



Office of Emergency Management and Permits

1811 Water Street
Gonzales, TX 78629
Office: (830) 672-6209
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Monday - Friday 7:30am - 11:30am ▪ 12:30pm - 4:30pm

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How to Request an Exception to the Gonzales County Subdivision Rules

The applicant is responsible for understanding Gonzales County, Texas **Subdivision Rules and Regulations**; specifically **Article IV Exceptions**. An electronic copy can be found at www.co.gonzales.tx.us under “County Permits” > “Subdivision Rules & Regulations.”

The following items must be submitted to our office for review before it can be put on the Agenda for Commissioners Court:

- Application Fee:** Check payable to “Gonzales County.” The non-refundable application fee for an Exception to the County Subdivision Rules is **\$100.00**. *Appendix D, Fee Schedule.*
- Signed Application:** The application **MUST** be signed by the legal owner of the tract of land being divided.
- Survey or Sketch Plan:** A survey or sketch of the tract of land being divided (which may be on tax parcel maps or other form approved by Commissioners Court) showing the boundaries of the lots, adjacent roads and adjacent property owners. **Additional drawing submittals may be required for Commissioners Court.
- Recorded Deed:** A copy of the recorded Deed conveying the tract of land to the current owner.

To avoid any potential delay in processing plans or applications, it is advisable to submit the application several days prior to the official deadline. No application will be scheduled for Commissioners Court until all required information is submitted.



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Application for Exception to Subdivision Rules

Purpose: Under Gonzales County Subdivision Regulations, a person dividing property must, in general, have a subdivision plat prepared and submit that plat to Commissioners Court for approval. That requirement has been established to promote the public safety and the general welfare of the County, and to provide a framework for the orderly, safe, efficient, and healthful development of the unincorporated parts of Gonzales County. The Court has established an Exception procedure to allow certain types of property divisions without having a plat approved by Commissioners Court. This application and the additional items requested will enable the Court to determine whether it is appropriate to grant an exception for the proposed division.

The undersigned owner(s) of the tract of land described below hereby request(s) that an exception/variance request be granted to allow subdivision of said tract without Commissioners Court approval of a subdivision plat. *Gonzales County, Texas Subdivision Rules, Article IV*

Name of Land Owner: _____

Property Address: _____ **City/ST/Zip:** _____

Mailing Address: _____ **City/ST/Zip:** _____

Home/Work#: (____) _____ **Cell#:** (____) _____ **Fax#:** (____) _____

Email: _____

Brief Description of Land to be Divided:

I, (please print name) _____, the legal owner of the property listed above, understand that this is a **ONE-TIME ONLY REQUEST**. In certifying that my property be excepted from Gonzales County Subdivision Rules (platting), by signing this document I hereby agree to abide by all other County regulations pertaining to land use and development (including on-site sewage facilities) as required by the County.

Property Owner Signature (Required)

Date

Jimmy Harless, CFM, DR

Date

ARTICLE IV

4. EXCEPTIONS.

4.1 Excepted Subdivisions. While these rules are intended to apply to most divisions of land in Gonzales County, some exceptions are appropriate and/or stipulated by state law. Below are several exceptions. In any of these exceptional circumstances, land owners may subdivide their land without regard to the County's normal plat approval process, provided that the Owner simply registers the subdivision as prescribed in 4.2 and 4.3 below. Note: these exceptions only apply if no public improvements are being laid out, or dedicated, as part of the subdivision. Whenever a project includes the layout, construction, or dedication of streets, alleys, squares, parks, or other areas intended to be dedicated to public use, or to use by multiple lot owners, then the standard subdivision Application and approval process shall be followed. The exceptions are:

- 4.1.1 All of the lots in the proposed division are larger than 10 acres in area (again, as with all these exceptions, no public improvements may be included in the subdivision for it to be considered an exception to the regular platting process);
- 4.1.2 The land 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. However, if any part of a tract divided under this exception ceases to be used primarily for agricultural use or for farm, ranch, wildlife management, or timber production use as so defined, the platting requirements of this Order shall apply;
- 4.1.3 The land is divided into four or fewer parts and each of the parts is to be sold, given, or otherwise transferred to an individual who is related to the owner within the third degree by consanguinity or affinity, as determined under Chapter 573, Government Code, provided that the division is not part of a larger planned development or a sham, or a contrivance to avoid these regulations. If any lot is sold, given, or otherwise transferred to an individual who is not related to the owner within the third degree by consanguinity or affinity, the platting requirements of this Order apply.
- 4.1.4 All the lots are sold to veterans through the Veterans' Land Board program;
- 4.1.5 The land belongs to the state or any state agency, board, or commission or the permanent school fund or any other dedicated funds of the state
- 4.1.6 The land belongs to a political subdivision of the state; and
 - 4.1.6.1 The land is situated in a floodplain; and
 - 4.1.6.2 The lots are sold to adjoining landowners;
- 4.1.7 One new part is to be retained by the Owner, and the other new part is to be transferred to another person who will further subdivide the tract subject to the plat approval requirements of this chapter;

- 4.1.8 All parts are transferred to persons who owned an undivided interest in the original tract and a plat is filed before any further development of any part of the tract.
 - 4.1.9 In addition to the statutory exceptions in subparts 4.1.1 through 4.1.8, an Owner may convey one parcel out of the Owner's original tract. Unless the Commissioners Court finds that the parcel to be conveyed cannot feasibly be resubdivided in compliance with these Regulations, that parcel shall have frontage on a public street. When frontage on a public street is not required, an access easement benefiting the new parcel shall be recorded simultaneously with the deed that conveys the parcel.
- 4.2 Registration. An Owner whose division of land is excepted from the platting requirements of these regulations shall register the division with the County Clerk and submit the following to the County Clerk:
- 4.2.1 A duplicate copy of the recorded conveyance instrument, with legible metes and bounds description attached thereto; and
 - 4.2.2 A survey or sketch (which may be on tax parcel maps or other form approved by Commissioners Court) showing the boundaries of the Lots, adjacent roads and adjacent property owners; and
 - 4.2.3 An executed registration form in the form promulgated by the Department which shall require the Owner to acknowledge that all Lots remain subject to the on-site wastewater rules and development permit requirements of the county.
- 4.3 Certificate of Exception. On request of the Owner, the Commissioners Court shall issue a certificate for presentation to the County Clerk certifying that the division of land is excepted from any platting requirements.