

SUBDIVISION REGULATIONS

Texas Local Government Code Chapter 212

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Basic Land Development Tools

Zoning and Platting

- ◆ Zoning regulates the use of land. Zoning authority may be extended to areas within a municipality's corporate limits. Once established, the Council has discretion to approve or disapprove requests for changes to the zoning map.
- ◆ Subdivision and Platting regulates the subdivision of land. May be extended to a city's extraterritorial jurisdiction. If plat application complies with Chapter 212 and municipality's platting regulations it must be approved.

Purpose of platting regulations

- ◆ Primary areas that the plat approval process addresses are: ingress and egress; water, sewer, electricity and other utilities; and drainage
- ◆ Additional subdivision and platting regulations can include matters such as tree preservation; storm water detention; water quality.

Plat & Subdivision Authority

Adoption of Subdivision Regulations

After a Public Hearing on the matter cities may adopt rules governing plats and subdivisions of land within the municipality's jurisdiction to promote the health, safety, morals, or general welfare of the municipality and the safe, orderly, and healthful development of the city.

Tex. Loc. Gov't Code § 212.002

When are Plats Required?

LGC § 212.004

- ◆ Owner divides the tract into 2 or more parts to lay out a subdivision,
- ◆ to lay out suburban, building, or other lots,
- ◆ or to lay out 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 streets, alleys, squares, parks, or other parts.

When are Plats Required?

LGC § 212.004

◆ EXCEPTION

- ◆ Division into lots greater than Five Acres where each part has access and no public improvement is being dedicated
- ◆ A municipality need not require platting for every division of land not covered by the scope of section 212.004

AUTHORITY RESPONSIBLE FOR APPROVAL GENERALLY LGC § 212.004

- ◆ The municipal authority responsible for approving plats under this subchapter is the municipal planning commission or, if the municipality has no planning commission, the governing body of the municipality. The governing body by ordinance may require the approval of the governing body in addition to that of the municipal planning commission.

Delegation of Approval LGC § 212.65

- ① Amending Plats (corrections)
- ② Minor Plats (4 or fewer lots; no need for streets or extension of utilities)
- ③ Replats (no need for streets or extension of utilities)

Approval Procedure

LGC § 212.009

*The municipal authority responsible for approving plats shall act on a plat within **30 days** after the date the plat is filed*

Standards for Approval

LGC § 212.010

A Plat **MUST** be approved If:

It conforms to the general plan of the municipality and its current and future streets, alleys, parks, playgrounds, and public utility facilities; **AND**

Standards for Approval

LGC § 212.010

A Plat **MUST** be approved If:

the extension of the municipality and its roads, streets, and public highways within the municipality taking into account access to and extension of sewer and water mains and the instrumentalities of public utilities; **AND**

Standards for Approval

LGC § 212.010

A Plat **MUST** be approved If:

It conforms to the city's subdivision regulations

Approval Procedure

LGC § 212.009

*A plat is considered **APPROVED** unless it is denied within **30 days** after the date the plat application is filed*

REPLATTING WITHOUT VACATING

PRECEDING PLAT. LGC § 212.014

- ◆ replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:
 - ◆ is signed and acknowledged by only the owners of the property being replatted;
 - ◆ is approved, after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard, by the municipal authority responsible for approving plats; and
 - ◆ does not attempt to amend or remove any covenants or restrictions.

ADDITIONAL REQUIREMENTS FOR CERTAIN REPLATS LGC § 212.015

- ◆ In addition to compliance with Section 212.014, a replat without vacation of the preceding plat must conform to the requirements of this section if:
 - ◆ during the preceding five years, any of the area to be replatted was limited by an interim or permanent zoning classification to residential use for not more than two residential units per lot; or
 - ◆ any lot in the preceding plat was limited by deed restrictions to residential use for not more than two residential units per lot.

ADDITIONAL REQUIREMENTS FOR CERTAIN REPLATS. LGC § 212.015

- ◆ Notice of the hearing required under Section 212.014 shall be given before the 15th day before the date of the hearing by:
 - ◆ publication in an official newspaper or a newspaper of general circulation in the county in which the municipality is located; and
 - ◆ by written notice, with a copy of Subsection (c) attached, forwarded by the municipal authority responsible for approving plats to the owners of lots that are in the original subdivision and that are within 200 feet of the lots to be replatted, as indicated on the most recently approved municipal tax roll or in the case of a subdivision within the extraterritorial jurisdiction, the most recently approved county tax roll of the property upon which the replat is requested. The written notice may be delivered by depositing the notice, properly addressed with postage prepaid, in a post office or postal depository within the boundaries of the municipality.

ADDITIONAL REQUIREMENTS FOR CERTAIN REPLATS. LGC § 212.015

- ◆ If the proposed replat requires a variance and is protested in accordance with this subsection, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the members present of the municipal planning commission or governing body, or both. For a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision, must be filed with the municipal planning commission or governing body, or both, prior to the close of the public hearing.

APPORTIONMENT OF MUNICIPAL INFRASTRUCTURE COSTS

- ◆ If a municipality requires as a condition of approval for a property development project that the developer bear a portion of the costs of municipal infrastructure improvements by the making of dedications, the payment of fees, or the payment of construction costs, the developer's portion of the costs may not exceed the amount required for infrastructure improvements that are roughly proportionate to the proposed development as approved by a professional engineer who holds a license issued under Chapter 1001, Occupations Code, and is retained by the municipality.

APPORTIONMENT OF MUNICIPAL INFRASTRUCTURE COSTS

LGC § 212.904

- ◆ A developer who disputes the determination may appeal to the governing body of the municipality.
- ◆ A developer may appeal the determination of the governing body to a county or district court.
- ◆ A municipality may not require a developer to waive the right of appeal
- ◆ A developer who prevails in an appeal under this section is entitled to applicable costs

SUBCHAPTER B. REGULATION OF PROPERTY DEVELOPMENT

- ◆ This subchapter applies only to a municipality whose governing body chooses by ordinance to be covered by this subchapter or chose by ordinance to be covered by the law codified by this subchapter.
 - ◆ After a public hearing on the matter, the municipality may adopt general plans, rules, or ordinances governing development plats of land within the limits and in the extraterritorial jurisdiction of the municipality to promote the health, safety, morals, or general welfare of the municipality and the safe, orderly, and healthful development of the municipality.
 - ◆ Any person who proposes the development of a tract of land located within the limits or in the extraterritorial jurisdiction of the municipality must have a development plat of the tract prepared in accordance with this subchapter and the applicable plans, rules, or ordinances of the municipality.

THANK YOU!

QUESTIONS ?

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