

35-430(c) Plat Exceptions (excerpted from code)

In accordance with V.T.C.A. Local Government Code §§ 212.004 and 212.0045 the platting exceptions set forth below are established. Applicants exempt from subdivision plat approval may be subject to development plat approval requirements pursuant to section 35-432 of this article. Habitable uses within the regulatory floodplain shall always require platting. The applicant for plat exception shall provide proof of ownership in the form of a warranty deed and a current tax certificate with indication of no taxes due. The department of development services may issue building permits, and public utility providers may provide utility service, on any unplatted parcel or antiquated plat otherwise subject to this section for the following activities:

Note: Properties located Outside City Limits, but within the ETJ will be referenced as (OCL); and properties located within the City Limits will be referenced as (ICL).

- (1) The division of land into parts greater than five (5) acres within the city limits of the City of San Antonio, where each part has access and no public improvement is being dedicated, shall not require a subdivision plat. For purposes of this subsection, access shall mean a minimum frontage of fifteen (15) feet onto a public street or recorded access easement of fifteen (15) feet onto a public street. Public improvement shall mean creation of new streets, alleys or the extension of off-site utilities or the installation of drainage improvements. This subsection relates to an unplatted parcel of land within the city and limited to single-family or agricultural uses. (ICL)
- (2) The division of land into parts greater than ten (10) acres in the ETJ of the City of San Antonio, where the owner does not lay out part of the tract for 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 street, alley squares, parks, or other parts shall not require a subdivision plat. (OCL)
- (3) Uninhabitable uses that are to be retained in an undeveloped state shall not require a subdivision plat, provided: (1) the division does not create more than three (3) parcels, (2) each parcel contains a minimum area of five thousand (5,000) square feet, (3) the division does not involve the creation of any streets or alleys, and (4) no utility services shall be provided to the parcels, provided however, that the director of development services may exempt other uninhabitable uses from subdivision plat requirements upon determining that the uses are consistent with the intent of these provisions. (ICL)

Commentary: The intent of the subsections above is to allow the division of land without platting so long as the land remains undeveloped. Platting is required at the time utility services are requested unless one of the other plat exceptions applies.

- (4) Each tract greater than ten (10) acres in size is eligible for up to three (3) single-family utility connections provided all tracts are held under common ownership, each tract has access and no public improvement is being dedicated. For purposes of this subsection, access shall mean each tract has a minimum frontage of fifteen feet on an existing public or platted private street or irrevocable access easement. (OCL)

- (5) The provision of utility service to not more than three (3) detached single family dwelling units on an unplatted tract or antiquated plat shall not require a subdivision plat provided all of the following requirements are met (OCL):
 - (a) The tract is located outside the city limits within the extraterritorial jurisdiction of the city;
 - (b) The tract has a minimum of fifteen (15) feet of frontage on a public street or a recorded irrevocable access easement;
 - (c) The tract was created prior to January 1, 2005;
 - (d) The tract has a minimum area of five thousand (5,000) square feet for each dwelling unit; additional County requirements may be imposed where on-site sewage facility is proposed;
 - (e) The tract is held under single ownership;
 - (f) No dwelling unit will be located within a regulatory floodplain; and
 - (g) No public utility extension is required.

- (6) The provision of building permit and/or utility service to not more than one (1) detached single family dwelling unit on an unplatted tract or antiquated plat shall not require a subdivision plat provided all of the following requirements are met (ICL):
 - a) The tract is located inside the city limits of the city;
 - b) The tract has a minimum of fifteen (15) feet of frontage on a public street or a recorded irrevocable access easement;
 - c) The tract must have an existing lot(s), block and NCB number.
 - d) The tract was created prior to January 1, 2005;
 - e) The tract has a minimum square footage required by the zoning classification in place at the time of the request;
 - f) The tract is held under single ownership;
 - g) No dwelling unit will be located within a regulatory floodplain; and
 - h) No public utility extension is required.

- (7) Replacement and/or repair of a preexisting or existing single family dwelling unit or related accessory structure shall not require a subdivision plat if: (ICL/OCL)
 - a) The applicant provides evidence that single-family development and/or single-family improvements had received electrical service for more than (5) years prior to the date of application; and
 - b) Expansion of a preexisting or existing single family dwelling unit by up to 1,000 square feet or related accessory structure shall not require a subdivision plat.

- (8) An existing single-family residence can add a second residential structure provided that all requirements of Section 35-371 are met. In addition, the applicant will need to comply with all zoning, building and on-site sewage facility requirements. (ICL)

- (9) The land which a building permit or utility service is being requested is a lot or the last remaining portion of a lot previously platted under the jurisdiction of the County or city. (ICL/OCL)

- 10) A tract of land greater than five (5) acres in size is eligible for one (1) single-family utility connection provided the tract is held under common ownership, and no public improvements are being dedicated. For purposes of this subsection, the tract shall have a minimum frontage of fifteen (15) feet on an existing public or platted private street or irrevocable access easement. Property must conform to existing zoning standards. (ICL)

- (11) Nonhabitable uses as defined by the International Building Code or Residential Code and accessory uses that are subordinate to another use shall not require a subdivision plat. Nonhabitable uses may include: pumps, oil wells, sheds, security lights, traffic devices, monuments, signs/billboards, utility equipment huts, communication towers, or public infrastructure shall not require a subdivision plat. This shall also include fences as well as unenclosed structures as porches, carports, decks, gazebos and pavilions. (OCL/ICL)

- (12) Public parks and golf courses owned, operated, or maintained by a governmental entity shall not require a subdivision plat. This exception shall not include athletic facilities such as stadiums, natatoriums, concession facilities or similar improvements within park facilities. (ICL/OCL)
- (13) Temporary construction/subdivision sales offices or seasonal type uses shall not require a subdivision plat. These uses may be permitted in any zoning district incident to a construction project. The office or shed shall not contain sleeping or cooking accommodations and shall be removed within (30) working days after completion of the construction project with a maximum period of three (3) years; and the applicant can reapply for a new permit. Temporary uses are as defined in Section 35-391 of the UDC and subdivision sales office as defined in Section 35-389 of the UDC. (ICL/OCL)
- (14) The division of any tract of land into parcels which are to be used solely for agricultural, mining, or quarrying purposes shall not require a subdivision plat, provided: (1) each parcel contains a minimum area of twenty (20) acres, and (2) no utility services shall be provided to a habitable use. (ICL/OCL)
- (15) Sewer and Water service to existing building. If existing buildings on an unplatted tract are occupied, sewer and water service may be provided if "all" of the following conditions are met (ICL/OCL):
 - (a) The applicant provides evidence that single-family or non single-family development and/or single-family and/or non single-family improvements had received electrical service for more than (5) years prior to the date of application for sewer and/or water services;
 - (b) The site is not subject to major thoroughfare dedication;
 - (c) If applicable, existing building(s) shall comply with the floodplain ordinance;
 - (d) Service is restricted to existing uses; and
 - (e) Impact fees are paid at the time of application for service.
- (16) Requests for permits within a lawfully permitted existing building's footprint including remodeling, general repair and maintenance, roofing, ADA accessibility, trade permits, and similar improvements, shall not require a subdivision plat. (ICL/OCL)
- (17) A commercial and/or multi-family lot is located within the original thirty-six (36) square mile area of San Antonio, and the boundaries of the lot were recorded in the Deed and Plat Records of Bexar County prior to June 14, 1927 and the lot remains in its original configuration. It shall be the obligation of the applicant for plat exception to provide documentation of the lot's recording prior to June 14, 1927. (ICL)