

# ELLIS COUNTY QUALITY GROWTH INITIATIVES



## VOLUME I SUBDIVISION & DEVELOPMENT STANDARDS

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**SECTION I**  
**GENERAL INFORMATION & ADMINISTRATION**

**A. OFFICIAL NAME**

The official name of these regulations shall be the “**Ellis County Quality Growth Initiatives, Volume I— Subdivision and Development Standards.**”

**B. AUTHORITY**

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

**C. PURPOSE**

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



#### **D. EFFECTIVE DATE.**

- (1) These regulations shall become effective September 3, 2019. Subsequent amendments and changes are found in the History Section of the regulations.
- (2) Subdivision plats approved before the effective date shall be subject to the regulations in effect at the time of plat approval.

#### **E. CONSISTENCY WITH OTHER REGULATIONS**

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

#### **F. AMENDMENTS**

- (1) As needed, the Department of Development Director or designee may only amend the illustrations, graphics, and non-text within these regulations without the consent of Commissioners' Court to better assist in graphically depicting and providing clarity to these regulations.
- (2) As needed, the Commissioners' Court may amend these regulations to reflect desired changes and updates in policy or to stay consistent with State Law.
  - (i) Public hearings on all proposed written amendments shall be held by the Commissioners' Court in open session after publication in a newspaper of general circulation for at least fifteen (15) days before the public hearing date.

#### **G. INTERPRETATIONS**

- (1) As needed, the Department of Development Director shall provide interpretations of these regulations.
- (2) Rulings made by the Department of Development Director are issued on a case-by-case basis and shall not set a precedent for other similar situations.



- (3) If an applicant disagrees with the interpretation provided, that decision may be appealed to the Commissioners' Court at the next available meeting, as listed in the [latest submittal calendar](#) and pay any associated fees as outlined in the latest adopted [Master Fee Schedule](#).

#### **H. DEED RESTRICTIONS**

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

#### **I. APPLICABILITY**

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

#### **J. FINES & PENALTIES**

- (1) Any person, firm or corporation who violates any of the provisions of these regulations or who fails to comply with any provision hereof within the Ellis County shall be subject to civil penalties including a fine of one thousand (\$1,000.00) dollars for each day that such violation continues shall constitute a separate offense and shall be punishable accordingly, pursuant to [Section 232.035 of the Texas Local Government Code](#).
  - (i) The primary objective of the department is not to impose fines but to have everyone comply with these regulations.
  - (ii) The Department of Development shall have the right to institute an action in the court to enjoin the violation or threatened a violation of any provision in the County.

#### **K. SEVERABILITY CLAUSE**

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



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## **SECTION II** **DEVELOPMENT REVIEW PROCESS & PROCEDURES**

### **A. PRE-APPLICATION MEETING**

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

### **B. FORMAL APPLICATION SUBMITTAL**

- (1) To ensure there is no delay in processing any application, the applicant shall submit their proposed development for review by no later than the date and time as indicated on the latest [Submittal Calendar and Meeting Schedule](#), if the project requires approval from the Ellis County Commissioners' Court.
  - (i) All residential projects not requiring approval from the Commissioners' Court may proceed to submitting the applicable documentation to proceed.
  - (ii) All non-single family, commercial, industrial, and nonresidential uses shall require a pre-clearance from the Fire Marshal's Office prior to submitting the applicable documentation to proceed with a development/building permit.
- (2) All items required for a formal application submittal shall be as shown on the [most-recently updated application](#).
- (3) The fees for each application type shall be as listed on the most recently-adopted [Master Fee Schedule](#), as adopted by the Commissioners' Court.



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

#### **C. COURT ACTION**

- (1) If applicable, upon successful submittal of an plat application and after it is determined to be complete and meets all County requirements, the application shall be placed on the agenda of the next available Commissioners' Court for their consideration.
- (2) Any action before the Commissioners' Court shall require an affirmative majority vote to officially approve the application.
- (3) If the Commissioners' Court disapproves a plat application, it shall provide an explanation for the disapproval. Upon disapproval, the applicant shall resubmit a new application to restart the review process.

#### **D. ADDRESSING**

- (1) Tentative property addressing is designated and assigned with the first approved plat or permit application submitted, however, property addresses are subject to change depending on the



number of lots, buildings, lot and building configuration and layout, and other current renumbering and readdressing projects within the vicinity.

- (2) For ease in the emergency location of an address, all residences shall prominently display the numerical street address for easy recognition.
- (3) Road and street names shall be checked to avoid duplicate names or similar spellings for other roads in the county and surrounding area.



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## **SECTION III PLATS**

### **A. JURISDICTION**

- (1) If the property to be platted or subdivided lies entirely within the limits of a city, the applicant shall consult directly with that city about all platting procedures and requirements.
- (2) This section shall apply to property located outside the limits of any municipality within the boundaries of Ellis County who divides the tract into one (1) or more lots to lay out a subdivision in accordance with [Chapter 232.001 \(a\) of the Texas Local Government Code](#).
  - (i) If the property to be platted or subdivided lies wholly or partially within the extraterritorial jurisdiction (ETJ) of any municipality, the platting approval procedure shall be established by the approved Interlocal Agreement between the County and that municipality.
  - (ii) If the property is located in multiple ETJs, [Section 212.007 of the Texas Local Government Code](#) shall apply, unless one of the cities cedes their authority to another in a written form.

### **B. PLAT REQUIRED**

- (1) A plat is required when subdividing property that results in any tract of land having ten (10) acres or less.
- (2) A subdivision plat is not required if it meets the requirements outlined in [Chapter 232.0015 of the Texas Local Government Code](#).
  - (i) If any of the areas cited in the section above ceases to meet the exemption criteria, then the platting requirements shall immediately apply.

### **C. APPLICATION**

All plats within this section are required to follow the procedures and requirements as outlined in [Section II](#). A sample plat with all required wording and format is available at the end of this section.

### **D. PRELIMINARY PLAT**

- (1) Preliminary plats may not be reviewed by the County as stated under Chapter 232.00285 of the Texas Local Government Code.
- (2) Should the County receive a preliminary plat to review from a City for a proposed development in the extraterritorial jurisdiction (ETJ) or at the request of a developer/property owner, it shall not be subject to the 30-day approval process outlined in the Chapter 232 of the Texas Local Government Code or does it vest a project under Chapter 245 of the Texas Local Government Code.
  - (i) Staff may provide formal or informal comments in preparation for the civil plan review stage and/or final plat and may be subject to the application fee.



- (ii) Such preliminary plat may not be subject to Commissioners' Court approval.

#### **E. FINAL PLAT**

- (1) The primary purpose of a final plat is to complete the last stage of approval of a subdivision or addition as a condition of recording a division of land or property, dedicating right-of-way, and easements before recording it in the Ellis County Clerk's Office.
- (2) Engineering, construction, drainage plans, and other documents required by the County Engineer shall be submitted for review, and shall meet all the requirements, and approved prior to the acceptance of a final plat application. The application is not complete and cannot be filed with the Department of Development without first obtaining the engineer's approval.
  - (i) During the engineering, construction, drainage plan review, the County Engineer reserves the right to designate lots in a subdivision with unique topography to receive prior authorization concerning structure placement and location before issuance of floodplain permit and/or on-site sewage facility permit.
- (3) Upon approval of the related documents and meeting the County's requirements, the final plat may be placed on the agenda for the next available Commissioners' Court.
- (4) Conditions may not placed by staff or the Commissioners' Court or other applicable governing entity on a final plat.
- (5) Approval of a final plat does not constitute acceptance of public infrastructure until it meets the County's requirements and the Commissioners' Court accepts it as a county road.
- (6) Upon approval of the engineering plans and final plat, a pre-construction meeting with County staff is required.
- (7) A construction bond along with the established County Road Fee are required prior to the commencement of any construction. (see Section VII for more information).
- (8) Once a construction bond is approved by the Commissioners' Court, the developer can begin construction of the roads and necessary infrastructure, as shown on the approved engineering, construction and drainage plans.
- (9) Upon completion and approval of the infrastructure by staff, the developer shall sign a form indicating that it meets County requirements and a 2-year maintenance bond shall be submitted for Commissioners' Court approval.
- (10) Additional steps may be required by staff to finalize the final plat approval process and will provide those as necessary.



- (11) The director, in consultation with the County Engineer, may waive certain above requirements if the proposed development does not create new infrastructure or deemed necessary.
- (12) If there is a plat submitted for which the County has no formal process or a situation where a previously-approved plat does not fall into the normal procedures, the Director may allow those plats to be handled as a final plat.

#### **F. RESERVED**

#### **G. REPLAT**

- (1) The primary purpose of a replat is to revise or amend a previously-approved and recorded plat with the Ellis County Clerk's Office and does not meet the requirements set forth for an amending plat in [Chapter 232.011 of the Texas Local Government Code](#).
- (2) This subsection shall adhere to Chapter [232.009](#) and [232.0095](#) of the Texas Local Government Code, unless otherwise indicated.
- (3) Upon successful submittal of an application and after it is determined to be complete, the following public notices shall be provided, as prescribed by law:
  - (i) An ad placed in the public notice section of a newspaper of general circulation shall be placed for at least three (3) times at least thirty (30) days before the proposed hearing date and ending on the seventh (7th) day before the hearing date; and,
  - (ii) Notice on the County's Department of Development website; and,
  - (iii) Notice to all property owners as outlined in [Section 232.009 \(c\)](#) of the Texas Local Government Code.

#### **H. AMENDING PLAT**

The primary purpose of an amending plat is to correct minor issues as indicated in [Chapter 232.011](#) of the Texas Local Government Code.

#### **I. CANCELLATION OF SUBDIVISION**

- (1) The primary purpose of this type of plat is to cancel all or part of the subdivision, which may include dedicated easements or roadways/rights-of-way, and reestablish the property as areas tracts as it existed before the subdivision.
- (2) Any plat may be vacated, revised, or superseded in total or in part by compliance with the procedures and requirements of these regulations.
- (3) This subsection shall adhere to Chapter [232.008](#), [232.0083](#), and [232.0085](#) of the Texas Local Government Code unless otherwise indicated.



- (4) Upon successful submittal of an application and after it is determined to be complete, the following public notices shall be provided:
  - (i) An ad placed in the public notice/hearing section of a newspaper of general circulation shall be placed at least three (3) weeks before the proposed hearing date, as prescribed by law; and,
  - (ii) Notice to all property owners located within two hundred (200) feet of the subject boundaries via United States Postal Service (USPS) regular mail.
- (5) The Commissioners' Court may exclude out previously dedicated rights-of-way, easements, or roads in their approval of a cancellation of a subdivision.

#### **J. DORMANT PROJECTS**

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

#### **K. MISCELLANEOUS**

- (1) Upon successful completion of any additional requirements required by the Court, the instrument shall be filed and recorded in the deed records of the County within ninety (90) days of approval date to become effective. If a plat is not filed within this time frame, due to developer's failure to comply with the additional requirements of the court, then the conditional approval of the plat shall expire, and a new application shall be submitted.
- (2) Property shall not be authorized to be divided, sold, conveyed, developed, constructed, or move any structures onto the site until
  - (i) the approval of a final plat, replat, or other type of plat of the tract from the Commissioners' Court; and,
  - (ii) Engineering plans and related documents and all necessary permits, and culvert sizing has been issued to the property owner (if applicable); and,
  - (iii) The approved plat has been officially filed with the County Clerk.
- (3) Plat approval and acceptance by the County does not relieve the developer from obligations, including fees, required by other sections of this or other order of the county about the





improvement of the property or extension of services as needed to make the property suitable for development.

- (4) Approval of any plat by the Commissioners' Court shall not be deemed an acceptance of the proposed dedications, if any shown thereon, and shall not impose any duty upon the County concerning maintenance or improvements of any such dedications.
  - (i) Dedication of right-of-way shall not relieve the property owner from obligations for street construction or assessments associated with public street improvement programs.
  - (ii) The Commissioners' Court shall determine which dedications are accepted for County maintenance after the owner maintenance period has expired ([see Section VII \(C\)](#)) for more information).
  - (iii) The acceptance of roads for County maintenance and release of maintenance bond shall be placed on the next available Commissioners' Court meeting in an open court session upon satisfaction of all requirements outlined in [Section VII](#) and an approved final inspection.
  - (iv) Until any road within a dedicated right-of-way is built to County standards by developer, and accepted by the County, a homeowner's association, developer, or adjacent property owners shall maintain this area.
- (5) A pre-construction meeting shall be scheduled between the developer, contractor, and the County before any construction of infrastructure. It is the responsibility of the developer to schedule that meeting.
- (6) If groundwater is the source of water supply for the project, the application shall include all other requirements as listed in [Chapter 232.0032 of the Texas Local Government Code](#).
- (7) The following notes shall be placed on the plat, when appropriate:
  - (i) Blocking the flow of water or constructing improvements in the drainage easements is prohibited.
  - (ii) The existing creeks, drainage channels, or drainage easements traversing along or across this addition will remain as open channels and will be maintained by the homeowners association (HOA) or individual owners of the lot or lots that are traversed by or adjacent to the drainage courses along or across said lots.
  - (iii) Ellis County shall not be responsible for the maintenance and operations of drainage easements, structures, or for the control of erosion.
  - (iv) Ellis County shall not be responsible for any damage, personal injury or loss of life or property occasioned by flooding or flood conditions.



- (8) A developer and/or a developer's engineer shall not place a statement on the final plat limiting or denying any liability they may have for flooding or drainage problems.
  
- 9) No construction on any lot, or movement of manufactured homes onto any site may begin until a final plat is filed and the subdivision is accepted by the County Commissioners' Court, and floodplain permit, on-site sewage facility Authorization to Construct (ATC) permit with an accompanying preliminary site plan, and culvert sizing has been issued to the property owner.



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**SECTION IV**  
**GENERAL REQUIREMENTS**

**A. LOTS**

- (1) All lots or tracts of land shall face directly onto a publicly-constructed and maintained road/street that appears on the most recent official County road list.
- (2) Lots or tracts of land served by a public water supply and an on-site sewage facilities (OSSF) shall have a minimum lot size of one (1) acre outside the floodplain and a minimum paved public street frontage of at least one hundred and fifty (150) feet. Lots facing other public street thoroughfare must comply with corresponding entity requirements. The minimum street frontage for single family lots on the turnaround of a cul-de-sac or for lots located on a cul-de-sac, the paved street frontage requirement shall be a minimum fifty (50) feet wide measured by the chord length.
  - (i) This requirement shall be for one (1) habitable structure per lot. The OSSF application shall be submitted at the same time as the development/building permit.
  - (ii) Multiple habitable structures not tied together through a common roof and common wall to the main structure and are considered separate and shall require an additional acre per structure, and adhere to the latest adopted Septic Order.
  - (iii) Elevation certificates showing base flood elevations (BFE) are required for all lots within the 100-year floodplain.
- (3) Lots not meeting the requirement of [subsection \(B\) \(2\)](#) above shall adhere to the following requirements:
  - (i) Duplex lots (one structure with two (2) residential units per lot) - one hundred and fifty (150) feet of paved public street frontage and two (2) acres located outside the floodplain; and,
  - (ii) Multi-family lots (one structure with at least three (3) residential units per lot) – three hundred (300) feet of paved street frontage and the greater of either three (3) acres or one-half the number of dwelling units in acres located outside the floodplain (i.e. 50 units = 25 acres, 100 units = 50 acres, etc.); and,
    - a) An design for on-site sewage facilities (OSSF) shall be submitted with any proposed multifamily uses to ensure capacity exists.
  - (iii) Nonresidential lots shall meet the requirements outlined in [subsection \(B\) \(2\)](#); and,
  - (iv) Any lot configuration not mentioned above will require a review by the Ellis County Growth Assessment Team to determine the appropriate acreage and street frontage requirements.
- (4) Flag lots shall not be allowed, unless they meet the minimum lot frontage requirements stated in within this section.



- (5) At a minimum, lots shall be one hundred fifty (150) feet in length by one hundred fifty (150) feet in depth before a lot may narrow down. When a lot narrows down, it shall be a minimum width of thirty (30) feet at its narrowest point.
- (6) Lots or tracts of land having an individual water supply well and an individual on-site sewage system (OSSF) shall have a minimum lot size of three (3) acres. Such lots must have a minimum paved street frontage of three hundred (300) feet.
- (7) Subdivisions, including multi-family residential lots, served by a public water supply and by a public sewage disposal system shall have an average density of not more than four (4) lots per acre, not including the area of the roads, floodplain, and public spaces.
- (8) For multi-family subdivisions, adequate provision shall be made by the developer for common ownership and maintenance of community facilities such as recreation and open space, parking, access, and similar common use areas.
  - (i) The developer shall provide disposition and maintenance covenants for all open space or other common ownership areas. Such restrictions shall be recorded at the time of plat recordation and shall not be maintained by the County.

## **B. BUILDING LINES AND EASEMENTS**

Building setback lines shall be shown on all lots, and shall be as follows:

- (1) Lots abutting any internal road located within a subdivision shall require a minimum front setback distance of twenty-five (25) feet from the property line.
- (2) Lots abutting any other road not classified as an internal subdivision road shall be considered major roads and highways and require a minimum front setback distance of forty (40) feet from the property line.
- (3) For determining the setback lines of the lot, the location of the front door or entrance to the principal structure shall be considered the front portion of the lot.
- (4) Side and rear yard setbacks shall be a minimum distance of ten (10) feet and twenty (20) feet respectively from the property line.
  - (i) The setback lines for an accessory structure that is less than 300 square feet in area and an underground swimming pool may be reduced to a minimum distance of five (5) feet from the side or rear property line.
  - (ii) If, at the time of permitting, an easement exists within the setback lines, a release of easement letter shall be obtained from the applicable utility providers and any other easement holder and turned in with the permit application.
  - (iii) This reduction in setback shall only apply to one (1) accessory structure on the property.



- (5) If there is a discrepancy in determining these setbacks or its application, the Department of Development Director shall make a determination. Any appeal to the Director's decision may be forwarded to the Ellis County Commissioners' Court.
- (6) Utility easements shall be provided as needed to accommodate the current or future infrastructure of utility companies. When utility easements are required, they shall be as follows:
  - (i) Easements parallel to the streets – A minimum width of twenty (20) feet from the current county dedicated or prescriptive right-of-way, and;
  - (ii) Side and rear yard – A minimum width of ten (10) feet along each lot for a minimum total of twenty (20) feet.
  - (iii) The developer is required to speak to all utility providers in the area to locate their easements, current or future, before the submittal of a plat or project.
- (7) The drainage easements may occupy the same space and area as the utility easement and be combined to be a drainage/utility easement, unless otherwise indicated by the County Engineer or utility provider.
  - (i) All easements shall be left unobstructed so that equipment can be used to clean and maintain them when necessary.
    - (a) The property owner shall be responsible for any damage to structures left within any easement.
    - (b) In no case shall utility lines or other common carrier equipment be placed adjacent to or within the County right-of-way, prescriptive or dedicated, without obtaining a utility permit or approval from Commissioners' Court, where applicable.
    - (c) In no case shall utility lines or other common carrier equipment be placed in the County right-of-way that creates a danger to the public's use of the roadway or disrupts the County's drainage and maintenance of its rights-of-way.
  - (ii) Ellis County shall not be responsible for maintenance of drainage facilities or lot drainage located on private property.

## **C. RIGHT-OF-WAY**

### **(1) Dedication**

- (i) When lots of a proposed subdivision front on a County or public road, other than a Federal or State road (less than sixty (60) feet right-of-way), the developer shall dedicate for future public use, at least thirty (30) feet on their portion from the center line of such road to allow for improvements to the public road.



- (ii) Any plat submitted for review to the Department of Development shall require dedication of at minimum one-half of the total right-of-way necessary for any public County or State road or any road indicated on the most-recently approved Master Thoroughfare Plan at the time the application is made, up to sixty-five (65) feet or half of the largest road classification in the Master Thoroughfare Plan not classified as a freeway. Any additional dedication beyond this maximum may be considered a taking and subject to purchase by the requesting entity.

## (2) Abandonment & Closing

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

## (3) Reinstatement

- (i) If an applicant is seeking to make a private street or alley improvement public, the submittal of an application is required.
- (ii) Before consideration and official acceptance, the road on the private street or alley improvement shall be brought up to the current County street standards or other equivalent based on testing and authorization from the County Engineer.
  - (a) The person making the request shall incur all cost of testing and labs required.
- (iii) The applicant shall submit all the proper forms and documents as indicated on the application or as directed by the Department of Development Director for consideration by the Commissioners' Court.
- (iv) If approved by the Commissioners' Court, that private street or alley improvement may be considered public and maintained by the County. This new improvement may also be added to the latest official maintained County road list.
- (v) If a private street or alley improvement is already maintained by the County but has never been officially dedicated through a plat or other instrument (i.e. prescriptive), a final plat of the right-of-way shall be prepared for consideration by the Commissioners' Court. Testing and labs are required prior to acceptance.

- (4) Any new or replacement fence shall be placed outside the county right-of-way and in no case closer than thirty (30) feet from the center of the road. No fence permit is required.



- (i) For property adjacent to roads identified on the Master Thoroughfare Plan, it is suggested that any fence be placed one-half the distance in feet of the road classification, measured from the center of the road, plus the front building setback distance.
- (5) For residential development directly adjacent to County or State right-of-way, the Developer shall be responsible for adequate setback and/or sound abatement measures to mitigate traffic noise.

#### **D. MAILBOXES**

- (1) All new mailboxes shall meet the policy guidelines set forth by the United States Postal Service (USPS).
- (2) In the event Ellis County commences construction or maintenance within its right-of-way, all mailboxes located within the right-of-way shall be removed from the right-of-way at the expense of the property owner for individual mailboxes or a homeowners' association for cluster mailboxes.
  - (i) In the absence of a homeowners' association, the collective group of people who have mail slots in a clustered mailbox shall bear the expense.
- (3) Ellis County assumes no liability for any mailbox located in the County right-of-way or on private property.

#### **E. SEWAGE AND WASTE DISPOSAL**

- (1) Every parcel of land to have a home site or commercial activity shall have an adequate system for sewage and wastewater disposal upon occupancy by either:
  - (i) Connection to an approved community sewage disposal system; or,
  - (ii) Construction of a properly designed and operational individual on-site sewage facility meeting the latest-approved Ellis County Septic Order.
- (2) On-site sewage facilities can be sources of pollution to ground water, soil surface, and the environment if not properly sized, constructed, and maintained.
  - (i) A permit for the construction and location on a lot is required in the interest of public health and welfare and meets the latest-approved Ellis County Septic Order.
  - (ii) Connection to a community sewage disposal facility and system is preferred, where possible.
- (3) Public sewage systems shall conform to the rules and regulation of TCEQ and Ellis County as to design, material, and construction.
  - (i) The developer shall present proof of TCEQ acceptance, and that of any other State or County agency controlling sewage disposal systems.





- (4) If a public sewage system is to be installed, the plans for the location of such systems must be approved by the County and thereafter by the appropriate State regulatory agency prior to approval of the final plat by the County.
- (5) If the connection is to be made to an existing public sanitary sewage system, evidence shall be presented that such system has previously received such approval and has sufficient capacity to handle the additional demand.
- (6) If an individual on-site sewage facility is to be utilized, the developer shall prominently annotate the approved final plat or other filing instrument as directed by the Department of Development Director that homeowners are to be responsible for the construction of an approved on-site sewage facility.
- (7) Details for the design and construction of an onsite sewage facility are found in the most current edition of the Ellis County Septic Order.



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**SECTION V - VI**  
**RESERVED**



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## **SECTION VII** **PERFORMANCE GUARANTEES**

### **A. GENERAL**

- (1) All construction shall be in accordance with approved plans and construction standards set forth herein or as may be adopted by Commissioners' Court.
- (2) A [construction bond](#) and [maintenance bond](#) are required to ensure all infrastructure is built according to the established regulations and any other required conditions set forth in the plat.

### **B. CONSTRUCTION BOND**

- (1) Prior to construction and to ensure roads, streets, signs, underground utilities and required drainage and drainage structures are constructed in a timely manner, and in accordance with the terms and specifications contained in these regulations, the developer or their project contractors shall file a Construction Bond, executed by a surety company authorized to do business in the State of Texas, or letter of credit and made payable to the County Judge of Ellis County, Texas or their successor in office.
- (2) The bond amount shall be equal to one hundred percent (100%) of any and all contracts, agreements, and bids for the construction of roads, streets, street signs, underground utilities, required drainage structures, erosion control, and all other construction.
  - (i) The bond(s), contracts, agreements, and bids shall be presented to the Ellis County Department of Development before the final plat submittal.
- (3) The construction bond shall be in full force and effect until one (1) set of record as-built construction plans of all underground utilities, roads, streets, and required drainage and drainage structures in the subdivision has been filed with the Ellis County Department of Development and approval of release by the Commissioners' Court.
  - (i) The construction bond will be released by a Court Order from the Commissioners' Court after inspection by the Department of Development and/or County Engineer and corrections of deficiencies noted.
- (4) In the event that part of the infrastructure, as constructed by the developer, fail to meet the requirements of these regulations, and the said developer fails or refuses to correct the defects called to their attention in writing by the Ellis County Department of Development, the unfinished improvements may be completed at the cost and expense the developer by exercising the construction bond.
  - (i) In no event is the County obligated to complete the work proposed by a developer and approved by the County or to assume the obligation of the developer otherwise.

### **C. MAINTENANCE BOND**

- (1) After completion and approved by the County, all required infrastructure (i.e. streets, roads, signs, underground utilities, drainage ditches, erosion control measures, and drainage structures/channels, etc.) shall be by the developer for two (2) years and have an approved



maintenance bond or irrevocable letter of credit.

- (2) The conditions of the maintenance bond shall be that the owner/developer shall guarantee to maintain, to the satisfaction of the Ellis County Department of Development, all required infrastructure which has been constructed to specifications with construction security released by Court Order from Commissioners' Court, in a good state of repair for a period of two (2) years from the date of official release of construction security.
- (3) The two (2) year maintenance bond or irrevocable letter of credit shall be executed by a surety company authorized to do business in the state of Texas, made payable to the County Judge of Ellis County, Texas or their successor in office, and shall be substituted for the construction bond at the time of the release of said construction bond.
- (4) The amount of the maintenance bond for the two (2) years shall be equal to forty percent (40%) of the construction bond as outlined in [Section VIII \(B\) \(2\)](#).
- (5) Periodic inspection of all required infrastructure for which maintenance security is held, shall be made by the Ellis County Department of Development during the two (2) year period of liability covered by the maintenance bond.
  - (i) In the event any or all of the aforementioned facilities are not being maintained in a good state of repair, the County shall give written notice to the owner/developer of maintenance deficiencies during the two (2) year maintenance period (*i.e. missing signs, drainage problems, street failure, etc.*). The developer shall have fourteen (14) business days after notification to complete the appropriate action.
    - (a) The only exception is missing traffic signs, which shall be replaced within twenty-four (24) hours.
  - (ii) The County may begin inspecting the roads and infrastructure approximately ninety (90) days before the expiration of the bond.
- (6) If maintenance or repairs are required to be made to a road before acceptance of any construction by the Commissioners' Court, the County may elect to accomplish the work and draw the cost against the developer's maintenance bond and has the option to extend it beyond the required two (2) additional years.
  - (i) If the bond is not extended or no amount is drawn on the bond, it shall become a privately-maintained road and can only become a County-maintained road if it meets all the County standards and [Section IV \(D\) \(3\)](#).
- (7) At the end of the two (2) year period, the owner/developer may request to the County Commissioners' Court for acceptance and maintenance of such infrastructure.
  - (i) The release of any bond shall only be by Order of the Commissioners' Court.



- (ii) To request a release, the owner shall present a written request to release said bond, including a notarized certificate of completion stating that all bills relating to work covered by the construction bond have been paid.
- (iii) The request shall contain a statement by the developer of compliance with these regulations.
- (iv) The Department of Development shall receive the written application for bond release at least twenty-one (21) days prior to the next regularly scheduled meeting of the Commissioners' Court.

**D. OTHER FINANCIAL SECURITIES**

- (1) An acceptable irrevocable Letter of Credit may be submitted in lieu of bonds to ensure a developer's promise to construct and maintain the roads and drainage of facilities in a subdivision.
  - (i) Irrevocable Letters of Credit in lieu of bonds are required under the same conditions, as Construction and Maintenance Bonds.
- (2) Any security for construction and maintenance other than a bond or an irrevocable letter of credit shall be by written request to the Ellis County Department of Development for approval by the Ellis County District Attorney's Office, and authorization by the Commissioners' Court.
- (3) No graduated bonds shall be accepted.



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**SECTION VIII**  
**RELIEF BY COUNTY COMMISSIONERS' COURT**

**A. AUTHORITY:**

- (1) The Commissioners' Court may authorize relief from these regulations in an open session when it is clearly shown that the granting of relief in the form of a lesser standard will not impact adversely on public health, safety, general welfare, traffic conditions, and not alter the nature, character, and quality of the subdivision.
  - (i) A notice shall be sent to adjacent property owners (found on the latest appraisal tax rolls) via United States Postal Service (USPS) regular mail within two hundred (200) feet of the subject site/property seeking the relief at least ten (10) days in advance of the proposed meeting advertising the proposed relief sought.

**B. SPECIAL CONDITIONS:**

- (1) No relief from these regulations shall be authorized unless the Commissioners' Court finds:
  - (i) That there are special circumstances or conditions affecting the land involved such that the strict application of the provisions of this Order would deprive the applicant of the reasonable use of his land; and,
  - (ii) That the relief is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
  - (iii) That the granting of the relief will not be detrimental to the public finances, health, safety, or welfare, or injurious to other property in the area; and
  - (iv) That the granting of the relief will not have the effect of preventing the orderly development of another land in the area by the provisions of the Order; and,
  - (v) That the situation causing the hardship or difficulty is neither self-imposed or self-created.
- (2) Such findings of the Commissioners' Court together with the specific facts, upon which such findings are based, shall be incorporated into the official minutes of the Commissioners' Court meeting at which such relief is granted.
- (3) Relief may be granted only when in harmony with the general purposes and intent of this Order, and does not alter the nature, character, and quality of the subdivision so that the public health, safety, and welfare are secured.
- (4) A variance shall not be granted to relieve a personal hardship, nor shall it be based on economic gain or loss, financial, or economic hardship, nor shall it permit any person a privilege in developing a parcel of land by this Order to other parcels of land.



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

- (1) Notwithstanding anything to the contrary in this section, the Commissioners' Court specifically authorizes relief from the frontage requirements herein those cases where the subdivision of land is by gift, devise or descent to family member who is related up to the second degree by affinity (marriage) or the third degree by consanguinity (blood) once a final determination is made by the Department of Development Director that the subdivision of land is by gift, devise or descent to a family member who is related up to the second degree by affinity (marriage) or the third degree by consanguinity (blood) and it is in fact true.
- (2) The relief granted in the subsection shall be automatically granted without the review of the Commissioners' Court upon the final determination by the Department of Development Director that subdivision of land is by gift, devise, or descent to a family member who is related up to the second degree by affinity (marriage) or the third degree by consanguinity (blood).
- (3) If relief is granted due to a subdivision of land concerning a gift, devise or descent to a family member who is related up to the second degree by affinity (marriage) or the third degree by consanguinity (blood), such relief is conditioned on each of the family related land owners not further subdividing each parcel of land through relief under this section for so long as the parcels of property remains in continuous ownership by all of the related land owners as determined by state law for this relief.



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**SECTION IX**  
**MANUFACTURED / MOBILE HOMES AND RV PARKS**

**A. MANUFACTURED/MOBILE HOME COMMUNITIES AND RECREATIONAL VEHICLE (RV) PARKS.**

- (1) The purpose of this subsection is to achieve orderly development of manufactured/mobile home and RV parks, to promote and develop the use of land to assure the best possible community environment and to protect and promote the health, safety, and general welfare of the residents of Ellis County.
- (2) A property developed as a manufactured/mobile home community or recreational vehicle park with an application submitted after January 1, 2018 shall have an Infrastructure Development Plan (IDP) prepared that complies with minimum infrastructure standards established within this Section.
- (3) Lots in a manufactured/mobile home park shall front on a street with not less than a sixty (60) foot width right-of-way. Access roads to the individual spaces shall be constructed and paved to a minimum width of 24 feet (or the minimum width of a fire lane as stated in the [most-recently adopted Fire Code](#), whichever is stricter) meeting the County's current street requirements (see [Section IV \(A\)](#) for more information).
  - i) An alternative paving surface may be considered for recreational vehicle (RV) parks only if the following items are met:
    - (a) The internal streets within the boundaries of the park are considered private through a plat or business governing document or similar, maintained by a property owners' association or similar in perpetuity, and the document (s) are filed with the Ellis County Clerk.
    - (b) Paving surface shall be limited to either asphalt, crushed concrete, or other material or combination of material approved by the County Engineer.
    - (c) Engineered drawings sealed by a registered professional engineer licensed in the state of Texas showing the alternative paved surface and underlying subgrade material can withstand a minimum weight load of at least 75,000 pounds.
    - (d) Engineered drawings shall be reviewed and approved by both the County Engineer and the Fire Marshal prior to the release of any permits.
- (4) No space may contain more than one (1) residential unit. No common driveways shall be allowed. Each space shall have separate and individual access.
- (5) A survey of the property shall be submitted to the Department of Development prior to the request by the owner or occupier of the lot for any permit and/or utility services.



- (6) The owner shall submit a letter of application, signed by the owner that stipulates the following information:
  - (i) The intention of the owner, and;
  - (ii) Name, address, phone number of the owner, and;
  - (iii) Names of water and electricity providers, and;
  - (iv) Name of wastewater provider or type and usage of onsite sewage facilities.
  
- (7) All structures under this section placed in areas of special flood hazard, as indicated on Ellis County's Flood Insurance Rate Map (FIRM), i.e., land in the floodplain subject to a one percent (1%) or greater chance of flooding in any given year, shall be installed using methods and practices which minimize flood damage in accordance with Ellis County's Certification and Flood Damage Prevention Order, authorized by [44 CFR Section 60.3\(d\)](#). Such manufactured/mobile homes shall be elevated and anchored to resist flotation, collapse, or lateral movement.
  - (i) Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
  
  - (ii) This requirement is in addition to applicable State anchoring requirements for resisting wind forces (Article 5221f, Texas Manufactured Housing Standards Act, as amended).

#### **B. INFRASTRUCTURE DEVELOPMENT PLAN (IDP).**

At minimum, the Infrastructure Development Plan (IDP) shall show all items as indicated in the most recent application and checklist for manufactured/mobile homes and RV parks.

#### **C. INSPECTION OF IMPROVEMENTS.**

- (1) Construction of a proposed manufactured/mobile home community or recreational vehicle park may not begin before the date the Department of Development approves the IDP.
  
- (2) Periodic inspection of improvements may be required, as directed by the Department of Development, it shall be completed not later than the second business day after the date the County Engineer received a written confirmation from the owner that the construction of the infrastructure is complete.
  
- (3) If the inspector determines that the infrastructure improvements comply with the IDP, then the Department of Development shall issue a Certificate of Compliance not later than the fifth business day after the date the Department of Development receives written confirmation from the owner that the infrastructure has been completed and in compliance with the IDP.

#### **D. UTILITIES.**

- (1) A utility company may not provide services, including water, sewer, gas, and electric services, to a manufactured/mobile home community or recreational vehicle park subject to an IDP or to a residential unit in the community unless the owner provides the utility company with a copy of the Certified of Compliance issued by the Department of Development. This requirement applies to:



- (i) A municipality, municipally-owned or municipally-operated utility that provides utility services;
  - (ii) A public utility that provides utility services;
  - (iii) A nonprofit water supply or sewer service corporation organized and operating under [Chapter 67, Water Code](#), that provides utility services;
  - (iv) A County that provides utility services; and
  - (v) A special district or authority created by state law that provides utility services.
- (2) Manufactured/Mobile Home Parks served with a public water system, and public sewage disposal system shall have an average density of not more than four (4) lots per acre in size with a minimum frontage of seventy-five (75) feet.

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

- (1) The County will withhold all permits for manufactured/mobile home and RV parks until the plan has been approved in the manner prescribed by these regulations.
- (2) Not later than the 60th day after the date the owner of a proposed manufactured/mobile home community or recreational vehicle park submits an infrastructure development plan for approval the Department of Development shall approve or reject the plan in writing.
  - (i) When plans for the manufactured/mobile home park are completed in accordance with these rules, the Department of Development shall submit the plan with his recommendation and comments received from the County Commissioners to the County Commissioners' Court for consideration. The Commissioners' Court may approve the plan as submitted, amend, and approve the plan as amended, or disapprove the plan.
  - (ii) The plan to be submitted for a manufactured/mobile park shall include the same requirements as outlined by these regulations for plats and development standards and shall include proposed 9-1-1 addresses as provided by the County.
  - (iii) An owner's certificate in the following form shall be shown on the plan:  
STATE OF TEXAS  
COUNTY OF ELLIS

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

\_\_\_\_\_  
Owner or Authorized Agent



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



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**SECTION X-XX**  
**RESERVED**



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## **SECTION XXI** **DEFINITIONS**

### **A. APPLICATION**

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

### **B. DEFINITIONS**

#### **ACREAGE, GROSS**

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

#### **ACREAGE, NET**

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

#### **ACREAGE, USEABLE**

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

#### **ALLEY**

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



### **ALL-WEATHER SURFACE**

An alternative paving material that is designed and sealed by a professional engineer that is approved by the County Engineer and the Fire Marshal and is equivalent to the County standards for road/street construction. At a minimum, it shall carry the weight of the fire engine or at least 75,000 pounds, whichever is greater.

### **BLOCK**

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

### **BUILDING LINE OR SETBACK LINES**

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

### **COMMISSIONERS' COURT**

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

### **COMPLETED APPLICATION**

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

### **COUNTY**

Ellis County, Texas.

### **COUNTY JUDGE**

County Judge of Ellis County, Texas.

### **COUNTY ENGINEER**

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

### **COUNTY ROAD**

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

### **CUL-DE-SAC**

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



**CUL-DE-SAC CORNER**

Enlargement of a 90-degree intersection by a forty (40) foot radius from the intersection of the centerline of the two streets.

**DEAD-END STREET**

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

**DEED RESTRICTIONS**

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

**DEPARTMENT OF DEVELOPMENT**

The Ellis County Department of Development (DOD).

**DEPARTMENT OF DEVELOPMENT DIRECTOR**

The Ellis County Department of Development Director or designated representative.

**DETENTION**

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

**DETENTION TIME**

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

**DEVELOPER OR OWNER**

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

**DORMANT PROJECT**

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

**DRAINAGE, BUYERS RESPONSIBILITY**

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



### **DRIVEWAY**

A portion of a lot used for access to the lot from a public highway, road, or street and not used for public circulation.

### **DWELLING UNIT/ HABITABLE AREA**

Any building, or portion thereof, which is designed or used as living quarters for one or more families and contains at least three (3) plumbing fixtures, or any combination thereof from the following list as outlined below and no 220V connections for home appliances outside the principal structure; a residence.

- A water closet (i.e. toilet, commode, urinal, or similar.)
- A shower or bathing facility
- A bathroom or kitchen sink
- Laundry facilities

Any separate/detached structure on the same property, tract of land or lot used as living space meeting the same criteria as above shall be considered a secondary or accessory dwelling unit and requires an additional useable net acre prior to the issuance of a building permit.

### **EASEMENT**

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

#### **Access Easement**

An easement allowing access onto a property or adjoining property.

#### **Drainage Easement**

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

#### **Non-access Easement:**

An easement prohibiting access onto a property or adjoining property.

#### **Utility Easement**

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

### **ELEVATION CERTIFICATE**

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



## **ENGINEER**

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

## **EXTRATERRITORIAL JURISDICTION (ETJ)**

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

## **FAMILY**

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

## **FLAG LOT**

A lot shaped and designed where the main building site area is set back from the street on which it fronts and includes a narrow access strip connecting the main building site with the frontage street. It consists of two

parts: The flag, which is the building site and may be located behind another lot and the pole, which connects the flag to the street, providing minimal road frontage for the lot and at any point is less than the minimum lot width.

## **FLOODPLAIN**

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

## **FLOODWAY**

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

## **HIERARCHY OF STREETS AND ROADS:**

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

### **STREET**

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

#### **1) STREET, MAJOR OR REGIONAL ARTERIAL**

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



**(2) STREET, MINOR ARTERIAL OR PRIMARY THOROUGHFARE**

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

**(3) STREET, COLLECTOR OR SECONDARY THOROUGHFARE**

The function of a collector street is to collect and distribute traffic from local access streets and to convey it to the arterial system. Major collectors provide limited access to abutting property, and parking is limited or restricted. It provides the most direct access to other collectors and arterials. Usually, serves as the principal street in a subdivision.

**(4) STREET, LOCAL**

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

**(5) STREET, PRIVATE OR SERVICE DRIVE**

A vehicular access way under private ownership and maintenance that has not been dedicated to the County and accepted by the County.

**INTERIOR STREET/ROAD**

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

**LANE**

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

**LOT**

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

**LOT, CORNER**

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

**LOT, INTERIOR**

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

**LOT LINES**

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





lines circumscribing the lot.

**LOT OF RECORD:**

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

**MAY**

The word “may” is permissive and not mandatory.

**MANUFACTURED HOME**

A movable or portable dwelling or office connected to utilities and constructed to be towed on its own chassis by a motor vehicle over Texas roads or highways. It may consist of two or more units, which are separately towable but designed to be joined into one integral unit.

**MANUFACTURED HOME PARK**

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

**MANUFACTURED HOME COMMUNITY**

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

**MOBILE HOME**

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

**MOBILE HOME PARK**

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

**MOTEL**

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

**MULTI-FAMILY RESIDENCE**

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



### **ON-SITE SEWAGE FACILITY**

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

### **PLAT**

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

### **PLAT, PRELIMINARY**

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

### **PLAT, FINAL (RECORDATION)**

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

### **PRIVATE STREETS, ROADS, EMERGENCY ACCESS EASEMENTS, ETC.**

A vehicular access way under private ownership and maintenance that has not been dedicated to or accepted by the County for maintenance.

### **PUBLIC STREET**

Any area, parcel, or strip of land (road) which provides vehicular access to adjacent property or land whether designated as a street, highway, freeway, thoroughfare, avenue, boulevard, road, place, drive, or however otherwise designated and which is either dedicated or granted for public purposes or acquired for public use by prescription.

### **RECREATIONAL VEHICLE**

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

### **RECREATIONAL VEHICLE PARK**

A lot or parcel of land used primarily as a rental community in which two (2) or more recreational vehicle sites/spaces are located, established or maintained for occupancy, usually for a fee, by recreational vehicles of the general public as living quarters or vacation purposes on a short-term basis not to exceed ninety (90) days. At the end of the ninety-day period, the vehicle shall be removed from the park and said vehicle cannot be located in the same park for a minimum of two (2) weeks.

### **REPLAT**

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



in the County Clerk’s office.

**RIGHT-OF-WAY**

That portion of the subdivision dedicated for public roads with the adjacent lot lines being the boundaries of the right-of-way.

**ROAD**

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

**ROAD FRONTAGE**

Contiguous frontage on a public road or street.

**ROADWAY**

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

**SHALL**

The word “shall” is mandatory and not permissive.

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

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

**STREET**

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

**STREET INTERSECTION**

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

**SUBDIVISION**

A division of a lot, tract, or parcel of land into two (2) or more parts, lots or sites or a combination of the same for the purpose, whether immediate or future, of sale, a division of ownership or development. Subdivision includes the division or development of land, whether by deed, metes and bounds description, device, map, plat or other recorded instrument, but shall exclude any division resulting from inheritance (by intestacy, will, or trust distribution), dissolution of marriage, condemnation or agreement in lieu thereof, or the granting of any rights other than ownership of land (such as licenses, easements, and rights-of-way). Subdivision includes re-subdivision of land or lots, which are part of a previously recorded subdivision. These regulations shall govern all transfers of ownership, division, or development of land. This term may also mean any development for which a permit is required.



**SURVEYOR**

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

**TCEQ**

Texas Commission on Environmental Quality or their successor agency.

**THROUGH ROAD/STREET**

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

**THOROUGHFARE PLAN**

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

**TRACT**

Any parcel of land or property.

**TRAIL**

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

**TX-DOT**

Texas Department of Transportation.

**TX-DOT SPECIFICATIONS**

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

**USEABLE ACREAGE**

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

**UTILITIES**

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



**VARIANCE**

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

**WRECKING YARD (JUNKYARD OR AUTO SALVAGE)**

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



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**APPENDIX A**  
**HISTORY OF AMENDMENTS**

<b>DATE</b>	<b>MINUTE ORDER</b>	<b>BRIEF SUMMARY</b>
05/13/2002	192.02	Established the County of Ellis Rules, Regulations, and Specifications for Subdivisions and Manufactured Homes
<b>RESERVED</b>	<b>FOR</b>	<b>RESEARCH</b>
<b>RESERVED</b>	<b>FOR</b>	<b>RESEARCH</b>
<b>RESERVED</b>	<b>FOR</b>	<b>RESEARCH</b>
<b>RESERVED</b>	<b>FOR</b>	<b>RESEARCH</b>
<b>RESERVED</b>	<b>FOR</b>	<b>RESEARCH</b>
10/10/2017	428.17	Modified minimum setback requirements (Section 3-E, Paragraph 3)
12/19/2017	488.17	Modified alternative paving standards for for manufactured & mobile home, and RV parks (Sections 1, 5, and 8)
08/14/2018	337.18	Modified concrete thickness, development along private streets, and created traffic impact studies with established criteria (Section 7-A, 8-B and Article IX).
09/11/2018	376.18	Moved definitions from Section 1-W to create a new Section XXI and amended existing definitions.
09/25/2018	396.18	Revised runoff coefficients, rainfall intensity, and inlet time of concentration (Appendix A, Section F)
12/04/2018	489.18	Replaced Order 192.02, as amended, in its entirety and created Ellis County Quality Growth Initiatives – Volume I (Subdivision and Development Standards). Moved all related drainage sections from previous regulations into Volume II and reorganized this section along with some minor amendments.
12/04/2018	490.18	Created Ellis County Quality Growth Initiatives – Volume II (Drainage Design Manual). Moved all related drainage sections from previous regulations into this volume.
12/04/2018	491.18	Created Ellis County Quality Growth Initiatives – Volume III (Standard Construction Detail). No wording; just established framework for future amendments.