



TO: Development Services Customers

SUBJECT: **INFORMATION BULLETIN 538**
Plat Approval Time Extension

DATE: August 12, 2011/*Revised August 1, 2014*

CREATED BY: Land Development Division/Land Entitlements Section

Purpose:

As a customer service initiative, the Development Services Department (DSD) created this **revised** bulletin to update Information Bulletin (IB) 538 on the plat approval time extension. DSD in consultation with the City Attorney's Office has prepared this IB to describe and clarify the process associated with a request for a time extension in accordance with the Unified Development Code (UDC). This bulletin has been updated to incorporate the department's new format for Information Bulletins.

Scope:

Section 35-432(h)(3) of the UDC provides for a plat recordation time extension, which is designed for plats that do not have public improvements also known as minor plats; these plats may or may not include impact fees.

1. Application must be submitted thirty (30) days prior to expiration, which will include a letter to the director outlining the need for a time extension, amount of time requested and all applicable fees in accordance with the UDC.
2. The application for time extension will be routed to DSD, Transportation and Capital Improvements (TCI), and SAWS and any other agency on an as needed basis.
3. The Director of DSD or the Planning Commission shall consider these time extensions as provided in the UDC, following the process outlined in 35-430(f).
4. Any extension not approved by the Director of DSD may be submitted to the Planning Commission for consideration. Applicant's can request a time extension up to three (3) years, however all plats must be recorded six (6) years after the plat approval date.

According to Section 35-437(e) of the UDC, approved plats with public improvements are eligible to request a Performance Agreement Time Extension (PATE).

To request a PATE as per Section 35-430(f)(2), the applicant must:

1. Demonstrate that construction of the public improvements has started.

2. Submit a written request that includes justification, to the director at least thirty (30) days prior to the time limit set out in the Performance Agreement.
 - a. Time extensions considered by the Planning Commission must be considered by the Commission thirty (30) days prior to expiration.
 - b. Subsequently, these time extension requests should be submitted sixty (60) days in advance to allow for staff review and scheduling deadlines.
3. Provide the filing fee.
4. A guarantee of performance (guarantee instrument) in an amount sufficient to cover the cost of remaining site improvements is required for a recorded plat in order for the extension to be granted. Such guarantee must be filed within thirty (30) days of the granting of the extension or the extension shall become null and void.
5. Once filed, the city attorney's office shall have fifteen (15) working days to review the guarantee as to form. Within the same fifteen (15) working days' period, the Director of DSD shall review the guarantee for approval or denial.

The Director of DSD is authorized to approve time extensions which meet the following criteria after consultation with all affected departments and utilities:

1. Sidewalk improvements: A three-year time extension from the expiration of the performance agreement may be granted provided a(n)
 - (a) plan indicating the uncompleted sidewalks, and;
 - (b) time schedule for completion is submitted, and;
 - (c) updated cost estimate for completion is submitted and approved by the Director of DSD.
2. Other site improvements: A one-year PATE from the expiration of the performance agreement may be granted provided at least seventy-five (75) percent of the required site improvements are completed and approved by the Director of DSD.
3. Time extension requests that do not meet the above criteria or that are not approved by the Director of DSD may be considered by the Planning Commission.

Additional Information:

1. Any plat not recorded within six (6) years from plat approval shall expire.
2. Staff review includes at least the following divisions/departments: DSD/Engineering, TCI/Stormwater, SAWS (if applicable), and Bexar County (if applicable).
3. The Planning Commission or Director of Development Services may request that the applicant provide the City with updated current cost estimates and such new estimate (after approval) shall be incorporated into a performance guarantee extension.

There are no provisions within the UDC for a plat that has already expired to request a time extension.

In addition, please note that plats requesting time extension cannot be used to validate a Master Development Plan (MDP) in accordance with UDC 35-412 (i)(1)(A) Scope of Approval, however, the validity of the MDP can be obtained based on expenditures, per this section.

Should you have any question concerning this process, please contact the Land Entitlements Section at (210) 207-1111.

Summary:

This Information Bulletin is for informational purposes only.

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