



DEVELOPMENT SERVICES

RULE INTERPRETATION DETERMINATION

Determination #: 2024-002

Title: *Plat Exception for Solar Electric Utilities for properties developed on multiple lots*

Drafted by: *Policy Administration Section, Land Development Division*

Rule in Question: *35-430(c) Plat Exceptions*

Department Action: This RID is for clarification purposes and includes suggested UDC amendments.

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Development Services Director

Date

4/17/24

Effective Date of Determination: March 29, 2024

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 RIDs can also be superseded by subsequent RIDs or UDC amendments. The Development Services Department will remove RIDs from the website when they are no longer valid.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: The City of San Antonio has set a goal to become carbon neutral by 2050. Moreover, solar energy generation is a foundational element of the San Antonio Sustainability Plan, adopted by City Council in 2016. Specifically, solar energy generation accounts for four (4) strategies, including the public's top ranked strategy; expand participation in solar, especially for low income and affordable housing units.

Numerous properties, especially those closer to the inner city, are developed on more than one (1) lot. This was a common practice prior to the State of Texas requiring formalized subdivision platting in 1927. CPS Energy has historically not authorized utility connections/services to cross lots lines, even in cases on common ownership on contiguous lots. This creates obstacles to the installation of solar panels and this RID serves to remove

those barriers, enabling the addition of solar to facilities and properties around the City without an expensive plat process.

Staff Position and Interpretation: It is staff's position that an additional plat exception should be added to *Section 35-370(c) Plat Exceptions*. This will allow for properties on antiquated plats to install solar panels, crossing lot lines, without platting their lots into one contiguous lot.

It is also staff's position that the San Antonio Fire Department (SAFD) have a review in the process to ensure emergency response personnel are aware of the design and location of utility cutoffs for properties seeking to apply this new plat exception. No plat exception should be authorized without SAFD approval.

Future UDC Amendments: This RID includes one (1) Unified Development Code amendment that will be reviewed for formal codification in the 2027 Unified Development Code amendment cycle.

Sec. 35-430. - Applicability and General Rules.

(c) **Plat Exceptions.** 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 otherwise subject to this section for the following activities:

(19) The provision of solar utility service for properties under common ownership and developed across multiple antiquated lots. This plat exception may not be used to obtain new building permits.