



RULE INTERPRETATION DETERMINATION

Determination #: 2016-002

Title: Paper Streets RID

Drafted by: *Land Development Engineering*

Rule in Question: UDC 35-506(d) Substandard Streets

Department Action: This RID is for clarification purposes and includes a suggested UDC amendment. The department concurs with staff's position as presented below and subsequently will be applying the minimum requirements as described. Lots fronting to a Paper Street and is using it for access will be required to meet the minimum pavement standards when platting or requesting a building permit.



Roderick Sanchez, AICP, CBO
Development Services Director

5-9-16
Date

Effective Date of Determination: *(Immediately)*

Please note RIDs often result in direct or related UDC amendments to codify the clarification addressed within the RID. RIDs can also be superseded by subsequent RIDs or UDC amendments. The Development Services Department will remove RIDs from the website when they are no longer valid.

Staff Analysis: Staff's position is that a "Paper Street" is not properly represented under the substandard street section of the Unified Development Code (UDC). The UDC includes several scenarios for substandard streets and in all cases it describes a "publicly maintained street" or "privately maintained street". A "paper street" is not a publicly maintained street and it is per UDC definition "A right-of-way that is shown on an approved or recorded subdivision plat or tax map and that is unpaved, uncontinuously paved, or paved at less than twenty (20) feet of average width." In addition, minimum

requirements for a “paper street” under a building permit is not currently described in the UDC, hence clarification is needed.

UDC Section 35-506(d)(9)(B)(3) states “If a property is being platted adjacent or contiguous to an existing privately maintained street or paper street and is using the street for access, the property owner must coordinate with the entity responsible for maintaining the street to access the street for daily access. A note on the plat shall be added to the plat informing the public that the development has access to a street that is privately maintained or not maintained.”

Furthermore, UDC Section 35-506(d)(4) Minimum Construction Required states “Where the rough proportionate determination (determination study under section 35-502) has determined that the applicant’s development would not generate enough traffic to require mitigation for right-of-way dedication or improvements to the pavement cross section, the provisions of this subsection shall not apply. In such cases, the safety lane requirements of 35-506(d)(11) shall be met.”

In conclusion, this RID will clarify the minimum requirements for a paper street in the case of a building permit and plat inside the City limits. The current description in the UDC will continue to be used by the Bexar County in the ETJ.

Staff Position and Interpretation: Staff’s findings are listed below and followed with an interpretation:

Section 35-506(a) of the Unified Development Code (UDC) states the following:

- (1) *Generally. The provisions of this division shall apply to:*
- (C) *Any ministerial permit where one (1) or more of the following applies:*
 - (1) *Application for building permits for new structures or development on a vacant lot where there are no existing structures or development.*

By virtue of the code provision above, staff finds that the requirements for street improvements apply under a building permit. Furthermore, UDC Sections 35-506(a)(1), 35-506(b), 35-506(d)(1) including Table 506-3, 35-506(d)(9)(B)(3) & (4), 35-515(c)(4), and Appendix ‘A’ definition “streets, paper”, when read together, clearly requires pavement construction by an applicant for plat approval or building permit.

Notwithstanding 35-506(d)(9)(B)(4), there is no street classification in Table 506-3 which is not required to be paved, nor does 35-506(d)(9)(B)(4) refer to paper streets. Therefore, 35-506(d)(9)(B)(4) can only be read to apply where mitigation or improvements are contemplated for an existing paved street.

UDC Appendix ‘A’ DEFINITIONS AND RULES OF INTERPRETATION

Sec. 35-A101. - Definitions and Rules of Interpretation.

Street, paper. *A right-of-way that is shown on an approved or recorded subdivision plat or tax map and that is unpaved, uncontinuously paved, or paved at less than twenty (20)*

feet of average width. Any use of the paper street right-of-way for construction, storage or other purposes is prohibited unless the street is quitclaimed by the owner and vacated through a replat. Construction or improvements to the paper street shall be required with development on adjacent lots or properties.

Since paper streets originally required construction to UDC paving standards when they were initially approved via plat, the UDC requirement to construct paper streets in Appendix 'A' should be read as the requirement to complete the construction originally required when they were created via plat approval.

Therefore, it is staff's position that pavement improvements shall be required on paper streets when a building permit for a new structure is issued. For properties located outside the City limits and within the ETJ, this requirement will not apply since no permits are issued by the County.

Future UDC Amendments:

Section 35-506(d)(9)(B)(3) of the Unified Development Code (UDC) shall be amended as follows:

(3) If a property in the ETJ and outside City Limits is being platted adjacent or contiguous to an existing privately maintained street or paper street and is using the street for access, the property owner must coordinate with the entity responsible for maintaining the street to access the street for daily access. A note on the plat shall be added to the plat informing the public that the development has access to a street that is privately maintained or not maintained. If a property is located inside the City Limits and is adjacent or contiguous to an existing paper street, then the minimum pavement requirements under this division will be required when the property is being platted or is requesting an application for a building permit and in either case it is proposing to use the paper street for access.