appropriate County Commissioner before proceeding.
- 6.1.3 Approved Street Names may be reserved for up to five (5) years from the date of approval. Requests to extend the expiration date (purge date) must be submitted in writing to Medina County 911 ECD prior to expiration.
- 6.1.4 Approved Street Names must appear on the plat and street signs as approved without modification. Any alteration must be reapproved.
- 6.1.5 An approval letter or email from the Medina County 911 ECD must be submitted with the Plat Application certifying that Applicant has complied with (1) all requirements regarding preapproval of street names or road numbers; and (2) the digital map and .pdf file requirements described below.
- 6.2 Digital Map and .pdf file. Submit a digital map of the Subdivision Plat and related infrastructure in a format compatible with other mapping systems used by the County. Digital Maps and .pdf files shall be submitted to the Medina County 911 ECD. See Tex. Loc. Gov't Code Ann. §232.001 (f).
- 6.2.1 The Medina County 911 Emergency Communications District (ECD) currently requires digital files to be submitted in a .dwg (AutoCad) or ESRI compatible shapefile using geodetic reference NAD 83 or NAD 83 HARN projected in State Plane Coordinate System "Texas South Central Zone – 4204". Submitted .dwg files should be in "grid" (not "survey") format. The Medina County 911 ECD also requires you to submit a final .pdf file of the Subdivision.

- 6.2.2 Work with the Medina County 911 ECD to resolve potential conflicts between the proposed Subdivision and Emergency Service Numbers (ESNs), Emergency Service Districts (ESDs), or first responder coverage areas (fire, EMS, and law enforcement).
- 6.2.3 Obtain an approval letter or email from the Medina County 911 ECD for submission with your Plat Application certifying that you have complied with the requirements stated in 6.1 and 6.2 above.
- 6.3 General Information. A proposed Plat shall include the following general information.
 - 6.3.1. Name of the proposed Subdivision, which shall not be the same or deceptively similar to any other Subdivision within the County, unless the Subdivision is an extension of a pre-existing, contiguous Subdivision.
 - 6.3.2 The boundary lines and total acreage of the Original Tract and the Subdivision.
 - 6.3.3 A note or table stating the total number of Lots within the proposed Subdivision and the average size of Lots within each of the following size categories:
 - 10 acres or larger
 - 5 acres and smaller than 10 acres
 - 2 acres and smaller than 5 acres
 - 1 acre and smaller than 2 acres
 - Smaller than 1 acre

Lot sizes should be allocated by construction phases, if applicable. Calculation(s) of average lot size or related quantities should be noted as required to demonstrate compliance with Article IX (Lot and Block Standards).
 - 6.3.4 Approximate acreage and dimensions of each Lot.
 - 6.3.5 The location of any schools or other public use facilities and any proposed parks, squares, common areas, greenbelts, preserves, landscape easements, conservation areas or conservation easements, with identification of the entity proposed to own and maintain each.
 - 6.3.6 Names of adjoining Subdivisions and Owners of tracts contiguous to the proposed Subdivision.
 - 6.3.7 Name and address of the Surveyor and Engineer.

- 6.3.8 Name and address of the Owner, and Developer or Applicant if Applicant is not the Owner.
 - 6.3.9 Area Map showing general location of Subdivision in relation to major roads, towns, cities, rivers, or topographic features.
 - 6.3.10 North arrow, scale, and date. The scale shall not exceed 200' per inch (1" = 200').
 - 6.3.11 Boundary lines and name of any incorporated city and the limit of the extraterritorial jurisdiction of any city.
 - 6.3.12 The location of school district boundaries and a statement clearly indicating in which school district(s) the Subdivision is located. In the event any Lot lies within more than one school district then the plat shall clearly state the number of acres within the Lot that lies within each school district.
- 6.4 Flood Plain and Drainage Information. A proposed plat shall include the following flood plain and drainage information. See Federal Emergency Management Act.
- 6.4.1 Elevation contours at not greater than five-foot (5') intervals, based on NAVD 88' datum and the source of the contour data.
 - 6.4.2 All Special Flood Hazard Areas identified by the most current Flood Insurance Rate Maps published by the Federal Emergency Management Agency.
 - 6.4.3 Base flood elevation data must be generated for all Subdivisions, including manufactured home parks, of 5 acres or 50 lots, whichever is less.
 - 6.4.4 For each lot containing 100-year flood plain, sufficient additional contours to identify and delineate the 100-year flood plain and regulatory floodway, if any. If base flood elevations have not already been established, they shall be established by a method satisfactory to the Floodplain Administrator.
 - 6.4.5 For each Subdivision containing 100-year flood plain, at least one benchmark showing NAVD 88' elevation per 100 acres, as well as latitude and longitude.
 - 6.4.6 A drainage plan depicting the anticipated flow of all drainage onto and from the Subdivision and showing all major topographic features on or adjacent to the property including all water courses, 100-year flood plain boundaries, ravines, bridges, and culverts must be prepared by a Licensed Professional Engineer.

- 6.4.7 The location and size of all proposed drainage structures, including on-site retention or detention ponds and easements and the impact of lot and street layouts on drainage.
 - 6.4.8 General depiction of the boundary lines of the Edwards Aquifer Recharge Zone if affecting the property, and a statement certified by the Surveyor or Engineer under his or her professional seal that, to the best of his or her knowledge, the plat accurately reflects the general location (or absence) of the Edwards Aquifer Recharge Zone.
 - 6.4.9 Depiction of all streams, rivers, ponds, lakes, other surface water features or any Sensitive Features, as defined in 30 Tex. Admin. Code §213.3 (29) (1996) (Tex. Nat. Res. Conservation Comm'n, Edwards Aquifer), and a statement certified by the Surveyor or Engineer under his or her professional seal that, to the best of his or her knowledge, the plat accurately reflects the general location (or absence) of all sensitive features in accordance with the terms of these Regulations.
 - 6.4.10 All Subdivisions, including manufactured home parks, shall have adequate drainage to reduce exposure to flood hazards. Diverting drainage onto neighboring properties is prohibited.
- 6.5 Street and Right-of-Way Information. A proposed plat shall include the following street and right-of-way information.
- 6.5.1 Location, length, and right-of-way widths of all proposed streets, allocated by construction phases, if applicable, and a depiction of how all proposed streets shall connect with previously dedicated streets or platted or planned streets within the vicinity of the Subdivision in accordance with Section 8.3.2 of these Rules regarding street connectivity.
 - 6.5.2 Location, size, and proposed use of all proposed access easements.
 - 6.5.3 A statement indicating whether the Applicant shall seek County maintenance of the roads, approval of a property owners' association for road maintenance, or designation of roads as private roads.
 - 6.5.4 The number of feet of frontage of each Lot onto a Permitted Street, which shall be not less than sixty (60) feet.
 - 6.5.5 A designation of the classification of each road or street to be constructed or, for any existing street abutting the Subdivision, the classification, pavement width, and right-of-way width of the street wherever it is adjacent to the Subdivision.

- 6.5.6 Proposed location of all depth gauges, as required under Article XII, at all road crossings where the 100-year frequency flow or lesser frequency storm event is anticipated to flow over the road surface, and any proposed gates or warning devices. Commissioners Court may require gates or warning devices at such locations.
- 6.6 Water, Wastewater and Utilities Information. A proposed plat shall include the following water, wastewater, and utilities information.
- 6.6.1 Designation of the entities supplying electric, phone, and gas utilities to Lots.
- 6.6.2 In schematic presentation, the location of all proposed public water lines; public sewer lines; utility easements, including water well sanitary easements, if applicable; water storage reservoirs; water or sewage treatment facilities, holding tanks, and pumping facilities; fire protection facilities; and any other infrastructure proposed to serve multiple lots.
- 6.6.3 Designation of the water and sewer utility providers for the Subdivision, if any, and the source of the water intended to serve each Lot within the subdivided area (i.e., surface water from a specified stream or river, groundwater from a specified aquifer, etc.).
- 6.6.4 The author, date and title of the Water Availability Report submitted in support of the Application.
- 6.6.5 Certification that all Lots have been designed in compliance with the Rules of Medina County for On-Site Sewage Facilities, together with all planning and evaluation materials required to determine Lot sizing under the Medina County On-Site Sewage Rules and any request for a variance under the Rules of Medina County for On-Site Sewage Facilities.
- 6.7 Phasing. For a Subdivision which the Applicant proposes to construct in phases, the Plat shall include the following information.
- 6.7.1 The boundaries of the respective phase areas.
- 6.7.2 The projected completion of construction for each phase.
- 6.8 Street Design. A proposed Plat shall satisfy the requirements of Article VIII relating to design of streets and shall contain a written certification from a Licensed Professional Engineer that the location and dimensions of streets are set forth and laid out in accordance with these Regulations.
- 6.9 Drainage. A proposed Plat shall satisfy the requirements of Article XII relating to Drainage Design and Improvements and shall contain a written certification from a

Licensed Professional Engineer stating that the location and approximate sizes of the drainage structure(s) set forth in the Plat are in accordance with these Regulations and the Drainage Design Criteria of the Medina County Environmental Health Group.

- 6.10 On-Site Sewage Facilities (OSSF). A proposed Plat shall satisfy the requirements of the rules of Medina County for OSSF.
- 6.11 Final Considerations. See Article VII for additional (Final) plat requirements.
- 6.12 Construction Activities. An Owner or Developer may not commence any construction or Development activities, except as permitted, or for common infrastructure facilities, until the Commissioners Court has approved a Final Plat Application, and the Plat has been filed for record with the County Clerk.
- 6.13 “NO CONVEYANCE OF LOTS.” Unless the Owner or Developer has executed a bond in accordance with Tex. Loc. Gov’t Code Ann. §232.004, conveyance of Lots shall not be permitted until the Final Plat has been approved by the Medina County Commissioners Court, and the record plat filed with the County Clerk.

ARTICLE VII

7. PLAT REQUIREMENTS - FINAL CONSIDERATIONS. A proposed Plat shall comply with the requirements stated in Article VI and shall also include the following.

7.1 General Information.

- 7.1.1 Bearings and dimensions of the boundary of the Subdivision and all lots, parks, greenbelts, easements, and conservation areas. Dimensions shall be shown to the nearest one-hundredth of a foot (0.01') and bearings shall be shown to the nearest one second of an angle (01"). The length of the radius and arc of all curves, with bearings and distances of all chords, shall be clearly indicated.

7.1.1.1 Description of monumentation used to mark all boundary, lot and block corners, and all points of curvature and tangency on street right-of-way.

7.1.1.2 Location of original survey line. The Subdivision shall be located with respect to an original survey of which it is part.

7.1.1.3 Lot and block numbers of each lot.

7.1.1.4 Acreage of all lots, calculated to the nearest one-hundredth of an acre.

7.1.1.5 Each Subdivision, or unit thereof, shall have two (2) corners on the perimeter identified by coordinates that relate to the State Plane Coordinates. Coordinates shall be reported as NAD 1929 or NAD 1983, shall be South Central Zone, and shall be accurate to two (2) decimal places. Similarly, latitude and longitude shall be reported in degrees, minutes, and seconds, with seconds having an accuracy to two (2) decimal places.

7.1.2 Flood Plain and Drainage Information.

7.1.2.1 For Subdivisions containing 100-year flood plain, benchmarks and finished floor elevations of each lot in accordance with Federal Emergency Management Agency and Medina County Flood Damage Prevention Court Order.

7.1.2.2 For each Subdivision or unit thereof, at least one monument containing latitude and longitude and 1988 NGVD datum coordinates shall be established and identified for each additional 100 acres.

7.1.3 Street and Right-of-Way Information.

7.1.3.1 Total length of all streets, to the nearest one-tenth mile, and a declaration as to which category of streets will be constructed, or private streets maintained by an approved property owners' association.

7.1.3.2 Total area of all rights of way to be dedicated to the public.

7.1.3.3 The items required under Article X regarding county maintained streets and privately maintained streets, as applicable.

7.1.3.4 The following statement shall appear prominently on the Plat:

“In order to promote safe use of roadways and preserve the condition of public roadways, no driveway constructed on any lot within this Subdivision shall be permitted access onto a publicly dedicated roadway unless a Driveway Permit has been issued by the Precinct Commissioner of Medina County or his or her designated representative, or Texas Department of Transportation for driveways entering onto state roads, and the driveway shall be designed and constructed in accordance with the Medina County Road Standards or TX DOT Standards, as applicable.”

7.1.3.5 The minimum driveway culvert size for each Lot shall be determined by the Licensed Professional Engineer or Precinct Commissioner.

7.1.4 Water, Wastewater and Utilities Information.

7.1.4.1 For each Lot not served by a public sewer system, the location of a viable percolation area or surface irrigation area for On-Site Sewage Facilities.

7.1.4.2 For each lot not served by a Public Water System, proposed well site(s), if any, and required sanitary easements for well head protection.

7.1.4.3 The following statement shall appear prominently on the Plat:

“No structure in this Subdivision shall be occupied until connected to a public water system or an individual water system. Due to declining water supply, prospective property owners are cautioned by Medina County to question the seller concerning groundwater availability. Rainwater collection is encouraged and, in some areas, may offer the best renewable water resource.”

7.1.4.4 The following statement shall appear prominently on the Final Plat:

“No structure in this Subdivision shall be occupied until connected to a public sewer system or to an on-site wastewater system that has been approved and permitted by the Medina County Environmental Health Group.”

7.1.5 Construction Activities.

7.1.5.1 The following statement shall appear prominently on the Plat:

“No structure or development within the Subdivision may begin until Final approval of the plat by Medina County Commissioners Court and recording of the approved plat by the County Clerk.”

7.2 Requirements for County Maintained Streets. Approval of a Plat dedicating a road for public use does not constitute acceptance of a road for County maintenance. See plat note requirement at 8.5.1. Prior to the filing of an application for Plat approval, an Applicant seeking to construct streets or drainage improvements that will be accepted by the County for maintenance should discuss this issue with the appropriate Precinct Commissioner, then, if applicable, submit the following:

7.2.1 Construction Plans for all street and drainage improvements within the Subdivision and signage plans for all streets.

7.2.2 A certification under the seal of a Licensed Professional Engineer that the construction plans and pavement designs comply with these Regulations.

7.2.3 The anticipated cost, per linear foot, of each street.

7.2.4 The total estimated construction cost of all of the streets and drainage improvements proposed to be constructed within the Subdivision, as verified by the County Engineer.

- 7.3 Additional Requirements for Streets to be Maintained by a Property Owners' Association. In addition to the requirements of Section 7.2 above, when filing a Plat Application for a Subdivision in which streets are to be maintained by a Property Owners' Association, the Applicant shall submit to the office of the County Judge a copy of covenants creating the property owners' association and providing for assessment and collection of fees from all property owners to provide for maintenance of streets, drainage, and common areas. See plat note requirements at 8.5.1 and 8.6.2, as applicable.
- 7.4 Final Plat. The Applicant shall present a Plat Application meeting the requirements of these Regulations to Commissioners Court for final approval and delivery to the County Judge for execution. The Plat shall contain, or be submitted with, the following:
- 7.4.1 All revisions necessary to comply with any conditions of approval or cited reasons for disapproval given in response to a prior Plat Application regarding the subject property.
- 7.4.2 Any Water Pollution Abatement Plan approved by the Texas Commission on Environmental Quality (TCEQ), if the property lies within the Edwards Aquifer Recharge Zone, or evidence that none is required as of the date of the Final Plat. Commissioners Court may require a letter from TCEQ evidencing that no water pollution abatement plan has been issued or is yet required for the division.
- 7.4.3 All items required in Section 3.2 above, including application fees and tax certifications.
- 7.4.4 By submitting a Plat Application, the Owner acknowledges that he or she is aware of and will comply with all Orders of Medina County regarding construction and development in effect at the time the Subdivision Application was deemed complete, including, but not limited to:
- 7.4.4.1 Order regulating the access of private construction vehicles from construction sites onto publicly maintained roadways, requiring the Owner to take certain steps to limit and clean all mud or other debris carried onto the public roadways by such construction vehicles, and imposing fines for non-compliance.
- 7.4.4.2 Order requiring all construction within County right-of-way including driveways, drainage improvements, and the cutting of any existing roads for installation of utilities to be inspected prior to completion, prohibiting cutting of certain roadways within three (3) years of construction thereof, and imposing fines for non-compliance.

7.4.4.3 Order concerning construction standards for mailboxes installed within the right-of-way of streets and highways, and requiring all such mailboxes to be made of collapsible materials, as defined in the ordinance.

ARTICLE VIII

8. STREET DESIGN AND CONSTRUCTION. Tex. Const. art. XVI, §24, together with Tex. Transp. Code Ann. chs. 251, 258, and 281 authorize County Commissioners to lay out and establish, change, and discontinue public roads and highways, and to exercise general control over all roads, highways, ferries, and bridges in their counties.

REMINDER! Preapproval of desired street names or road numbers must be obtained from Medina County 911 ECD prior to submission of Plat Application. See 6.1.

- 8.1 Permitted Streets. All streets, whether maintained by the County or a property owners' association, shall be constructed in accordance with these Regulations (including the construction standards schedule shown at 8.9 below); and shall be classified as one of the three following types of streets (referred to collectively as "Permitted Streets"):

8.1.1 Publicly dedicated street, paved and to be maintained by the County and constructed pursuant to Section 8.3;

8.1.2 Privately maintained paved street; or

8.1.3 Privately maintained unpaved street.

- 8.2 Dedication to Public. Any dedication to the public shall be accomplished either by deed conveying a fee simple interest or by a dedication on the plat conveying a perpetual right-of-way easement to the county for public use. No dedication shall be effective until the approved Plat is recorded. However, County acceptance for maintenance of street and drainage improvements within dedicated right-of-way requires separate action, evidenced by written acceptance signed by a Designated Agent of the Commissioners Court. Approval of a Subdivision plat dedicating a road for public use does not constitute acceptance of a road for county maintenance.

- 8.3 Design of Public Improvements. All improvements shall be designed and installed so as to provide, to the maximum extent feasible, a logical system of utilities, drainage, and streets, and to permit continuity of improvements to adjacent properties.

8.3.1 Design Criteria and Construction Standards for Streets. The classification and construction standards for all streets shall be determined according to anticipated Average Daily Traffic. Commissioners Court shall promulgate rules for calculating Average Daily Traffic (ADT), provided that all calculations of ADT shall be based on the maximum number of Lots that may be permitted in the Subdivision in accordance with Article IX, unless the number of Lots is limited by approved plat note, in which case ADT shall be calculated based on the maximum number of Lots permitted under such plat note.

8.3.2 Street Connectivity. Consistent with the objective of Sec. 1.5.13 to provide an interconnected network of streets throughout the County, Subdivision planning and design shall provide for reasonable connection of streets to adjoining Subdivisions or undeveloped tracts.

8.3.2.1 When the Medina County Road Plan shows a street within a tract proposed for Subdivision, the street shall be aligned in general conformance with the Road Plan, shall have right of way and pavement width consistent with the Road Plan classification of the street, and shall be continuous within the Subdivision.

8.3.2.2 Where there is a discrepancy between the Road Plan alignment of a street and an existing or platted street within an adjoining tract or Subdivision, the Commissioners Court shall determine which street the subdivider's street shall connect to.

8.3.2.3 Required connection to existing streets.

8.3.2.3.1 For purposes of this article, a street stub is an improved street extended to a dead-end at the boundary of an adjoining unplatted or undeveloped tract. If the length of a street stub is no greater than the depth of the two adjoining Lots and those Lots have access to an intersecting street, a street stub is not required to include a cul-de-sac or other provision for vehicle turnaround. A street stub shall be clearly marked with a "No Outlet" sign placed by the developer in accordance with Medina County Road Standards.

8.3.2.3.2 Where existing street stubs adjoin the boundary of a proposed Subdivision, the Subdivision streets shall connect to those street stubs.

8.3.2.4 Spacing of street extensions to unplatted tracts.

8.3.2.4.1 Where a proposed Subdivision adjoins an unplatted tract, the Subdivision shall provide street stubs to the boundary at intervals appropriate to lot density in accordance with the following table:

Average Lot Frontage of Subdivision Boundary Lots	Maximum Distance Between Street Stubs
Greater than 800 feet	2,640 feet
200 to 800 feet	1,600 feet
Less than 200 feet	1,200 feet

Distance between street stubs shall be measured between their right of way boundaries.

8.3.2.4.2 The Commissioners Court may grant a variance from the street stub spacing requirement of this article where it finds that the extension of a street stub is not practical due to topographic features, drainage features, bridge or culvert requirements, difference in land use or lot widths between adjoining Subdivisions, or other justification presented by the Applicant and cited by the Court.

8.4 Street Boundaries. The fronting boundary lines of all Lots shall be contiguous with the boundary of the adjoining public street right-of-way.

8.5 Privately Maintained Paved Streets. All private streets shall be designed and constructed in accordance with the standards specified in Section 7.2 of the Medina County Road Design and Construction Specifications for paved, publicly dedicated streets. Private streets shall be permitted only within a Subdivision satisfying each of the following criteria:

8.5.1 Approval of a Subdivision plat dedicating a road for public use does not constitute acceptance of a road for county maintenance. The following note shall be conspicuously displayed on the Plat:

“Owner, by filing this Plat of Record, and all future owners of property within this Subdivision, by purchasing such property, acknowledge and agree that Medina County shall have no obligation to repair or accept maintenance of the roads shown on this Subdivision unit, unless Owner or the Property Owners’ Association has improved the roadways to the current standards required by Medina County, and the roads have been accepted for maintenance by formal, written action of the County Commissioners Court,

and the roadway with all required right-of-way, has been dedicated by the Owners thereof, and accepted by the County. Owners of property within this Subdivision shall look solely to the Property Owners' Association for future maintenance and repair of the roads and streets shown on this Subdivision”.

8.5.2 Restrictive covenants establishing a Property Owners' Association shall be filed of record concurrently with the recording of the Final Plat.

8.6 Privately Maintained Unpaved Streets. As an incentive to preserve the rural character of portions of Medina County, a Subdivision in which Average Lot Size is twenty-five (25) acres or larger may use privately maintained unpaved streets. All unpaved streets shall be designed and constructed in accordance with the Medina County Road Design and Construction Specifications. Unpaved streets shall be permitted within a Subdivision only if each of the following criteria are satisfied:

8.6.1 Average Lot size of all Lots with frontage or access onto the street shall be twenty-five (25) acres, and minimum Lot size shall be ten (10) acres.

8.6.2 The following note shall be conspicuously displayed on the plat:

“Owner, by filing this Plat of Record, and all future owners of property within this Subdivision, by purchasing such property, acknowledge and agree that Medina County shall have no obligation whatsoever to repair or accept maintenance of the roads shown on this Subdivision until and unless Owner and/or the Property Owners' Association has improved the roadways to the then current standards required by Medina County and the roads have been accepted for maintenance by formal, written action of the County Commissioners Court and the roadway, with all required right of way, has been dedicated by the owners thereof, and accepted by the County, as a public street. Owner and all future owners of property within this Subdivision shall look solely to the Property Owners Association for future maintenance and repair of the roads and streets shown on this Subdivision.”

8.6.3 Restrictive covenants establishing a Property Owners' Association shall be filed of record concurrently with the recording of the Record Plat.

8.6.4 Restrictive covenants shall be imposed on all Lots with frontage or access onto the unpaved road prohibiting any development regulated by Medina County and the future resubdivision of any tract into Lots smaller than twenty-five acres unless the road is first constructed to the County's standards then in effect for paved roads and accepted for maintenance by the County.

- 8.7 Permit Required for Construction in Right-of-Way. No driveway or utility construction, or any other encroachment into public right-of-way or easements shall be allowed without first obtaining a permit from the County Commissioner or his or her designee.

Access location and design will be evaluated based on safety and traffic operation considerations, such as traffic volumes, posted speed, turning volumes, presence or absence of shoulders, and roadway geometrics. The following driveway spacing criteria are for passenger cars on level grade. These distances may be adjusted for downgrades and/or significant truck traffic. Where present or projected traffic operations indicate specific needs, consideration may be given to intersection sight distance and operational gap acceptance measurement adjustments.

Minimum Driveway Spacing Guidelines	
Posted Speed (mph)	Distance (feet)
≤ 30	200
35	250
40	305
45	360
≥ 50	425

- 8.8 Cul-de-sacs. Cul-de-sacs shall provide a paved turnaround having a slope not greater than six percent (6%) and a minimum radius of 60' in residential areas, with no island in the cul-de-sac. If an island is to be constructed in the cul-de-sac, the minimum radius will be determined by a Licensed Professional Engineer or County Commissioner.
- 8.9 Construction Standards Schedule for Roads, Streets, Bridges, and Drainage Structures. See Tex. Loc. Gov't Code Ann. §232.003.

WIDTH REQUIREMENTS	
Description	Width
Minimum right of way width for main artery, streets, and roads	60 feet
Minimum right of way for other streets and roads	60 feet
Minimum shoulder-to-shoulder width for collectors or main arteries (pavement width)	32 feet
Minimum shoulder-to-shoulder width for other streets and roads (pavement width)	28 feet
Minimum shoulder-to-shoulder width for Subdivision with lots 3 acres or more (pavement width)	26 feet
Minimum right of way width for cul-de-sacs	150 feet
Minimum pavement width for cul-de-sacs	120 feet
Minimum width for bridges, culverts, and slabs (face of rail to face of rail)	30 feet

Any time a subdivider is to construct public or private roads, the roads must be paved unless all of the lots in the Subdivision are twenty-five (25) acres or more and no res-subdividing of lots into less than twenty-five acres is allowed. See 8.6.

Roadway Preparation

Road and street right of ways shall be cleared of all trees, boulders, stumps and other such obstructions to traffic. Also, the roadbed shall be free of holes, ruts, depressions, and plant matter. Further, the roadbed shall be shaped, moistened, compacted, and fully prepared for the roadbed treatment.

Subgrade

Soil types vary greatly within very short distances. In some Medina County locations, subgrade materials are in place naturally and therefore, not required. In other areas, sandy soils for example, a subgrade is essential to quality road construction. Therefore, the decision regarding subgrade requirements has been delegated to the County Commissioner.

When required, the subgrade material shall be of such a quality to “set up” with proper watering and compaction tested to 95%. Throughout the applicable shoulder-to-shoulder width, the subgrade depth shall be a minimum of 6 inches deep, after compaction.

Flexible Base Material and Preparation for Applying Pavement

Crushed base shall be mandatory. It shall not have a liquid limit of greater than forty (40) or plasticity index of greater than twelve percent (12%). Upon completion, crushed base shall be compaction tested to ninety-five percent (95%).

Once the sub-base and base material is approved by the Commissioner, flexible base material will be applied throughout the shoulder-to-shoulder width plus two (2) feet to a minimum depth of ten (10) inches, after compaction.

All irregularities, depressions or weak spots which develop shall be corrected immediately by scarifying the areas affected, adding suitable material as required, then reshaping and recompacting.

The road or street will be crowned to permit proper drainage. Bar ditches will be located near the right-of way- perimeter to permit runoff water to be carried to the nearest natural drainage channel.

A tack coat is required and shall consist of water and emulsion (MS-1, EA 11M or a suitable substitute). The tack coat shall be applied at a rate of no less than three hundred (300) gallons of emulsion (mixed with an appropriate amount of water) to one mile of roadway surface. The tack coat shall be applied within twenty-four (24) hours of the hard surface treatment.

Paving Requirements

Once the base has been properly compacted and compaction tested, the tack coat is applied, and the street approved by the Court's representative, paving may be completed. A 'double asphalt surface treatment' is required. The rate of application for MC-A, HVRS, CRS2 or HFRS2 emulsion for two (2) coats is .60 gallons per square yard minimum. Crushed rock will be applied at the rate of one (1) second course; the rate is one (1) cubic yard for one hundred square yards. Rolling is required to achieve a uniform embedment and the contractor shall broom off loose aggregate before the street receives final approval. If bleeding occurs, the contractor shall apply sand to the finished surface for whatever period is required to absorb the excess asphalt. Should a plant mix be used for paving, it shall be compacted to a minimum depth of one and one-half (1 ½) inch.

Drainage, Minimum Grades, Retards and Headwalls

Steep grades in excess of twelve (12) percent will not be allowed. Permanent drainage structures to include slabs, culverts and bridges shall be installed where prescribed by the Court's representative. When culverts are required, headwalls to prevent erosion of base materials shall be constructed substantially in accordance with the example shown below.

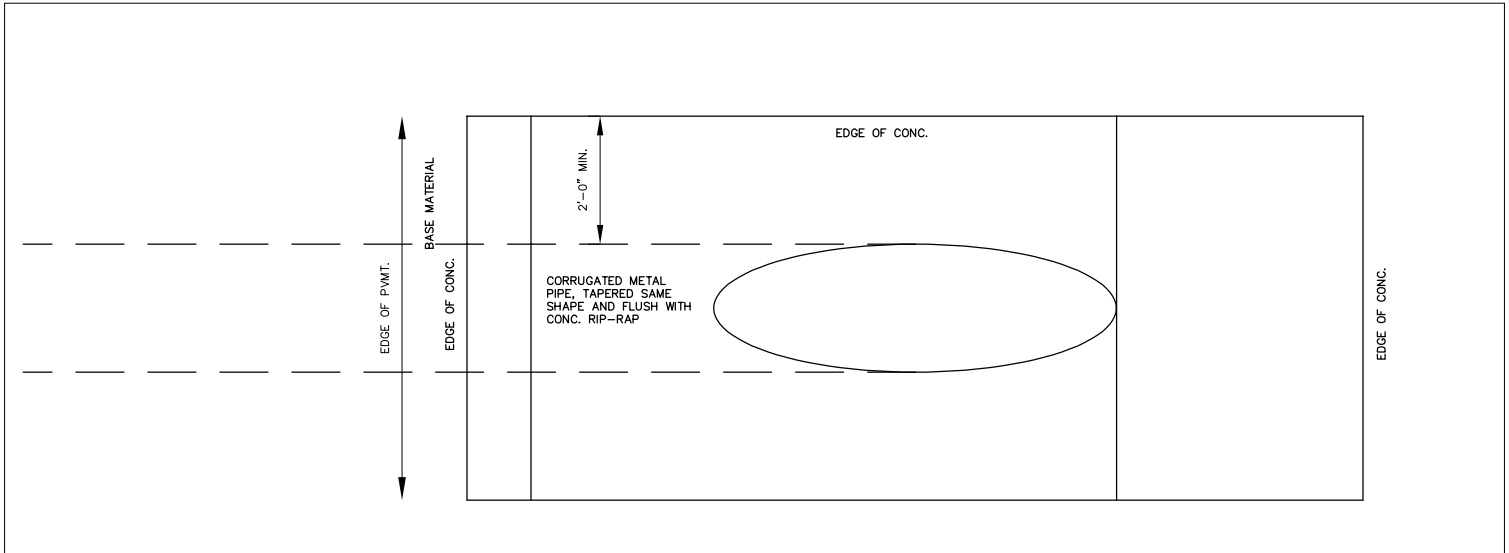
Road/Street Signage

Road/Street signs shall have white letters on green background for county roads and white letters on red background for private roads.

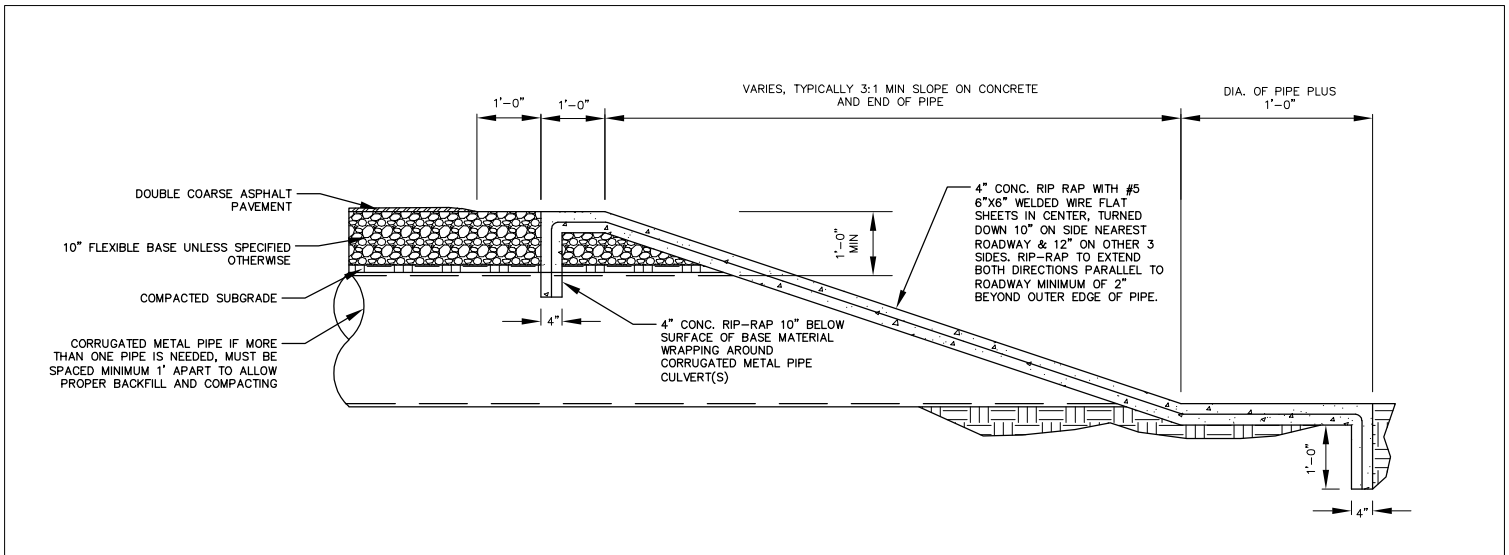
Any signage authorized prior to approval of these Rules are grandfathered.

Unacceptable Items. The following conditions are not acceptable:

- 1) Unusual angles in roadways. Should sharp angles be necessary, "cutbacks" must be provided to enable proper turn. In addition, cutback asphalt must be provided at all intersections. Generally, no more than twenty (20) feet is required to permit smooth traffic flow.
- 2) Public parks, islands and other unused space, unless Commissioners Court gives express consent.
- 3) Utility lines, unless buried no less than twenty (20) feet from the road centerline and at a depth of not less than forty-eight (48) inches lower than the road centerline.



1 TYPICAL DRAINAGE CULVERT – PLAN VIEW
 SCALE: 1" = 3'



2 TYPICAL DRAINAGE CULVERT – PROFILE
 SCALE: 1" = 3'

ARTICLE IX

9. LOT AND BLOCK STANDARDS.

- 9.1 Blocks. Reserved. (However, see Section 8.3.2, Street Connectivity, as it can affect street and block layout.)
- 9.2 Building Line or Setback Line. Building and setback lines shall be fifty feet (50’) from the edge of the right-of-way on all state and federal roads, and twenty-five feet (25’) on all other roads. Building and setback lines shall be shown on both the preliminary and final plats. If the above setback lines differ from those adopted by a municipality with extraterritorial jurisdiction, the setbacks of the municipality shall apply. See Tex. Loc. Gov’t Code Ann. §233.031.
- 9.3 OSSF Rules. The area of each Lot must comply with the Medina County Rules for On-Site Sewage Facilities.
- 9.4 Edwards Aquifer Recharge Zone. As defined in 30 Tex. Admin. Code §213.3 (1996) (Tex. Nat. Res. Conservation Comm’n, Edwards Aquifer). The recharge zone is a 1,250 square mile area where highly faulted and fractured Edwards limestones outcrop at the land surface, allowing large quantities of water to flow into the Edwards Aquifer. Medina County property located within the aquifer’s recharge zone, contributing zone (drainage or catchment area), and/or the artesian zone (overlying the Edwards limestone) are subject to both the rules of the Edwards Aquifer Authority (EAA) and these Regulations. In the event of any overlap or conflict between the EAA rules and the Medina County Regulations, the most restrictive shall apply. The Edwards Aquifer is an important and ecologically sensitive resource for the entire region. See also 2.18.
- 9.5 Minimum Average Lot Size. The average Lot size (area) of each Subdivision shall be not less than the minimum average stated in the following tables, based on the geological zone in which the Subdivision is located and whether a public water system and/or collective sewer service are provided to every Lot. See additional rules for lots in this Article.

Minimum Average Lot Size Not Within the Recharge or Contributing Zones of the Edwards Aquifer	
Category	Minimum Average Lot Area
Without public water and public sewer	3 acres
With either public water or public sewer	1 acre
With public water and public sewer	30,000 square feet
High Density	See Section 9.6

Minimum Average Lot Size Within the Recharge or Contributing Zones of the Edwards Aquifer	
Category	Minimum Average Lot Area
Without public water and public sewer	5 acres
With either public water or public sewer	2 acres
With public water and public sewer	1 acre
High Density	See Section 9.6

9.5.1 Calculation of Average. Average Lot Area shall be calculated as:

Average Lot Area Calculation
<u>Area of all Lots in Plat + Net Conservation Area</u> Number of Lots in Plat

“Area of all Lots in Plat” shall exclude Conservation Areas and the right of-way of public streets and private streets.

“Net Conservation Area” shall not exceed “Area of all Lots in plat.” However, apart from Calculation of Average, these Rules impose no limit on the extent of Conservation Areas that may be created in a Subdivision.

“Number of Lots in Plat” shall not include any Lot which is restricted to use as a Conservation Area per Section 9.5.3.

See illustrations at 9.16.

No Lot in any Subdivision unit submitted for approval shall be less than eighty percent (80%) of the requisite “minimum average lot area” for the Subdivision unit. No more than twenty percent (20%) of Subdivision Lots shall be less than the minimum Lot Area. For example, if a proposed Subdivision has 100 Lots, no more than 20 Lots may be smaller than the minimum average lot area. If the minimum average lot area is one (1) acre, no Lot shall be less than eight tenths (.8) of an acre.

9.5.2 Incentive to Create Conservation Areas. To encourage the protection of water quality, the reduction of water demand, and the preservation of open space, Medina County allows the calculation of minimum Lot size to include a percentage of the land area that the developers set aside for conservation areas identified in Section 9.5.3.

9.5.3 Net Conservation Area. Only the net area of a Conservation Area shall be included in the calculation of Average Lot Area. Net Conservation Area shall be determined by multiplying the acres within each type of Conservation Area by the corresponding percentage in the following table:

Type of Conservation Area	Net Conservation Area
100-year Floodplain	25%
Stream Corridor	50%
Critical Environmental Feature Setback (Edwards and Trinity outcrops only)	100%
Open Space / Conservation Easement / Private Park	50%
Public Park	20%

9.6 High Density Development-Townhouse/Condominium/Apartment Subdivision. High Density Development Subdivisions shall be approved only when both a state approved central water system and a county and state approved sewage disposal system will be available to each Lot and such residential development does not overly burden existing and proposed streets and other public facilities. Such use Subdivisions shall comply with the following regulations and all other County Subdivision Regulations not in conflict with this section.

High Density Developments (except apartments) contemplated by these Regulations will generally have certain characteristics which distinguish them from general or traditional single home residential lot Subdivisions. Among such characteristics are the following:

- 1) Shared Ownership such as driveways, parking areas, common grounds, recreational areas, and the like.
- 2) Shared Amenities such as maintenance, storage facilities, management, services, memberships, and the like.
- 3) Shared Governance such as property owners’ association, rules and regulations, maintenance agreements and fees, and the like.

While not every High Density Development (Town House / Condominium) will necessarily contain all of the foregoing characteristics, application for approval as a High Density Development will be reviewed with these criteria as a guide.

Property owners’ association rules, maintenance agreements, deed restrictions, or the like, governing such High Density Developments, shall be submitted for review by Commissioners Court prior to final approval of such Subdivision Plat.

NO CONSTRUCTION WORK SHALL BEGIN ON THE PROPOSED SUBDIVISION UNTIL PLAT APPROVAL BY COMMISSIONERS COURT.

9.6.1 Townhouse Subdivisions.

- a. Only one single-family residential townhouse shall be constructed on each Lot in a townhouse Subdivision.
- b. Front building setback lines shall be a minimum of twenty (20) feet.
- c. Side setback line is not required for interior lots. Corner lots shall have a minimum of fifteen (15) foot side setback adjacent to the street.
- d. Rear minimum building setback line shall be a minimum of ten (10) feet.
- e. Width of lot. Interior lots shall have a minimum width of twenty-five (25) feet. Corner lots shall have a minimum width of thirty-five (35) feet.
- f. Lot area shall have a minimum of 2,500 square feet with organized public water and sewer.
- g. Without organized public water and sewer, Lot area shall have a minimum of 21,780 square feet.
- h. Off Street Parking. There shall be at least two (2) off-street parking spaces for each 1,250 square foot Lot.

9.6.2 Condominiums.

- a. Condominiums shall be treated as a high density development and shall meet all requirements for platting (to include boundaries and building locations, drainage, and utility easements).
- b. Condominiums shall be approved over non-Edwards Aquifer Recharge Zone areas only when both state approved central water system and a county and state approved sewage disposal system is available and does not overly burden existing and proposed streets and other public facilities.
- c. Only one condominium regime shall be established per Lot or tract as recorded by the master deed and declaration (dedicatory instrument) as found in the official public records of Medina County.

9.6.3 Apartments.

- a. Apartments shall be treated as a high density development and shall meet all requirements for platting (to include boundaries and building locations, drainage, and utility easements).
- b. Apartments shall be approved over non-Edwards Aquifer Recharge Zone areas only when both state approved central water system and a county and state approved sewage disposal system is available and does not overly burden existing and proposed streets and other public facilities.
- c. There shall be no more than twenty (20) apartment units per acre with organized public water and public sewer.
- d. Only one apartment project shall be established per Lot or tract.

9.6.4 Garden Homes / Lock and Leave Subdivisions.

- a. Only one single-family residential Garden Home shall be constructed on each Lot.
- b. There shall be a minimum five foot (5') setback on each side of the Lot.
- c. Easements. The easements shall be appurtenant to the adjoining Lot but not exclusive and only for the purpose of maintaining the common wall that is built directly on the property line of the adjacent Lot.
- d. Corner Lots shall provide a minimum building setback line of ten feet (10') on the side adjacent to the street.
- e. The minimum width of the Lots shall be fifty feet (50').
- f. Lots shall not be less than six thousand (6,000) square feet.
- g. All homes shall be one hundred percent (100%) masonry (not to include Hardie® Plank or similar material) or with twenty-five percent (25%) Hardie® Plank on the back side of home only.
- h. A minimum of two (2) off-street parking spaces shall be provided for each Garden Home / Lock and Leave.

- i. Only private roads will be accepted and maintained by Property Owners' Association (POA), Public Improvement District (PID), or similar entities.
- j. Lot size averaging will not be allowed.
- k. Garden Home Subdivisions may not consist of more than twenty percent (20%) two-story structures.

9.7 Conservation Areas.

- 9.7.1 Designated and Restricted. The boundary and type of each Conservation Area shall be shown on the plat. Plat notes and covenants, as acceptable to the Commissioners Court, shall state the purpose and use restrictions for each Conservation Area.
- 9.7.2 Conservation Areas shall not overlap. No land area may be included in more than one Conservation Area. Each Conservation Area should comprise a Lot whose use is restricted by plat note or restrictive covenant. Accordingly, no Conservation Area, except a critical environmental feature setback, shall be included in the calculation of Net Conservation Area if it is within a Lot that is not designated and restricted as a Conservation Area.
- 9.7.3 Ownership. Conservation Areas, other than critical environmental feature setbacks, shall be conveyed in fee to a property owners' association concurrently with the recording of the plat, except that the Commissioners Court may approve another entity as grantee to own and manage a Conservation Area in accordance with the objective of the Conservation Area.
- 9.7.4 County Acceptance of Parks. Park land may be dedicated by the plat to the County at the sole discretion of the Commissioners Court. In exercising its discretion, the Court may consider factors such as: a Medina County parks and open space plan; projected population in the region; whether the land is contiguous to other dedicated park or open space; the topographic and vegetative features of the land; whether the land contains critical environmental features; the nature and extent of any improvements proposed by the subdivider; and costs and provisions for maintenance of park land and improvements.
- 9.7.5 Environmental Feature Setbacks. A critical environmental feature setback Conservation Area may be created in any Subdivision but may be included in average lot area calculation only if located within the Edwards Aquifer Recharge Zone or the Trinity Outcrop. A critical environmental feature setback Conservation Area shall consist of a minimum twenty-five foot

(25') setback for construction or soil disturbance. A critical environmental feature lying outside of a 100-year floodplain shall be protected by an earthen berm to divert runoff around the feature. A critical environmental feature shall be any Sensitive Feature as currently defined in 30 Tex. Admin. Code §213.3 (1996) (Tex. Nat. Res. Conservation Comm'n, Edwards Aquifer).

9.8 Geological Assessment. Per TCEQ rules, for any proposed Subdivision within the Edwards Aquifer Recharge Zone or the Trinity Outcrop, the Applicant shall provide a Geological Assessment of the area within a plat, prepared by a qualified expert, to identify critical environmental features. The Commissioners Court may waive this requirement if: (a) the plat creates stream corridor Conservation Areas along all classified streams (see Sec. 9.9); or (b) in a Subdivision containing no 100-year floodplain, the Commissioners Court finds that, consistent with available data, the Subdivision contains no critical environmental feature. For purposes of this section, the 100-year floodplain shall be determined from the current Flood Insurance Rate Map (FEMA). See 30 Tex. Admin. Code ch. 213 (Tex. Nat. Res. Conservation Comm'n, Edwards Aquifer).

9.9 Classified Streams. All natural or built watercourses or impoundments shall be classified as minor, intermediate, or major based upon the land area that drains to the stream segment (drainage area), in accordance with the table in Sec. 9.10.

9.10 Stream Corridor Conservation Areas. Stream Corridor Conservation Areas may be created along classified streams and, in order to be included in average Lot area calculation, shall consist of setbacks from stream centerline for all construction and soil disturbance within the 100-year floodplain or within the distance corresponding to the stream classification in the following table, whichever is greater:

Stream Classification	Drainage Area	Stream Corridor Setback
Minor	64 – 319 Acres	50 feet
Intermediate	320 – 640 Acres	100 feet
Major	Over 640 Acres	200 feet
Drainage area measurements shall be based on the USGS 7.5-minute quadrangle map.		

9.11 Geological Zone Boundaries. The boundaries of the geological zones shall be the boundaries depicted on the most recent edition of the “Major Aquifers of Texas” map produced by the Texas Water Development Board. See Appendix E.

9.12 Boundary Clarification. In case of dispute about which geological zone a Subdivision or portion of a Subdivision lies in, the higher minimum average Lot size shall apply to the Subdivision; provided, however, that an Applicant may present a geological assessment prepared by a qualified expert to establish more precisely the geological zone boundary. If the Commissioners Court finds such geological assessment acceptable, the minimum average Lot size may be calculated

separately for the portion of the Subdivision within each respective zone. Any Lot lying partially within two zones shall be included in the average lot size calculation for the zone containing the largest portion of that Lot.

- 9.13 Rainwater Catchment Incentive. In a Subdivision in which all Lots are restricted by plat note and restrictive covenant to water supply furnished solely by rainwater catchment (drilling of wells and connection to a public water supply system being prohibited), minimum average Lot area shall be seventy percent (70%) of the minimum otherwise stated under these Regulations applicable to the geological zone in Sec. 9.5. An Applicant may designate sections or phases of a Subdivision for the Rainwater Catchment Incentive rather than the entire Subdivision.
- 9.14 Flag Lots. Flag lots shall generally not be permitted, except if approved by Commissioners Court as consistent with the intent and spirit of these Regulations. The Commissioner shall advise Commissioners Court if a proposed Lot constitutes a “Flag Lot,” and Commissioners Court, acting as a body, shall, in reviewing all the circumstances, make the final determination. In no event shall any private Lot extend into a dedicated public roadway.
- 9.15 Slope. Each residential Lot should include a practical building area having at least 3,000 square feet, exclusive of the area required for on-site sewage facilities.
- 9.16 Average Lot Size Calculation Examples. As shown below.

Average Lot Size Calculation – Examples

$$\text{Average Lot Area} = \frac{\text{Area in Lots} + \text{Net Conservation Area}}{\text{Number of Lots}}$$

If No Conservation Area

100 acres / 50 Lots

$$\frac{100 \text{ acres} + 0}{50 \text{ Lots}} = \frac{100}{50} = 2 \text{ Acre Average}$$

If Conservation Area at 40% Net

Then Net Consv'n Area =

$$20 \text{ ac.} \times 40\% = 8 \text{ acres}$$

80 acres / 44 Lots	20 ac Consv'n Area
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$$\frac{80 \text{ ac} + 8 \text{ ac}}{44 \text{ Lots}} = \frac{88}{44} = 2 \text{ Acre Average}$$

$$40 \text{ ac.} \times 40\% = 16 \text{ acres}$$

60 acres / 38 Lots	40 acre Consv'n Area
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$$\frac{60 \text{ ac} + 16 \text{ ac}}{38 \text{ Lots}} = \frac{76}{38} = 2 \text{ Acre Average}$$

If Conservation Area at 25% Net

Then Net Consv'n Area =

$$20 \text{ ac.} \times 25\% = 5 \text{ acres}$$

80 acres / 42 Lots	20 ac Consv'n Area
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$$\frac{80 \text{ ac} + 5 \text{ ac}}{42 \text{ Lots}} = \frac{85}{42} = 2 \text{ Acre Average}$$

$$40 \text{ ac.} \times 25\% = 10 \text{ acres}$$

60 acres / 35 Lots	40 acre Consv'n Area
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$$\frac{60 \text{ ac} + 10 \text{ ac}}{35 \text{ Lots}} = \frac{70}{35} = 2 \text{ Acre Average}$$

NOTES:

1. Net Conservation Area = Total Acres in Conservation Area X Percent assigned to that type of Area in Sec. 9.3.
 2. Street right-of-way (ROW) area is ignored for simplification of these examples; that is, "Area in Lots" includes ROW here.
- Average Lot Size calculation on plat exhibits shall deduct ROW from Area in Lots.

ARTICLE X

10. ACCEPTANCE OF ROAD MAINTENANCE AND DEVELOPMENT PERMITS.

10.1 Owner's Maintenance Responsibility. The Owner shall remain responsible for all maintenance and repair of streets within a Subdivision until Commissioners Court, by formal written action or Minute Order, accepts the obligation to maintain and repair such roads. The decision by Commissioners Court to approve a Final Plat or dedication of the right-of-way for a street shall not be deemed to constitute acceptance of the streets for maintenance.

10.2 County Acceptance of Maintenance. The county may accept a road or street for maintenance when the following conditions have been satisfied:

10.2.1 The street has been constructed as a Public Permitted Street in accordance with these Regulations, the Final Plat for the road or street has been recorded, and the associated right-of-way has been dedicated to the public pursuant to these Regulations; and

10.2.2 The Owner has submitted a written request to Commissioners Court. If the Owner is no longer available, i.e., has ceased to transact any business, or in the case of an individual, has died, any person owning property with frontage or access onto the street may submit the written request; and

10.2.3 The County Commissioner has performed and approved all required inspections at the completion of each phase of construction of the street, including plasticity index; sub-base and base; tests for compacted density; depth of base; and distribution of asphalt. It is the responsibility of the developer to coordinate all inspections and laboratory tests with the County Commissioner and to not proceed with construction until proper inspections and tests have been obtained, as required by the County Commissioner. Any laboratory tests and test holes shall be at the expense of the developer. In no event will any base be placed on the street until the subgrade has been approved in writing by the County Commissioner; and

10.2.4 The County Commissioner has inspected the street no earlier than thirty (30) days prior to Commissioners Court acceptance of the maintenance obligation and has submitted to Commissioners Court an Inspection Report stating that:

10.2.4.1 The street, in its current condition and with no repairs, upgrades or improvements, complies with the Regulations and all other guidelines in effect at the time of the inspection; and

10.2.4.2 The requirements of Section 10.4 below, regarding construction of drainage structures and driveway drainpipes, have been satisfied; and

10.2.4.3 The County Commissioner recommends acceptance of the street by Commissioners Court; and

10.2.5 One of the following has occurred:

10.2.5.1 The Owner has posted with the office of the County Judge cash, Maintenance Bond, or a letter of credit in a form approved by Commissioners Court to ensure that any defects in newly constructed public improvements will have a funding source other than County tax dollars to repair such deficiencies. A two (2) year Maintenance Bond in an amount equal to one hundred percent (100%) of the Performance Bond must be submitted to the County upon completion and acceptance of all public improvements as determined by and to the satisfaction of the County. The Maintenance Bond shall include the maintenance of all public improvements, such as road construction, drainage facilities, and related vegetative cover within the right-of-way. The Maintenance Bond must be executed by a company authorized to do business as a surety in the State of Texas and with sureties as may be approved by the Commissioners Court. The Maintenance Bond will remain in effect until released by a Court Order of the Commissioners Court. Before release of the Maintenance Bond or Letter of Credit, the County Commissioner shall again inspect the roads or streets, and the Owner shall remedy all deficiencies prior to release of the Maintenance Bond or Letter of Credit. If the deficiencies are not promptly remedied, the County shall make the repairs and draw on the Maintenance Bond or Letter of Credit for payment.

10.2.6 County Acceptance of Streets Constructed as Private Streets. The Commissioners Court shall not accept for County maintenance any street constructed as a private street unless the street and associated drainage improvements are upgraded as necessary to comply with current standards of these Regulations.

10.2.6.1 Right-of-way. If the street right of way is not dedicated to public use by a plat of record or deed instrument(s) satisfactory to the Commissioners Court, the Commissioners Court may require that the owner(s) petitioning for County acceptance execute a right of way deed(s) to the County. Petitioners should coordinate with the County Commissioner to ensure that right of way is sufficient for any modification, reconstruction or realignment of

street or drainage improvements required for the improvements to conform to these Regulations.

10.2.6.2 **Design, Testing, and Inspections.** Petitioners shall coordinate with the County Commissioner regarding the nature and extent of reconstruction, repair, upgrade, modification or realignment of existing street and drainage improvements necessary to bring them into conformance with these Regulations. The Commissioner may require such testing and inspection of existing improvements as the Commissioner deems necessary, and may require that construction plans for necessary modifications be prepared by a Licensed Professional Engineer at petitioners' expense.

10.2.6.3 **Procedure.** The procedures and requirements of Sections 10.2.2 through 10.2.5 shall apply; provided, however, if any of the requirements of 10.2.2 through 10.2.5 conflict with the requirements of this Section, Section 10.2.6 shall govern and control.

10.3 **Installation of Utility Lines.** All utility lines planned to be constructed under paved streets shall be installed before the street is paved. All utility lines installed under an existing paved street shall be bored to a point at least four (4) feet beyond the pavement and must be approved in advance by the County Commissioner, unless otherwise approved by Commissioners Court.

10.4 **Construction of Roads Prior to Final Plat.** Upon approval of a Preliminary Plat, an Owner may apply to the County Commissioner to commence construction of roads, streets, utilities, and drainage structures within the right-of-way. This application will be granted upon the County Commissioner's review and approval of the Construction Plans, and other materials required in Article VI, as applicable. An Owner wishing to construct roads, streets, or other improvements prior to the recording of a Record Plat, shall be required to post a Performance Bond or Financial Guarantee in the amount of 100% of construction costs to ensure the required infrastructure is timely built per County specifications. See Tex. Loc. Gov't Code Ann. §§ 232.004, 232.0045. See Section 3.2.5.6.

ARTICLE XI

11. WATER AND WASTEWATER SYSTEMS.

11.1 Water.

11.1.1 Design and Construction. Public water supply systems shall be designed and constructed in accordance with the rules of the TCEQ. See also Section 11.7, Fire Protection.

11.2 Wastewater.

11.2.1 Design and Construction. Wastewater collection systems shall be designed and constructed in accordance with the rules of the TCEQ, 30 Tex. Admin. Code, ch. 285 relating to On-Site Sewage Facilities.

11.2.2 Compliance with On-Site Sewage Rules. All Lots must be designed in compliance with the Rules of Medina County for On-Site Sewage Facilities.

11.2.3 Minimum lot sizes:

(a) with public water **outside** the Edwards Aquifer Recharge Zone = one-half (1/2) acre (21,780 square feet); and

(b) with public water **inside** the Edwards Aquifer Recharge Zone = one (1) acre (43,560 square feet).

11.3 Water Availability.

11.3.1 The following statement shall be included on all plats: "The Medina County Commissioners Court makes no representation or warranty, either express or implied, that Subdivisions that comply with these water availability regulations will meet the current and/or future water needs of purchasers of property within the Subdivision."

11.3.2 Applicability. These Water Availability Regulations apply to all applications for approval of a plat for a Subdivision wholly or partially within Medina County, Texas, pursuant to the Medina County Subdivision Rules, except as exempted hereafter.

11.3.3 Exceptions to Water Availability Regulations.

11.3.3.1 Subdivision of property where platting is not required by the Medina County Subdivision Rules and Regulations; or

11.3.3.2 Subdivision of property in which all Lots are 25 acres or greater.

11.3.4 Water Availability data shall be presented to the Commissioners Court upon submission of a Plat Application. Medina County shall have the Water Availability data reviewed by a qualified expert on behalf of Medina County.

11.4 Requirements for Subdivisions to Be Served by Private Water Wells. Plat Applications involving a proposed Subdivision whose water supply will be private water wells shall include Water Availability data derived from a minimum of two wells (one test well and one monitor well). There shall be one (1) set of test-monitor wells per 100 acres. The use of existing wells is permitted if the existing well complies with these Regulations.

11.4.1 The following Water Availability data is required:

11.4.1.1 Map of the proposed Subdivision prepared by a qualified expert identifying:

- a. Geological formations;
- b. Location of test and monitor wells by longitude and latitude; and
- c. Available data on wells within 1,000 feet of the boundaries of the proposed Subdivision (including well depth, depth to water yield and estimated yield). Subject wells may be identified in the files of the Texas Water Development Board, TCEQ, or sources otherwise known to the qualified expert.

11.4.1.2 The static water level to the nearest 0.1 foot, equated to the mean sea level elevation.

11.4.1.3 Data derived from an aquifer pump test utilizing proven methods recommended by the Texas Water Development Board or TCEQ for the karst aquifer systems of the Texas Hill Country. The pump test shall be supervised by a qualified expert and shall be performed prior to any acidization or other flow capacity treatment of the well. The duration of the pump test shall be 24 consecutive hours or until the water level has stabilized (less than 0.1 foot fluctuation) in the test well for a period exceeding two hours.

11.4.1.4 Statement by a qualified expert, based on the pump test:

- a. Estimated yield of wells proposed for the Subdivision; and

- b. Determination of transmissivity of the water-bearing formation or strata from which the groundwater will be withdrawn.

11.4.1.5 Per Tex. Loc. Gov't Code Ann. §232.0032, certification by a registered professional engineer that an adequate supply of water of sufficient quantity and quality exists to supply the Subdivision at full build-out based on number of connections, using the formula for minimum gallons per year to be supplied to the Subdivision:

$$\text{Minimum gallons per year} = \text{Number of connections} \times 3.5 \times 100 \times 365 \text{ days.}$$

11.4.2 The following statement shall appear on the Final Plat for the approved Subdivision: "This Subdivision will be served by individual, privately-owned groundwater wells. Information on the available supply of groundwater and its quality is available to prospective purchasers of Lots in this Subdivision in the office of the County Clerk of Medina County, Texas."

11.4.3 For any existing or proposed private water well subject to permitting or pumping restrictions by a governmental Subdivision, the Applicant shall submit proof that pumping of groundwater at the specified rate complies with applicable regulations and/or permits.

11.5 Requirements for Subdivisions to be Served by a Proposed New Public Water Supply System.

11.5.1 Plat Applications involving a Subdivision whose water supply will be a proposed new Public Water Supply System relying wholly or partially on groundwater or surface water shall include water availability data for those sources.

11.5.2 For groundwater sources, this water availability data shall be derived from a minimum of two wells (one test well and one monitor well). There shall be one (1) set of test monitor wells per 100 acres. The use of existing wells is permitted if the existing well complies with these Regulations. Groundwater Availability Data shall include:

- 11.5.2.1 Map of the proposed Subdivision prepared by a qualified expert identifying:
 - a. geological formations;

- b. location of test and monitor wells by longitude and latitude; and
- c. available data on wells within 1,000 feet of the boundaries of the proposed Subdivision (including well depth, depth to water yield and estimated yield). Subject wells may be identified in the files of the Texas Water Development Board, TCEQ, or sources otherwise known to the qualified expert.

11.5.2.2 The static water level to the nearest 0.1-foot, equated to the mean sea level elevation.

11.5.2.3 Data derived from an aquifer pump test utilizing proven methods recommended by the Texas Water Development Board or TCEQ for the karst aquifer systems of the Texas Hill Country. The pump test shall be supervised by a qualified expert and shall be performed prior to any acidization or other flow capacity treatment of the well. The duration of the pump test shall be 24 consecutive hours or until the water level has stabilized (less than 0.1 foot fluctuation) in the test well for a period exceeding two hours.

11.5.2.4 Statement by a qualified expert, based on the pump test:

11.5.2.4.1 estimated yield of wells proposed for the Subdivision; and

11.5.2.4.2 determination of transmissivity of the water-bearing formation or strata from which the groundwater will be withdrawn;

11.5.3 For surface water sources, water availability data shall include:

11.5.3.1 Identification of the source(s) of surface water (name of stream or impoundment) and proof that withdrawal or diversion of surface water complies with state and federal laws.

11.5.3.2 Identification of any wholesale water provider to the system, the date of wholesale water supply contract(s), and the maximum quantity of water per year that is committed by the wholesale supplier to the public water supply system.

11.5.3.3 A description of interconnection(s) with other public water supply system(s) and the terms under which water will be provided by either system to the other.

11.5.3.4 For a proposed new public water supply system, certification by a qualified expert that an adequate supply of water of sufficient quantity and quality to supply the Subdivision at full build-out, based on number of connections, in accordance with TCEQ utility regulations at 30 Tex. Admin. Code, ch. 291.

11.5.4 The following statement shall appear on the Final Plat for an approved Subdivision: *“This Subdivision will be served by [Name of New Public Water Supply System, and mailing address]. Information on the [Name of New Public Water Supply System] is available to prospective purchasers of lots in this Subdivision in the office of the County Clerk of Medina County, Texas.”*

11.6 Requirements for Subdivisions to be Served by an Existing Public Water Supply System. Plat Applications for Subdivisions whose water supply will be an existing Public Water Supply System relying wholly or partially on groundwater or surface water shall include certification in writing by the president or general manager of the public water supply system of the following:

11.6.1 General System Information.

11.6.1.1 Name, address, phone number, authorized agent, and TCEQ facility number.

11.6.1.2 Map of the service area of the Public Water Supply System, showing the location of the proposed Subdivision.

11.6.1.3 Certification that an adequate supply of water of sufficient quantity and quality exists to supply the Subdivision at full build-out, based on number of connections, in accordance with TCEQ utility regulations at 30 Tex. Admin. Code, ch. 291.

11.6.1.4 The following statement shall appear on the final plat for an approved Subdivision: *“This Subdivision will be served by [Name and address of Public Water Supply System]. Information on the [Name of Public Water Supply System] is available to prospective purchasers of lots in this Subdivision in the office of the County Clerk of Medina County, Texas and be stated in the deed restrictions.”*

11.7 Fire Protection.

11.7.1 In any Subdivision containing fifteen (15) or more Lots that are not served by a public water supply system meeting the current Insurance Services Office (ISO) Fire Suppression Rating Schedule standards adopted by the

Office of the State Fire Marshall, the developer shall provide firefighting facilities. For purposes of these Regulations, firefighting facilities are defined as water storage facilities for firefighting.

- 11.7.1.1 Each firefighting facility shall provide a minimum of 30,000 gallons of water storage with permanent provisions for refilling the total water storage volume within seventy-two (72) hours.
- 11.7.1.2 Firefighting facilities shall have high-flow connections meeting ISO standards for gravity flow refilling of firefighting vehicle water tanks and for connection to firefighting vehicle pumps.
- 11.7.1.3 Firefighting facilities shall be elevated sufficiently to provide gravity flow to a firefighting vehicle water tank.
- 11.7.1.4 The County Commissioner may consult with area fire department officials concerning the design and location of firefighting facilities.
- 11.7.1.5 Construction documents for firefighting facilities shall be submitted to the Commissioners Court with plans for Subdivision street and drainage improvements.
- 11.7.1.6 Firefighting facilities shall be provided in accordance with the following table. If average lot size is 1 acre or less, firefighting facilities shall be no more than 1,000 feet apart.

Number of Lots in Subdivision	Number of Firefighting Facilities Required
15 - 119	2
120 - 299	4
300 - 599	6
600 +	To Be Determined by Commissioners Court

ARTICLE XII

12. DRAINAGE DESIGN AND IMPROVEMENTS. See Tex. Loc. Gov't Code Ann. §232.003.
- 12.1 Stormwater Runoff into County Drainage Facilities. Stormwater runoff from any Development may not be released into any County drainage ditch, swale, easement, culvert, or other facility or any such drainage facility associated with an existing road, whether public or private, at a rate greater than when the property was in its undeveloped condition. The County Commissioner may require the submission of additional materials at the time of Plat Application to ensure the proposed Subdivision complies with this section.
- 12.1.1 Incentive for Lots Larger than Five (5) Acres. If all Lots in a Subdivision are larger than five (5) acres and restricted by plat notes limiting future development to one single family residence per Lot and prohibiting TCEQ Regulated Development (as defined in Article II), then such Subdivision shall be deemed to comply with this Section 12.1 and no additional materials need be submitted to demonstrate compliance.
- 12.2 Sizing of Drainage Facilities. All drainage facilities for residential (single family or duplex residences) Subdivisions including ditches, drainage pipes, street curbs, gutter inlets, driveway or road culverts, and storm sewers shall be designed to intercept and transport runoff based on 100-year storm event calculations.
- 12.2.1 Drainage Facilities for Other Subdivision Types. For all drainage facilities serving Lots not intended for use as single family or duplex development, drainage and all drainage facilities shall be designed by a Registered Professional Engineer according to 25-year storm event calculations.
- 12.3 Conveyance of 100-year Storm Frequency Flows. In addition to 12.2 above, the drainage system shall be designed to convey all channelized or concentrated flows from a 100-year frequency storm within defined right-of-way or drainage easements, which shall not be narrower than twenty feet (20') in width.
- 12.4 Completion of Drainage System Prior to Acceptance of Road Maintenance. No streets will be accepted for maintenance by the County until all drainage structures, including drainpipes for all driveways constructed as of the acceptance date, have been (i) installed by the Owner or occupant(s) of the Lot(s); and (ii) approved by the County Commissioner.
- 12.5 Maximum Headwater Elevation for Drainage Crossings. All roads, culverts, underneath roads, and bridges shall be designed so that stormwater runoff from the frequency storm event designated below crossing such road or bridge shall not produce a headwater elevation at the roadway greater than 6 inches above the roadway crown elevation.

- 12.5.1 A permanent depth gauge shall be placed at all road crossings where the 100-year frequency flow or lesser frequency is anticipated to flow over the road surface. Commissioners Court may require installation of gates or warning devices at all or some of such locations.
- 12.5.2 All new developments having the potential to increase runoff may require on-site detention to detain increased post-development peak discharge runoff rates. Post-development peak discharge runoff rates may not exceed existing peak discharge runoff rates for the 2, 5, 10, 25, 50, and 100-year events.
- 12.5.3 Where detention is required, construction documents shall be submitted by the Licensed Professional Engineer of record to the County for review and approval. The Licensed Professional Engineer shall provide written correspondence to the County stating that the proposed detention facility has been constructed in accordance with the Engineer's plans and specification and conforms to the County Rules and Regulations.
- 12.5.4 All roads and streets shall be designed and constructed to withstand the impact of water being impounded adjacent to and flowing over the road or street.
- 12.5.5 This Section 12.5 does not apply to driveway culverts.
- 12.6 Drainage Design Methodology. Computations by a Licensed Professional Engineer to support all drainage designs shall be submitted to the Department for review. The methodologies shall be based upon commonly accepted engineering practices used within the area.
- 12.6.1 All computations of flood plains, culverts, channels, etc., shall be based on fully developed upstream conditions; and
- 12.6.2 A drainage area of 64 acres or greater is required within a contributing watershed to create a "flood plain." For areas of flow with less than 64 acres of contributing area, no flood plain shall be defined; however, any concentrated flow necessitates the dedication of a drainage easement.
- 12.7 Easements.
- 12.7.1 All flood plain and concentrated flows for the 100-year storm frequency shall be contained within a dedicated drainage easement or right-of-way; and
- 12.7.2 Development will be allowed within the flood plain or within a drainage easement only on a case-by-case basis, and in any event, any structures constructed within the flood plain must be 18 inches above the base flood

elevation. No residential or commercial structure whatsoever will be permitted in the floodway.

ARTICLE XIII

13. REVISION, AMENDMENT, AND CANCELLATION.

- 13.1 An approval letter or email from Medina County 911 ECD is required when revising, amending, or cancelling a plat to certify compliance with all requirements for street or road names, and to document submission of an updated digital map file.
- 13.2 Revision (vacate/replat). Unless prohibited by restrictive covenants or plat notes, a person who owns real property in a tract that has been subdivided, and that is subject to the Subdivision controls of the County, may apply in writing to the Commissioners Court for permission to revise the recorded Subdivision plat. See Tex. Loc. Gov't Code Ann. §232.009.
- 13.2.1 Application. To modify an existing plat, a property Owner must submit an Application to Revise (Appendix F) to the office of the County Judge along with:
- 13.2.2 Five (5) 18" x 24" physical (paper) copies of the revised Plat and one (1) original (revised) Final Plat for signatures and filing. Mylar plats are not required. Provide one (1) electronic .pdf file of the Subdivision Plat for inclusion in the Commissioners Court agenda packets. The revised Plat must conform in all respects to the requirements of these Regulations, and be prepared by a Licensed Professional Engineer or Registered Professional Land Surveyor, clearly setting forth the desired revision; and
- 13.2.3 A statement giving the reason for the proposed revision; and
- 13.2.4 If increasing the number of lots, a Certification of Groundwater Availability for Platting Form, completed by a Licensed Professional Engineer or Texas licensed professional geoscientist;
- 13.2.5 A filing fee equal to \$500.00, plus \$100.00 per resulting Lot. For example, for a plat revision which combines three Lots into a single Lot, the filing fee will total \$600.00, being \$500.00 plus \$100 for the single resulting Lot. For a plat revision which further subdivides a single Lot into three Lots, the filing fee will total \$800.00, being \$500.00 plus \$300.00 (\$100.00 per each of the three resulting Lots). See Tex. Loc. Gov't Code Ann. §232.009(g); and
- 13.2.6 A copy of the deed restrictions, as amended, if any, applicable to the property, and a copy of the most current deed accurately listing the same Owner (person or entity) as listed on the Application.

13.2.7 Public Notice. After a completed application is filed with Commissioners Court, the court shall provide notice of the application and hearing date in accordance with Tex. Loc. Gov't Code Ann. §§232.009(c), (c-1), and (f).

13.2.8 Review Period. Commissioners Court shall consider the revision application within thirty (30) days of the initial publication and/or date of internet posting in accordance with the notice requirements of Tex. Loc. Gov't Code Ann. §232.009.

13.2.9 Criteria for Approval. Commissioners Court shall approve an application to revise a Subdivision plat upon a finding that:

13.2.9.1 the revision will not interfere with the established rights of any owner of a part of the subdivided land; or

13.2.9.2 each Owner whose rights may be interfered with has agreed to the revision.

13.2.10 Recording. If the Court permits a person to revise a Subdivision plat, the Applicant shall make the revision by filing for record with the County Clerk a revised plat or part of a plat that indicates the changes made to the original plat.

13.3 Amendment. See Tex. Loc. Gov't Code Ann. §232.011.

13.3.1 On Application to Amend (Appendix F) a previously recorded plat, the Commissioners Court may approve and issue an amending plat to correct an error in course or distance, to add a course or distance that was inadvertently omitted, to correct an error in a real property description, to correct the location or character of a monument, or to correct any other type of scrivener or clerical error or omission, including lot numbers, acreage, street names, and identification of adjacent recorded plats. A \$200.00 filing fee is required.

13.3.2 An Application to Amend may be used to correct an error in courses and distances of lot lines between two adjacent lots only if both lot owners join in the application; neither lot is abolished; the amendment does not attempt to remove recorded covenants or restrictions; and the amendment does not have a material adverse effect on the property rights of the other owners of the property that is the subject of the plat.

13.3.3 The amending plat controls over the preceding plat without the vacation, revision, or cancellation of the preceding plat.

13.3.4 Notice, a hearing, and the approval of other lot owners are not required for the filing, recording, or approval of an amending plat.

13.4 Cancellation of Subdivision Plats. 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, to reestablish the property as acreage tracts as it existed before the Subdivision. See Tex. Loc. Gov't Code Ann. §232.008.

13.4.1 Application. An Application for Cancellation must be filed with the office of the County Judge. See Appendix F. A filing fee of \$500.00 plus \$100.00 per affected Lot is required.

13.4.2 Public Notice and Hearing. The Commissioners Court shall publish notice of the application directing any person who is interested in the property and wishes to protest the proposed cancellation to appear at the time specified in the notice. The notice must be published in English in the County for at least three (3) weeks before Commissioners Court acts on the application at a regular (i.e., not a special called) meeting.

13.4.3 Criteria for Approval. If the Court finds that the cancellation of all or a 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 Court by order shall authorize the owner of the Subdivision to file an instrument canceling the Subdivision in whole or in part. The instrument must describe the Subdivision or the part of it that is canceled. Regardless of the date land is subdivided or a plat is filed for a Subdivision, the Court may deny a cancellation if it determines the cancellation will prevent the proposed interconnection of infrastructure to pending or existing development.

13.4.4 Contested Application. On application for cancellation of a Subdivision or any phase or identifiable part of a Subdivision, including a dedicated easement or roadway, by the owners of seventy-five percent (75%) of the property included in the Subdivision, phase, or identifiable part, the Commissioners Court shall authorize the cancellation after notice and a hearing. However, if the owners of at least ten percent (10%) of the property affected by the proposed cancellation file written objections to the cancellation with the Court, the grant of an order of cancellation is at the discretion of the Court.

13.4.5 Recording. If authorized by Commissions Court, the Court shall enter the order in its minutes. The Applicant shall record the cancellation instrument legally describing the Subdivision (or the canceled part) with the County Clerk. After the cancellation instrument is filed for record with the County

Clerk, the County tax assessor-collector shall assess the property as if it had never been subdivided, including back assessing the tract on an acreage basis as needed to calculate delinquent taxes owed for any preceding year.

13.4.6 Private Causes of Action. Tex. Loc. Gov't Code Ann. §§ 232.008(f) and (g) set out how an interested party may enjoin the cancellation or closing of a roadway or easement in a Subdivision or recover damages.

13.5 Cancellation of Certain Subdivision Plats if Existing Plat is Obsolete. Tex. Loc. Gov't Code Ann. §232.0083 sets out the requirements for cancelling an existing plat that has been on file for seventy-five (75) years or more; the most recent plat describes at least a portion of the property as acreage tracts; a previous plat described at least a portion of the property as lots and blocks; and the County tax assessor-collector lists the property on the tax rolls based on the lot/block description from the previous plat and assesses taxes on the basis of that description. The purpose of a cancellation under this section is to reestablish the lot and block descriptions from the previous plat. A filing fee of \$500.00 plus \$100.00 per affected Lot is required.

ARTICLE XIV

14. VARIANCES.

- 14.1 Criteria for Variance. Commissioners Court shall have the authority to grant variances from these Regulations when the public interest or the interest of justice demands relaxation of the strict requirements of the Rules. Factors to be considered by the Court in evaluating a request for variance shall include:
- 14.1.1 The factual circumstances of the property in question in relation to neighboring or similar properties, such that no special privilege not enjoyed by other similarly situated properties may be granted; and
 - 14.1.2 Whether strict enforcement of the Regulations would deny the Applicant the privileges or safety of similarly situated property with similarly timed development; and
 - 14.1.3 That the granting of the variance will not be detrimental to the public health, safety, and welfare; will not retard the moral, healthful, and orderly development of the county; be injurious to other property; or will not prevent the orderly Subdivision of the land in the area in accordance with these Regulations; and
 - 14.1.4 Whether there are special circumstances or conditions affecting the land or proposed development involved such that strict application of the provisions of these Regulations would deprive the Applicant of the reasonable use of his land and that failure to approve the variance would result in undue hardship to the Applicant. Financial hardship, standing alone, shall not be deemed to constitute undue hardship.
- 14.2 Application for Variances. Any person who wishes to receive a variance should submit a Variance Application (Appendix G) to the office of the County Judge with a list of, and a detailed justification for, each variance requested. The request shall be submitted with payment of a non-refundable fee established by separate order of the Commissioners Court. Applicants must communicate with the appropriate Precinct Commissioner before any variance request is placed on the Commissioners Court agenda for consideration.
- 14.3 Discretion to Grant Variances. The decision to grant or deny a variance is at the complete discretion of the Commissioners Court, acting as a body, and will be final.

ARTICLE XV

15. ENFORCEMENT AND PENALTIES. See Tex. Local Gov't Code Ann. §232.005.

15.1 Category of Offense. A person commits an offense if the person knowingly or intentionally violates a requirement established by, or adopted by, the Commissioners Court under Tex. Loc. Gov't Code Ann., ch. 232. An offense under this provision is a Class B misdemeanor punishable by fine or imprisonment, or both.

15.2 Enforcement Actions. At the request of Commissioners Court, the Medina County Criminal District Attorney, or other prosecuting attorney for the County, may file an action in a court of competent jurisdiction to:

15.2.1 enjoin the violation or threatened violation of a requirement established by, or adopted by, the Commissioners Court under Tex. Loc. Gov't Code Ann., ch. 232; or

15.2.2 recover damages in an amount adequate for the County to undertake any construction or other activity necessary to bring about compliance with a requirement established by, or adopted by, the Commissioners Court under Tex. Loc. Gov't Code Ann., ch. 232.

15.3 Enforcement of Plat Notes. The enforcement of plat notes or restrictions is the responsibility of the developer and other persons holding a property interest, whether in fee simple, or by easement, in the Subdivision. Plat Notes shall reflect that the County may enforce any plat notes imposed pursuant to the Rules of Medina County for On-Site Sewage Facilities; Articles VI, VII, X, or XI of these Regulations; any plat note limiting development to single family residences or prohibiting further re-subdivision of the tract to qualify for an incentive under these Regulations; any plat note imposed in conjunction with an Average Daily Traffic calculation; or any plat note affecting county right-of-way, drainage or the public health, safety and welfare. Moreover, Commissioners Court shall have the right and authority through appropriate legal procedures to prohibit the construction, connection of utilities, or issuing of permits if the plat notes as described in this section 15.3 or restrictions have been violated.