



DEVELOPMENT SERVICES

TO: Development Services Customers

SUBJECT: **INFORMATION BULLETIN 529**
Plat Requirements and Alternatives

DATE: January 24, 2011/*Revised August 1, 2014*

CREATED BY: Land Development Division/Land Entitlements Section

Purpose:

As a customer service initiative, the Development Services Department (DSD) has created this **revised** bulletin to update Information Bulletin (IB) 529 to assist customers in understanding the subdivision platting requirements in conjunction with applications to the Development Services Department for building permits. This bulletin has been updated to incorporate the department's new format for Information Bulletins.

Scope:

Purpose of platting – conceptual overview

The intent of platting is to provide a readily accessible and easily understandable public record of a property's size and shape. The following are all benefits of platting:

1. **Identification:** a recorded plat is an identification tool of real property, particularly for purposes of taxation and resale to future buyers. For example, "Lot 1, Block 1 of the DSD subdivision" is a valid legal description, versus "0.335 acres out the DSD survey, Abstract 24, Sanchez League Grant" or "the West 45 irregular feet of Lot 1 and Lot 2, Block 8" which are not valid legal descriptions.
2. **Orderly Development:** the regulation of subdivision development allows the City and County to establish standards for the construction of infrastructure facilities over which the City, County or other public entity will have the responsibility to operate and maintain.
3. **Safety:** plat approval protects future purchasers from inadequate emergency response access, unsafe grading and ensures sanitary living conditions. Additional benefits of establishing legal lots through the subdivision process are the protection against substandard roads, drainage and inadequate utilities for future buyers.
4. **Transfer of Ownership:** platted property is easily transferable between interested parties and provides a potential owner with reasonable assurance that the property is developable for the uses allowed by the underlying zoning.

When platting is required

The City encourages platting with any subdivision of land within the City or Extra Territorial Jurisdiction (ETJ) however it is recognized that in some instances unplatted ("raw") land may subdivide without going through the City's platting process. Pursuant to such subdivisions of land, the City may enforce the

platting requirements of the Unified Development Code (UDC) and the Texas Local Government Code (LGC) at the time a building permit or utility connection is requested. Previously platted property must file a replat or an amending plat for any resubdivision or reconfiguration of lot boundaries in accordance with §12.002 of the Texas Property Code.

Permit types requiring platting

Generally platting is required for *habitable* uses. The UDC definition of *habitable* uses is only inclusive of residential uses. Due to the inherent hazards of nonresidential uses and the need to safeguard the public interest the Department has determined that *habitable* shall include other permanent structures defined by *occupiable* spaces in the International Building Code. For the purposes of platting determinations, the following definitions shall be used:

Habitable - adjective referring to a room or enclosed space designed for human occupancy in which individuals congregate for amusement, educational or similar purposes, engaged in labor, or a space in a building for living, sleeping, eating or cooking, and which is equipped with means of egress and light and provide for mechanical or non-mechanical ventilation facilities .

Building – any structure used or intended for supporting or sheltering any use or occupancy

Accessory Use - A use of land or of a building or portion thereof that is subordinate to, incidental to, and customarily associated with a principal use and is operated primarily for the convenience of employees, clients or customers of the principal use, but does not attract separate trips (per ordinance # 2010-11-18-0985, Nov. 18, 2010).

In accordance with the UDC and the LGC, platting is required to obtain a new utility service to a property not previously served by utilities. CPS Energy uses the platting process to plan for and provide service drops. Electrical service is not provided across property lines, so it is important to plat to allow utility planning if land is subdivided. However, for a single lot that has or had a pre-existing habitable structure on the lot with previous utilities, the UDC provides certain exemptions for platting. The UDC also has exemptions for certain structures that are not habitable even if a new CPS Energy service is provided for those sites (§35-430 (c)(5)).

Overall, the intent of the UDC is to require platting:

- For new first time or additional utility connections to a site, or
- For new permanent habitable structures on a site, or
- Where the development on a property converts the “empty lot” to a developed state

To augment this general guidance of habitable uses, the following specific examples are intended to guide customers in determining if platted status is relevant to their proposed scope of work.

1. Examples of permit types requiring a plat or a certificate of determination:

- New commercial or residential (non-accessory) buildings
- Construction of a shell building or slab/foundation/piers for future buildings
- Commercial additions
- Commercial or non-commercial parking lots
- Development of sports facilities or sports fields that require more than just a tree permit
- Private parks where construction is performed requiring more than just a tree permit
- Commercial swimming pools

2. Examples of permit types where a property survey may be accepted in lieu of a plat or certificate of determination:

- Commercial carports and garage structures, including multi-family
- Residential additions over 1,000 SF (regardless of # of stories)
- Residential additions greater than 1-story (regardless of size)
- In-ground residential swimming pools
- Installation of accessory equipment such as carwash vacuums, vending machines, DVD rental machines, ATM machines and other commercial prefabricated structures of 120 SF or less
- Retaining walls, landscaping walls, decorative walls
- Commercial freestanding signs/billboards/monuments, including refacing of existing signs
- Uninhabitable uses listed in 35-430 (c)(5) –including, but not limited to, pumps, oil wells, sheds, security lights, traffic devices, monuments, signs, utility equipment huts, communication towers, or public infrastructure shall not require a subdivision plat. This shall also include commercial fences as well as unenclosed structures such as porches, carports, decks, gazebos and pavilions (*per ordinance # 2010-11-18-0985, Nov. 18, 2010*).

3. *Examples of permits where neither a property survey nor a verification of platting status is necessary to review the permit. Rather a plot plan may be provided by the applicant with an indication of their awareness of risks of construction over any easements or platted setbacks:*

- Residential additions under 1,000 SF (if single story), including garage additions
- Accessory residential structures
- Residential fences, freestanding walls/barriers
- Construction of driveway approaches, sidewalks, and residential patios and decks
- Above ground residential swimming pools

4. *Examples of permits where neither a property survey, plat, or a plot plan is necessary to review the permit.*

- Remodel permits on a structure
- Application for Certificate of Occupancy
- General repair/maintenance permits of an existing structure such as replacement of windows, siding, sheetrock/drywall, foundation repair, etc
- Roofing/reroofs
- Canopies/awnings on otherwise permitted structures
- Trade permits (e.g. electric, plumbing, mechanical)
- Attached signs to existing walls or structures
- Demolition permits

Where DSD staff has directed a customer to provide a copy of the recorded plat (group #1 above), the customer shall provide a copy of the recorded plat or a Certificate of Determination as part of the completeness review for the building permit application. Land Entitlements Division staff is available to assist customers in the application of a Certificate of Determination (see next section below).

In cases where a plat or Certificate of Determination is not required, but a property survey is required (group #2 above) a customer may provide a legal property survey showing all structures on the lot with dimensions to property lines, as well as showing all easements on the lot. In lieu of a survey by a registered licensed surveyor, a site plan, drawn to scale may be provided by an architect or engineer, or a contractor on a scaled site plan with company letterhead. The site plan must include all structures, fences, slabs, retaining walls, etc with distances to property lines and all easements on the lot. The architect, engineer or contractor is responsible to ensure that all easements are shown on the site plan.

In cases where verification of platted status is not necessary, all other applicable requirements, including zoning requirements, shall be enforced by the City.

Certificate of Determination of Plat Status or Exception

UDC 35-430(c) authorizes plat exceptions through the Certificate of Determination process. DSD staff shall only utilize the listed exceptions in 35-430 (c) to the platting requirements upon issuance of a Certificate of Determination from the Land Entitlements Division. Details on the process to obtain a Certificate of Determination are provided below.

Certificate of Determination

UDC 35-430(d) provides for a determination of whether platting is required “on written request of an owner of land”. Through the Certificate of Determination process, Land Entitlements staff will make one of the following three conclusions:

1. Platting is required, or
2. A plat has been previously prepared for the subject property, or
3. An exception to platting is authorized – Land Entitlements staff will indicate the applicable plat exception on the Certificate.

The procedure to apply for a Certificate of Determination is as follows:

1. Completion of application form *by the property owner*
2. Payment of fee with submittal (\$200 in FY 2011) - this fee may be eligible for a fee waiver through the ICRIP program depending on the project location and use, see: <http://docsonline.sanantonio.gov/FileUploads/dsd/CurrentICRIPFeeWaivers.pdf>
3. Location map to assist staff in identifying the property boundaries and location
4. Copy of recorded warranty deed
5. Current tax certificate indicating no taxes due

UDC 35-430(d) provides staff up to twenty (20) days to consider the application for a Certificate of Determination; however staff will make every effort to issue a determination on the application within ten (10) days of receipt of the complete application. If an owner of land disagrees with the determination of staff, they may file an appeal to the Planning Commission.

Plat Deferrals

Ongoing development projects that are seeking building permits but that have not completed the platting process may also pursue a plat deferral pursuant to UDC 35-434. For more information please refer to IB #507 <http://docsonline.sanantonio.gov/FileUploads/dsd/IB507PlatDeferral.pdf> Though a plat deferral is limited to 180 days, the Planning Commission may authorize a second deferral for up to an additional 180 days if warranted by the circumstances.

Building Across Lot Lines

Building across lot lines shall be permitted in all single-family zoning districts subject to the provisions of UDC 35-515(a)(2) and upon the applicant furnishing a Certificate of Determination with the building permit.

UDC 35-310.1, Table 310-1, note 4, authorizes single-family uses within the MF-18, -25, -33, -40 and -50 zoning districts subject to the standards of the R-4 district. Therefore, single-family development within the various MF- zoning districts may cross lot lines in accordance with the standards of the R-4 district and 35-515(a)(2). This authority includes construction of accessory structures on a single-family lot in accordance with UDC 35-370 and -371.

Summary:

Generally platting is required for all habitable uses and when new utility service is requested. This IB has been prepared to help customers determine if their scope of work requires platting or other documentation of the status of the property so that the DSD may issue permits appropriately.

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

This Information Bulletin is for informational purposes only.

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