

MADISON COUNTY, TEXAS

SUBDIVISION REGULATIONS



**Approved and Accepted by
Madison County Commissioners Court**

On this ____ day of _____, 2024

MADISON COUNTY, TEXAS - SUBDIVISION REGULATIONS

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MADISON COUNTY, TEXAS - SUBDIVISION REGULATIONS

On January 12, 1987, acting pursuant to Section 232.003, Texas Local Government Code, the Commissioners Court of Madison County, Texas, adopted the following regulations governing the subdivision of land. They were further revised on December 26, 1995, February 12, 2001, August 11, 2014, April 12, 2021, April 26, 2021, June 13, 2022 **and** **_____**. These regulations will be known as the Madison County Subdivision Regulations.

1. PURPOSE AND AUTHORITY

- 1.1 These regulations have been prepared in general to aid in the orderly development of Madison County, Texas, and provide guidelines which will lead to a desirable environment. Specifically, they have been prepared for the following purposes:
 - 1.1.1 To furnish the developer with guidance and assistance in the expedient preparation and approval of plats.
 - 1.1.2 To protect the citizens of Madison County by ensuring minimum subdivision and development guidelines for residential, commercial, and industrial subdivisions.
 - 1.1.3** To provide for the welfare of the public by providing guidelines for the location, design, and construction of roadways, roadway intersections, drainage, improvement and other features that provide for the safety of the general public.
 - 1.1.4 To prevent the Madison County road system from being burdened with maintenance of substandard streets or roadways in the future.
 - 1.1.5 To facilitate the identification of land within the county for purposes of placement on the tax roll.
- 1.2 Madison County Commissioners Court shall establish fees for applications, permits, inspections, reviews, or other activities as required or allowed under these regulations. The applicable application fee shall be as allowed by Local Government Code 232.0021. These fees may be amended from time to time by the Commissioners Court without amending or affecting the remainder of these regulations. The Madison County Clerk shall maintain and make available to the public a list of all fees established under these Regulations. *(Added 4/26/21.)* It is the responsibility of the developer to apply using the most current forms.
- 1.3 Madison County Commissioners Court may make revisions, corrections, and updates to these rules at any time. Changes shall be reflected and become a part of these Regulations. *(Added 4/26/21.)*

- 1.4 Madison County Rural Development Coordinator may develop policies, procedures, forms, checklists, and other documentation to assist in the implementation of these Regulations as needed. *(Added 4/26/21.)*

2. DEFINITION OF TERMS

2.1 Subdivision

Defined by Section 232.001, Local Government Code, as “the division of a tract of land into two or more parts to lay out (1) a subdivision of the tract, including an addition; (2) lots; or (3) streets, alleys, squares, parks, or other parts of the tract intended **by the owner of the tract** to be dedicated to public use or for the ~~public use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.~~ *(Eff 9/1/23).*

The Madison County Commissioners Court has adopted guidelines, incorporated in these regulations as Appendix A, stating when they require owners to file a plat for a subdivision.

2.2 Minimum Requirement

Requirements when defined are minimum acceptance requirements. Such requirements may be increased by the county due to issues pertaining to each unique subdivision.

2.3 Owner

All references in these Regulations to an “Owner” shall be construed to refer to the person or persons possessing title and/or lien to the property to be subdivided. This can also refer to the owner’s surveyor, engineer, lawyer, or planner who has been given authority to represent the owner.

2.4 Preliminary Plat

A map or drawing of a proposed subdivision meeting the requirement of Section 3.23.1. This map, at the discretion of the county, is to show existing features and proposed improvements to the entire owner’s adjacent property.

2.5 Final Plat

A map or drawing of a proposed subdivision prepared in a manner suitable for recording in the County records and prepared in conformance with the conditions of preliminary approval previously granted by the Commissioners Court and meeting the requirements of Section 3.23.8.

2.6 Minor Plat Division

A map or drawing of a proposed subdivision involving four (4) or fewer lots fronting on an existing street that does not involve: (i) the creation of any new streets, alleys, or safety lanes; (ii) the extension of off-site utilities; or (iii) the installation of

drainage improvements, and (iv) is not located within a platted subdivision. *(Amended 4/26/21.)*

2.7 Developer

Any owner of property who wishes to divide it into two or more tracts.

2.8 Parent Tract

The original tract owned by the developer prior to any division.

2.9 Daughter Tract

Any of the tracts created by division of a parent tract, including the remainder of the parent tract itself.

2.10 County Engineer

All references in these Regulations to the “County Engineer” shall be construed to refer to the Madison County Engineer, engineering consultant hired by Madison County, or any Madison County employee designated by the Madison County Judge.

2.11 Gated Subdivision

A limited access Subdivision. Development rules shall be subject to the requirements of Local Government Code, Chapter 352, Subchapter E. *(Proposed 09/24.)*

2.12 Public Road

A roadway/street that is dedicated to public usage without restriction. A “public” designation does not imply Madison County maintenance of or local municipal maintenance of such roadway/street, only that any and all persons can use the roadway within Texas Law. See Section 5.28, also. *(Proposed 09/24.)*

2.13 Road Maintenance

2.13.1 “Private Road” Maintenance – The responsibility for maintenance of a public or private road that **has not been accepted** into either a municipal road maintenance system or the Madison County Road Maintenance System. Development with private roads requires a Variance by Commissioners Court. *(Proposed 09/24.)*

2.13.2 “Public Road” Maintenance – The responsibility for maintenance of a public or private road that **has been accepted** into either a municipal road maintenance system or the Madison County Road Maintenance System. *(Proposed 09/24.)*

2/14 Private Road Subdivision

A subdivision whose roads, drainage, etc., are private, not within the Madison County Road Maintenance System and therefore not maintained by Madison County or open to the public.

3. PLATTING REQUIREMENTS

3.1 **Plat Required**

Every owner of any tract of land situated without the corporate limits of any city in Madison County, Texas, must have a plat of the subdivision prepared if the owner divides the tract in two or more parts to lay out:

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

In situations of lot splits, mortgage lots, and other minor land divisions resulting in 4 or fewer lots, a minor plat may be acceptable if previously approved by County representatives. (See Section 3.7 & 3.24.2)

3.2 **Form of Sale**

A division of a tract under Section 3.1 includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method.

3.3 **Grandfather Clause**

Any tract whose boundary has not changed since July 1, 2014 may be sold in its entirety without being approved through Commissioners Court. An Affidavit of Exemption must be executed under some circumstances.

3.4 **Commercial Development**

Unless specifically exempted, a plat is always required when a parent tract is divided into two or more daughter tracts for sale as part of a unified plan for development of the property. The existence of such a plan may be inferred from circumstances, such as the form of advertising or the sale of multiple tracts within a one-year period.

3.5 **Re-subdivision**

A plat is always required to divide a parent tract that is already located within a subdivision, even if one of the following exceptions would otherwise apply. In addition, partial vacation of any existing subdivision plat will be required simultaneously to re-subdivision.

3.6 **Access to Public Road/Restriction on Private Roads**

Except as provided in the Family Grant exception, a plat is always required, even if all lots are ten (10) acres or more in size and are to be used for agriculture or veteran's tracts, if any daughter tract does not have at least 80 feet of frontage (or 60 feet plus 10

foot utility easement on each side) on and direct access to a public road as stated in Exhibit B-3, or if any streets, alleys, squares, parks or other parts of the tract are to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to such parts. Private roads and easements are not public roads; rights-of-way that have been dedicated to the public remain private until they have been accepted by the County for maintenance. If any daughter tract is out of compliance with this requirement, the sub-divider must plat the entire subdivision (including any tracts that do have frontage). Any tract that has less than 50 feet of frontage, plus 10 foot utility easement on each side (allowing for a concrete curb and gutter street section 5.8 of this document) to a public road must be restricted from any further subdivision. The creation of a subdivision with private roads requires the grant of an explicit variance by Commissioners' Court. Please refer to Section 5.2 for guidance on development fronting a state-maintained roadway. *(Amended 4/26/21.)*

3.7 Lot Depth

The depth of lots, with the exception of "flag" tracts, shall be no greater than three times the width of their road frontage. (Please refer to section 5.4 of this document) *(Proposed 09/24.)*

3.8 Plat Must be Recorded

To be recorded, the plat must:

- 1) describe the subdivision by metes and bounds
- 2) located the subdivision with respect to an original corner of the original survey of which it is a part; and
- 3) state the dimensions of the subdivision and of each lot, street, alley, square, park, or other part of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alley, square, park, or other part. *(Amended 4/26/21.)*

3.9 Plat Must be Acknowledged

The owner or proprietor of the tract or the owner's or proprietor's agent must acknowledge the plat in the manner required for the acknowledgment of deeds.

3.10 Plat Must be Filed and Recorded

The plat must be filed and recorded with the Madison County Clerk for divisions in which any of the tract(s) is(are) located in Madison County. The plat is subject to the filing and recording provisions of Section 12.002, Property Code.

EXCEPTIONS TO PLATTING REQUIREMENT

(See 3.22 for Documentation Required)

3.11 Agricultural Use

A plat is not required if every daughter tract is to be used primarily for agricultural use, as defined by Section 1-d, Article VIII, Texas Constitution, or for farm, ranch, wildlife management, or timber production use within the meaning of Section 1-d-1, Article VIII, Texas Constitution. If any daughter tract ceases to be used primarily for agricultural use or for farm, ranch, wildlife management, or timber production use, the platting requirements of these regulations apply to that daughter tract. If all lots are to be used for agriculture use, but the division does not meet the requirements in Sections 5.3 and 5.4, this exception does not apply, and the division must be platted.

3.12 Family Grants

A plat is not required when a person makes a conveyance of four or fewer tracts, each of which is sold, given or otherwise transferred to an individual who is related to the owner within the third degree by consanguinity (parent, child, grandparent, grandchild, sister, brother, great-grandparent, great-grandchild, aunt, uncle, niece, nephew) or affinity (the spouse of anyone listed above, or so related to the owner's spouse) for their personal use; provided, however, that each daughter tract is either located on a public road or has access to such a road by a private easement.

If any lot is sold, given, or otherwise transferred to an individual who is not related to the owner within the third degree of consanguinity or affinity, the platting requirements of these regulations apply. Once the title is transferred, a new line of consanguinity begins.

3.13 Size of Lot

A plat is not required if all daughter tracts will be ten acres or more in area. If any daughter tract will be less than ten acres in area, the subdivider must plat the entire subdivision (including any tracts that do have ten acres or more). If all lots are over 10 acres, but the division does not meet the requirements in Sections 5.3 and 5.4, this exception does not apply, and the division must be platted.

3.14 Sale to Veterans

A plat is not required if all daughter tracts are to be sold to veterans through the Veterans' Land Board. If/when the tract(s) is(are) sold to anyone who is not a Veteran, the platting requirements of these regulations apply. If all lots are to be sold to veterans, but the division does not meet the requirements in Section 5.3 and 5.4, this exception does not apply, and the division must be platted.

3.15 Sale by State Government

A plat is not required if the owner of the land is the State of Texas, an agency, board or commission of the State of Texas, or a permanent school fund or other dedicated fund

of the State and the owner does not lay out any part of the tract for roads, parks, or other areas for the common use of two or more tracts or for the use of the public.

3.16 Sale of Flood plain by Government

A plat is not required if the owner is a political subdivision of the State of Texas, the land is situated in a flood plain, and all lots are sold to adjoining landowners.

3.17 Adjacent Lots

A plat is not required when the owner of two or more distinct adjacent tracts sells one or more of them, so long as all existing tracts remain intact. To be “distinct” the tracts must have a history or separate use and meet the requirements of Section 3.3

3.18 Partition

A plat is not required if the property has been divided by the final decree of a court of record with appropriate jurisdiction. A plat is not required if all parts of the parent tract are transferred to persons who own an undivided interest in the original tract, and each tract created has direct access to a public road as noted in Section 5.3 and lot depth requirements in Section 5.4. A plat must be filed in accordance with these regulations before any further development of any part of the tract.

3.19 Phased Subdivisions

A plat is not required when daughter tracts are created solely for the purpose of platting them as individual subdivisions in their own right. The developer must submit to the Court the preliminary plat for the project as a whole before claiming this exception. A plat is not required when the owner retains title to a lot or portion of the land with direct access to a public road, and the other lot or portion is transferred to another person who will further subdivide the tract subject to the platting requirements herein. The preliminary plat for this exception expires after one year from the date of Commissioners Court review.

3.20 Property-line Adjustments

A plat is not required when two adjacent landowners adjust or change the property lines which separate their respective tracts, so long as there are the same number of tracts and owners after the transaction as existed before it. This exemption applies whether the transaction requires an exchange of land by both owners or only a transfer of land from one owner to the other, and whether the transaction takes the form of a sale or of an exchange in kind. However, any land added to a tract through such a transaction shall become an integral part of that tract and may not be separately conveyed except in compliance with the subdivision laws. This exception does **not** apply if the adjustment will change the boundary line between two legally platted lots or subtract land from a legally platted subdivision.

3.21 Partial Financing

A plat is not required when a smaller tract is surveyed out of the parent tract solely for the purpose of obtaining financing for purchase or improvement of that part of the property, provided that possession and primary beneficial ownership of the entire parent tract are intended to remain unified, and provided that each tract has 80 feet of frontage on a public road in Section 5.3 and meets lot depth requirements set forth in Section 5.4.

3.22 Foreclosure

A plat is not required when a smaller tract is created by the legitimate foreclosure of a valid lien on a part of the parent tract. This provision does not exempt sham transactions or foreclosures staged to avoid the platting requirements.

3.23 Documentation of Exception Required

Any owner who claims to be entitled to any exclusion to platting set out in these guidelines must provide the following prior to the issuance of any development permits:

- 1) A copy of the deeds or other instruments creating the daughter tracts referenced in the affidavit, and
- 2) An affidavit claiming the exemption and setting out the detailed basis for the exemption from the platting requirement, subject to the penalties of perjury. See example of form provided by county after above documentation is received. (Exhibit D). *(Proposed 09/24.)*

PLATTING PROCEDURE

3.24 Platting procedure for Subdivisions within Madison County

3.24.1

Prior to any subdivision of land and any official submission of a plat for review, it is highly recommended that the Owner set a meeting with the Precinct Commissioner, County Engineer and/or Rural Development Coordinator (Coordinate through the RDC for this meeting.). Please see Exhibit J and review the document "Message From The Rural Development Coordinator". The Owner shall complete a Checklist for Proposed Land Division provided by the Rural Development Office. (Sample shown in Appendix F). The Owner should present a drawing of the property showing street alignments and the lots. The Precinct Commissioner, County Engineer and/or Rural Development Coordinator will provide general comments and requirements to the Owner. Based upon these comments and requirements, the Owner or his representative will provide a good quality, digital copy of the preliminary plat of the subdivision, along with the completed application, fees, and all supporting documentation to the Rural Development Coordinator, who will provide copies to the Commissioner. Court, and

County Engineer as needed. A plat is considered filed on the date that the applicant submits the plat, along with a completed plat application, application fees and all supporting documentation at a time mutually agreed upon by the applicant and the Rural Development Coordinator for the submittal. (Amended 4/26/21. Proposed 09/24)
digital copy of the preliminary plat of the subdivision to the Rural Development Coordinator, who will provide copies to the Commissioner. Court, and County Engineer as needed. (Amended 4/26/21 and proposed 09/24)

3.24.2

The County Commissioner will review the plat and forward any additional comments and recommendations to the County Engineer and Rural Development Coordinator. (Amended 4/12/21.)

3.24.3

The County Engineer or Rural Development Coordinator will review plans for compliance with the Madison County Subdivision Regulations. (Amended 4/12/21.)

3.24.4

The County Engineer must notify the Owner within 10 business days if the plat application is deficient and identify the deficiencies and make recommendations. The Court must take final action on a plat application within 60 days of submission of a complete plat application.

3.24.5

The Owner will address the comments and recommendations and set a meeting with the County Engineer or Rural Development Coordinator to resolve the comments.

3.24.6

The County Engineer or Rural Development Coordinator will contact the County Judge's office to request placement of the plat on the next Commissioners' Court agenda for approval if all comments have been addressed or placement of a variance request on the next Commissioners' Court agenda. The County Judge's office will verify with the proper Commissioner for his concurrence of placement.

3.24.7

If the property to be platted lies within the extraterritorial jurisdiction (ETJ) of a city, this procedure will be accomplished simultaneously with the platting procedure of the city. The owner must obtain preliminary approval by The City of Madisonville or other incorporated areas, before action by the Commissioner's Court, unless the City chooses to defer approval to the County in writing.

3.24.8

The final plat procedure will be the same as the preliminary approval by Commissioners' Court.

3.24 Every preliminary plat submission must include all of the following: (Please check with the RDC for a current checklist. A sample is included as Exhibit G but may be subject to updating separate from these regulations.) *(Proposed 09/24)*

3.25.1

The plat shall be prepared by a Registered Public Surveyor and shall be based on not more than two hundred (200) feet per inch and certified as to accuracy by the surveyor preparing the plat of the subdivision, showing in reasonable detail the location of and width of existing streets, road, lots and alleys; also similar details regarding all property immediately adjacent thereof.

3.25.2

The plat shall be drawn on paper, consisting of one or more sheets measuring eighteen inches wide and twenty-four inches long. If two or more sheets are used, a key map showing the entire tract shall be drawn on the first sheet or on a separate sheet. Eight (8) copies of the paper preliminary plat and a digital copy in pdf format, CAD, and/or KMZ are required for preliminary review. Deeds, easements, tax certs, deeds of trust, and other required documentation for property involved will accompany said plat in digital or paper format to the Rural Development Coordinator or designee. For certain platting such as lot splits, revised boundary lines, mortgage lots when desired and small tracts not to exceed four lots, with prior approval by the county, a minor plat complying with county standards may be used. (See section 3.1 & 3.7) *(Amended 4/26/21.)*

3.25.3

The subdivision plat must be made from an actual survey on the ground by or under the supervision of a Registered Public Surveyor, and his certification to that effect must appear on said plat.

3.25.4

Boundary lines must be shown by bearings and distances, calling for the lines of established surveys, landmarks, school districts and other data furnished, sufficient to locate the property on the ground. All block corners and angles in streets and alleys shall be marked with a 5/8" steel rod approximately two (2) feet in length, or with a permanent concrete marker. Lot lines shall stop at the road right-of-way lines, under no circumstances will they extend past or into right-of-way.

3.25.5

The names of the proposed subdivision and any of the physical features (such as streets and parks) must not be so similar in spelling or in pronunciation to the names of similar features in Madison County, or in any incorporated city or town in Madison County, as to cause confusion. All streets and roads must be named on the plat, and before final acceptance of the roads by the County all name signs and necessary "Stop" signs will be in place at the expense of the developer.

3.25.6

Lots and block number are to be arranged in a systematic order as shown on the plat in distinct and legible figures.

3.25.7

The plat shall also show the location of all existing and proposed utilities as an attachment to the preliminary plat.

3.25.8

The exact location, dimensions, description, and direction of flow of existing and proposed drainage structures shall be shown on an attachment to the preliminary plat. All proposed structures will be checked and approved by the precinct commissioner, or his representative.

3.25.9

An attachment to the preliminary plat shall further show the existing topography of the proposed subdivision by use of contour lines. Said contour lines shall be based on data available from any governmental agency or department, which shall be specified on the plat, U.S. Coastal Geodetic, Trinity River Authority, City of Madisonville, and/or the ground survey. Attach map showing existing topography.

3.25.10

The plat must contain an arrow indicating the direction of the North point of the compass, and the scale must be prominently shown.

3.25.11

The plat must contain a small-scale key map showing the location of the subdivision with reference to well-known fixed points in the County.

3.25.12

Subdivision plats within two thousand (2000) feet of the Trinity River, Lake Livingston must be submitted to Trinity River Authority for comments.

3.25.13

All preliminary subdivision plats must conform with the existing County and State Septic Regulations and to flood plain requirements. It will be the responsibility of the County Wastewater Designated Representative to review random soil tests furnished by the developer and stamped by a Registered Engineer or Sanitarian, if the on-site sewer facility system is aerobic, the specified tests may be omitted. Also, observation will be made regarding the drainage and existing streams for indication of flooding. *(Amended 4/12/21.)*

3.25.14

The County Wastewater Designated Representative will submit a written report to the Court as to his/her findings. The final lot size will be determined from the result of the soil test. If the report indicates possible flood plain areas further investigations and studies will be made, and the areas will be shown on the plat by the surveyor. *(Amended 4/12/21.)*

3.25.15

All subdivision plats must have the owner's signature and attestation to an appropriate note dedicating the streets or roads in the subdivision to the public.

3.25.16

All mailboxes on County right-of-way shall be moveable or in clusters and placed as to allow the County to maintain the shoulders of the road.

4. REVISED PLATS

- 4.1 A person who plans to subdivide land or who obtains ownership of a tract of land within a platted subdivision that is subject to the Madison County Subdivision Regulations may apply in writing to the Commissioner' Court of the County for permission to revise the subdivision plat filed in the County Clerk's Office by completing a Re-Plat Application in the office of the Rural Development Coordinator. The Commissioner of the precinct in which the re-plat lies shall have the authority to "accept" the application for consideration on behalf of the Madison County Commissioners Court to begin the comment period. *(See Section 4.2). (Amended 4/12/21.)*
- 4.2 After the application has been accepted by the Commissioner with jurisdiction, the Court shall publish a notice of the application on the county website. The notice must include a statement of the time and place at which the Court will meet to consider the application to hear protests to the revision of the plat. The notice must be published for a minimum of 30 days before the date of the meeting. If all or part of the subdivided tract has been sold to non-developer owners, the Court shall also give notice to each of those owners by certified or registered mail, return receipt requested, at the owner's address in the subdivided tract, with one exception: Commissioners' Court is not required to give notice by mail under this section if the plat revision only combines existing tracts. *(Amended 4/12/21.)*
- 4.3 If the Commissioners' Court determines that the revision to the subdivision plat does not affect a public interest or public property of any type, including, but not limited to, a park, school, or road, the notice requirements under Section 232.009 do not apply to the application and the Commissioners' Court shall:

- (1) provide written notice of the application to the owners of the lots that

are within 200 feet of the subdivision plat to be revised, as indicated in the most recent records of the central appraisal district of the county in which the lots are located at the expense of the owner/applicant; and

- (2) if the county maintains an Internet website, post notice of the application continuously on the website for at least 30 days preceding the date of the meeting to consider the application until the day after the meeting.

- 4.4 During a regular term of the Commissioners' Court, the Court shall adopt an order to permit revision of the subdivision plat if it is shown to the Court that either the revision will not interfere with the established rights of any owner of a part of the subdivided land or that each owner whose rights may be interfered with has agreed to the revision.
- 4.5 If the Commissioners' Court permits a person to revise a subdivided plat, the person may make the revision by filing for record with the County Clerk a revised plat or part of a plat that indicates the change made to the original plat.
- 4.6 All costs involved regarding advertisements, records, filing, etc. shall be at the expense of the sub-divider and are due and payable at the time the re-plat application is submitted to the office of the Rural Development Coordinator. *(Amended 4/12/21.)*
- 4.7 To be recorded, the plat must describe the subdivision by meters and bounds. The plat must locate the subdivision with respect to an original corner of the original survey of which it is a part; and must state the dimensions of the subdivision and of each lot, street, alley, square, park, or other part of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alley, square, park or other part. The owner or proprietor of the tract or the owner's or proprietor's agent must acknowledge the plat in the manner required for the acknowledgement of deeds. The plat must be filed and recorded with the county clerk in which the tract is located. The plat is subject to the filing and recording provisions of Section 12.002, Property Code.

5. ROAD AND STREET CONSTRUCTION

- 5.1 No tract of land shall be subdivided unless sub-divider constructs an approved road, acceptable for County maintenance to serve all lots in the subdivision, or the lots have access to an existing County or state-maintained road before, or at the time the sub-divider's road is accepted for County maintenance. The approved road must join or be extended to a County or State maintained road. Any extension must meet County standards and be presented to the Commissioners' Court for acceptance for maintenance.

5.2 Proposed Subdivision Access

If a development fronts a state-maintained roadway, such as State Highways or Farm to Market roads, the developer must comply with TxDOT rules and regulations for access. As part of the application for subdivision development, the developer shall provide documentation of favorable coordination driveway approval, or a letter of preliminary approval for subdivision access point(s) from TxDOT, signed by duly authorized agent of TxDOT and include a longitude and latitude location for the access point. *(Added 4/26/21.)*

5.3 Minimum Road Frontage

With the exception of flag lots, the minimum road frontage for any lots shall be 80 feet, which shall also be the narrowest width of any portion of the lot, unless a variance has been granted by Commissioners' Court.

5.4 Lot Depth

The depth of lots, with the exception of "flag" tracts, shall be no greater than three times the width of their road frontage. "Flag" tracts being developed for subdividing land into large tracts shall be in accordance with Exhibits B-1, B-2, or B-3, whichever applies to the conditions. For lots of $\frac{1}{2}$ -1 acre, the "flag staff" may be 50 feet wide. Lots 1 acre to 2 acres shall be a minimum of 50 feet wide. Larger tracts shall have a minimum of 80 feet (or 60 feet with a 10-foot utility easement on each side) frontage and said width strip of land connecting the remainder of the tract. Existing county-maintained road right-of-way that joins the tract being subdivided shall have the same right-of-way widths and setbacks as required herein. The additional right-of-way as might be required shall be furnished by the developer and measured from an acceptable centerline alignment.

5.5 Right-of-Way

All main arterial (collector) streets or roads within subdivisions covered by this order must have a minimum right-of-way of sixty (60) feet with an additional twelve (12) foot easement along each side to allow for back slopes and fill slopes if necessary and for utilities. The Commissioners' Court must approve all utility locations.

5.6 Arterial Roads or Streets

Finished base width of the roadway on such main arterial (collector) streets or roads must be minimum twenty-six (26) feet, with maximum front slope steepness of 8 to 1 to form a ditch of 1-1/2 feet below the finished edge of base. Curb and gutter streets shall have a width of thirty-seven (37) feet back to back of the curb when designated as a main arterial (collector) street or road.

5.7 Other Roads and Streets

All other streets or roads in such subdivision must have a minimum right-of-way of 60 feet with a 10-foot additional easement along each side to allow for back slopes and fill slopes if necessary and for utilities. The Commissioners' Court must approve all utility locations adjacent to roads and streets. Existing county-maintained road right-of-way

that joins the tract being subdivided shall have the same right-of-way widths and setbacks as required herein. The additional right-of-way as might be required shall be furnished by the developer and measured from an acceptable centerline alignment.

- 5.8 The finished base width on such other streets or roads must be a minimum twenty-four (24) feet, with a maximum front slope steepness of 8 to 1 to form a ditch 1-1/2 feet below the finished edge of base. Curb and guttered roadways on such other streets or roads shall have a width of twenty-eight (28) feet back to back of curbs.

5.9 **Fifty Foot Right-Of-Way For Paved Streets**

Notwithstanding the provisions of any other section in the Article II, a 50 foot right-of-way is hereby authorized for all paved streets in subdivisions where the following requirements are met:

- 1) The streets or road will be curbed and guttered and have a width of 35 feet or less, however, no less than 28 feet back to back of concrete curbs and gutters.
- 2) The streets or roads serve only detached single family homes.
- 3) The right-of-way must be used only for the purpose of paving and maintaining streets and installing, containing and maintaining storm sewers and water lines. Any additional utilities will require separate utility easements or rights-of-way.
- 4) The streets or roads (1) are not designated as main arteries, (2) do not exceed one block (1,400 feet) in length, (3) are "loops" which do not exceed one thousand (1,000) feet in length, or (4) are dead end streets which do not exceed eight hundred (800) feet in length and which have permanent turn-arounds at the end of the streets or roads.
- 5) No manholes are placed in or under street pavement.
- 6) No utility lines are placed under the street pavement except at perpendicular crossings, and
- 7) All lots fronting on such streets or roads have a minimum fifteen (15) feet utility easement at the rear of the lot.

5.10 **Street Designation**

The designation of a street or road as a main artery street or road shall be made by Commissioners' Court in its order granting or denying preliminary authorization of the plat.

5.11 **Permanent Dead-End Streets**

All permanent dead-end streets or roads shall have a turn-around with a right-of-way diameter of one hundred (100) feet.

5.12 Street and Road Intersections

Streets or roads should be designed and constructed as to intersect with each other at ninety (90) degrees plus or minus ten (10) degrees. Where compliance with this regulation is impossible, due to the terrain, the sub-divider may file a written petition with the Commissioners' Court for a variance contemporaneously with the original submission of the plat to the Court. Said petition shall state concisely why the condition of the terrain makes it impossible to comply with this regulation. The Court shall rule on said petition in its order granting or denying preliminary authorization of the plat. In the event a variance is granted, the portion of the intersection on the side of the acute angle must be cut back, so as to eliminate the point of the acute angle. The intersection must be cut back a minimum of twenty-five (25) feet away from the point where the street would have otherwise intersected. The Court shall specify the exact size of the cutback, up to a maximum of twenty-five (25) feet, in its order granting or denying preliminary authorization of the plat. Furthermore, the sight distance on the road being intersected shall be in compliance with the requirements of the controlling entity. (1) State Highways TX-DOT (2) In the ETJ of the City involved, but not less than required by the County (3) County maintained road, the County. See exhibit E .

5.13 No Abrupt Offsets

No street or road shall be constructed with an abrupt offset or "jog" in it without approval of the Commissioners' Court.

5.14 Utilities and Manholes

No utility will be placed in or under the pavement or base of any street or road except for perpendicular crossing and no manhole will be placed in or under the roadway. All proposed utilities and road crossings of utilities must be shown on plat.

5.15 Removal of Construction Materials

Upon completion of construction of each street, road, and alley, all trees, brush, rocks and other material created by said construction must be removed. All such material shall be placed outside sixty foot right-of-way and utility easement along each side. All such materials must be disposed in accordance with TCEQ regulations.

5.16 Street and Road Surface

All streets and roads within each subdivision must be surfaced. The surface may consist of Hotmix asphaltic concrete, reinforced concrete pavement, or a 2-course surface treatment, each course consisting of asphalt and surface aggregate.

5.17 Subdivision and County Road Requirements the Same

The requirement for subdivision and county roads shall be the same. Any road accepted by the County will have to meet or exceed the requirements specified in the subdivision policy. No road will be accepted for maintenance by the County unless such acceptance is determined to be in the best interest of county residents and the traveling public.

5.18 Hotmix Requirements

All streets and roads with Hotmix asphaltic concrete, in accordance with item 340 of the TxDOT 1993 Standard Specifications, must have a minimum of 1-1/2 inches (165 lbs. per square yard) of Hotmix over a minimum of six inches of compacted base. Streets with reinforced concrete pavements in accordance with the Madison County Standards shall be placed over six inches of lime treated or selected sub-grade. All streets and roads with a two-course surface treatment, in accordance with the TxDOT 2014 Standard Specifications, must have seven inches of compacted base. Base and sub-grade must be compacted as specified in the County specifications.

5.19 Flexible Base Required

All streets or roads except those with concrete pavement must have a flexible base. The flexible base material for all streets and roads in every subdivision shall conform to the requirements of the specification found in Item 247 of the TxDOT 2014 Standard Specifications and shall have a minimum compacted depth as stated in Section 5.17 of this article.

5.20 Center Line Elevation

The center line of each street in every subdivision shall have an elevation of at least 3 inches above the elevation of the edges of said street with exception in curves where super elevation will be required.

5.21 Flexible Base Requirements

For roads, when properly slaked and tested by the current standard methods of the Texas State Department of Highways, the flexible base material must meet the following requirement:

Item 247 of the TxDOT Standard Specifications Type A Grade 4 with 100% of material passing 1-3/4 inch screen with 40 to 75 percent of the material retained on a number 4 screen and 60 to 85 percent of the material retained on the 40 mesh screen and having a liquid limit not to exceed 50 and a plastic index (P.I.) not to exceed 10. The material will have a Los Angeles abrasion test hardness of 50 or harder.

5.22 Written Analysis Required

To ensure that the proposed flexible base material for roads meets these requirements, the sub-divider shall furnish the County Commissioner a written analysis prepared by an independent laboratory of the proposed material before the material is used in the subdivision. No such material may be placed in the subdivision unless said laboratory report certified that the proposed material satisfies the requirements contained in Section 5.20 of these regulations and until Commissioners' Court accepts the findings contained in said report. Said findings will be deemed accepted unless the Court expressly rejects within ten (10) days after a copy of the laboratory is filed with the County Judge and a copy given to the Commissioner of the precinct. Said report may be

submitted along with the original plat and plans or at any time thereafter. Acceptance of any such report is not evidence of conformity of the streets and roads in the proposed subdivision with the requirements found herein. Final samples will be taken from the finished roadway and must pass required specifications before a roadway is accepted. Samples will be picked up by the County Representative and labor costs will be the responsibility of the sub-divider. If the producer of the proposed material certifies that the material is in compliance, final sampling will be waived.

5.23 Sub-grade Requirements

All streets and roads within the Madisonville Extra-Territorial-Jurisdiction (ETJ) and those designated as collector streets by the Commissioners' Court will require the determination of the plasticity index of sub-grade by the AASHTO method of testing. When the plasticity index of the sub-grade exceeds 20, it shall be lime stabilized to a depth of six (6) inches. Testing of sub-grade will be, at the expense of the subdivider, by an independent laboratory, with a certification to Commissioners' Court.

5.24 Open Cuts Prohibited

No open cuts of roadway will be allowed for the purpose of placing utilities after the roadway base surface has been placed. Any deviations from this policy must be approved by the Precinct Commissioner.

5.25 Entrance and Pipe Inspection

Upon completion of the roadway and placing of surface, all entrances and pipes will require approval and inspection of the Precinct Commissioner.

5.26 Time Period for Construction and Drainage

The Commissioners' Court may specify that construction of all streets, roads and drainage structures must be completed within a reasonable time after the plat and plans of a subdivision have received a final authorization from the Court and said time period must be specified by the Court in its order granting or denying preliminary authorization of the plat. If erosion control has not been in place for sufficient time to assure that it is effective, the Court may request that the Contractor or subdivider maintain ditches and channels for a designated period of time, depending on the season of the year.

5.27 Road Construction Warranty

The developer shall warrant all road construction for a 12-month period from the date of completion and acceptance by the Commissioners' Court. Warranty shall include workmanship and materials.

5.28 Access by Emergency Vehicles

Consideration should be given for design of roadways, whether maintained by Madison County, or by other means (private road), to include adequate space for access by

responder vehicles, such as fire fighting equipment, law enforcement, or other vehicles. Specific rules may apply, per Section 232.0034 Local Government Code. (Proposed 09/24.)

6. DRAINAGE

6.1 Direct Drainage

Lots and private property shall be graded so that surface drainage from said property shall be taken to streets or drainage courses as directly as possible. Drainage water from roads and streets shall be taken to a defined drainage course as directly as possible. Roads and streets shall not be used as drainage courses. Furthermore, an engineer's study and plan for controlling drainage runoff onto adjoining property or properties in excess of the present runoff as increased by the development shall be required. The drainage shall be calculated by the use of the formula $Q=CIA$, where "C" shall vary from the range of 0.3 to 0.4 as normal runoff from undeveloped land to 0.55 to 0.65 for residential property and up to 0.95 for commercial properties. The drainage shall be controlled by reducing velocity of the runoff and by detention ponds, as necessary. The intensity of rainfall "I" shall be calculated for a 25-year rain. However, no flood plain elevation downstream shall be increased more than the standards for flood management meeting the minimum standards set forth by the Federal Emergency Management Agency under the National Flood Insurance Act of 1968 (42 U.S.C. Sections 4001 through 4127).

6.2 Street and Road Grade

The minimum grades of all streets and roads shall be 7/10 percent and the maximum grade of all streets and roads shall be 7 percent.

6.3 Drainage Ditches Must Run Parallel

All streets without curbs and gutters shall have drainage ditches adjacent to and running Parallel to said streets or roads. Said drainage ditches shall have a usual depth of 18 Inches below the finished roadway with a minimum depth of 12 inches for short distances on top of hills. In areas where roadway is in a fill section ditches shall not be required.

6.4 Permanent Drainage Structures Required

Permanent drainage structures, including, but not limited to, culverts, pipes, drainage boxes and bridges, shall be installed at all crossings of drainage courses, including drainage ditches, with driveways, roads, and streets. Pipes and structures, as approved by the Madison County Commissioners' Court in their standards, or as submitted by the developer and approved by the Commissioners' Court will control.

6.5 Permanent Drainage Structure Specifications

The exact dimensions and type of said permanent drainage and structure, including culverts, pipes, drainage boxes and bridges shall be established for each subdivision by accepted Engineering methods. The minimum design frequency rain will be as follows:

Structures under entrance driveway	5 years
Roadway Structures	25 years

All calculations for determining dimensions will be submitted with the plat. No pipes less than 15 inches in diameter will be permitted. Structure length must be crown width plus additional length on each end to allow for a 6 to 1 slope from crown of roadway or entrance to the flowline of the structure, slope ends if needed.

6.6 Embankment Protection

All roadways subject to flooding and high water and all roadways crossing streams must have a designed protection of embankments to prevent erosion of said embankments.

6.7 Permanent Obstacles and Topsoil

Permanent obstacles such as concrete or rock retard shall be installed in ditches, channels and around structures where specifically designated by the Commissioners' Court during authorizations of the plat. Topsoil shall be salvaged during roadway construction and replaced along with grass seed during finishing operations. In areas with insufficient topsoil or topsoil lost due to poor procedures, topsoil shall be hauled in and placed on the slopes and ditches.

6.8 Open Drainage

Open drainage channels and ditches shall be constructed with a proper cross section, grade, and alignment which will facilitate property functioning without destructive velocities of drainage waters. Channels will be designed by accepted engineering methods.

6.9 Drainage Easements

All drainage easements on the land being authorized for development must be of adequate width, as determined by the Commissioners' Court in its order granting or denying authorization of a subdivision plat, to allow drainage and flood control for all land whose natural drainage runs through property being authorized for development.

6.10 Flood plain

Subdivision plats having area subjected to flooding and high water must have the hundred-year flood plain indicated and the plat must be accompanied with engineering calculations and data to substantiate said limits. Lots having some areas within flood plain will have restrictions for building in said flood plain, as outlined in the Flood Damage Prevention Order approved by Madison County Commissioners' Court. *(Amended 4/12/21.)*

7. BONDING PROCEDURES

7.1 Bond for Street Construction

The owner or owners of any tract of land to be subdivided shall give a good and sufficient bond for the proper construction of the streets and roads in all subdivisions. Such bond shall be a performance bond executed by a surety company authorized to do business in the State of Texas.

7.2 Bond Requirements

Such performance bond shall be made payable to "County Judge or His Successors in Office," conditioned that the owner or owners of any such tract of land to be subdivided will construct all roads and streets within such subdivision in accordance with these Regulations.

7.3 Bond Amount

The performance bond shall be in an amount equal to the actual cost of constructing such streets and roads, as determined by the Commissioners' Court in its granting or denying preliminary authorization of the plat. The bond amount will be determined by the Commissioners' Court based on the road design required and on the State Department of Highways and Public Transportation's largest average state bids. The calculation may be made by the developers' engineers and checked by the Court's representative, or at the developer's request, be made by the Court's representative.

7.4 Bond Required For Final Approval of Plat

The performance bond in the amount as established in Section 7.3 herein, shall be presented to the Commissioners' Court when the subdivision plat and plans are presented to the Court for final approval. The Criminal District Attorney must have approved, in writing, the form of said bond prior to the date of submission to the Commissioners' Court. No subdivision plat or plans can receive final authorization without being accomplished by a performance bond meeting the requirements of this section.

7.5 Time Period for Bond

The performance bond shall go into effect on the day the subdivision plat and plans have final authorization and must remain in full force and effect until all streets and roads in the subdivision have been completed in accordance with these Regulations, as certified by the Commissioners' Court.

7.6 Notification When Construction Completed

When the owner or owners of any tract of land to be subdivided has or have finished constructing all of the streets or roads in said subdivision in accordance with these Regulations, the owner or owners shall give written notice of this fact to the Precinct Commissioner who will notify the Commissioners' Court.

7.7 Court Certification Required

Within thirty (30) days of the receipt of said notice, the Commissioners' Court shall pass an order granting or denying certification that the streets in the subdivision have been constructed in compliance with these Regulations. An order denying certification shall be based on substantial evidence. The failure to pass such an order shall be deemed as certification of the streets and roads.

7.8 Bond Forfeiture

In the event said certification is denied and the subdivider cannot or will not make the necessary corrections, the performance bond posted by the owner or owners of the subdivision land shall immediately be forfeited in favor of Madison County. The County Treasurer is hereby directed to deposit said sums in the County Treasury to the Road and Bridge Fund.

7.9 Amount of Bond

Amount of bond will be determined by the County Commissioners Court based on the road design required and on the State Department of Highways and Public Transportation's latest average state bids. The calculation may be made by developer's engineers and checked by the County Court's representative, or at developer's request, be made by the County Court representative.

7.10 Maintenance Bond Required

In order to ensure adequate maintenance, each subdivider must, prior to acceptance by Madison County of the streets and other improvements, file a maintenance bond executed by a surety company authorized to do business in the State of Texas, payable to Madison County, for one year from acceptance of the road, in an amount determined as follows:

Paved streets with curbs	5% of the Construction Bond
Paved streets without curbs	10% of the Construction Bond

The maintenance bond must guarantee to the satisfaction of the Commissioners' Court and/or the Court's representative that all streets shown on the final plat are in a state of good repair and will remain in good repair for a period of not less than one (1) year from the date of acceptance of the final plat and certification of the road, whichever comes later.

7.11 Alternative Methods to Bonding

The Commissioners' Court may consider and approve other means than performance and maintenance bonds for the protection of the public so long as the District Attorney's Office determines that the procedure will serve the same purpose as bonding.

8. AUTHORIZATION PROCEDURES

- 8.1 All subdivision plat and plans for drainage and street construction must be submitted to the Commissioners' Court by submitting them to the Rural Development Coordinator at least twenty-one (21) days before the Court adopts an order granting or denying preliminary authorization of said plats and plans. *(Amended 4/12/21.)* Checklists are available through the Rural Development Coordinator upon request for minor, preliminary and final plat planning.
- 8.2 The Court shall vote on whether to grant or deny preliminary authorization of the subdivision plat and plans before thirty (30) days after the receipt of said plat and plans by the Rural Development Coordinator. *(Amended 4/12/21.)*
- 8.3 The Court shall deny preliminary authorization of said plat and plans unless they conform to the requirements of Article 6702-1 Title 116 Roads, Bridges and Ferries, and these Regulations, or a waiver is considered by the Court. *(Amended 4/12/21.)*
- 8.4 In its order granting or denying preliminary authorization of the plat and plans the Court may impose further requirements which must be met by the owner, owners, subdivider, or subdividers and reflected in the plat and plans before said plat and plans receive final authorization by the Court. Said requirements are those provided for in Section 2, 3, 5 and 6.
- 8.5 In its order granting or denying authorization of a subdivision plat and plans the Court may also establish regulations and details with reference to individual subdivisions. Such regulations and details are those specified in Section 2, 3, 5 and 6.
- 8.6 If the subdivision plat and plans are not given preliminary approval, or received preliminary approval and the Commissioners' Court also acts to impose additional regulations or to specify certain details concerning the subdivisions, as provided for in Section 7.4 and 7.5 herein, the subdivider shall prepare a new plat and new subdivision plans in conformity with said additional regulations and specification as well as with other requirements of these Regulations and of Article 6702-1 Title 116 Roads, Bridges and Ferries. The subdivider shall then present the new plat plans to the Commissioners' Court by submitting them to the Rural Development Coordinator at least ten (10) days before the Court adopts an order granting or denying final authorization of said plat plans. *(Amended 4/12/21.)*
- 8.7 The Court shall vote on whether to grant or deny final authorization of said subdivision plat and plans within twenty-one (21) days, after receipt of said plat and plans by the Rural Development Coordinator. Failure to vote on said authorization will be deemed to constitute final approval of the subdivision plat and plans. However, all other requirements as outlined in subdivision policy shall remain in force. *(Amended 4/12/21.)*

- 8.8 The Court shall deny final authorization of the plat and plans unless they meet all requirements of Articles 6702-1 title 116 Roads, Bridges and Ferries, and these Regulations including those additional regulations and specifications provided for in Sections 5.4, 5.5, 5.6 and 5.7 herein or variances or exceptions are provided and approved.
- 8.9 If the subdivision plat and plans receive preliminary authorization and Commissioners' Court does not at the same time impose additional requirements or specify additional details, the Court order granting or denying preliminary authorization to said plat and plans shall act as final authorization, and the Court order and the minutes of the Commissioners' Court meeting shall so reflect.
- 8.10 No construction of any kind in any subdivision affected by this order is to begin until the subdivision plat and plans have received final authorization by the Commissioners' Court and have been filed with the County Clerk or preliminary plat has been approved and necessary bonding or agreement as stated in Section 7.11 is in force; furthermore no lots or tracts in a proposed subdivision will be sold or transferred to others before the plat has been approved by the Commissioners' Court and recorded in the office of the County Clerk of the County of Madison. Should sales or transfer of property in the subdivision become final before approval of said plat by the Commissioners' Court, the District Attorney will be notified and appropriate legal action will be taken (Article 6702-1, Vernon's Civil Statutes). Furthermore, no permits for buildings, septic systems or utilities will be issued for said property.
- 8.11 Authorization by the Commissioners' Court of plat and plans for subdivisions located in areas governed by the provisions of Article 974a, Texas Revised Civil Statutes, is not required. Construction in these areas can begin without such authorization, but all construction, drainage and bonding requirements of these Regulations apply to said subdivision.
- ~~8.12 Commissioners' Court in session may grant a variance on individual plats where policies may create undue hardship, because of the shape or location of the property.~~
- 8.13 Those subdivisions that have started or were begun under past policies will be handled on a recommendation of the Precinct Commissioner.
- 8.14 No utility company doing business within Madison County shall connect utilities to a house or building located within the unincorporated area of Madison County, unless a permit has been issued by the Utility Inspector of Madison County stating that all requirements of the Subdivisions Policy, Septic System Policy and Flood Plain Regulations have been complied with. The Utility Inspector duties may be performed by the Rural Development Coordinator, or other designee and shall be assisted by the County Engineer, or Wastewater Designated Representative. *(Amended 4/12/21.)*

- 8.15 The Madison County Septic System Regulations are hereby made a part of the Madison County Subdivision Regulations.
- 8.16 The Madison County Manufactured Homes Rental Community Regulations are hereby made a part of the Madison County Subdivision Regulations.

9. VARIANCES

- 9.1 The Commissioners Court of Madison County shall have the authority to grant variances to these Regulations when the public interest, improved design functionality, or the requirement of justice demands relaxation of the strict requirements of the rules.
- 9.2 All variances must be requested at the time of application with proper forms and fees provided to the Rural Development Coordinator.
- 9.3 The decision of the Commissioners Court whether to grant or deny a variance is at its complete discretion and shall be final. *(Proposed 09/24.)*

10. ENFORCEMENT

- 10.1 On request of the Commissioners' Court, a prosecuting attorney for the County may Pursue injunctive relief, damages, or convictions for misdemeanor offenses established under Chapter 232 of the Local Government Code.
- 10.2 A person commits an offense if the person knowingly or intentionally violates a requirement of these regulations and appendices incorporated herein. Such offense is a Class B misdemeanor, as defined in the Texas Local Government Code as amended, punishable for a fine or confinement in jail, or both under (Texas Penal Code, Title 3, Ch. 12, Sec. 12.03, as amended).
- 10.3 Under Texas Law, a person may be jointly responsible as a party to an offense if the person (acting with intent to promote or assist the commission of the offense) solicits, encourages, directs, aids, or attempts to aid another person to commit the offense. (Texas Penal Code, Title 2, Sec. 7.01, as amended). Thus, a real estate agent or broker, construction contractor, a lender, an attorney, a surveyor, an Engineer, a title insurer, or any other person who assists in violating these Regulations may also face criminal penalties.

- 10.4 Besides prosecuting a criminal complaint, the County Attorney or other prosecuting attorney for the County may file a civil action in a court of competent jurisdiction to enjoin any violation or threatened violation of these Regulations, and to cover damages.
- 10.5 A tract that has been subdivided without compliance with these Regulations will be ineligible to obtain a permit for the construction or modification of a private sewage facility or a Development Permit under the Madison County Floodplain Development, until such time as the tract has been brought into compliance.

Amended and approved on this, **DATE TO BE UPDATED PRIOR TO FINAL ACCEPTANCE** by **Madison** County Commissioners Court.

Clark Osborne, Madison County Judge

Steve Parrish, Madison County Commissioner Pct. 1

Carl Wiseman, Madison County Commissioner, Pct. 2

Carl Cannon, Madison County Commissioner, Pct. 3

David Pohorelsky, Madison County Commissioner, Pct. 4

ATTEST: Adrian Lawson, Madison County Clerk

COMMISSIONERS STATEMENT

APPENDIX "A" TO 232.001.

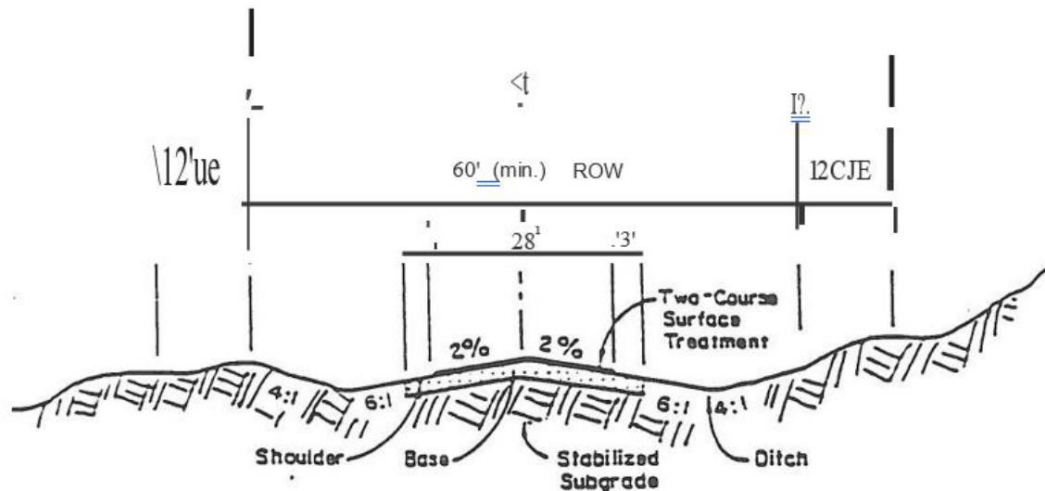
MADISON COUNTY REQUIRES PLATTING OF ANY TRACT OF LAND THAT IS DIVIDED INTO TWO OR MORE LOTS OR TRACTS UNLESS IT FALLS UNDER "EXCEPTION TO PLATTING" AS STATED IN SECTIONS 3.10 THROUGH SECTIONS 3.21; HOWEVER, BEFORE SUCH SUBDIVIDING ACTION IS TAKEN, THE SUBDIVIDER MUST PROVIDE "DOCUMENTATION OF EXCEPTION" AS STATED IN SECTION 3.22.

TRACTS SUBDIVIDED FOR THE (1) AGRICULTURAL USE SECTION 3.10, (2) LOTS LARGER THAN 10 ACRES SECTION 3.12, (3) SALE TO VETERANS, SECTION 3.13 MUST COMPLY WITH THE MADISON COUNTY REQUIREMENTS AS OUTLINED UNDER SECTIONS 5.1, 5.2 AND 5.3 FOR THE PURPOSE OF ACCESS. IF ACCESS CAN NOT BE PROVIDED TO EXISTING COUNTY OR STATE MAINTAINED ROAD AS OUTLINED IN SECTION 5.2 "MINIMUM ROAD FRONTAGE;" THEN NECESSARY ROADS MEETING COUNTY REQUIREMENTS AS STATED IN SECTIONS 5.5 THROUGH 5.28 SHALL BE PROVIDED. THESE MAY BE PRIVATE OR COUNTY MAINTAINED [Removed reference to incorrect exhibit]. ANY PRIVATE ROAD REQUIRES THE GRANT OF AN EXPLICIT VARIANCE BY COMMISSIONERS COURT (SECTION 3.6 and SECTION 9).

ALL SUBDIVISIONS MUST MEET LOCAL GOVERNMENT CODE SECTION 232.0032: ADDITIONAL REQUIREMENTS: USE OF GROUNDWATER.

(Proposed 09/24.)

ALTERNATE CONSTRUCTION STANDARD FOR STREETS
IN LOW DENSITY RURAL RESIDENTIAL DEVELOPMENTS IN THE E.T.J. OF
MADISON COUNTY
AND
COLLECTOR STREETS IN A HIGH DENSITY LARGE SUBDIVISION HAVING
SEVERAL CUL-DE-SAC STREETS



Surface material shall consist of two-course surface treatment comprising of P-3 and P-4 aggregate as TxDOT specifications item 304 at 35#/see and 15#/see, respectively and asphalt binder. Surface course shall be laid on prepared and primed flexible base, TxDOT standard specifications for gravel, crushed rock; iron ore) placed on stabilized subgrade, both compacted to 95% Modified Proctor. Thickness of base depends on subgrade, material specifications and traffic characteristics.

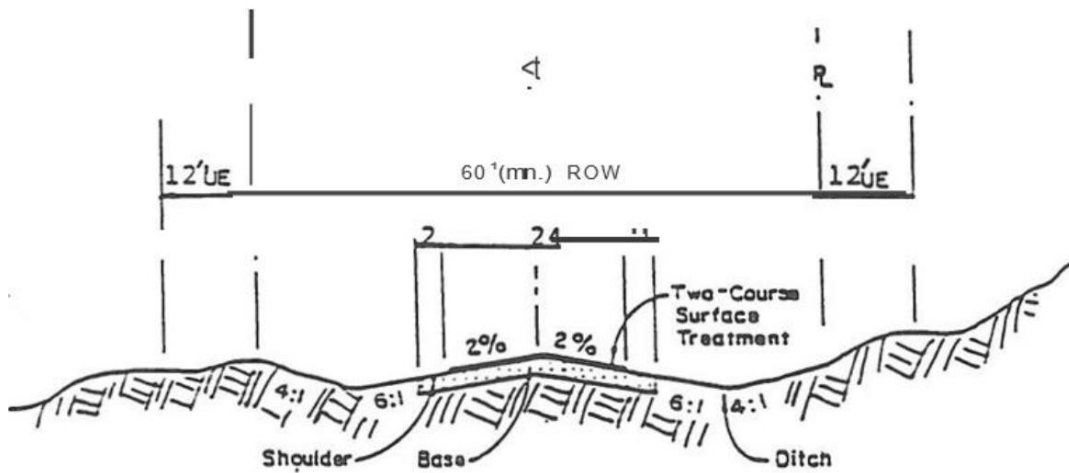
SEE SECTION 5.5

FOR ADDITIONAL INFORMATION REGARDING CONSTRUCTION IN THE E.T.J., CONTACT CITY ENGINEER.

MADISON COUNTY Design Criteria	LOW DENSITY RURAL RESIDENTIAL IN E.T.J. AND HIGH DENSITY IN COUNTY	SCALE: NONE EXHIBIT A-1
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COLLECTOR STREETS IN SMALL SUBDIVISIONS AND/OR

CUL-DE-SAC STREETS IN LARGE SUBDIVISIONS OVER 500 FEET IN LENGTH



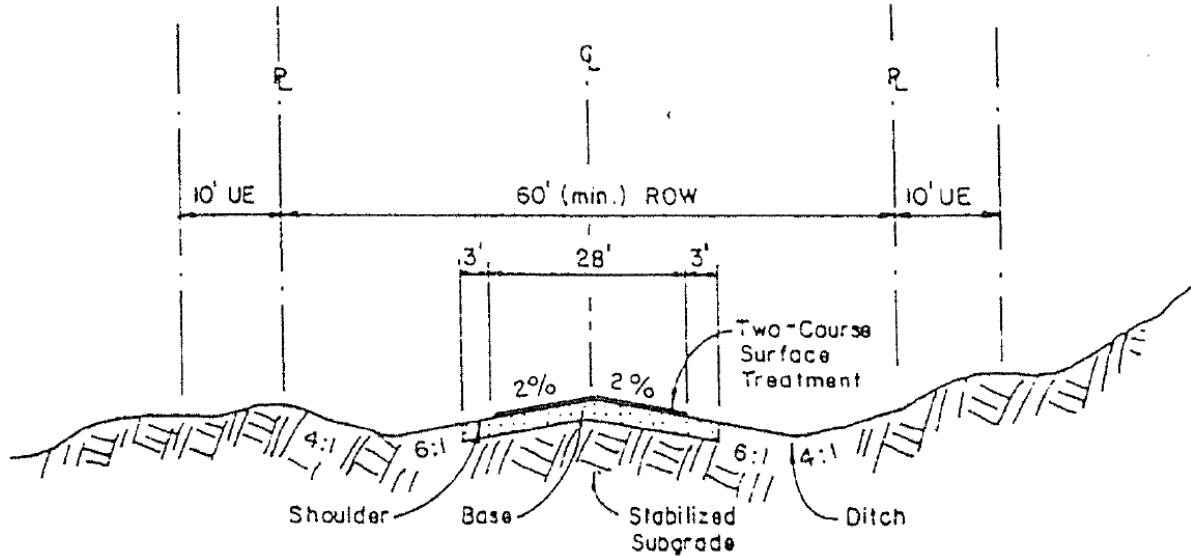
Surface material shall consist of two-course surface treatment comprising of P-3 and P-4 aggregate as TxDOT specifications item 304 at 35#/sy and 15#/sy, respectively and asphalt binder. Surface course shall be laid on prepared and primed flexible base, TxDOT standard specifications for gravel, crushed rock; iron ore) placed on subgrade, both compacted to 95% Modified Proctor. Thickness of base depends on subgrade, material specifications and traffic characteristics.

SEE SECTION 5.5

MADISON COUNTY Design Criteria	LOW DENSITY RURAL RESIDENTIAL STREETS	SCALE: NONE
		EXHIBIT A-2

CUL-DE-SAC STREETS 500 FEET OR LESS

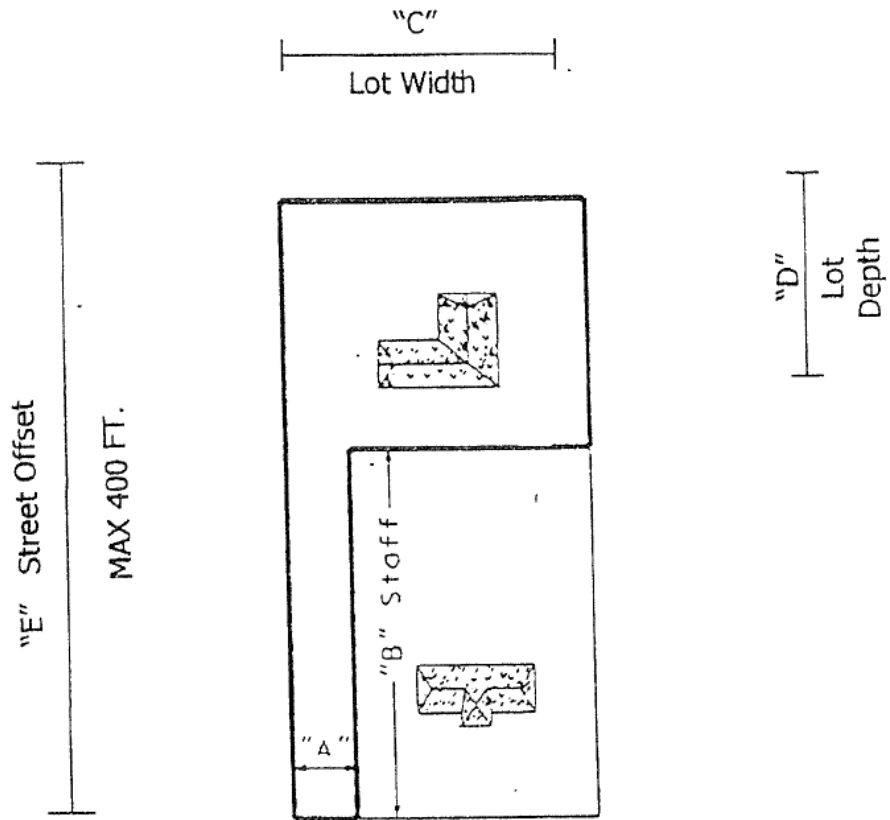
AND OTHER LOW DENSITY SUBDIVISION



Surface material shall consist of two-course surface treatment comprising of P-3 and P-4 aggregate as TxDOT specifications item 304 at 35#/sy and 15#/sy, respectively and asphalt binder. Surface course shall be laid on prepared and primed flexible base, TxDOT standard specifications for gravel, crushed rock; iron ore) placed on subgrade, both compacted to 95% Modified Proctor. Thickness of base depends on subgrade, material specifications and traffic characteristics.

SEE SECTION 5.6

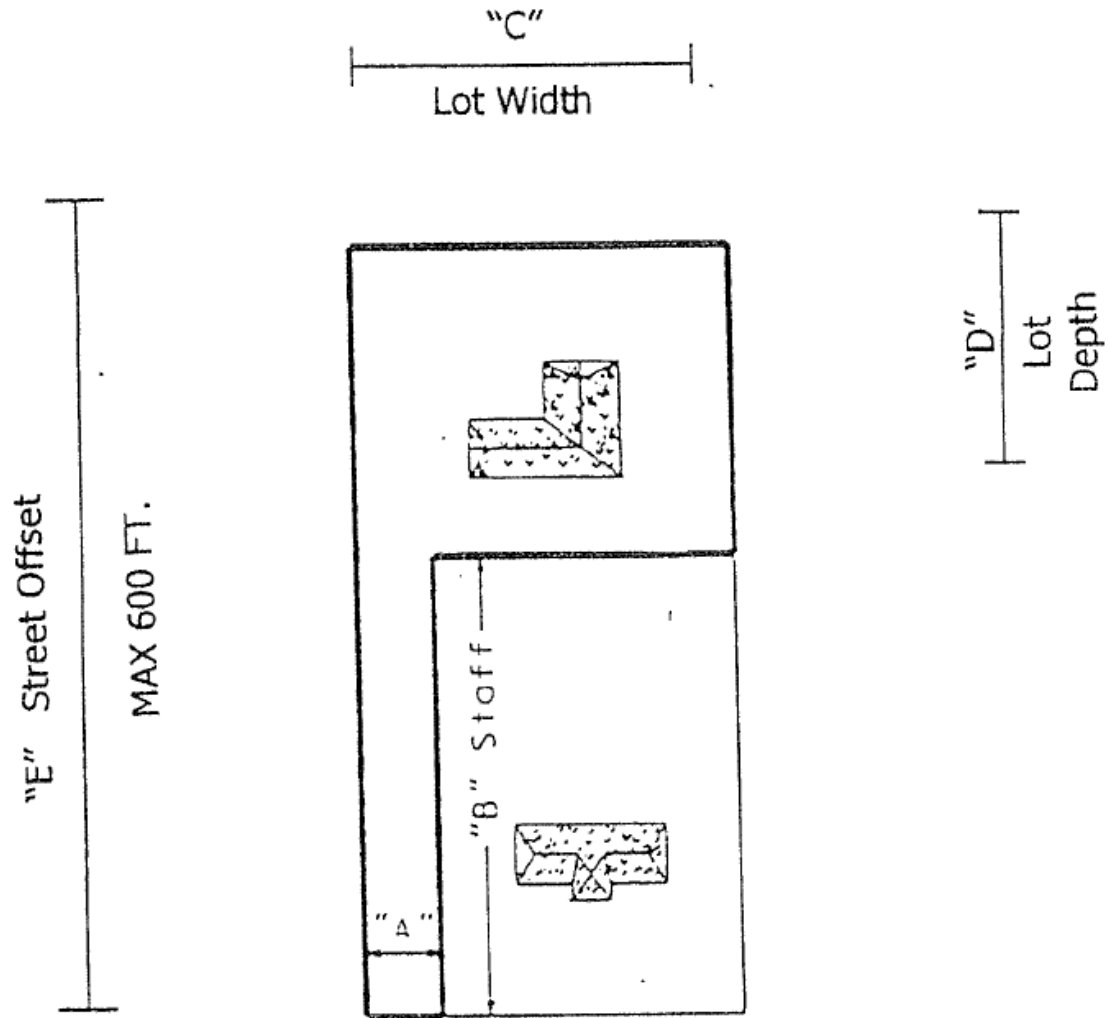
MADISON COUNTY Design Criteria	LOW DENSITY RURAL RESIDENTIAL STREETS	SCALE: NONE
		EXHIBIT A-3



	"A" Staff Width Min.	"B" Staff Length Max.	"C" Lot Width Min.	"D" Lot Depth Min.	"E" Offset Max.
Single Family Residential	50'	200'	142'	153.5'	400'

- NOTE: 1. Flag Lots shall not be developed as multi-family residential developments.
 2. Lots of ½ acre to 1 acre must have public water.
 3. This standard permitted on parent tracts of 3 acres or less.

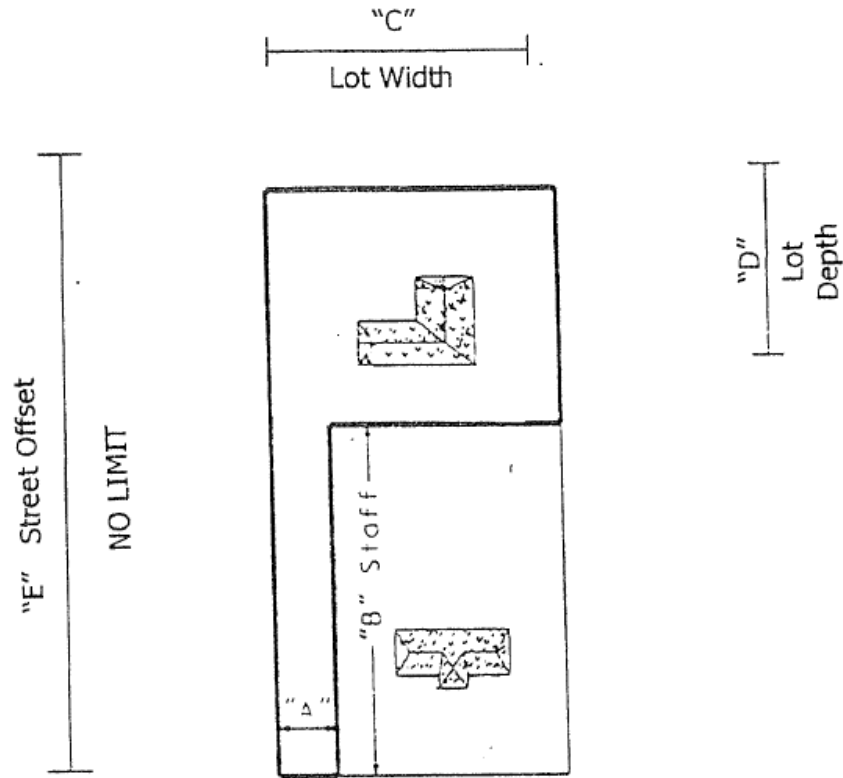
MADISON COUNTY ACCESS TO PUBLIC ROAD	FLAG LOT ½ AC to 1 AC	FIGURE EXHIBIT B-1
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	"A" Staff Width Min.	"B" Staff Length Max.	"C" Lot Width Min.	"D" Lot Depth Min.	"E" Offset Max.
Single Family Residential	50'	325'	159'	137	600'

- NOTE: 1. Flag Lots shall not be developed as multi-family residential developments
 2. Lots of 1 acre or more may have water wells.
 3. Standard may be used on parent tracts of 5 acres or less.

MADISON COUNTY ACCESS TO PUBLIC ROAD	FLAG LOT 1 ACRE TO 2 ACRE	FIGURE EXHIBIT B-2
---	------------------------------	---------------------------



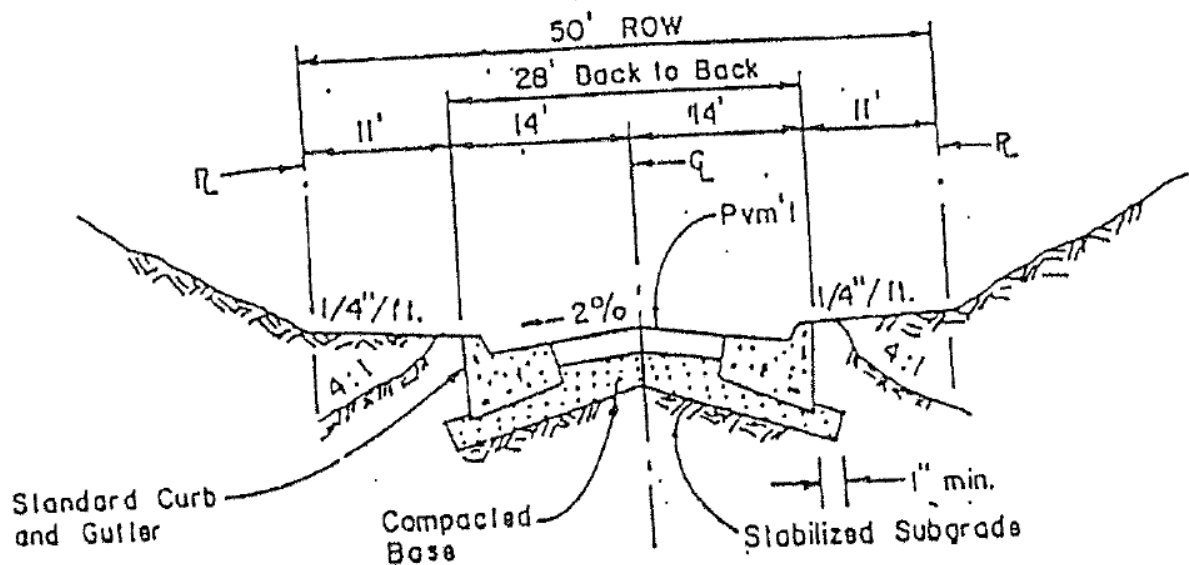
	"A" Staff Width Min.	"B" Staff Length Max.	"C" Lot Width Min.	"D" Lot Depth Min.	"E" Offset Max.
Single Family Residential	60'+10'UE Each Side	NO MAX	328'	265'	NO MAX
Non Residential & Unplatted	80'or60' Width 10'UE Each Side	N/A	N/A	N/A	N/A

- NOTE: 1. Flag Lots shall not be developed as multi-family residential developments unless approved road is constructed within the flag staff.
2. Size of non-residential flag lots shall be 2 acres or greater.
3. Unplatted land under sections 3.9, 3.11, 3.12 shall meet road access requirements.
4. Family grants – no restrictions as long as family members retain ownership.

MADISON COUNTY ACCESS TO PUBLIC	FLAG LOT For Platted or Unplatted tracts consisting of over 2 acres of land (exception family grants).	FIGURE EXHIBIT B-3
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CONSTRUCTION STANDARDS FOR CERTAIN ROADS IN THE CITY E.T.J.

AND FOR
COUNTY STANDARDS IN SUBDIVISIONS WITH COLLECTIVE
OFF SITE SEWER
CUL-DE-SAC TYPE STREETS

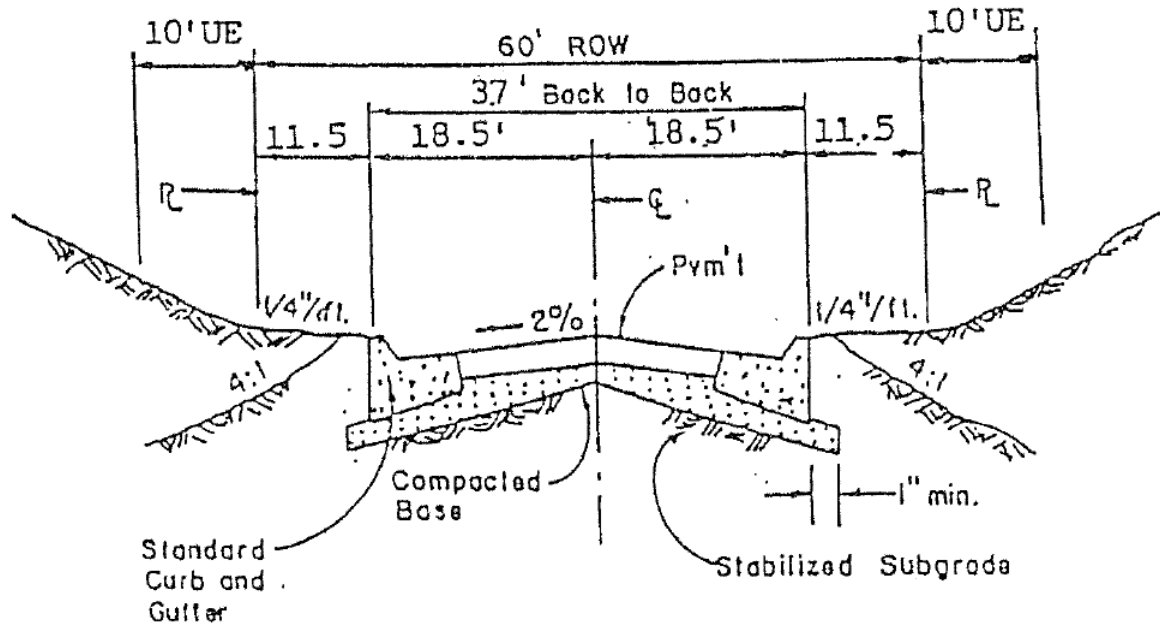


See Section 5.8 lot density 0.85 to 1.5 lots per acre with on site septic system. Greater density is acceptable with collective off site sewer.

Section shown above is a base and hotmix section. For concrete pavement, stabilized subgrade and 6 inch reinforced concrete pavement may be used.

MADISON COUNTY Design Criteria	STANDARD FOR CUL-DE-SAC STREET IN CITY E.T.J. AND COUNTY SUBDIVISIONS	SCALE: NONE EXHIBIT C-1
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COLLECTOR STREET STANDARD FOR CITY E.T.J.
AND FOR
COUNTY STANDARDS IN SUBDIVISIONS WITH COLLECTIVE
OFF SITE SEWER



Collector street for high lot density per acre subdivision having collective off site sewer or in subdivision of considerable acreage.

Section shown above is a base and hotmix section. For concrete pavement, stabilized subgrade and 6 inch reinforced concrete pavement may be used.

SEE SECTION 5.5

MADISON COUNTY Design Criteria	STANDARD FOR COLLECTOR STREETS IN THE CITY E.T.J. AND IN COUNTY SUBDIVISIONS WITH COLLECTIVE SEWER	SCALE: NONE EXHIBIT C-2
-----------------------------------	--	--------------------------------

EXHIBIT "D" – Sample Affidavit of Exception Form

MADISON COUNTY RURAL DEVELOPMENT



101 West Main – Suite B-13
Madisonville, TX 77864
(936)348-3810 Fax (936)348-6614



AFFIDAVIT OF EXCEPTION

MADISON COUNTY LAND PLATTING REQUIREMENTS

OWNER INFORMATION

Property Owner(s): Sample S. Sample

Mailing Address: 0000 S. Sample Street, Sample, TX 00000

A separate sheet may be added for additional owners. ☐ Check box if multiple owners apply.

PROPERTY DESCRIPTION

Recorded in Volume #, Page #, Number # of the Madison County Clerk Records. Located in the Sample Survey, Abstract #, # acres more or less, known as 911 Address to be determined in the # block of Sample Lane, creating # lots over 10 acres each: (1) # acres and (2) residual with both physical addresses to be determined, as shown on *A Sample Survey of # Acres In the Sample Survey, A-#, Madison County, Texas, dated 00/00/0000* prepared by Sample Surveying, Sample Surveyor, RPLS No. #. Madison County is not responsible for any Deed Restrictions, HOA's, or other Conditions that may apply to your situation.

EXCEPTION DESCRIPTION

Owner(s) hereby claim(s) exception of Madison County Land Platting Requirements under Section(s) 3.12 Size of Lot of Madison County Subdivision Policy and being in compliance with Section 232.0015, as amended by Senate Bill No. 710, and being the subsection 3.12 under exceptions as stated in said bill.

Explanation and details may be added on a separate page to be included within this document.

☐ Please indicate here if page(s) are added for such.

All Affidavits of Exception must include the current deeds of ownership for the property, a copy of a survey showing the configuration and location of the property to be subdivided, and a tax certificate from the Madison County Tax Office showing that all taxes are paid to date. Once approved, filing requirements may apply and fees must be paid to County Clerk's office, if applicable. Please see current Subdivision Regulations for full information.

The submission of plans/drawings with this application makes such items public record, and the applicant understands that they may be viewed by the general public. Unless the Applicant expressly states otherwise in writing, submission of this application (with associated plans/drawings) will be considered consent by the applicant that the general public may reproduce (i.e. copy) such documents.

Page ____ of ____ Initials of Owner(s) _____
Affidavit of Exception Size of Lot 21 Sample for Regulations

MADISON COUNTY RURAL DEVELOPMENT



101 West Main – Suite B-13
Madisonville, TX 77864
(936)348-3810 Fax (936)348-6614



This document, setting out the detailed basis for claiming exceptions from platting requirements, subject to penalties of perjury, is hereby executed by the property owner(s) of said tract of land. It is the responsibility of the owner(s) to assure that this document is filed with the Madison County Clerk following its approval and prior to or in conjunction with any change in ownership or improvements.

Date

Signature of Owner

Date

Signature of Owner

STATE OF TEXAS
COUNTY OF MADISON

Before me, on this day personally appeared _____, known to me, or proved to me through _____ (form of ID or documentation) to be the person whose name is subscribed to the forgoing instrument and acknowledged to me that he executed the same for purposes and consideration therein expressed.

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

(Seal)

Notary Public in and for the State of Texas
My commission expires _____.

FOR COUNTY USE ONLY:

8/2016

Affidavit Received By: _____ Date Received: _____

Certification that all daughter lots have proper access to road: _____ Date: _____

Consideration of TxDOT driveway approval: _____ Date: _____

Signature of Wastewater DR: _____ Date: _____

Signature of Commissioner with jurisdiction: _____ Date: _____

Signature of 911 Coordinator: _____ Date: _____

Signature of Floodplain Administrator: _____ Date: _____

Signature of Mid-Texas Groundwater Rep: _____ Date: _____

Notes: _____

☐ Please indicate if additional sheets are added for consideration, explanation, notes, or concerns for approval.

Date Approved by all above and released for filing: _____

Page ____ of ____ Initials of Owner(s) _____
Affidavit of Exception Size of Lot 21 Sample for Regulations

(Amended 4/12/21.)



**MADISON COUNTY SUBDIVISION REGULATIONS
FEE SCHEDULE**

Approved 4/26/21, Revised 6/13/22

Minor Plat (up to 4 lots) with No Roads	\$150.00*
Preliminary Plat Review	\$400.00 + \$10 per lot*
Final Plat Review	\$500.00*
Publication/Notices/Mailing Costs	Actual Cost
Replat / Amendment of Final Plat	\$250.00*
Variances	\$125.00* per type
Extension of Preliminary Plat with modifications	\$30.00* per lot being modified
Vacation of R.O.W./ Easement/or Subdivision	\$100.00* per type
Drainage Analysis Fee (1 round of comments)	\$1,000.00
Additional Drainage Review Fee	Charged as Invoiced.
Mobile Home Rental Community	\$100.00 + \$10 per rental space*
Outside Consultant Costs	Actual Cost Incurred

*All fees above are for development outside of the floodplain.

Fees for development in floodprone areas or within the FEMA floodplain are double the amounts listed above.

More than one fee category may apply to a single application. For example, a replat of an existing county-approved subdivision (\$250) that results in two lots whose depth is more than three times its width (2 lots X \$125 one type of variance), and is subject to notification by mail to four landowners within 200 feet of the lot (estimated \$6.96 per return receipt, registered mail X 4 = \$27.84) would require payment of \$402.84.

Additional fees for filing documentation in the Madison County Official Records are due and payable at the time of filing in the Madison County Clerk's Office.

STATE OF TEXAS
COUNTY OF MADISON

This is to certify that the Commissioners Court of Madison County, Texas has on this 26th day of April, 2021, approved this schedule of fees for Madison County Rural Development of Madison County, Texas.

ABSENT
TONY LEAGO, Madison County Judge
Billy McNulty
BILLY MCNULTY, Commissioner, Precinct 1
Carl Cannon
CARL CANNON, Commissioner, Precinct 3

Carl Wiseman
CARL WISEMAN, Commissioner, Precinct 2
David Pohorelsky
DAVID POHORELSKY, Commissioner, Precinct 4

Susanne Morris
ATTEST: SUSANNE MORRIS, Madison County Clerk



EXHIBIT "F" – Sample Checklist Form
(Owner must request appropriate division checklist from RDC.)



MADISON COUNTY RURAL DEVELOPMENT

101 West Main – Suite B-13
Madisonville, TX 77864
(936)348-3810 Fax (936)348-6614

shelly.butts@madisoncountytexas.org



PROPOSED LAND DIVISION CHECKLIST

Applicant Name:		Phone:
Email Address(es):		
Realtor/Title Company:		
Will all lots/parcels/tracts created have at least 80 feet of frontage on and direct access to a public road? Is so, please list the name of the road(s):		
Will all lots/parcels/tracts be at least 10 acres in size once divided? If no, provide sizes:		
Are there any odd-shaped lots or lots with a depth/width ratio of greater than 3:1 ?		
Will lots created be sold to the public?	If not, please explain:	
How many lots are being created?	If this property within a current subdivision?	
Are there any roads being added?		
Is any of the property located with a flood plain or suspected flood plain?		
Name of current property owner(s):		
How many current owners/representatives are required to sign official paperwork?		
Current address(es) of the property:		
Appraisal district parcel number(s):		
Current total acreage of land being divided:		
Is more than one parcel being joined? Is so, how many?		
Are there any improvements on the property? If so, please complete for each structure onsite.		
Water well distance to property line in feet:		
Water/Wastewater provider information and verification:		
Septic system type and maintenance agreement:		
Septic system distance to property line (if aerobic, use end of spray field):		
Well vs septic spacing distance verification:		
<i>A site drawing is required to show the distances for water and wastewater on the property. See below.</i>		
Please provide the following (you may email them to shelly.butts@madisoncountytexas.org):		
Drawing of septic system and water source, if applicable		
Copy of current deed		
Current tax cert from Madison County Tax Assessor		
Signed, sealed copy of survey		
Signed, sealed copy of field notes		
<i>ADDITIONAL RULES, REGULATIONS, AND/OR ORDERS MAY APPLY TO SUBDIVISIONS.</i>		

Once we have received this completed questionnaire and the documents requested above , our office will prepare paperwork for the current owner(s) to sign in front of a Notary, or they may call our office at 936-348-3810 to schedule an appointment with a Notary here. The notarized original paperwork must be returned to our office for processing. We will review and add our signatures to the form, then let you or your designee know when the original paperwork is ready for pickup and filing at the Madison County Clerk's Office with the new deeds. Please return all documentation to the address above.

EXHIBIT "G" – Sample Checklist Form for Minor Plat

(Owner must request appropriate checklist from RDC to include any administrative change updates. (Proposed 09/24.)



MADISON COUNTY RURAL DEVELOPMENT

101 West Main – Suite B-13
Madisonville, TX 77864
(936)348-3810 Fax (936)348-6614



**CHECKLIST FOR
MINOR PLAT**

Applicant Name:		Phone:
Email Address(es):		
Realtor/Title Company:		
Will all lots/parcels/tracts created have at least 80 feet of frontage on and direct access to a public road? Is so, please list the name of the road(s):		
Will all lots/parcels/tracts be at least 10 acres in size once divided? If no, provide sizes:		
Are there any odd-shaped lots or lots with a depth/width ratio of greater than 3:1 ?		
Will lots created be sold to the public?	If not, please explain:	
How many lots are being created?		
Is this property within a current subdivision? If so, include name:		
Are there any roads being added?		
Is any of the property located with a flood plain or suspected flood plain?		
Name of current property owner(s):		
How many current owners/representatives are required to sign official paperwork?		
Current address(es) of the property:		
Appraisal district parcel number(s):		
Current total acreage of land being divided:		
Is more than one parcel being joined? Is so, how many?		
Are there any improvements on the property? If so, please complete for each structure onsite.		
Water well distance to property line in feet:		
Water/Wastewater provider information and verification:		
Septic system type and maintenance agreement:		
Septic system distance to property line:		
Well vs septic spacing distance verification:		
Postal service coordination verification:		
A separate site drawing is required to show the distances for water and wastewater on the property. See below.		

PLEASE CONTINUE ON NEXT PAGE

EXHIBIT "G" – Sample Checklist Form for Minor Plat – Second Page of Sample Form
(Owner must request appropriate checklist from RDC to include any administrative change updates. (Proposed 09/24.)

Are any easements involved?
Are there any restrictions for the subdivision?
Does the minor plat include topography?
Is there a north arrow shown on the plat?
Is there a scale shown on the plat?
Please provide the following (you may email them to shelly.butts@madisoncountytexas.org):
Drawing of septic system and water source, if applicable
Copy of current deed
Current tax cert from Madison County Tax Assessor
Signed, sealed copy of survey
Signed, sealed copy of field notes

No application is considered complete until all required documents are received and all fees are paid, as verified by the RDC.

Once we have received this completed questionnaire and the documents requested above, our office will prepare paperwork for the current owner(s) to sign in front of a Notary, or they may call our office at 936-348-3810 to schedule an appointment with a Notary at the address above. The notarized original paperwork must be returned to our office for processing. We will review the application and make notification if any concerns arise. Once confirmed, we will add our signatures to the form, then schedule consideration for approval through the Madison County Commissioners Court. Our office will notify you or your designee when the original paperwork is ready for pickup and filing at the Madison County Clerk's Office with the new deeds. We are happy to work with you through this process.

EXHIBIT "H" – Sample Application and Checklist Form for Preliminary Plat
(Owner must request appropriate checklist from RDC to include any administrative change updates. (Proposed 09/24.)

Checklist for Plat Approval
Madison County Rural Development
(Please print or type)

PLAT NAME: _____
(Include the complete subdivision name and/or description)

APPLICANT/DEVELOPER:

(Need Company Name or Corporation or Individual Owners Name, Name of Officer, Address, Zip Code, Phone # & email address)

Owner(s) of Record: _____

Developer: _____

Architect or Engineer: _____

Applicant (Name of individual responsible to contact for notification of changes needed, company name, address, zip code, phone # & email address)

COURT ACTION REQUESTED:

(Check One)

Preliminary Final Replat Amending Partial Replat

PLAT LOCATION E.T.J. _____ Name of Survey(s) & Abstract No(s). _____

Geographic Location (Road/Crossroad): _____

School District _____ Commissioner Precinct # _____

Is any portion of the development within a FEMA-designated floodplain? Yes _____ No _____

PLAT DATA

Plat Type: (Check the appropriate box after each description)

Single Family Residential Detached _____ Mobile Home Community _____ Apartment _____

Commercial _____ Industrial _____ Replat _____ Other _____ (Explain) _____

DETAILS ON NEW DEVELOPMENT

FOR REPLAT ONLY

<i>Proposed</i>	<i>Existing</i>	<i>Proposed</i>
Water Utilities Provider	_____	_____
Wastewater/Sewer Utilities	_____	_____
Total No. Acres	_____	_____
Tract / Blocks	_____	_____
Lots	_____	_____
Acres in Reserve	_____	_____
Typical Lot Size	_____	_____
Street Footage	_____	_____
Parking Provided	_____	_____

PLANNED IMPROVEMENTS

Streets: Public _____ Private _____ Concrete C&G _____ Open Ditch _____

Storm Sewers: Storm Sewer _____ Open Ditch _____ Combination _____

Sanitary System: City _____ Septic Tanks _____ District _____

Water System: City _____ System _____ Private Wells _____ District _____

Is a Preliminary Engineering Report Included? YES _____ NO _____

Please return this sheet by email to shelly.butts@madisoncountytexas.org to initiate the subdivision process.

EXHIBIT "H" – Sample Application and Checklist Form for Preliminary Plat – Second Page
(Owner must request appropriate checklist from RDC to include any administrative
change updates. (Proposed 09/24.)

PRELIMINARY PLAT CHECKLIST

(This document is a summary of requirements. Full information is included in the Madison County Subdivision Regulations)

Madison County, Texas Subdivision Regulations: Preliminary Plat Guidelines/Checklist

- _____ Developer must meet with the Rural Development Coordinator (RDC) to discuss proposed subdivision design and names.
- _____ Developer must return the Checklist for Plat Approval (Page 1 of this document) to the RDC.
- _____ Developer must submit a current, signed tax cert on all property involved in the project from Madison Co. Tax Assessor's Office
- _____ Developer must submit digital or paper copies of deeds, easements, and/or deeds of trust.
- _____ Developer must provide written verification of water and wastewater availability.
- _____ For 11 lots or more, developer must provide a written Hydrogeologic Assessment prior to the preliminary plat review.
- _____ Determine if a Preliminary Engineering Report is required.
- _____ Determine what environmental reports will be provided/required.
- _____ Once above information is received, the RDC will prepare an application for signatures and return it to the developer and/or owner.
- _____ Registered Public Surveyor shall prepare the Preliminary Plat as directed below.
- _____ Developer must make an appointment with the RDC to return the signed, notarized application with the Preliminary Plat and required fees.
- _____ Additional fees may be required if there are any changes made during the division process.

Every Preliminary Plat must include:

- _____ Plat based on not more than 200' per inch and certified per Section 3.24 and made from on-ground survey.
- _____ Plat shall show in reasonable detail the location of and width of existing and proposed streets, roads, lots and alleys, easements, right of way, as well as similar details of property immediately adjacent thereof.
- _____ Minimum plat size is 18" x 24" and must include a key map on the first page if more than one sheet is used, per Section 3.24.2.
- _____ Eight paper copies and a digital copy are required for preliminary review.
- _____ Existing and proposed topographic contours
- _____ Proposed detention ponds and drainage detail may be attached separately or included within
- _____ 100- Year Flood Zone Delineation from Local FEMA Map. If project is in the floodplain, additional regulations apply.
- _____ Proposed approximate property line dimensions
- _____ Adjacent property, owner's name, address, deed record, or subdivision name, block & lot name
- _____ A transmittal letter containing name, address, telephone number and email address for subdivision owner and engineer
- _____ City limits, surveys, section and county boundaries
- _____ Vicinity Map showing location within the county.
- _____ Documentation of water availability.
- _____ Developer must make an appointment to deliver plat, documentation and fees to RDC.
- _____ Preliminary Plat including drainage and street construction plans must be submitted to the RDA's office with completed application for plat approval, including all required forms and this Preliminary Plat Checklist, twenty-one (21) days prior to the meeting for placement on the meeting agenda.
- _____ Review Plat with Rural Development Coordinator, Designated Representative for Wastewater, and other staff as needed.
- _____ RDC will submit the Preliminary Plat to County Commissioner and Engineer, if required, for review at least 14 days prior to the next Commissioners' Court Meeting, once RDC verifies all items are included in the application and preliminary plat.
- _____ Review by Precinct Commissioner
- _____ Review by County Engineer or Consultant
- _____ Address the comments and recommendations made through reviews.
- _____ RDC contacts County Judge for placement on court agenda
- _____ If the property lies within the ETJ of a city, the Owner shall comply with the platting procedures of the city, unless waived.

Once we receive all required documentation, our office will prepare paperwork for the current owner(s) to sign in front of Notary, or they may call our office at 936-348-3810 to schedule an appointment with a Notary here. The notarized, original paperwork must be returned to our office for processing. We will review and add our signatures to the form and schedule a date for Commissioners Court consideration. Once approved and all signatures are affixed, the original document is required to be filed with the Madison County Clerk.

.....
NOTES/COMMENTS (Continue on back of sheet):

EXHIBIT "I" – Place Holder for Sample Checklist Form for Final Plat –
(Owner must request appropriate checklist from RDC to include any administrative
change updates. (Proposed 09/24.)

WILL INCLUDE FINAL PLAT CHECKLIST HERE

RESERVED FOR FINAL PLAT CHECKLIST

RESERVED FOR FINAL PLAT CHECKLIST

RESERVED FOR FINAL PLAT CHECKLIST



MADISON COUNTY RURAL DEVELOPMENT

101 West Main – Rm B-13
Madisonville, TX 77864
(936)348-3810 Fax (936)348-6614
shelly.butts@madisoncountytexas.org



MESSAGE FROM THE RURAL DEVELOPMENT COORDINATOR

We are glad you are considering developing property in Madison County. Welcome!

We hope that this brief introduction to developing in our county will help.

Any time a parcel of land is divided in Madison County, the Madison County Rural Development office is happy to work to review and help guide sellers and buyers through the development process.

If you are considering the sale or purchase of only a part of a parcel, subdivision rules apply. This may be as simple as an Affidavit of Exception, or as complex as a full subdivision with new roadways being created.

Either way, the initial process begins with the Proposed Land Division Checklist (Exhibit F). Please complete it and return it by email, along with a rough drawing of how you/owner/developer would like to divide the land. Feel free to add an explanation about the proposed development and return it by email, also, to the address on the checklist.

Depending on your situation, the normal minimum lot size is one acre and must contain a minimum of 80' frontage on a publicly accessible road (County Road or TxDOT maintained roadway), and the width to depth ratio cannot be greater than 1:3. Please email a drawing of the proposed division showing dimensions, current and future structures (if known) including septic and water supplies. We find that this process works best when we review a rough drawing before surveys are done, sometimes saving time and money. We can then talk about options and the best way to move forward.

Several documents are required during the division process, as noted on the initial checklist. You may want to begin by sending a copy of the current owners' deed and a Tax Certificate that you must request from the Madison County Tax Office for a fee.

You will also need to send confirmation of water and wastewater availability verification and a drawing showing measurements from the current water and wastewater systems to the proposed new property lines. Depending on the type of development requested and the location, a topography map and drainage study may be needed.

You can email each item you gather as it becomes available, except for the official paperwork that requires original notarized signature(s).



MADISON COUNTY RURAL DEVELOPMENT

101 West Main – Rm B-13
Madisonville, TX 77864
(936)348-3810 Fax (936)348-6614
shelly.butts@madisoncountytexas.org



If you feel your particular situation may meet a current Exception to Platting, please send the above preliminary information and we will work with you to create an Affidavit of Exception that, once completed, must be filed in the Madison County Clerk's Official Records.

Please feel free to submit the checklist, drawings, and any documentation by email or make an appointment if you plan to present these items in person.

Please also note that our website offers access to several documents that may be of interest to you, including a "Developing Property in Madison County, Texas" (Exhibit K) document that highlights each step in developing from Floodplain determination through permitting, 911 addressing, and signing up for emergency alert notifications. You can access that document and several others at www.co.madison.tx.us/.

The subdivision must be approved prior to the issuance of a new 911 physical address, permits, or any improvements on the property being divided.

Our staff looks forward to working with you through this process!

Respectfully,
Shelly Butts

Shelly K Butts, T.E.M., C.F.M.

*Madison County Emergency Management Coordinator - 9-1-1 Database Maintenance Coordinator –
Certified Floodplain Manager – County Floodplain Administrator – Grants – Subdivisions/Rural Development
101 West Main, Suite B-13 – Madisonville, Texas 77864 936-241-6247 office - 936-348-6614 fax*

[http://www.co.madison.tx.us/default.aspx?Madison County/Emergency](http://www.co.madison.tx.us/default.aspx?Madison%20County/Emergency)
www.facebook.com/MadisonCountyOfficeOfEmergencyManagement
<http://weather.weatherbug.com/TX/Madisonville-weather.html>

Please sign up for reverse emergency notification by clicking on <https://madison.genasys.com/portal>

-

MADISON COUNTY 911 ADDRESSING



101 West Main, Suite B-13
Madisonville, Texas 77864
(936) 348-3810

shelly.butts@madisoncountytexas.org



DEVELOPING PROPERTY IN MADISON COUNTY, TEXAS

We are glad you are considering developing property in Madison County. Welcome!

The first step in developing property in our county is to locate the property and check to see if it falls within a FEMA designated flood plain or flood prone area. If so, a floodplain application is necessary. Please know that not all areas of Madison County have been studied for flooding. Even if your property does not fall into a designated area, you may still want to carefully consider where you locate any structures in relation to creeks or ponds on or near your property, since all property may be at risk for flooding.

The second step is to request a 911 address – or verify the 911 address you think is correct for your property. We address by driveway AND structure, so if there is more than one structure, there may be more than one address for that property.

Driveway permits are required for all new driveways. New driveways along county-maintained roads require permitting through the County Commissioner of the Precinct it will be located in. New driveways along state-maintained roads require permitting through Texas Department of Transportation (TxDOT). Driveways along private roads do not require permitting at present.

If your land has been subdivided from the original plat or the boundaries of a parcel changed after July 1, 2014, you may need to have the plat approved by Commissioners Court and filed with the County Clerk. Paperwork is required any time a parcel is divided. Completion of a checklist begins this process.

Once addressed, you can find information on electrical and septic permits that are required for development on this property by visiting our website at www.co.madison.tx.us and clicking on "Other County Offices" on the left menu, then navigating to the section related to each of them. Contact phone numbers are there, also.

Our office at 101 West Main, Suite B-13 (Basement of Courthouse) can help you with floodplain, 911 addressing, subdividing, parcels, and electrical permitting. We can be reached at 936-241-6245. The county's Designated Representative can help you with septic system information. His office is located in the basement of the Courthouse in Suite B-22 and he can be reached by calling 936-241-6200, ext. 1220.

While visiting our website, you can also sign up for reverse emergency notification by clicking on <https://madison.genasys.com/portal/en> or by calling our office.

Please feel free to contact me if you have any questions or need additional information.

Shelly K. Butts, C.F.M., T.E.M.

**Madison County Emergency Management Coordinator - 9-1-1 Database Maintenance Coordinator
County Floodplain Administrator – Rural Development Coordinator**

NOTICE TO TITLE COMPANIES AND REALTORS

September 9, 2024

Landowners, Title Companies, Realtors, Surveyors and
Developers who serve Madison County, Texas

Reference: Dividing Parcels of Land and/or Developing Land in Madison County

The Madison County Office of Rural Development is pleased to inform you of some recent changes that may help expedite the process that is required by law to be followed when a parcel of land is divided into two or more parts. (Summary of Section 232.001, Local Government Code).

Our Subdivision Order was updated in Madison County Commissioners Court in 2014 and procedures were put in place to process land division cases; however, the process was very time consuming and inconvenient. We have updated this process several times, and again in 2024 with new legislation taking effect.

Initial Checklist

All divisions now begin with a simple checklist for the owner/developer/designee to complete and return to our office with a draft drawing of the proposed division. A copy of the current deed and the current tax certificate (provided for a fee by the Madison County Tax Assessor) should also be returned with that form. The survey and field notes may be forwarded once the initial consultation is completed. Transfer of ownership and/or improvements should not be completed until final paperwork is returned from our office for filing with the County Clerk.

Affidavits of Exception

A simplified process is in effect when someone divides a tract of land and certain exceptions apply. Those exceptions are written into the Local Government Code and in our Subdivision Order. Please note that there are some requirements in general that must be met, such as each lot having at least 80' of road frontage on a public roadway, such as a county road or TXDOT-maintained roadway (not on private drives or easements.) Madison County rules also require that the width of each lot in relation to the depth of each lot must not exceed 1:3, with the width defined as the portion of the lot located along the public roadway.) As long as those conditions are met and the division meets one of the state exceptions, we can now handle the paperwork and review here in the Courthouse, with no need to wait for the next Commissioners Court meeting. The turnaround time on these types of cases is reduced significantly once all paperwork is completed and returned to our office. Once complete, the paperwork must be filed with the County Clerk prior to or in conjunction with the filing of the deed/transaction paperwork.

Minor Plat

In the event the land division will result in four or fewer lots and meets the frontage and width to depth ratio discussed above, we may be able to expedite that process by requiring only a minor plat to begin the paperwork; however, Commissioners Court approval is necessary. There may be a delay in having the Court consider the division, depending on court dates. Fees apply.

Please allow adequate time once the application is signed and returned to our office for processing.

Re-Plat

When a parcel of land is already located within a subdivision and changes are made to the lot or lots, a re-plat may be necessary. Fees apply. In those cases, a 30-day comment period is required by law; therefore, a case may be quite delayed, as the application must first be "accepted", then "approved" after the 30-day comment period during a Commissioners Court session. Commissioners Court normally meets the second and fourth Tuesdays of each month; however, cases must be complete and ready for consideration by six business days prior to the court date.

Major Plat

When a full subdivision is planned, additional procedures and steps apply. The checklist is still the first step in all of these processes. Fees apply. Water supply, wastewater, drainage, roadways, public space, and many other requirements are included. A preliminary meeting is standard, as is a preliminary plat review. Road standards, easements, utilities, and other considerations are worked through during these divisions in much greater depth than other divisions.

Variance

In the event a division is requested that does not meet the frontage, width to depth, or road construction rules, variances may be requested. We will work through these on an individual case basis. Commissioners Court has the final authority to accept or deny.

Floodplain

One additional factor that should be considered early on is the relation of the property with the FEMA-designated floodplain or locally identified flood prone areas. Developments in these areas may be subject to additional fees.

We understand that this process may delay any transactions you are working on; however, it is the law. We will continue to work with you to make the process as quick and easy as possible.

Should you have any questions or wish to discuss this process or the Subdivision Order, please contact me at the above address to schedule a meeting.

I appreciate you working with our office and I'll be happy to visit with you to discuss the other processes we are involved with, such as development in the floodplain, electrical permitting, and assigning physical addresses.

Sincerely,

Rural Development Coordinator

EXHIBIT "M" – Instruction for Recording a Plat *(Proposed 09/24.)*

INSTRUCTIONS FOR RECORDING A PLAT
MADISON COUNTY CLERK'S OFFICE

1. Tax certificate(s) and Affidavit for each plat must be submitted before filing.
2. Plat must be approved by Commissioners Court prior to filing in this office.
3. Plat must adhere to correct specifications according to Loc Govt Code 212.004(a) and 232.001 (b)
 - 18 X 24 inches
 - Approved by Commissioners Court or City Council
 - Describe the subdivision by metes and bounds
 - Locate the subdivision with respect to an original corner of original survey
 - State dimensions of subdivision and of each street, etc.
4. Plat must adhere to local specifications
 - Original signatures.
 - ~~3 mil mylar with black India ink.~~
 - Certification of ownership and dedication included on plat.
 - Certification of surveyor on plat.
5. Clerk will add new plat to plat index at front of plat volume and place original plat in the plat book.
6. Clerk will collect fee of \$95.00 for standard plat for recording in plat records and filing in Official records. Each additional page is currently \$75.00. Please check with County Clerk's Office for current fee schedule.
7. Once approved in Commissioners Court and fees are paid, a County Clerk certification label will be placed on the face of the plat and certified.
8. Clerk will stamp with "volume number and page number stamp" and fill in Plat Volume 1 and consecutive page number(s).
9. Clerk will make a copy of the plat for purposes of permanent retention and recording in Official Records.
10. Clerk will apply a certification label with date and time of filing and recording on the plat copy.
11. Clerk will scan the plat.
12. Clerk will mail a recorded copy to the filer of the plat.
13. Clerk will give a copy of the plat to the Rural Development Office.

EXHIBIT "N" – CERTIFICATION FOR PLATS FOR COUNTY CLERK *(Proposed 09/24.)*

STANDARD CERTIFICATION FOR PLATS

STATE OF TEXAS

COUNTY OF MADISON

I, ADRIAN LAWSON, CLERK OF THE COUNTY COURT IN AND FOR SAID COUNTY, DO HEREBY CERTIFY
THAT THE FOREGOING

INSTRUMENT WITH ITS CERTIFICATE OF AUTHENTICATION WAS FILED FOR RECORD IN MY OFFICE
THE ____ DAY OF

_____, 20____, AT _____ O'CLOCK _____.M. AND DULY RECORDED THE
____ DAY OF _____,

20____, AT _____ O'CLOCK _____.M. IN SAID COUNTY IN VOLUME _____, Page _____ MAP
RECORDS OF MADISON COUNTY,

TEXAS

WITNESS MY HAND AND SEAL OF THE COUNTY COURT, IN AND FOR SAID COUNTY AT MY OFFICE IN
MADISONVILLE, TEXAS, THE DAY AND

YEAR LAST WRITTEN.

BY:

ADRIAN LAWSON, COUNTY CLERK

DEPUTY

MADISON COUNTY, TEXAS

EXHIBIT "O" – Certificate of Road Maintenance for Plat *(Proposed 09/24.)*

PRIVATE ROAD MAINTENANCE

(When roads are to be maintained as Private Roads through an approved Variance Only.)

* A Road Maintenance clause shall be included in the deed of each property within. Deed must reflect that all roads are private and state the name of the entity that shall be perpetually liable for maintenance, that the County will never accept them for maintenance, and that the quality of the roads must be maintained as to not affect access by public service agencies such as police, fire, and emergency medical services.

CERTIFICATE OF ROAD MAINTENANCE FOR PLAT

In approving this plat by the Commissioners Court of Madison County, Texas, it is understood that all roads shown hereon are private roads and shall remain the property of the owner/subdivider/developer and/or subsequent owners of the property. The construction, repair, and maintenance of these roads and any associated drainage improvements will be the responsibility of _____ (the owner/subdivider/developer and/or subsequent owners of the subdivision) and will not be the responsibility of Madison County, Texas.

Owner/Subdivider/Developer

Date

OR

CERTIFICATE OF ROAD MAINTENANCE

(When roads are to be dedicated to Madison County for maintenance)

In approving this plat by the Commissioners Court of Madison County, Texas, it is understood that all roads shown hereon are private roads and shall remain the property of the owner/subdivider/developer and/or subsequent owners of the property until such time as the Commissioners Court approves the dedication of the roads to the County for maintenance by way of a Warranty Deed. Acceptance of this plat does not constitute acceptance of the roads shown hereon by Madison County, Texas

Owner/Subdivider/Developer	Date
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