



DEVELOPMENT SERVICES

TO: Development Services Customers

SUBJECT: **INFORMATION BULLETIN 533**
Building Setback Line Plat Process

DATE: December 20, 2007/*Revised February 22, 2011/August 1, 2014/June 19, 2020*

CREATED BY: Land Development Division/Land Entitlements Section

Purpose:

As a customer service initiative, the Development Services Department (DSD) created this **revised** bulletin to update this Information Bulletin (IB) 533 on the building setback line plat process. This bulletin has been updated to incorporate the department's new format for Information Bulletins. Revisions to this IB include BuildSA processes and clarifications.

Scope:

Section 35-431(c) has been revised to allow for a Building Setback Line (BSL) Plat. This replat process is solely to remove or change a building setback line that is more restrictive than the applicable zoning, you cannot add a BSL through this process. The replat is reviewed only by DSD, Land Entitlement Section and must be considered by the Director of Development Services or the Planning Commission. This process shall comply with all provisions of Chapter 212 of the Texas Local Government Code requiring a public hearing, if applicable. A vacate and re-subdivision is still an option. It is noted that if the replat lies within the City of San Antonio's Extra Territorial Jurisdiction, submittal requirements to that entity and applicable fees will also be assessed.

Minimum Required Items:

- A base filing fee to get a plat number for this process is \$200.00 + 6% technology and DSD surcharge
- A recordation fee of \$82.00 per mylar
- A recordation handling fee of \$50.00

Application Intake:

- Application may be submitted through the BuildSA online portal or at the Land Development Counter (an additional \$10 fee will be charged for processing physical applications) and will require the following documents be uploaded:
 - PDF of BSL Plat
 - DWG of BSL plat
 - PDF of previously recorded plat
 - Applicable fees paid



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Application Completeness:

- Case manager will ensure plat fees have been paid and all required documentation has been uploaded.

Completeness review- Subdivision:

- Case manager will review submitted documents to ensure they are sufficient to move forward with technical review. If additional information is required, the case manager will reach out to the applicant to request documentation.
- If the property is limited to single family/duplex use, within the preceding five years, either by zoning, deed restriction, or notation on the preceding plat, the following items will need to be uploaded to BuildSA:
 - Written notice of intent to file for public hearing; and
 - Adherence to public hearing deadline; and
 - Certified list of names and addresses of property owners within a 200' radius of the area proposed to be replatted; notice to property owners is not required outside the 200' radius nor to property owners within the 200' radius that have been replatted;
 - Bexar Appraisal map outlining area to be replatted with a 200' radius; and
 - If a property within the 200' notification area has been replatted, evidence of such recorded document must be submitted.

Technical Review:

- Review will be conducted by DSD only, which will ensure conformance with setbacks required by the base zoning by referencing Section 35-310 of the UDC (Lot Dimensions and Standards Table). The table expressly lists the required setbacks, by zoning district. Please note that properties outside of the City Limits will have no zoning setback requirements.

BSL within Bexar County:

A BSL plat located outside city limits will require a review from Bexar County staff, the issuance of a Bexar County LOC, and a director's signature from Bexar County prior to being recorded. Please note that Bexar County does not allow the removal of a building setback line but may allow a reduction of a BSL. The fee for Bexar County review is \$500.

DSD Letter of Certification:

- Once the Case Manager has approved their technical review the applicant will be notified to upload the "Subdivision LOC Plat" in order to move forward with the LOC review.
- The LOC review will be conducted by a Senior Planner.
- If a public hearing is required, the LOC cannot be issued until the mailing notification list has been submitted by the applicant.



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Final Package:

- After the LOC has been issued the case manager will notify the applicant to submit final documentation to proceed with final review in BuildSA.
- A Letter of Certification from Bexar County will also need to be approved, if applicable.

The final package will include uploading the following documents to BuildSA:

- Current Tax Certificates
- Final Plat
- Final DWG

A hard copy of the following documents will need to be submitted to our office:

- One original mylar of final plat
- Original Tax Certificates

Planning Commission:

If the BSL plat is required to go to Planning Commission this process will happen after the final reviews have been approved.

Replat with public hearing and notification:

- Notifications shall be provided no later than the 15th day prior to the public hearing
- Advertisement in newspaper of general circulation
- Mailed notice to owners of original plat and within 200 feet of lots to be replatted

For residential plats that do not vacate the previous plat: RID 2019-004 clarifies that a public hearing is not required if the following conditions are met:

1. The replat must be signed and acknowledged by only the owners of the property being replatted*; and
2. The replat must be approved by the municipal authority responsible for approving plats; and
3. The replat does not attempt to amend or remove any covenants or restrictions; and
4. The requested residential replat may contain no requests for variances or administrative exceptions.

*If the BSL is being removed from a subdivision, all property owners are required to sign the plat or a letter of agent will need to be obtained from each property owner authorizing an agent to sign on their behalf.

For replats without public hearing/with notification:

Public Notification: Per RID 2019-004 it is required that no later than the 15th day after the date the single family residential or duplex replat with no variances or exceptions is approved by the director of Development Services, DSD staff must provide written notice by mail of the approval of the replat to each owner of a lot in the original subdivision that is within 200 feet of the lots being replatted according to the most recent municipal or county tax roll.

Notice to property owners is not required outside the 200' radius nor to property owners within the 200' radius that have been replatted,



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Plat Details:

- Please reference RID 2017-006 prior to submitting a BSL application in order to determine if this process is needed, plats referencing building setback lines that were recorded prior to December 2, 2002 will be subject to the enforcement guidelines below:
 - Setbacks established by plat = not enforced by COSA.
 - Setbacks established by CC&R's/Deed restrictions = not enforced by COSA.
 - Setbacks established by zoning (UDC) = enforced by COSA.
- The plat must be titled BSL Plat; and
- The plat will have a before and after picture; and
- The before graphic will show the area being replatted and will be titled "Are Being Replatted", "Area Being Replatted Through a Public Hearing" or "Area Being Replatted Through a Public Hearing with Written Notification", as applicable, and land source referenced with volume and page; and
- If applicable, Certification Form P, Q or O is required and should be located as close to the before picture as possible;
 - Form O – Single Family/Duplex (ICL or OCL)
 - Form P – Multi-Family/Commercial (ICL Only)
 - Form Q – Multi-Family/Commercial (OCL Only)If the plat is approved in accordance with HB 3314, Certification form P, Q or O is not needed.
- The after graphic will be titled BSL Plat of (Previous Plat Name); and
- The description of the after graphic will mention the replat is for the purpose of removing or changing the building setback
(ex: from to __,etc.).
- Any easements created after the approval of the original plat cannot be added on the BSL plat, per Section 35-B121 (24): All easements known to the applicant, in effect at the time of platting, and created prior to the subdivision or development of any tract of land shall be shown on the subdivision plat or development plat with appropriate notations indicating the name of the holder of the easement, the purpose of the easement, the dimensions of the easement tied to all adjacent lot lines, street rights-of-way and plat boundary lines and the recording reference of the instruments creating and establishing the easement.
- In the event an easement was added by separate instrument, that will disqualify the record from the BSL process and need to be submitted as a replat.
- Plat notes needs to conform to IB 526.

Approval Process:

- Minor plats (four or fewer lots) that are not restricted to single family/duplex use, within the preceding five years, either by zoning, deed restriction or notation on the preceding plat can be approved administratively by the Director of DSD, as well as single-family and duplex plats meeting the requirements of Texas Local Government Code Section 212.014 and 212.015, as described in RID 2019-004 *Single Family and Duplex Replat and Replat Notification Procedures*.



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- Major plats (five or greater lots) and restricted to single family/duplex use, within the preceding five years, either by zoning, deed restriction or notation on the preceding plat must be approved by the Planning Commission.

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

Summary:

This Information Bulletin is for informational purposes only.

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