

Appendix 10

LOCAL GOVERNMENT CODE
CHAPTER 232. COUNTY REGULATION OF SUBDIVISIONS

§ 232.000015 Exceptions to Plat Requirement

(See attached version of applicable statute, which are incorporated herein as if copied in full and adopted as part of the Smith County Subdivision Regulations)

Appendix 10

EXCEPTIONS TO PLAT REQUIREMENT

§ 232.0015. Exceptions to Plat Requirement

- (a) To determine whether specific divisions of land are required to be platted, a county may define and classify the divisions. A county need not require platting for every division of land otherwise within the scope of the subchapter.
- (b) This subchapter does not apply to a subdivision of land to which Subchapter B¹ applies.
- (c) A county may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if:
- (1) The owner does not lay out a part of the tract described by Section (a) (3); and
 - (2) The land is to be used primarily for agricultural use, as defined by Section 1-d, Article VIII, Texas Constitution, or for farm, ranch, wildlife management, or timber production use within the meaning of Section 1-d-1, Article VIII, Texas Constitution.
- (d) If a tract described by Subsection (c) ceases to be used primarily for agricultural use or for farm, ranch, wildlife management, or timber production use, the platting requirements of this subchapter apply.
- (e) A county may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into four or fewer parts and does not lay out a part of the tract described by Section (a)(3) to have a plat of the subdivision prepared if 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. If any lot is sold, given, or otherwise transferred to an individual who is not related to the owner within the third degree by consanguinity or affinity, the platting requirements of this subchapter apply.
- (f) A county may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if:
- (1) All of the lots of the subdivision are more than 10 acres in area; and;
 - (2) The owner does not lay out a part of the tract described by Section 232.001(a)(3).
- (g) A county may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts and does lay out a part of the tract described by Section 232.001(a)(3) to have a plat of the subdivision prepared if all the lots are sold to Veterans Land Board program.

(h) The provisions of this subchapter shall 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).

(i) A county may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if:

- (1) The owner of the land is a political subdivision of the state;
- (2) The land is situated in a floodplain; and
- (3) The lots are sold to adjoining landowners.

(j) A county may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if:

- (1) The owner does not lay out a part of the tract described by Section 32.001(a)(3);and
- (2) One new part is to be retained by the owner, and the other new part is to be transferred subject to the plat approval requirements of this chapter.

(k) A county may not require the owner of a tract of land located outside the limits of a municipality who divides the tract into two or more parts to have a plat of the subdivision prepared if:

- (1) The owner does not lay out a part of the tract described by Section 232.001 (a)(3); and
- (2) All parts are transferred to persons who owned an undivided interest in the original tract and a plat is filed before any further development of any part of the tract.



Subdivision Name: _____

Adjacent Road: _____

Developer: _____ Phone: _____

email: _____ Fax: _____

Surveyor: _____ Phone: _____

email: _____ Fax: _____

Roadway Length: _____ ft. (centerline)

Item		<i>Date and Initial when received</i>		
		Resub/Lot Line Adjustment	No Roads	With Roads
Prior to Court Submission	Preliminary Plat (2 copies)	<i>Not Required</i>		
	Preliminary Plat Approved	<i>Not Required</i>		
	Final Plat (mylar & 3 prints)			
	Plat Fee	\$25	\$100	\$250
	Construction Bond (\$20 /ft.)	<i>Not Required</i>	<i>Not Required</i>	
	Testing Fee (\$1.50/ft with Curb & Gutter, \$1/ft without)	<i>Not Required</i>	<i>Not Required</i>	
	911 Clearance Letter			
	Designated Rep. (Huggins) Clearance Letter	<i>See notes below</i>		
	Tax Certificate			
	Plans and Specifications (2 copies)	<i>Not Required</i>	<i>Not Required</i>	
	TCEQ Permit for Dam (if lake or pond present)			
	Flood Plain Development Permit & Fee (if required)	\$100	\$100	\$100
At Completion of Construction	Final Inspection	<i>Not Required</i>	<i>Not Required</i>	
R/W Accepted as County Road by Commissioners Court	Maintenance Bond (\$30/ft.)	<i>Not Required</i>	<i>Not Required</i>	
	County Rd Number	<i>Not Required</i>	<i>Not Required</i>	

Notes: Increase lot(s) – Huggins letter “NOT” required
 Decrease lot(s) – Huggins letter “IS” required

PRELIMINARY CHECK LIST

The following checklist is for the use of a Developer in ascertaining initial compliance with the Smith County Subdivision Rules and assisting the Commissioners Court in processing an application under the Rules. **This list does not supercede any portion of the Subdivision Regulation. Each applicant must comply with the Subdivision Regulation as amended.** This completed list should be presented with each preliminary plat. Each blank should be filled with a "yes" or "no" or "n/a" response.

- _____ Two copies of the preliminary plat submitted (must include existing topographic contours)?
- _____ Copy of final plat submitted to 911 network (903 566 8911) for clearance?
- _____ Environmental Report submitted to Rosedale Environmental Services (903-509-3400) for clearance?
- _____ Tax Certificates (from County Tax Assessor's Office) provided?
- _____ Any part of the proposed subdivision in an extraterritorial jurisdiction of a city?
- _____ Any lakes or ponds not contained within one lot or more than 10 surface acres?
- _____ Requesting any variances to the Smith County Subdivision Regulation? If so, attach justification.
- _____ Does any portion of this subdivision include 100 year floodplain (Zone A)? If so, complete a Flood Plain Development Permit Application (Appendix 6) for any construction or earthwork in the flood plain. Attach the appropriate FEMA FIRM map (you may need to load the FEMA map viewer), check this link: http://map1.msc.fema.gov/idms/IntraList.cgi?displ=wsp/item_1662152.txt and any required flood study.
- _____ Will county maintenance be sought for any dedicated right of way or easements?
- _____ If the right of way and/or easements are to privately maintained, will title to them be transferred to a corporation or other entity with the responsibility to maintain them?
- _____ Will a gate or other device to control access barricade the entrances to the subdivision?