



TO: Development Services Customers

SUBJECT: **INFORMATION BULLETIN 572**  
Requests for Plat Exceptions (Certificate of Determination)

DATE: May 30, 2019

CREATED BY: Land Development Division

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**Purpose:**

As a customer service initiative, the Development Services Department (DSD) created this Information Bulletin (*IB*) to inform our customers of the plat exception process. Section 35-430(c) of the UDC allows for plat exceptions for unplatted property and several exceptions for properties platted prior to June 14, 1927 (antiquated plats). When an applicant applies for a plat exception, staff must determine which, if any, of the 17 exceptions apply to that property or if the property will require platting or replatting. If a property does qualify for a plat exception, staff issues a Certificate of Determination to the applicant, otherwise a denial letter is prepared. This IB further addresses lots that qualify as “Nonconforming Lots of Record”, in accordance with Section 35-702(c) of the Unified Development Code.

A copy of the application for a certificate of determination is included within this Information Bulletin.

**Scope:**

**35-430(c) Plat Exceptions**

*(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)*

### **35-702(c) Nonconforming Lots of Record:**

*Nonconforming Lots of Record. A substandard lot may be used for any uses permitted in the applicable zoning district. A "substandard lot" means any lot which fails to meet the requirements for area or width, or both, generally applicable in the district because of a change in the applicable zoning district regulations, annexation, condemnation of a portion of the lot, or other governmental action. The provisions of this section do not require the replatting or combination of platted lots under common ownership which are protected by state vested rights law.*

This chapter provides that, if a lot is made substandard by governmental action, then the lot may continue to be used for a use permitted in the zoning district. Lots qualifying as nonconforming lots of records are not required to replat.

### **35-515(a)(2) Building on or Near a Common Lot Line:**

*A. A single-family structure, addition, or accessory structure (excluding accessory dwellings) may be built over a common property line if each and all of the following conditions are met:*

- 1. All of the subject lots shall be under ownership of a single person, partnership, corporation of other recognized legal entity.*
- 2. The building, addition, or accessory structure to be constructed is for single-family use and no other use.*

3. *The lots must be platted unless the property is located in the original 36-square mile area of San Antonio, and the boundaries of the lots were recorded in the Deed and Property Records of Bexar County prior to June 14, 1927. It shall be the obligation of the applicant to provide documentation of the lots' platting or recording prior to June 14, 1927.*

4. *The side and rear setbacks of the structure in question shall be no less than that required in section 35-310 table 310-1.*

5. *All of the lots in question are within one of the following single-family zoning districts: FR, RP, RE, RD, R-20, NP-15, NP-10, NP-8, R-6, R-5, R-4 or R-3.*

6. *Prior to receiving a building permit the owner shall obtain a certificate of determination from the department of development services that the above five (5) conditions have been met. In addition if the subject property is in a historic district and/or neighborhood conservation district the director of development services must make a finding of compliance and compatibility with the provisions of the applicable historic and/or neighborhood conservation district prior to issuance of a building permit.*

*B. A building may not be built over a common lot line under any of the following conditions:*

*1. A structure built over a common property line may not be built and/or converted for other than single-family use and*

*2. Under no conditions shall a duplex, tri-plex, four plex or any other multi-family dwellings be permitted without rezoning and platting.*

*C. An owner may remove a common property line by filing an amending plat per the regulations of section 35-441.*

This section allows owners of multiple, contiguous lots to develop structures intended only for single-family uses over lots lines or on other, contiguous parcels. For example, an owner of three lots may have a single-family dwelling on one lot and may construct a shed associated with that single-family home on another lot.

The review of requests for plat exceptions falls under the purview of the Zoning Section. Reviewing staff will coordinate with the Addressing Team and Land Entitlement Team when appropriate to research requests and issue determinations.

**Application:**

A copy of the application is included on the following page. Requests for plat exceptions may also be submitted online at <https://aca.sanantonio.gov/CitizenAccess/Default.aspx>.

**Summary:**

This Information Bulletin is for informational purposes only.

**Prepared by:** Zeke Solis, Principal Planner

**Reviewed by:** Logan Sparrow, Interim Development Services Manager  
Catherine Hernandez, Development Services Administrator

**Authorized by:** Melissa Ramirez, Assistant Director, Land Development



# CERTIFICATE OF DETERMINATION REQUEST FORM

**Official Use Only**

COD # \_\_\_\_\_ Planner \_\_\_\_\_  Approved  Denied  
 Zoning: \_\_\_\_\_ Original 36 Miles: Y/N Flood Plain: Y/N Parcel# \_\_\_\_\_

Section 35-430(c) and Section 35-515 of the UDC allows exceptions to platting requirements. If the site meets one of these plat exceptions, a Certificate of Determination maybe issued to the owner of the subject property.

**PROPERTY OWNER INFORMATION**

Owner or Company Name: \_\_\_\_\_  
 Point of Contact: \_\_\_\_\_  
 Mailing address: \_\_\_\_\_  
 Telephone: Home/Office: (\_\_\_\_) \_\_\_\_\_-\_\_\_\_\_ Mobile: (\_\_\_\_) \_\_\_\_\_-\_\_\_\_\_  
 Other phone: (\_\_\_\_) \_\_\_\_\_-\_\_\_\_\_ Email: \_\_\_\_\_

**PROPERTY INFORMATION**

Property physical address: \_\_\_\_\_  
 Legal Description: NCB/CB: \_\_\_\_\_ Block: \_\_\_\_\_ Lot/Parcel: \_\_\_\_\_  
 County: \_\_\_\_\_ Total Acreage: \_\_\_\_\_ Zoning: \_\_\_\_\_

**REQUIED INFORMATION:**

1. Proposed Use:  Residential  Non-Residential  Uninhabitable Use
2.  Inside City Limits  Outside City Limits / Extra Territorial Jurisdiction (ETJ)
3. Reason For Requesting Certificate of Determination: \_\_\_\_\_
4. Type of Service Requested:  
 Water Service  Sewer Service  Electric Service  Building Permit  
 Other – specify \_\_\_\_\_ Permit# \_\_\_\_\_
5. Number of existing residential structures located on the property: \_\_\_\_\_

**Required Documents:**

- Current Warranty Deed (Show ownership & legal description of property)
- Warranty Deed If Tract was Created Prior To January 1, 2005
- Survey, Map, and/or Drawing (Showing size, shape, and location of property)
- Current Tax Certificate – 233 N. Pecos La Trinidad, Vista Verde Bldg., 2<sup>nd</sup> Floor
- Non- Refundable Two hundred dollar fee (\$200.00)
- \$10 Land Development Convenience Fee if not submitted through Build-SA

**I hereby certify that all of the information on the entire COD Application is true and correct.**

**Print Name:** \_\_\_\_\_ **Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_  Owner  Agent (Requires a notarized Letter of Agent.)

**Note: Certificates are only issued in the name of the owner of the property.**