



## Office of Emergency Management and Permits

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

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## How to Request an Exception to the Gonzales County Subdivision Rules

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The applicant is responsible for understanding Gonzales County, Texas **Subdivision Rules and Regulations**; specifically **Article V Exceptions**. An electronic copy can be found at [www.co.gonzales.tx.us](http://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 S, 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.

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 V\*

**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:**

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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 V

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## PLATTING EXCEPTIONS

In all instances in which a division of property is exempt from the requirement that the plat be approved by the Commissioners Court, the owner shall prepare and submit to the Commissioners Court or its designee an Affidavit of Land Location & Exception establishing that the division complies with the requirements of one of the exceptions. The exception shall be deemed denied unless the Commissioners Court or its designee signs an Order of Acceptance of Affidavit. If an Affidavit of Land Location and Exception is denied by the Commissioners Court or its designee, all platting requirements shall apply.

5.1 Exceptions. The following divisions of real property are not subject to the requirement that a plat be submitted to Commissioners Court for approval.

- A. Lots Larger than Ten Acres. The owner divides the tract into two or more parts; and
  - i. The Owner does not lay out a part of the tract described by section 232.001(a)(3), *Local Government Code*;
  - ii. All the lots of the subdivision are more than 10 acres in area; and
  - iii. Each lot has at least 100 feet of fee simple road frontage on a state highway, county road or a road constructed to county specifications.
- B. Agricultural, Ranch, Farm, Wildlife, Timber Production. The Owner does not lay out a part of the tract described by section 232.001(a)(3) *Local Government Code*; and
  - i. The land is to be used primarily for agricultural use, as defined by Section 1-d, Article VIII, Texas Constitution; or
  - ii. For farm, ranch, wildlife management, or timber production use is within the meaning of Section 1-d-1 Article VIII, Texas Constitution.

If the tract ceases to be used primarily for agricultural use or for farm, ranch, wildlife management, or timber production use, the platting requirements apply.

- C. Family Division.
  - i. The division of real property does not require plat approval if:
    - a. The owner divides the tract into four or fewer parts; and
    - b. The owner does not lay out a part of the tract described by section 232.001(a)(3) *Local Government Code*; and
    - c. Each of the lots 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*.
  - ii. 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 apply.

- iii. There shall be notes on the plat or affidavits of land location and deeds or instruments of conveyance or transfer as follows:
  - a. Property cannot be sold, given, or otherwise transferred to any person not related to the grantor within the third degree of consanguinity or affinity without complying with the Gonzales County development Rules and Regulations in effect at the time of conveyance or transfer;
  - b. Property cannot be further divided without complying with the Gonzales County Development Rules and Regulations in effect at the time of the division;
  - c. Any transfer or conveyance of the property must include the conveyance or transfer of the easement for roadway purposes.

D. Veterans' Land Board.

- i. The owner divides the tract into two or more parts; and
- ii. Does not lay out a part of the tract described by section 232.001(a)(3), *Local Government Code*; and
- iii. All the lots are sold to veterans through the Veterans' Land Board Program.

If any lot is sold, given, or otherwise transferred to an individual who is not a veteran, the platting requirements apply. There shall be notes on the plat or affidavits of land location and deeds or instruments of conveyance or transfer as follows:

- a. Property cannot be sold, given, or otherwise transferred to any person not a veteran without complying with the Gonzales County development rules and regulations in effect at the time of conveyance or transfer;
- b. Property cannot be further divided without complying with the Gonzales County Development Rules and Regulations in effect at the time of the division;
- c. Any transfer or conveyance of the property must include the conveyance or transfer of the easement for roadway purposes.

E. State, State Agency Board or Commission.

The platting requirements do not apply to a subdivision of any tract of land belonging to the state or any state agency, board, or commission, or owned by the permanent school fund or any other dedicated funds of the state, unless the subdivision lays out a part of the tract described by section 232.001(a)(3), *Local Government Code*. If any part of the subdivision is sold, given, or otherwise transferred to an entity that is not the state, a state agency, board, or commission, the platting requirements apply.

If any part of the subdivision is sold, given, or otherwise transferred to an entity that is not the state, a state agency, board, or commission, or an entity owned by the permanent school fund or other dedicated funds of the state, the platting requirements apply. There shall be notes on the plat or affidavits of land location and deeds or instruments of conveyance or transfer as follows:

- i. Property cannot be sold, given, or otherwise transferred to any entity that is not the state, a state agency, board, or commission, or an entity owned by the permanent school fund or other dedicated funds of the state, without complying with the Gonzales County development rules and regulations in effect at the time of conveyance or transfer;
- ii. Property cannot be further divided without complying with the Gonzales County Development Rules and Regulations in effect at the time of the division;
- iii. Any transfer or conveyance of the property must include the conveyance or transfer of the easement for roadway purposes.

F. Floodplain.

- i. The owner divides the tract into two or more parts; and
- ii. The land belongs to a political subdivision of the state; and
- iii. The land is situated in a floodplain; and
- iv. The lots are sold to adjoining landowners.

G. Further Division.

- i. The Owner divides the tract into two or more parts; and
- ii. The Owner does not lay out a part of the tract described by section 232.001(a)(3), *Local Government Code*; and
- iii. One new part is to be retained by the Owner, and
- iv. 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.

H. Undivided Interest.

- i. The owner divides the tract into two or more parts; and
- ii. All parts are transferred to persons who owned an undivided interest in the original tract; and
- iii. A plat is filed before any further development of any part of the tract.

I. Manufactured Home Rental Communities as defined by *Tex. Loc. Government Code* Sec. 232.007

J. Transfer to Adjoining Landowner.

The Owner divides the tract into two or more parts; and

- i. The Owner does not lay out a part of the tract described by section 232.001(a)(3), *Local Government Code*; and
- ii. The Owner transfers the part(s) to an adjoining landowner who
  - a. Combines the tract with the adjoining tract; and
  - b. Files an instrument describing the survey of the combined tract in the official property records of the County Clerk.

5.2 Process Applied to Exceptions. If a proposed division of land meets one of the criteria for an exception to the platting requirement:

- A. The development and sale of the land remain subject to all applicable portions of these Regulations and development permit procedures such as driveway permits, OSSF, floodplain hazard management, and 9-1-1 addressing.
- B. All tracts must have one-hundred (100) feet frontage on a state roadway, County Road, or Private Street.
- C. Order of Exception. In order to facilitate the issuance of permits and approvals by the County or other jurisdictions that are required for the development of or construction of improvements on the land, the Owner of land claiming an exception under subsection 4.1 above shall submit an Affidavit of Land Location & Exception establishing that the division complies with the requirements of one of the exceptions.
  - i. In reviewing the Affidavit of Land Location & Exception for, the Commissioners Court or its designee may require additional certification or documentation that the criteria for the exception are satisfied before the Commissioners Court issues an Order of Exception for the subdivision.
  - ii. If the Commissioners Court or its designee does not issue an Order of Exception, the subdivision is not excepted and submission of a plat application for approval is required.