

**AUSTIN COUNTY SUBDIVISION AND DEVELOPMENT
REGULATIONS**



**VOLUME I
SUBDIVISION & DEVELOPMENT STANDARDS**

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SECTION I

GENERAL INFORMATION & ADMINISTRATION

A. OFFICIAL NAME

The official name of these regulations shall be the “**Austin County Subdivision and Development Standards, Volume I.**”

B. AUTHORITY

These regulations are adopted under the authority of the Constitution and Laws of the State of Texas, including but not limited to the Texas Local Government Code, as amended, and any other applicable laws, regulations, and approved orders.

C. PURPOSE

- (1) The purpose of these regulations includes but is not limited to promoting quality growth and development within Austin County and provide regulations leading to a desirable environment for all citizens, both residential and nonresidential.
- (2) These regulations ensure to:
 - (i) Furnish the owner/applicant with guidance and assistance in the expedient preparation and approval of their development, project, etc., with a set of uniform regulations for all to follow, and;
 - (ii) Protect the health, safety, and general welfare of the citizens of Austin County by providing regulations and standards for all types of developments by planning infrastructure and assuring that adequate streets and drainage facilities and structures are provided subdivisions and maintained without imposing a burden on the taxpayers in the future, and;
 - (iii) Provide for the proper arrangement and construction of roads, and ensure the appropriate relationship of roads to existing and future roads, and;
 - (iv) Ensure adequate ingress and egress for all emergency response vehicles, and;
 - (v) Provide standards for the approval and recording of all subdivision plats, and;
 - (vi) Provide procedures in meeting the requirements of the Commissioners’ Court for acceptance and approval of said plats and the improvements therein.
- (3) These regulations are not intended to prohibit testamentary land divisions, a division of land as a result of the dissolution of a corporation or partnership, or subdividing land for agricultural purposes.



D. EFFECTIVE DATE

- (1) These regulations shall become effective _____, unless otherwise indicated. Subsequent amendments and changes are found in the History Section of the regulations.
- (2) Subdivision plats and other permits approved before the effective date shall be subject to the regulations in effect at the time of application.
- (3) At the time of application, all proposed developments/improvements, permit requests, etc., shall comply with these regulations found within all respective volumes of these regulations.

E. CONSISTENCY WITH OTHER REGULATIONS

- (1) These regulations shall be consistent with the Drainage Design Manual (Austin County, Volume II) and the Standard Construction Details (Austin County, Volume III) and any other supplemental land use and community development policies that may be adopted by the Commissioners' Court.
- (2) These regulations shall be cumulative of all other orders of Austin County, Texas, and shall repeal any of the provisions of said previous orders.
- (3) If a conflict should arise with other applicable orders, the strictest shall apply until an updated order is approved by the County Commissioners' Court or as interpreted by the County as outlined in Section I (G).
- (4) If a permit, plat, or other item requiring approval is issued or approved in error and it violates the current adopted regulations, that permit does not invalidate the established regulations, and that permit, plat, or other item requiring approval shall be voided immediately upon notification.

F. AMENDMENTS

- (1) As needed, the Commissioners' Court may amend these regulations to reflect desired changes and updates in policy or to stay consistent with State Law.
 - (i) A public hearing on all proposed written amendments shall be held by the Commissioners' Court in open session after publication in a newspaper of general circulation for at least fifteen (15) days before the public hearing date.
- (2) As an exception, The County Engineer may promulgate forms, exhibits amend the illustrations or verbiage within these regulations to better assist in clarifying portions of these regulations.

G. INTERPRETATIONS

- (1) As needed, the County Engineer shall provide interpretations of these regulations.



- (2) Rulings made by the County Engineer are issued on a case-by-case basis and shall not set a precedent for other similar situations.
- (3) If an applicant disagrees with the interpretation provided, that decision may be appealed to the Austin County Commissioners' Court at the next available meeting, as listed in the latest submittal calendar, and pay any associated fees as outlined in the latest adopted Fee Schedule.

H. DEED RESTRICTIONS

- (1) Developer-initiated and development deed restrictions are considered private, and Austin County shall not enforce any deed restrictions. Any enforcement of the developer's deed restrictions shall rest solely with the developer, builder, property owners, purchaser, homeowners/property owners' association, or similar.
- (2) Any plat approval, permit, or variance issued or given by the County is based solely on meeting the County's established rules, regulations, criteria, and following all procedures and requirements in effect at that time.

I. APPLICABILITY

- (1) A division of any kind on a tract of land referenced in this section is defined as using a metes and bounds description in a deed of conveyance or a contract for a deed, using of a contract of sale or other executory contract, purchase option rental agreement, or using any other method to convey property.

J. ENFORCEMENT

- (1) Any person, firm, or corporation who violates any of the provisions of these regulations or who fails to comply with any provision hereof within the Austin County shall be subject to civil or criminal penalties, pursuant to Section 232.005 of the Texas Local Government Code, including enjoining the violation and recover damages to complete construction and/or bring about compliance.

K. SEVERABILITY CLAUSE

If any section, article, paragraph, sentence, clause, phrase, or word of these regulations, or application, thereto any person or circumstances is held invalid or unconstitutional by a Court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of these regulations; and the Commissioners' Court hereby declares it would have passed such remaining portions of these regulations despite such invalidity, which remaining portions shall remain in full force and effect.



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SECTION II

DEVELOPMENT REVIEW PROCESS & PROCEDURES

A. PRE-APPLICATION MEETING

- (1) Before the acceptance or submittal of any development-related application, the applicant of the proposed development is strongly encouraged to meet with Austin County to review the project and make recommendations designed to assist in processing and expediting the application promptly, while minimizing any issues.
 - (i) The County Engineer or designee may waive this meeting if, in their determination, the requested development or project is minor or have minimal impact on current infrastructure.
 - (ii) The pre-application meeting does not vest any proposed plat, development, project, or application or development with the existing regulations as defined in Chapter 245 of the Texas Local Government Code. It is only meant to serve as an informal venue to address any unforeseen issues, provide advice and direction, and assist the developer in understanding the regulations and development process.
- (2) The Meeting shall be attended by the County Engineer or designee and may include representatives from other departments which include but not limited to the , the precinct commissioner, County Judge and other persons deemed necessary to ensure an appropriate and complete review. No advisory opinions will be given at this meeting.

B. FORMAL APPLICATION SUBMITTAL

- (1) To ensure there is no delay in processing any application, the applicant shall submit their proposed development for review by no later than the date and time as indicated on the latest Submittal Calendar and Meeting Schedule, if the project requires approval from the Austin County Commissioners' Court.
 - (i) All residential projects not requiring approval from the Commissioners' Court meeting the current platting and road frontage requirements may proceed to submit the applicable documentation for a permit application. Upon approval, all permits shall be placed in an area visible from the road at all times during construction.
 - (ii) All non-single family, commercial, industrial, and nonresidential uses shall meet the requirement prescribed in subsection (i) along with approval from the County Engineer, Permit Department prior to starting construction. The development permit shall be placed in an area visible from the road during construction.
 - (iii) Prior to any plat application submittals, the applicant shall submit an application to the Austin County Engineer to determine if any engineering plans are required.



- (2) All items required for a formal application submittal shall be as shown on the most-recently updated application.
- (3) The fees for each application type shall be as listed on the most recently-adopted Master Fee Schedule, as adopted by the Austin County Commissioners' Court.
- (4) Upon submittal of required items in Section II (B) (2), the County Engineer shall review the submittal contents to determine if it is a complete submittal prior to its initial review.
 - (i) It is the obligation of the applicant to submit all information necessary for proper review by the County.
 - (ii) If the application does not contain all required accompanying information based on the latest application checklist at the time of filing, it is deemed an incomplete submittal and will not be accepted and shall wait to be filed for a future submittal date until all necessary items accompany the application.
- (5) Upon successful application submittal, the County Engineer or designee will formally review the proposed project to ensure it meets all associated County's requirements and regulations.
 - (i) In the formal review process, the reviewer may require additional items that are not listed on the application to ensure an overall and complete review and will give the applicant a reasonable time frame by which such items shall be submitted to continue the review process.
 - (ii) If the additional requested information is not submitted within the period stated, the application is subject to Section II (B) (4) may be deemed incomplete or be disapproved.
 - (iii) A one-time 30-day extension period may be granted if it meets the provisions established under Chapter 232.0025 (f) of the Texas Local Government Code.
- (6) Upon satisfying all the requirements and other items as required by the different departments, the proposed project may proceed to either Commissioners' Court for approval or for permitting.

C. COURT ACTION

- (1) If applicable, upon successful submittal of a plat application or other application requiring action from the Commissioners Court, complete review, and after it is determined to be complete and meets all applicable County requirements, the application shall be placed on the agenda of the next available Commissioners' Court for their consideration.
- (2) Any action before the Commissioners' Court shall require an affirmative majority vote to officially approve the application.



- (3) If the Commissioners' Court disapproves a plat and/or development application, it shall provide an explanation for the disapproval. Upon disapproval, the applicant shall resubmit a new application to restart the review process.

D. ADDRESSING

Office Information:

**842 W. Main St. (P.O. Box 911)
Bellville, TX 77418
(979) 865-1911 Office
(979)865-0911 Fax
ac911dist@austincounty911.net**

- (1) Unless otherwise indicated by state law or other applicable regulations, addressing shall be assigned prior to approval of a permit application.
 - (i) Addresses may be assigned without a permit application, at the discretion of the Addressing Office, depending on the situations involved.
 - (ii) Property addresses are subject to change with a minimum 30-day written notice if the existing addressing configuration does not meet standards set for by the National Emergency Numbering Association (NENA).
- (2) For ease in the emergency location of an address, all residences shall prominently display the numerical street address for easy recognition.
- (3) Road and street names shall be checked to avoid duplicate names or similar spellings for other roads in the county and surrounding area.



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SECTION III

PLATS

A. JURISDICTION

- (1) If the property to be platted or subdivided lies entirely within the limits of a city, the applicant shall consult directly with that city about all platting procedures and requirements.
- (2) This section shall apply to property located outside the limits of any municipality within the boundaries of Austin County that subdivides a tract of land to lay out a subdivision in accordance with Section 232.001 (a) of the Texas Local Government Code.
 - (i) If the property to be platted or subdivided lies wholly or partially within the extraterritorial jurisdiction (ETJ) of any municipality, the platting approval procedure shall be established by the approved Interlocal Agreement between the County and that municipality.
 - (a) If you are unsure regarding the applicable jurisdiction, contact the County Engineer prior to submission of application materials.
 - (b) A city or the County may cede authority in their respective area to the other to expedite the plat application on a case-by-case basis as long as an accompanying letter from an official authorized representative of that entity is received.
 - (ii) If the property is located in multiple ETJs, Section 212.007 of the Texas Local Government Code shall apply, unless one of the cities cedes their authority to another in a written form.

B. PLAT REQUIRED

- (1) A plat is required when subdividing property that results in “the division of any tract or parcel of land into two or more parts to lay out any division of the tract, including an addition, lots, or streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to the public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alleys, squares, parks, or other parts.”

C. PLAT NOT REQUIRED

- (1) A subdivision plat may not be required by the Austin County Commissioners court if in its determination it meets one of the exemptions outlined in Section 232.0015. Exemptions to platting shall be allowed only after a determination is made and found to be in the best interest of the County.
 - (a) – (d) & (f) – (k) of the Texas Local Government Code Plat exemptions mentioned in Section 232.0015 (e) shall comply with Section VIII (D) of this section.
 - (i) If at any time the applicable exemption ceases to meet statutory criteria, then the platting requirements shall immediately apply.
 - (ii) A request for plat exemption determination shall be submitted to the County Engineer to Determine a property owner’s applicable exemption to platting.



- (2) All Plat submittal requirements shall be found in the Plat Application checklist and shall include a groundwater availability certification as required in Section 232.0032 of the Texas Local Government Code and consultation with Bluebonnet Groundwater Conservation District (BGCD) for any proposed use of groundwater that falls within their jurisdiction. (PRELIMINARY GUIDANCE IS PROVIDED IN THE CHART BELOW)

<u>NO. OF LOTS</u>	<u>GROUNDWATER CERTIFICATION REQUIRED</u>
More than 10 lots	Required
Less than 10 lots and not able to further subdivide	Not Required
Less than 10 lots and able to further subdivide or part of the original tract	Required

D. APPLICATION

All plats within this section are required to follow the procedures and requirements as outlined in Section II. A sample plat with all required wording and format is available on the Austin County website.

E. PRELIMINARY PLAT

- (1) A preliminary plat shall be required for the following situations listed below and shall have existing 2-foot contours in the drawing:
 - (i) all new and proposed subdivisions with internal roads, or
 - (ii) five (5) or more proposed lots located along an existing road.
- (2) The preliminary plat requirement is consistent with the provisions outlined in Chapter 285.4 (c) of the Texas Administrative Code.
- (3) A preliminary plat meeting the criteria of Section III (D) (1) and upon meeting all applicable County regulations, the County Engineer shall take action to approve, approve with conditions, or disapprove the preliminary plat with possible ratification at the next available Commissioners' Court.
- (4) Preliminary plats shall expire eighteen (18) months after approval if no civil plans or final plat are submitted. Staff may approve a one-time extension of six (6) months upon written request by the applicant.

F. ENGINEERING PLANS & CONSTRUCTION

- (1) After preliminary plat approval, if applicable, engineering, construction, drainage plans, and other documents required by the Austin County Engineer shall be submitted for review and shall meet all the requirements and be approved prior to the acceptance of a final plat application.
 - (i) A comprehensive drainage plan may be required upon request by the Austin County Engineer or designee on a case-by-case basis to determine potential adverse impacts attributed to any proposed subdivision or development activity, regardless of the size of the project. A preliminary drainage plan may be submitted during the preliminary plat



stage.

- (a) The Austin County Engineer may waive this requirement if, in their professional opinion, the proposed development does not cause any significant runoff or affect adjacent right-of-way or properties.
 - (ii) No preliminary grading permit or equivalent shall be issued for any work on the site prior to the approval of these plans. Failure to comply will result in applicable civil or criminal penalties, as stated in Section I (J).
- (2) Upon approval of the engineering plans, a pre-construction meeting with County staff is required, and the developer shall contact the County Engineer's office to schedule such a meeting.
- (3) At the time of the pre-construction meeting, all applicable subdivision and inspection fees and bonds shall be due. (see Section VII for more information).
- (4) Upon acceptance of applicable bonds, payment of applicable fees, and meeting any other conditions set forth, the developer can begin construction of the roads and necessary infrastructure, as shown on the approved engineering, construction, and drainage plans. Any deviations from the approved set of plans shall require additional approval from the Austin. Failure to comply with the approved set of plans will result in applicable civil or criminal penalties, as stated in Section I (J).
- (5) Upon completion and approval of the infrastructure by staff, the developer shall sign a form indicating that it meets County requirements and a maintenance bond shall be submitted for Commissioners' Court approval. The applicant shall also proceed to file a plat application as outlined in Section II (C) and Section III (F).

G. FINAL PLAT

- (1) The primary purpose of a final plat is to complete the last stage of approval of a subdivision or addition as a condition of recording a division of land or property, dedicating right-of-way and easements before recording it in the Austin County Clerk's Office.
 - (i) If applicable, a final plat submitted for review shall closely match the layout of the preliminary plat and civil plans and shall not exceed the number of lots approved in the preliminary plat stage.
 - (ii) Prior to the submittal of a final plat, all required approvals from Engineering is required.
- (2) Upon review of the related documents and meeting the County's requirements found in Volumes I, II, and III of the Subdivision & Development Regulation, along with the approval of the engineering plans, the County Engineer shall take action to approve, approve with conditions or disapprove the final plat, in accordance with the approved regulations, and as required by State



law, with ratification at the next available Commissioners Court prior to filing the plat with the Clerk's Office.

- (3) Additional steps may be required by staff to finalize the final plat approval process and will be provided as expediently as possible when necessary.
- (4) Approval of a final plat does not constitute acceptance of public infrastructure until it fully meets the County's requirements and the Austin County Commissioners' Court accepts it as a county road for maintenance. All roads are considered privately maintained roads and shall be maintained by the developer and/or property owners association until the Austin County Commissioners' Court, at its sole discretion, accepts roads as a county road for maintenance. All dedications will be irrevocable offers of dedication held by the County until acted upon by a vote of the Austin County Commissioners Court to accept the roadways for county maintenance.

H. REPLAT

- (1) The primary purpose of a replat is to revise a previously-approved and recorded plat with the Austin County Clerk's Office.
- (2) This subsection shall adhere to Sections 212.014 & 212.015 of the Texas Local Government Code (allowed by Section 232.0095) and is so incorporated by reference, along with Sections 232.009 and 232.0095 of the Texas Local Government Code, where applicable, unless otherwise indicated.
- (3) At the discretion of the Austin County Engineer, engineering and civil plans may be required prior to a plat application submittal.
- (4) Upon successful submittal of an application and after it is determined to meet these regulations, the County Engineer shall take action to approve, approve with conditions or disapprove the replat, in accordance with the approved regulations, and as required by State law, with ratification at the next available Commissioners Court prior to filing the plat with the Clerk's Office.
 - (i) Any property owner notification requirements shall adhere to Section 212.015 (f) of the Texas Local Government Code.

I. AMENDING PLAT

- (1) The primary purpose of an amending plat is to correct minor issues or revise previously approved and recorded plats as indicated in Section 212.016 (as allowed by Section 232.0095 (b)) and is so incorporated by reference along with Section 232.011 of the Texas Local Government Code, where applicable.
- (2) At the discretion of the Austin County Engineer, engineering plans may be required prior to a plat application submittal.



- (3) Upon successful submittal of an application and after it is determined to meet these regulations, the County engineer shall take action to approve, approve with conditions or disapprove the amending plat, in accordance with the approved regulations, and as required by State law, with ratification at the next available Commissioners Court prior to filing the plat with the Clerk's Office.

J. **CANCELLATION OF SUBDIVISION/PLAT VACATION**

- (1) The primary purpose of this type of plat is to cancel or vacate all or part of the subdivision which may or may not include dedicated easements or roadways/rights-of-way, and reestablish the property as areas tracts as it existed before the subdivision.
- (2) Any plat may be vacated, revised, or superseded in total or in part by compliance with the procedures and requirements of these regulations along with Section 212.013 of the Texas Local Government Code, as allowed by Section 232.0095 (b), and is so incorporated by reference.
- (3) Upon successful submittal of an application and after it is determined to meet these regulations, the County engineer shall take action to approve, approve with conditions, or disapprove the plat vacation/cancellation, in accordance with the approved regulations, and as required by State law, with ratification at the next available Commissioners Court prior to filing with the Clerk's Office.
 - (i) The Commissioners' Court may exclude previously dedicated rights-of-way, easements, or roads in their approval of a cancellation of a subdivision.
- (4) At the discretion of the Austin County Engineer, engineering plans may be required prior to a plat application submittal.

K. **DORMANT PROJECTS**

- (1) A project is considered dormant if it does not have an expiration date and no progress has been made towards the completion of the project.
 - (i) Progress towards completion of the project shall be as stated in Chapter 245.005 of the Texas Local Government Code.
- (2) Following the adoption of this ordinance amendment, projects for which plats have been filed of record with the County Clerk that are not developed, and for which no other progress has been made towards the completion of the project within five (5) years from the date said plat is approved by the Commissioners' Court, will be considered dormant and expired.

L. **MISCELLANEOUS**

- (1) Upon successful completion of any additional requirements required by the Court, the instrument shall be filed and recorded in the deed records of the County immediately.
- (2) Property shall not be authorized to be divided, sold, conveyed, developed, constructed, or move any structures onto the site until



- (i) the approval of a final plat, replat, or other type of plat of the tract from the Commissioners' Court; and,
 - (ii) Engineering plans and related documents and all necessary permits, and culvert sizing has been issued to the property owner (if applicable); and,
 - (iii) The approved plat has been officially filed with the County Clerk.
- (3) Plat approval and acceptance by the County does not relieve the developer from obligations, including fees, required by other sections of this or other order of the county about the improvement of the property or extension of services as needed to make the property suitable for development.
- (4) Approval of any plat by the Austin County Commissioners' Court shall not be deemed an acceptance of the proposed dedications, if any shown thereon, and shall not impose any duty upon the County concerning maintenance or improvements of any such dedications.
 - (i) Dedication of right-of-way shall not relieve the property owner from obligations for street construction or assessments associated with public street improvement programs.
 - (ii) The Commissioners' Court shall determine which dedications are accepted for County maintenance after the owner maintenance period has expired (see Section VII (C)) for more information).
 - (iii) The acceptance of roads for County maintenance and release of maintenance bond shall be placed on the next available Commissioners' Court meeting in an open court session upon satisfaction of all requirements outlined in Section VII and an approved final inspection.
 - (iv) Until any road within a dedicated right-of-way is built to County standards by the developer, and accepted by the County, a homeowner's association, developer, or adjacent property owners shall maintain this area.
- (5) A pre-construction meeting shall be scheduled between the developer, contractor, and the County before any construction of infrastructure. It is the responsibility of the developer to schedule that meeting. The County Engineer shall be included in all meetings for all projects in the extraterritorial jurisdiction (ETJ).
- (6) If groundwater is the source of water supply for the project, the application shall include all other requirements as listed in Chapter 232.0032 of the Texas Local Government Code.
- (7) The following notes shall be placed on the plat, when appropriate:
 - (i) Blocking the flow of water or constructing improvements in the drainage easements is prohibited.
 - (ii) The existing creeks, drainage channels, or drainage easements traversing along or across this addition will remain as open channels and will be maintained by the homeowners association (HOA) or individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.



- (iii) Austin County shall not be responsible for the maintenance and operations of drainage easements, structures, or for the control of erosion.
- (iv) Austin County shall not be responsible for any damage, personal injury, or loss of life or property occasioned by flooding or flood conditions.
- (8) A developer and/or a developer's engineer shall not place a statement on the final plat limiting or denying any liability they may have for flooding or drainage problems.
- (9) Where applicable, no construction on any lot, or movement of manufactured homes onto any site may begin. Until a final plat is filed, all requirements are met and have been submitted. All applicable permit applications with an accompanying preliminary site and grading plan, and culvert sizing has been approved and issued to the property owner.



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SECTION IV

GENERAL REQUIREMENTS

A. LOTS & STRUCTURES

- (1) Any property with the intention to develop, whether platted or not platted, shall meet the requirements listed below.
 - (i) Minimum size of lots will depend on these scenarios:
 - (a) Any property served by an approved/licensed public water supply and an on-site sewage facility (OSSF) shall be a minimum lot size of one (1) Net acre.
 - (b) Any property having an individual water supply well and an individual on-site sewage system (OSSF) shall have a minimum lot size of one (1) Net acre.
 - (c) For lots or developments not utilizing OSSF and having an approved alternative from the State or approved connection to a licensed sewer system and/or part of an approved special purpose district that has an approved sewer system, see Section V.
 - (ii) Any divided property shall front directly onto a public road or street. See Section I (D) (3) for compliance with current requirements for proposed developments/improvements or permit requests.
 - (iii) A lot being served by an OSSF shall have a minimum paved public street frontage of at least one hundred fifty (150) feet.
 - (a) The minimum street frontage on the turnaround of a cul-de-sac or for lots located on a cul-de-sac, the paved street frontage requirement shall be a minimum of fifty (50) feet wide measured by the chord length.
 - (b) At a minimum, lots served by an OSSF shall be one hundred fifty (150) feet in length by one hundred fifty (150) feet in depth before a lot may narrow down. When a lot narrows down, it shall be a minimum width of thirty (30) feet at its narrowest point.
 - (c) Lots along privately-maintained (i.e., gated or not County-maintained) roads may also be permissible if they meet the County's Road frontage requirement and the roads meet the County's minimum road standards in effect at the time of approval.
 - (iv) Elevation certificates showing base flood elevations (BFE) are required for all lots within the 100-year floodplain, if 50% located in one hundred (100) feet of structure.
 - (v) Flag lots and reserve strips shall not be allowed.

(2) RESERVED



- (3) RESERVED
- (4) Accessory habitable structures may be allowed on the same lot provided they meet the above requirements or is already legally platted lot and if enough capacity exists within an approved septic system and meets other applicable regulations.
 - (i) The OSSF application shall be submitted at the same time as the development permit for the additional accessory habitable structures. A registered sanitarian or professional engineer shall provide official certification that enough capacity and disposal area exists for the additional habitable structure and conforms to the adopted Septic Order.
 - (ii) Accessory habitable structures must be allowed under any existing subdivision land restrictions.
 - (iii) At no time shall any accessory habitable structure be sold independently or platted separately from the principal habitable structure, unless it meets the requirements in subsection (1) above and the septic regulations with a separate independent system if connected to another.

B. BUILDING LINES AND EASEMENTS

- (1) Lots abutting any internal road(s) located within a subdivision and/or road(s) not classified as a thoroughfare road as indicated on the County's Master Thoroughfare Map shall require a minimum front setback distance of twenty-five (25) feet from the property line and the location of any new building or portion thereof shall not be within that setback line (*TLGC 233.032*).
- (2) Lots abutting any road(s) classified as a thoroughfare road as indicated on the County's Master Thoroughfare Map shall require a minimum front setback distance of forty (40) feet from the property line and the location of any new building or portion thereof shall not be within that setback line (*TLGC 233.032*).
- (3) For determining the setback lines of the lot, the location of the front door or entrance to the principal structure shall be considered the front portion of the lot.
- (4) RESERVED
- (5) If there is a discrepancy in determining these setbacks or its application, the County Engineer shall make a determination. Any appeal to the County Engineer's decision may be forwarded to the Austin County Commissioners' Court.
- (6) Utility easements shall be provided as needed to accommodate the current or future



infrastructure of utility companies. When utility easements are required, they shall be as follows:

- (i) Easements parallel to the streets – A minimum width of twenty (20) feet from the current county dedicated or prescriptive right-of-way, and;
 - (ii) Side and rear yard – A minimum width of ten (10) feet along each lot for a minimum total of twenty (20) feet.
 - (iii) The developer is required to speak to all utility providers in the area to locate their easements, before the submittal of a plat or project.
- (7) The drainage easements may occupy the same space and area as the utility easement and be combined to be a drainage/utility easement unless otherwise indicated by the Austin or utility provider.
- (i) All easements shall be left unobstructed so that equipment can be used to clean and maintain them when necessary.
 - (a) The property owner shall be responsible for any damage to structures left within any easement.
 - (b) In no case shall utility lines or utility boxes be placed adjacent to or within the County right-of-way, prescriptive or dedicated, without obtaining a utility permit or approval from the Commissioners' Court, where applicable
 - (ii) Austin County shall not be responsible for the maintenance of any drainage facilities/easements or lot drainage located on private property. That responsibility falls on the homeowners association, property owners, etc.

C. RIGHT-OF-WAY

(1) Dedication

- (i) When a proposed development fronts on a County or public road not listed on the County's Thoroughfare Plan, the developer shall dedicate for future public use, at least thirty (35) feet on their portion from the centerline of such road to allow for improvements to the public road.
- (ii) Any plat submitted for review shall require dedication of at minimum one-half of the total right-of-way necessary for any public County or State road or any road indicated on the most-recently approved Master Thoroughfare Plan at the time the application is made, subject to Section 232.102 of the Texas Local Government Code.
- (iii) When a proposed development is along a route proposed on the Master Thoroughfare Plan, the developer shall be dedicate to the County the proposed alignment at the widths shown on the thoroughfare plan.



(2) Abandonment & Closing

- (i) The Commissioners' Court may abandon or close any portion of a publicly dedicated roadway in accordance with Chapter 251 of the Texas Transportation Code.
- (ii) The applicant shall submit all the proper forms and documents as indicated on the application or as directed by the County Engineer for consideration by the Commissioners' Court.
- (iii) If approved by the Commissioners' Court, that right-of-way shall be no longer be maintained by the County.

(3) Reinstatement

- (i) If an applicant is seeking to make a private street or alley improvement public, the submittal of an application is required along with any financial guarantees described in Section VII.
 - (ii) Before consideration and official acceptance, the road on the Private Street or alley improvement shall be brought up to the current County street standards or other equivalent based on testing and authorization from the Austin County Engineer.
 - (a) The person making the request shall incur all costs of testing and labs required.
 - (iii) The applicant shall submit all the proper forms and documents as indicated on the application or as directed by the County Engineer for consideration by the Commissioners' Court.
 - (iv) If approved by the Commissioners' Court, that private street or alley improvement may be considered public and maintained by the County. This new improvement may also be added to the latest official maintained County road list.
- (4) Any new or replacement fence shall be placed outside the county right-of-way. No fence permit is required.
- (i) For property adjacent to roads identified on the Master Thoroughfare Plan, it is suggested that any fence be placed one-half the distance in feet of the road classification, measured from the center of the road, plus the front building setback distance.

D. MAILBOXES

- (1) All new mailboxes shall meet the policy guidelines set forth by the United States Postal Service (USPS) and the American Association of State Highway and Transportation Officials (AASHTO).
- (2) In the event Austin County commences construction or maintenance within its right-of-way, all mailboxes located within the right-of-way shall be removed from the right-of-way at the expense



of the property owner for individual mailboxes or a homeowners' association for cluster mailboxes.

- (i) In the absence of a homeowners' association, the collective group of people who have mail slots in a clustered mailbox shall bear the expense.
- (3) Austin County assumes no liability for any mailbox located in the County right-of-way or on private property.

E. SEWAGE AND WASTE DISPOSAL

- (1) Every parcel of land to have a residence or business on the site shall have an adequate system for sewage and wastewater disposal upon occupancy by either:
 - (i) Connection to an approved community sewage disposal system; or,
 - (ii) Construction of a properly designed and operational individual on-site sewage facility meeting the latest-approved Austin County Septic Order.
- (2) As on-site sewage facilities can be sources of pollution to groundwater, soil surface, and the environment if not properly sized, constructed, and maintained, a permit for the construction and location on a lot is required in the interest of public health and welfare and meets the latest-approved Austin County Septic Order.
 - (i) Connection to a community sewage disposal facility and system is preferred, where possible, if the site location is less than 300 feet from that connection.
- (3) Public sewage systems shall conform to the rules and regulations of TCEQ and Austin County as to design, material, and construction.
 - (i) The developer shall present proof of TCEQ acceptance and that of any other State or County agency controlling sewage disposal systems.
- (4) If a public sewage system is to be installed, the plans for the location of such systems must be approved by the County and thereafter by the appropriate State regulatory agency prior to the approval of the final plat by the County.
- (5) If the connection is to be made to an existing public sanitary sewage system, evidence shall be presented that such system has previously received such approval and has sufficient capacity to handle the additional demand.
- (6) If an individual on-site sewage facility is to be utilized, the developer shall prominently annotate the approved final plat or other filing instrument as directed by the Department of Development Director that homeowners are to be responsible for the construction of an approved on-site sewage facility.
- (7) Details for the design and construction of an onsite sewage facility are found in the most current edition of the Austin County Septic Order.



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SECTION V

SPECIAL DISTRICT REGULATIONS

A. PURPOSE & INTENT

- (1) These regulations shall exclusively apply to any development described within the boundaries of an approved special purpose district created for land development. These shall include, but are not limited to, the following:
- (i) Fresh Water Supply Districts, as defined in Chapter 53 of the Texas Water Code,
 - (ii) Municipal Utility Districts, as defined in Chapter 54 of the Texas Water Code,
 - (iii) Regional Districts, as defined in Chapter 59 of the Texas Water Code,
 - (iv) or other special purpose district not mentioned above, created by a local government body, the State Legislature, or the Texas Commission on Environmental Quality.
 - (v) An approved and active sewer CCN with available capacity and infrastructure as determined by the governing entity.

B. PRE-APPLICATION PROCESS

- (1) Meeting.
- (i) Pre-application meeting recommended with county engineer, permit department, precinct commissioner, assistant county attorney, etc., to address any preliminary issues and process.
- (2) Community Forum.
- (i) A possible Austin County Commissioners' Court workshop to address community impact may be recommended.
- (3) Proof of creation.
- (i) Approval and certification of the special district's creation shall be submitted prior to any civil engineering or plat application and review process.
- (4) Adequate water and wastewater collection and treatment.
- (i) The developer shall submit a plan and documentation from the TCEQ-approved water provider for providing adequate water and sewer service within the proposed subdivision.
- (5) Voluntary Developer Agreements.
- (i) County recommends a signed and executed development agreement with the city if located in the extraterritorial jurisdiction (ETJ), or a signed agreement between the developer and the County that is filed in the Clerk's Office prior to any civil engineering or plat application and review process.
 - (ii) This agreement may include but not limited to items such as development standards, landscaping requirements, utilities, fence/screening requirements, building material,



amenities provided, roof pitch, setbacks, house sizes, paving standards, terms of annexation, permits, and inspections, etc.

(6) Voluntary Service Agreements.

- (i) County recommends a signed and executed agreement for government-related services with Austin County or adjacent municipal government prior to any civil engineering or plat application and review process. These services may include but not limited to the following:
 - (a) police-related services;
 - (b) fire-related services;
 - (c) EMS-related services;
 - (d) trash and recycling-related services;
 - (e) education-related services (i.e. school site dedications, etc.);
 - (f) healthcare-related services

(7) Floodplain.

- (i) If property is located in the floodplain and the applicant wishes to reclaim that for development purposes, then a Conditional Letter of Map Revision ("CLOMR") from FEMA may be required prior to any civil engineering or plat application and review process.

(8) Development financial plan.

- (i) Estimated costs of infrastructure and proposed tax rate or assessment for the district.

(9) Maintenance dedication.

- (i) Plat shall include a dedication statement that maintenance of paved roads, drainage, and infrastructure necessary (i.e., sewer, water, etc.) shall be exclusively be the responsibility of the District, subject to the terms of any development agreement.

(10) Phasing requirement.

- (i) The County Engineer, permitting Department, or TCEQ may require the phasing of development and/or improvements in order to maintain adequate water or sewer capacity.

C. APPLICATION PROCESS

- (1) Upon having met all requirements listed above, the applicant may proceed to file review for civil plan and shall meet all engineering standards found in the Austin County Subdivision and Development Regulations, Volumes I, II, and III, all items mentioned on the Engineering Review application and a copy of all items mention in (b) of this section.
 - (i) Follow the process outlined in Volume I, Section III (E)
- (2) After engineering approval and constriction of the necessary infrastructure, the applicant may proceed to a plat in accordance with Volume I, Section (F) and follow the submittal requirements and deadlines.



D. DEVELOPMENT STANDARDS

(1) Every development located within a special district shall continue to comply with all the regulations found in Volumes I, II, and III of the Austin County Subdivision and Development Regulations if there is no development agreement with a city.

(2) The following development standards shall apply to Special Districts.

Regulation		Austin County Regulations	Special District Regulations
(i)	Minimum lot size (3:1) Ratio	Net (1) acre	N/A, unless using OSSF.
(ii)	Minimum lot width	50 feet	50' min , unless formal agreement is made with county approval for smaller lot width
(iii)	Right-of-way width	70 feet	N/A, unless subject to Thoroughfare Plan requirement.
(iv)	Side yard setbacks	10 feet	N/A
(v)	Rear yard setback	20 feet	N/A
(vi)	Front utility easements	20 feet	N/A
(vii)	Rear utility easements	10 feet	N/A
(viii)	Cul-de-sac radius	60 feet	International Fire Code requirements apply.
(ix)	Lots measured around a cul-de-sac	50 feet	International Fire Code requirements apply.

(3) Building and set-back lines.

(i) Building and set back lines shall be 40 feet from the edge of the right-of-way on all major highways and roads and 25 feet on all public roads other than major highways and roads.

(4) Right-of-way.

(i) Street rights-of-way within and bordering the subdivision shall conform to the most current Austin County Transportation Thoroughfare Plan.

(5) Utility plans.

(i) The developer shall submit plans for providing water, sewer, and electric utility service within the proposed subdivision and shall show the same on the plat. Water Construction plans shall show:

(a) The location and size of all proposed water lines in relation to the right-of-way and/or easements in which the lines are to be located.

(b) The location of all appurtenances proposed to be installed.

(c) The depth to which the water lines are to be installed.



- (d) Location of proposed hydrants – in accordance with the most recent International Fire Code.
- (e) An estimated timetable for completion of all facilities.
- (f) Based on the information available at the time the application is submitted, the anticipated owner(s) and operator(s) of all water facilities throughout all phases of development shall be identified and included in the application.

(6) Water availability.

- (i) The developer shall furnish a certified letter from an approved Texas Commission on Environmental Quality (TCEQ) utility service provider stating that water is available to the subdivision sufficient in quality and quantity to meet minimum state standards required by Section 16.343, Water Code, and consistent with the certification in the letter, and that water of that quality and quantity will be made available to the point of delivery to all lots in the subdivision.
- (ii) The utility provider should indicate that the utility plans have been reviewed and approved. If a separate utility easement is required by the water provider, it shall be indicated on the plat. An approximate fire flow available to the subdivision should be provided in this letter.

(7) Land use.

- (i) Designation of the proposed uses of land within the subdivision shall be shown whether for residential, commercial, industrial, recreational, or public use, such as parks, churches, or other specific uses.

(8) Drainage Easements.

- (i) Formal Drainage easements with rights of entry shall be given to the county for all rivers, streams , creeks , waterways that go through the development required widths to be determined by 100yr conveyance fully developed including upstream tributaries.



SECTION VI
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SECTION VII

PERFORMANCE GUARANTEES

A. GENERAL

- (1) All construction shall be in accordance with approved civil plans and construction standards set forth herein or as adopted by the Commissioners' Court.
- (2) Staff shall have an approved and signed set of civil plans and meet with developers/contractors for a preconstruction meeting prior to the commencement of construction on the subdivision.
- (3) A construction/performance and maintenance bond is required to ensure all infrastructure is built according to the established regulations and any other required conditions set forth in the plat.

B. CONSTRUCTION OR PERFORMANCE BOND

- (1) Prior to construction and to ensure roads, streets, signs, and required drainage and drainage structures are constructed in a timely manner, and in accordance with the terms and specifications contained in these regulations, the owner/developer or their project contractors shall file a Construction Bond, executed by a surety company authorized to do business in the State of Texas, or irrevocable letter of credit and made payable to the County Judge of Austin County, Texas or their successor in office. An affidavit of a business relationship or similar shall be presented at the time the construction bond is submitted.
- (2) The bond amount shall be equal to one hundred percent (100%) of any and all contracts, agreements, and bids for the construction of roads, streets, street signs, required drainage structures, erosion control, and all other areas.
 - (i) The bond(s), contracts, agreements, bids, and road fees shall be presented to the County Engineer before the final plat submittal at the time of the pre- construction meeting.
- (3) The construction bond shall be in full force and effect until one (1) set of record as-built construction plans of all underground utilities, roads, streets, and required drainage and drainage structures in the subdivision has been filed with the Austin and approval of release by the Commissioners' Court.
 - (i) The construction bond will be released by a Court Order from the Commissioners' Court after inspection by the County Engineer and County Precinct Commissioner, and corrections of deficiencies noted.
- (4) In the event that part of the infrastructure, as constructed by the developer, fails to meet the requirements of these regulations, and the said developer fails or refuses to correct the defects called to their attention in writing by the Austin County Commissioners Court or the County Engineer, any defects or unfinished improvements may be completed at the cost and expense of the



developer by exercising the construction bond or by seeking remedy through the initiation of a civil action in the courts of Austin County, Texas.

- (i) In no event is the County obligated to complete the work proposed by a developer and approved by the County or to assume the obligation of the developer otherwise.

C. MAINTENANCE BOND

- (1) After completion and approved by the County, all required infrastructure (i.e., streets, roads, signs, drainage ditches, erosion control measures, drainage structures/channels, and other items included but not limited to the items found on the department's bond checklist, etc). shall be secured by the owner/developer or their project contractors for a minimum of two (2) years by an approved maintenance bond or irrevocable letter of credit. The Commissioners Court may require additional bonds with an additional timeframe, as needed, at the end of the initial 2-year period to address areas that need further evaluation or attention.
 - (i) The amount shall be one hundred percent (100%) of any and all contracts, agreements, and bids for the construction of roads, streets, street signs, required drainage structures, erosion control, and others, including but not limited to items found in the department's bond checklist and all other areas.
- (2) The conditions of the maintenance bond or irrevocable letter of credit shall be that the owner/developer shall guarantee to maintain, to the satisfaction of the Austin County Department of Development, all required infrastructure that has been constructed to specifications with construction security released by Court Order from Commissioners' Court, in a good state of repair, as indicated by the most-recently adopted County's stand road construction requirements.
- (3) The maintenance bond or irrevocable letter of credit shall be executed by a surety company authorized to do business in the state of Texas, made payable to the County Judge of Austin County, Texas, or their successor in office, and shall be substituted for the construction bond at the time of the release of said construction bond.
- (4) The bond(s), contracts, agreements, bids, and road fees shall be presented to the Austin County Engineer at the time of the pre-construction meeting.
- (5) Periodic inspection of all required infrastructure for which maintenance security is held shall be made by Austin County during the two (2) year period of liability covered by the maintenance bond or letter of credit.
 - (i) In the event any or all of the aforementioned facilities are not being maintained in a good state of repair, the County shall give written notice to the owner/developer of maintenance deficiencies during the two (2) year maintenance period (*i.e., missing signs, drainage problems, street failure, etc.*). The developer shall have fourteen (14) business days after notification to complete the appropriate remedial action.



- (a) The only exception is missing traffic signs, which shall be replaced within twenty-four (24) hours.
 - (ii) The County shall begin final inspecting the roads and infrastructure approximately ninety (90) days before the expiration of the security.
- (6) If maintenance or repairs are required to be made to a road before acceptance of any construction by the Commissioners' Court before acceptance into the County's public road system, the County may elect to accomplish the work and draw the cost against the developer's security and has the option to extend it beyond the required two (2) additional years.
 - (i) If the security is not extended or no amount is drawn on the security, it shall become a privately-maintained road.
- (7) At the end of the two (2) year period, the owner/developer may request to the County Commissioners' Court for acceptance and/or maintenance of such infrastructure into the County's public road system.
 - (i) The release of any security shall only be by Order of the Commissioners' Court.
 - (ii) To request a release, the owner shall present a written request to release said security, including a notarized certificate of completion stating that all bills relating to work covered by the construction security have been paid.
 - (iii) The request shall contain a statement by the developer of compliance with these regulations.
 - (iv) The County Engineer shall receive the written notice for security release at least twenty-one (21) days prior to the next regularly scheduled meeting of the Commissioners' Court.

D. OTHER FINANCIAL SECURITIES

- (1) An acceptable irrevocable Letter of Credit may be submitted in lieu of bonds to ensure a developer's promise to construct and maintain the roads and drainage of facilities in a subdivision.
 - (i) Irrevocable Letters of Credit in lieu of bonds are required under the same conditions as Construction and Maintenance Bonds.
- (2) Any security for construction and maintenance other than a bond or an irrevocable letter of credit shall be by written request to the Austin County Engineer for approval by the Austin County District Attorney's Office and authorization by the Commissioners' Court.



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SECTION VIII

RELIEF BY COUNTY COMMISSIONERS' COURT

A. AUTHORITY

- (1) The Commissioners' Court may authorize relief (i.e., variance) from these regulations in an open session when it is clearly shown that the granting of relief in the form of a lesser standard will not impact adversely on public health, safety, general welfare, traffic conditions, and not alter the nature, character, and quality of the subdivision.
 - (i) A notice shall be sent to adjacent property owners (found on the latest appraisal tax rolls) via United States Postal Service (USPS) regular mail within two hundred (200) feet of the subject site/property seeking the relief at least ten (10) days in advance of the proposed meeting advertising the proposed relief sought.
 - (ii) A variance shall not be granted to relieve a personal hardship, nor shall it be based on economic gain or loss, financial, or economic hardship, nor shall it permit any person a privilege in developing a parcel of land by this Order to other parcels of land.

B. SPECIAL CONDITIONS

- (1) No relief from these regulations shall be authorized unless the Commissioners' Court finds:
 - (i) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Order would deprive the applicant of the reasonable use of his land; and,
 - (ii) That the relief is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
 - (iii) That the granting of the relief will not be detrimental to the public finances, health, safety, or welfare, or injurious to other property in the area; and
 - (iv) That the granting of the relief will not have the effect of preventing the orderly development of another land in the area by the provisions of the Order; and,
 - (v) That the situation causing the hardship or difficulty is neither self-imposed or self-created.
- (2) Such findings of the Austin County Commissioners' Court, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the Austin County Commissioners' Court meeting at which such relief is granted.
- (3) Relief may be granted only when in harmony with the general purposes and intent of this Order and does not alter the nature, character, and quality of the subdivision so that the public health, safety, and welfare are secured.



C. RELIEF DUE TO SUBDIVISION BY GIFT, DEVISE, OR DESCENT

- (1) In cases where the subdivision of land is by gift, devise, or descent to a family member related up to the third degree by affinity (marriage) or consanguinity (blood), a platting exemption may be granted by the Austin County Commissioners Court based on the criteria and documents listed below:
 - (i) Applies only to property located along a County-maintained road and does not apply to Tx-DOT or private roads.
 - (ii) The “parent” tract (Grantor property) and property to be transferred (Grantee property) shall meet all the County’s requirements listed below in effect at the time of application:
 - (a) Minimum public road frontage, minimum lot depth, and minimum lot size, as stated in Section IV of this volume.
 - (iii) Provide the necessary legal & recognized documents proving the grantor’s & grantee’s relationship.
 - (iv) Provide a scaled boundary survey exhibit with a Registered Professional Land Surveyor (RPLS) or Professional Engineer (PE) seal identifying the Grantor property & Grantee property in legible readable exhibit sized 8 ½ x 11 inches with the following information:
 - (a) Location map, scale, surrounding roads, floodplain (if applicable), and surveyor certification and signature
 - (b) Road frontage for each property
 - (c) Acreage of each tract after the subdivision (net acreage if in floodplain)
 - (d) Location and width of existing easements, along with recording information
 - (e) Location and width of existing right-of-way dedication, along with recording information
 - (v) A separate metes & bounds description for each the Grantor and Grantee property.
 - (vi) This exemption shall not apply to any existing platted property or if an exemption already exists on Grantee property.
 - (vii) Filling out the required application, affidavits, or acknowledgments and paying associated fees.
 - (viii) Any other information requested.
- (2) If exemption is granted by this subsection it is conditioned on:
 - (i) Each of the family-related landowners not further subdividing the property in any manner, unless it goes through the platting process and meets the County’s requirements in effect at that time.



- (ii) All parcels of the property remain in continuous ownership by all related landowners as determined by state law for this relief. A change of family ownership within the parameters shall require updated forms.
- (iv) The sale of any Grantor or Grantee property involved to members outside of the family is strictly prohibited until all properties are platted to meet the County's requirements in effect at that time.
- (v) The transfer of property or deed does not convey with this exemption.
- (vi) Any other condition established by the Commissioners Court.

D. PERMITS IN UNRECORDED SUBDIVISIONS

- (1) For the purposes of issuing permits only, property located within an unrecorded subdivision may be delayed from the platting and public road frontage requirement at the time of application.
- (2) The property seeking the permit shall match the boundaries of the proposed lot in the unrecorded subdivision or meet the requirements in Section IV of this volume.
- (3) There shall be a well-defined travel lane with an all-weathered surface per the International Fire Code.
- (4) If the property were to be divided in any form or fashion, that division would have to meet the current public road frontage requirement outlined in Section IV and may require submitting other requirements found in these regulations.



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SECTION IX

MANUFACTURED / MOBILE HOMES, RV PARKS, AND MULTI-TENANT DEVELOPMENTS

A. APPLICATION & PURPOSE

- (1) The purpose of this subsection is to achieve orderly development of manufactured/mobile homes, RV parks, and multi-tenant developments to promote and develop the use of land to ensure the best possible community environment and to protect and promote the health, safety, and general welfare of the residents of Austin County.
 - (i) A mobile home rental community that meets the requirements of Section 232.007 of the Texas Local Government Code is not a subdivision and is exempt from platting if it meets those requirements. Staff shall have the applicant submit a signed affidavit as part of the overall application submittal indicating that all spaces shall be rented and not be sold individually and/or owner-occupied. If the owner decides to sell them as individual lots, they shall meet the platting and other applicable development requirements in effect at that time.

B. INFRASTRUCTURE DEVELOPMENT PLAN (IDP)

- (1) For manufactured/mobile home or RV parks and multi-tenant developments, any required state or federal permits shall be approved and completed prior to the submittal of an Infrastructure Development Plan and/or civil plans.
 - (i) The County shall reject any application that is incomplete and may deny it outright.
 - (ii) Such federal or state approvals are required to be placed in the submittal packet at the time of application, along with the contact information of the person at the state or federal agency that assisted them in their process.
- (2) A property proposed as a manufactured/mobile home community, recreational vehicle park, or multi-tenant development with an application submitted after January 1, 2018, shall have an Infrastructure Development Plan (IDP) and/or a complete set of civil plans, as indicated by the Austin County Engineer, prepared that complies with minimum standards established within this Section.
 - (i) The Infrastructure Development Plan (IDP) shall show all items as indicated in the most recent application and checklist with drawings sealed by a registered professional engineer licensed in the State of Texas.
 - (ii) An application fee shall be the same for an engineering civil plan review, as indicated in the adopted Master Fee Schedule.
- (3) A manufactured/mobile home park, recreational vehicle park, or multi-tenant development shall:
 - (i) be directly adjacent to a public paved street with a minimum right-of-way width of seventy (70) feet.



- (ii) have a minimum road frontage of 150 feet.
 - (iii) platting requirements may apply based on other sections of these regulations.
- (4) Roads within the interior of these development shall be constructed and paved to a minimum width of 24 feet (or the minimum width of a fire lane as stated in the most recent International Fire Code, whichever is wider) meeting the County's current street requirements plus one (1) foot on both sides for a shoulder on both sides (see Austin County Subdivision and Development Regulations, Volume III, Section II (A) for more information) .
 - (i) These access roads shall also double as the designated fire lane and no on-street parking shall be allowed at any time.
 - (ii) Paving surface shall be limited to either asphalt or concrete with engineered drawings showing the paving surface and underlying subgrade material can withstand a minimum weight load of at least 80,000 pounds, or as stated in the International Fire Code.
 - (iii) No shared driveways shall be allowed.
 - (iv) No space/unit/lot shall directly front or access onto any perimeter road.
 - (a) An exception to the above requirement shall be if it sits on an individually-platted lot and approved culvert size from the precinct. Culvert installation shall be the owner's responsibility.
 - (b) If the above requirements are not met, the only access shall be from an interior access road only.
 - (v) The County shall not be responsible for maintaining the internal roads.
- (4) In recreational vehicle parks, no space may contain more than one (1) residential unit.
 - (i) The County may use the latest edition of NFPA 1194 (Standard for Recreational Vehicle Parks and Campgrounds) to review the RV parks proposals.
 - (ii) No permanent fixtures (i.e., decks, fencing, carports, accessory structures, other buildings, pools etc.) or permanent residence shall be allowed on the individual spaces.
 - (a) This does not include all community/amenity centers, pools, restrooms, management buildings or other structures located outside of the individual spaces and in a common space.
- (5) The proposed development shall comply with all aspects of the Infrastructure Development Plan (IDP), associated civil plans, and other applicable County regulations, including but not limited to the County's floodplain order, septic order, regulations related to subdivision, drainage, construction details, etc.



C. **TIMELY APPROVAL OF INFRASTRUCTURE DEVELOPMENT PLANS**

- (1) The County shall withhold all permits for manufactured/mobile home and RV parks until the Infrastructure Development Plan has been approved in the manner prescribed by these regulations.
- (2) Not later than the 60th day after the date the owner of a proposed manufactured/mobile homes, recreational vehicle park, and multi-tenant development submits an infrastructure development plan for approval, the Austin County Commissioners Court shall approve or reject the plan in writing.

- (3) An owner's certificate in the following form shall be shown on the plan:

STATE OF TEXAS
COUNTY OF AUSTIN

I hereby certify that this plan is true and correct, and if approved by the Austin County Commissioners Court, all development will be in accordance with this plan, and no alterations will be made to the plan after approval.

Owner or Authorized Agent

- (4) If the plan is rejected, the written rejection must specify the reasons for the rejection and actions required to approve the plan. The failure to reject a plan within the period prescribed herein constitutes approval of the plan.

D. **INSPECTIONS**

- (1) Construction or installation of paving, utilities, drainage, or other site improvements of a proposed manufactured/mobile home community, recreational vehicle park, or multi-tenant development shall not begin before the date the Austin approves the Infrastructure Development Plan.
- (2) Periodic inspection of improvements and site conditions may be required, as directed by the County Engineer or Austin County Permitting.
- (3) After written confirmation from the developer, the County shall perform a final inspection of the improvements stating that the infrastructure is complete.
- (4) If the inspector determines that the infrastructure improvements comply with the IDP, then the Austin shall issue a Certificate of Compliance no later than the fifth business day after the date the Austin receives written confirmation from the owner that the infrastructure has been completed and in compliance with the IDP.



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SECTION XXI

DEFINITIONS

A. APPLICATION

- (1) For these regulations, the following terms, phrases, words, and their derivations shall have the meaning ascribed to them in this section.
- (2) If the terms, phrases, words, and their derivations are not located within these sets of regulations, it may be located in the County's other associated development regulations. Illustrations and graphics may be used and added as needed to better explain a definition.
 - (i) Definitions not expressly prescribed herein are to be construed in one of the following methods as determined by the County Engineer to apply a definition that closely applies:
 - (a) Customary usage in subdivision, planning, and engineering practices; or,
 - (b) As allowed by Chapter 311.011 of the Code Construction Act of Texas.
 - (ii) The County Engineer shall interpret the definitions when questions arise. Should there be discrepancies or disagreement of the application of a definition, the Austin County Commissioners' Court shall make the final determination.
- (3) The definitions in this section shall also apply to Volume II (Drainage Design Manual) and Volume III (Standard Construction Details) of the Austin County Subdivision & Development Regulations, unless otherwise indicated.

B. DEFINITIONS

ACREAGE, GROSS

The total acreage of a subdivision or lot, including areas dedicated to the public use such as streets and alley right of ways, floodplains, etc.

ACREAGE, NET

The total acreage of a subdivision or lot less those areas dedicated to public use such as streets and rights-of-way, floodplains, etc. Easements, however, shall be included in net acreage calculations.

ACREAGE, USEABLE

The amount of land suitable for the installation of OSSF facilities as authorized by TCEQ and/or Austin County regulations.

ALLEY

A minor street used primarily for vehicular access to the back or the side of properties otherwise abutting on a street. Alleys are not maintained by the County.



ALL-WEATHER SURFACE

An alternative paving material that is designed and sealed by a professional engineer that is approved by the County and the Fire Marshal and is equivalent to the County standards for road/street construction. At a minimum, it shall carry the weight of the fire engine or at least use 80,000 pounds, whichever is greater.

BLOCK

A piece or parcel of land entirely surrounded by public highways or streets, other than alleys. In cases where the platting is incomplete or disconnected, the Department of Development may determine the outline of the block. A block is used to designate a series of lots within a subdivision for platting purposes.

BUILDING LINE OR SETBACK LINES

A line defining an area on the lot between the street right-of-way or property line and the building line within which no building shall be constructed, encroach, or project, except as specifically authorized by the Commissioners' Court.

COMMISSIONERS' COURT

The governing body of Austin County, Texas. The Court has five (5) elected members: the County Judge and four (4) elected precinct commissioners.

COMPLETED APPLICATION

A submittal that is ready for review by the department staff upon successful determination by the department director or designee that all required and applicable items on the latest department checklist for that project are included with the application packet and deemed complete to proceed with review. If the submittal does not contain all the required items as listed on the latest department checklist, the application will not be accepted until all items are presented

COUNTY

Austin County, Texas.

COUNTY JUDGE

County Judge of Austin County, Texas.

COUNTY ENGINEER

A registered professional civil engineer either employed or on a consulting basis with Austin County or their designated representative in charge of the engineering functions for the County.

COUNTY ROAD

A public paved road or street, which has been accepted by the County, through prescription or dedication of right-of-way for maintenance purposes or street that was constructed or maintained by the County.

CUL-DE-SAC

A short, minor street having but one outlet to another street and terminated on terminating at the opposite end by vehicular turn-around



CUL-DE-SAC CORNER

Enlargement of a 90-degree intersection by a fifty (50) foot radius from the intersection of the centerline of the two streets.

DEAD-END STREET

A street, other than a cul-de-sac, with only one outlet.

DEED RESTRICTIONS

A restrictive covenant expressed in a contract between the buyer and the seller of real property that imposes duties on the buyer or restricts the buyer's use of the land. These restrictions are usually expressed in the form of language in the deed to the property. Deed restrictions are private and cannot be enforced by the County.

DETENTION

The temporary storage of stormwater runoff, with controlled peak discharge rates.

DETENTION TIME

The amount of time a body of water is actually present in a stormwater detention facility.

DEVELOP/DEVELOPMENT

Any human-made activity that alters or changes improved or unimproved property, usually requiring a permit or approval from the county, that includes but not limited to construction/alteration/renovating of structures, the division of land in any form or fashion, construction of roads or similar, installation of utilities or septic systems, pools, signs, temporary uses, or any change in the intensity or use of land, clearing of land, mining, dredging, filling, grading, paving, excavation, or drilling operations, and storage of materials, etc. For the purposes of these regulations (Volumes I, II, and III), this word shall also have the same meaning as a subdivision.

DEVELOPER OR OWNER

An individual partnership, corporation or governmental entity, officer, agent employee, servant or trustee thereof (or any combination thereof) undertaking the subdivision or improvement of land and other activities covered by these regulations, including the preparation of a subdivision plat showing the layout of the land and the public improvements involved therein or participates in, who performs or participated in the performing of any act toward the subdivision of land within the intent, scope, and purview of these regulations. The term "developer" is intended to include the term "subdivider," "owner," or "applicant" even though personnel in successive stages of a project may vary.



DORMANT PROJECT

A project is considered dormant if it does not have an expiration date and no progress has been made towards completion of the project as defined in Local Government Code Section 245.005.

DRAINAGE, BUYERS RESPONSIBILITY

It is the responsibility of the buyer of a lot to take the steps necessary to allow water from the lot to flow to the drainage ditch in the front, rear, or side, whichever is the case. It is not the responsibility of the County Commissioner or other County official to solve drainage problems on private land.

DRIVEWAY

A portion of a lot used for access to the lot from a public highway, road, or street and not used for public circulation. Driveway may not enter roadway closer than 200' from an intersection. Public Roadway spacing 200' apart back to back driveway may be used to obtain spacing requirements.

DWELLING UNIT/ HABITABLE STRUCTURE, ACCESSORY

A permitted structure, often detached, contained on the same lot or tract of land as the principal habitable structure, used as an independent living facility for a family member related to the owners of the family of the principal structure owner and not used for rental purposes (i.e., "mother-in-law" suite, garage apartment, pool house, shop, bardominium, etc.) and is an accessory or incidental use to the main dwelling, not larger than the principal habitable structure and may be connected to the same septic system, provided it meets the current septic order in effect at time of permitting. This accessory structure is not intended as the primary use at any time. Detailed plans are required for this structure at the time of permitting. The omission or falsification of any information may render the application invalid and prosecution as outlined in Section I (J) of this volume and other penalties outlined in the County's Septic Order.

DWELLING UNIT/ HABITABLE STRUCTURE, PRINCIPAL

Any building, or portion thereof, which is designed or used as living quarters for one or more families and contains at least three (3) plumbing fixtures, or any combination thereof from the following list as outlined below; a residence.

- A water closet (i.e., toilet, commode, urinal, or similar.)
- A shower or bathing facility
- A bathroom or kitchen sink
- Laundry facilities
- Other plumbing fixtures not mentioned that could access the sewer or septic system.

Any separate/detached structure on the same property, tract of land, or lot used as living space meeting the same criteria as above shall be considered a secondary or accessory dwelling structure.

EASEMENT

A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation, or another person or entity and/or to a private utility corporation for a particular and expressed



purpose.

Access Easement

An easement allowing access onto a property or adjoining property.

Drainage Easement

The right for the passage of natural drainage across private land, together with the right to enter thereon to maintain drainage structures and the free flow of drainage. May also double as a utility easement if it is properly labeled on the plat.

Non-access Easement:

An easement prohibiting access onto a property or adjoining property.

Utility Easement

An easement granted for access, over or under land, together with the right to enter thereon with machinery and other vehicles necessary for the construction and maintenance of utilities. May also double as a drainage easement if it is properly labeled on the plat. See utilities definition.

ELEVATION CERTIFICATE

An official record that shows new buildings and substantial improvements in all identified Special Flood Hazard Areas (SFHAs) are properly elevated. This elevation information is needed to show compliance with the floodplain management ordinance.

ENGINEER

A person duly authorized and properly registered under the provisions of the Texas Registration Act to practice the profession of engineering.

ENGINEERING/CIVIL PLANS

A set of engineering documents required by the County that relates to a specific site or project. These plans usually require a seal and include but not limited to drainage plans, paving plans, erosion control, grading, cross-sections, profiles, and other detailed drawings.

EXTRATERRITORIAL JURISDICTION (ETJ)

The unincorporated area, not a part of any city, which is contiguous to the corporate limits of any city. The size of the ETJ shall be as defined in Chapter 42.021 of the Texas Local Government Code.

FAMILY

Any number of related persons or not more than six (6) unrelated persons living in a single housekeeping unit.

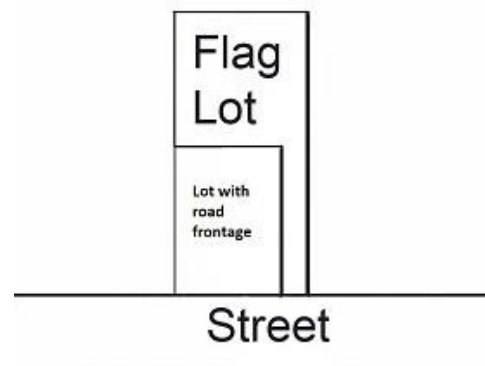
FIRE CODE

The most recent fire code adopted by Austin County.



FLAG LOT

A lot not meeting the minimum road frontage requirements shaped and designed where the main building site area is set back from the street on which it fronts and includes a narrow access strip connecting the main building site with the street. It consists of two parts: The flag, which is the building site and may be located behind another lot, and the pole, which connects the flag to the street. Flag lots may not be used, Internal Roadway Systems are always preferred.



FLOODPLAIN

Any and all land area adjoining the channel of a river, stream, lake, watercourse, marshy area, or another drainage element, which has been or may be inundated by stormwater runoff. The extent of the flood plain shall be determined by the crest of a flood having an average frequency of occurrence of once in one hundred (100) years, as established by F.E.M.A.

FLOODWAY

The channel of a river or other watercourse and the adjacent land areas that shall be reserved to discharge the base flood, as defined by the Corps of Engineers or F.E.M.A., without cumulatively increasing the water surface elevation more than one (1) foot.

HIERARCHY OF STREETS AND ROADS:

More detailed information concerning streets can be found in the Master Thoroughfare Plan for Austin County.

STREET

A right-of-way which provides primary vehicular access to adjacent land, whether designated as a street, highway, thoroughfare, parkway, throughway, avenue, lane, boulevard, road, place, drive or however otherwise designated.

1) STREET, MAJOR OR REGIONAL ARTERIAL

A street whose primary function is to provide traffic movement between major traffic generators such as principal neighborhoods, commercial centers, and industrial areas and to connect with surrounding municipalities. There shall be minimal residential traffic directly accessing it. Its function is to conduct traffic between communities and activity centers and to connect communities to major state and interstate highways.

(2) STREET, MINOR ARTERIAL OR PRIMARY THOROUGHFARE

A high-volume street or county road that provides access to the subdivision and connects to major state and interstate highways. The backbone of the street system. They also serve to collect and distribute traffic from streets of lower classification to major arterials.

(3) STREET, COLLECTOR OR SECONDARY THOROUGHFARE

The function of a collector street is to collect and distribute traffic from local access streets and to convey



it to the arterial system. Major collectors provide limited access to abutting property, and parking is limited or restricted. It provides the most direct access to other collectors and arterials. Usually, serves as the principal street in a subdivision.

(4) STREET, LOCAL

A street that is used primarily for access to abutting residential property and circulation of traffic within residential neighborhoods. It is of a width and design to discourage through traffic, thereby protecting residential areas by including short street blocks, cul-de-sacs, and courts.

(5) STREET, PRIVATE OR SERVICE DRIVE

A vehicular access way under private ownership and maintenance that has not been dedicated to the County nor accepted by the County.

INTERIOR STREET/ROAD

A street or road contained within a subdivision, which serves only the subdivision and does not connect with other streets/roads outside the subdivision.

LANE

A narrow way or passage as between hedges; any narrow or well-defined route or course.

LOT

An undivided tract or parcel of land having frontage on a public street or an approved open space having direct street access, and which is, or in the future may be, offered for sale, conveyance, transfer, or improvement, which is designated as a distinct and separate tract, and which is identified by a tract, or lot number, or symbol in a duly approved subdivision plat which has been duly filed and recorded.

LOT, CORNER

Lot located at the intersection of two roadways that has frontage on each roadway.

LOT, INTERIOR

A lot bounded by a street either at its front or back, but not on either of its sides; also called an inside lot.

LOT LINES

The property lines of any given tract or parcel of land which circumscribe the area divided by any plat of record in the plat records of Austin County, Texas, or in the absence of such a plat, the lot lines shall mean those property lines circumscribing the lot.

LOT OF RECORD

A lot which is part of a subdivision, the plat of which has been recorded in the office of the County Clerk of Austin County before the adoption of this ordinance.

MAY

The word "may" is permissive and not mandatory.



MANUFACTURED HOME

A factory-built, single-family structure, which is manufactured or constructed under the authority of 42 U.S.C. Section 5403, Federal Manufactured Home Construction and Safety Standards, and is to be used as a place for human habitation, but which not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site and which does not have permanently attached to its body or frame any wheels or axles. A mobile home is not a manufactured home unless it has been converted to real property and taxed as a site-built dwelling. For the purposes of this title, a manufactured home shall be considered the same as any site-built, single-family detached dwelling.

MANUFACTURED HOME PARK

Any facility or area developed as a site for the lease or rental location of two or more manufactured homes.

MANUFACTURED HOME COMMUNITY

A plot or tract of land separated into two (2) or more spaces that are rented, leased, or offered for rent or lease for a term not to exceed 60 consecutive months on the same tract of land without a purchase option, for the installation of manufactured homes for use and occupancy as residencies.

MOBILE HOME

A transportable structure built on a permanent chassis designed to be used as a year-round single-family occupancy with or without a permanent foundation and having the required utility services (electrical, water, sewage, etc.) similar to those of a conventional dwelling.

MOBILE HOME PARK

Any area or tract of land under one ownership with required improvements and utilities designed for the long-term parking of other type of installation of at least two (2) or more mobile homes on site/spaces or lots that are rented, leased, or offered for rent or lease, including all improvement, buildings, and structures which may include recreational areas or other facilities for the use of residents of such developments.

MOTEL

A building or group of buildings (attached, detached, or semi-detached) containing guest rooms or units per rent which are designed and used primarily for the transient accommodation of guests and not intended to be used as long-term housing.

MULTI-FAMILY RESIDENCE

Any building or portion thereof that is designed, built, and rented, leased to be occupied as two (2) or more dwelling units and used as by one (1) family per dwelling with cooking facilities and other facilities found in a traditional single-family dwelling. It may be a duplex, triplex, quadruplex, apartments, condominiums, garden homes, or townhouses as those structures are commonly defined.

MULTI-TENANT DEVELOPMENT

A development containing at least three (3) habitable structures on property owned by a person, group of people, or entity intending to use one (1) primary point of access to the adjacent road and may be considered rental. This definition excludes accessory habitable structures as defined; however, the Engineer will make a final determination should any question.



ON-SITE SEWAGE FACILITY

All systems and methods used for the treatment and disposal of sewage, other than organized disposal systems, operated under a valid permit issued by the Department of Development and regulated by TCEQ; Austin County Septic Order 182.11; and Title 30, Part 1, Chapter 285 of the Texas Administrative Code.

PLAT

A map, drawing, chart, or plan showing the exact layout and proposed construction of a proposed subdivision into lots, blocks, streets, parks, school sites, commercial or industrial sites, drainage ways, easements, and/or any other elements as required by these Regulations, and which a subdivider shall submit for approval in accordance with these Regulations.

PLAT, PRELIMINARY

A plat of the concept and performance of the subdivision as related to the provisions of these Regulations.

PLAT, FINAL (RECORDATION)

A plat of a subdivision prepared in a form suitable for filing or recording with the necessary affidavits, dedications, and acceptances and with complete bearings and dimensions of all lines defining lots and blocks, streets, public areas, and other dimensions of land and subdivision requirements of the County. For recordation, a final plat may also include a replat and any amending plat.

PRE-CONSTRUCTION MEETING

A meeting that takes place prior to the construction of a project, usually with the developer, County staff, and contractors to go over requirements, expectations, and other items that need to occur during the duration period of the construction/installation of required infrastructure. Bids will be submitted to staff for review before the meeting to allow staff to review it. Based on this, the construction bond and road fee shall be set and due at the time of this meeting.

PRIVATE STREETS/ROADS

A vehicular accessway under private ownership and maintenance that has not been accepted by the County for maintenance. This roadway may or may not have been dedicated to the County. This includes a paved street located behind a gate or gated subdivision.

PUBLIC STREET/ROAD

Any area, parcel, or strip of land (road) which provides vehicular access to adjacent property or land whether designated as a street, highway, freeway, thoroughfare, avenue, land boulevard, road, place, drive or however otherwise designated and which is either dedicated or granted for public purposes or acquired for public use by prescription. This may include a paved street not maintained by the County and still accessible to the general public, and not behind a gate or gated subdivision.

RECREATIONAL VEHICLE

A vehicle such as a camper or a motor home, used for traveling and/or recreational purposes, with running gear.



RECREATIONAL VEHICLE PARK

A lot or parcel of land used primarily as a rental community in which two (2) or more recreational vehicle sites/spaces are located, established or maintained for temporary occupancy, usually for a fee, by recreational vehicles or similar of the general public intended to for recreational use only, and for not more than 90 days.

REPLAT

A map of a subdivision incorporating changes, amendments, improvements, and/or corrections to a plat such as changes in lot size, further subdivision of existing lots, and relocation of street line/lot lines that is on record in the County Clerk's office.

RIGHT-OF-WAY

That portion of the subdivision dedicated for public roads with the adjacent lot lines being the boundaries of the right-of-way. These dedications are considered permanent offers of dedication for public roads. In the case of private roadways the county will hold the permanent offer in trust for the state for future acceptance.

ROAD

A long stretch with a smoothed or paved surface made for traveling by motor vehicles; a highway; a strip of land appropriated and used for purposes of travel and communication between different places.

ROAD FRONTAGE

Contiguous frontage on a public road or street.

ROADWAY

That portion of any street or road designated for vehicular traffic, not including shoulders or curbs.

SHALL

The word "shall" is mandatory and not permissive.

SPACE (relating to manufactured/mobile homes or recreational vehicle (RV) parks)

A plot of ground designated or used within a manufactured home community, mobile home park, or recreational vehicle (RV) park for the accommodation, occupancy, and exclusive use of one (1) mobile home, manufactured home, or recreational vehicle (RV).

STREET

A public road, usually paved, with or without sidewalks, curbs, and guttering with houses on each or at least one side of the same.

STREET INTERSECTION

Any street that joins another street at an angle, whether or not it crosses the other.

SUBDIVISION

A division of a lot, tract, or parcel of land into two (2) or more parts, lots, or sites or a combination of the same for the purpose, whether immediate or future, of sale, a division of ownership, or development. Subdivision



includes the division or development of land, whether by deed, metes and bounds description, device, map, plat, or other recorded instrument, but shall exclude any division resulting from inheritance (by intestacy, will, or trust distribution), dissolution of marriage, condemnation or agreement in lieu thereof, or the granting of any rights other than ownership of land (such as licenses, easements, and rights-of-way). Subdivision includes re-subdivision of land or lots, which are part of a previously recorded subdivision. These regulations shall govern all transfers of ownership, division, or development of land. This term may also mean any development for which a permit is required.

SURVEYOR

A Licensed State Land Surveyor or Registered Professional Land Surveyor (RPLS), as authorized by the State Statutes to practice the profession of surveying.

TCEQ

Texas Commission on Environmental Quality or their successor agency.

THROUGH ROAD/STREET

A road or street on which traffic can move with minimal interruptions.

THOROUGHFARE PLAN

Any road or street that is identified in the most recently-approved edition of the Austin County Master Thoroughfare Plan, both map, and text, that describes street classifications and general location of the placement of the designated thoroughfares. Also called Master Thoroughfare Plan.

TRACT

Any parcel of land or property.

TRAIL

A multi-use path usually separated from motor vehicle traffic by an open space or barrier and used by bicyclists, pedestrians, joggers, etc.

TX-DOT

Texas Department of Transportation.

TX-DOT SPECIFICATIONS

Refers to the current edition of Standard Specifications for Construction and Maintenance of Highways, Streets, and Bridges.

UNRECORDED SUBDIVISIONS

A subdivision never approved by Commissioners Court and does not have a filed plat with County Clerk containing existing streets, structures, and an established development pattern as determined by the County Engineer, recognized by Austin CAD in their property record information, the County's development office has an unofficial copy of that scaled survey or drawing archived in their records and sealed by a licensed surveyor or



professional engineer showing the lot and street layout; can also be called an unplatted subdivision.

USEABLE ACREAGE

The land remaining after excluding the floodplain, as authorized by TCEQ Rules and Regulations, or other applicable law, restricting the amount of land available for construction of an On-site Sewage Facility. With the submittal of an engineer-sealed alternative plan, the Department of Development will consider the alternative plan but reserves the right to accept or reject the plan.

UTILITIES

Electric, gas, television/cable, and telephone lines, water, and sewer systems, or other buried or aerial utilities that provide a service for the general public, often for a service fee and the construction of which may be regulated by the County.

VARIANCE

An adjustment in the application of these specific regulations to a parcel due to special conditions or circumstances of hardship peculiar to the particular parcel. Relief from a particular set of regulations is necessary to prevent the property from being deprived of right and privileges enjoyed by other parcels in the same vicinity; also called relief from the regulations.

WRECKING YARD (JUNKYARD OR AUTO SALVAGE)

Any lot upon which three or more motor vehicles of any kind, which are incapable of being operated due to condition or lack of current registration and/or current state inspection, have been placed for the purpose of storage, obtaining parts, recycling, repair, or resale.

