

## **FAYETTE COUNTY SUBDIVISION REGULATIONS**

On October 9, 2025, acting pursuant to the Texas Local Government Code, Chapter 232, the Commissioners' Court of Fayette County, Texas amended the existing subdivision regulations governing the subdivision of land, to hereby read as follows:

The requirements, specifications, and procedures hereafter must be complied with prior to any contract for sale, or legal conveyance of any real property in Fayette County, Texas subject to such regulations, and no utility shall serve or connect any subdivided land unless such utility receives a written determination of plat approval or inapplicability.

The knowing of intentional violation of a requirement established by these Regulations shall be a Class B misdemeanor punishable by confinement in the County Jail for 180 days and/or a fine not to exceed \$2,000.00 in addition to civil remedies provided in Section 8 of the Regulations.

### **1) SUBDIVISION PLATTING REQUIREMENTS**

- a) The owner of a tract of land located outside the limits of a municipality must have a plat of the subdivision prepared if the owner divides the tract into two or more parts to lay out:
  - i. a subdivision of the tract, including an addition;
  - ii. lots; or
  - iii. streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to the public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts.
- b) A division of a tract under Subsection (a) includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method.
- c) Divisions of property creating 5 lots or more within a 24-month period shall be platted.
- d) All lots, platted or exempt, must have a minimum width and depth of 170' except for Cul-de-sac frontage properties, Flag lots, and irregular shaped tracts that shall be subject to approval by the Commissioners' Court.
- e) New lots shall have a minimum buildable area of 1 acre outside of the 1% annual chance FEMA determined flood zone. Variance request shall be accompanied by an approved FEMA Letter of Map Amendment or a Hydraulic and Hydrologic analysis prepared by a licensed engineer.
- f) Plats containing any infrastructure for dedication to the public are subject to a drainage review. Costs for this review will be paid by the applicant. It shall be demonstrated that the post-construction drainage design will have no adverse impact on adjoining or downstream properties. Plats with no infrastructure dedicated to the public shall have a

note for recommended culvert size as determined by a licensed engineer for driveways along the public right of way.

## 2) EXCEPTIONS TO SUBDIVISION PLATTING REQUIREMENTS

These regulations do not apply if the owner of a tract of land divides it into two or more parts and does not lay out streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts, and;

- a) the land is used primarily for agriculture uses, or for farm, ranch, wildlife management, or timber production use; or
- b) the tract is divided into four or fewer parts and the parts are sold, given, or otherwise transferred to an individual who is related to the owner within the third degree of consanguinity or affinity; or

- i. Each tract (“Daughter Tract”) resulting from a division of real property is required to have separate, individual and exclusive access to a public road.

- A) A proposed division of a tract of land in Fayette County, although excepted from the requirement of platting the resulting tracts (the “daughter tracts”), such exceptions being listed and described in “2. EXCEPTIONS TO SUBDIVISION PLATTING REQUIREMENT” of the Regulations adopted November 13, 2001, is not allowed to occur unless all proposed daughter tracts each have a thirty (30) feet or wider, separate, individual and exclusive access path to an existing public road. Said thirty (30) feet or wider, separate, individual and exclusive access path to an existing public road must be owned, in fee or easement, by the same owner(s) as the owner(s) of the proposed daughter tract, must be conveyed along with the proposed daughter tract, and the conveyance of the access path must be recorded in the Fayette County Clerk’s Official Public Records along with the conveyance of the daughter tract.

- B) A daughter tract that has less than a sixty (60) feet wide separate, individual and exclusive access path to an existing public road, or has less than sixty (60) feet of frontage on a public road, and results from a division of a tract of land that is allowed as meeting the requirements of paragraph A above, is restricted and barred from further division.

- C) A proposed division of a tract of land proposed to be divided into four or fewer parts, and where all the resulting tracts (the “daughter tracts”) are sold, given, or otherwise transferred to an individual who is related to the owner of the

tract of land within the third degree of consanguinity or affinity, are not required to meet the separate, individual, and exclusive access path to an existing public road requirement referenced in Paragraph A above, provided that the access path shared by such family members, such shared access path being to an existing public road, is a minimum of forty (40) feet wide, and further provided that the conveyance of all the daughter tracts to the family members, along with the conveyance(s) of the access path(s) to an existing public road, are all recorded in the Fayette County Clerk's Official Public Records.

- c) There are no streets, alleys, squares, parks, or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts, and
  - I. all lots of the subdivision are more than 10 acres in area; or
  - II. all lots are sold to veterans through the Veterans' Land Board program; or
  - III. one new part is to be retained by the owner, and the other new part is to be transferred to another person who will further subdivide the tract subject to the plat approval requirements of these regulations; or
  - IV. all parts of the tract 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.
- d) the tract is owned by the State or other State agency, board, or commission or owned by the permanent school fund or any other dedicated funds of the State; or
- e) the owner of the land is a political subdivision of the State, the land is situated in a flood plain, and the lots are sold to adjacent landowners.

### **3) PLAT REQUIREMENTS**

- a) To be recorded, the plat must:
  - I. describe the subdivision by metes and bounds;
  - II. located the subdivision with respect to an original corner of the original survey of which it is a part; and
  - III. state the dimensions of the subdivision and of each lot, street, alley, square, park, or other part of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the street, alley, square, park, or other part.

- b) The owner or proprietor of the tract or owner's or proprietor's agent must acknowledge the plat in the manner required for the acknowledgment of deeds.
- c) The plat must be filed and recorded with the County Clerk of Fayette County, Texas.
- d) The plat is subject to the filing and recording provisions of Section 12.002, Property Code, and must have attached to it, an original tax certificate from each taxing unit with jurisdiction of the real property indicating that no delinquent ad valorem taxes are owed on the real property, and a statement upon the plat as to whether the subdivision is in the extraterritorial jurisdiction of a municipality.
- e) Divisions of property creating 5 lots or more within a 24-month period shall be platted.
- f) All lots, platted or exempt, must have a minimum width and depth of 170' except for Cul-de-sac frontage properties, Flag lots, and irregular shaped tracts that shall be subject to approval by the Commissioners' Court.
- g) New lots shall have a minimum buildable area of 1 acre outside of the 1% annual chance FEMA determined flood zone. Variance request shall be accompanied by an approved FEMA Letter of Map Amendment or a Hydraulic and Hydrologic analysis prepared by a licensed engineer.
- h) Plats containing any infrastructure for dedication to the public are subject to a drainage review. Costs for this review will be paid by the applicant. It shall be demonstrated that the post-construction drainage design will have no adverse impact on adjoining or downstream properties. Plats with no infrastructure dedicated to the public shall have a note for recommended culvert size as determined by a licensed engineer for driveways along the public right of way.

#### **4) PLAT APPROVAL**

- a) Plat approval application shall be made to the Inspection Enforcement Officer in the Office of the County Judge and shall include two (2) copies 18 X 24 (one mylar and one paper) of the proposed plat. The application shall include two (2) copies of the documentation and information required hereafter. If all documentation and information required hereafter is not included, the County shall notify the Applicant within ten (10) business days of the submission as to the deficiency.
- b) Once the application submission is complete, the Commissioners' Court shall act on same within thirty (30) days, unless such period is extended by mutual agreement of the Applicant and the Commissioners' Court.
- c) The Commissioners' Court may refuse to approve a plat if it does not meet the requirements herein, or if any required bond is not filed with the County. If disapproved, the Applicant shall be given a list of reasons for such disapproval.

## 5) DOCUMENTATION AND INFORMATION REQUIREMENTS

The application submission for approval of a subdivision shall include:

- a) A comprehensive and detailed plan, prepared by a registered professional engineer providing adequate drainage for each street or road in the subdivision, and providing for drainage that efficiently manages the flow of storm water runoff in the subdivision, all in accordance with standard engineering practice.
- b) The proposed subdivision plat containing the legal descriptions in metes and bounds of lots or tracts of not less than two (2) acres each, and configured so that each may permit the installation of a sewage disposal system complying with all State and County requirements.
- c) A dedication to the public of all streets and roads which shall have a right-of-way of at least 60 feet with a paved roadway complying with specifications in Exhibit A hereto of at least 20 feet width, shoulder to shoulder width of 30 feet, and 15 feet on each side of the roadway for drainage and utility installation. A variance may be granted for other specifications in which the durability and cost exceeds the minimum standards herein. Any dead-end street must have a cul-de-sac with a radius of 55 feet. Should such proposed subdivision contain only lots or tracts of 50 acres or more of area, the Applicant at Applicant's option, may dedicate the streets, squares, parks, or other part of the tract to the private use of purchasers or owners on or adjacent to such streets, squares, parks, or other part of the tract, their guests and invitees. Such private streets shall have the right-of-way dimensions as above set forth, but may be constructed with materials and standards within the discretion of Applicant. Should Applicant make such elevation, any purchase contact of instrument of conveyance to a purchase shall contain the following statement in capital letters of ten point or larger type:

THE SUBDIVISION ROAD PROVIDING ACCESS TO YOUR TRACT IS A PRIVATE ROAD AND NOT CONSTRUCTED TO COUNTY STANDARDS FOR NEW ROADS. FAYETTE COUNTY SHALL NOT ACCEPT SUCH ROAD FOR PUBLIC USE, REGULATION, POLICING, AND MAINTENANCE UNLESS IT IS HEREAFTER DEDICATED TO THE PUBLIC AND IMPROVED TO NEW PUBLIC ROAD STANDARDS THEN EXISTING BY THE SUBDIVISION OWNERS.

- d) The proposed statement to be made in each purchase contact describing the extent to which water will be made available to the subdivision, and how and when if such availability is made.
- e) A good sufficient bond prior to subdivision, being payable to the County Judge or to the Judge's successor in office; in an amount determined by the Commissioners' Court to be adequate to ensure proper construction of the public roads and streets in, and drainage requirements for , the subdivision, but not to exceed the estimated cost of construction of the public roads, streets, and drainage requirements; be executed with sureties as may be approved by the Court; be executed by a company authorized to do business as a surety in the State if the Court requires a surety bond executed by a corporate surety; and be conditioned that the public roads and streets and the drainage requirements for the subdivision will be constructed in accordance with the specifications adopted by the

Court; and within a reasonable time set by the Court, and payment be made for appropriate signs installed by the county Commissioner of such precinct at the expense of the subdivider. See Exhibit B.

- I. In lieu of the bond an owner may deposit cash, a letter of credit issued by a federally insured financial institution, or another acceptable financial guarantee. If a letter of credit is used, it must list as sole beneficiary the County Judge; and be conditioned that the owner of the tract of land to be subdivided will construct all public roads or streets in the subdivision, and pay for signs.
- f) If Applicant intends to source groundwater under the land for subdivision; the applicant shall be required to obtain the well registration forms from the Fayette Groundwater Conservation District.
  - g) A plat application fee to defray the cost of the County of having the plat and accompanying information reviewed by the designated County Engineer/Inspector, such fee to be \$100.00 for each lot or tract, with the minimum fee to be \$500.00
    - I. Prior to the release of the performance bond provided in paragraph (e) above, if public roads and streets are built Applicant shall pay to Fayette County a sum for installation by the County of uniform road identification signs and traffic control signs as required by the County Commissioner of the precinct in which the subdivision is located, in the amount of \$100.00 for each installation.
  - h) Upon completion of the public roads and streets, and drainage construction, Applicant shall submit to the designated County Engineer/Inspector all compaction and core test data results, and the report of a registered professional engineer stating that such construction was completed according to the approved specifications and in compliance with Exhibit A hereto.
  - i) All platted subdivisions shall use State Plane Coordinate System (SPCS) in NAD 83 Datum to identify the "Place of Beginning" on the recorded Plat.
  - j) If proposed lots front a county-maintained right-of-way of less than 60 feet of width, the Commissioner of the affected precinct may require up to 60' of right-of-way to be dedicated to Fayette County for use of roadway maintenance, drainage, and utilities.

## **6) FLAG LOTS**

- a) Flag type lots shall be avoided with new divisions of property; when the applicant desires flag type lots for the development of property, such applications will be reviewed by the Commissioners' Court. Approved flag type developments shall meet all TXDOT requirements if along a state-maintained Right-of-Way, or Fayette County Driveway Standards if along a County maintained Right-of-Way.

- b) A flag lot consists of a “stem” which is typically long and narrow and connects the larger area with a public road. A “flag” section area which is typically a larger area where land development occurs. Flag lots shall generally be avoided and used only where property lines, topography and/or drainage require the use of flag lots to develop property at similar intensity by similarly situated property.

## **7) RV PARKS**

An “RV Park” is defined as a place where more than two Recreational Vehicles occupy a given space and are connected to utilities for compensation.

- a) Documentation from an approved water supply company, that sufficient water is available for the needs of this project. If public water is not available, and an on-site well is to be used, it shall be permitted through the Fayette Groundwater Conservation District and comply with TCEQ usage guidelines for RV Parks.
- b) A plat prepared by a Registered Professional Engineer or Architect that delineates the layout of the proposed project showing the location and arrangement of each trailer site, interior roadways, public parks, swimming pools, and all other areas and buildings intended for common use by the public. All electrical infrastructure including main power source location and a plan as to how power will be provided to each site must also be revealed in the plat. The plat should also include water and wastewater supply and design to each trailer location.
- c) The plat should also be accompanied by a design completed by a Registered Professional Engineer that delineates how sewage and wastewater disposal will be addressed. This will include detailed drawing of each onsite system, including treatment plants and locations of any forced mains or disposal fields in relation to each trailer and all other structures. A Commercial On-Site Sewage facility permit will have to be obtained from Fayette County for each sewage disposal system and all system and system components will have to be installed under a licensed installer certified by the State of Texas to perform such installations. Fayette County requires all wastewater generated by an RV Park to be treated through an aerobic wastewater process with disinfection.
- d) Approval of minimum public road frontage as set by the Fayette County Subdivision Regulations from the appropriate county commissioner or the Texas Department of Transportation that all access and egress points are acceptable and can be safely incorporated into the public roadway as per requirements and regulations set forth by the Texas Highway Department and Fayette County roadway regulations. Any public roadways constructed by the developer will have to be constructed to TXDOT or county standards as outlined by the appropriate commissioner.

- e) Written documentation from the designing engineer that no developed areas of the venue lie within the floodway or floodplain. This documentation must be accompanied by a valid Flood plain Permit from the Fayette County Floodplain Coordinator.
- f) Documentation from the Fayette County Rural addressing coordinator that denotes the Venue Name, street address, and addresses within the venue.
- g) If any part of the proposed Development is in the 1% annual chance FEMA determined flood zone: A comprehensive and detailed plan, prepared by a registered professional engineer that provides for adequate storm water drainage within the project. All must be evaluated and designed in accordance with standard engineering practices. An environmental impact study may also be required depending on the location, scale, and design of the venue.
- h) A plat prepared by a Registered Professional Surveyor that describes the entire limits of the proposed project in metes and bounds, reflecting the location and arrangement of each trailer site, interior roadways, public parks, swimming pools, and all other areas and buildings intended for common use by the public. Any proposed restrictions of use of the property, if any, bearing the name of the venue for real property index records. This plat is to be filed and recorded with the County Clerk of Fayette County, Texas. The plat is subject to the filing and recording provisions of Section 12.002, Property Code, and must have attached to it, an original tax certificate from each taxing unit with jurisdiction of the real property indicating that no delinquent ad valorem taxes are owed on the real property; and statement as to whether the development is in the extraterritorial jurisdiction of any municipality.

**8) ENFORCEMENT AND PENALTIES**

- a) At the request of the Commissioners’ Court, the County Attorney may file an action in Court to enjoin the violation or threatened violation of a requirement established by, or adopted by the Commissioners’ Court herein; or 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 the Commissioners’ Court herein.
- b) A person commits an offense if the person knowingly or intentionally violates a requirement established by, or adopted by the Commissioners’ Court in these regulations. An offense under this subsection is a Class B misdemeanor.

**9) WAIVER**

- a) Commissioners’ Court may waive required plating for a division of land affected by these regulations, or grant other variance for good cause shown as in the case of restricted access (gated) communities, in the sound discretion of Commissioners’ Court, and upon standards or equal application and fairness.

**10) GENERAL APPLICATION**

- a) The regulations adopted herein shall also apply to a manufactured home community as defined by §232.007 Texas Local Government Code, and the regulations herein, to the extent provided by law, shall govern minimum infrastructure standards for such manufactured home communities, and any infrastructure development plan submitted for approval shall be processed and considered in the same time, manner, and requirements of submission and application as are subdivisions.

DONE and ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
Dan Mueller, County Judge

\_\_\_\_\_  
Jason McBroom, Commissioner Precinct 1

\_\_\_\_\_  
Clint Sternadel, Commissioner Precinct 2

\_\_\_\_\_  
Harvey Berckenhoff, Commissioner Precinct 3

\_\_\_\_\_  
Drew Brossmann, Commissioner Precinct 4

## **EXHIBIT A**

### **Minimum Road Specifications**

Flexible base shall be in accordance with TxDOT Specification Item 247.

Application of Prime Coat shall be in accordance with TxDOT Specification Item 310, and being MC-30 at the rate of .20 Gal/SY.

Two Course surface treatment shall be in accordance with TxDOT Specification Item 316 at the following rates:

#### **First Course:**

Asphalt: CRS2P @ .30 Gal/SY

Aggregate: B-3 or 5/8 River Rock @ >14 lbs/SY

#### **Second Course:**

Asphalt: CRS2P @ .30 Gal/SY

Aggregate: PB-4, or 3/8" River Rock @ >14 lbs/SY

The first course of the two-course surface treatment shall be rolled with a three to six ton roller with the approval of the designing engineer. The remaining rolling, for the first and second course, shall be done with a medium pneumatic roller.

The second course of the two-course surface treatment shall be applied the same day or immediately after placement of the first course.

In accordance with Fayette County Subdivision Regulations total width of the dedicated easement shall be 60', the paved surface shall be minimum of 20' wide with a shoulder-to-shoulder width of 30'; and the remaining 15' on either side to permit the installation of utilities and drainage. Any dead-end streets must have a cul-de-sac with a radius of 55 feet.

**EXHIBIT B**

**TWO YEAR RIGHT-OF-WAY MAINTENANCE BOND**

Bond No. \_\_\_\_\_

KNOW ALL MEN BY THESE PRESENTS:

THAT, \_\_\_\_\_ of the City of \_\_\_\_\_, State of \_\_\_\_\_, as Principal, and \_\_\_\_\_, a corporation organized under laws of the State of \_\_\_\_\_, as Surety, are held and firmly bound onto County of Fayette, as Obligee, in the sum of \_\_\_\_\_ (\$\_\_\_\_\_), lawful money of the United States of America, for the payment of which sum well and truly to be made, we bind ourselves, our heirs, executors, administrators, successors and assigns, jointly and severally, firmly by these presents:

WHEREAS, on the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ the Principal entered into a contract to construct \_\_\_\_\_ for the \_\_\_\_\_, Texas for the sum of \_\_\_\_\_ (\$\_\_\_\_\_); and

WHEREAS, under the terms of the specifications for said work, the said Principal is required to give a bond for 10% of the value of said improvements or \_\_\_\_\_ (\$\_\_\_\_\_ 24 months from the date of execution of this bond, or for a period of two (2) years from and after the date of the completion or acceptance of the work, whichever event occurs first.

NOW THEREFORE, if the Said Principal shall for a period of 24 months from the date of execution of this bond, or for a period of two (2) years from and after the date of the completion and acceptance of the work, whichever event occurs first, by said Obligee replace any and all defects arising in said work whether resulting from defective materials or defective workmanship, the above obligations shall be void; otherwise remain in full force and effect.

PROVIDED FURTHER, that any suit under this bond must be filed within \_\_\_\_\_ year(s) and a day of the end of the warranty period.

SIGNED, SEALED AND DATED this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

PRINCIPAL: \_\_\_\_\_

BY: \_\_\_\_\_

*(Principal's signature and Title)*

\_\_\_\_\_  
*(Surety's name) (Seal)*

BY: \_\_\_\_\_

*(Surety's signature and Title)*