



ADOPTED BY THE
COMMISSIONERS
COURT OF GONZALES
COUNTY, TEXAS ON:
OCTOBER 2nd, 2024

GONZALES COUNTY

Subdivision Rules & Regulations

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ARTICLE I

PREAMBLE AND PURPOSE

1.1 These Subdivision and Development Regulations (these "Regulations") have been adopted by an Order of the Commissioners Court of Gonzales County, Texas, and are intended 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 ("Gonzales County" or "County").

1.2 These Regulations apply to all unincorporated areas of Gonzales County, except for those areas within the Extra Territorial Jurisdiction of a city with which Gonzales County has a specific, written policy delegating its responsibility for subdivision oversight to that city or to a joint city-county review.

1.3 These Regulations are intended to provide property owners a set of rules and procedures that allow for the reasonable and rightful use of their land while also providing protections for the community and for neighboring landowners, as well as for orderly and safe subdivision development throughout Gonzales County.

1.4 These Subdivision Regulations have been adopted based on the following findings:

- A. Gonzales County's location along Interstate 10 and within a triangle of the major, high-growth urban areas of San Antonio, Houston, and Austin, means the County is likely to see substantial subdivision development and population growth in the coming years; and,
- B. Substantial population growth and unchecked land development, without proper regulation and management, have had adverse impacts to road safety, economic development, health and environmental quality in other communities. Without proper regulation and management, similar adverse impact would be experienced in Gonzales County; and,
- C. The adverse impacts of the findings above will likely strain County infrastructure, devalue existing property, impose an unwarranted tax burden on the citizens of the County, threaten the natural resources, natural beauty and historic character of the County, undermine efficient traffic management, impede road maintenance, impede 9-1-1 addressing and emergency response, lead to inadequate water and utility availability, impede the healthful disposal of waste water, the control of disease, and the management of the floodplain, and generally have an adverse effect on the public health, safety, and general welfare of the residents in Gonzales County; and
- D. The State of Texas has authorized the Commissioners Courts of Texas Counties, including Gonzales County, to regulate the subdivision of land pursuant to Local Government code, §232.001 et. seq.; and
- E. The Commissioners Court of Gonzales County has been designated by the Texas Commission on Environmental Quality as the authorized agent for the licensing and regulation of on-site sewerage facilities within Gonzales County and these Regulations are a necessary component of such regulation; and

- F. The Commissioners Court of Gonzales County has the authority and obligation to exercise general control over the roads, highways, bridges and related drainage structures and development within Gonzales County, and
- G. The Commissioners Court of Gonzales County has been granted the authority and responsibility under the Federal Emergency Management Act to administer flood plain development Regulations within the County and to regulate associated development; and
- H. The Commissioners Court of Gonzales County has considered the potential pollution, nuisances and injury to public health that could be caused by the use of private sewage facilities within the County and has adopted these Regulations to abate or prevent the potential pollution, nuisances or injury to public health; and
- I. These Regulations are enacted to implement the powers conveyed to counties under the laws of the State of Texas, including but not limited to the Texas Local Government Code, Texas Rev. Stat. Ann. Art. 2352 (general control over all roads, highways and bridges), Texas Rev. Stat. Ann. Art. 6702-1 (authority to adopt and implement a system for the laying out, opening, altering and discontinuing of roads), Texas Rev. State. Ann. Art. 6625A (Regulations of roads and streets and other facilities to control drainage and storm water runoff within real estate subdivision developments,) Texas Rev. Stat. Ann. Art. 4477-8 (county solid waste disposal systems), Texas Rev. Stat. Ann. Art. 1443, 1443a and 1436b (regulation of oil and gas utility lines within county right-of-way) , Texas Rev. Stat. Ann. Art. 4477-7e (authority to adopt standards for on-site sewerage facilities), Texas Rev. Stat. Ann. Art. 4477-9a (regulation of public highways for litter control), Texas Local Government Code Ann. Section 242.001 (authority to regulate subdivisions pursuant to all statutes applicable to counties within the extra-territorial jurisdiction of municipalities), Texas Health and Safety Code Ann. Section 366.032 and 368.011 (authority to adopt Rules relating to on-site sewerage facilities), Texas Health and Safety Code Section 121.003 and 122.001 (authority to enforce laws and appropriate funds necessary to protect public health), Texas Water Code Ann. Section 16.311, et. seq. (authority to set standards for construction within flood plain and to guide development of future development to minimize damage caused by floods), Texas Water Code Ann. Section 54.2271 (regulation of municipal utility districts), Texas Water Code 26.032 (authority to adopt rules to prevent pollution or injury to public health arising from use of on-site sewerage facilities), and Texas Water Code Section 26.171 and 26.174 (regulation of water quality by counties), and Texas Water Code Section 35.019 (certification of water availability); and
- J. The Commissioners Court of Gonzales County has considered the potential burden on present and future landowners and taxpayers of substandard development or poor quality road construction; and
- K. The Commissioners Court of Gonzales County recognizes the importance of an interconnected road system throughout Gonzales County to provide efficient access by emergency vehicles and school transportation vehicles, and the responsible role of the Commissioners Court to ensure an appropriate level of road connectivity through the subdivision process ; and

L. The Commissioners Court has considered the potential burden to private property rights, to property owners, and to taxpayers, of these Regulations, and has further considered the potential burden to property owners and taxpayers of substandard development, poor quality roads and infrastructure planning, especially in areas of poor soil condition, of flooding and unsafe development that might reasonably be expected to occur in the absence of these Regulations; and, finally

M. The Commissioners Court has determined that these Regulations should apply broadly, but the Court, in *Article IV* of these Regulations , has provided for exceptions consistent with state law.

1.5 The Commissioners Court of Gonzales County, having consulted with professionals in the field of engineering and land planning, and following public notice, investigation and hearing, has declared and hereby declares these Regulations to be necessary and appropriate to protect the public health and welfare of Gonzales County, and to safeguard the private property rights of citizens.

ARTICLE II

DEFINITIONS

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise. If a word or term used in this chapter is not contained in this section, it shall have the same definition and meaning as used in the practices applicable to hydrology and aquifer testing.

2.1 Acre. A unit of area equal to 43,560 square feet. When calculating the acreage of any Lot the gross square footage within the Lot shall be used.

2.2 Administratively Complete. An application for subdivision under *Article IV* of these Regulations submitted to the Designated Agent of the Commissioners Court that contains all documents and other information required by *Article IV* and all documents and other information listed on the County website (www.co.gonzales.tx.us) shall be considered Administratively Complete.

2.3 Applicant. An Owner or its authorized representative seeking approval of any permit, approval, variance, waiver or proposed Subdivision under these Regulations.

2.4 Application. The package of materials, including but not limited to an application form, plat, completed checklist, tax certificate, construction plans, special drawings or studies, and other informational materials that are required by the County to initiate County review and approval of a development project under these Regulations.

2.5 Affidavit of Land Location & Exception. Affidavit to be submitted by Owner to County for exception from platting per *Article IV* of these Regulations.

2.6 Aquifer. A geologic formation, group of formations, or part of a formation that contains water in its voids or pores and may be used as a source of water supply.

2.7 Aquifer Test. A test involving the withdrawal of measured quantities of water from or addition of water to a well and the measurement of resulting changes in water level in the aquifer both during and after the period of discharge or addition for the purpose of determining the characteristics of the aquifer. For the purposes of this chapter, bail and slug tests are not considered to be aquifer tests.

2.8 Commissioners Court. The Commissioners Court of Gonzales County, Texas.

2.9 Construction Plans. A common plan of development for a project that includes the information and materials required by these Regulations and Appendices.

2.10 County. The Commissioners Court of Gonzales County, Texas or its Designated Agent (where such authority may be delegated.)

2.11 County Clerk. The County Clerk of Gonzales County, Texas.

2.12 Precinct Commissioner. The presently elected county commissioner in whose precinct the subdivision or development is located.

2.13 Development. Any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings or other structures, a change in the use of improved or unimproved real estate, mining, dredging, filling, grading, paving, surfacing, excavation operations,

drilling operations, the storage of equipment or materials, and the clearing of land for the purpose of preparing a site for any man-made change to improved or unimproved real estate.

2.14 Designated Agent. A person designated by the Gonzales County Commissioners Court to implement or review compliance with certain parts of these Regulations.

2.15 Determination or Letter of Determination. The finding that an action meets or does not meet the definition of Subdivision, or the documentation of that finding.

2.16 Drinking Water Standards. See Requirements Applicable to Public Water Systems.

2.17 ETJ. The extraterritorial jurisdiction of a municipality as determined in accordance with Chapter 42 of the *Texas Local Government Code*.

2.18 Emergency Service District. As defined in *Texas Health and Safety Code*, Chapter 775.

2.19 Final Plat. A scaled drawing of a proposed Subdivision of land with survey data, not es, dedications, certifications and acceptances as required by these Regulations and *Texas Local Government Code* Ch. 232, prepared to be placed on record in the official records of Gonzales County, Texas.

2.20 Fire Official. The County Fire Marshall or any other duly appointed individual responsible for fire prevention, detection, and firefighting. Responsible for coordination with any municipal fire department or chief of any emergency service district within the county. Responsible for determination of ingress/egress suitability for emergency vehicles of any private subdivision streets, alleys, parks squares or other parts. Responsible for determination of supply, flow and access to water for fire response within a subdivision.

2.21 Flag Lot. A lot having the minimum required frontage on a public right of way with the largest portion of the lot area connected to the public right of way by a narrow strip of land, or "flag pole," which is included in the lot.

2.22 Full Build-Out. The final expected number of residences, businesses, or other dwellings in the proposed subdivision.

2.23 Groundwater. As defined by Regulations of the TCEQ at Title 30, *Texas Administrative Code*.

2.24 Health Inspector. See Inspector.

2.25 Inspector. Any designated personnel of Gonzales County who are performing onsite review of a Development project for which an Application has been submitted, or for which the determination is being made about whether an approval under these Regulations is to be required for a Development project, or their designated agent or successor. These County personnel may include, but are not limited to, the Gonzales County Health Inspector, Fire Official, Constables, and similar.

2.26 Interlocal Agreement. An Agreement between two or more governmental entities establishing the regulatory obligations of the entities over a particular matter with respect to each other.

2.27 Manufactured Home. Manufactured Home or "manufactured housing" means a HUD-Code Manufactured Home or a Mobile Home.

2.28 Manufactured Home Park. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

- 2.29 Manufactured Home Rental Community. Per *Texas Local Government Code*, Section 232.007, a "manufactured home rental community" means a plot or tract of land that is separated into two or more spaces or lots that are rented, leased, or offered for rent or lease, for a term of less than 60 months without a purchase option, for the installation of manufactured homes for use and occupancy as residences.
- 2.30 Master Development Plan. A proposed layout of an entire development area at a scale of not more 400 feet to one (1) inch, showing the tentative proposed layout of streets, blocks, lots, drainage, and other improvements for such areas that is included with a proposed plat.
- 2.31 Letter of Determination. See Determination.
- 2.32 Licensed Professional Engineer. An Engineer who maintains a current license through the Texas Board of Professional Engineers in accordance with its requirements for professional practice.
- 2.33 Lot. Any tract to be created by the division of the Original Tract pursuant to the proposed Subdivision application, including the remainder of the Original Tract and excluding proposed public right of way.
- 2.34 Order. The order of the Commissioners Court authorizing and implementing these Regulations.
- 2.35 Order of Acceptance of Affidavit. Order evidencing County acceptance of exception to platting per *Article IV* of these Regulations.
- 2.36 Original Tract. The original tract of land owned by an Owner prior to the proposed subdivision.
- 2.37 Owner. The record owner of land being subdivided.
- 2.38 Performance Guarantee. A guarantee of performance including but not limited to cash deposit, surety bond or letter of credit, in an amount and form acceptable to the County.
- 2.39 Permitted Street. As defined in *Section 8.7*.
- 2.40 Preliminary Plan. A scaled drawing of a proposed Subdivision of Land showing the general dimensions and boundaries of each Lot, the layout of the proposed streets, drainage improvements, utility infrastructure, if any, easements, and other information required by these Regulations, whose purpose is to demonstrate that the proposed subdivision is feasible and can comply with the objectives and requirements of this Order.
- 2.41 Public Water System. As defined by Regulations of the Texas Commission on Environmental Quality (TCEQ); Title 30, *Texas Administrative Code*, Chapter 290.
- 2.42 Qualified Expert. A registered professional geoscientist or Licensed Professional Engineer.
- 2.43 Rainwater Harvesting. The capture and storage of rainwater for landscape irrigation, potable and non-potable indoor use, and stormwater abatement.
- 2.44 Regulations. When capitalized, the Gonzales County Subdivision and Development Regulations and the related Orders and Appendices.
- 2.45 Requirements Applicable to Public Water Systems. The requirements in TCEQ Rules covering public water systems in Title 30, *Texas Administrative Code*, Chapter 290.
- 2.46 Rules. When capitalized, the Gonzales County Subdivision and Development Regulations and the related Orders.

2.47 Sketch Plan. A map showing a potential subdivision of land not required to be drawn with precision, to serve as the basis for comments by the County to an Owner or potential Applicant regarding general compliance with these Regulations.

2.48 Subdivision. The division of a tract or parcel of land into two or more parts or lots for the purpose of sale or development, or to transfer ownership , except for transfer to heirs of an estate, and shall include any other subdivision or re-subdivision of land contemplated by the provisions of the *Texas Local Government Code* Chapter 232.

2.49 Surface Water. As defined by the TCEQ at Title 30, *Texas Administrative Code*.

2.50 Surveyor. A Registered Professional Land Surveyor certified by the Texas Board of Professional Land Surveying.

2.51 TAC. *Texas Administrative Code*.

2.52 TCEQ. Texas Commission on Environmental Quality, (formerly Texas Natural Resource Conservation Commission - TNRCC).

2.53 Technical Review Committee. A committee delegated by the Commissioners Court to assist in the review of subdivision applications. The committee may consist of elected or appointed officials, staff or advisors. Typically, the committee may include the Precinct Commissioner, the Inspector, 9-1-1 addressing, the Fire Marshal and other members as may seem prudent, provided that no quorum of the Commissioners Court is involved. Membership in the committee may change from time to time at the discretion of the Court. The committee meetings are part of internal staff review and are not public meetings. No set number of members is required to achieve a quorum of the committee.

2.54 TWDB. Texas Water Development Board.

2.55 Water Availability Study. As authorized by *Texas Water Code* Section 35.019 and required by *Appendix P* and these Regulations.

ARTICLE III

SPECIAL PROVISIONS, ENFORCEMENT AND PENALTIES

SPECIAL PROVISIONS.

3.1 Selling or Transferring Lots Prohibited Until Completion. No lot in any Subdivision shall be sold or transferred until the Subdivision Plat is approved, recorded, and all the standards, specifications or requirements contained or referred to herein have been complied with in full.

3.2 Platting Within the Extraterritorial Jurisdiction (ETJ) Boundaries of an Adjacent Municipality. A plat for property within the ETJ of a municipality who has entered into a resolution with the Commissioners Court to regulate subdivisions within the municipality's ETJ shall comply with the Subdivision Regulations and engineering standards of the municipality, unless otherwise specified by agreement.

3.3 Services Prohibited to Subdivision Until Completion. No person or entity shall sell or supply any utility service such as water, gas, electricity, telephone, cable, communication or wastewater service within a Subdivision for which a Plat has not been approved and filed for record, nor in which the standards contained herein or referred to herein have not been complied with in full.

3.4 Compliance with Standards Required. The County shall not authorize any other person nor shall the County itself be required to repair, maintain, install or provide any streets or public utility services in any Subdivision for which the standards contained herein or referred to herein have not been complied with in full.

3.5 Dedications. Approval of a plat shall not impose any duty upon the County concerning maintenance of any improvement. The County shall formally accept maintenance of Public Improvements through a court order approved by the Commissioners Court after public improvements have been constructed in accordance with the procedures listed in *Section 8.14* and received a Letter of Public Improvement Compliance by the Commissioners Court Designated Agent.

3.6 Conflict with State or Federal Regulations. If the provisions of these Subdivision Regulations are inconsistent with state or federal law, the more restrictive provision governs, to the extent allowed by law. The more restrictive provision is the one that imposes more stringent controls.

3.7 Conflict with Private Agreements and Covenants. These Subdivision Regulations do not interfere with, abrogate, or annul any easement, covenant, deed restriction or other agreement between private parties. If the provisions of these Subdivision Regulations impose a greater restriction than imposed by an agreement or covenant among private parties, the provisions of the subdivision regulations govern. The County is not responsible for monitoring or enforcing agreements or covenants among private parties.

3.8 Severability. It is the intention of the Commissioners Court that the sections, paragraphs, sentences, clauses, and phrases of these Regulations are severable and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same

would have been enacted by the Commissioners Court without the incorporation in the ordinance of any such unconstitutional content.

ENFORCEMENT.

3.9 Authority to Not Approve. The Commissioners Court shall have the authority to not approve any plat that does not meet the requirements set forth in these Regulations .

3.10 Category of Offense. A person commits an offense if the person knowingly or intentionally violates a requirement of these Regulations , including the Road Design and Construction Specifications incorporated into these Regulations, the Rules of Gonzales County for On-site Sewage Facilities, and any appendices attached to these Regulations . An offense under this provision is a Class B misdemeanor punishable by fine or imprisonment, or both.

3.11 Enforcement Actions . At the request of Commissioners Court, the County Attorney or other prosecuting attorney for the County may file an action in a court of competent jurisdiction to:

- A. Enjoin the violation or threatened violation of a requirement established by or adopted by Commissioners Court under these Regulations ; or
- B. Recover damages in an amount adequate for the County to undertake any construction or other activity necessary to bring about compliance with a requirement established by or adopted by Commissioners Court under these Regulations.

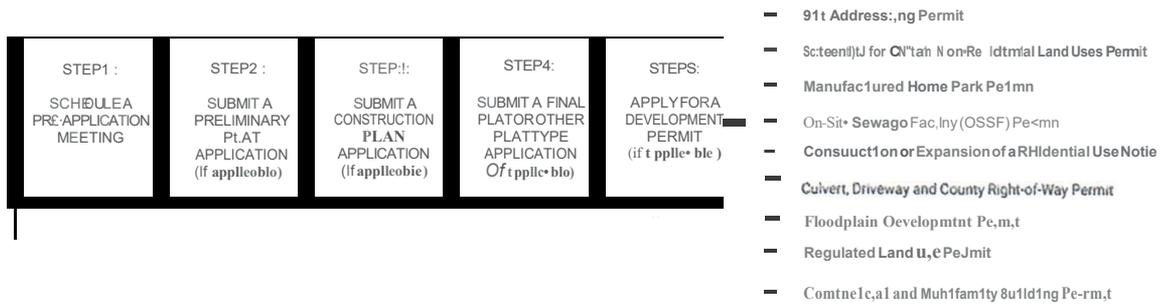
3.12 Enforcement of Plat Notes. The enforcement of plat notes or restrictions is generally the responsibility of the developer and other persons holding a property interest, whether in fee simple, or by easement, in the subdivision. However, Plat Notes shall reflect that the County may enforce any plat note imposed pursuant to the Rules of Gonzales County for On-Site Sewage Facilities or otherwise based on these Regulations and related to the general health, safety and welfare of the public, including but not limited to any plat note limiting development to single family residences or prohibiting further subdivision of the tract in order to qualify for an incentive under these Regulations , any plat note imposed in conjunction with street design or any plat note affecting county right-of-way drainage, or dedications to the County. Moreover, Commissioners Court shall have the right and authority through appropriate legal procedures to prohibit the construction, connection of utilities, or issuing of permits if the plat notes or restrictions have been violated.

ARTICLE IV

SUBDIVISION GENERAL REQUIREMENTS

The Subdivision and Development Process in Gonzales County follows the following process, in general:

FIGURE 2: DEVELOPMENT PROCESS.



GENERAL REQUIREMENTS.

4.1 Any Owner of a tract of land in Gonzales County outside the corporate limits of any municipality, who wishes to divide that tract of land into two or more parts to lay out:

- A. A subdivision of the tract, including an addition;
- B. Lots; or
- C. Streets, alleys, squares, parks, or other parts of the tract intended by the owner of the tract to be dedicated to public use, shall:
 - i. Obtain approval of Final Plat from the Commissioners Court; and
 - ii. File the Approved Final Plat with and in the manner acceptable to the County Clerk, to be recorded in the Plat Records of the County.

4.2 A division of a tract is defined as including a metes and bounds description, or any description of less than a whole parcel, in a deed of conveyance or in a contract for a deed, using a contract of sale or other executory contract, lease/purchase agreement, or using any other method to convey property. It is the intent of the Commissioners Court that the term "subdivision" be interpreted in the broadest sense and to the fullest extent permitted under the laws of the State of Texas to include all divisions of the land.

4.3 A Lot or tract that is dependent for its access upon the dedication or construction of a street (whether public street or private) relates to that street. In determining whether a division of land relates to the laying out of roads or streets intended by the Owner of the tract to be dedicated to public use or accepted for maintenance by the County, the County shall not accept contrivances contrary to public safety, common sense or to good management of its road and drainage system that appear designed

to circumvent the need to file a subdivision plat. A division of land or proposed division of land shall be considered relating to the laying out of roads or streets, whether public or private, if:

- A. The division would create one or more Lots without practical, physical vehicular access onto a permitted street.

The division would create Lots with less than at least 100 feet of fee simple road frontage on a state highway, county road or a road constructed to county specifications, or would provide for driveways onto permitted streets that are spaced fewer than fifty (50) feet apart.

- A. The division would occur less than two years from the date of completion of construction of any street onto which the Lot has frontage, or, in the case of a public street, less than two years from the date of expiration of the performance or maintenance bond for that street.
- B. The division would affect drainage on, in or adjacent to a public street or any county drainage ditch, culvert or other drainage facility.
- C. Other circumstances exist that, in the determination of Commissioners Court, cause such division of land to be related to the laying out of roads or streets or related to drainage for any street or road to which any lot has access.

PREAPPLICATION CONFERENCE.

4.4 Communication with Precinct Commissioner. A pre-application conference is highly encouraged for all Applicants of proposed subdivisions but is not a requirement. As a result, no development rights shall vest on account of any submittals to the County under this Section. The owner or agent should contact the Precinct Commissioner(s) in whose Precinct(s) the proposed subdivision will occur. The Commissioner will schedule a pre-application conference with the applicant and appropriate County staff and reviewers. The owner or agent should provide a sketch of the proposed subdivision showing general roadway patterns and lot configurations, drainageways, and existing utilities. The Applicant's surveyor and engineer should also attend the pre-application meeting, if possible. The Applicant should bring exhibit(s) showing the location of the proposed subdivision as well as sketches showing the conceptual division of property. The County Commissioner and staff will meet with the owner or agent and will review the layout for compliance with these Regulations including compliance with the County's transportation plans and other planning initiatives. The preapplication conference is for informational purposes only and shall not be construed in any way as a formal approval or commitment by the County. In addition, only the Commissioners Court or its Designated Agent may approve inspections or submittals under these Regulations .

ARTICLE V

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.

ARTICLE VI

SUBDIVISION APPLICATION PROCESS IN GENERAL

SUBDIVISION APPLICATION PROCESS.

6.1 Authority to Submit Application. Unless expressly stated otherwise in these Regulations, a Development or Subdivision application shall be submitted by:

- A. The property owner; or
- B. A person authorized to submit the application on behalf of the owner. The application will be accompanied with a letter of authorization from the property owner stating their consent to the application and delegating their authority to the Applicant; or
- C. If there are multiple property owners, all such persons shall sign the application or provide a letter authorization documenting their consent of the application.

6.2 Responsibility of Accurate Information and Plans. It shall be the responsibility of the Applicant to provide an accurate and complete application that sufficiently accounts for the requirements listed in all required application forms and materials established by these Regulations. Information or plans shall be deemed inaccurate following determination that any fields, details, depictions, or other information contained therein is found to be inconsistent with County records, other information or plans provided with an application, or the requirements of these Regulations. Any inaccuracy found in an application shall constitute reason for conditional approval, or disapproval of an application.

6.3 Submission of an Application. Each Plat Application shall be:

- A. Submitted in hard copy to the Designated Agent at 1811 Water Street, Gonzales, Tx 78629, three (3) copies of the preliminary plat and two (2) 18" x 24" copies, one (1) 18" x 24" mylar copy and a georeferenced digital copy of the final plat and all additional information required *Articles VII and VIII*; and
- B. Required to pay the prescribed fees set forth in the adopted fee schedule and be accompanied by payment receipt, unless waived by the Commissioners Court, the prescribed fee shall not be refundable unless it was submitted in error.
- C. The fee schedule is attached as *Appendix S* and may be amended from time to time per procedures established by the Commissioners Court.

The fee schedule is intended to cover the cost that the County incurs in processing a permit or application, including the publication of public notices, engineering plan review and inspections, legal fees, and other associated costs. The County incurs these costs regardless of whether the application or permit is approved or denied.

6.4 Application Materials. Each Plat Application shall include the following materials:

- A. A completed application form in the current form promulgated by the County.

- B. Description of the proposed subdivision, including a proposed subdivision name, all proposed street names, if applicable, a location map, and all other required information as required by *Article VIII* and the Appendices .
- C. All additional materials that are required to be included for a Preliminary Plat, Final Plat or Shortform Plat, being further described in *Articles VII, VIII, and IX*.

6.5 Public Hearing and Notice Requirements.

- A. *Notice Requirements.* The Texas Local Government Code requires issuance of a public hearing notice for certain subdivision applications either through the publication of a notice in an official newspaper or by mail. The plat types shown in Table 6-1 require notice of a public hearing.

Table 6-1: SUBDIVISION APPLICATIONS REQUIRING NOTICE

PLAT TYPE	PUBLIC HEARING	PUBLIC NOTICE	SECTION REFERENCE
Plat Vacation	Yes	Newspaper	Section 10.7
Replat	Yes	Newspaper†	Section 10.12
Amending Plat	No	N/A	Section 10.14

1. A replat has newspaper notice exceptions, which may require a mailed notice instead of a newspaper notice.

B. *Notice Content.* A mailed or newspaper notice must:

- iii. Describe any property involved in the application by map, street address or legal description;
- iv. Describe the action sought in the application;
- v. Indicate the date, time and place of any public hearings or meetings that will be held by the Commissioners Court to consider the application; and
- vi. Indicate where additional information on the matter can be obtained from the County Minor Defects in Notices

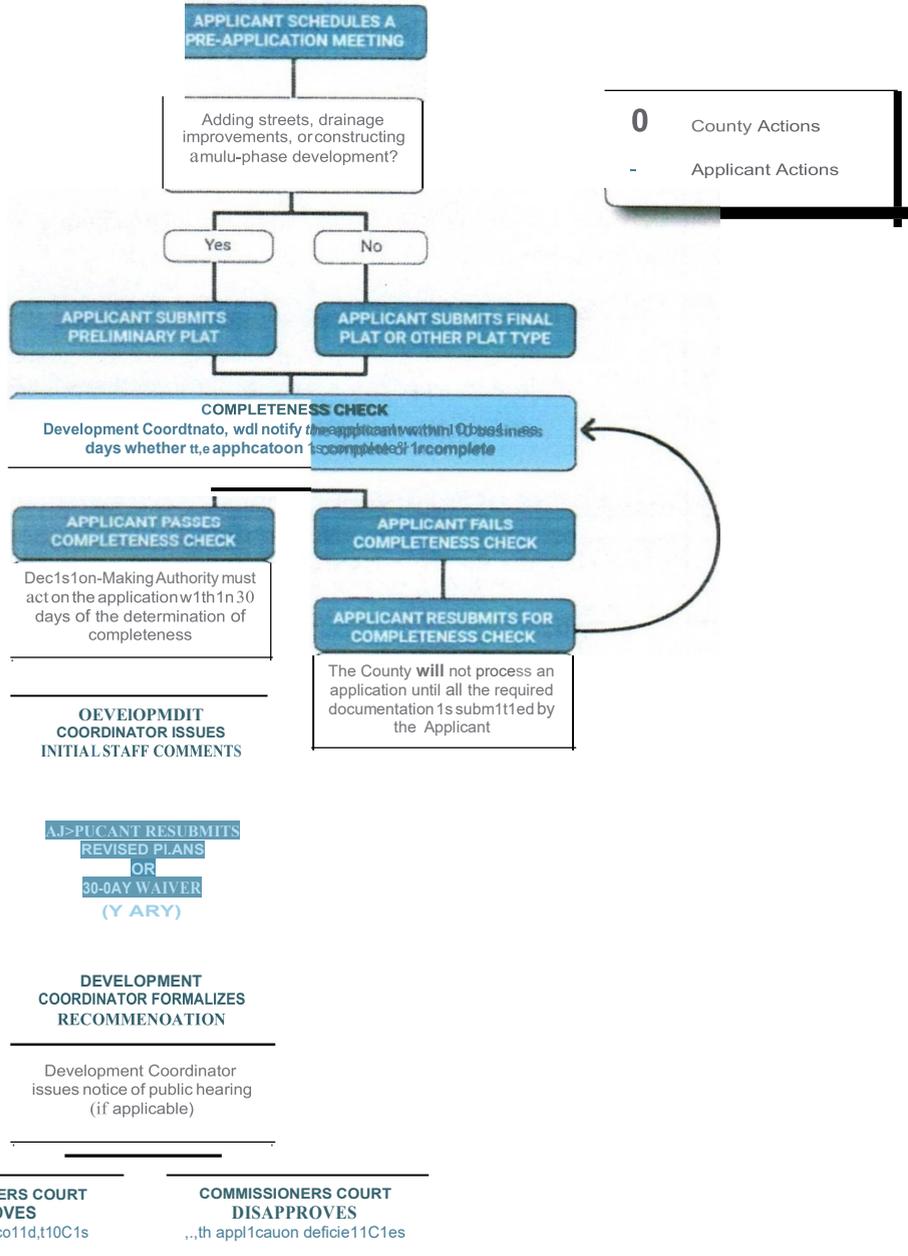
C. Minor defects in required notices will not be deemed to impair the notice or invalidate proceedings pursuant to the notice. Minor defects in notice are limited to errors in a legal description or typographical or grammatical errors that do not impede communication of the notice to affected parties. If questions arise at any hearing regarding the adequacy of notice, the Commissioners Court must make a formal finding about whether there was substantial compliance with the notice requirements of these regulations.

D. *Scheduling.* The Designated Agent shall schedule the public hearing for the Commissioners Court following the submission of a complete application and staff review in accordance.

6.6 ETJ Subdivisions. If the proposed subdivision is located within the ETJ of a municipality, it shall follow the provisions of the approved interlocal agreement, if one exists. If an interlocal agreement does not exist, the Final Plat must be submitted concurrently to both the County and any other governmental

entity with platting jurisdiction.

OVERVIEW OF GENERAL APPLICATION



0 County Actions
 - Applicant Actions

APPLICANT RESUBMITS REVISED PLANS OR 30-DAY WAIVER (Y ARY)

DEVELOPMENT COORDINATOR FORMALIZES RECOMMENDATION

Development Coordinator issues notice of public hearing (if applicable)

COMMISSIONERS COURT APPROVES with or without conditions

COMMISSIONERS COURT DISAPPROVES with application deficiencies

APPLICANT RESUBMITS REVISED PLANS OR 30-DAY WAIVER (Y ARY)

denied with conditions may be approved if conditions imposed by the Commissioners Court. However, the Applicant

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ARTICLE VII

PRELIMINARY PLAN

In addition to the availability of the County Commissioner for a Preapplication Conference, Applicants are encouraged to submit a Preliminary Plan to the County to identify any areas for improvement in the proposed Subdivision Application prior to submission of a Final Plat. Preliminary Plan review can help Applicants to avoid unnecessary costs and delays in a Development Project by considering matters such as the classification of roads, the nature of water and wastewater service, approximate location of known floodplain areas, and the range of lot sizes intended. Preliminary Plan submissions are not required and do not vest any development rights in the Development to the Owner or Applicant and approvals are not binding on the County.

- 7.1 Purpose. The purpose of the Preliminary Plan is to demonstrate that the proposed subdivision is technically feasible and can comply with the objectives and requirements of this Order.
- 7.2 Approval Criteria. The Commissioners Court shall use the following criteria to either approve or deny the Preliminary Plat:
 - A. The Preliminary Plat conforms to the regulations contained in these Regulations;
 - B. The Subdivision has adequate access to water and wastewater facilities and access to public right-of-way as required by these Regulations;
 - C. The Preliminary Plat complies with the Subdivision design standards and construction specifications required by these Regulations; and
 - D. The proposed Development represented in the Preliminary Plat does not endanger public health, safety or welfare.
- 7.3 Required Content. Preliminary Plats for tracts of less than 100 acres shall be drawn at a scale of 1"=100 '. Preliminary Plats for tracts greater than 100 acres may be drawn at a scale of 1"=200 ' with approval from the Designated Agent. For Preliminary Plats the minimum acceptable sheet size is 18" x 24"; the maximum acceptable size is 24" x 36". Preliminary Plat submittals shall contain the following information:
 - A. General Information.

The date of submittal or the date of last revision, scale and north arrow, and a location map oriented with north to the top of the drawing.

 - i. The name, address, and phone number of the Owner, the primary contact person, the Engineer, and the Surveyor; in place of the seal and signature of the Engineer and/or Surveyor the Preliminary Plat shall include the following note: "Preliminary. This document shall not be recorded for any purposes."
 - ii. A unique subdivision name. The official name of the subdivision shall not begin with the words "A", "An", "The", or "Replat of '.
 - iii. The location of existing property boundary lines.
 - iv. The width and location of platted streets and/or alleys within or adjacent to the property.

- v. The location of City Limits and Extra-Territorial Jurisdiction (ETJ) boundaries for incorporated areas.
 - vi. The location of existing utilities within the subdivision boundary.
 - vii. The total acreage, number of lots, size of individual lots, and sequential and logical identification of lots by lot and block number.
 - viii. Identification of proposed land uses other than single family residential.
 - ix. The names, locations, width, and dimensions (to nearest foot) of proposed streets, roads, lots, alleys, drainage easements, public utility easements, parks, and other lots provided for public use.
 - x. Adjacent property boundaries and owner's names, including deed references to unsubdivided tracts as available from current tax records, and lot, block, and recording
 - xi. Indication of the proposed public or private nature of the streets shall be indicated. If private streets are proposed, the streets must be labeled "Private Street, Drainage and Public Utility Easement" and must be described and platted by lot and block.
 - xii. Tax certificates indicating that payment of all current tax obligations (County, City, school, etc.) has occurred.
- B. Preliminary Engineering Plan. Preliminary Plat Applications shall be accompanied by the Preliminary Engineering Plan showing the general arrangement of infrastructure and drainage. The maximum acceptable sheet size for Preliminary Engineering Plans is 24" x 36". Preliminary Engineering Plan submittals shall contain the following information:
- i. Topographic contour lines at ten (10) foot intervals with sufficient accuracy to permit the planning of drainage, streets, and other proposed improvements. Contour lines at greater intervals in steep areas will be acceptable subject to approval by the Designated Agent. Datum and data sources must be noted on the plan.
 - ii. A drainage plan drawn at a scale with no less definition than provided in the Preliminary Engineering Plan and including stormwater channel alignments with drainage structures, drainage easements with course and distance of centerlines and boundaries, lot lines, street layout, proposed inlets, culverts, roadside ditches, channel sections and sideslopes, bridges, channel improvements, levees or berms, and fill areas. The limits of the 100-year floodplain shall be depicted including the width of overflow and backwater at roadways.
 - iii. If the subdivision intends to utilize a water distribution, wastewater collection or recycled water system, plans shall be included indicating the typical assignment and trench details, preliminary pipe sizes and alignments, any lift stations / pump stations / etc., and any connection points to adjacent properties or existing roadways.
- C. Preliminary Plat Applications shall be Accompanied by an Engineering Summary Report. The summary report shall be signed and sealed by the Professional Engineer responsible for the Preliminary Engineering Plan and shall address the following:

- i. Proposed drainage systems including an engineering drainage report to support all drainage designs with complete computations provided in an orderly manner and clearly stated assumptions and design basis.
- ii. If any revision to a FEMA Flood Insurance Study is required, a detailed discussion of the character the changes to the floodplain.
- iii. Specification of Groundwater Districts with jurisdictional authority and a discussion of applicable rules and constraints associated with protection of local groundwaters.
- iv. If proposed streets are to be privately owned, specification of the proposed means for collecting dues from associated property owners; or for providing property tax assessments sufficient to support annual maintenance costs and to support a sinking fund for long term street rehabilitation.
- v. If individual, private, onsite wastewater disposal facilities are to be used, preliminary written approval for use of these systems must be provided from the regulatory agencies in Gonzales County responsible for review of onsite waste disposal facilities.
- vi. If water and/or wastewater services are to be provided by a municipality, corporation, or district, confirmation from the municipality, corporation, or district by certified letter or affidavit of a willingness to serve the proposed development including assurance that sufficient water and/or wastewater capacity is available.

7.4 Completeness. The application for approval of a Preliminary Plat will be reviewed by the County for completeness under the applicable requirements and procedures of these Regulations. Since the Preliminary Plat is not a requirement, the statutory timeframes that guide the Final Plat process do not control, and the County shall not be held to them. The County will schedule periodic application intake meetings during which Applications will be reviewed for completeness. If the Application is complete, the County will notify the Owner or Applicant at the meeting and the County's technical review process will begin. If the Application is incomplete, it will be returned to the Owner or Applicant at the conclusion of the meeting with a list of deficiencies.

- A. An Administratively Complete application for a Preliminary Plat will be reviewed by the County for technical and/or regulatory compliance. If the Preliminary Plat is determined to be non-compliant, it will be returned to the Owner with comments.
- B. Applicants are expected to respond to comments within seven (7) calendar days or provide notice to the County why they are unable to respond promptly and when a response is anticipated. An Applicant's failure to promptly respond will contribute to delays in the review process.
- C. An application may be conclusively deemed to be withdrawn if the Owner is unable to provide a response to all technical comments within thirty (30) days of being notified of technical deficiencies. Once all comments have been addressed, the Preliminary Plat will then be placed on the agenda for consideration by the Commissioners Court at a date no more than sixty (60) days from the date of the acceptance of a complete application. Applicants failing to satisfactorily address comments after two rounds of review will be asked to reimburse the County for the cost of additional review or have their application

rejected at the Courts discretion. A Preliminary Plat and a Final Plat may not be submitted concurrently.

- 7.5 Approval of Preliminary Plat. The Commissioners Court, at its sole discretion, may approve, deny , or approve with conditions. If the application is disapproved, the County will provide a written list of the reasons for disapproval.

ARTICLE VIII

FINAL PLAT

PURPOSE.

8.1 Purpose. The purpose of the Final Plat is to create a plat document, with related Construction Plans (if necessary) and technical support suitable for final review and approval by the County, and for filing in the permanent records of Gonzales County. After approval of the Final Plat by the Commissioners Court, the payment of all relevant fees, and the filing of the Final Plat with the County Clerk, the Applicant has a legally entitled subdivision in Gonzales County. Development on these Lots is still subject to any relevant state and federal regulations, and contingent upon obtaining the appropriate County permits and/or approvals, such as for on-site sewage facilities.

8.2 Standard for Approval. Final Plats that meet the requirements set forth in these Regulations shall be approved by the Commissioners Court, unless, in exceptional circumstances, the Court makes a formal finding of fact that approval would be contrary to the public welfare and to the safe and orderly development of Gonzales County.

8.3 No construction work shall begin on the proposed subdivision until final approval of the plat by the Gonzales County Commissioners Court and receipt of all other necessary approvals and permits.

8.4 Short Form Plats. See *Article XI* for Short Form Plat requirements.

REQUIRED INFORMATION IN APPLICATION.

8.5 Requirements. A proposed Final Plat shall comply with the conditions of approval of the Preliminary Plan, if applicable, and shall contain, or be submitted with, the following information:

- A. The date, subdivision name, scale, location map, north arrow and, on all sheets, the sheet number. The Final Plat shall be submitted as two (2) 18" x 24" hard copies, one (1) 18" x 24" mylar copy and a georeferenced digital copy. Any Final Plat's deemed to be illegible, misleading, or that may result in illegible or misleading copies when reproduced, will be rejected.
- B. Name and address of the owner(s), subdivider, and lienholder (if applicable), and RPLS or engineer who responsible for the design of the plat, the date of preparation, north arrow, scale of plat (not to exceed one inch to two hundred feet (1:200)).
- C. Heavy boundary lines around area being platted.
- D. Lot sizes that comply with the sizing, setback and frontage requirements of *Appendix Mand* that show bearings and distances
- E. Acreage of subdivision and of each lot; acreage of subdivision by survey number; acreage and linear feet of roads, public or private.
- F. The names of adjoining subdivisions with adjoining streets, blocks, and lots, and ownership of adjoining properties, including appropriate public filing data.

- G. Streets names, street boundaries, lot boundaries, and an alphanumeric designation and description for lots (including open spaces) in accordance with a systematic arrangement for identifying lot parcels. Lot and block numbers must be systematically and sequentially arranged. All proposed streets must be named and the names approved in writing by the appropriate regulatory agencies.
- H. Stub-out roads to be located at approximate one-half($\frac{1}{2}$) mile intervals. There shall be a minimum of one (1) stub-out to properties abutting subdivision for future road connections. Stub-out shall end in a cul-de-sac or square-out approved by the Designated Agent, having a 60' minimum frontage width on the adjacent property line.
- I. All existing and proposed easements properly indicated and labeled. Existing easements must reference the holder of the easement and recording information. All drainage easements must be shown in accordance with the approved Preliminary Plat.
- J. Sufficient data to readily determine and reproduce on the ground the location, bearing and length of every street right-of-way line, lot line, block line, and easement line, whether curved or straight. This shall include the radius, arc, and chord distance and bearing for lot, street and easement lines.
- K. The location of permanent monuments and control points, sufficient to physically mark the location corners, points of intersection, points of curvature, and points of tangency of all subdivision parcels. Lot corners, block corners, curve points, angle points and un-found perimeter boundary corners shall be marked with a physical monument. All monuments shall be set by an RPLS and shall be set at sufficient depth to retain a stable and distinctive location. All monuments shall be of sufficient size to withstand the deteriorating forces of nature and shall be of such material that in the land surveyor's judgment will best achieve this goal. One boundary corner shall be marked with a concrete monument, unless a concrete monument exists on an adjacent platted subdivision within 1,300 feet of the proposed plat. Permanent markers along boundary lines may be spaced not more than 1,300 feet apart.
- L. One or more benchmarks referenced to a recognized elevation datum shall be placed as permanent monuments in subdivisions which contain the regulatory 100-year flood boundary. The distance between benchmarks in these subdivisions shall not exceed twenty-five hundred feet (2,500') for areas affected by the 100-year floodplain.
- M. Identification of proposed and permitted land uses other than single family residential.
- N. The legal description of the property proposed to be subdivided including acreage, name of the County survey and abstract number, a reference to the approximate distance to the nearest corner of the original survey of which the subdivision is a part and survey ties across existing street rights-of-way to verify right-of-way widths.
- O. For any lot shown on a subdivision Final Plat containing, or within three hundred (300') feet of, a floodplain, a note on the plat requiring that the lowest finished floor of any habitable structure built on that lot shall be at or above the "100-year flood" level as determined by a Professional Engineer or as shown on FEMA FIRM maps. Any structure built within this zone shall have an elevation certificate prepared by a Professional Engineer or an RPLS.

P. Certifications as required by *Section 8.5* from Owner/Developer/Lienholder and Registered Public Surveyor with notarized signatures from the County Judge and County Clerk.

8.6 Certifications. In addition to the requirements of *Section 8.3*, the following certifications and acknowledgements shall appear on the Final Plat:

- A. A preamble or statement signed and acknowledged by the current owner(s) of record, dedicating streets, alleys, easements, parks and other open spaces to public use. Where private streets are proposed, the owner shall dedicate such facilities to the use of the owners of lots in the subdivision, utilities providing services to the subdivision, emergency services providers, public service agencies, and a homeowner's association for perpetual maintenance. The preamble must also state the acreage subdivided out of each original survey. In addition, a complete mailing address shall be shown beneath the signature of the owner(s).
- B. Certification by the RPLS to the effect that the plat represents a true and accurate survey made by the surveyor, that all the necessary survey monuments are correctly shown thereon, and that it complies with all survey requirements of this ordinance.
- C. Where necessary, pursuant to the provisions of an interlocal agreement, the signatures of the Chairman and Secretary of the Planning Commission and of the Director of Planning or authorized official of a city with extra-territorial jurisdiction attesting approval of the plat.
- D. For subdivision within the platting jurisdiction of another governmental entity, the signatures of the appropriate officials or engineer shall be provided on the plat.
- E. Certification by a Professional Engineer shall be provided indicating that the plat satisfies the engineering requirements of these regulations.
- F. Certification for signature by the County Clerk indicating the date of Order, and the cabinet and page number of the minutes of the Commissioners Court recording the Order authorizing the filing of the plat.
- G. Certification for signature by the County Clerk attesting to the date and fact of filing for record and also the date, time and fact of recording, and book and page of record in the Plat Records of Gonzales County.
- H. For subdivision with Private Streets, an acknowledgement that: "It is understood that on approval of this plat by the Commissioners Court of Gonzales County, Texas, the building of all streets, roads and other public thoroughfares delineated and shown on this plat, and all bridges and culverts necessary to be constructed or placed in such streets, roads other public thoroughfares, or in connection therewith, shall remain the responsibility of the owner, Home Owners I Property Owners Association, and/or applicant of the tract of land covered by this plat, in accordance with plans and specifications prescribed by the Commissioners Court of Gonzales County, Texas. The Court assumes no obligation to build the streets, roads and other public thoroughfares shown on this plat, or of constructing any bridges or culverts in connection therewith." See *Appendix L* for additional acknowledgements that may be required for private streets.

- I. For subdivisions with Public Streets, an acknowledgement that: "The Owner(s) of the Subdivision shall construct the Subdivision's street and drainage Improvements (the "Improvements") to County Standards in order for the County to accept the public Improvements for maintenance or to release fiscal security posted to secure private Improvements. To secure this obligation, the Owner(s) must post fiscal security with the County in the amount of the estimated cost of the Improvements. The Owner(s)' obligation to construct the Improvements to County Standards and to post the fiscal security to secure such construction is a continuing obligation binding on the Owners and their successors and assigns until the public Improvements have been accepted for maintenance by the County or the private Improvements have been constructed and are performing to County Standards."
- J. If applicable, a statement indicating that: "The County is not responsible for maintenance of parks, open space, or drainage easements unless otherwise agreed to by the Commissioners Court."
- K. A statement indicating that: "No lot in this subdivision shall be occupied until connected to a municipal water distribution system or an approved onsite water well."
- L. If the subdivision is not to be served immediately by a sewage collection system connected to an approved private community disposal facility, or to a public sewer system, and if disposal of domestic sewage through a private individual sewage disposal system has been approved by the appropriate local authority for each lot, the plat shall contain a restriction prohibiting occupancy of any lot until such private individual sewage disposal system has been installed, inspected, and permitted in accordance with the rules and regulations of the Texas Department of State Health Services and/or the Texas Commission on Environmental Quality, and the appropriate local authority.
- M. If applicable, reference to any covenants or restrictions imposed on the land by volume and page of Gonzales County Real Property Records.
- N. If lots will be served by OSSF, a certification by the Engineer or licensed sanitarian that lot(s) or sites serviced by individual sewage disposal system(s) satisfy State and County requirements for septic systems or that alternative organized disposal systems will be required.

8.7 Additional Information. The following additional items shall be provided to the County with the Final Plat:

- A. Detailed and complete construction plans for all proposed subdivision improvements including but not limited to streets, drainage, and water and wastewater utility system improvements. These documents shall bear the seal and signature of a Professional Engineer licensed to practice in the State of Texas.
- 8. If water and/or wastewater service is to be provided by a private water supply and/or wastewater collection and disposal entity authorized by the appropriate state regulatory body(ies), the applicant shall submit copies of all pertinent authorization documents including copies of construction plans and specifications reviewed and approved by the

regulatory entity(ies). This documentation shall plan for continuous operation and maintenance of the proposed system(s).

- C. If water and/or wastewater services are to be provided by a municipality, public corporation or district established under Texas law, a written statement from the authorized officials of the municipality, corporation, or district to the effect that sufficient water and/or wastewater capacity is available for lots in the development and that satisfactory fiscal arrangements have been made with the municipality, corporation, or district for construction of the facilities in the subdivision by the Subdivider or that the necessary facilities will be constructed by the municipality, corporation, or district as development progresses.
- D. If water is to be provided by private water wells, a copy of the Water Availability Study prepared in accordance with these Regulations, which incorporate Texas Administrative Code and TCEQ guidelines.
- E. If private wells are to be shared, a private shared well agreement must be provided in a form acceptable to the County where costs are shared by all tracts using the well for water service. A plat note must be on the final plat that states a shared well agreement is in place and the tracts that are subject to the shared well agreement.
- F. If wastewater is to be provided by an onsite sewage facility (OSSF), copies of feasibility reports prepared in accordance with Title 30 of the Texas Administrative Code Chapter 285, TCEQ and other Gonzales County regulations pertaining to OSSF.
- G. A Corporate Surety Bond, Irrevocable Letter of Credit and agreement, or cash deposit agreement , for an initial one-year period, in the amount estimated and sealed by a Licensed Professional Engineer and approved by the Designated Agent, for construction of roads and storm water drainage improvements within, or associated with, the subdivision. The bond or letter of credit shall be executed by a surety company authorized to do business in the State of Texas and shall be made payable to the County Judge or his successors in office, of Gonzales County, Texas. The condition of the bond, letter of credit, or cash deposit agreement shall be that the owner or owners of the tract of land to be subdivided shall construct said improvements within one year of approval of the subdivision, in accordance with these Regulations. Full amount of the bond, letter of credit, or cash deposit agreement shall remain in force until construction is completed, approved, and accepted by the Commissioners Court. Any and all other requirements for fiscal security in accordance with *Article 11*.
- H. Certified documents from all utility and/or service companies who may serve the subdivision (water, wastewater, electric power, telephone, gas, etc.) confirming intent to serve and the type, availability and capacity of the service available to the subdivision.
- I. A draft of any proposed legal restrictions and covenants to be imposed on the subdivision.
- J. Tax certificates indicating that payment of all current tax obligations (County, City, school, etc.) has occurred.
- K. Survey closure information for the tract boundary, rights-of-way , blocks, and lots.

- L. Subdivisions developed with private streets, parks, open space or other shared common amenities shall have a mandatory property/homeowners' association or be part of an Improvement District (such as a Municipal Utility District, Road District or Public Improvement District) that includes all property and lots served by the private streets, parks, opens space and/or shared amenities. The association or district shall own and be responsible for the maintenance of private streets and appurtenances. The association or district shall provide a plan demonstrating financial responsibility for maintenance and emergency repair of the private street improvements utilizing dues, assessments, maintenance bonds, insurance, etc. The association or district shall have a dedicated "sinking fund" and associated anticipated schedule for major renovations/rehabilitation of the shared facilities. The by-laws or incorporation documents of the entity shall include the requirement to annually submit copies to the County of its financials, including income statement and balance sheet and other information as may be necessary to demonstrate financial responsibility for ongoing maintenance of the shared facilities. For subdivisions with private roads, the applicant shall provide "seed" money to the entity in its sinking fund for road maintenance of at least 5% of the cost of the street construction cost. The applicable association or district documents shall be reviewed and approved by the Designated Agent and the County's Attorney to ensure that they conform to these and other applicable County rules and regulations. The documents shall be filed of record at the County prior to final plat approval in order to ensure that there is an entity in place for long-term maintenance of private streets and appurtenances. The association or district may not be dissolved without the prior written consent of the County. No portion of these documents pertaining to the maintenance of private streets and alleys, and assessments may be amended without the written consent of the County. **The County will not assist in enforcing deed restrictions nor collecting of dues or assessments.**
- M. Stub-out roads to be located at approximate one-half(½) mile intervals. There shall be a minimum of one (1) stub-out to properties abutting subdivision for future road connections. Stub-out shall end in a cul-de-sac or square-out approved by the Designated Agent, having a 60' minimum frontage width on the adjacent property line.
- N. Construction schedule showing, at a minimum, the scheduled start and completion dates of each item of work required to construct road drainage, subgrade, base and pavement, and storm water drainage improvements, and the point of contact for each phase.

SUBMISSION PROCEDURES FOR FINAL PLAT.

8.8 **Submittal Procedures for Final Plat**

- A. *Authority to Apply.* An application for approval of a Final Plat shall be submitted to the County by the record Owner or by the duly authorized agent of the Owner.
- B. *Application Review Period.* The application for approval of a Final Plat will be reviewed by the County for completeness under the applicable requirements and procedures of these Regulations. An application submitted to the Designated Agent of the Commissioners Court that contains all documents and other information on the written list above and listed on the

County website (www.co.gonzales.tx.us) is considered complete and will be forwarded to the Technical Review Committee.

- C. If a person submits a plat application to the Commissioners Court that does not include all the documentation or other information required by these Regulations, the Commissioners Court or its Designated Agent shall, not later than the 10th business day after the date the Commissioners Court receives the application, notify the Applicant of the missing documents or other information. The Commissioners Court shall allow an Applicant to timely submit the missing documents or other information.
 - D. Acceptance by the Commissioners Court or its Designated Agent of a completed plat application with the documentation or other required information shall not be construed as approval of the documentation or other information .
 - E. Only certain plat actions require prior notice and a public hearing. Refer to Table 6-1 and Section 6.5. After notice requirements have been met (if applicable), the Commissioners Court or its Designated Agent shall approve, approve with conditions, or disapprove a plat application not later than the 30th day after the date the completed application is received by the Designated Agent. An application is approved by the Commissioners Court unless the application is disapproved within that period.
 - F. *Approval Criteria*. The Commissioners Court shall use the following criteria to either approve or deny the final plat:
 - i. The Final Plat conforms to the approved Preliminary Plat (if applicable) except for minor amendments that may have been authorized in writing by the County;
 - ii. Any prior conditions imposed by the Commissioners Court with the approval of the Plat have been satisfied;
 - iii. The subdivision has adequate access to water and wastewater facilities and access to public right-of-way as required by these Regulations;
 - iv. The Final Plat complies with the subdivision design standards and construction specifications required by these Regulations; and
 - v. The proposed development represented in the Final Plat does not endanger public health, safety or welfare.
 - A. Extension of the 30-Day Period. The 30-day period above may be extended for a period not to exceed an additional 30 days, if:
 - i. Requested and agreed to in writing by the Applicant and approved by the Commissioners Court or its Designated Agent; or
 - ii. The County is required to perform a takings impact assessment in connection with the Plat Application.
 - iii. The 30-day period under this Subsection applies only to a decision wholly within the control of the Commissioners Court or its Designated Agent.
 - iv. The Commissioners Court or its Designated Agent shall make the determination of whether the 30-day period will be extended not later than the 20th day after the date a completed plat application is received by the Commissioners Court or its Designated Agent.
- 8.9 Mandatory Waiver. The Commissioners Court or its Designated Agent may not require an Applicant to waive the time limits or approval procedure contained in these Regulations .

8.10 Applicant Response to Conditional Approval or Disapproval. After the conditional approval or disapproval of a plat application under *Section 8.B(E)*, the Applicant may submit to the Designated Agent a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval provided without a deadline for an Applicant to submit such a response.

8.11 Approval Procedure: Approval or Disapproval of Response. The Commissioners Court or its Designated Agent shall determine whether to approve or disapprove the Applicant's previous conditionally approved or disapproved plat application not later than the 15th day after the date the response was submitted under *Section 8.10*.

8.12 Technical Review Procedure. Upon receipt of a completed application, the Technical Review Committee shall conduct a technical review of the application and make a recommendation to Commissioners Court as to whether the application is in compliance with these Regulations.

8.13 Application Fees. The Applicant shall pay a nonrefundable fee in the amount set forth in *Appendix S* together with each Plat Application .

MISCELLANEOUS PROVISIONS.

8.14 Infrastructure. Where construction of subdivision infrastructure is required (examples: new streets, waterlines, wastewater collection or treatment systems, or drainage improvements are necessary), the Final Plat shall not be submitted until the County approves the Subdivision construction plans. The Final Plat shall not be recorded prior to a) construction of the required public improvements in a manner sufficient to satisfy County infrastructure design requirements; or b) posting with the County of fiscal security for the construction of public improvements as specified in *Article XI*.

8.15 Subdivisions within ETJ of a Municipality. Whenever an Original Tract lies within the extraterritorial jurisdiction (ETJ) of a municipality and is subject to the regulations of such municipality, the subdivision shall comply with the standards and approval procedures established by the interlocal agreement between Gonzales County and the City regarding subdivisions in the ETJ. As required by the Texas Property Code, the County Clerk will not accept a record Plat for recordation unless it has been approved in accordance with such interlocal agreement.

8.16 Platting in Existing Subdivision. If the Final Plat application contains property currently within an existing recorded Subdivision, see *Article X* for cancellation and revision of plat procedures.

8.17 Phased Subdivisions. In addition to the platting requirements contained in this Article, phased subdivisions shall also comply with the requirements of this *Section*.

A. Phasing Agreement. If less than the entire Legal Tract is being subdivided and platted, the County will require the Owner to enter into a Phasing Agreement as described in Section 3.5 of these Regulations with the County to provide for the orderly administration of the subdivision process and the subsequent platting of the balance of the tract. The Phasing Agreement may be approved by the Commissioners Court concurrently with approval of the first Preliminary Plat or prior to the first Preliminary Plat.

B. When a Subdivision is platted and developed in phases, each individual phase must stand alone and be capable of functioning independently with respect to utilities, drainage, flood detention and access.

- C. When a subdivision is to be platted as a phased and related development, a Master Development Plan shall be submitted prior to or concurrently with the Preliminary Plat of the first portion to be subdivided. The Master Development Plan is considered a non-binding planning tool and a source of planning information for the County. It shall include the following information:
- i. The boundaries of the entire development with the locations of adjacent platted subdivisions and adjoining unplatted property including the names of the record owners of each tract.
 - ii. The proposed phasing plan including the boundaries of each individual phase and the proposed sequential order for platting.
 - iii. The location, width and names of all existing or platted streets or public rights-of-way and all existing easements within and adjacent to the development.
 - iv. The layout and width of proposed arterials, thoroughfares and collector streets, and the general configuration of proposed streets and alleys.
 - v. The general arrangement and designations of land uses with specification of any sites designated for special use (e.g., for parks, open space, detention, or other public facilities).
 - vi. The approximate location of the boundary of the existing and proposed 100-year floodplain and the location and width of drainage easements, channels, creeks and water courses within the development.
 - vii. The location of proposed drainage courses and of any necessary offsite drainage improvements.

8.18 Agreement to Comply. By submitting a Final Plat, the Owner acknowledges that he or she is aware of and will comply with all Orders of Gonzales County regarding construction and development in effect at the time the Subdivision application was deemed complete, including, but not limited to the following:

- A. Order regulating the access of private construction vehicles from construction sites onto publicly maintained roadways, requiring the Owner to take certain steps to limit damages to public roadways and drainage facilities and to clean all mud or other debris carried onto the public roadways by such construction vehicles, and imposing fines for non-compliance and
8. Order requiring all construction within County right-of-way including driveways, drainage improvements, and the cutting of any existing roads for installation of utilities to be inspected prior to completion, prohibiting cutting of certain roadways within two years of construction thereof, and imposing fines for non-compliance; and

9-1-1 Addressing. No permanent utility services shall be connected to any habitable structure on a Lot until a 9-1-1 address is assigned for the Lot. If the Applicant is unable to obtain addresses for each Lot in the subdivision at the time of platting, due to Lot sizing or other reasons, it is then the responsibility of the Lot owner to obtain an address prior to the start of construction. 9-1-1 addresses should be visible from

ARTICLE IX

SHORT FORM PLAT

A subdivision submitted for platting which meets the specific conditions of this *Article IX* and will not require construction permits may file a Short Form Final Plat.

9.1 A Short Form Plat is a Final Plat that:

- A. Consists of four (4) or fewer lots;
- B. Does not require the dedication of new streets;
- C. Includes an entire Legal Tract; and
- D. Does not require stormwater detention facilities at the time of platting. Situations that do not require stormwater detention facilities at the time a short form plat is approved:
 - i. Plats of 4 lots or less that are a minimum of one and one half (1.5) acre in size if utilizing a public water supply or two (2) acres in size if water is to be provided by water wells, restricted to one single family residences. Such lots shall be restricted by plat note from installation of greater than 20% impervious cover and from further subdivision. OR
 - ii. Plats of 4 lots or less that are designated by plat note for commercial development. In this case, a plat note shall be included stipulating that Commercial Development Permit including stormwater detention will be provided prior to development or clearing of the lot.

9.2 Inside the ETJ of a municipality, a short form plat shall follow the provisions of the interlocal agreement. If there is no interlocal agreement, the Short Form Plat must be submitted concurrently to all applicable jurisdictions.

9.3 Each lot must abut a state roadway, County Road, or Private Street of adequate right-of-way and construction and be situated such that no additional streets are necessary to meet the County requirements.

9.4 If the Short Form Plat application contains property currently within an existing recorded subdivision, see *Article XI* for cancellation and revision procedures.

9.5 Refer to *Article VIII* for Plat Requirements. Exception: Only the following items from Article VIII are applicable to Short Form Plats:

- A. If water is to be provided by private water wells, a copy of the Water Availability Report prepared in accordance with *Appendix P* and these Regulations.
- B. Certified documents from all utility and/or service companies who may serve the subdivision (water, wastewater, electric power, telephone, gas, etc.) confirming intent to serve and the type, availability and capacity of the service available to the subdivision.
- C. Tax certificates indicating that payment of all current tax obligations (County, City, school, etc.) has occurred.
- D. Survey closure information for the tract boundary, rights-of-way, blocks, and lots.

ARTICLE X

PLAT REVISIONS, CANCELLATIONS AND AMENDMENTS

10.1 Any proposed revision, cancellation or amendment to platted subdivisions in the unincorporated areas of the County must occur in accordance with the requirements of this Article, and each is required to pay associated fees, which are included in *Appendix S*.

PLAT REVISIONS.

10.2 A Plat revision shall be submitted with two (2) 18" x 24" hard copies, one (1) 18" x 24" mylar copy and a georeferenced digital copy. The plat shall be drawn to a scale of not more than 200 feet per inch and preferably to a scale of 100 feet to the inch. When more than one sheet is required to accommodate the entire area, a separate index sheet showing the entire subdivision at an appropriate scale shall accompany the plat.

10.3 The Plat revision shall comply with the requirements set Article VIII for a Final Plat, except as otherwise provided by these Regulations.

10.4 Intentionally left blank.

10.5 If the affected subdivision has recorded deed restrictions then the more stringent restrictions will apply; those of the deed restrictions or those contained in these Regulations.

10.6 The following procedure shall be accomplished as appropriate prior to a plat revision being considered for approval. Approval by the County is required before a revised plat may be filed with the County Clerk's Office.

PLAT VACATIONS.

10.7 Vacating a Plat. A plat vacation requires 100% of the owners of the property located in the plat to apply to vacate the plat. The owners of a tract covered by a plat may vacate the plat at any time before any lot in the plat is sold. The plat is vacated when, after 15 days prior notice by publication in a newspaper, a signed, acknowledged instrument declaring the plat vacated is approved by the Commissioners' Court and recorded in the manner prescribed for the original plat.

10.8 If lots in the platted subdivision have been sold, the plat, or any part of the plat, may be vacated on the application of all the owners of lots in the platted subdivision with approval of the Commissioners' Court obtained in the manner prescribed for the original plat.

10.9 After approval by the Commissioners' Court, the County Clerk shall write legibly on the vacated plat (the original plat previously filed for record) the word "Vacated" and shall enter on the plat a reference to the volume and page at which the vacating instrument is recorded.

10.10 On the execution and recording of the vacating instrument, the vacated plat has no effect.

REPLAT WITHOUT VACATION.

10.11 Replating Without Vacating Preceding Plat. A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:

- A. is signed and acknowledged by only the owners of the property being replatted; and
- B. is approved, after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard, by the Commissioners' Court; and
- C. does not attempt to amend or remove any covenants or restrictions of record.

10.12 Additional Requirements for Certain Replats. In addition to compliance with *Section 10.11*, a replat without vacation of the preceding plat must conform to the requirements of this Section if any lot in the preceding plat was limited by deed restrictions to residential use.

- A. Notice of the hearing required under Section 10.11(B) shall be given at least 15 days before the date of the hearing by publication in an official newspaper or a newspaper of general circulation in the County; and by written notice (with a copy of the required documentation from Sections 10.12(8) and (C) below attached) to the owners of lots that are within 200 feet of the lots to be replatted as indicated on the most recently approved county tax roll of the property upon which the replat is requested. The written notice may be delivered by depositing the notice properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the County.
- B. If the proposed replat requires a variance and is protested in accordance with this section, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members of the Commissioners' Court present and voting.
- C. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the County Judge's Office, prior to the close of the public hearing. In computing the percentage of land area, the area of streets and alleys shall be included.
- D. Compliance with this *Section 10.12* is not required for approval of a replat of part of a preceding plat if the area to be replatted was designated or reserved for other than single or duplex family residential use by notation on the last legal Plat or in the legally recorded restrictions applicable to the Subdivision.

AMENDING PLAT.

10.13 The Commissioner's Court may approve an amending plat, which may be recorded and is controlling over the preceding plat without vacation of that plat, if the amending plat is signed by the applicants only and is solely for one or more of the following purposes:

- A. To correct an error in a course or distance shown on the preceding plat;
- B. To add a course or distance that was omitted on the preceding plat;
- C. To correct an error in a real property description shown on the preceding plat;

- D. To indicate monuments set after the death, disability, or retirement from practice of the engineer or surveyor responsible for setting monuments;
- E. To show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;
- F. To correct any other type of scrivener or clerical error or omission previously approved, including lot numbers, acreage, street names, and identification of adjacent Plats;
- G. To correct an error in courses and distances of lot lines between two adjacent lots if:
 - i. Both lot owners join in the application for amending the plat; and,
 - ii. Neither lot is abolished; and,
 - iii. The amendment does not attempt to remove recorded covenants or restrictions; and,
 - iv. The amendment does not have a material adverse effect on the property rights of the other owners in the plat;
- H. To relocate a lot line to eliminate an inadvertent encroachment of a building or other improvement on a lot line or easement;
- I. To relocate one or more lot lines between one or more adjacent lots if:
 - i. The owners of all those lots join in the application for amending the plat; and,
 - ii. The amendment does not attempt to remove recorded covenants or restrictions; and,
 - iii. The amendment does not increase the number of lots; and
 - a. the owners of all those lots join in the application for amending the plat; and,
 - b. the amendment does not attempt to remove recorded covenants or restrictions; and
 - c. the amendment does not increase the number of lots; and
 - d. the amendment does not create or require the creation of a new street or make necessary the extension of county facilities.

10.14 Notice, a hearing and the approval of other lot owners are not required for the approval and issuance of an amending plat.

SUBDIVISION PLAT CANCELLATION.

10.15 A person owning real property in Gonzales County that has been subdivided may apply to the Commissioners' Court for permission to cancel all or part of the subdivision, including a dedicated easement or roadway, to reestablish the property as acreage tracts as it existed before the subdivision.

10.16 If only part of the subdivision is cancelled, the following provisions apply:

- A. A plat of the subdivision shall be prepared by the applicant showing the subdivision as it exists before cancellation of any part and showing the subdivision with the cancelled part removed. The plat shall be prepared in accordance with the following requirements:

- i. The plat shall be submitted with two (2) 18" x 24" hard copies, one (1) 18" x 24" mylar copy and a georeferenced digital copy.
- ii. The plat shall be drawn to a scale of not more than 200 feet per inch and preferably to a scale of 100 feet to the inch.
- iii. When more than one sheet is required to accommodate the entire area, a separate index sheet showing the entire subdivision at an appropriate scale shall accompany the plat.

10.17 The Plat revision shall comply with the requirements set Article VIII for a Final Plat, except as otherwise provided by these Regulations.

10.18 Intentionally left blank.

10.19 The following provisions apply to all applications for cancellation of all or part of a subdivision.

10.20 The Commissioners' Court shall publish notice of the application for cancellation. The notice must be published in a newspaper, published in the English language, in the County once each week for at least three weeks before the date on which action is taken on the application. The published notice will direct any person who is interested in the property in the subdivision where the cancellation is proposed and who wishes to protest the proposed cancellation to appear at the time specified in the notice.

10.21 If, at the public hearing on the application for cancellation, it is shown that the cancellation of all or part of the subdivision does not interfere with the established rights of any person who owns any part of the subdivision or it is shown that all persons who own any part of the subdivision agree to the cancellation, the Commissioners' Court will authorize the owner of the subdivision to file an instrument canceling the subdivision in whole or in part.

The instrument must describe the subdivision or the part of it that is canceled. The Court will enter the order in its minutes. For cancellation of an entire subdivision, the instrument is the Court's order. For cancellation of a part of the subdivision, the instrument is the revised plat prepared in compliance with the requirements set Article VIII for a Final Plat, except as otherwise provided by these Regulations.

10.22 The Commissioners' Court may deny a cancellation under this section if the Commissioners' Court determines the cancellation will prevent the proposed interconnection of infrastructure to pending or existing development.

On application for cancellation of a subdivision or any phase or identifiable part of a subdivision, including a dedicated easement or roadway, by the owners of 75 percent of the property included in the subdivision, phase, or identifiable part, the Commissioners' Court by order will authorize the cancellation in the manner and after notice and a hearing as provided herein. However, if the owners of at least 10 percent of the property affected by the proposed cancellation file written objections to the cancellation with the Commissioners' Court prior to the public hearing required herein, the grant of an order of cancellation is at the discretion of the Commissioners' Court.

10.23 To maintain an action to enjoin the cancellation or closing of a roadway or easement in a subdivision, a person must own a lot or part of the subdivision that:

- A. abuts directly on the part of the roadway or easement to be canceled or closed; or

- B. is connected by the part of the roadway or easement to be canceled or closed, by the most direct feasible route, to:
- i. the nearest remaining public highway, county road, or access road to the public highway or county road; or
 - ii. any uncanceled common amenity of the subdivision.

10.24 After approval of cancellation of an entire subdivision by the Commissioners' Court, the County Clerk shall write legibly on the cancelled plat (the original Plat) the word "Cancelled" and enter on the plat a reference to the volume and page at which the instrument of cancellation is recorded.

10.25 After the cancellation instrument is filed and recorded in the official records of the County, of the County Tax Assessor Collector shall assess the property that is no longer a subdivision or a part a subdivision as if it had never been subdivided.

10.26 If the application for cancellation is granted and delinquent taxes are owed on the subdivided tract affected by the cancellation for any preceding year, the owner of the affected tract may pay the delinquent taxes on an acreage basis as if the tract had not been subdivided. For the purpose of assessing taxes on the tract affected by the cancellation for a preceding year, the County Tax Assessor Collector shall assess taxes on the affected tract on an acreage basis.

ARTICLE XI

FISCAL SECURITY FOR SUBDIVISION IMPROVEMENTS

11.1 Fiscal Security. Fiscal Security is a financial commitment provided to the County to ensure that the infrastructure required to support the associated subdivision will be constructed. In approving the creation of new lots, the County will require that appropriate fiscal security be posted prior to recordation of the plat unless the applicant elects to have the plat held in abeyance and to construct the improvement prior to recordation. This portion of the Code is framed recognizing that the County considers the standard form for fiscal security for the construction and performance period to be a surety bond. Alternate forms of security may be accepted by the County as long as the financial instrument and associated security agreement satisfy the above requirements.

- A. *Construction Security*. In order to assure that the streets, alleys, drainageways and other public improvements are constructed in a timely manner and in accordance with civil design specifications, the owner of the subdivision shall file a Construction Bond, executed by a Surety Company authorized to do business in the State of Texas, and made payable to the County Judge of Gonzales County, Texas in the amount of one hundred and ten percent (110%) of the cost of construction.
- B. *Performance Period Security*. In order to guarantee that streets, alleys, drainageways and other public improvements were properly constructed and have been maintained in good condition for two (2) years following completion of construction activities, the owner/developer shall file a Maintenance Bond executed by a Surety Company authorized to do business in Texas, and made payable to the County Judge of Gonzales County, Texas in an amount no less than ten percent (10%) of the construction cost of the improvements.
- C. Fiscal security for construction must be filed with the County prior to approval of a subdivision plat for recording, or prior to the commencement of construction, and must be maintained throughout the time of the construction of the Improvements if no Security is in place at that time. Fiscal security for the performance period must be filed with the County prior to commencement of the performance period and shall be maintained throughout the performance period. If any form of fiscal security is scheduled to expire prior to the end of the activity it secures, the County will take any action required to get the fiscal security extended by the Owner or the County will collect the funds from the Surety per *Section 11.8* and hold them in trust until the activity being secured is completed. If the Security for a recorded Subdivision should expire before construction of the Improvements has been completed, it shall be re-posted by the party responsible for the construction of such Improvements before construction continues.

11.2 Construction and maintenance bonds shall provide that, should these bonds be unenforceable as a statutory bond, the obligees shall be bound by their contract as a common law obligation.

11.3 In approving a Final Plat, the Court may order that the plat be held in abeyance and not filed or recorded until the Owner has:

- A. Submitted construction security or completed construction of the required improvements and provided a Maintenance Bond for the performance period; and

- B. Provided proof that the Final Plat has been approved by any other governmental entity with platting or other jurisdictional authority; and
- C. Met any other prerequisites set by the Court.

11.4 Upon approval by the Court and determination that any prerequisites for filing have all been met, the Final Plat will be filed of record in the Plat Records of Gonzales County, along with any applicable covenants and/or restrictions , at the Owner's expense. If it is determined that any prerequisites for filing have not been met or if any other governmental entity with jurisdictional authority requires changes to the plat as it was previously approved by the Court, the court may reconsider the application and approve modifications, or the Court may withdraw its previous approval.

11.5 Construction Bonds.

- A. The amount of the construction bond shall not exceed the estimated cost of construction of the streets, alleys, drainageways and other public improvements , or other maximum amount subsequently established by the State of Texas. The estimate will be based on construction plans which are acceptable to the County and current costs for such work which has been developed by the County from City, County, and State bid results and from information provided by local suppliers.
- B. Construction surety bonds to be filed with the County Judge shall be provided in a form approved by the County prior to the approval of a subdivision plat for recording or shall be provided as directed by the Designated Agent if no plat is filed.
- C. The surety company underwriting the bond(s) will be acceptable if it is listed in the latest list of companies holding certificates of authority from the Secretary of the Treasury of the United States and if it is licensed to write such bonds in the State of Texas.
- D. The Construction Bond shall require that the owner of the subdivision will begin construction of streets, alleys, drainageways and other public improvements shown on the subdivision plat, or otherwise located, as soon as possible after the date of approval of the plat by the Commissioners Court, or as directed, and shall diligently complete such construction in accordance with County standards and specifications within a period agreed to between the owner and the Designated Agent, not to exceed two years.
- E. The Construction Bond shall remain in full force and in effect until all streets, alleys, drainageways, and other public improvements in the subdivision have been completed to the satisfaction of the Designated Agent and the County Commissioner or his agent, and the obligation has been released by official action of the Commissioners Court.
- F. In the event any or all of the streets, alleys , drainage facilities or other public improvements are not completed, and if the Contractor or Owner refuses to correct defects called to his attention in writing by the Designated Agent, the unfinished improvements shall be completed at the cost and expense of obligees as provided below in *Section 11.7*.
- G. The construction period may be extended by mutual agreement of the Commissioners Court and Developer provided this extended agreement includes an increase in the bond amount to cover cost increases accrued since the date of the original agreement.

11.6 Maintenance Bonds

- A. The Owner shall provide a Maintenance Bond as security against damages or defective work which may occur or be identified during the two-year performance period which begins after approval of the public improvements. The Maintenance Bond will bind the Owner or contractor to maintain the newly constructed facilities and to correct any defects in materials, workmanship (including utility backfills), or design inadequacies, or damages, which may be discovered within the two-year performance period.
- B. The subdivision will not begin the required two-year performance period until such bond or bonds are furnished and approved by the County. The surety company underwriting the bond(s) will be acceptable if it is listed in the latest list of companies holding certificates of authority from the Secretary of the Treasury of the United States and if it is licensed to write such bonds in the State of Texas.
- C. The Owner must correct or cause the Contractor to correct at his/her own expense, damages or defects due to improper construction or maintenance within 30 days after receiving written notice of such defects from the County. If the Owner fails or refuses to correct such defects within the 30-day period, or to provide acceptable assurance that such work will be completed within a reasonable time thereafter, Gonzales County may elect to correct or cause to be corrected any such damages or defects, charging any and all incurred expenses against the maintenance bond.
- D. Security shall be released by official action of the Commissioners Court if the project exists in a good state of operation and repair which meets County Standards for the period of two (2) years from the date of official release of Construction Security.
- E. Periodic inspection of all streets and alleys for which Maintenance Security is held will be made by the Designated Agent during the period of liability covered by the Maintenance Bond; and, in the event any or all of the streets, alleys, drainageways and other public improvements are not being properly maintained, the owner will be so advised in writing and if, after a reasonable time, he fails or refuses to perform proper maintenance of streets, alleys, drainageways and other public improvements, they shall then be maintained at the cost and expense of obligees as provided below.

11.7 Forms of Security. The following forms of security are considered acceptable for insuring a Developer's promise to properly construct and maintain streets, alleys, drainage facilities and other public improvements in a subdivision in Gonzales County:

A. Surety Bond.

- i. Construction and Maintenance Bonds are considered to be the standard form of fiscal security for subdivision improvements in Gonzales County and they shall meet the requirements of this Section when used.

B. Cash Deposit.

- i. The offer of cash in lieu of Bond shall be accompanied by a Cash Security Agreement signed by the Developer or his agent. On the date that the Commissioners Court

approves Cash Security in lieu of Bond, the County Judge shall sign the agreement and copies shall go to the Developer, to official records, and to the County Treasurer.

- ii. The conditions of the Cash Security Agreement are as stated on the forms provided by the County. The general conditions of the Cash Security Agreement are the same as those stated for the Construction and Maintenance Bonds.
- iii. The Cash Security Agreement shall be provided in a form approved by the County.

C. Letter of Credit.

- i. The County, at its sole discretion, may accept a Letter of Credit as fiscal security for the construction of improvements and/or the subsequent performance period.
- ii. The offer of Letter of Credit in lieu of Bond shall be accompanied by a Letter of Credit Security Agreement signed by the Developer or his agent. On the date that the Commissioners Court approves a Letter of Credit Security in lieu of Bond, the County Judge shall sign the agreement, and copies shall go to the Developer, to official records, and to the County Treasurer.
- iii. The conditions of the Letter of Credit Security Agreement are as stated on the forms provided by the County. The general conditions of the Letter of Credit Security Agreement are the same as those stated for the Construction and Maintenance Bonds.
- iv. The Letter of Credit Security Agreement shall be provided in a form approved by the County.

11.8 Collection of Security.

- A. The construction security will remain in full force and in effect until all public Improvements have been approved and are performing to County standards at the end of the construction period. The maintenance security will remain in full force and in effect until all public improvements have passed inspection and have been approved for acceptance by the County at the end of the performance period.
- B. In the event any or all of the Improvements fail to meet County standards, and the Owner fails or refuses to correct defects or damage called to his attention in writing by the County, the County may collect the security to complete the improvements. The County Judge is authorized to execute notices of intent to collect on posted Security without the necessity of Commissioners Court action, but the Court must authorize the collection of the Security.
- C. Recovery on construction and maintenance bonds shall not be limited or exhausted by one or more recoveries of less than the total amount of such bonds.
- D. The County may draw upon any security posted under this agreement upon the occurrence of one or more of the following events:
 - i. The failure of the subdivider to construct or complete the Improvements to applicable County Standards;
 - ii. The subdivider' s failure to renew or replace the Security at least forty-five (45) days prior to its expiration;

- iii. The acquisition of the property or a portion of the property by the issuer of the security or other creditor through foreclosure or an assignment or conveyance in lieu of foreclosure;
 - iv. The arrangement by the Commissioners Court for the completion of one or more of the Improvements; or
 - v. The determination by the Commissioners Court that the completion of one or more of the public improvements is in the public interest.
- E. The collection on Security and the implementation of construction to complete necessary improvements to the extent possible with the resulting funds does not constitute acceptance of the improvements for maintenance. The County is not a subdivision developer and, if it undertakes the performance of such construction through a third-party contractor, the County is acting as a third-party trustee on behalf of the public.
- F. Request for collection of securities must be approved by the Commissioners Court and signed by the County Judge and, in the case of collection for construction, only after it has been determined that failure to complete construction, extend the security instrument's period of coverage, or correct deficiencies is not due to weather, acts of God, strikes or other reasons beyond the Developer's control.

11.9 Release of Security.

- A. Substantial completion shall be defined as the date ten (10) days prior to the date that, in the opinion of the Owner or his/her consulting engineer, all work will be finished. On this date, the Owner will: (1) notify the Inspector in writing that the work has been substantially completed; (2) request a list of any unfinished work to be completed in said 10 days; and (3) require his/her consulting engineer to prepare and forward a Construction Summary Report to the County, which is required for advance preparation of the County Approval of Construction Letter.
- B. Within four (4) working days after the Owner has given the Inspector written notice that the work has been substantially completed, the Inspector will review the work, and a report will be prepared for the Owner with copies provided to the Owner's consulting engineer and the contractor. This report will include: (1) any remaining items discovered which do not comply with the construction documents; (2) County requirements not completed; and (3) any other items required for the issuance of the Approval of Construction Letter.
- C. A construction approval meeting will be held at the site of the work and at a time agreed to by the Designated Agent and the Owner. The Owner will invite contractors to the meeting as appropriate and will invite attendance by the Owner's consulting engineer. An Approval of Construction Letter will be issued by the County within five (5) days of the onsite meeting if all items listed below in this Section are in order. If there are exceptions, a Letter of Exception will be issued instead with reasons stated for the exceptions. An Approval of Construction Letter will then be issued when the exceptions are cleared. The Approval of Construction Letter will be issued contingent upon the following documents being supplied to the County :

Construction Summary Report.

- i. Owner's consulting engineer's concurrence letter.
 - ii. Reproducible construction plans, certified as "Record Drawings", by the Owner's consulting engineer.
 - iii. The Bond or bonds for the one-year performance period for public Improvements.
 - iv. If applicable, a copy of the Conditional Letter of Map Amendment or Revision from FEMA and the completed application for a Letter of Map Amendment or Revision.
- D. After the Approval of Construction Letter has been issued, the public streets and drainage will be accepted by the Commissioners Court and the construction will be monitored by the County for the two-year performance period. If damages, failures, or defects appear, the Owner will be notified to make corrections.
- E. In addition to the contractor's two-year warranty on construction, Developers of proposed roadways which will not be maintained by the County, including private roads, shall demonstrate financial responsibility for street and drainage infrastructure by providing proof of the following:
- i. Escrowed funds totaling, or insurance covering, 10% of the construction cost for emergency repairs; and,
 - ii. Mechanisms for collecting dues from associated property owners ; or property tax assessments established and sufficient to support annual maintenance costs and to support a sinking fund for street rehabilitation.
- F. In lieu of leaving 10% of the fiscal security in place for the performance period, the Owner may submit a maintenance bond in a total sum of 10% of the cost of the construction of the public Improvements guaranteeing the work and warranties. The subdivision will not begin the required two-year performance period until such bond or bonds are furnished and approved by the County. The surety company underwriting the bond(s) will be acceptable if it is listed in the latest list of companies holding certificates of authority from the Secretary of the Treasury of the United States, and if it is licensed to write such bonds in the State of Texas.
- G. After the Approval of Construction Letter has been issued, the streets and drainage will be accepted by the Commissioners Court and the Improvements will be monitored by the County during the two-year performance period. If failures or damages appear, the Owner will be notified to make corrections. Upon expiration of the two-year performance period, and if no damages or defects have been identified and reported to the Owner by the Designated Agent, the County will release the maintenance bond.
- H. The Designated Agent shall notify the Commissioners Court of the satisfactory construction and maintenance (during the performance period) of public and private improvements. The Commissioners Court may then authorize accepting public improvements for permanent County maintenance. Upon acceptance of the public improvements, the County will fully release all posted security for public improvements. Upon approval of private improvements at the end of the performance period, the County will fully release the security for the private

improvements and will cause to be issued a release statement, signed by the County Judge, releasing the owner and surety from further obligation under the maintenance bond.

- I. Sections or phases of subdivisions must be completed in their entirety, excluding sidewalks. No allowances will be made for accepting partially completed sections or phases without the approval of a variance from the Commissioners Court.

ARTICLE XII

VARIANCES

12.1 Criteria for Variance. The County Commissioners Court shall have the authority to grant variances from these Regulations when the public interest or the requirements of fairness and justice demand it. In considering whether to relax the strict requirements of these Regulations , or to grant a variance for any reason, the Court shall consider the following factors:

- A. The actual situation of the property in question in relation to neighboring or similar properties, such that no special privilege not enjoyed by other similarly situated properties may be granted; and
- B. Whether strict enforcement of the Regulations would deny the Applicant the privileges or safety of similarly situated property with similarly timed development; and
- C. Whether the granting of the variance would be detrimental to the public health, safety or welfare, and whether it would be injurious to other property, or prevent the orderly and safe subdivision of the land in the area in accordance with these Regulations; and
- D. Whether there are special circumstances or conditions involved such that strict application of the provisions of these Regulations would deprive the Applicant of the reasonable use of his or her land, so that failure to approve the variance would result in undue hardship to the Applicant. But financial hardship, standing alone, shall not constitute undue hardship.
- E. Application for Variances. An application for a variance shall be made in writing to the County Judge and include a list of all variances requested, along with a written justification for each. The application shall be submitted with payment of a non-refundable fee. That fee shall be established in *Appendix S*.
- F. Discretion to Grant Variances. The decision to grant or deny a variance is at the sole discretion of the Commissioners Court.

ARTICLE XIII

ADDITIONAL SUBDIVISION & DEVELOPMENT REQUIREMENTS

CONSTRUCTION INSPECTION PROCEDURES.

13.1 The Owner or the Owner's designated contractor shall notify the Designated Agent a minimum of forty-eight (48) hours prior to the time of start of construction of streets and drainage in the subdivision. Start of clearing shall be defined as clearing of road right-of-way only. Contractors working within public rights-of-way shall obtain a permit and provide prior notice at least forty-eight (48) hours in advance of construction to all utility companies and other relevant stakeholders with facilities located in the right-of-way.

13.2 The Owner will require any contractor performing work to keep accessible on the work site a copy of approved construction documents with the latest revisions for the use of representatives of the County, Owner, and the Owner's engineer.

13.3 The Owner shall designate a representative(s) to be responsible for all communications with the County concerning the work. The inspected work must not deviate from the approved construction documents. Field adjustments which do not affect project integrity, cost, or construction time, and which are consistent with the intent of the design, will be approved by the Designated Agent. After initial approval of the Construction Documents, the Owner may make changes to the construction documents, subject to the approval of the Designated Agent, and any such approved changes will be forwarded to the Inspector.

Procedures for construction inspection shall include the following:

- A. The Owner and his contractor shall request and attend a pre-construction meeting with the County. Schedule of construction and frequency and type of field inspections and source and number of field tests will be determined at this meeting. If on-site or local unprocessed base material is proposed, or if "density control" is specified, a representative of the Owner or contractor's field control lab shall also attend the preconstruction meeting.
- B. The Owner will distribute approved plans prior to convening the pre-construction meeting. The preconstruction meeting will be held prior to start of any construction. At a minimum, the conference shall consist of introduction of all parties with an exchange of phone numbers and addresses and a discussion of: (1) start dates and schedule of events; (2) erosion and sedimentation controls; (3) traffic control and barricades (4) identification of superintendents (5) special conditions or provisions to plans and/or specifications including the approved QA/QC plan; and (6) final acceptance guidelines. A minimum of two (2) days' notice of the conference will be given to the:
 - i. Owner's representative.
 - ii. Consulting engineer for the Owner.
 - iii. Contractors for roads, drainage, and utilities.

- iv. . City engineers, if appropriate.
 - v. Water and wastewater construction inspectors, if appropriate.
 - vi. Designated Agent.
- C. Field inspections and field control tests shall be performed in accordance with the approved QA/QC plan and include, but are not limited to, the following:
- i. Utility installation backfill and density tests as required.
 - ii. Preconstruction inspection of any on-site or local sources of base material. If directed by the Inspector, a testing laboratory shall make site and laboratory investigations at the Owner's expense to confirm that materials meet required construction specifications.
 - iii. Sub-grade preparation including fills, cuts, ditch excavation and sub-grade sterilization. Notify the Inspector prior to all materials tests. Copies of all test results are to be provided to the Inspector including any retests. All retest results will clearly identify the failed test that they are addressing so that an audit can be completed. Approval by the Inspector is required prior to placement of base.
 - iv. Placement and compaction of base material as required. Notify the Inspector prior to all materials tests. Approval by the Inspector is required prior to placement of pavement.
 - v. Pavement of roads and streets as required. The contractor shall notify the Inspector at least twenty-four (24) hours prior to start of paving after base is approved. He shall provide any required data on pavement mixes, tests to be performed, etc., at least five (5) days prior to start of paving. Pavement placement and consolidation may be inspected at the option of the County.
- D. When a major item, such as excavating, placing of storm sewer pipe, processing of base, placing of curb and gutter, placing of structures, laying asphaltic concrete, or construction of drains, is under way, the Inspector will make follow up visits to the site at appropriate intervals. If the work is stopped for any reason (e.g., rain, strike, lack of materials, equipment breakdown, etc.) for seven (7) calendar days or more, the Inspector shall be notified twenty-four (24) hours in advance of work startup.
- E. The Inspector shall be given twenty-four (24) hours' notice when the contractor anticipates each bluetop/density stage, subgrade approval for base, base approval or approval for a succeeding lift of base, base approval for prime coat, and placement of asphaltic concrete. Expected calls for Inspector notification will be made as follows:
- i. subgrade approvals for base.
 - ii. density tests for each lift of base.
 - iii. approval of blue top of base for prime coat.
 - iv. placement of asphaltic concrete.
- F. Twenty-four (24) hours before asphalt paving is planned, notifications must be given for plant monitoring of asphaltic concrete production in order for the asphalt to be acceptable to

Gonzales County. When weather conditions are questionable, plant monitoring may be placed on standby for a short-notice start.

- G. The Inspector shall be notified at least twenty-four (24) hours before concrete is placed to allow the scheduling of onsite testing.
- H. The Inspector shall be notified as early as practicable but no less than twenty-four (24) hours in advance of any work to be performed on Saturdays, Sundays, or holidays.
- I. The contractor or Owner shall request final inspection in writing. Inspection shall be performed by an inspector qualified and approved by the Commissioners Court. The County shall make the requested inspection no later than ten (10) days following receipt of the written request. A written "punch list" listing all deficiencies noted on the final inspection and uncorrected deficiencies from previous field inspections, shall be provided to the contractor within five (5) days following the final inspection, and if requested also provided to the Owner.
- J. Unless prior arrangement has been approved by the Commissioners Court, no partial acceptance of completed construction will be approved. If required, partial acceptance shall be allowed only after consideration of access, drainage, and other matters related to the well-being and safety of the public.
- K. Defects noted during final inspection shall be corrected within thirty (30) days. Written request for reinspection for correction of defects will be required unless specifically waived by the Designated Agent.
- L. Unless otherwise specified, materials and equipment furnished for permanent installation in the work shall conform to all applicable requirements of the Contract Documents and shall be new and undamaged when installed or otherwise incorporated into the work.
- M. Unless otherwise specified, all soil moisture-density tests and other tests performed on the site to determine the quality of material to be incorporated into the project will be as directed by the Designated Agent. Frequency, time, locations, and procedures of tests will be coordinated and approved by the inspector. Testing must be conducted by an independent laboratory approved by the Designated Agent. Payment for all initial testing and all retesting of failed materials will be the responsibility of the Owner. The extent of required investigations and retesting due to failed tests will be determined by the Designated Agent.
- N. The Designated Agent may require two or more passing retests for each failure before acceptance. Manufactured materials to be incorporated into the project shall meet the requirements of the approved Construction Documents; e.g., reinforcing steel, expansion joint materials, concrete pipe, cement, miscellaneous steel, cast iron materials, flexible base. The Owner may be required to furnish a manufacturer's certificate stating that the material meets the requirements specified for this project.

PROCEDURES TO CONVERT PRIVATE STREETS TO PUBLIC STREETS.

13.4 A subdivision with private streets may request that the County convert the right-of-way to a public street as follows:

- A. An entity responsible for maintaining the private streets within a subdivision may make application to the County to accept as public right-of-way all lots within the subdivision which are used as private streets under the following conditions:
 - i. An application is made which includes evidence that a majority of the owners of the lots within the subdivision are favorable to the action.
 - ii. An inspection has been completed to the satisfaction of the County which assesses the conditions of the private streets relative to the requirements for streets at the time the application is made.
 - iii. The application includes a plan for addressing any deficiencies noted in the inspection and for the removal of or licensing agreement for all non-standard improvements in the right-of-way (gates, guard house, aesthetic elements, landscaping requiring special maintenance, etc.).
 - iv. The private streets connect directly to an adjacent public right-of-way which has already been accepted for public maintenance.
- B. Upon receipt of the application, the County will determine if the conversion to public right-of-way is in the best interest of local residents and the citizens of the County. The County will:
 - i. Review the application and inspection to confirm that the right-of-way and improvements meet the current street requirements or, if they do not, that a plan has been provided for any remediation that may be required including fiscal security as required.
 - ii. Confirm that the final condition of the right-of-way will not contain any unapproved elements in the horizontal clear zone or elements which would require maintenance practices which are not typical for County crews.
 - iii. Hold a public hearing to receive public input on the requested action.
- C. After the County has determined that it is willing to accept the private street, the Applicant will have a surveyor prepare the dedication documents as required by current codes.
- D. In no event shall the County be obligated to accept the private streets as public and any acceptance by the Court is at its sole discretion.
- E. The County may, as required to provide for the public's health, safety and welfare, utilize the following procedure to convert unmaintained private streets to public streets:
 - i. Notify the responsible entity that deficient conditions have been reported and that repair or restoration is required.
 - ii. Post signs as needed warning the general public which is leaving the public right-of-way and entering the private street that unsafe conditions exist.

- iii. Inspect the private street to determine the cost of remediation and prepare a plan to cover the cost of remediation via a property tax assessment and/or inclusion of all or part of the remediation in a future bond election.
- iv. Hold a public hearing to receive public input on a proposed plan for remediation and acceptance.
- v. During a subsequent Commissioners Court meeting, determine by vote whether or not to pursue the conversion plan. The Commissioners Court is not obligated to have such a vote on the same subdivision any more frequently than once every four years.
- vi. Utilize dedication documents or the condemnation process as needed to convert the private streets to public streets.
- vii. Implement the remediation and initiate cost recovery per the plan.

PROCEDURE TO CANCEL AN EASEMENT OR RIGHT-OF-WAY.

13.5 Persons making a request for cancellation of right-of-way shall submit a letter to the Designated Agent and the County Commissioner. The letter should state the reason for the request. The request for cancellation will be placed on the agenda for consideration by the Commissioners Court based on comments from the Designated Agent. The following documents shall be submitted with the request:

- A. Application form signed by the person cancelling the ROW/easement or their agent;
- B. Sketch and field notes describing the easement or right-of-way to be cancelled.
- C. Signed letters of approval or concurrence with the request from all adjacent and abutting property owners.
- D. For public utility easements, a letter (or standard form) from all utility companies (electric, telephone, cable, water and wastewater, gas, etc.) serving the area stating they have no need for the easement requested for cancellation, and a sketch and field notes describing any easement to remain for utilities.
- E. If the right-of-way to be cancelled was dedicated by a plat approved by a city or town under their extraterritorial jurisdiction authority, then letters from appropriate city officials shall be provided confirming their concurrence with the cancellation request.

13.6 Cancellation requests for public utility easements will be processed through the Commissioners Court only if these public utility easements were established by a plat approved by the Commissioners Court.

13.7 If the drainage easement is also a public utility easement and is located within the extra-territorial jurisdiction of a city or town, then the public utility easement must be cancelled in accordance with the applicable interlocal agreement or, in the event there is no interlocal agreement, vacated by the city or town prior to cancellation of the drainage easement by Gonzales County.

13.8 The request for drainage easement cancellation will be investigated by the Designated Agent and a recommendation made prior to the public hearing. If the request is considered favorably by the

Commissioners Court, a public hearing will be scheduled for Commissioners Court on a date no earlier than thirty (30) days after the acceptance of the request. This will allow time for posting notices at the Courthouse and in the local newspaper for a period of three (3) weeks and for the public hearing to be held at a regular session as required by Texas law. Following the public hearing, the Commissioners Court may take action on the request on the same date.

OTHER CANCELLATION REQUESTS.

13.9 Cancellation requests for lot lines, building setback lines, private access easements, or any other cancellation requests within the extra-territorial jurisdiction of a city or town, other than for right-of-way or drainage, will be in accordance with the applicable interlocal agreement or, in the event there is no interlocal agreement, be vacated by the city or town prior to cancellation by Gonzales County.

13.10 Cancellation requests for private ingress / egress / access easements must be negotiated between the grantee and grantor of such easements.

13.11 Cancellation requests for private streets or for reserves must be made to the property owner.

13.12 The Commissioners Court requires payment of an application fee to cover the cost of the County's review of a Subdivision plat and inspection of public infrastructure improvements described by the plat. This fee will vary based on the number of proposed lots in the Subdivision, the acreage described by the plat, the type of proposed roadway, drainage and other public infrastructure improvements, or any other reasonable criteria determined by the Commissioners Court. All administrative fees including fees for review of a Preliminary and Final Plat, construction plans, plat cancellation/ revision, and inspection fees, shall be paid to the County prior to commencement of the requested review or inspection.

13.13 The Fee Schedule is available in *Appendix S*. These fees will be reviewed annually by the Commissioners Court and adjusted to recover the cost of reviewing and inspecting subdivisions submitted to the County.

SEVERABILITY.

13.14 It is the intention of the Commissioners Court that the sections, paragraphs, sentences, clauses, and phrases of this ordinance are severable and, if any phrase, clause, sentence, paragraph, or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance, since the same would have been enacted by the Commissioners Court without the incorporation in the ordinance of any such unconstitutional content.

APPENDICES (A - S)

DESIGN AND CONSTRUCTION SPECIFICATIONS

APPENDIX A

SUBDIVISION LAYOUT REQUIREMENTS

Preliminary Plats and Final Plats for streets and drainage facilities in subdivisions located outside a City's ETJ shall conform to the layout provisions and design requirements set forth below. Subdivisions located inside a City's ETJ shall comply with the approved interlocal agreement or, if there is not an approved interlocal agreement, the stricter regulation when City and County requirements conflict.

- 1. General Requirements.** To provide continuity in flow of traffic and connectivity of the various public utilities and facilities, the following is required in all subdivisions:
 - a. Streets within a subdivision shall not terminate with a cul-de-sac when within 210 feet of the adjoining common boundary, if such adjoining tract is susceptible to subdivision.
 - b. Each lot greater than one half (1/2) acre shall have a rear lot line easement not less than 15 feet wide for utilities and drainage. Where necessary, side lot line easements of 10 feet for each adjoining lot shall be provided. Lots smaller than one half (1/2) acre shall have a rear lot line easement of not less than 10 feet and side lot easements, where necessary, of not less than 5 feet. Lots for townhouses and apartments, which have no separation of structures, shall match requirements for lots greater than one half (1/2) acre.
 - c. Drainage facilities requiring more width than the typical drainage easement provides shall be located within drainage easements that are not included within any residential lot.
 - d. There shall be no reserve strip along any subdivision boundary.
 - e. More than one independent access to an arterial or collector road is required for any subdivision with more than 30 residential lots. With approval of the Designated Agent, subdivisions with fewer than 100 lots may achieve secondary access via all-weather access located in easements dedicated for emergency vehicles (such access may be equipped with crash gates) in circumstances where topographic or other constraints prevent construction of an independent right-of-way access. With approval of the Designated Agent, secondary access requirements may also be met via the use of a divided roadway with a minimum 20-ft paved width on each side of the median where topographic or other constraints prevent construction of an independent right-of-way access. In considering allowing use of a divided entry in lieu of a second access, the Designated Agent will consider if any other alternatives are available, if the condition creating the single point of access was created by the applicant. Residential driveways should generally not directly access the divided entry if used in lieu of a second access.
 - f. Traffic Impact Assessment (TIA) is required for assessing need and size parameters for turn lanes, queuing lengths and traffic control devices for approval of any subdivision where the expected number of trips generated exceeds any of the following criteria:
 - i. A residential subdivision which exceeds 2,000 vehicle trips per day using 9 trips per day for each house or living unit in duplexes/ triplexes; or

- ii. A commercial development which exceeds 1,000 vehicle trips per day.

Both, as calculated using the Trip Generation Manual published by the Institute of Traffic Engineers. TIA's shall include future traffic for streets serving adjacent properties or developments. Where streets may connect to adjacent undeveloped land in the future, 32 ADT per acre will be assumed from the adjacent property and used for analysis of traffic impacts. For subdivisions assuming residential use of lots in developing their Trip Generation or their TIA, the plat(s) shall include note or deed restriction declaring the following:

"This subdivision has been approved recognizing that each lot is created for single family residential use and, based on that use, the traffic generated should not exceed accepted levels of trip generation for the associated roadways. Any future development proposing resubdivision or another land use may require a TIA and an appropriate roadway remediation plan prior to approval."

2. Rural Subdivisions.

- a. A Rural Subdivision under this Ordinance has the following characteristics:
 - i. It may be served by individual water wells and septic systems or connected to a community water and wastewater system; and
 - ii. It may utilize open ditch street drainage or underground storm sewers.
- b. The minimum lot size for all lots in a Rural Subdivision is one and one-half (1.5) acre. This minimum lot size does not apply to lots designated by plat note for landscaping, drainage, detention, parks, open space, or other common community uses.
- c. Residential blocks in rural subdivisions shall not exceed three thousand feet (3,000') in length. Exceptions will be considered subject to review and approval by the Designated Agent.
- d. The minimum lot frontage and building set back along roadways in rural subdivisions shall be as follows:

Road Type	Minimum Lot Frontage	Building Setbacks
Private Gravel Roadway	100'	15'
Local Streets	100'	20'
Minor Collectors	100'	20'
Major Collectors	225'	30'
Minor Arterials	300'	30'
Major Arterials	375'	30'

All existing County Roads and Private Streets are assumed to be Minor Collectors unless the Developer submits traffic counts and 20-year traffic forecasts supporting a lower roadway

classification. All existing state roadways are assumed to be Major Arterials unless the Developer submits traffic counts and 20-year traffic forecasts supporting a lower roadway classification. For lots on cul-de-sacs or on the outside radius of roadways with 2,500 or fewer ADT's, the minimum lot width may be measured at the building line.

- e. For subdivisions without centralized wastewater collection, lot sizing shall be compliant with the minimum requirements for an organized disposal system (i.e. sewage treatment) design meeting the regulations of Gonzales County, the Texas Department of Health Services, the Texas Commission on Environmental Quality, and the Texas Water Development Board, as applicable.
- f. For subdivisions without centralized wastewater collection, lots shall be configured to comply with TCEQ and Gonzales County septic system regulations and requirements for sanitary easements around public and private water wells.
- g. Reduced minimum lot sizes and minimum lot frontages may be approved by the Commissioners Court as part of a development agreement addressing parks and open space requirements, accompanying alterations to the road design standard tables attached to this ordinance, emergency services, light pollution and other factors as may be desirable between the applicant and the Commissioners Court.
- h. Lot frontage for "**flag lots**" shall be platted as provided in this Appendix.

3. Requirements for Urban Subdivisions.

- a. An Urban Subdivision under this Ordinance has the following characteristics:
 - i. It is connected to a community water and wastewater system; and
 - ii. It utilizes curb and gutter road sections with closed conveyance storm sewer system.
- b. The minimum lot size for all lots in an Urban Subdivision is one quarter (1/4) acre. This minimum lot size does not apply to lots designated by plat note for landscaping, drainage detention, parks, open space, or other common community uses.
- c. In general, the side-yard lot lines in urban subdivisions shall be at approximately right angles to street alignments or radial to curved streets. An arrangement placing adjacent lots at right angles to each other should be avoided.
- d. Residential blocks in urban subdivisions shall not exceed thirteen hundred feet (1,300') in length unless such blocks are parallel to and adjacent to an arterial, in which case such blocks shall not exceed seventeen hundred fifty feet (1,750') in length .
- e. Block widths in urban residential subdivisions should allow for two (2) tiers of lots back-to-back, except where abutting an arterial to which access to the lots is prohibited, or where prevented by topographical conditions or size of the property.
- f. The minimum lot frontage and building set back along roadways in urban subdivisions shall be as follows:

Road Ty12e	Minimum Lot Frontage	Building Setbacks
Local Streets	100'	20'
Minor Collectors	100'	20'
Major Collectors	225'	30'
Minor Arterials	300'	35'
Major Arterials	375'	35'

- g. All existing County Roads and Private Streets are assumed to be Minor Collectors unless the Developer submits traffic counts and 20-year traffic forecasts supporting a lower roadway classification. All existing state roadways are assumed to be Major Arterials unless the Developer submits traffic counts and 20-year traffic forecasts supporting a lower roadway classification. For lots on cul-de-sacs or on the outside radius of roadways with 2,500 or fewer ADT's, the minimum lot width may be measured at the building line.
- h. Reduced minimum lot sizes and minimum lot frontages may be approved by the Commissioners Court as part of a development agreement addressing parks and open space requirements, accompanying alterations to the road design standard tables attached to this ordinance, emergency services, light pollution and other factors as may be desirable between the applicant and the Commissioners Court.
- i. Lot frontage for "**flag lots**" shall be platted as provided in this Appendix.

4. **Requirements for Private Streets.** Private streets must meet the following special requirements in addition to all of the standard requirements for public streets:
- a. Private streets must be constructed within a separate lot owned by the property owners' association or district. This lot must conform to the County's standards for public street rights-of-way. An easement covering the street lot shall be granted to the County providing unrestricted access to and use of the property for any purpose deemed necessary by the County. This right shall also extend to applicable utility providers operating within the County and to other necessary governmental service providers, such as the U.S. Postal Service. The easement shall also permit the County to remove any vehicle or obstacle within the street lot that may impair emergency access.
 - b. A private street subdivision shall provide a minimum of one hundred feet (100') of access frontage on a public street for subdivision entrances in order to accommodate a median-divided entrance with appropriate vehicle stacking, queuing and turnaround area. Primary access into a private street subdivision shall be from a major roadway, which has a minimum right-of-way of one hundred feet (100'), or from a larger roadway, as shown on the County's Thoroughfare or Transportation Plans. Restricted access entrances shall not be allowed from alleys or private driveways or parking lots. A private street subdivision shall provide a minimum of eighty (80)

feet queuing distance between edge of pavement of public roadway and subdivision gate. As an alternative to the queuing distance the applicant may dedicate and promptly construct deceleration/acceleration turning lanes.

- c. Any private street (and any other type of gated entrance) which has an access control gate or cross-arm must have a minimum uninterrupted pavement width of twenty-four feet (24') at the location of the gate or access control device, both ingress point and egress point, regardless of the type of device used. If an overhead, or lift-up, barrier is used, it must be a minimum of sixteen feet (16') in height above the road surface, and this clearance height shall be extended for a minimum distance of fifty feet (50') in front of and behind the location of the device. All gates and cross-arms must be of a breakaway design. A minimum vehicle stacking distance of one hundred feet (100') shall be provided from the right-of-way line of the public road from which the private street subdivision is accessed to the first vehicle stopping point, which is usually an access request keypad, a telephone, or a guard's window. Adequate distance shall be provided between the access request point(s) and the entry barrier, or gate, to accommodate a vehicle turnaround as described below.
- d. A paved turnaround space must be located in front of (i.e., prior to passage of) any restricted access entrance barrier, between the access request device and the barrier or gate, to allow vehicles that are denied access to safely exit onto public streets without having to back up, particularly into the public street upon which the entrance is located. The design and geometry of such turnaround shall be of such pavement width and having such inside turning radius that it will accommodate smooth, single-motion U-turn movements by the following types of vehicles:
 - i. Larger passenger vehicles, such as full-sized vans and pickup trucks,
 - ii. Passenger vehicles with short trailers up to twenty-four feet (24') in length, such as small flatbed, camping or box-type trailers,
- e. The types of service and utility trucks that typically visit or make deliveries to neighborhoods that are similar to the proposed private street subdivision, such as utility service vehicles, postal or UPS delivery trucks, and two-to-three axle flatbed or box-type trucks used by contractors and moving companies.
- f. The Designated Agent or the Commissioners Court may require submission of additional drawings, plans or exhibits demonstrating that the proposed turnaround will work properly, and that vehicle turnaround movements will not compromise public safety on the entry roadway or on the adjacent public street(s).
- g. Any public water, sewer, and drainage facilities, streetlights, and traffic-control devices, such as traffic signs, placed within the private street lot shall be designed and constructed to County standards. All private traffic control devices and regulatory signs shall conform to County standards. Any County regulations relating to infrastructure financing, developer cost participation, and capital cost recovery shall apply to subdivisions with private streets, with the exception of those applying to street construction.

- h. The metering for utilities such as water, gas and electricity shall be located on the individual lots to be served, not grouped together in a centralized location(s), such as "gang-box" style metering stations, which shall not be permitted.
- i. The entrances to all private streets shall be clearly marked with a sign, placed in a prominent and visible location, stating that the streets within the subdivision are private, and that they are not maintained nor regularly patrolled by the County. All restricted access entrances must be manned twenty-four (24) hours every day, or they must provide a reliable, alternative means of ensuring County and emergency access to the subdivision, preferably with an Opticom-type system for emergency access, by the County and other utility or public service providers, such as postal carriers and utility companies, with appropriate identification. The method to be used to ensure County and emergency access into the subdivision shall be approved by the County and by all applicable emergency services providers prior to engineering release for construction of the subdivision. If the association or district fails to maintain reliable access as required herein, the County may enter the subdivision and remove any gate or device which is a barrier to access at the sole expense of the association. The applicable association or district documents shall contain provisions in conformity with this Section which may not be amended without the written consent of the County.

5. Requirements for Flag Lots.

- a. Flagged lots in all subdivisions, regardless of the State requirement to plat or not, shall conform to these requirements.
- b. A flag lot consists of a "stem" which is typically long and narrow and a "flag" section area which is typically a larger area where land development occurs.
- c. All subdivisions with two (2) or more adjacent flag lots shall be platted.
- d. Flag lots shall establish a building line within the "flag" and have a minimum width in conformance with this Appendix at this building line.
- e. The stem of each flag shall be a minimum of one hundred feet (100') wide and shall provide access to a public roadway. The sum of adjacent "stems" may not exceed two hundred feet (200'). No Flag Lot shall be approved that has less than one hundred feet (100') of road frontage.
- f. **A "Joint Use Driveway Access Agreement" shall be provided and filed with the subdivision and shown on the plat if the access "stem" of two flag lots are adjacent to each other.** No property owner shall place any fences, walls or any other obstructions within the area covered by the "Joint Use Access Agreement". The paved driveway within the "Joint Use Access Agreement" shall be a minimum of eighteen (18') feet and shall include a minimum clear zone width of six feet on either side of the pavement.
- g. Design, construction, and maintenance of a Shared Access Driveway and the "Joint Use Driveway Access Agreement" must be approved by the Designated Agent.
- h. All driveways shall comply with the regulations and standards of this ordinance unless determined by the Designated Agent that an alternative design would improve safety and traffic flow.

APPENDIX B

STREET DESIGN REQUIREMENTS

Street design standards in Gonzales County apply to newly constructed roadways regardless of whether they are intended to be accepted by the County for maintenance or privately maintained. These standards are based upon anticipated Average Daily Traffic counts (ADT assuming one-way trips) for the proposed roadway. Where streets may connect to adjacent undeveloped land in the future, 32 ADT per acre will be assumed from the adjacent property and used for classifying roadways and pavement design. ADT calculations shall be calculated based on the current edition of the Trip Generation Manual published by the Institute of Transportation Engineers and shall be approved by the Designated Agent.

1. **Street Geometric Standards.** Table B-1 presents a summary of Urban (curb/gutter) roadway design standards for the above-defined roadways. Table B-2 presents a summary of Rural (shoulder-section) roadway design standards for the above-defined roadways. Any deviation from these standards shall require a variance.

2. **General Street Design Requirements.**

- a. Roadway design standards, unless specifically identified, shall be standards that are found in common usage by the Texas Department of Transportation. Design guidelines shall follow the American Association of State Highway Transportation Officials' Policy on Geometric Design of Rural Highways. Design for horizontal curves including stopping sight distance and superelevation shall conform to the formulae, principles, and guidelines of the American Association of State Highway and Transportation Officials (AASHTO), "A Policy on Geometric Design of Rural Highways."
- b. All non-standard designs of roadside ditches, retaining walls, and other street appurtenances shall require review and approval by the Designated Agent.
- c. Lots restricted by plat note to one single-family residence shall be assumed to generate 9 one-way trips per day. ADT counts for all other properties shall be determined on a case-by-case basis and approved by the Designated Agent.
- d. Minimum cross slope grade for all streets shall be two percent (2%). No cul-de-sac shall have a cross-slope exceeding six (6%) percent.
- e. Grade changes of greater than eight-tenths percent (0.8%) shall be connected by vertical curves. The minimum length (L) of vertical curves shall be one hundred feet (100') or shall conform to the formula:

$$L = KA \text{ (whichever is greater)}$$

Where "A" is the algebraic difference in the tangent approach grades expressed as a whole number, and "K" is established in accordance with the Design Guidelines "Geometric Design for Local Roads and Streets", for sag and crest vertical curves, with credit given to the use of proper street lighting.

- f. Approach grades on an intersecting street should be limited to three percent (3%) for at least fifty feet (50') unless sight distances are in excess of the AASHTO Design Guide minimum for stopping on a grade level, in which case the approach grades should not be greater than six percent (6%). Where sidewalks cross intersecting streets, street grades along the crosswalk area shall be compliant with relevant accessibility regulations per the Americans with Disabilities Act and the Texas Accessibility Standards.
- g. Subject to approval by the Designated Agent, slopes for occasional short runs between intersections may exceed maximum grade values indicated in Tables B-1 and B-2; however, maximum grades through intersections may not exceed the maximum specified values.
- h. Superelevation may be used in conjunction with horizontal curves to meet design speed requirements for urban and rural subdivisions. The maximum superelevated rate for curb/gutter roadways is limited to 0.04 ft/ft. Special attention must be given to assuring correct transitions from the superelevated roadway section to intersecting crowned roadway sections or driveway grades.
- i. Roadside drainage ditches shall be contained entirely within the ROW or within a dedicated drainage easement. Use of drainage easements in lieu of ROW will not be permitted. Use of drainage easements for parallel roadside drainage should be limited to location of cross-culverts and other limited site features creating defined areas of drainage outside of the normal ROW.
- j. Headwalls, catch basins or other culvert structures shall be designed in accordance with the drainage requirements of this ordinance and typical construction details of the Texas Department of Transportation, as applicable. No headwall, wing-wall, or other structural member shall protrude above the surface of the traveled roadway. Headwalls flush with road embankment slopes (at 3:1 or flatter) are preferred for any culverts parallel to streets or driveways.
- k. Special consideration shall be given to streets where the horizontal alignment, overhead obstructions, the presence of cross traffic, or other natural or man-made conditions exist such that stopping sight distance would become the controlling parameter as it relates to the determination of a minimum length of a vertical curve.
- l. An increased curve radius may be required where street grades, street cuts, or other natural or man-made obstacles limit stopping sight distance to below that required for the design speed.
- m. Proposed streets in new subdivisions shall be aligned with existing and/or proposed streets on adjoining properties except where, in the opinion of the Commissioners Court, topography, requirements of traffic circulation, or other considerations make it desirable to depart from such alignments.
- n. Permanent or temporary turnarounds shall be required on all dead-end streets longer than 150 feet unless a variance is approved by the Designated Agent.
- o. If proposed local street extensions between subdivisions or subdivision sections are approved and platted without cul-de-sac turnarounds at the section or subdivision boundary, the right-of-way width of the local street shall be a minimum of sixty feet (60') and shall include provisions for a temporary turnaround if required by the Designated Agent.

- p. Whenever possible, streets shall be designed to have curved alignments with minimum centerline radii as specified above. Whenever possible, continuous streets through neighborhoods shall be avoided, particularly those connecting two arterials by a direct route.
- q. Whenever possible, "T" intersections shall be specified rather than four-way intersections . A tangent section of at least sixty feet (60') at right angle to the intersecting through street shall be required prior to any bend or curve on the branch street. If this cannot be reasonably achieved due to topographic or other constraints, a modified design must be approved by the Designated Agent.
- r. Where "T" intersections will result in jogs in street alignment , the minimum offset between intersecting street centerlines from opposing sides of a through street shall be 150 feet between local street intersections and 300 feet between collector street intersections. The minimum centerline separation between two intersecting streets on the same side of a given through street shall be 300 feet.
- s. Angles between streets in subdivisions at intersections shall not be less than eighty degrees (80°). When intersecting angles sharper than eighty degrees (80°) are deemed necessary by the Designated Agent and the Commissioners Court, the property line at the small angle of the intersection shall be chamfered or rounded so as to permit the construction of curbs having a radius of not less than twenty-five feet (25') without decreasing the normal width of the sidewalk area.
- t. Where a curb/gutter street intersects a continuing shoulder-section street, stand-up curb and gutter shall terminate as necessary to allow drainage from the curb/gutter section to enter the bar ditch of the shoulder-section street in a non-erosive manner. Concrete riprap or mortared rock riprap may be required to protect the shoulder area where the curb transition occurs.
- u. The AASHTO Roadside Design Guide shall be used for determining necessary clear zone distances for shoulder section roadways in all unincorporated areas of the County. Clear zones for curb/gutter sections with design speed 30 mph or less shall be 3 feet from face of stand-up curb. For curb/gutter sections with design speeds of 35 mph or greater, use the same clear zone distances as used for shoulder-section roadways.
- v. Streets intersecting State-maintained roadways such as Federal Highways, State Highways, or Farm-to-Market roads, shall require approval of the Texas Department of Transportation (TxDOT).
- w. Guardrails shall be designed in accordance with current TxDOT standards.
- x. If the application includes any non-standard improvements in the right-of-way (gates , guard house, aesthetic elements, landscaping requiring special maintenance, etc.), approval by the Commissioners Court of a license agreement for any non-standard improvements will be required prior to approval of the subdivision construction plans.

3. Curb/Gutter Street Standards.

This Section references roadways serving urban subdivisions located outside the ETJ boundaries of incorporated cities. Street types referenced in this Section are as follows:

- Curb/gutter Local Streets provide vehicular access to single family lots in urban areas.
- Curb/gutter Collector Streets convey traffic from Local to Arterial Streets and may also provide access to residential and nonresidential lots.
- Curb/gutter Arterial Streets convey traffic from Collectors, other Arterial Streets, and Commercial Streets to State Highways or other major roads. They are intended to carry high volumes of traffic, more or less continuously.
- Curb/gutter Commercial Streets provide access to commercial and industrial lots.

Curb/gutter Streets shall meet the following standards:

- a. Curb/gutter Local and Curb/gutter Collector Streets shall provide stand-up curb and gutter on both sides of the street.
- b. Curb/gutter Streets shall convey stormwater runoff utilizing a storm sewer system with curb inlets.
- c. Except as approved by the Designated Agent, the length of a Curb/gutter Local Street shall not exceed 1,500 feet.
- d. A cul-de-sac on a Curb/gutter Local Street shall not provide access to more than twenty (20) lots.
- e. Curb/gutter Collector Streets shall be stubbed out to adjacent undeveloped property at spacing intervals not greater than 2,500' unless this is not possible due to topographic or adjacent development constraints.
- f. Except as approved by the Designated Agent, the length of a Curb/gutter Collector Street shall not exceed five thousand (5,000) feet.
- g. A cul-de-sac on a Curb/gutter Collector Street shall not provide access to more than twenty (20) duplex, triplex, or multifamily lots.
- h. Curb/gutter Minor Arterial streets shall be extended to adjacent undeveloped property as determined by the Commissioners Court upon consideration of future circulation needs in the area.
- i. A cul-de-sac on a Curb/gutter Commercial Street shall not exceed eight hundred feet (800') in length and shall provide a turnaround with an eighty (80') foot right-of-way radius and sixty-foot (60') pavement radius.
- j. The spacing of signalized street intersections on major roadways shall not be less than two thousand six hundred feet (2,600') unless approved by the Commissioners Court.
- k. In general, the spacing of street intersections along a Curb/gutter Major Arterial Street shall not be less than one thousand three hundred feet (1,300'), unless sight-distance or topography dictates a lesser street spacing.
- l. Medians may be required along Curb/gutter Arterial Streets where street intersection spacing is less than one thousand three hundred feet (1,300'), or driveway spacing is less than two

hundred feet (200'). Median breaks shall be located at intersections with arterials, collectors, industrial streets, and driveways to businesses generating significant daily traffic.

- m. The geometric design of Curb/gutter Major Arterial Streets shall conform to the formulas, principals, and guidelines of the American Association of State Highway and Transportation Officials (AASHTO), "A Policy on Design of Urban Highways and Arterial Streets." Curb return radii on an arterial street shall be a minimum of thirty-five feet (35').

4. Rural (Shoulder-Section) Street Standards.

This Section references roadways serving rural subdivisions located outside the ETJ boundaries of incorporated municipalities . Street types referenced in this Section are as follows:

- Rural Local Streets provide vehicular access to residential lots in rural subdivisions.
- Rural Collector Streets convey traffic from Local Streets serving rural subdivisions to Arterial Streets and may also provide access to residential and nonresidential lots.

Rural Streets shall meet the following standards:

- a. The Commissioners Court may require that Rural Local Streets be stubbed out to adjacent undeveloped property in order to provide adequate connectivity to existing and/or future development patterns anticipated on adjacent tracts.
- b. Cul-de-sacs on a Rural Local Street shall not provide access to more than twenty (20) lots.
- c. Rural Collector Streets shall be extended to adjacent undeveloped property as determined by the Commissioners Court upon consideration of future circulation patterns anticipated in the area.

5. Design Of Private Gravel Roadways.

Private Gravel Roadways may be approved to provide vehicular access to farm, ranch and other rural tracts that are generally fifty (50) acres or more in size and where there are no existing public roads. Ranch Roads shall meet the following standards:

- a. Private Gravel Roadways shall follow a practicable route, convenient to landowners while avoiding hills and streams.
- b. The minimum right-of-way width for Private Gravel Roadways shall be sixty feet (60').
- c. Private Gravel Roadways may serve up to 10 rural tracts and must have an all-weather surface. The surface does not necessarily have to be chip seal, HMAC or concrete.
- d. Private Gravel Roadways that are not paved with chip seal, HMAC or concrete must be privately maintained by the owners of the lots using them for access. **A maintenance agreement executed by all owners an acceptable to the County must be approved by the Designated Agent and recorded in the public record when the plat is recorded.** The agreement must contain language that the County shall not be held liable or responsible for any enforcement or breaches of the agreement.
- e. Subdivisions shall include a plat note approved by the Commissioners Court that restricts all lots served by this style of roadway from any further subdivision without first bringing the portion

of Private Gravel Roadway from the tract to be further subdivided to the nearest existing paved road up to current County standards for pavement section and width.

- f. Proposed subdivisions that intend to take access from an existing Private Gravel Roadway must re-construct the roadway to meet the standards of the appropriate road classification per Table B-2.

6. **County and State Highways.** Provisions shall be made for the extension or widening of County Roads and State Highways where required by the Commissioners Court in order to protect the safety and welfare of the public.

7. **Street Names and Street Signs.**

- a. Street names for new subdivision streets may be suggested by the applicant. If these names are reasonable and are not similar to existing names of streets in Gonzales County, the Designated Agent will recommend them to the Commissioners Court for approval on the Final Plat. Suggested names shall be submitted for preliminary approval on the Final Plat submittal and forwarded to the local postmaster and 9-1-1 Address Administrator for review. Street names and addresses shall conform to the policies and procedures of the 9-1-1 Address Administrator.
- b. The Developer of a subdivision shall install all street name signs on new streets in accordance with these Regulations and any other applicable County rule or regulation. Street signs will be inspected for approval prior to the release of the Construction Bond or other security.
- c. The Developer of a subdivision shall be required to install traffic control signs and devices in accordance with the Texas Manual on Uniform Traffic Control Devices following review and approval by the Designated Agent or Commissioners Court. Payment for the installation of such control signs or devices shall be the responsibility of the Developer.

8. **Pavement Design.** This Section applies to pavements for all subdivision roads, whether intended for acceptance by the County for maintenance or for private maintenance.

- a. The full-depth (surface course, base layers, sub-grade) pavement structure for roadways shall be designed by a Professional Engineer for a 20-year life before the first structural overlay is anticipated.
- b. Acceptable pavements consist of chip seal, HMAC and concrete paving subject to the following criteria:
 - i. Urban Subdivisions shall utilize HMAC or concrete pavement.
 - ii. Rural Subdivisions may use chip seal on streets with less than 2,501 ADT per day.
 - iii. Type "D" HMAC shall be used as the surface course for local streets with ADT less than 500 unless the percentage of truck traffic is greater than 10. Type "C" HMAC shall be used as the surface course in all other applications.
 - iv. The Developer may post a Cash Security Agreement with the County for the cost of an intermediate structural overlay if the Developer desires to stage-construct the 20-year design-life pavement structure.

9. **Major Structures and Bridges.**

- a. Design of major structures shall conform to the Texas Department of Transportation's Standard Specifications for Construction of Highways, Streets and Bridges. Proprietary bridge, culvert, or retaining wall designs must be approved by the Designated Agent.
- b. Bridge design loading and widths for residential roads shall conform to TxDOT design requirements or as directed by the County. Structures of this nature require review and specific approval from the County.

See Attached Roadway Tables B-1 and B-2.

APPENDIX C

CONSTRUCTION PLAN REGULATIONS

GENERAL INFORMATION.

1. **Purpose and Applicability.** In order to insure safe and proper engineering design of streets, driveways, utilities and drainage systems, land proposed for development in the County and in the extraterritorial jurisdiction (ETJ) of a Municipality must be served adequately by essential public facilities and services including water, wastewater, drainage and roadway facilities. The following Regulations apply to all land proposed for development in the County and in the ETJ and all required infrastructure must be constructed in accordance with state law, these Regulations and with Appendix A- Design and Construction Standards (incorporated herein and updated with approval of the Commissioners Court or its Designated Agent) unless a Variance has been approved by the Commissioners Court (*see Article XII*).
2. **Responsibility for Construction.** Except as otherwise expressly stated, developers are responsible for the construction and installation of infrastructure and public improvements required by these Regulations.
 - a. If a Developer files a Final Plat for only a portion of a development for which a Preliminary Plat was approved, the infrastructure and improvements required to be constructed, installed, and maintained are those improvements that the Commissioners Court reasonably deems reasonably to serve the lots shown on the Final Plat, and to ensure emergency access and fire safety.
 - b. Unless otherwise expressly stated, the Developer is responsible for maintenance of all required infrastructure and improvements, including rights-of-way, to the standards of these regulations until the County, another unit of government, a property owners association, or other legal entity assumes actual responsibility for maintenance of the infrastructure and Public Improvements.
3. **Professionally Prepared Drawings.** Construction drawings and specifications shall be prepared and certified by a Professional Engineer licensed to practice in the State of Texas, shall be submitted for review with an approved construction permit issued prior to commencement of any development activities. Design specifications for commercial site and subdivision projects shall conform to acceptable and usual engineering design practice and the requirements specified in the appendices to this document.
4. **Continuity.** All subdivision infrastructure shall be designed and installed to provide, to the maximum extent feasible, a logical system of utilities, drainage, and roadway facilities, and to permit continuity of infrastructure improvements to adjacent properties.
5. **Design Element Requirements.** For design elements not defined by this Ordinance or other Gonzales County regulations: Subdivisions may be designed using AASHTO (American Association of State Highway and Transportation Officials) Design Criteria, TxDOT Roadway Design Criteria, or criteria adopted by a municipality if those criteria are more stringent than County Standards. Other County approved design and construction guidelines include, but are not limited to: ACI (American Concrete Institute); AASHTO "A Policy and Geometric Design of Highways and Streets", 1990 ;

AASHTO "Standard Specifications for Highway Bridges", 1996; AASHTO "Roadside Design Guide"; Institute of Transportation Engineers "Guidelines for Urban Major Street Design" Texas Accessibility Standards, as adopted by the Texas Commission on Licensing and Regulation ; TxDOT Standard Specifications for Construction of Highways, Streets, and Bridges; the Texas Manual on Uniform Traffic Control Devices; and TxDOT Operations and Procedures Manual. Refer to the appendices for drainage design guidelines. Additional Design Guidelines may be approved by the County on a case-by-case basis.

6. **Cost.** All subdivision infrastructure costs for required water, wastewater, drainage and roadway facilities shall be the sole responsibility of the subdivider and shall be included in the guarantee of performance bond to be posted with the County Judge and as further described in *Article XI*.

7. **Expiration of Construction Permits.** Construction Permits issued are valid for two (2) years or until construction is complete, whichever comes first. At the discretion of the Commissioners Court a single extension for a period of one (1) year may be granted without re-application if 1) the plan for construction has not changed, 2) the applicant can demonstrate that they have made reasonable attempts to construct the improvements and 3) the applicant can demonstrate that they have a reasonable expectation of completing the construction in the additional time granted.

8. **Posting on Site.** A copy of the approved Construction Permit shall be posted on site for the duration of construction activities covered under the permit. The posting shall be visible from the nearest major roadway(s) adjacent to the development.

9. **Maintenance.** All subdivision infrastructure, whether required or discretionary shall be maintained by an entity other than the County unless built to or above County standards and expressly accepted by the County.

10. **Commercial and Public Access Developments** . Commercial developments which include developments for the location of facilities for the sale or rental of goods and services as well as public access developments such as schools, churches, and other public places or buildings of a like character shall comply with these Regulations unless specifically addressed otherwise.

11. **Interlocal Agreements (ILA).** To the extent that the County maintains ILAs with a Municipality for the regulation of development in the ETJ of the municipality, Regulations of the Municipality may set a higher standard than these Regulations.

PLAN REQUIREMENTS.

12. **Subdivision Construction Plan Elements.** Subdivision construction plans shall require the following information and formatting:

- a. Plans shall contain a signature block for approval by the County in addition to all other typical information found on construction plans and all other data necessary for construction. The Designated Agent must approve language provided in the General Notes and Special Notes.
- b. Plans shall contain a print of the subdivision plat reduced to a size and a scale divisible by ten (10) to conform to the scales of construction drawings.
- c. Design details for the construction of streets and drainage facilities shall conform to the requirements of these regulations and shall be of a scale ratio no less defined than one inch to

fifty feet (1' = 50') horizontal and one inch to five feet (1' = 5') vertical. Existing ground line and finished grade profiles shall be shown at the centerline of the right-of-way. Street cross-sections including road shoulders and ditch lines shall be provided at intervals no greater than 100 feet.

- d. Typical cross-sections shall be provided for roadway sections having similar drainage and/or traffic carrying requirements.
 - e. All existing and proposed drainage and utility appurtenances shall be shown in plan and profile;
 - f. Plans for the installation of storm sewer and sanitary sewer shall show the horizontal alignments and grades in both plan and profile.
 - g. The location and installation of utilities within drainage easements shall be allowed only when no other practical alternative exists. A separate utility easement, outside that required for the floodway, shall be provided wherever possible.
13. **Required Documentation and Plans.** A construction plan set will be comprised of the following plans:
- a. Roadway Plan; Drainage Plan;
 - b. Water Plan and Water Availability Report;
 - c. Wastewater Plan;
 - d. Storm Water Pollution Prevention Plan (SWP3);
 - e. Phasing Plan (if applicable refer to Section 8.17); and
 - f. Plan with the modification or dedication of new easements associated with proposed improvements.
14. Construction plans shall comply with the following sections:
- a. Water and Wastewater Services (refer to *Appendix P* and *Q* and these Regulations) ;
 - b. Drainage Standards (refer to *Appendix O*);
 - c. Floodplain Management (refer to *Appendix K*);
 - d. Street Design Standards (refer to *Appendix L* and these Regulations); and
 - e. Any applicable provisions regarding subdivision design requirements in these Regulations .
15. **Construction Plan Criteria.** Construction Plans will comply with *Appendix C* and other applicable parts of these Regulations.
16. **Roadway Plan.**
- a. A Roadway Plan will provide the following information:
 - i. Street grades and elevations;
 - ii. Vertical and horizontal curve information;
 - iii. The ditch grades, design flow of water, design depth of water and design velocity of water; and
 - iv. Typical street sections.

- b. Roadway plans shall be no larger than a 1 inch = 50 feet scale, showing the location of the proposed pavement, ditches and drainage structures within the street right-of-way. The profile of the street shall be no larger than a 1 inch = 50 feet scale horizontal and a 1 inch = 5 feet scale vertical; and Street signage will comply with the Manual on Uniform Traffic Control Devices.

17. Drainage Plans.

- a. A Drainage Plan will comply with the requirements of *Appendix O* and provide the following information:
 - i. The ditch grades, design flow of water, design depth of water and design velocity of water;
 - ii. A plan and profile of all culverts under any street with the design flow of water, headwater and tail water depths and the water velocity;
 - iii. The size of all driveways culverts to carry the design flow of water at each lot in the subdivision when the culvert is installed at the designed ditch grade;
 - iv. Typical ditch sections;
 - v. The size of each lot in square feet and acreage;
 - vi. The location, dimension, description, and flow line of existing and proposed drainage structures;
 - vii. The existing drainage areas upstream of the proposed subdivision with drainage calculations confirming the amount of water coming into, across and leaving the subdivision and adjacent properties both upstream and downstream.
 - a. The plan of the drainage ditches shall be no larger than a 1 inch = 50 feet scale.
 - b. The profile of the drainage ditches in no larger than a 1 inch = 50 feet scale horizontal and a 1 inch = 5 feet scale vertical.
 - c. Drainage information shall be provided in enough detail to show any changes in the 100-year flood elevation as it pertains to the proposed subdivision and adjacent properties.

18. Water Plans.

- a. In addition to the Water Availability Report requirements of *Appendix P*, A Water Plan will provide the following information:
 - i. The location and size of all proposed water lines in relation to the right-of-way in which the lines are to be located;
 - ii. The location of all appurtenances proposed to be installed; and
 - iii. The minimum depth to which the water lines are to be installed.
- b. Water plans shall be no larger than a 1 inch = 50 feet scale.
- c. The profile of the water lines shall be no larger than a 1 inch = 50 feet scale horizontal, and a 1 inch = 5 feet scale vertical.

19. Wastewater Plans.

- a. A Wastewater Plan will provide the following information:
 - i. The location of all appurtenances proposed to be installed; and

- ii. The sewer line grades and elevations at all junction points.
- b. Wastewater plans shall be no larger than a 1 inch = 50 feet scale, showing the location and size of all proposed sewer lines in relation to the right-of-way in which the lines are to be located.
- c. The profile of the wastewater lines shall be no larger than a 1 inch = 50 feet scale horizontal, and a 1 inch = 5 feet scale vertical.

20. Storm Water Pollution Prevention Plan (SWP3).

- a. A storm water pollution prevention plan will provide the following information:
 - i. A storm water pollution prevention plan shall govern the control measures necessary to prevent and control soil erosion, sedimentation, and water pollution, which may degrade receiving waters including rivers, stream, lakes, reservoirs, groundwater, or wetlands.
- b. The control measures contained herein shall be installed and maintained through the construction contract and coordinated with any permanent or temporary pollution control feature specified elsewhere on the plans and in the specification to ensure effective and continuous water pollution control throughout the construction and post construction periods. These control measures shall not be used as a substitute for the permanent pollution control measures, unless otherwise directed by the owner's representative in writing.
- c. The control may include silt fences, straw bale dikes, rock berms, diversion dikes, interceptor swales, sediment traps and basins, pipe slope drains, inlet protection, stabilized construction entrances, seeding, sodding, mulching, soil retention blankets, or other structure or non-structural storm water pollution controls. Additional information regarding these controls can be found in the North Central Texas Council of Governments (NCTCOG) latest edition of the guidance manual entitled Storm Water Quality Best Management Practices for Construction Activities.
- d. The Contractor is responsible for obtaining all permits required for storm water pollution prevention.

21. Phasing Plan.

- a. A Phasing Plan is required for a subdivision that will be constructed in phases. The purpose of the phasing plan is to show the timing and sequencing of when the lots and associated improvements will be constructed.
- b. The Commissioners Court will verify that the Developer has planned adequate facilities for each phase in compliance with the minimum standards required by these Regulations and as it pertains to the following:
 - i. All requirements contained in *Article VIII* and this Appendix;
 - ii. Access to water and wastewater services;
 - iii. Satisfactory drainage improvements; and
 - iv. An adequate access and construction to a street system in compliance with the *Appendix L* and these Regulations .
- c. The Phasing Plan will:

- i. Clearly delineate the sequence in which each phase will be constructed (e.g., the first phase that will be constructed will be Phase One);
- ii. Coincide with the sequence and timing of when each phase will be platted (e.g., Phase One will be the first area of the overall development that will be platted since it will be the first phase that will be constructed);
- iii. Provide a north arrow and a graphic scale;
- iv. Show the location of existing structures;
- v. Show the proposed lots with minimum square footage and acreages;
- vi. Clearly delineate existing and proposed streets;
- vii. Clearly show the water supply intended to serve each phase; and
- viii. Clearly show the wastewater or disposal system intended to serve each phase;

22. **Compliance with Other Plans and Regulations.** It is the responsibility of the Applicant to ensure the final design of site improvements are in conformance with the following as they exist or may be amended in the future:

- a. Gonzales County Thoroughfare Plan;
- b. Texas Department of Transportation (TxDOT) Access Management Manual;
- c. Texas Administrative Code, Title 30 (Texas Commission of Environmental Quality), Chapter 285 (On-Site Sewage Facilities);
- d. Stormwater Pollution Controls will comply "Stormwater Quality Best Management Practices for Construction Activities in North Central Texas;" by NCTCOG;
- e. Roadway plans, including street signage, will comply with the Manual on Uniform Traffic Control Devices. The Manual on Uniform Traffic Control Devices, or MUTCD defines the standards used by road managers nationwide to install and maintain traffic control devices on all public streets, highways, bikeways, and Private Street open to public traffic. The MUTCD is published by the Federal Highway Administration (FHWA) under 23 Code of Federal Regulations (CFR), Part 655, Subpart F.;
- f. Roads and Drainage structures will comply with "Standard Specifications for Public Works Construction," by NCTCOG;
- g. The Gonzales County Fire Code and any County adopted provisions from the latest International Fire Code; and
- h. Any other design and construction criteria included by reference in any executed interlocal agreements by Gonzales County.

23. **Easement Dedications** . Easement dedications for all property (including off-site property) that is needed for the construction of roadways, access, drainage, utilities (including water and wastewater), and any other infrastructure necessary to serve the development will be provided on the subdivision plat or by separate instrument (permitted for off-site improvements) and maintained by the property owner unless approved otherwise by the County. The Applicant is responsible for contacting all utility providers prior to beginning construction, and for securing all necessary easements for same prior to Final Plat approval and recordation.

I. Off-Site Easements.

- i. The Applicant shall acquire all necessary off-site easements required for installation off-site public improvements to serve the development
- ii. Off-site easements shall be conveyed and recorded by an instrument approved by the County.
 - A. If the Applicant is unable to acquire the necessary off-site easements, the Applicant may request assistance from the County. The Applicant shall provide the County with easements or right-of-way survey documents and exhibits, documentation, including evidence of a reasonable offer made to the affected property owner. Upon receiving a written request for assistance, the County may, at its option, acquire these easements either through negotiations, or in appropriate situations through eminent domain proceedings.
 - B. The Applicant shall reimburse the County for the costs of acquiring the necessary easements including attorney fees and other associated costs.
- m. Petroleum Pipeline Crossings . If new roads are constructed over existing petroleum pipeline crossings, the pipelines must meet the following requirements:
 - i. Encased pipe must be at least three (3) feet below the deepest proposed ditch grade;
 - ii. Non-cased pipe (of extra wall thickness meeting federal regulations) must be at least four (4) feet below the deepest proposed ditch; and
 - iii. No road shall be accepted for maintenance by the County that contains a petroleum pipeline within the right-of-way, other than crossing pipelines.
- n. Utility Easements .
 - i. Utilities shall be placed within an easement at least fifteen (15) feet wide for utility construction, service, and maintenance and within private property (specifically property not maintained by the County).
 - ii. Utilities (such as water mains, wastewater mains and other utilities) may only be placed within the public right-of-way with approval of County.
 - iii. Utility lines crossing a road shall be installed a minimum of thirty-six (36) inches below the ditch line. All lines must be encased in metal or PVC schedule 40 pipes located a minimum of two (2) feet beyond the ditch line.
 - iv. Easements having greater width dimensions may also be required by the County along or across lots where engineering design or special conditions make it necessary for the installation of utilities and drainage facilities outside public Right-of-Way.
 - v. The following full statement of restrictions shall be placed in the dedication instrument:

Easements: Any public utility, including the County, shall have the right to move and keep moved all or part of any building, fences, trees, shrubs, other growths or improvements that in any way endanger or interfere with the construction, maintenance, or efficiency of its respective systems on any of the easements or right-of-way shown on the plat (or filed by separate instrument that is associated with said property); and

any public utility, including the County, shall have the right at all times of ingress and egress to and from and upon said easements for the purpose of construction, reconstruction, inspection, patrolling, maintaining and adding to or removing all or part of its respective systems without the necessity at any time of procuring the permission of anyone. Property owners shall maintain easements. The County can remove trees or any other improvements and does not have the responsibility to replace them.

o. Drainage Easements.

- i. The area identified as a drainage easement will be subtracted from the raw lot size in determination of acceptable lot size for construction.
- ii. Drainage easements shall generally be located along the existing drainage way, and shall meet the following standards: Open channels with top widths from zero (0) to fifty (50) feet require top width plus twenty-five (25) feet;
- iii. Open channels with top widths greater than fifty (50) feet require top width plus twenty-five (25) feet on each side;
- iv. Enclosed pipes require twenty (20) feet minimum width; and
- v. All easements shall be designed to allow maintenance equipment to enter the easement and perform the necessary work.

p. Nonresidential Fire Lane Easement.

- i. Emergency access and fire lane easements for nonresidential property shall be provided in locations required by the Gonzales County Fire Code.
- ii. These easements shall have a minimum width of twenty-four (24) feet and a minimum height clearance of fourteen (14) feet.
- iii. All turns shall have a minimum inside radius of twenty-five (25) feet and a minimum outside radius of fifty (50) feet.
- iv. Any emergency access and fire lane easement more than one hundred and fifty (150) feet in length shall either connect at each end to a dedicated public road or private way or be provided with a cul-de-sac having one hundred (100) feet diameter of paving. A ten foot (10') pathway around permanent structures shall be free and clear of any obstructions.
- v. These easements shall be maintained by the owner or the Homeowners' or Property Owners' Association and a statement shall appear on the face of the Plat indicating maintenance responsibility.
- vi. Fire lanes shall be paved and shall meet the construction specifications provided in *Appendix A and L*, except that the pavement width for fire lanes will be a minimum of twenty-four (24) feet or as required by the County Fire Marshal.

q. Sight Visibility Easements. Triangular sight visibility easements are based on the intersection of County street types

- i. A Local Street intersecting with either a Local Street or a Collector Street shall provide a 15' x 15' sight visibility easement as shown in [Figure C-1](#).
- ii. A Collector Street intersecting with either a Local Street or a Collector Street shall provide a 15' x 15' sight visibility easement as shown in [Figure C-1](#).

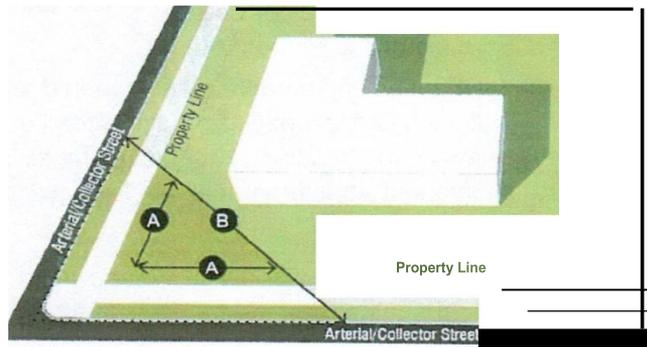
FIGURE C-1: 15' X 15' SIGHT VISIBILITY EASEMENT.



- f) 15 feet from property line
- 0 Sight visibility line

- iii. A Minor Arterial intersecting with either a Minor Arterial or Principal Arterial shall provide a 30' x 30' sight visibility easement as shown in [Figure C-2](#).
- iv. A Principal Arterial intersecting with either a Minor Arterial or Principal Arterial shall provide a 30' x 30' sight visibility easement as shown in [Figure C-2](#).

FIGURE 4.B: 30' X 30' SIGHT VISIBILITY EASEMENT.



- 0 30 feet from property line
- 0 Sight visibility line

APPENDIX D

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APPENDIX E

MANUFACTURED HOME PARK REQUIREMENTS

1. **Purpose.** A site development permit is required for a Manufactured Home Park to ensure it complies with the County's Manufactured Home Park Requirements in this Appendix . The purpose of this Appendix is to achieve orderly Manufactured Home Park development to promote the use of land to ensure the best possible community environment and to protect and promote health, safety and general welfare of the residents of Gonzales County.

2. **Authority .** Per Texas Local Government Code, Section 232.007, a Manufactured Home Park shall not be required to plat, but shall be required to provide adequate infrastructure to serve the development. An infrastructure development plan shall be submitted to show that the Manufactured Home Park complies with the minimum standards required by these Regulations.

3. **Certificate of Compliance Required.** A utility provider shall not provide utility services to a Manufactured Home Park, including water, sewer, gas, and electric services, unless the property owner provides the utility with a copy of the Certificate of Compliance issued by the County. A Certificate of Compliance is issued after the Owner has provided plans and shown compliance with the County's minimum standards and after the installation of the on-site sewage facility if the Owner is proposing to service the Manufactured Home Park with an on-site sewage facility.

4. **Required Plans and Documentation .**

a. Certified Letter from the Utility Provider.

- i. *Water and Wastewater Services.* The Applicant shall provide a "Will Serve" Letter from the water and wastewater utility providers with the Site Development Permit to show that minimum water and wastewater services, as required by these Regulations , can be provided to each lot of the Manufactured Home Park.
- ii. *Electrical Services.* The Applicant shall provide a certified letter from the electric service provider with the permit application to show that electrical services can be provided to each lot or space proposed for the Manufactured Home Park.

b. On-Site Sewage Facility Permit.

- i. The Applicant will apply for an On-Site Sewage Facility (OSSF) Permit concurrently with a Manufactured Home Park Permit if the Owner is proposing to utilize an on-site sewage facility. The Owner will need to provide an on-site facility study prepared in accordance with the County's Regulations. A Certificate of Compliance will be issued after the installation of the on-site sewage facility.

c. 911 Addressing Permit.

- i. The Applicant shall apply for a 911 Addressing Permit after receiving approval of a Manufactured Home Park Permit.

d. Tax Certificate.

- i. The Applicant will provide a certified tax certificate from the Gonzales County Tax Assessor's Office to certify that there are no delinquent taxes on the Manufactured Home Park.
- e. Infrastructure Development Plan Set.
- i. An infrastructure development plan set will consist of the following sheets:
 - A. Roadway Plan including the elements required in *Appendix C, Section 16*.
 - B. Drainage Plan including the elements required in *Appendix C, Section 6*.
 - C. Water Plan including the elements required in *Appendix C, Section 7*.
 - D. Wastewater Plan including the elements required *Appendix C, Section 8*.
 - ii. The infrastructure development plan will comply with the following section of the Regulations: Water and Wastewater Services (*Appendix P* and *Q*); Drainage Standards (*Appendix O*); Floodplain Management (refer to County Flood Damage Prevention Order); and Street Design Standards of *Appendix L*.
 - iii. Infrastructure Development Plan Criteria. The infrastructure development plan set will address the following criteria:
 - A. Show the location of existing and proposed water and wastewater mains;
 - B. Provide the net lot size for each proposed lot if proposing to use an on-site sewage facility system (refer to Appendix M for Minimum Land Area for an OSSF);
 - C. Drainage structures;
 - D. Public access to the Manufactured Home Park and internal street circulation;
 - E. Proposed parking; Location of the 100 year floodplain based on current FEMA FIRM maps and the base flood elevation;
 - F. Proposed property lines for each Manufactured Home lot;
 - G. Existing and proposed easements ;
 - H. Location of on-site rental office building or other auxiliary buildings not associated with a residential manufactured home space;
 - I. Each sheet will provide the following information:
 - 1. Name, address and contact information of the surveyor or professional engineer who prepared the plan;
 - 2. Name, address, and contact information of the property owner;
 - 3. Contain the required notes for a private street subdivision as provided in *Article VIII, Section 8.6(H)*; and
 - 4. The following purpose statement in the notes section:

"A manufactured home park must provide the minimum infrastructure standards required by the Gonzales County Subdivision and Land Development Regulations, but is not required to plat."

5. Legal description of the property boundary; and
6. Title block on the lower right-hand corner of the page including:
 - J. Community name;
 - K. Labeled as a "private street subdivision;"
 - L. Legal description of the community;
 - M. Acreage;
 - N. Total number of lots; and
 - O. Date the plan was prepared.

5. **Manufactured Home Park Requirements.**

a. **Street and Access Requirements.**

- i. Roads and streets shall be constructed to the County's minimum street standards provided in *Appendix B* and all other applicable parts of these Regulations.
 - ii. Roads shall be designed for safe and convenient flow of traffic within the Manufactured Home Park and from adjacent public streets and will provide access for emergency vehicles to all individual lots.
 - iii. Minimum right-of-way designs will comply with local street standards as provided in Table L-1: County Street Types.
 - iv. There will be no direct ingress or egress to the County or State right-of-way or road from the Manufactured Home Park except through interior roadways.
 - v. Each Manufactured Home lot or space containing a Manufactured Home will front or have direct access onto a local street with safe and convenient access to such road.
 - vi. Cul-de-Sacs will comply with the dimensions provided in *Appendix B*.
 - vii. Dead-end streets are prohibited.
 - viii. Manufactured Home Parks will provide adequate road access as provided in *Appendix L, Section 9*.
 - ix. The Owner of a Manufactured Home Park is responsible for providing and maintaining street signage in compliance with the Manual on Uniform Traffic Control Devices.
 - x. Each space for a Manufactured Home or motor vehicle shall be a minimum area of sixteen (16) feet by twenty (20) feet.
- b. **Fire Code Compliance.** A Manufactured Home Park is subject to the provisions of the Gonzales County Fire Code.
- c. **Building Setbacks.** A Manufactured Home Park will comply with the building setbacks required in *Appendix A* and *L*.

- d. Clustered Mailboxes. An area for cluster mailboxes (U.S. Postal Service) shall be provided with the adequate off-street parking for the pick-up of mail and deliveries and property egress and ingress onto the road.
- e. Water, Sewer and Drainage Facilities. It shall be the responsibility of the Owner to coordinate with the utility service provider to provide easements for proposed utilities. The Owner will comply with Easement Dedication requirements as provided in *Appendix C, Section 31*.

Drainage and erosion control plans shall identify the drainage area and improvements intended to accommodate the runoff based on a 25-year storm frequency. Vegetative growth shall be established to prevent soil erosion within the Manufactured Home Park and to maintain the integrity of the drainage system. Temporary erosion control methods shall be provided during the construction phase of the development until vegetative growth and or permanent erosion control facilities are established. Erosion control methods shall comply with generally accepted engineering standards and as approved by the Texas Department of Transportation.

- 6. **Action by the County**. The County shall either:
 - a. Approve the site development permit if the Applicant provided the Required Plans and Documentation and has shown compliance with Manufactured Home Park Requirements ; or deny the site development permit if the Applicant failed to provide Required Plans and Documentation in this Appendix and failed to show compliance with Manufactured Home Park Requirements .
- 7. **Effect of Approval**. The County will issue a Certificate of Compliance after the installation of the on-site sewage facility if the Owner is proposing to service the Manufactured Home Park with an on-site sewage facility. The Applicant may continue with developing the manufactured home park in accordance with approved plans after the issuance of a Certificate of Compliance.

APPENDIX F

WORK IN THE PUBLIC RIGHT-OF-WAY

1. Permit Requirement for Work in The Public Right-Of-Way.

- a. No person shall engage in any construction, repair or excavation within any street, alley easement or other public right-of-way within the jurisdiction of Gonzales County without first obtaining a permit from the County. The requirement to obtain a permit covers placement of fill; grading; paving; surveying; boring under the highway; blocking of traffic; construction of utilities, driveway aprons, sidewalks, signage, and drainage facilities and any other activities which may affect normal operations within the public right-of-way.
- b. Before start of construction within the public right-of-way, the Designated Agent shall review and approve all construction plans and specifications to assure that work will be performed in accordance with County codes and requirements. All construction activity, materials, plans and specifications shall be available at all times for inspection by the Designated Agent's office.
- c. In addition to detailed design plans and specifications for proposed improvements, construction plans and reports shall provide the following information:
 - i. lot dimensions and lot addresses.
 - ii. location of all existing improvements and vegetation in the public right-of-way including buildings, utilities, pavements, signage and trees.
 - iii. location, dimensions and depths of all existing utility connections.
 - iv. a traffic control plan, if required.
- d. Construction work in the public right-of-way may result in damage to public or private infrastructure including water and wastewater utilities; storm drainage facilities; and gas, electric, telephone, and cable lines. No person shall be issued a permit pursuant to this Appendix unless the applicant presents with the application, or has on file with the County, a certificate of public liability insurance in an amount as specified on the permit application form.
- e. The relocation and/or adjustment of any existing public or private utility or infrastructure in preparation for construction activity shall be the responsibility of the applicant. Proposed coordination activities for preconstruction adjustments to public and private utilities, drainage facilities, traffic control signs and signalization devices, or other existing improvements in the public right-of-way shall be reviewed and approved by the Designated Agent prior to construction.
- f. Installation of underground utilities in the right-of-way shall include detectable underground warning tape.
- g. All work shall be expeditiously performed and completed as soon as reasonably possible. Upon completion of construction or repair, the applicant shall promptly backfill any street, alley, easement or public right-of way in which applicant has made any excavation. Permanent pavement repairs shall be completed by the applicant no later than three (3) days after the excavation has been backfilled, unless otherwise authorized by the Designated Agent.

- h. The applicant shall continuously maintain the construction, repair or excavation site in a safe condition and keep the site free from any condition that may cause risk of harm to any person or property at all times after the work has commenced and until all work, including permanent patching, has been completed and accepted by the County. During such time, applicant shall provide, install, and continuously maintain proper safeguards , signs and barricades at the construction site.
- i. The applicant shall warrant to the County the adequacy and continued satisfactory condition and function of all backfill and permanent patches installed by the applicant or by any agent or employee of the applicant for a period of two (2) years after the construction activities have been released by the County.
- j. If the applicant fails to install permanent patching within three (3) days after completion of backfill, or if the applicant fails to honor the warranty set forth above , after demand by the County, the County shall complete the work and make such repairs as are necessary. If such repairs are completed by the County, the County may charge the cost of repairs to the applicant.
- k. Construction materials and equipment shall not be stored or parked in the public right-of-way, unless otherwise noted as a condition of this permit.
- l. Permits for performance of work in the public right-of-way shall expire six (6) months from the date of issuance unless extended in writing.

2. Requirements for Design and Construction Of Driveways.

- a. This Section provides minimum and desirable design criteria along with provisions and requirements for safe and convenient access to abutting private property from streets and highways. The intent is to assure that access is provided with a minimum of interference with the free and safe movement of vehicular and pedestrian traffic and to prevent traffic congestion arising from vehicular entry to or exit from abutting private property.
- b. A maximum of three (3) driveways with a maximum combined width of thirty (30) feet may be permitted for each lot provided that appropriate spacing and offsets are observed for the type of roadway as follows:

Road Type	Minimum Offset between Edges of Adjacent Driveways on Same Side of Street	Minimum Offset to Edge of Driveway on Opposite Side if not <u>Aligned</u>
Local Street (Rural)	50'	N/A
Local Street (Curb/gutter)	25'	N/A
Collector Street	150 '	75 '
Arterial Street	300 '	150'

SINGLE FAMILY CRITERIA:

	Minimum	Desirable	Maximum
Width	12'	18'	25'
Curb Return Radius	5'	5'	10'

DUPLEXES, TOWNHOMES, AND JOINT USE DRIVES SERVING TWO UNITS/LOTS CRITERIA:

	Minimum	Desirable	Maximum
Width	12'	18'	25'
Curb Return Radius	5'	5'	10'

JOINT USE DRIVEWAYS SERVING THREE OR MORE LOTS CRITERIA:

	Minimum	Maximum
Width	20' (if restricted against parking)	25'(Otherwise)
Curb Return Radius	10'	25"

MULTIFAMILY, COMMERCIAL, INDUSTRIAL USE CRITERIA:

	Minimum	Maximum
Width	Case-by-case	Case-by-case
Curb Return Radius Collectors	15'	25'
Curb Return Radius Arterials	25'	35'

- c. All existing County Roads and Private Streets are assumed to be Collector Street unless the Developer submits traffic counts and 20-year traffic forecasts supporting a lower roadway classification. All existing state roadways are assumed to be an Arterial Street unless the Developer submits traffic counts and 20-year traffic forecasts supporting a lower roadway classification.
- d. A variance from the maximum number and combined width of driveways may be granted if the applicant submits a Traffic Impact Analysis (TIA) that demonstrates the roadway(s) being accessed to are of adequate ROW, paved width, and the pavement cross-section is generally

sufficient to handle the proposed traffic or that the applicant makes such improvements as may be called for in the TIA.

Driveways shall be designed as follows:

1. The angle of driveway approach shall be approximately 90 degrees for two-way driveways, and 45-90 degrees for one-way driveways.
2. If a curb inlet is present, there shall be ten (10) feet between the inlet opening and the edge of a driveway curb return.
3. All driveways must be constructed within the street frontage of the subject property as determined by extending the side property lines to the curb line. Neither the driveway nor the curb returns shall overlap adjacent property frontage without written approval from the adjacent property owner.
4. Driveway widths (including curb returns) may not exceed 70 percent of roadway frontage.
5. Joint Use Driveways may be approved provided that a permanent written access easement is obtained. The subdivider must include a plat note and provide dedication documents indicating that maintenance of the joint use driveway shall be the responsibility of the lot owners served by the joint use driveway. A maximum of five (5) residences may be served by a single joint use driveway. If more than three (3) residences are to be served by a single joint use driveway, the following requirements apply:
 - I. Developer must construct a driveway, designed by a Professional Engineer, to have an all-weather surface and a pavement structure meeting at least private street standards.
 - II. The Developer must construct a turnaround meeting Fire Marshall criteria at the end of the driveway, or no further than 200 feet from the end of the driveway.
 - III. The joint use access easement must be dedicated as a public utility easement and/or drainage easement unless otherwise approved by the Designated Agent.
 - IV. The Developer must erect signs indicating "private driveway" at the entrance to a joint use driveway and include a plat note indicating that maintenance of the driveway will not be the responsibility of the County.
 - V. If the Developer records a restrictive covenant and places signage that prohibits the parking of vehicles along a joint use driveway, then the joint use driveway paved surface may be a minimum width of 20 feet. Otherwise, the paved surface of the driveway may be no less than 25 feet wide.
6. Driveways connecting to Local streets are to be located no closer to the corner of intersecting rights of way than 60 percent of parcel frontage or 50 feet, whichever is greater. Driveways connecting to all other street types are to be located no closer to the corner of intersecting rights-of-way than 60 percent of parcel frontage or 100 feet; whichever is greater. Driveways shall not be constructed within the curb return of a street intersection.
7. Where a driveway crosses or adjoins a sidewalk, walkway, or an accessible path of travel (as defined by the Americans with Disabilities Act of 1990) the driveway grade shall be a maximum of two (2) percent, over a minimum throat length of three (3) feet contiguous with the sidewalk,

thereby effectively matching the cross slope of the sidewalk or accessible path of travel across the full width of the driveway.

8. Driveway aprons constructed within the public right-of-way and permitted under these provisions shall be exclusively for the purpose of providing access to lots adjacent to the public right-of-way. Maintenance of driveway aprons shall be the responsibility of the land owner.

APPENDIXG

EASEMENTS AND RIGHT-OF-WAY REQUIREMENTS

1. When the Court finds that easements in areas adjoining a proposed subdivision are necessary to provide adequate drainage thereof or to serve such subdivision with utilities, the subdivider shall obtain such easements from the appropriate entity prior to Final Plat approval.
2. All easements or fee strips created prior to the subdividing of any tract of land must be shown on the subdivision plat with appropriate notations indicating the name of the holder of such easement or fee strip, the purpose of the easement and the facilities contained therein. The dimension of the easement or fee strip shall be tied to all adjacent lot lines, street right-of-way and plat boundary lines. The recording reference of the instruments creating and establishing said easement or fee strip shall be provided.
3. Appurtenances within an easement shall not destroy lot corners nor overlay a lot line. Easements shall not be used as driveways except as specifically identified as Joint Use Driveways under this Ordinance. Easements shall be maintained (mowed, cleared, etc.) by the landowner.
4. Drainage Easements shall be provided where concentrated flows are conveyed away from roads or through lots or tracts. Drainage easements shall be at least twenty-five (25') wide for open channels and shall be sized at a minimum to accommodate the 100-year (1% Annual) floodplain. A note shall be provided on the plat indicating that all property owners are to keep drainage facilities and easements clear of fences, buildings, planting and other obstructions which may affect the flow of water or the ability to operate and maintain the drainage facility. County employees shall have the right to enter any drainage easement.
5. Service ways for off-street loading and unloading, not less than twenty feet (20') in width, shall be provided to serve commercial and industrial sites and aligned so as to be convenient to driveway entrances and exits.
6. In those instances where easements have not been defined by accurate survey dimension, such as an "over and across" type easement, the subdivider shall request the information from the owner of such easement through the property within the plat boundaries. If the holder of an undefined easement does not define the easement involved and certifies his refusal to define such easement to the Court, the subdivision plat must provide accurate information as to the centerline location of all existing pipelines or other utility facilities placed in conformance with the easement owner's right.
7. A letter, statement, or other instrument from the owner of any privately owned easement within the plat boundaries must be provided where such easements are proposed to be crossed by streets (either public or private), or a public utility, or drainage easements, stating that the owner of such easement approves such crossing of his/her private easements for the purposes intended and depicted upon the plat. Where an instrument of record is submitted in lieu of a letter or statement from the owner of any such private easement, the Court shall then refer such instrument to the County's attorney for his/her determination as to whether the conditions in such instrument are sufficient to adequately provide or accommodate the crossings of such private easement by the proposed streets (either public or private), public utility, or drainage easements depicted on the plat.

8. Easements across parts of a lot other than as described above shall be required as deemed necessary by the Court. All such utility, access, and drainage easements shall be so aligned as to permit construction of utilities therein at a minimum cost.

APPENDIX H

DRAINAGE DESIGN REQUIREMENTS

1. Drainage Design General Requirements.

- a. The owner of the property to be developed is responsible for the conveyance of all stormwater flowing through the property, including present and future stormwater that is directed to the property by other developed property or naturally flows through the property because of the topography.
- b. Stormwater conveyance and drainage facilities shall be designed and constructed sufficient to assure that:
 - i. The effects of any proposed increase in stormwater flows, to, from, across, or along subdivision or site development properties is properly attenuated in a manner which will assure compliance with *Texas Water Code Section 11.086*.
 - ii. All at-grade and subsurface drainage facilities shall be designed to convey at a minimum the storm runoff flows from the 25-year frequency storm. Storm runoff flows up to and including the 100-year frequency event shall be conveyed within defined public rights-of-way or drainage easements.
 - iii. Proposed drainage facilities of all types shall be designed to prevent collection and pooling of storm flows which may become stagnant.
 - iv. Stormwater discharge to natural channels shall be returned to a sheet flow condition before reaching the stream bank **OR** channel stabilization shall be utilized to prevent erosion caused by the discharge.
 - v. Erosion and sedimentation shall be controlled, both temporarily during construction and permanently thereafter, so as to prevent siltation of water courses.
- c. Design and construction of flood detention facilities serving residential subdivisions is the responsibility of the Developer.
- d. Design and construction of flood detention facilities serving commercial or multi-family subdivisions is the responsibility of the Developer. Flood detention facilities may serve multiple lots or be located on each lot individually:
 - i. Detention facilities serving more than one commercial or multi-family lot and constructed by the Developer at the time of subdivision shall be dedicated and maintained by an Improvement District or the Home Owners (or Property Owners) Association (HOA/ POA). The plat for lots served by this type of facility or facilities shall include: a) necessary easements and drainage facilities to be conveyed from each lot to the facility; and b) a notation on the plat identifying each lot to be served by the common facility.
 - ii. Where detention facilities serving commercial or multi-family lots are not constructed by the Subdivider, the plat for such lots shall include a notation indicating that each lot is

to comply with the provisions of the Gonzales County ordinances in effect for drainage and floodplain at the time of site construction.

- a. The presumption will be in favor of requiring flood detention for all development within the County. The Designated Agent, in his/ her sole discretion, may waive the requirement for flood detention if:
 - i. adequate conveyance for the 100-year (1% Annual) frequency storm is available in easements shown on the plat or in a separate drainage easement obtained by the applicant;
 - ii. engineering analysis demonstrates that undetained flood flows can be conveyed without adversely impacting adjacent, upstream or downstream properties (or that such impacts are contained within drainage easements obtained by the Developer); and
 - iii. the applicant agrees to provide stormwater quality measures (BMP's) to serve the proposed development which are considered adequate by the Commissioners Court and the Designated Agent. Water quality controls shall be equivalent or superior to those required by the Guadalupe-Blanco River Authority (GBRA).
- b. If the proposed development will require revision of the 100-year floodplain as defined in the County's Flood Insurance Rate Maps (FIRM) under FEMA's National Flood Insurance Program (NFIP) regulations 44 CFR Part 65, the applicant shall, at the applicant's expense, file a Letter of Map Revision (LOMR) or Conditional Letter of Map Revision (CLOMR) request with FEMA and provide all necessary data and materials to satisfy FEMA requirements for approval of the revision.
- c. The record owner of a detention basin or appurtenance that receives stormwater runoff from a commercial or multifamily development shall maintain the basin or appurtenance. Maintenance of detention basins or appurtenances that are integral parts of roadways accepted for maintenance by a political subdivision shall be the responsibility of the accepting entity.
- d. The responsibility of the owner or developer shall extend to provision of adequate off-site drainage improvements to accommodate the full effects of the development of his/her property. When the owner/developer certifies by affidavit that a bona fide attempt to meet off-site drainage requirements has not been successful, the County may assist, at its discretion, in the acquisition of necessary property rights to provide for construction of off-site drainage improvements. The owner/developer shall make adequate guarantees that he/she will stand the full cost of acquiring said property rights and shall retain full responsibility for construction of the required off-site improvements.
- e. If the construction or improvement of a stormwater drainage facility is required along a property line that is common to more than one property owner, the owner proposing the development is, at the time the property is developed, responsible for each required facility on either side of the common property line, including the responsibility to dedicate or obtain the dedication of any necessary right-of-way or drainage easement.

2. Drainage Design Criteria.

- a. Gonzales County drainage policy shall govern the planning and design of drainage infrastructure subject to the jurisdiction of this ordinance. Notwithstanding, all designs shall be in accordance with sound engineering practices and shall not necessarily be limited to minimum criteria when it is deemed by the Designated Agent to be necessary for the welfare or safety of the public to implement more stringent requirements or criteria.
- b. Drainage design sheets shall indicate channel or water course cross-sections at sufficient spacing, scale and dimension to adequately determine or delineate the water surface profile, velocity, and other necessary parameters of the design flow under consideration.
- c. Drainage design calculations shall be presented legibly and with a clear and logical progression on the plan sheets or in a separate report document.
- d. Hydrologic Methods - Hydrologic design procedures used to calculate stormwater flow rates must be consistent when drainage areas are combined . In all cases, the hydrologic method required for the largest drainage area shall be used for all sub-watersheds. Hydrologic design procedures shall conform to the following methods where appropriate:
 - i. Rainfall frequency design criteria must be selected before applying any hydrologic method. In September 2018, the National Weather Service published NOAA Atlas 14 - Precipitation Frequency Atlas of the United States, Volume 11 Version 2.0: Texas. This volume of Atlas 14 provides updated precipitation frequency estimates for Texas and replaces previous precipitation frequency studies. It is based on rainfall records at thousands of stations with a period of historic record through December 2017, with a few stations updated through June 2018. Applicants should work with the Designated Agent to confirm a single set of depth-duration frequency (DDF) values and intensity-duration-frequency (IDF) parameters that are suitable for use within the County, which can be obtained at https://hdsc.nws.noaa.gov/pfds/pfds_map_coh.html?bkmrk=tx.
- e. The U.S. Corps of Engineers hydrologic model HEC-HMS shall be used when drainage areas exceed 100 acres and may also be used for drainage areas smaller than 100 acres. Soil Conservation Service (now NRCS) TR-55 methods may be used for developing times of concentrations (lag times). When utilizing TR-55 Sheet Flow Lengths shall not exceed 100-ft for developed conditions, Sheet Flow Lengths for undeveloped conditions shall be 300-ft unless clear topographic or other evidence indicates shorter lengths are warranted, and Shallow Concentrated Flow Lengths shall not exceed 1,000-ft under any circumstances unless evidence is submitted to the satisfaction of the Designated Agent that special circumstances exist that warrant the use of lengths exceeding these limits.

Gonzales County has adopted the use of a 24-hour HEC-HMS frequency storm distribution for use with time-varying rainfall simulations. The depth-duration-frequency (DDF) values to be used can be obtained from the Designated Agent. These values should be entered directly into HEC-HMS software as frequency storm meteorological models. HEC-HMS will generate the appropriate rainfall distribution for each recurrence interval. The Atlas 14 depths provided are based on a partial-duration analysis; no partial-to-annual output conversion is required. For use

of the frequency storm in HEC-HMS for the evaluation of the 24- hour event, the meteorological model parameters should be set as follows:

Input Type: Partial Duration

Output Type: Annual Duration

Intensity Duration: 5 Minutes

Storm Duration: 1 Day

Intensity Position: 50 Percent Storm

Area (mi²): Blank for areas less than 10 square miles. Use areal reduction for larger areas.

Curve: Uniform for All Subbasins

The computational time interval for computer simulations should be selected based on criteria for the minimum lag time in a given model. The computational time interval used in a HEC-HMS model should be no more than 6 minutes.

Curve numbers shall be selected based upon NRCS TR-55. Pre-developed curve numbers shall be based upon natural hydrologic activities based upon predeveloped conditions (prior to any construction or land clearing activities). Curve numbers for developed conditions shall be at least equal to predeveloped conditions.

- f. The Rational Method may be used for drainage areas not exceeding one hundred (100) acres. Rainfall intensity (i), the average rainfall rate in inches per hour, is a key parameter in the Rational Method equation. Rainfall intensity is selected based on design rainfall duration and design frequency (recurrence interval). The design duration is equal to the time of concentration for the drainage area under consideration. The design frequency is a statistical variable which is established by design standards or selected by the engineer as a design parameter. Rainfall intensity should be calculated using the best-fit intensity-duration-frequency (IDF) Equation E-1, which mathematically represents the Gonzales County IDF curves:

$$i = a/(t+b)^c \text{ (Eq. E-1)}$$

where i = Average rainfall intensity in inches per hour,

t = Storm duration in minutes, which is equal to the time of concentration for the entire drainage area of interest, and

a , b , and c = Coefficients for different storm frequencies.

Equation E-1 is applicable for all design recurrence intervals and is required for use with the Rational Method equation. Equation E-1 should not be used to calculate rainfall intensity for a time of concentration longer than 120 minutes. An area with a time of concentration longer than 120 minutes should be analyzed using the HEC-HMS frequency storm distribution.

- g. Alternate methods may be approved by the Designated Agent on a case-by-case basis.

- h. Hydraulic Methods - Hydraulic design procedures used to calculate water surface elevations, flow velocities, energy grade lines or other hydraulic parameters shall conform to the following methods where appropriate:
- i. Manning's Equation may be used for computing normal depths for steady flows confined to uniform channels with free surface flow.
 - ii. The riverine hydraulics program HEC-RAS Flood Plain Hydraulics, developed by the US Army Corps of Engineers, shall be used for analysis of non-uniform flow and of backwater profiles.
 - iii. StormCad, developed by Bentley Systems, or Hydraflow Storm Sewers, developed by Autodesk shall be used for design of storm sewer systems.
 - iv. Alternative hydraulic analysis methodologies including multi-dimensional and/or unsteady flow models for open channel flow or alternative storm sewer analysis methodologies may be allowed subject to prior approval by the Designated Agent.
- i. Drainage plans shall show the design in plan and profile on the same sheet and shall have a scale ratio no larger than 1" = 50' horizontal to 1" = 5' vertical.
- j. The maximum allowable flow velocity in open channels for the 100-year frequency storm is six feet (6') per second. The minimum allowable flowline slope in open channels is one (1) percent. Use of a concrete low flow inset channel allows a minimum flowline slope of 0.5%. Alternative design values may be acceptable subject to review and approval by the Designated Agent.
- k. Channel side slopes may not be steeper than 4:1 (H:V) unless provided with structural or other measures designed by a qualified engineer to assure slope stability.
- l. Open channels shall have a minimum freeboard of 0.5-ft. The engineer must take care to insure open channel flow designs provide adequate freeboard to accommodate hydraulic jumps and superelevation which may occur in the channel when considering the 25- and 100-year storms.
- m. For non-curbed streets, all flows shall be contained within parallel roadside ditches. Concrete or rock retards shall be used when design velocities exceed six feet (6') per second. Roadside drainage ditches without a protective lining shall have an established vegetative cover.
- n. Construction plans for proposed reinforced concrete box culverts, bridges and related structures may be adaptations of TxDOT standards.
- o. For bridges and culverts constructed on streets in urban or rural subdivisions serving residential properties, runoff from the 100-year frequency storm shall not overtop the roadway crown or adjacent top of curb by more than twelve (12") inches. For bridges and culverts constructed on streets other than in residential neighborhoods, runoff from the 100-year frequency storm shall not overtop the roadway crown or adjacent top of curb by more than six (6") inches.
- p. Where a floodplain delineation is required, its determination shall be based on the projected full development of all properties contributing to the point of consideration assuming no flood detention. The design engineer may elect to incorporate the flow reduction benefits of upstream flood detention subject to the following required field and hydrologic investigations:

- i. a field survey of the existing physical characteristics of both the outlet structure and ponding volume of upstream flood detention facilities.
- ii. a comprehensive, spatially and temporally accurate hydrologic analysis of contributing hydrographs .

Approval of flow reductions associated with upstream detention are subject to review and approval by the Designated Agent.

- q. The design engineer may elect to utilize a floodplain delineation previously approved by the Designated Agent, assuming the delineation is still applicable under present requirements, criteria, and watershed conditions. In so doing, the engineer does not remove himself from responsibility for the delineation's accuracy.
- r. A drainage area of 64 acres or greater is required within a contributing watershed to create a "floodplain ". For areas of flow with less than 64 acres of contributing area, no floodplain must be defined; however, with regard to the drainage design criteria presented herein, any concentrated flow shall be contained in a dedicated drainage easement.
- s. Drainage easements shall provide additional width necessary to allow safe ingress and egress for maintenance activities and equipment.
- t. All new bridges shall be designed to convey a 100-year frequency storm. The water surface profile elevation shall not exceed the low chord elevation of the bridge structure.
- u. The 25-year hydraulic grade line shall be at or below the gutter line and shall in no case surcharge back through an inlet or inlets.
- v. All storm sewers, inlets, manholes or junctions shall be designed in accordance with Texas Department of Transportation hydraulic criteria.
- w. Headwalls, wing-walls, ditch checks, inlets or other drainage structures shall be designed in accordance with Texas Department of Transportation standards.

APPENDIX I

EROSION AND SEDIMENT CONTROL REQUIREMENTS

1. Minimum requirements for temporary and permanent erosion control design for site and subdivision projects shall be as follows:

- a. The temporary (construction-phase) erosion control plan shall be sufficient to prevent sedimentation of drainageway, drainage structures, and floodplain areas that could result in reduced flow capacity, excessive streambank erosion, erosion around structures, or damage to adjoining property.
- b. The permanent erosion control plan shall be sufficient to:
 - i. Permanently stabilize all disturbed areas with vegetation, including slopes and embankments.
 - ii. Prevent erosion at culvert and storm sewer outlets, at bridges, and within channels through use of energy dissipaters, rip-rap, level spreaders, vegetative channel treatments, erosion resistant structural linings or gabions; erosion control blankets, retards or drop structures both during and after the vegetation re-establishment period.
 - iii. Protect the integrity of structural improvements including prevention of ongoing sedimentation of drainage structures, channels, and roadside drainage ditches.
 - iv. Prevent particulate from escaping the project through the air.

2. Stormwater discharges from all land development projects must conform to the National Pollutant Discharge Elimination System (NPDES) requirements of the Clean Water Act which is administered through the U. S. Environmental Protection Agency (EPA) and the Texas Commission on Environmental Quality. Based on construction scope and total acreage of disturbed soil area, requirements may include compliance with NPDES General Permits for Industrial Activity, preparation and execution of a Storm Water Pollution Prevention Plan (SWPPP,) and construction start and completion notifications. If applicable, the project SWPPP shall be submitted to the County prior to the pre-construction meeting or commencement of soil disturbing activities, whichever occurs first.

3. Rock or riprap retards shall be used to control the erosive characteristics of drainage in roadside ditches on steep slopes. Retards shall be designed to reduce flow velocities to a non-erosive level and to prevent storm flows from encroaching on the driving surface. Retards shall not project onto shoulder surfaces and shall blend into ditch lines so that normal roadside ditch maintenance is possible.

APPENDIX J

PROTECTION OF STREAMBANKS AND BLUFFS

1. **Stream Setback Requirements.** Development activity in Gonzales County, including grading, clearing and construction, shall be set back from the centerline of waterways the following distances based upon the size of the contributing watershed:

- | | |
|---|----------|
| a. Minor Waterways (64 to 320 acres) | 50 Feet |
| b. Intermediate Waterways (320 to 1280 acres) | 100 Feet |
| c. Major Waterways (greater than 1280 acres) | 150 Feet |

d. Setback distances shall in no case extend more than twenty-five (25') feet beyond the limits of the 100-year floodplain.

2. **Bluff Protection.** Development activity including clearing of natural vegetation shall be set back from the crest of a bluff (or top of bank) a distance of 75 feet from the top of the bluff **OR** a horizontal distance equal to three (3) times the height from the toe to the top of the bluff, whichever is less.

3. **Exemptions.** Development activity exempted from this requirement includes necessary roadway crossings, utilities, driveways, and trails designed to minimize disturbance to the protected zone to the maximum extent practical (subject to the approval of the Designated Agent).

4. **Waiver.** A waiver from these requirements may be granted if:

- a water quality plan meeting or exceeding the requirements of the GBRA technical manuals (or other equivalent entity as may be recognized by Gonzales County) is implemented within the subdivision; and
- a geotechnical analysis demonstrates that the streambank slope or bluff is sufficiently stable to support itself and any proposed structures located along the crest of the bluff or engineering measures are employed to stabilize the slope.
- Waiver of setbacks under this section does not permit the filling in or re-routing of natural streams, creeks, or waterways with an identifiable stream bed and banks, watercourses that may meet the definition of Waters of the State of Texas, or Waters of the United States.

APPENDIX K

FLOODPLAIN REVISION REQUIREMENTS

FEMA Floodplain Revisions.

1. Under FEMA's National Flood Insurance Program (NFIP), it is the responsibility of the County to assure that local Flood Insurance Rate Maps (FIRM) continue to accurately represent the boundaries of the 100-year floodplain (the "Special Flood Hazard Areas" (SFHA)) when development within the community results in changes to the flood boundary. Applications for subdivision or construction permits in Gonzales County shall include detailed hydrologic and hydraulic analyses of existing and proposed FEMA regulatory base flood elevations and floodplain boundaries. When it is determined by the Designated Agent or Floodplain Administrator that proposed development may cause changes to floodplain characteristics along FEMA regulated streams within the County's jurisdiction, the Applicant shall submit appropriate applications and documentation to FEMA. The applicant shall provide the Designated Agent and Floodplain Administrator copies of ongoing application processing and comments response necessary to achieve FEMA approval of map revisions.
2. Applications to FEMA required by the County may include one or more of the following:
 - a. Letter of Map Revision Based on Fill (LOMR-F): A LOMR-F application is submitted when a structure or parcel has been elevated on fill above the BFE and is therefore excluded from the SFHA.
 - b. Letter of Map Amendment (LOMA): A LOMA is an official map revision by letter to the effective NFIP map based upon review of scientific or technical data submitted by the Owner of a property who believes the property has incorrectly been included in a designated SFHA. A LOMA amends the currently effective FEMA map and establishes that a specific property is not located in a SFHA.
 - c. Letter of Map Revision (LOMR): A LOMR application seeks from FEMA a letter authorizing official revision of an effective FIRM based on updated, detailed hydrologic and hydraulic modeling of physical changes to channels and other flow conveyance facilities resulting from improved topographic or drainage structures data, structural flood control improvements, or evidence of actual flooding patterns following an extreme rainfall event. Issuance of an approved LOMR by FEMA results in an official change to the community's Flood Insurance Rate Map(s).
 - d. Conditional Letter of Map Revision (CLOMR): A CLOMR request is submitted to FEMA when a community, a developer, or a property owner seeks pre-construction FEMA review and comment on a proposed project which will affect local BFE's and floodplain boundaries. A CLOMR is FEMA's determination as to a project's ability to comply with minimum NFIP floodplain management criteria. If the project complies, the CLOMR also describes the character of probable revisions to NFIP maps but does not represent a binding commitment from FEMA regarding future flood boundary locations or BFE's. Conditional letters may also be requested for a LOMR-F and a LOMA.

- e. Depending upon the character and location of proposed changes to base flood elevations, the Designated Agent may require the applicant to complete the processing of a Conditional Letter of Map Revision (CLOMR) prior to issuance of a site or subdivision permit.
- f. The Designated Agent may also require performance of a regulatory floodway determination as a means of allowing development in flood-prone areas while limiting the magnitude of long term flood hazards. The regulatory floodway constitutes the stream channel plus that portion of the overbank area which must be kept free of encroachment in order to allow conveyance of the 100-year flood without increasing base flood elevations by more than one foot (or an alternative threshold as determined on a case-by-case basis by the Designated Agent). Construction within the floodway fringe (non-floodway) portion of the floodplain requires finished floor elevations to be placed at or above the corresponding base flood elevation.

APPENDIX L

STREET AND ROAD REGULATIONS

1. Minimum Right-of-Way Dedication.

- a. The Applicant shall ensure that the Subdivision is served by adequate roads and shall be responsible for the costs of Right-of-Way and road improvements in compliance with the County's street types as provided in Table L-1: County Street Types following policies and standards of the Gonzales County Thoroughfare Plan.
- b. Additional right-of-way may be required for existing roads and intersections to accommodate utilities, sidewalks, traffic control devices and sight distances. A Subdivider laying out and constructing new roads or whose subdivision includes any portion of or is adjacent to an existing road shall dedicate enough Right-of-Way to comply with the County Street Types in Table L-1.
 - i. *New Roads.* The Developer will dedicate the entire Right-of-Way width for a new street constructed with the subdivision.
 - ii. *Existing Roads.* (A) Subdivision Along One Side of an Existing Street: The Developer will dedicate half of the ultimate right-of-way width, as measured from the centerline of the existing roadway or as stated otherwise in *Section 1(C)*, if the subdivision is abutting an existing street along one side. (B) Subdivision Along Both Sides of an Existing Street: The Developer will dedicate full right-of-way width if the developer is developing both sides of the street.
 - iii. *Substandard Roads.* The County may require the Developer to dedicate additional right-of-way for substandard roads to improve the safety, design, topography, and traffic conditions of a roadway.
- c. Dimension of Right-of-Way Dedication. Existing roads may exist by reasons of plat, metes and bounds description or by prescription. The amount of right-of-way that will be dedicated by the Developer will be determined as follows:
 - i. *Adjacent to a Platted Subdivision:* (A) The Right-of-Way dedication shall be based upon the distance from the platted Subdivision boundary; (B) Reasonable geometric adjustments will be made to accommodate safety, design, topography, and traffic management considerations.
 - ii. *Along a Right-of-Way Described by Metes and Bounds:* (A) The Right-of-Way dedication shall be based upon the geometric centerline of the right-of-way as described in the metes and bounds; (B) Reasonable geometric adjustments will be made to accommodate safety, design, topography, and traffic management considerations (C) The Developer will dedicate their portion of the Right-of-Way with the subdivision plat.
 - iii. *Along a Prescriptive Right-of-Way:* (A) The Right-of-Way dedication shall be based upon the apparent centerline of the existing pavement or of the travel

way, if unpaved; (B) Reasonable geometric adjustments will be made to accommodate safety, design, topography, and traffic management considerations; (C) The Developer will dimension the prescriptive right-of-way on the Preliminary Plat and Final Plat; (C) The Developer will dedicate their portion of the Right-of-Way with the subdivision plat.

- d. A subdivider shall refer to the Gonzales County Thoroughfare Plan shown in Map____ to determine the type of County street(s) to construct with a new subdivision. Where roads are not shown within the Gonzales County Thoroughfare Plan, roads shall be arranged to provide continuity of existing road in the surrounding areas; and The Developer shall provide a Local Street to serve a residential land use or a Collector Street to serve a nonresidential land use.

2. **General.** The words "street" and "road" are used interchangeably in these Regulations . All roads on land developed by subdivision requiring County approval shall be paved and constructed in compliance with these Regulations these Appendices, incorporated herein and updated from time to time by approval of the Commissioners Court or its Designated Agent. All such roads shall be classified as first-class roads upon approval and/or acceptance by the Commissioners' Court.

3. **Compliance. Inspection. Testing.**

- a. It shall be the responsibility of the Subdivider, or a qualified agent employed by him, to inspect the work as it is being performed to assure compliance with these regulations.
- b. Subdivider shall be responsible, determine and assure, that all completed work complies fully with all requirements of the Subdivision Regulations.
- c. Subdivider' s request for inspection of any phase of the work shall constitute notice and certification by said Subdivider that he, or a qualified agent employed by him, has inspected and found the work to be in compliance with all requirements of the Subdivision Regulations.
- d. Minimum testing requirements are listed in the sections covering the particular work on which test must be made by the owner.
- e. Failure to comply with any testing required or failure to obtain the approved test results and/or inspections required before proceeding with the next phase of the work shall automatically cause a determination of noncompliance with the Subdivision Regulations by default.
- f. Determination of noncompliance caused by failure to obtain required tests and inspection may only be corrected by:
 - i. Complete removal of the work and reconstruction in conformance with the Subdivision Regulations requirements; or
 - ii. Testing of representative samples taken by core drilling or by removal of specified sections to reach the areas to be tested; or
 - iii. Any reasonable method, approved in writing by the Commissioners Court that will prove complete compliance with the Subdivision Regulations.

- g. All cost of work, repairs, or testing as described in Items 3 a, b, c above shall be solely at the expense of the Subdivider, and all such work, repairs, or testing shall be as follows:
 - i. In accordance with a plan which has been presented to and approved, in writing, by the Commissioners Court, and
 - ii. Under the direction of the Designated Agent or other person designated by the Commissioners Court, and
 - iii. Performed by a person or firm qualified to produce and furnish accurate results. Such person or firm shall be approved, in writing, by the Commissioners Court, and
 - iv. Completed within a reasonable time as set by the Commissioners Court.
 - h. Gonzales County shall perform the minimum amount of inspection and testing, as set forth in these regulations to assure compliance. However, it is intended that the burden of inspection, testing, and responsibility for compliance shall rest with the Subdivider and/or owner.
 - i. Inspection approval, and acceptance by the Commissioners Court does not relieve the Subdivider of his responsibility to inspect, test and construct the work in complete compliance with these Regulations.
4. **Permitted Streets**. All streets, whether maintained by the County or a property owners association shall be constructed in accordance with these Regulations and shall be classified as one of the following types of streets (referred to collectively as "Permitted Streets"):
- a. Publicly dedicated street paved and to be maintained by the County.
 - b. Privately maintained paved street.
 - c. Privately maintained unpaved street.
 - d. Unpaved public streets are not permitted.
5. **Minimum Right-of-Way**. Streets shall include a minimum, dedicated right-of-way of not less than 60 feet. Gonzales County, at its discretion, may require more right-of-way for streets that will serve as collectors or arterials within subdivisions with numerous Lots.
6. **Minimum Street Width**. Streets shall have a minimum of two 10-foot travel lanes, with three-foot shoulders on each side, for a total carriage-way of 26 feet. Gonzales County, at its discretion, may require a greater lane width, or more lanes, for streets that will serve as collectors or arterials within subdivisions with numerous Lots.
7. **Dedication to Public**. Any dedication to the public shall be accomplished either by deed conveying a fee simple interest or by a dedication on the plat conveying a perpetual right-of-way easement in the property to the county for public use. No dedication shall be effective until the Final Plat is recorded. However, County acceptance for maintenance of street and drainage improvements within dedicated right-of-way requires separate action, evidenced by written acceptance signed by a Designated Agent of the Commissioners Court.
8. **County Acceptance of Maintenance** . The county shall accept a road or street for maintenance when the following conditions have been satisfied:

- a. The street has been constructed as a Public Permitted Street in accordance with these Regulations, the Final Plat for the Road or street has been recorded and the associated right-of-way has been dedicated to the public pursuant to these Regulations; and
- b. The Owner has submitted a written request to Commissioners Court. If the Owner is no longer available, i.e. has ceased to transact any business, or in the case of an individual, has died, any person owning property with frontage or access onto the street may submit the written request; and
- c. The County has performed and approved all required inspections at the completion of each phase of construction of the street, including plasticity index, sub-base and base, tests for compacted density, depth of base and distribution of asphalt (it is the responsibility of the developer to coordinate all inspections and laboratory tests with the County and not to proceed with construction until proper inspections and tests have been obtained, as required by the County). Any laboratory tests and test holes shall be at the expense of the developer. In no event will any base be placed on the street until the subgrade has been approved in writing by the County; and
- d. The County has inspected the street no earlier than thirty (30) days prior to Commissioners Court acceptance of the maintenance obligation and has submitted to Commissioners Court an Inspection Report stating that:
 - i. The street, in its current condition and with no repairs, upgrades or improvements, is in compliance with the Regulations and all other guidelines in effect at the time of the inspection; and
 - ii. The requirements of *Appendix B*, regarding construction of drainage structures and driveway drain pipes, have been satisfied; and
 - iii. The County recommends acceptance of the street by Commissioners Court.
- e. One of the following has occurred:
 - i. The Owner has posted with the County cash, bond or a letter of credit in a form approved by Commissioners Court (a "Maintenance Bond") to secure the proper construction and maintenance of the Roads prior to County acceptance thereof in an amount equal to 20% of the construction costs of the streets for a term of two (2) years following acceptance by the county. Before release of the Maintenance Bond or Letter of Credit, the County shall again inspect the roads or streets, and the Owner shall remedy all deficiencies prior to release of the Maintenance Bond or Letter of Credit. If the deficiencies are not promptly remedied, the County shall make the repairs and draw on the Maintenance Bond or Letter of Credit for payment. Note: A Maintenance Bond must be posted regardless of the date the streets or roads are accepted by the county, for all streets or roads completed prior to the recording of the Final Plat.
- f. County Acceptance of Streets Constructed as Private Streets. The Commissioners Court shall not accept for County maintenance any street constructed as a private street unless the street and associated drainage improvements are upgraded as necessary to comply with current design and construction standards of these Regulations.

- i. *Right-of-Way.* If the street right of way is not dedicated to public use by a plat of record or deed instrument(s) satisfactory to the Commissioners Court, the Commissioners Court may require that the owner(s) petitioning for County acceptance execute a right of way deed(s) to the County. Petitioners should coordinate with the County to ensure that right of way is sufficient for any modification, reconstruction or realignment of street or drainage improvements required for the improvements to conform to these Regulations.
 - ii. *Design, Testing and Inspections.* Petitioners should coordinate with the County regarding the nature and extent of reconstruction, repair, upgrade, modification or realignment of existing street and drainage improvements necessary to bring them into conformance with these Regulations. The Commissioners Court may require such testing and inspection of existing improvements as the Court deems necessary and may require that Construction Plans for necessary modifications be prepared by a licensed engineer at the petitioners' expense.
 - iii. *Procedure.* The procedures and requirements of *Section 8* shall apply.
 - g. *Owners Maintenance Responsibility.* The Owner shall remain responsible for all maintenance and repair of streets within a subdivision until Commissioners Court, by formal written action or Minute Order, accepts the obligation to maintain and repair such roads. Commissioners Court decision to approve a Final Plat or dedication of the right-of-way for a street shall not be deemed to constitute acceptance of the streets for maintenance.
9. **Connectivity.** To provide an interconnected network of streets throughout the County, subdivision planning and design shall provide for reasonable connection of streets to adjoining subdivisions or undeveloped tracts:
- a. *Vehicular Paved Access to Subdivisions.* All lots created by a subdivision must have access to a vehicular paved access, which is defined by these Regulations as a public or private street constructed to the County's specification and of appropriate design, traffic capacity, and service level rating to accommodate the present and anticipated traffic volumes to be generated from the subdivision.
 - b. *Secondary Ingress and Egress.* Subdivisions containing more than thirty (30) one-family or two-family dwelling units shall have a platted and constructed secondary ingress and egress to a public street.
10. **Transportation Plan.** If Gonzales County has adopted a road or transportation plan for the County, then any street within a tract proposed for subdivision shall be aligned in general conformance with the plan, and shall have design specifications, right of way, and pavement width consistent with the plan.
- a. Required connection to existing streets.
 - i. For purposes of this article, a street stub is an improved street extended to a dead-end at the boundary of an adjoining unplatted tract or undeveloped tract. If the length of a street stub is no greater than the depth of the two adjoining Lots and those Lots have access to an intersecting street, a street stub is not required to include a cul-de-sac or other provision for vehicle turnaround. A street stub that is

part of a Subdivision with public streets shall be clearly marked with a "No Outlet" sign placed by the developer in accordance with the County's Specifications.

- ii. Where existing street stubs adjoin the boundary of a proposed Subdivision, any public streets in that proposed Subdivision streets shall connect to the existing street stubs.
- iii. Block lengths and intervals between streets shall be based on good engineering and planning design principles, appropriate to topography, Lot size and spacing, and the number of Lots on the street and in the subdivision.

11. **Street Boundaries.** The front boundary lines of all Lots shall be contiguous with the boundary of the adjoining public street right-of-way.

12. **Privately Maintained Streets.** Under certain conditions, Gonzales County allows Subdivision streets to be constructed as private streets, at the discretion of the Applicant. However, to protect the public health and welfare, and to ensure emergency access, all private streets shall be designed and constructed in accordance with the standards specified these Appendices , except that certain private streets, as discussed below, are not required to have a paved surface. Private streets shall be permitted when the Applicant meets the following conditions:

- a. The following note shall be conspicuously displayed on the Plat: "Owners of property within this Subdivision shall look solely to the Property Owners Association for future maintenance and repair of the roads and streets shown on this Subdivision Plat. The developer of this Subdivision has chosen to dedicate the roads in this Subdivision as private streets. Gonzales County is in no way responsible for the repair or maintenance of these streets. These private streets shall not become part of the County maintenance system unless the Property Owners Association at a future date petitions the Gonzales County Commissioners Court to accept these roads for public maintenance. Such a petition must demonstrate that the streets have been maintained to, or improved to, whatever is the Gonzales County standard for public streets, right-of-way, and drainage, at the time of the petition. The decision whether the streets are adequate and whether to accept them for public maintenance shall be at the sole discretion of the Gonzales County Commissioners Court."
- b. Restrictive covenants establishing a Property Owners Association, with the power to lien against real property for the payment of dues and/or road maintenance fees, shall be placed on record concurrently with the recording of the Final Plat.
- c. Privately Maintained Unpaved Streets Allowed for Large Lots. As an incentive to preserve the historic rural character of portions of Gonzales County, a Subdivision in which the minimum Lot size is five acres or larger, and the Average Lot size is 10 acres or larger, may construct privately maintained unpaved streets. Unpaved private streets shall be designed and constructed in accordance with the Gonzales County Road Design and Construction Specifications included in the Appendix to these Rules, except for paving and related specifications. Unpaved streets shall be permitted within a subdivision only if each of the following criteria are satisfied:

- i. The plat note for privately maintained streets is displayed on the Plat, as described in *Section 12(a)* above.
 - ii. Restrictive covenants shall be imposed on all Lots with frontage or access onto the unpaved street. This covenant shall prohibit any future resubdivision of any tract into Lots smaller than five acres unless the street is first improved to the County's standards then in effect for paved streets. In addition, either the existing property owners association or Gonzales County must commit to accept the paved street for future maintenance.
13. **Permit Required for Construction in Right-of-Way.** No driveway or utility construction, or any other encroachment into public right-of-way or easements shall be allowed without first obtaining a permit from the Precinct Commissioner or his or her designee
14. **Cul-de-sacs.** Cul-de-sacs shall provide a paved turnaround having a slope not greater than six percent (6%) and a minimum radius of 40' in residential areas.
15. **Fiscal Surety.** The Final Plat shall be accompanied by the following:
 - a. In the event that a Subdivider desires to file a Final Plat prior to the completion of the construction of all streets within the subdivision, the Subdivider shall provide Gonzales County with an appropriate construction bond or financial security to assure the County that all roads and streets within the subdivision shall be constructed in accordance with these Regulations.
 - b. Financial security must be arranged in one of the following ways:
 - i. A Construction Bond filed by the Subdivider payable to Gonzales County in the amount of 100% of the cost of construction. The bond must be a surety bond provided by a surety company licensed to conduct business within the State of Texas; or
 - ii. The Subdivider may escrow funds to include certificates of deposit or other financial instruments as may be deemed satisfactory by the Commissioners Court and in the amount of the total cost of construction.
16. **Design Criteria and Construction Standards for Streets.** Streets and associated drainage shall conform to these Regulations and Appendices, which shall be updated from time to time at the discretion of the Commissioners Court.
17. **Entrance and Exit.** The entrances and/or exits to a subdivision shall be by state highway, county road, or a road or street constructed to county specifications (see *Section 30* for additional gated subdivision entrance requirements). Each lot in the subdivision shall front on a state highway, county road, or a road or street constructed to county specifications. Each lot or tract of land shall normally be allowed one entrance to a state highway, county road or a road constructed to county specifications (driveway entrance.) The location and number of entrances to a county road is subject to approval by the Commissioners Court or its Designated Agent in consultation with the appropriate Fire Official (municipal fire, emergency service district or County Fire Marshall). The location and number of driveway entrances to a state highway is subject to approval by TxDOT.

18. **Right of Way Dedication for Subdivisions Adjoining County Roads.** When a proposed subdivision fronts on a county road, the developer shall dedicate for public use an appropriate width on the developer's side(s) of the center line of such road to allow for future improvements to the county road.
19. **Reserve Strips Prohibited.** There shall be no reserve (or spite) strips controlling the only access to land adjacent to roads dedicated or intended to be dedicated for public use.
20. **Constructed to County Standards.** All streets and roads to be owned and maintained by a homeowners' association or similar organization, and all roads or streets located in subdivisions and dedicated to public use shall be constructed in accordance with county standards and inspected during construction by an authorized representative of the Commissioners Court and at intervals as directed by the Commissioners Court.
21. **No Direct Access to State Highway.** Developers of proposed subdivisions with no direct access to a state highway shall be required to enter into an agreement with the County providing that the developer will pay all or a part of the cost to improve and/or expand the county road that provides access from the subdivision to a state highway.
22. **Traffic Impact Analysis (TIA).** Unless an approved Plat Application included future development plans, development of a subdivision using the roads of an existing subdivision is prohibited unless a Traffic Impact Analysis (TIA) prepared at the cost of the developer indicates, in the opinion of the Engineer, that such development will not adversely impact the health, safety or general welfare of the occupants of the existing subdivision and provided further that the developer of the proposed subdivision agrees to restore roads in the existing subdivision to the same condition as such existed prior to construction of improvements in the proposed subdivision. The County will not approve improvements in the proposed subdivision and the financial guarantee posted by the developer of the proposed subdivision will not be released until the developer satisfies this requirement.
- a. **Residential Development.** The Commissioners Court or its Designated Agent will determine the need for a TIA of residential development at the preliminary conference.
 - b. **Commercial and Public Access Development.** Commercial and Public Access developments are presumed to require a TIA. The Commissioners Court or its Designated Agent will consider waiver of the TIA at the preliminary conference.
 - c. **Qualified Engineer.** A TIA shall be conducted by a qualified engineer in accordance with procedures and requirements of TxDOT.
 - d. **Commissioners Court Determination.** The TIA shall be submitted to the County Judge's Office for review and is subject to approval by the Commissioners Court, both as to form and content. A decision as to whether the traffic resulting from a proposed subdivision or commercial site development will have an adverse impact on the health, safety, or general welfare of residents of the County, or will adversely affect county and state roads shall be made by the Commissioners Court.
 - e. **Roadway Classification.** All existing County roads and private streets are assumed to be Collector streets and all existing State roadways are assumed to be an Arterial Street unless the developer submits traffic counts and 20-year traffic forecasts supporting a lower roadway classification.

23. **No Obstructions.** No obstructions, including mailboxes, will be allowed within clear zone of the road causeway. Cluster mailboxes approved by the U.S. Postal Service are preferred and, in some situations, will be required. Cluster mailboxes shall be located on easements dedicated by the owner or developer of the subdivision or in areas designated by the County, subject to approval by the Postal Service. Individual mailboxes shall be mounted on a break-a-way support or wooden post and shall be offset from the edge of pavement. If the right-of-way for a street or road is not wide enough for individual mailboxes to be located outside of clear zone, cluster mailboxes may be required.
24. **Dead End Streets.** Dead-end streets shall be prohibited except when stubs are approved or required by the Commissioners Court in Regulations to permit future development. No lot shall front on the dead-end of an expansion street.
25. **Streets Intended to be Continued.** Streets intended to be continued in a future subdivision or continued in an expansion of an existing subdivision shall end in a cul-de-sac unless a stub is approved or required.
26. **Cul-de-Sacs.** Cul-de-sacs shall provide a paved turnaround having a slope not greater than six percent (6%) and a minimum radius of 40' in residential areas. The minimum length of a road with a cul-de-sac is 250 feet from the beginning of the road or the point of intersection with another road to the beginning of the turnaround.
27. **Street Jogs.** Street jogs with centerline offsets of less than 150 feet are prohibited.
28. **Obstructions in the Right-of-Way.** No squares, "islands," or other obstructions to traffic shall be constructed within the right-of-way of a road unless the road will be maintained by some entity other than the County.
29. **Divided Road.** A divided road will not be permitted unless the road will be maintained by some entity other than the County.
30. **Security Gates.** The installation of security gates or guard stations is permissible only in private gated subdivisions. Provisions shall be made by the developer of such subdivisions for entry into the subdivision by County, school district, law enforcement, emergency and other public service vehicles. Security gates shall be set back 40 ft behind the right-of-way of any county road.
31. **Curbs** . Curbs, where installed, shall conform to *Appendix B*. Curbs may be machine laid and shall be reinforced with #4 reinforcing steel bars. All curbs installed in conjunction with interior islands within the pavement section shall be installed with minimally a 4" wide turn down of concrete that extended 4" minimally into the subgrade to minimize moisture migrating into the base layer. Curbs shall be backfilled on the back side with tamped topsoil prior to placement of the HMA CP.
32. **Intersections.** All crossing roads should intersect at 90° angles. Where this is not possible, the right-of-way area located on the acute angle side of the intersection shall be cleared of all trees, brush and other obstructions for a distance of at least 25 feet from both intersecting roadways. The fillet between intersecting roads shall be paved to a minimum radius of 35 feet.
33. **Connectivity.**
- a. If the County has adopted a road or transportation plan, then any street within a tract proposed for subdivision shall be aligned in general conformance with the plan, and shall have design specifications, right of way, and pavement width consistent with the plan.

- b. When a new subdivision is located adjacent to an existing subdivision such that a road in the new subdivision is adjacent to and parallel to a road in the existing subdivision sufficient right-of-way must be dedicated in the new subdivision to provide the minimum width specified herein, and sufficient causeway shall be paved in order to make the full pavement width comply with Table L-1. Before any pavement is laid to widen an existing pavement, the existing pavement shall be cut back two (2) feet to assure an adequate subgrade and pavement joint.

34. **Bulges.** Widened Street sections (semi-cul-de-sacs or bulges) are prohibited.

35. **TxDOT Specifications.** Specifications for TxDOT items as referred in these Regulations may be found on the TxDOT website. See list of specifications that minimally apply:

The following items of the referenced TxDOT Standard Specifications, in their entirety and as listed below, represent the Standard Specifications for the County. Other Standard Specifications which may be cross-referenced by these specifications shall be considered incorporated into the Standard Specifications. These Standard Specifications take precedence over specifications or plans wherever in conflict therewith.

TxDOT STD DESCRIPTION SPEC ITEM

- 100 Preparing Right of Way
- 103 Disposal of Wells
- 104 Removing Concrete
- 105 Removing Treated and Untreated Base and Asphalt Pavement
- 106 Obliteration Abandoned Road
- 110 Excavation
- 112 Subgrade Widening
- 132 Embankment
- 160 Topsoil
- 164 Seeding for Erosion Control
- 166 Fertilizer
- 168 Vegetative Watering
- 169 Soil Retention Blankets
- 210 Rolling
- 216 Proof Rolling
- 247 Flexible Base
- 251 Reworking Base Courses
- 260 Lime Treatment (Road-Mixed)
- 265 Fly Ash or Lime-Fly Ash Treatment (Road-Mix)
- 275 Cement Treatment (Road-Mix)
- 300 Asphalts , Oils, and Emulsions
- 315 Fog Seal
- 316 Seal Coat
- 302 Aggregates for Surface Treatment
- 310 Prime Coat
- 314 Emulsified Asphalt Treatment
- 340 Dense-Graded Hot-Mix Asphalt (Small Quantity)

- 360 Concrete Pavement
- 400 Excavation and Backfill for Structures
- 401 Flowable Backfill
- 402 Trench Excavation Protection
- 420 Concrete Substructures
- 421 Hydraulic Cement Concrete
- 423 Retaining Walls
- 432 Riprap
- 440 Reinforcement for Concrete
- 459 Gabion Mattress (GALV) (6 IN.)
- 460 Corrugated Metal Pipe 64
- 462 Concrete Box Culverts and Drains
- 464 Reinforced Concrete Pipe
- 465 Junction Boxes, Manholes, and Inlets
- 466 Headwalls and Wingwalls
- 467 Safety End Treatment
- 471 Frames, Grates, and Covers
- 472 Remove and Re-Lay Culverts
- 476 Jacking, Boring, or Tunneling Pipe or Box
- 479 Adjusting Manholes and Inlets
- 496 Removing Structures
- 510 One-Way Traffic Control
- 512 Portable Traffic Barriers
- 531 Sidewalks
- 500 Mobilization
- 502 Barricades, Signs, and Traffic Handling
- 506 Temporary Erosion, Sedimentation, and Environmental Controls
- 508 Constructing Detours
- 529 Concrete Curb, Gutter, and Combined Curb and Gutter
- 530 Intersections, Driveways, and Turnouts
- 540 Metal Beam Guard Fence
- 542 Remove Metal Beam Guard Fence
- 544 Guardrail End Treatments
- 550 Chain Link Fence
- 552 Wire Fence
- 560 Mailbox Assemblies
- 644 Small Roadside Sign Assemblies
- 662 Work Zone Pavement Markings
- 666 Reflectorized Pavement Markings
- 672 Raised Pavement Markers
- 677 Eliminate Existing Pavement Markings and Markers

36. **Installation of Utility Lines.** All utility lines planned to be constructed under paved street shall be installed before the street is paved. All utility lines installed under an existing paved street shall be

bored to a point at least four (4) feet beyond the pavement and must be approved in advance by the County, unless otherwise approved by Commissioners Court.

37. **Construction of Roads Prior to Final Plat.** Upon approval of a Preliminary Plan, an Owner may apply to the County to commence construction of roads, streets, utilities and drainage structures within the right-of-way. This application will be granted upon the County's review and approval of the Construction Plans, and other materials required in *Appendix C* and these Regulations. as applicable. An Owner wishing to construct roads, streets, or other improvements prior to the recording of a Record Plat, shall be required to post maintenance Bond or Letter of Credit upon recording of the Final Plat satisfying the requirements of *Article XI*.

TABLE L-1: COUNTY STREET TYPES.

THOROUGHFARE TYPE	ROW ¹	PAVING ²	LANES	SHOULDER WITH	PARKWAY ³
Principal Arterial					
4-Lane Urban with curb & gutter	120'	48'	4 at 12' ea.	-	72'
4-Lane Rural with shoulder	120'	64'	4 at 12' ea.	2 at 8' ea.	56'
Minor Arterial					
2-Lane Urban with curb & gutter	80'	24'	2 at 12' ea.	-	56'
2-Lane Rural with shoulder	80'	40'	2 at 12' ea.	2 at 8' ea.	40'
Collector (Private ⁴)					
2-Lane Urban Private with curb & gutter	60'	24'	2 at 12' ea.	-	36'
2-Lane Urban Private with shoulder	60'	32'	2 at 12' ea.	2 at 4' ea.	28'
Local (Private ⁴)					
2-Lane Urban Private with curb & gutter	50'	24'	2 at 12' ea.	-	26'
2-Lane Urban Private with shoulder	50'	27'	2 at 12' ea.	2 at 1.5' ea.	23'

Requirements and Notes:

1. The total right-of-way width is composed of the paving width and the parkway width. The ultimate right-of-way width reserves land for the County to expand the roadway system in the future with more lanes, center turn lanes or medians.
2. An urban roadway constitutes a roadway with curb and gutter. The paving width is face of curb to face of curb. A rural roadway constitutes a roadway with no curb and instead plans extra room for a shoulder.
3. The parkway is reserved for sidewalks, drainage bar ditches and reserved land area for future roadway expansions. The parkway length noted in the table is taking into consideration both sides of the street.

4. All Local Streets, Collector Streets, and Cul-de-Sacs will be designated as Private Streets and will either be maintained by the property owner, Homeowners' or Property Owners' Association, or special district.
5. For new subdivisions with lots less than 1.5 acres, the Urban Collector Street or Urban Local Street standard shall be used for all thoroughfare design. For new subdivisions with lots 1.5 acres or larger, either the Urban or Rural Collector Street or Local Street standards shall be used for all thoroughfare design.

[Street Cross Sections Follow]

FIGURE L-1.1: PRINCIPAL ARTERIAL (URBAN SECTION)

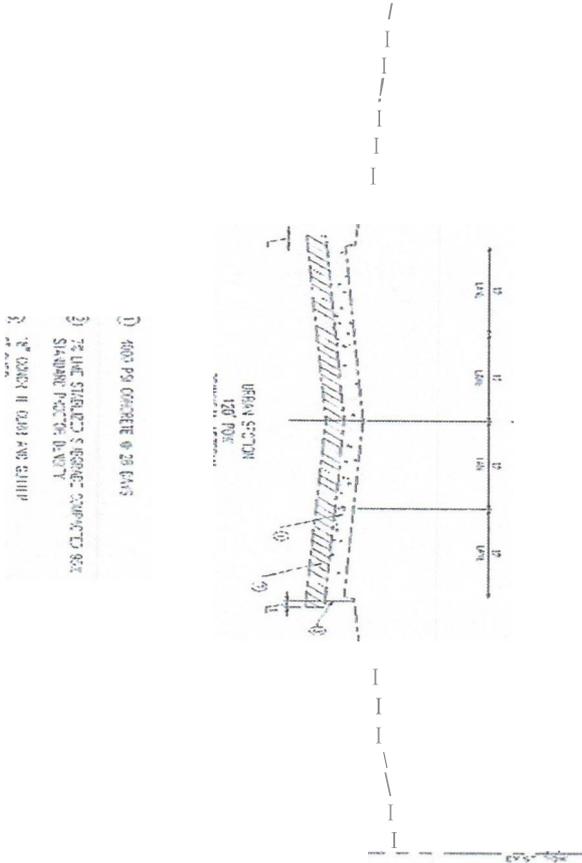


FIGURE L-1.2: PRINCIPAL ARTERIAL (RURAL SECTION)

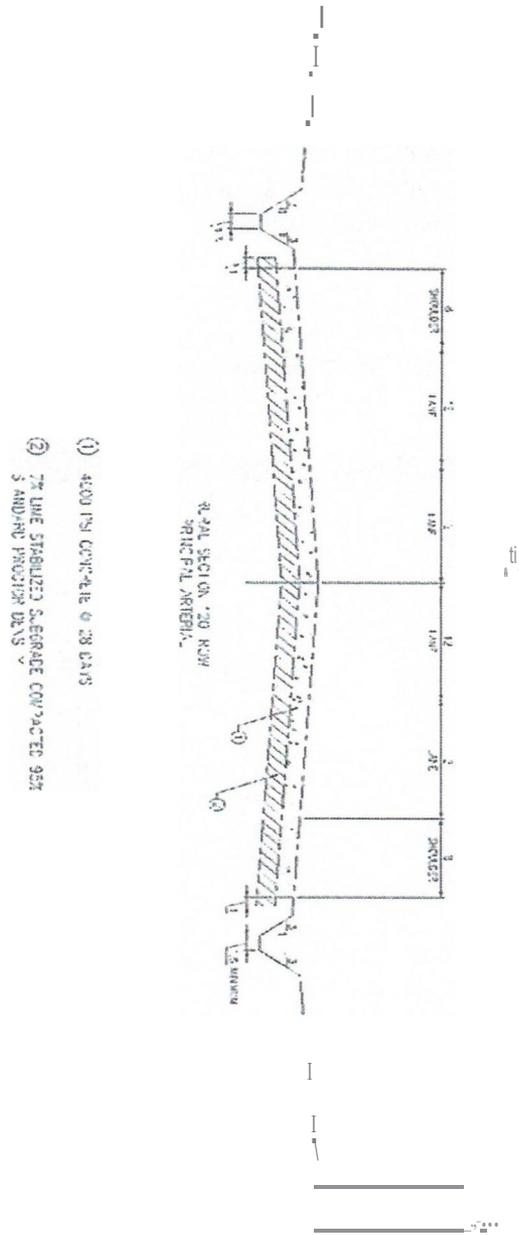
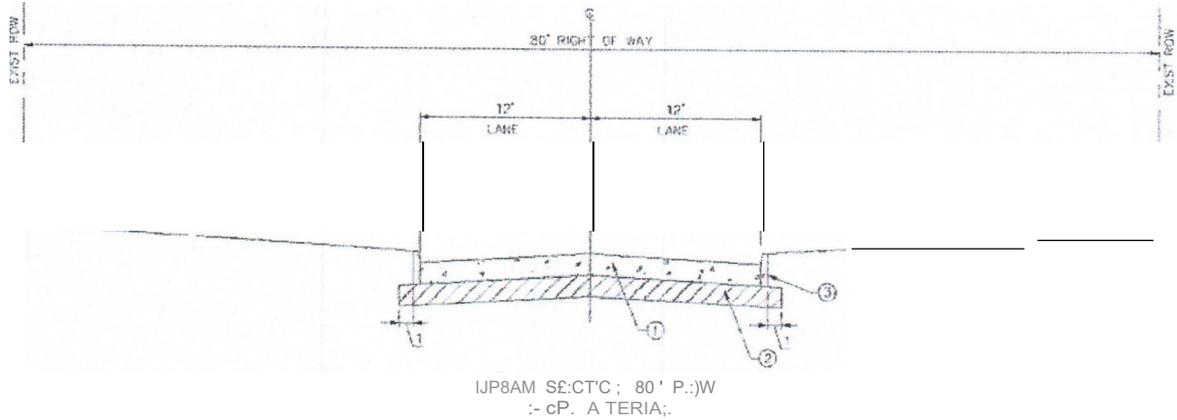


FIGURE L-1.3: MINOR ARTERIAL (URBAN SECTION)

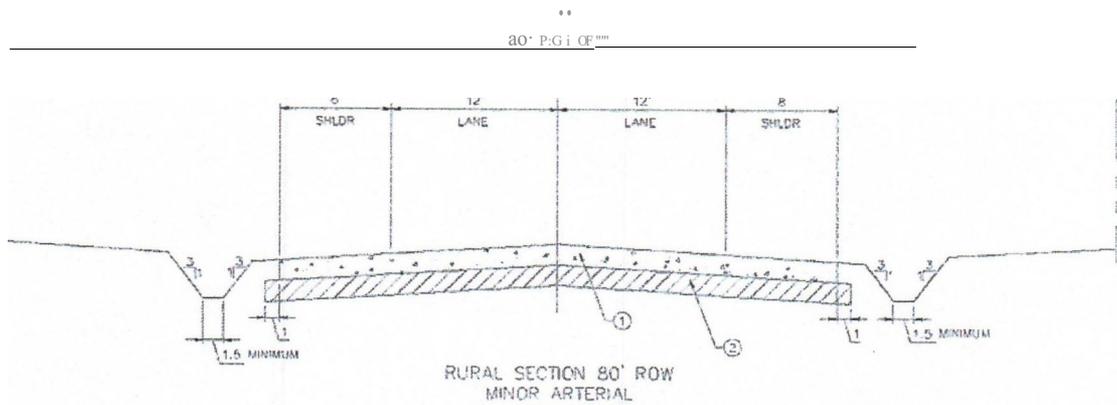


4000 PSI CONCRETE @ 28 DAYS

7% LIME STABILIZED SUBGRADE COMPACTED 95%
STANDARD PROCTOR

1" CURB
6" CURB

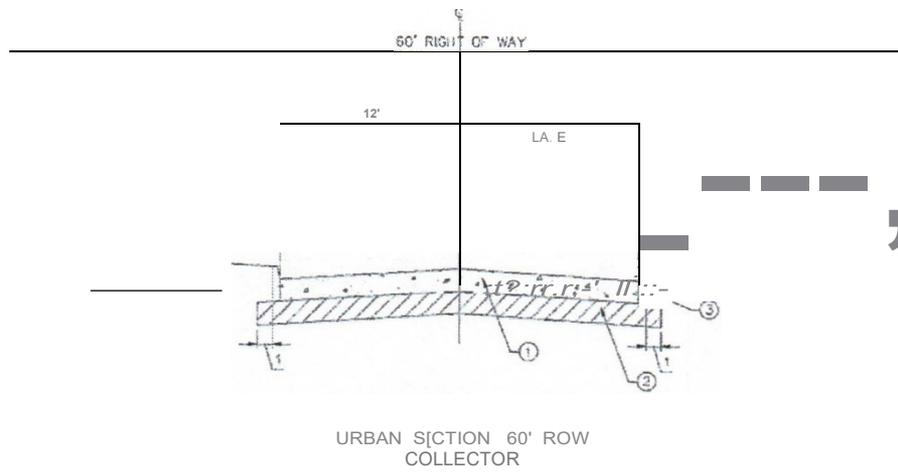
FIGURE L-1.4: MINOR ARTERIAL (RURAL SECTION)



CD 4000 PSI CONCRETE @ 28 DAYS

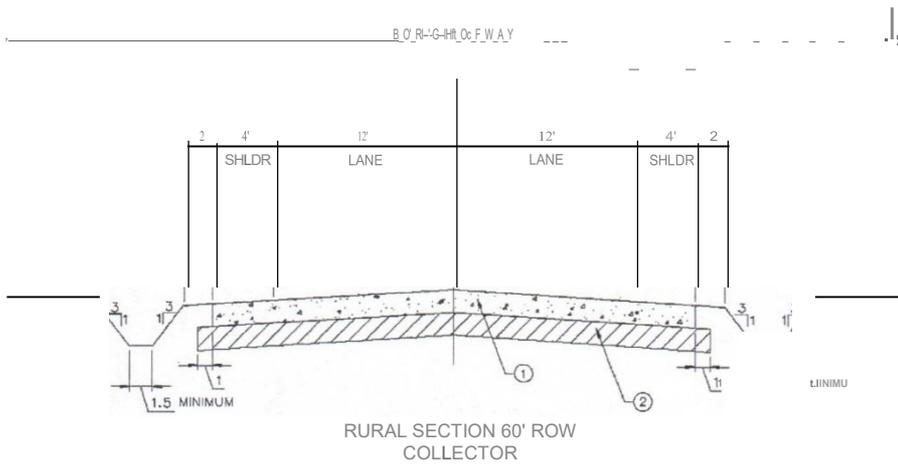
7% LIME STABILIZED SUBGRADE COMPACTED 95%
STANDARD PROCTOR

FIGURE L-1.5: COLLECTOR STREET (URBAN SECTION)



- CD 4000 PSI CONCRETE @ 28 DAYS
- Ⓐ 7% LIME STABILIZED SUBGRADE COMPACTED 95% STANDARD PROCTOR DENSITY
- '3' 16" CONCRETE CURB AND GUTTER
6° CURB

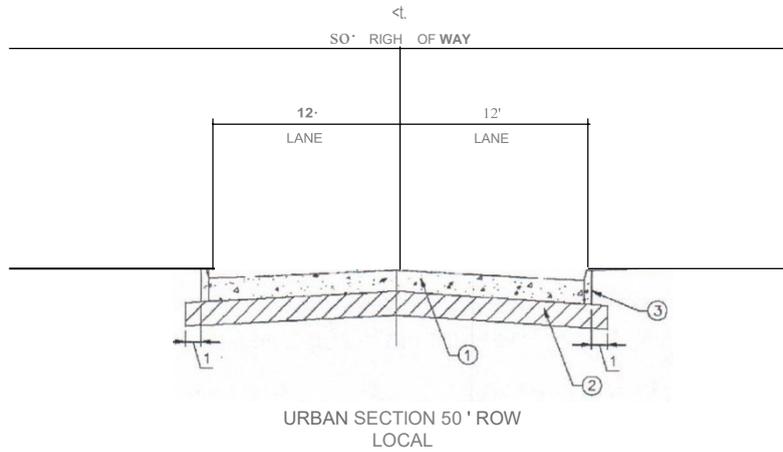
FIGURE L-1.6: COLLECTOR STREET (RURAL SECTION)



- CD 4000 PSI CONCRETE @ 28 DAYS
- Ⓐ 7% LIME STABILIZED SUBGRADE COMPACTED 95%

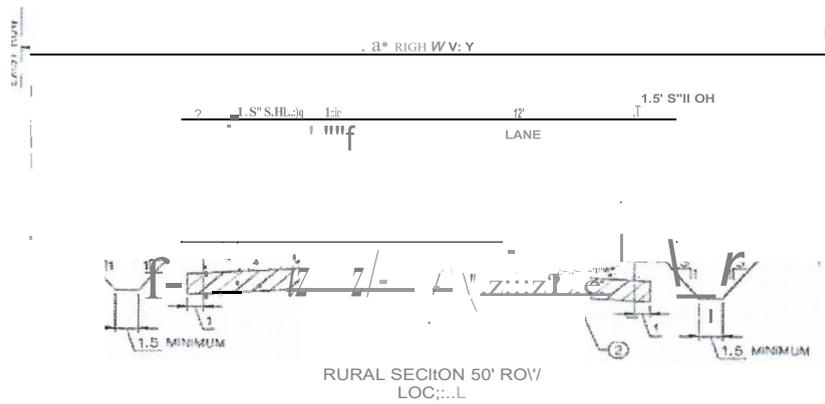
STANDARD PROCTOR DENSITY

FIGURE L-1.7: LOCAL STREET (URBAN SECTION)



- G) 4000 PSI CONCRETE @ 28 DAYS
- 7% LIME STABILIZED SUBGRADE COMPACTED 95% STANDARD PROCTOR DENSITY
- 18" CONCRETE CURB AND GUTTER
- 6" CURB

FIGURE L-1.8: LOCAL STREET (RURAL SECTION)



- (D) 4000 PSI CONCRETE @ 28 DAYS
- 7% LIME STABILIZED SUBGRADE COMPACTED 95% STANDARD PROCTOR DENSITY

APPENDIX M

LOT SIZE/ROAD FRONTAGE/DENSITY AND SETBACK REGULATIONS

1. Lot Sizes, Frontage and Density.

- a. Subdivisions with Individual Water Wells and Individual On-Site Sewage Facilities (OSSF). A subdivision with lots reliant on individual water well and individual on-site sewage facility (OSSF) shall have:
 - i. Minimum lot sizes of two (2) acres;
 - ii. Each lot shall have a minimum road frontage of 100 feet on a state highway, county road, or a road constructed to county specifications; and
 - iii. Owners of lots served by individual water well must comply with the rules of the Gonzales County Underground Water Conservation District to obtain a well permit.
- b. Subdivisions with TCEQ Approved Water Systems using Groundwater and Individual On-Site Sewage Facilities (OSSF). Subdivisions served by a TCEQ approved public water system using groundwater but using individual OSSF shall have:
 - i. Minimum lot sizes of one and one-half (1.5) acres;
 - ii. Each lot shall have minimum road frontage of 100 feet on a state highway, county road, or a road constructed to county specifications.
 - iii. Owners of lots served by individual water well must comply with the rules of the Gonzales County Underground Water Conservation District to obtain a well permit.
- c. Subdivisions with TCEQ Approved Water System using Groundwater and Wastewater Treatment Systems. Subdivisions served by a TCEQ approved water system using groundwater and TCEQ approved Wastewater Treatment System shall have:
 - i. Each lot shall have minimum road frontage of 100 feet on a state highway, county road, or a road constructed to county specifications.
 - ii. Owners of lots served by individual water well must comply with the rules of the Gonzales County Underground Water Conservation District to obtain a well permit.
- d. Subdivisions with TCEQ Approved Water System using Surface Water or Rainwater Catchment and Wastewater Treatment Systems. Subdivisions served by a TCEQ approved water system using surface water or rainwater catchment and TCEQ approved Wastewater Treatment System shall have:
 - i. Each lot shall have minimum road frontage of 100 feet on a state highway, county road, or a road constructed to county specifications.

- e. For TCEQ approved public ground water or surface water system and/or a TCEQ approved sewage system, all infrastructure costs shall be the sole responsibility of the subdivider and shall be included in the guarantee of performance bond to be posted with the County.

TABLE J-1. Minimum Lot Size and Frontage Requirements for Gonzales County.

Source of Water & Type of Waste Disposal	Minimum Lot Size (Acres outside of floodplain)	Minimal Road Frontage (feet)	
16.A Individual Water Well & One-Site Sewage Facility (OSSF)	2.0	100	
16.B Public Water (PW) System (ground water) and OSSF	1.5	10	
16.C Public Water (PW) System (groundwater) and Wastewater Treatment System		100	
16.D Wastewater Treatment System PW (surface water or rainwater catchment) and Wastewater Treatment System		100	

- f. Flag Lots. Flag lots are prohibited unless the lot is a minimum of five (5) acres excluding the "flagpole" and the lot has at least one hundred (100) feet of frontage.

- g. Cul-de-Sacs. The minimum road frontage for lots on the turnaround of a cul-de-sac or cul-de-sac corner shall be fifty-five feet (55') chord length at the right-of-way on a county road or a road constructed to county specifications.
- h. Subdivisions using groundwater as a source of potable water to any degree, whether provided by individual wells or private or public water systems, shall comply with all applicable rules of the Gonzales County Underground Water Conservation District, including, but not limited to, rules related to permits for the drilling, equipping or completing of wells; rules related to fees; rules related to the spacing of wells from property lines or adjoining wells; and rules related to limiting groundwater production based on acreage or tract size. Developers of such subdivisions shall provide documentation evidencing approval from the Gonzales County Underground Water Conservation District and the entity providing water (if any) and any other appropriate regulatory agency that adequate water is available to serve the residents of the proposed subdivision at full build out in a safe and healthful manner and without adverse impact on the groundwater resources of Gonzales County.
- i. Subdivisions served by a wastewater treatment system shall provide certification from the provider of wastewater treatment services and any appropriate regulatory agency that adequate capacity is or will be available to serve the residents of the proposed subdivision at full build out without any adverse impact on the health, safety or general welfare of the citizens of the County.

2. Setbacks.

- a. Front Setback. For vehicular traffic and pedestrian safety purposes, all building sites fronting on a state highway, county road or other roads subject to regulation by the Commissioners Court shall have a minimum front building set back line of fifty (50) feet.
- b. Side and Back Setback . For fire prevention, protection and fire-fighting purposes, all residential building sites shall have side and rear building set back lines of not less than ten (10) feet. (A developer may impose larger set back through restrictive covenants. If larger setbacks are imposed, they shall be shown on the plat.)
- c. Sight Distance Setback. At all intersections, there shall be a sufficient sight distance setback to insure proper stopping distance at the posted speed limit.
- d. Commercial and Public Access Setbacks. For public health, safety, and welfare purposes, building setbacks for commercial and public access developments shall be at least 50 feet from the front, sides and rear of the subject property.

APPENDIX N

DRIVEWAY REGULATIONS

1. **No Obstructions.** No obstructions or obstacles in the form of decorative rock, concrete, metal or wood facings, fences, gates or other such structures shall be located within the roadway right-of-way at the entrances of driveways to highways, roads or streets. (Note: Existing facings, fences and/or gates will be permitted to remain unless such facings, fences, or gates pose a threat to vehicular or pedestrian traffic or interfere with county maintenance.)
2. **Driveway Permit.** Prior to constructing a private, public access, or commercial driveway entering a County Road, the property owner shall obtain a Driveway Permit from the Commissioners Court or its Designated Agent. The portion of the driveway within the right-of-way shall be constructed in accordance with the instructions contained in the permit. Maintenance of any portion of a private, public access, or commercial driveway in the roadway right-of-way shall be the responsibility of the owner of the driveway or access route.
3. **Address.** When a property owner obtains a Driveway Permit from the County for a driveway location, if no address has been previously assigned to the location, the property owner shall also be assigned an address for the location. Prior to issuance of a 911 address, the county GIS office must have a copy of the Driveway Permit. In order to comply with GIS and 911 requirements, and to protect the health, safety and welfare of the residents of the County, all property owners shall prominently display the address for their property at a location within ten feet (10') of the driveway entrance to the roadway, facing the roadway, in reflectorized block letters at least four (4") in height, so that the address can be easily read by law enforcement, fire-fighting, emergency services and other public service personnel. Failure to prominently display the address for property may result in delay of provision of law enforcement, firefighting, EMS, or other services.
4. **Driveway Culverts.** If driveway culverts are used in construction of driveways, they shall meet the following minimum specifications: **Size.** Size of the culverts shall be determined by the Developer or Owner's Licensed Professional Engineer for each lot driveway with a ditch line adjacent to the roadway. The proposed culvert shall be sized for minimally a 10-year design flows at the lower point of the lot's ditch line even if the proposed culvert is to be installed upstream of low point of the lot corner. Any request for reduction of culvert size is subject to approval by the Commissioners Court or its Designated Agent. Minimum culvert size is 12 inches for private driveways and fifteen (15) inches for public access and commercial driveways. Concrete headwalls shall be installed.
5. **Materials.** Material shall be either corrugated galvanized metal pipe or reinforced concrete pipe for private driveways. Commercial or public access driveways may use these materials or concrete box culvert(s).
6. **Width.** Driveway width at the right-of-way for a private driveway shall be 10 feet minimum to 24 feet maximum. Driveway width at the right-of-way for commercial and public access driveways shall be 30 feet minimum to 45 feet maximum. A minimum 5-foot radius shall be used to connect the driveway to the edge of the roadway. (For example, a 10-foot driveway would be 20 feet wide at the roadway with the minimum radius required on each side of the driveway entrance to the roadway. One hundred feet (100') of roadway frontage is required for the issuance of any driveway permit.

7. **Location.** The location of driveway access to the roadway shall be selected to provide maximum safety for roadway traffic and for users of the driveway. A forty (40) foot setback from the County right-of-way for all entrances, gates, etc. is required. The angle of the driveway at the intersection with the roadway shall be from 60° to 90° , with 90° being preferred. Circular driveways with two entrances to the roadway may be allowed if approved by the Commissioners Court or its Designated Agent.

8. **Waiver.** Commercial developments may be granted a waiver from the maximum number and combined width of driveway(s) if the Applicant submits a Traffic Impact Analysis (TIA) that demonstrates the roadway(s) being accessed are of adequate ROW, with pavement and cross-section generally sufficient to handle the proposed traffic and Applicant has or will make any improvements called for by the TIA.

APPENDIXO

DRAINAGE DESIGN AND IMPROVEMENT REGULATIONS

1. **General.** All drainage design and improvements must be designed in accordance with generally accepted engineering standards and shall comply with state law, these Regulations and *Appendix A*.

All computations of flood plains, culverts, channels, etc., shall be based on fully developed upstream conditions; and

A drainage area of 64 acres or greater is required within a contributing watershed to create a "flood plain." For areas of flow with less than 64 acres of contributing area, no flood plain shall be defined; however, any concentrated flow necessitates the dedication of a drainage easement.

- a. All flood plain and concentrated flows for the 100-year storm frequency shall be contained within a dedicated drainage easement or right-of-way; and

Development will be allowed within the flood plain or within a drainage easement only on a case-by-case basis. Any structure authorized to be constructed within the flood plain must be above the base flood elevation. No development whatsoever will be permitted in the floodway.

2. **Maintenance Responsibility.** The County does not provide maintenance for drainage or drainage easement that are located on private property or without an express order of the Commissioners Court.

3. **Increased Stormwater Runoff into County Drainage Facilities Prohibited.** Stormwater runoff from any Development project may not be released into any County drainage ditch, swale, easement, culvert or other facility or any such drainage facility associated with an existing road, whether public or private, at a rate greater than when the property was in its undeveloped condition. In addition to the Drainage Study and the Drainage Plan below, the Commissioners Court or its Designated Agent may require the submission of additional materials at the time of the Preliminary or Final Plat application to assure the proposed subdivision will be in compliance with state law, these Regulations and Appendix A - Design and Construction Specifications.

4. **Incentive for Lots Larger than Five Acres.** If all Lots in a subdivision are larger than five acres and restricted by plat note limiting future development to one single family residence per Lot and prohibiting TCEQ Regulated Development, then such subdivision shall be exempt from submitted Drainage Study and Drainage Plan below.

5. **Conveyance of 100-Year Storm Frequency Flows.** The Drainage System for the subdivision shall be designed to convey all channeled or concentrated flows from a 100-year frequency storm.

6. **Maximum Headwater Elevation for Drainage Crossings.** All streets, culverts underneath streets, and bridges shall be designed so that storm water runoff shall not produce a headwater elevation at the roadway greater than six inches above the roadway crown elevation.

- a. A permanent depth gauge shall be placed at all road crossings where stormwater is anticipated to flow over the street surface. Commissioners Court may require installation of gates or warning devices at all or some of such locations.
 - b. Drainage infrastructure shall be designed to convey the 10-year storm event with no more than six inches of water over the street in the 25-year storm event.
 - c. Design for Overflow and Impounding. All streets shall be designed and constructed to withstand the impact of water being impounded adjacent to and flowing over the street as described above.
 - d. This Section does not apply to driveway culverts.
7. **Completion of Drainage System Prior to Acceptance of Street Maintenance.** No streets will be accepted for maintenance by the County until all required drainage structures have been installed (including drainage for driveways).
8. **Drainage Study.** All land proposed for development in the County or ETJ shall obtain and submit a Drainage Study by a Qualified Engineer or Geoscientist and submitted to Commissioners Court or its Designated Agent unless explicitly exempted from this requirement by the Commissioners Court or its Designated Agent. The Drainage Study shall include the following information for both existing (pre-development) and fully developed conditions for the entire watershed drainage area upstream of the lowest point(s) in the subdivision:
- a. The entire watershed drainage area(s) depicted on a 7.5-minute series U.S.G.S. map.
 - b. The drainage area(s) within the subdivision depicted on a topographic map with ten foot (10 ft.) contours on a scale of one inch (1 equals 200 feet).
 - c. Composite runoff coefficients.
 - d. One-hundred-year-storm event flow rates with the floodplain limits for the existing and fully developed conditions shown on the Plat.
 - e. Proposed location of storm sewers and/or culverts.
 - f. Proposed routing of drainage ways.
 - g. Calculations to determine the volume of the detention pond(s) if required.
9. **Drainage Plan.** All land proposed for development in the County or ETJ shall obtain and submit a Drainage Plan by a Qualified Engineer or Geoscientist and submitted to Commissioners Court or its Designated Agent unless explicitly exempted from this requirement by the Commissioners Court or its Designated Agent. The Drainage Plan shall include the following information:
- a. A general location map showing exact relation of the subdivision to the entire watershed
 - b. All street widths and grades shall be indicated, and runoff figures shall be indicated at the inlet side of all drainage ditches and storm sewers, and all points in the streets at changes of grade or where the water enters another street or storm sewer or drainage ditch.
 - c. Drainage easements shall be indicated.
 - d. Construction details shall be shown for drainage ditches, channels, or storm sewer.
 - e. Hydraulic calculations based on anticipated storm water flow from consideration of rainfall intensity, watershed area, percent runoff, time of concentration, and nature of terrain and cover shall be submitted for each storm sewer, drainage ditch, culvert, or bridge.
 - f. Culvert center-line profiles shall accompany the hydraulic calculations to verify the length of culvert needed for the height of fill and width of right-of-way (See section 315.000).

- g. If a "French Drain System" is proposed, a statement as to the need must be furnished by the developer/ subdivider' s engineer, together with two (2) copies of construction drawings.

10. **Installation of Culverts.**

a. Review Process.

- i. Culverts within a Subdivision will be reviewed by the County with the submission of Drainage Plans.
- ii. Culverts along a County Road will require a Right-of-Way Construction Permit.

b. Culverts Within a Subdivision.

- i. Culverts shall be designed and sized by a registered professional engineer and a map or list designating the size and location of all culverts including driveway culverts will be provided with the submission of Drainage Plans.
- ii. The Applicant shall be responsible for notifying builders and lot owners of this requirement and ensuring that they are designed and installed properly.
- iii. Drainage ditches shall be seeded or sodded within fourteen (14) days of final grading. All erosion control measures will be maintained in good working order. Disposal areas and stockpiles shall not be in any wetland, water body or streambed. The contractor shall clean paved surfaces as necessary to remove sediment that has accumulated on the roadway. The County reserves the right to inspect any construction site and require changes to a storm water pollution prevention plan if the site is causing pollution to the environment.
- iv. In subdivisions, where drainage culverts and channels are placed on sides of the street, the Developer shall install signs to prohibit and restrict the stopping, standing, or parking of a vehicle to allow for free movement of traffic and limit the obstruction of drainage patterns.

c. Culverts Along a County Road.

- i. A property owner proposing to install a culvert along a County road must receive approval of a Right-of-Way Construction Permit.
- ii. The County will conduct an initial site visit to inform the property owner of the appropriate diameter size, material type and construction standard for the culvert. A property owner may not install a culvert along a County road before the County conducts the initial site inspection.
- iii. The Owner will be responsible for all culvert maintenance and installation costs. The County is authorized to charge an inspection fee for the initial, second, and subsequent site inspections.

11. **Detention and Retention Ponds.** The Commissioners Court and the Commissioners Court Engineering Representative may require on-site detention, if the Preliminary Drainage Plan shows any significant change in runoff that could adversely impact the subject property and adjacent properties due to the proposed development.

APPENDIX P

WATER AVAILABILITY REGULATIONS

1. **General.** These Water Availability Regulations are adopted pursuant to section 35.019 of the Texas Water Code and Section 232.0032 of the Local Government Code.
 - a. The Gonzales County Commissioners Court has determined that the adoption of Water Availability Regulations is necessary to prevent current and/or projected water use in Gonzales County from exceeding the safe sustainable yield of the County water supply.
 - b. These Water Availability Regulations apply to all land proposed for development in the County or ETJ and all required infrastructure must be constructed in accordance with them and with the Appendices, unless a Variance has been approved by the Commissioners Court (see *Article XII*).
2. **THE GONZALES COUNTY COMMISSIONERS COURT MAKES NO REPRESENTATION OR WARRANTY, EITHER EXPRESS OR IMPLIED, THAT SUBDIVISIONS THAT COMPLY WITH THESE WATER AVAILABILITY REGULATIONS WILL MEET THE CURRENT AND/OR FUTURE WATER NEEDS OF PURCHASERS OF PROPERTY WITHIN THE SUBDIVISION.**
3. **Water Availability Report.** A Water Availability Report shall be submitted to the Commissioners Court prior to approval of a plat. The County may have the Water Availability Report reviewed by a qualified expert on behalf of the Commissioners Court, including qualified experts of the Gonzales County Underground Water Conservation District.
 - a. Any developer, real estate broker, real estate agent or other person offering a property for first-time sale shall provide any buyer or potential buyer, either in printed or electronic formats, with:
 - i. A copy of the Water Availability Report (or the Executive Summary or equivalent if one is provided within the Water Availability Report) that contains the Certification of Groundwater Availability For Platting Form pursuant to Title 30 Texas Administrative Code, Chapters 230, Sections 230.2 through and including 230.11, or contains the information required by the Certification of Groundwater Availability For Platting Form and all required information from referenced Texas Administrative Codes; and
 - ii. A copy of each Water Quality Analysis included within the report.
 - b. These requirements may be waived for subdivision platting within the extraterritorial jurisdictions of any municipality within the County.
4. **Requirements for Subdivisions to be served by Private Water Wells.** The Plat submission to the Commissioners Court for a proposed Subdivision whose water supply will be private water wells shall include a Water Availability Report. This Water Availability Report shall include pump test data from a minimum of two wells (one test well and one monitor well). There shall be one (1) set of Test-Monitor wells for each 100 acres or part thereof. The use of existing wells is permitted if the existing wells comply with these Regulations and are producing groundwater from the same aquifer.
5. **Required Information.** The Water Availability Report for such a subdivision shall include:

- a. Map(s) of the proposed subdivision prepared by a qualified expert identifying:
 - i. Surface geological formations, faults, topography, adjacent properties, and residential subdivisions whose boundaries lie within 2,500 feet of the proposed subdivision.
 - ii. Location of test and monitor wells by longitude, latitude, and surface elevation above mean sea level.
 - iii. The location and any available information on other wells identified in the files of Gonzales County Underground Water Conservation District, Texas Water Development Board, TCEQ and/or otherwise known to Applicant that exist within the proposed subdivision or within 500 feet of the boundaries of the proposed subdivision. Such information includes but is not limited to the Water Well Driller State Well Report, geophysical well logs, well depth information, current depth to water and any available historical water level records, status of the well (operational, inactive, abandoned, deteriorated, plugged, etc.) and the known or estimated pumping capability
- b. For any well located within the subdivision where the water level in the well is accessible, the static water levels to the nearest 0.1 foot and equated to mean sea level elevation.
- c. Data resulting from the performance of an aquifer pump test utilizing proven generally accepted methods. The pump test shall be supervised by a qualified expert and shall be performed prior to any acidization or other flow capacity treatment of the well. The duration of the pump test shall be for a period of 24 hours or until the water level has stabilized with no more than a 0.5-foot fluctuation in the test well for a minimum of at least 2 hours. The test shall include recovery timeline and measurement until the well has recovered 90% of the static water level at the start of the test.
- d. Statements by a Qualified Expert based on the pump test regarding the following:
 - i. The estimated total annual groundwater production of wells proposed for the subdivision at full build-out;
 - ii. A determination of transmissivity and storability of the water-bearing formation or strata from which the groundwater will be withdrawn;
 - iii. A determination of drawdown of each test well and monitor well for the pumping rate in use during the test;
 - iv. A determination of the projected drawdown of the water table at the boundaries of the subdivision based on the estimated total annual groundwater production at full build-out;
 - v. A water quality analysis of a water sample taken from the test well conducted by a qualified laboratory, such as those operated by the Lower Colorado River Authority, Texas Department of Health, or other laboratory acceptable to either the Commissioners Court or the Gonzales County Underground Water Conservation District. When a subdivision requires multiple pump tests, one water sample and analysis must be conducted for every three pump tests or part thereof water samples shall be tested for the constituents and parameters required under Texas Administrative Code Title 30, Part 1 Chapter 230 §230.9. Determination of Groundwater Quality. The

qualified expert must certify that the water samples either meet these water quality standards or explain how the well water can be treated in Regulations to achieve those standards.

- vi. An assessment of the cumulative effects of multiple subdivisions. If one or more subdivisions have submitted or are in the process of submitting Water Availability Reports to the Commissioners Court and any part of the boundary of those subdivisions is located within 2,500 feet of the boundaries of the new proposed subdivision, the data and analyses of those existing Water Availability Reports shall be reviewed by the person preparing the new Water Availability Report. The findings of these previous Water Availability Reports shall be incorporated with the aquifer pump test data and analyses generated for the new Water Availability Report to create an assessment of the cumulative effects of actual and proposed groundwater use by the existing and proposed subdivisions on total projected aquifer pumping demand, how that total projected demand may affect local water level drawdown and recovery rates, the cumulative effect of projected drawdown at the closest or adjacent subdivision boundaries, and any related water quantity and quality concerns or changes.
 - e. Certification by the Gonzales County Underground Water Conservation District that an adequate supply of groundwater of sufficient quantity and quality exists to supply the subdivision at full build-out based on number of connections. Formula: number of connections x 3.5 persons per connection x 100 gallons per person per day x 365 days.
 - f. The following statement shall appear on the Plat for the approved subdivision:

“This subdivision will be served by individual groundwater wells. Information on the available supply of groundwater and its quality is available to prospective purchasers of lots in this subdivision in the office of the County Clerk of Gonzales County, Texas or the Gonzales County Underground Water Conservation District. Purchasers are further advised that water quantity and quality are unique to each well and cannot be reliably predicted in advance of drilling. Water availability can also be affected by local weather conditions. To address specific water well issues and to ensure a water supply that is satisfactory for typical domestic use, prospective purchasers should consider not only individual water wells, but other alternative water sources (i.e., rainwater harvesting), water softener systems, reverse osmosis systems, and storage tanks equipped with float switches, pumping timers, and boost pumps. Consideration of alternative water sources may always be considered due to the cumulative impacts of water demands placed on the aquifers supplying the region. Rainwater harvesting is an alternative that may provide adequate water quantity and higher quality to supplement or replace the water provided from private wells” See The Texas Manual on Rainwater Harvesting, Texas Water Development Board for guidance.
6. **Requirements for Subdivisions to be Served by Existing Public Water Supply System.** The Plat submission to the Commissioners Court for a proposed Subdivision whose water supply will be a New Public Water Supply System that proposes to use surface water for all of the water supply needs of the proposed Subdivision shall include a Water Availability Report.

7. **Required Information in PWSS Water Availability Report.** The Water Availability Report for such a proposed subdivision shall include:

- a. Map of the service area of the Existing Public Water Supply System, showing the location of the proposed subdivision service area in relationship to the service area of the Existing Public Water Supply System and the infrastructure that will connect the proposed subdivision with the Existing Public Water Supply System.
- b. Location and source(s) of surface water supply and/or groundwater supply, documentation that sufficient quantity and quality of surface water and/or groundwater is available to meet full build-out, and that the proposed source(s) of water is in compliance with all pertinent federal, state, and local laws, and in particular, Texas Administrative Code Title 30, Part 1 Chapter 290 Public Drinking Water.
- c. Name, address, phone number, and email of the authorized agent and primary responsible party and TCEQ facility number of the Existing Public Water Supply System.

8. The following statement shall appear on the Plat for an approved subdivision and shall also be included in the deed restrictions:

"The water needs of this subdivision will be provided by [*Name and address of Existing Public Water Supply System*]. Information on the [*Name of Existing Public Water Supply System*] is available to prospective purchasers of lots in this subdivision in the office of the County Clerk of Gonzales County, Texas and/or the office of the TCEQ. In order to protect the groundwater supply of the proposed subdivision, the Rules of the Gonzales County Underground Water Conservation District generally prohibit the drilling of privately-owned wells within the service area of any Public Water Supply System. Also, consideration of alternative water sources may always be considered due to the cumulative impacts of water demands placed on the aquifers supplying the region. Rainwater harvesting is often an alternative that may provide adequate water quantity and higher quality to supplement or replace the water provided from public water supply." See The Texas Manual on Rainwater Harvesting, Texas Water Development Board for guidance.

9. **Requirements for Subdivisions to be Served by a New Public Water Supply System that Relies on Groundwater.** The Plat submission to the Commissioners Court for a proposed subdivision whose water supply will be a New Public Water Supply System relying wholly or partially on groundwater shall include a Water Availability Report. This Water Availability Report shall include data from a minimum of two wells (one test well and one monitor well). At a minimum, there shall be 1 (one) set of Test-Monitor wells for each 100 proposed connections or portions thereof. If the initial aquifer testing does not produce water of a quantity and quality sufficient to meet TCEQ public water supply standards, then additional sets of Test-Monitor wells may be drilled and tested until TCEQ standards are met or exceeded. The use of existing wells is permitted if the existing wells comply with these Regulations and meet all applicable TCEQ public water supply standards, including Texas Administrative Code Title 30, Part 1 Chapter 290 Public Drinking Water.

- a. The Water Availability Report for such a subdivision shall include:
 - i. Map of the proposed subdivision prepared by a qualified expert identifying:

- A. Surface geological formations, faults, topography, adjacent properties, and residential subdivisions whose boundaries lie within 2,500 feet of the proposed subdivision;
 - B. Location of test and monitor wells by longitude latitude, and surface elevation above mean sea level'
 - C. The location and any available information on wells identified in the files of the Groundwater Conservation District, Texas Water Development Board, TCEQ, and/or otherwise known to Applicant that exist within the proposed subdivision or within 500 feet outside the boundaries of the proposed subdivision. Such information includes but is not limited to the Water Well Driller State Well Report, geophysical well logs, well depth information, current depth to water (and any available historical water level records), status of the well (operational, inactive, abandoned, deteriorated, plugged, etc.) and the known or estimated pumping capability.
- ii. For any well located within the subdivision where the water level in the well is accessible, the static water level to the nearest 0.1 foot and equated to mean sea level elevation.
 - iii. Data resulting from the performance of an aquifer pump test utilizing proven methods recommended by TWDB and TCEQ of the aquifer systems. The pump test shall be supervised by a qualified expert and shall be performed prior to any acidization or other flow capacity treatment of the well. The testing procedures and duration of the pump test shall be conducted in such a manner that will meet the current TCEQ testing requirement for public water supply wells and provide any additional information required by these Gonzales County Water Availability Regulations. The test shall include recovery timeline and measurements until the well has recovered 90% of the static water level at the start of the test.
 - iv. Statements by a Qualified Expert based on the pump test:
 - A. Estimated yield of wells proposed for the subdivision;
 - B. Determination of transmissivity and storability of the water-bearing formation or strata from which the groundwater will be withdrawn;
 - C. A determination of drawdown of each test well and monitor well for the pumping rate in use during the test;
 - D. A determination of the projected drawdown of the water table at the boundaries of the subdivision based on the estimated total annual groundwater production at full build-out;
 - E. Water samples shall be taken from each pumping well and tested in accordance with the public water supply standards required under Texas Administrative Code Title 30, Part 1 Chapter 290, Subchapter F;
 - F. An assessment of the cumulative effects of multiple subdivisions. If one or more subdivisions have submitted or are in the process of submitting Water Availability

Reports to the Commissioners Court and any part of the boundary of those subdivisions is located within 2,500 feet of the boundaries of the new proposed subdivision, the data and analyses of those existing Water Availability Reports shall be reviewed by the person preparing the new Water Availability Report. The findings of these previous Water Availability Reports shall be incorporated with the aquifer pump test data and analyses generated for the new Water Availability Report to create an assessment of the cumulative effects of actual and proposed groundwater use by the existing and proposed subdivisions on total projected aquifer pumping demand, how that total projected demand may affect local water level drawdown and recovery rates, the cumulative effect of projected drawdown at the closest or adjacent subdivision boundaries, and any related water quantity and quality concerns or changes.

- v. Evidence that the Applicant has satisfied all the public water supply system well drilling, completion, testing, and permitting requirements of the TCEQ and the Groundwater Conservation District.
- vi. The following statement shall appear on the Plat for an approved subdivision and shall also be included in the deed restrictions:

“The water needs of this subdivision will be provided by Name and address of the New Public Water Supply System. Information on the New Public Water Supply System is available to prospective purchasers of lots in this subdivision in the office of the County Clerk of Gonzales County, Texas and/or the office of the TCEQ. In order to protect the groundwater supply of the proposed subdivision, the Rules of the Gonzales County Underground Water Conservation District generally prohibit the drilling of privately-owned wells within the service area of any Public Water Supply System. Also, consideration of alternative water sources may always be considered due to the cumulative impacts of water demands placed on the aquifers supplying the region. Rainwater harvesting is often an alternative that may provide adequate water quantity and higher quality to supplement or replace the water provided from public water supply”. See The Texas Manual on Rainwater Harvesting, Texas Water Development Board for guidance.

10. **Requirements for Subdivisions to be served by a New Public Water Supply System that Proposes to Rely Wholly on Surface Water.** The Plat submission to the Commissioners Court for a proposed subdivision whose water supply will be a New Public Water Supply System that proposes to use surface water for all of the water supply needs of the proposed subdivision shall include a Water Availability Report.

- a. The Water Availability Report for such a proposed subdivision shall include the following information:
 - i. Map of the service area of the proposed New Public Water Supply System, showing the location of the proposed subdivision service area and the proposed infrastructure that will provide a surface water supply for all of the water required by the proposed subdivision.

- ii. Location and source(s) of surface water supply, documentation that sufficient quantity and quality of surface water is available to meet full build-out, and that the proposed source(s) of surface water complies with all pertinent federal, state, and local laws, and in particular, Texas Administrative Code Title 30, Part 1 Chapter 290 Public Drinking Water.
 - iii. Name, address, phone number, and email of the authorized agent and primary responsible party and TCEQ facility number of the New Public Water Supply System.
- b. The following statement shall appear on the Plat for an approved subdivision and shall also be included in the deed restrictions:

“This subdivision will be served by Name and address of New Public Water Supply System. Information on the New Public Water Supply System is available to prospective purchasers of lots in this subdivision in the office of the County Clerk of Gonzales County, Texas and/or the office of the TCEQ. In order to protect the groundwater supply of the proposed subdivision, the Rules of the Gonzales County Underground Water Conservation District generally prohibit the drilling of privately-owned wells within the service area of any Public Water Supply System. Also, consideration of alternative water sources may always be considered due to the cumulative impacts of water demands placed on the aquifers supplying the region. Rainwater harvesting is often an alternative that may provide adequate water quantity and higher quality to supplement or replace the water provided from public water supply.” See The Texas Manual on Rainwater Harvesting, Texas Water Development Board for guidance.

APPENDIX Q

WASTEWATER REGULATIONS

1. **Purpose.** This Section shall ensure that adequate wastewater service is available to serve the proposed development. The Developer shall be required to submit wastewater plans and a certified letter from the utility service provider to show that the development can be furnished with required wastewater utilities. Refer to *Appendix C* for minimum plan criteria for wastewater plans.
2. **Maintenance.** The County will not provide maintenance for wastewater facilities located on private property. All wastewater utilities shall be situated within a private easement on private property to be maintained either by the utility provider or the property owner. Wastewater services will not be permitted in the public right-of-way or on County maintained property unless it is approved by the Commissioners Court through a court order.
3. **Minimum Wastewater Requirements.** All Subdivisions shall provide plans for wastewater distribution systems connected to either a public water or wastewater supply corporation, or privately owned wastewater system (on-site sewage facility) in conformance with all applicable County Regulations. In the absence of specific standards, all wastewater systems shall be designed in accordance with the most current criteria included in the Texas Administrative Code, Chapter 285.
 - a. Every tract of land in the County that has a residential dwelling or any activity that generates any sewage or wastewater shall have an adequate system for treating and disposing of sewage and wastewater either by: (1) Connection to an approved community sewage disposal system; or (2) A properly located, designed, approved, and operating OSSF.
 - b. Connection to a community sewage disposal facility and system is preferred and shall be required where possible.
 - c. Plat applications with OSSF will not be approved without achieving minimum lot size requirement unless natural site conditions prohibit the accommodation of such lot area, and the engineer or registered sanitarian can show that the OSSF system can operate without causing threat to the existing and proposed water supply, public health or cause pollution.
 - d. Community Sewage Disposal Facilities. Community sewage disposal facilities (wastewater treatment systems) shall conform to the regulations of TCEQ as to design, materials, and construction. The developer of a subdivision or development shall present documentation in a form acceptable to the County indicating approval by TCEQ of the facility and wastewater discharge permit and that of any other agency responsible for regulation of sewage disposal facilities prior to approval of the Plat.
4. **New System.** If a new community sewage disposal facility (wastewater treatment system) is proposed for the subdivision or development, the plans for such facility and a wastewater discharge permit must be approved by TCEQ and any other appropriate regulatory agency with jurisdiction prior to approval of the Plat by the County.

5. **Existing System.** If an existing community sewage disposal system is proposed for the subdivision or development, documentation acceptable to the County must be submitted by the developer prior to approval of the Plat:

- a. Confirming that the sewage disposal system has previously received required approval by TCEQ or any other agency with jurisdiction;
- b. Confirming that the proposed facility has sufficient available capacity to adequately handle the sewage and wastewater from the proposed development at full build out; and
- c. Certification by an engineer that operation of the facility is in accordance with the model Rules adopted under Section 16.343, Texas Water Code.

On-Site Sewage Facility (OSSF) Permit

6. **Purpose.** An OSSF permit is required for the installation of an on-site sewage facility (OSSF) to ensure it complies with the County's On-Site Sewage Facility Order.

7. **Authority.** Gonzales County has been designated by TCEQ as the authorized agent for the licensing and regulation of OSSF's. Per the Texas Administrative Code, Title 30, Subchapter B, Rule 285.10, the County may enforce more stringent standards than those required by TCEQ and contained in TAC, Title 30, Chapter 285. The latest version of the on-site sewage facilities court order is hereby adopted by reference as it currently exists and may be amended by the Commissioners Court in the future. Copies of the latest on-site sewage facilities court order can be obtained from the Gonzales County website at <https://www.co.gonzales.tx.us/page/gonzales.County.Permits>.

8. **Construction and Operation of an OSSF.** A permit to construct and operate an OSSF must be obtained from the County prior to commencing the construction and installation of an OSSF. The design, construction, and installation of any new OSSF will meet the minimum standards provided in the latest version of the on-site sewage facilities court order.

9. **Minimum Land Area for an OSSF.** No Subdivision waiver will be granted for the minimum lot size requirement unless natural site conditions prohibit the accommodation of such lot area and the engineer or registered sanitarian can show that the OSSF system can operate without causing threat to the existing and proposed water supply, public health or cause pollution. A Subdivision waiver will be subject to the decision of the Commissioners Court.

10. **OSSF Location Restrictions.** In no event shall an OSSF be installed within ten (10) feet of the lot or tract's property lines when using spray as the disposal method. Gonzales County will use State of Texas guidelines set by the Texas Commission on Environmental Quality (TCEQ) for all other approved OSSF systems.

11. **Discharge of OSSF.** The effluent from an OSSF, whether using an aerobic or anaerobic treatment unit, must be discharged on site into a property designed with a constructed disposal system or allowed to be surface discharged in accordance with state law, policies and administrative rules established by TCEQ and the Texas Department of Health. There shall be no off-site discharge of effluent. Injection wells, pit privies and cesspools used to dispose of sewage, and any system utilizing naturally or artificially produced holes, cavities or drilled wells to ease the disposal of sewage are specifically prohibited from being installed or licensed.

12. **OSSF Installation Inspection.** Each new OSSF shall be inspected and approved by the County prior to the final covering of the facility. The Applicant or registered installer will notify the County at least five (5) business days before the date of when the inspection is needed. The County inspector may require assistance from the applicant or registered installer when conducting the inspection. The Applicant or the registered installer must be present during the inspection. Following the OSSF installation inspection, the County will either issue or deny a license to operate an OSSF.

13. **Issuance of a License to Operate an OSSF.** The County Inspector shall issue a license to operate the OSSF within five (5) business days of the OSSF Installation Inspection in the following circumstances:

- a. The County Inspector finds that the OSSF will not cause pollution, impact public health, or cause a nuisance in conflict with the County's Regulations; and
- b. The owner of the OSSF has executed a maintenance contract and provided a copy of the maintenance contract in accordance with *Section 15*. If the County Inspector does not issue a license to operate the OSSF, the County will notify the applicant within five (5) business days of the reason a license to operate was not issued.

14. **Duration of the License to Operate an OSSF.** A license to operate an OSSF will be issued for an indefinite period and can be transferred to the succeeding property owner contingent upon the prospective property owner providing the following items:

- a. Proof of ownership; A written statement that the OSSF has not been altered from its original construction and installation; and Confirmation that the OSSF will be maintained in accordance with *Section 15* below.
- b. The repair, modification, or expansion of an existing OSSF will require a new OSSF permit.

15. **Maintenance Contracts.**

a. **Maintenance Requirements.** Any person who owns the tract of land in which the OSSF is located is responsible for the maintenance of the OSSF treatment and disposal system in accordance with the following provisions:

- i. Sewage treatment and disposal systems shall always be maintained to prevent seepage or discharge of sewage or effluent to the surface of the ground or to the surface waters;
- ii. Sewage treatment and disposal systems shall be checked, and the content of the septic tank removed as often as is required to ensure proper operation of the system; and
- iii. All mechanical components shall always be maintained in properly functional condition.

b. **Requirement for a Maintenance Contracts.** Maintenance contracts will be required for the following types of systems:

- i. All systems utilizing pumps or siphons;
- ii. Filtration systems;
- iii. Aerobic Treatment Units;

- iv. Drip emitter systems; and
 - v. Any other component required by the County.
- c. Execution of a Maintenance Contract. A maintenance contract will be executed between the OSSF system owner and a professional maintenance company. A copy of the maintenance contract will be provided to the County before a license to operate is issued.
- d. Maintenance Contract Criteria. The maintenance contract will address the following criteria:
- i. The OSSF system for which maintenance is being provided;
 - ii. The frequency in which the maintenance company will inspect the OSSF system and provide inspection results to the County; and
 - iii. Confirmation that the maintenance company will inspect the OSSF system in accordance with state and County Regulations.
- e. Noncompliance with Maintenance Requirements. Failure to comply with the maintenance provisions of this Section may result in the enforcement and penalties in *Section 18*.
16. Routine OSSF County Inspection. The County may routinely inspect on-site sewage facilities to ensure continued compliance with the County OSSF Regulations. Owners will be subject to enforcement and penalties in *Section 18* if noncompliance is determined by the County.
17. Existing OSSF Systems. An existing OSSF is not required to obtain a license to operate an OSSF unless the OSSF is a nuisance or is impacting public health in its existing conditions. In such circumstances, the Owner of the OSSF will apply for an OSSF permit.
18. Enforcement and Penalties Enforcement. The County may inspect any OSSF that is reasonably believed to be causing pollution, a threat to the public health or nuisance conditions or is modified in a manner inconsistent with County's OSSF Regulations. The County shall notify the Owner in writing with the issues of the OSSF in that must be addressed to bring the OSSF in compliance with the County's OSSF Regulations. The County will give the Owner reasonable time to address the issue before the County conducts another inspection of the OSSF. The Owner will either address the issues regarding the OSSF or provided by the County or will face criminal penalties in accordance with this Section.
- a. Offense. An offense under this Section is a misdemeanor punishable by the standards set forth in *Section 18(b) Criminal Penalties*.
- i. An offense is committed if a person who is not registered as an OSSF installer by the state of Texas installs an OSSF.
 - ii. An offense is committed when a person constructs, alters, repairs or extends and OSSF without an OSSF permit.
 - iii. An OSSF emergency repair is not considered an offense in the following circumstances: The repair is made for the purpose of abatement of an immediate health hazard; The repair meets minimum state construction standards; the County is notified of the repair within forty-eight (48) hours of the emergency repair; and the repair was inspected in accordance to the County's Inspection standards in *Section 12*.

- b. Criminal Penalties. An offense in *Section 18(a)* is a misdemeanor punishable by a fine of no less than \$50 nor more than \$100 unless it is shown that the defendant has previously been convicted of a similar offense, in which case the offense is punishable by:
 - i. A fine no less than \$125 or more than \$5,000; or
 - ii. Confinement in jail for a period not to exceed one (1) month; each day the violation occurs will constitute as a separate offense.

19. **Required Plans and Documentation**. The Applicant will provide a survey of the property or tract in which an OSSF is proposed with the following information:

- a. Property boundary with bearings and distances of each property line;
- b. Legal description of the property;
- c. A location map;
- d. North arrow and scale;
- e. Title block on the lower right-hand corner of the page including: Subdivision name (if applicable); Legal description of the community; Acreage; Total number of lots; and Date the plan was prepared.
- f. Name, address and contact information of the surveyor or professional engineer who prepared the plan;
- g. Name, address, and contact information of the property Owner;
- h. Proposed lots;
- i. Existing and proposed structures;
- j. Existing and proposed easements;
- k. Location of the 100-year floodplain based on current FEMA FIRM maps and the base flood elevation;
- l. Net acreage satisfying the minimum lot acreage in *Section 9* for an OSSF;
- m. Existing and proposed streets or access;
- n. Surface waters;
- o. Watersheds;
- p. Existing and proposed private water supply (e.g., water wells);
- q. Existing and proposed organized disposal systems;
- r. Preliminary locations and distances between sewage generating units, disposal units, water wells, and lot boundaries; these distances shall be shown between these items on each lot and to any existing or proposed water supply wells on adjacent lots;
- s. The plan will show areas of the property where the groundwater table is less than six (6) feet below the surface as the surface exists or as it will be after grading and filing that may be required in the Subdivision development.

20. **Supporting Information**. In addition to the requirements of *Section 19*, the Applicant will provide in a letter the following information:

- a. Building type(s), maximum square footage for each building and number of bedrooms for each building;
- b. Based on the maximum square footage and occupancy of the building noted in *Section 20(a)*, the Applicant will:

- i. Provide average daily wastewater volume to be generated by the maximum construction size; and
- ii. Provide capacity and the size of the treatment (tank) and disposal (drain field) units. The disposal area size shall be calculated assuming a specific type of drain field using adequately document site analysis taken at the drain field location. The County may require the application to provide one or more geological cross sections to illustrate the geologic formations that make up the subsurface below the subdivision down to the first aquifer that supplies or may be used to supply drinking water in the area. This determination will be based on the maximum square footage and occupancy of the building noted in *Section 20(a)*. These cross sections shall illustrate the primary dip and characteristics (permeable, impermeable, water bearing, etc.) of each formation and the elevation of any water table.

21. **Action by the County.** The County shall either:

- a. Approve the OSSF permit if the Applicant provided all required information and materials and has shown compliance with the OSSF Regulations; or
- b. Deny the OSSF permit if the Applicant failed to provide all required information and has shown failed to demonstrate compliance with the OSSF Regulations.

22. **Effect of Approval.** The Applicant will have County approval to construct and install an OSSF after receiving approval of an OSSF permit, however the Applicant will contact the County to inspect the OSSF before the facility is covered or buried. Approval of an OSSF Permit does not constitute issuance of license to operate an OSSF. A license to operate an OSSF will be issued after the OSSF Installation Inspection contingent upon the Applicant satisfying the conditions in *Appendix Q* and these Regulations.

APPENDIX R

FIRE SUPPRESSION REGULATIONS

1. TCEQ Approved Water Systems. Developments with TCEQ approved public water systems shall be equipped with fire hydrants to comply with NFPA 1. The developer shall obtain approval of fire hydrants from a state licensed fire specialist. Fire hydrants shall conform to AWWA specifications.

2. **Non-TCEQ Approved Water Systems.**

a. Capacity.

- iii. Less than 50 Lots. In developments that are not served by fire hydrants and consisting of less than fifty (50) lots:
 - a. One well for fire protection shall be maintained and kept operational and accessible by the developer, the homeowners' association or a designated property owner.
 - b. At least a 5,000 gallon or larger storage tank shall be provided near this well.
- iv. 50 Lots or More. In developments that are not served by fire hydrants and consisting of more than fifty (50) lots:
 - a. One or more wells for fire protection, shall be maintained by the developer, the homeowners' association or a designated property owner.
 - b. At least a 10,000-gallon storage tank shall be provided near this well or wells.
- v. Fitting. Each storage tank shall be fitted with a discharge connection from the tank that is approved by the appropriate Fire Official (municipal fire department, Emergency Service District or County Fire Marshall).
- vi. Access. Access to the well and tank shall be:
 - vii. By a dedicated roadway easement or road shown on the Plat of the development;
 - viii. Accessible year-round with an all- weather road or pad capable of supporting heavy fire-fighting equipment;
 - ix. Fire departments shall have access to the well and tank for training and/or fire-fighting purposes at any time;
 - x. The County, municipal fire department/ESD and the Groundwater Conservation District shall have access to the well for monitoring and regulation purposes at any time.
- b. The County, municipal fire department/ESD and the Gonzales County Underground Water Conservation District are not responsible for the maintenance, upkeep or readiness of the fire suppression well and tank storage system.

APPENDIX S

FEE SCHEDULE

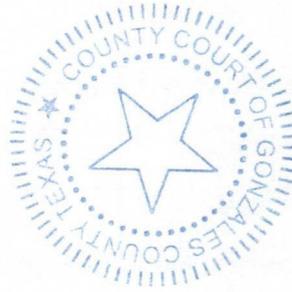
1. The Commissioners Court requires payment of an application fee to cover the cost of the County's review of a subdivision plat and inspection of infrastructure improvements required by the subdivision or development. This fee will vary based on the number of proposed lots in the subdivision, the acreage described by the plat, the type of proposed roadway, drainage and other improvements, water infrastructure and on-site sewage facilities, fire suppression or any other reasonable criteria for subdivision and development determined by the Commissioners Court. All administrative fees including fees for review of a Preliminary Plan and Final Plat, construction plans, plat cancellation/ revision, and inspection fees, shall be paid to the County prior to commencement of the requested review or inspection.
2. This Appendix is subject to change at any time by the Commissioners Court, provided the action is properly posted under the Texas Open Meetings laws. The Fee Schedule will be reviewed and adjusted from time to time per procedures established by the Commissioners Court to recover the cost of reviewing and inspecting subdivisions and development submitted to the County. The Fee Schedule is intended to cover the cost that the County incurs in processing a permit or application, including the publication of public notices, engineering plan review and inspections, third-party professional services such as engineering and legal services contracted for by the County, and other associated costs. The County incurs these costs regardless of whether the application or permit is approved or denied.
3. This Appendix is attached to the Gonzales County Subdivision and Development Regulations for the convenience of Applicants, but it is intended as a stand-alone Order and not as an integral part of the County's Subdivision and Development Order.
4. Terms used in this Fee Schedule are defined in the Regulations.
5. Every application shall be accompanied by the prescribed fees set forth in the adopted Fee Schedule. Unless waived by the Commissioners Court, the prescribed fee shall not be refundable unless it was submitted in error.
6. Failure of an Applicant to obtain pay a fee prior to development or construction of a project could result in enforcement actions and penalties pursuant to Article III of the Regulations.

Application/Description	Fee Schedule
Access Permit	
	Access onto Farm/Ranch Road \$50
	Residential Driveway \$50
	With 20' Culvert \$500 (All culverts provided by property owner)
	Over 20' Culvert \$1000 (All culverts provided by property owner)
	Access to Commercial Properties generally (unless specifically provided for otherwise in this Fee Schedule) \$400
	Access to Oilfield \$1000
	Access to Commercial Storage \$400
	Access to Mobile Home/RV Park \$400
	Access to Commercial Business, Pipeline ROW \$400
Fire Marshall Inspection Fee	
Sprinkler System with 200 heads or less – includes reviewing plans, inspection and witnessing the hydrostatic testing of the sprinkler system.	\$500
Sprinkler Systems with over 200 heads – includes reviewing plans, inspection and witnessing the hydrostatic testing of the sprinkler system.	\$500 + .50 each
Alarm system with 50 devices or less – includes reviewing plans, inspection and witnessing the testing of the new fire alarm system.	\$200

Alarm system with over 50 devices – includes reviewing plans, inspection and witnessing the testing of the new fire alarm system.	\$200 + .50 each
Flammable and Combustible Liquid Storage Tanks	\$150 per tank
Tent Inspections over 400 Square feet	\$50
Tent Inspections over 600 Square feet	\$100
On-Site Sewage Facility (OSSF)	
Conventional System	\$310
Aerobic System	\$410
Commercial	\$510
Repairs, Connect to Existing System	No Cost
Reinspection	\$50
Subdivision Application Review	
Sketch Plan	No Cost
Preliminary Plan	
No streets proposed	\$200 + \$500/lot
With streets proposed	\$3,000 + \$20/Lot
Final Plat	
No streets proposed	\$1,000 + \$75/lot
With streets proposed	\$1,250 + \$100/lot
Tiny Home/RV Park Subdivision	\$1250 + \$100/pad
Engineer Review Fee	\$1500 + \$150/lot + reimbursement of consultant cost if needed

FEMA Floodplain Review Fee	
Residential	\$100
Commercial	\$350
Subdivision Construction Observation	2.5% of the Design Engineer OPC (with County Approval)
Variance and Exception Review	\$100/request
Substantive Plat Amendment	\$300 + \$50/Lot
Correcting Plat Amendment	\$300
Vacating Plat	
Partial	\$100 + \$30/Lot
Total	\$500
Temporary Water Line Permit	
First mile or portion thereof	\$1,000
Each additional mile or portion thereof	\$500
Publication of Notice (newspaper)	Actual cost + \$75
Publication of Notice (mailings)	Actual Cost + \$175
Work in ROW Permit (Utility – OH)	
First mile or portion thereof	\$1,000
Each additional mile or portion thereof	\$500
Road Bore	\$400/Bore
Seismic	\$1,000 w/\$5,000 cash bond
County Development Rules & Regulations	\$25 per copy

Date: 10-28-2024



Patrick C. Davis

Patrick C. Davis
County Judge

Absent

Kenneth O. "Dell" Whiddon
Commissioner Precinct #1

Kevin T. La Fleur

Kevin T. La Fleur
Commissioner Precinct #3

Donnie R. Brzozowski

Donnie R. Brzozowski
Commissioner Precinct #2

Collie Boatright, Jr.

Collie Boatright, Jr.
Commissioner Precinct #4

Attest: Lona Ackman

Lona Ackman, County Clerk

FILED this 29 day of Oct. 20 24
at 3:00 P.M.

LONA ACKMAN
COUNTY CLERK, GONZALES COUNTY, TEXAS
By [Signature] Deputy

Table B-1

SUMMARY OF GONZALES COUNTY URBAN (CURB AND GUTTER) ROAD STANDARDS

Average Daily Traffic (one-way trips)**	Not more than 1000	1001-2500	2501-5000	5001-15000	More than 15000
Functional Classification	Local Street	Minor Collectors	Major Collectors	Minor Arterial	Major Arterial
Design Speed	25 mph	35 mph	45 mph	55 mph	
Number of Lanes	2	2	2	4	All elements including geometric layout and cross-section shall be approved by the County Engineer on a case-by-case basis
ROW Width	50'	60'	70'	80'	
Width of Traveled Way	30'	36'	40'	48'	
Minimum Centerline Radius	200'	375'	675'	975'	
Minimum Tangent Length between Reverse Curves or Compound Curves	50'	150'	300'	500'	
Minimum Radius for Edge of Pavement at Intersections	25'	25'	25'	35'	
Intersection Street Angle	80-100	80-100	80-100	80-100	
Maximum Grade:	12%	10%	9%	8%	
Minimum Stopping Sight Distance	175'	250'	350'	550'	
Minimum Intersection Sight Distance	250'	350'	450'	550'	
Minimum Cul-de-sac ROW Radius	55'	60'	60'	N/A	
Minimum Cul-de-sac Pavement Radius	45'	50'	50'	N/A	

Notes:

- 1) Any deviation from these standards must be the subject of an approved variance.
- 2) Lots that are restricted by plat note to one single-family residence shall be presumed to generate 9 one-way trips per day. Average daily traffic for all other lots shall be determined on a case by case basis by the Design Engineer subject to the approval of the County Engineer.
- 3) Slopes for occasional short runs between intersections may exceed the percentages shown above, but maximum slopes through intersections may not.
- 4) No cul-de-sac shall have a cross-slope in excess of 6%.
- 5) Revegetation of disturbed areas within new road rights of way is required prior to final acceptance by the County.
- 6) Guardrail shall be designed in accordance with TXDOT standards.

Table B-2

SUMMARY OF GONZALES COUNTY RURAL (SHOULDER-SECTION) ROAD STANDARDS

Average Daily Traffic (one-way trips)**	Not more than 100	Not more than 1000	1001-2500	2501-5000	5001-15000	More than 15000
Functional Classification	Private Gravel Roadway	Local Street	Minor Collectors	Major Collectors	Minor Arterial	Major Arterial
Design Speed	25 mph	25 mph	35 mph	45 mph	55 mph	
Number of Lanes	2	2	2	2	4	All elements including geometric layout and cross-section shall be approved by the County Engineer on a case-by-case basis
ROW Width	60'	60'	60'	70'	100'	
Width of Traveled Way	18'	20'	22'	24'	48'	
Width of Shoulders	2'	4'	5'	6'	8'	
Minimum Centerline Radius	150'	200'	375'	675'	975'	
Minimum Tangent Length between Reverse Curves or Compound Curves	50'	50'	150'	300'	500'	
Minimum Radius for Edge of Pavement at Intersections	25'	25'	25'	25'	35'	
Intersection Street Angle	80-100	80-100	80-100	80-100	80-100	
Maximum Grade:	14%	14%	10%	9%	8%	
Minimum Stopping Sight Distance	175'	175'	250'	350'	550'	
Minimum Intersection Sight Distance	250'	250'	350'	450'	550'	
Ditch Foreslope Grade	4:1	4:1	5:1	5:1	5:1	
Ditch Backslope Grade	3:1	3:1	4:1	4:1	4:1	
Minimum Cul-de-sac ROW Radius	65'	70'	70'	70'	70'	
Minimum Cul-de-sac Pavement Radius	35'	45'	45'	45'		

Notes:

- 1) Any deviation from these standards must be the subject of an approved variance.
- 2) Lots that are restricted by plat note to one single-family residence shall be presumed to generate 9 one-way trips per day. Average daily traffic for all other lots shall be determined on a case by case basis by the Design Engineer subject to the approval of the County Engineer.
- 3) Slopes for occasional short runs between intersections may exceed the percentages shown above, but maximum slopes through intersections may not.
- 4) No cul-de-sac shall have a cross-slope in excess of 6%.
- 5) Revegetation of disturbed areas within new road rights-of-way is required prior to final acceptance by the County.
- 6) Roadside ditches shall be contained entirely within right-of-way or a dedicated drainage easement.
- 7) Guardrail shall be designed in accordance with TXDOT standards.