

# Subdivision Regulations

## Fundamentals

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# Enabling Legislation

## Texas Local Government Code

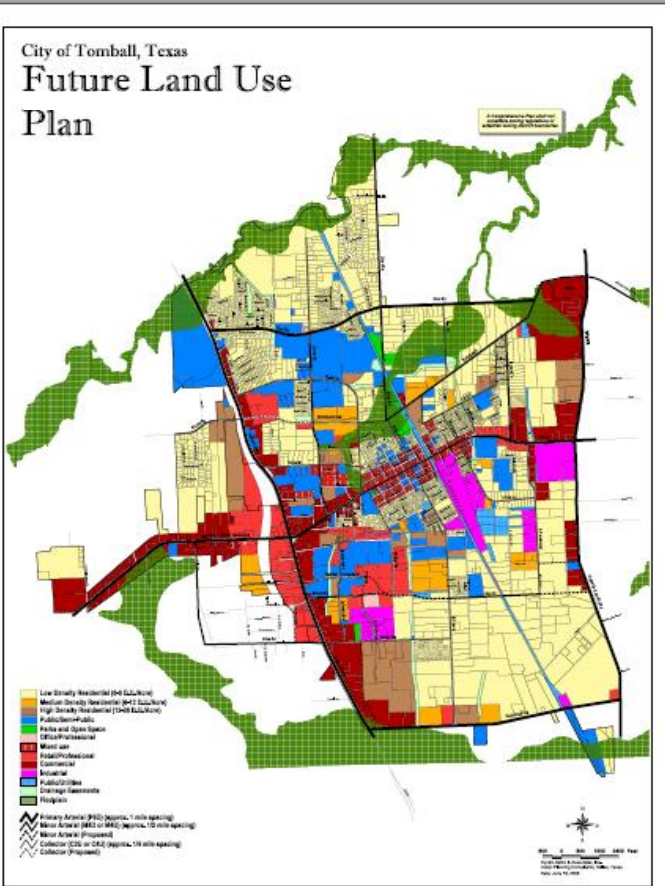
- Chapter 213 – Municipal Comprehensive Plans
- Chapter 212 – Municipal Regulation of Subdivisions
- Chapter 211 – Municipal Zoning Authority

# Purpose of Subdivision Regulations

- Conversion of raw land into buildable lots
- Requirements for public improvements
- Standards for land development
- Procedures for submittal, review and approval of plats
- Shape future development
- Determine physical shape and function of community
- Lasting impact on community design



# Relationship to Comprehensive Plan



- An important tool for comprehensive plan implementation
- Comprehensive plan provides legal and practical basis for subdivision regulations
- Consistency with plan avoids arbitrary or discriminatory regulations
- Plan coordinates subdivision layout with other community development

# Purposes Served

- Creates a legal description
- Convenient and accurate plat recordation
- Orderly community development
- Adequate roads, utilities, drainage, open space, park and school sites
- External protection and conservation for surrounding areas
- Adequacy/capacity of public facilities



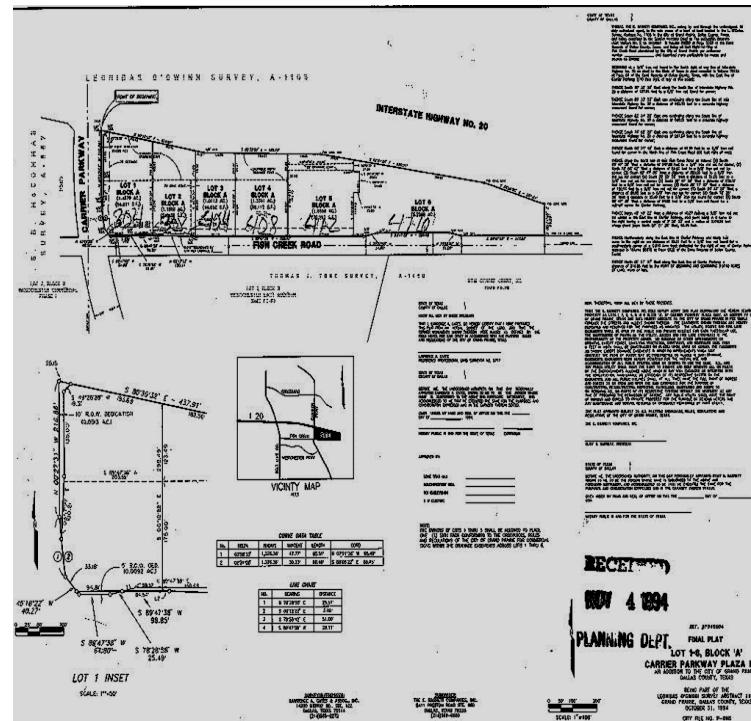
## When is a Plat Required?

“The owner of a tract of land located within the limits or in the extraterritorial jurisdiction of a municipality who divides the tract into two or more parts to lay out a subdivision of the tract ... must have a plat of the subdivision prepared.”

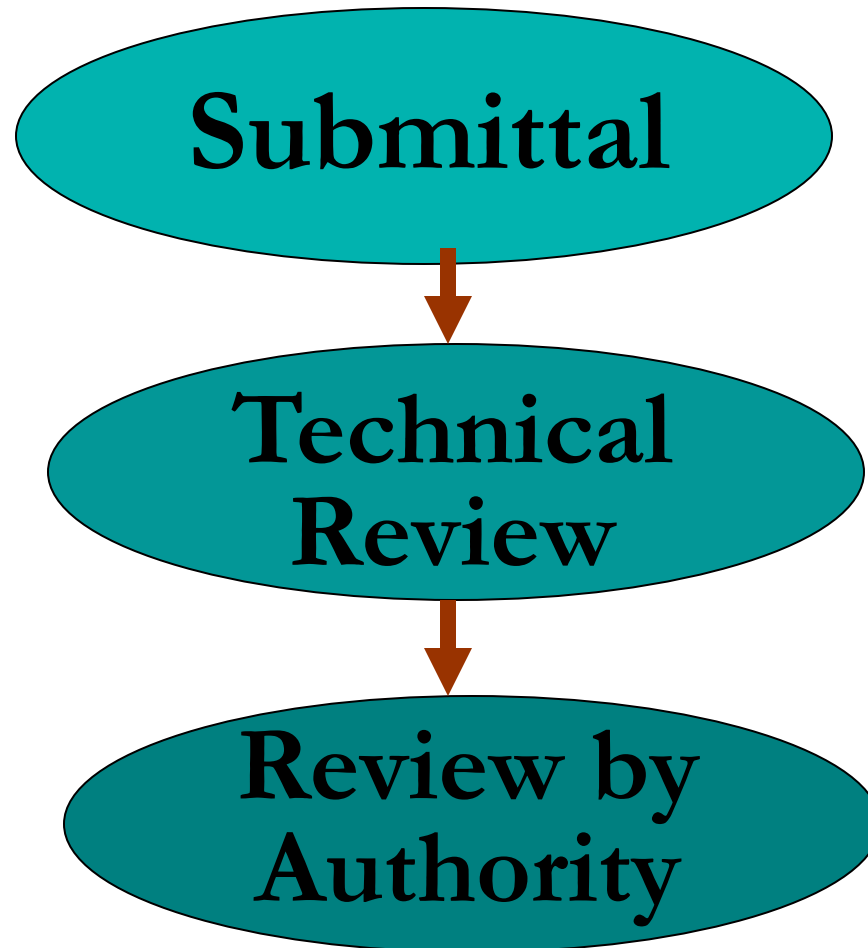
- *Section 212.004, Local Government Code*

# Types of Plats

- Preliminary Plat (actually not required by statute)
- Final Plat
- Minor Plat (4 or less lots)
- Replat (Non-residential)
- Replat (Residential)
- Amending Plats
- Vacating Plat
- Administrative Plat



## Approval Process





# Approval Process - Submittal

- Pre-submittal Conference (recommended)
- Submittal Requirements - Statutory
  - Metes and bounds description
  - Land survey locating the subdivision
  - Dimensions of lots, streets, easements, public/common use areas
  - Acknowledgement of the owner
- City may specify more requirements

# Approval Process - Technical Review

- Subdivision Plat Review Committee
  - City Departments
    - Engineering, City Services, Police, Fire, Economic Development, GIS, etc.
    - Utility Companies
- Committee meets to examine all code issues prior to consideration by approving authority



# Approval Process: Review by Authority

- Approving authority is the City Council
  - May delegate approval to Planning Commission
  - May allow staff administrative approval of certain minor plats, replats, amending plats
- Must act on a plat within 30 days after it is filed, otherwise plat is considered approved
- Note that the term “considered filed” needs to be defined specifically– is it when the plat is submitted? Fees paid? Deemed complete?

## When is a plat considered filed?

Generally:

- The application is complete when the requirements are met.
- City has 10 days to determine if plat application is complete
- If not then a letter must be sent to applicant who then 45 days to submit missing information
- Date Application is complete = file date
- Application/vesting ceases if missing information not corrected w/in 45 days

# Standards for Approval

- Must approve plat if it conforms to:
  - The general plan of municipality;
  - The general plan for the extension of infrastructure;
  - The requirement to file a bond (if required);
  - All other technical requirements
- Limited flexibility in plat approval

# Replatting

- Like a plat, the City must approve a replat that meets all ordinance requirements and
  - Residential replats require a public hearing with
  - Notice in newspaper & mailed to owners w/in original subdivision & w/in 200 ft (depends on your regs)
  - Notices generally at least 15 days prior to hearing
  - except if owners of 20% of land area notified protest in writing, then requires  $\frac{3}{4}$  vote of the approving body to approve replat

# Typical Components of a Subdivision Ordinance

- Plat Approval Procedures
- General layout of the Document
- Minimum Design Standards
- Conformance with zoning district regulations
- Required Public Improvements/Funding
- Dedication Requirements (or Fee in Lieu of Dedication)
- Right-of-way /Easement Requirements
- Plat Review Procedures and Fees
- Consistency with Comprehensive Plan
- Related Technical Documents

# Subdivision Ordinance

## Related Technical Documents

- Subdivision Ordinance specifically should refer to and require compliance
- Design Standards for Construction
  - Tables of design standards
  - Typical drawings of construction
  - Drainage Manual
- Application, forms, fee schedule



## “Vesting” Statute - Plats

- Actually a “right to complete” statute
- Triggered by utility, permit or plat application (sometimes even concept plan)
- Have 2 years from permit date and 5 years once project is started
- If “no progress” then an expiration date is critical
  - Court cases held documents w/o expiration date may still be vested
  - Ordinance should have automatic expiration date

# Development Exactions

## Rough Proportionality Requirement

- Codifies *Nollon/Dolan* and Flower Mound Cases
  - If city requires developer to pay portion of infrastructure costs as condition of plat approval, developer's portion of cost must be “**roughly proportionate**” or consistent with only the impact of proposed development
  - As estimated by city's engineer

# Components of a Plat

## Title Block

- Proposed name of subdivision including phase, addition, or section
- Legal description of property
- Total acreage
- Number of lots, blocks and reserves
- Person or firm who prepared the plat, address
- Owner's name and address
- Date that the plat was prepared
- Zoning District
- Purpose of replat, if applicable

## Plat Drawing

- Drawing orientation with north to the top of the drawing (or right if long and narrow)
- North arrow
- Scale (1"=100') numerical and graphic scale (or appropriate scale)
- Vicinity map in upper right corner showing the subdivision's relationship with adjacent well known streets, railroads, water courses, etc., oriented with north to the top of the drawing and in the same direction as the detailed subdivision drawing

## Drawing continued

- Plat boundary in heavy lines with measured bearings and distances tied to survey corners or intersections
- abstract lines
- survey lines
- corporate boundaries, district boundaries
- existing or proposed highways and streets
- Location of existing buildings (buildings outlines to be removed prior to final plat submittal)
- Locations of recorded easements - dashed line with recording information
- Proposed new easements - dashed line
- Lines outside plat boundary should be dashed

## Drawing continued

- location and size of all watercourses
- 100-year flood plain according to Federal Emergency Management Agency (FEMA) information
- name and location of all adjoining subdivisions, unplatted land and property owners,
- existing or proposed streets,
- alleys,
- railroads, easements, and
- features that may influence the layout of development within 200 feet of the boundary
- All zoning designations of the site and within 200 feet of the site, if applicable shall be clearly noted and complied with accordingly

## Drawing continued

- Sites, if any to be reserved or dedicated for parks, playgrounds, schools, churches, or other public or semi-public uses
- Minimum building lines for plats shown either graphically or by note. All front building lines shall be shown graphically
- Centerline radius, existing and future right-of-way widths, and conformance to approved traffic affect analysis for all streets
- All proposed public utility easements shall be included as required for utility companies or the City
- Contours at one foot intervals
- Reference to U.S.C. &G.S. data
- Spot elevations if applicable

## Lots

- Block(s) number within boundary of plat
- Lot number(s) on each lot Sequential
- Lot width and depth per zoning district
- Lot width on radial lots
- Reserve, tracts or parcel(s) identified by letter Sequential
- Lots and reserves with measured bearings and distances  
*(final)*



## Streets

- Check Major Street Plan for major thoroughfare and major collector. Alignments, dedications and future widenings.
- Check existing street ROW widths
- Check cul-de-sac radius - 50' R residential, 60'R commercial
- Check intersections spacing (*block length*) between streets. Check minimum spacing of intersections along a major thoroughfare
- When widening is required make sure that the dedication is measured with bearings and distances and square footage is provided. Include dedication to public statement on plat.

## Streets continued

- If one ROW width transitions to another width, add note to plat.
- street intersection off-sets
- Maximum length of residential cul-de-sac
- Verify reverse curves
- Check the number of access points into the subdivision
- At all intersections a visibility triangle must be provided. Add visibility triangle note

## Street Names

- Check street name for duplication and similarity
- Check 911 list
- Street names must end in suffix (Drive, Road, Lane, Street, Boulevard, etc.)
- Check for street name breaks where street names change

## Even More....

### Utility and Access Easements

- Public utility easements shall conform to design manual
- Other easements should the design requirements of the design manual

### Fire Hydrants

- All hydrants are within 600' of each other. Do you know why?
- All building meet 200' hose lay from private street edge per design standards and Fire Department criteria

# Contact Letters

- Water Districts
- County
- School Board
- Utility Companies
- Post Office

## Final Plat

- Verify the exact location, grade, dimension, description, and name of all proposed streets, alleys, parks, other public areas, reservations, easements or other public rights-of-way, blocks, lots, and other sites or facilities within the subdivision, along with accurate dimensions, bearing or deflection angles and radial, area, central angles, degree of curvature, tangent distances, and length of all curves where appropriate
- Global Positioning System (GPS) coordinates are recommended where applicable.
- Location of all survey corners and permanent monuments

## Final Plat continued

- Certification, dedication and acknowledgement blocks of the owner, engineer, surveyor, Planning Commission Chair and Mayor, lien holder, fully signed, executed and appropriately sealed
- A title page if the information is too large for a single sheet
- General Plat Notes as appropriate
- Corporations require two signatures, Limited Partnerships or Joint Ventures one
- Owner's signatures and lien holders notarized

# At Last!

- Digital file
- Tax Certificates
- HOA/Deed Restrictions
- Fees
- As-Builts Constructions



## Other Issues

- Extraterritorial Jurisdiction
  - Most Cities extend their Subdivision Regulations into the ETJ
  - Required to have agreements between cities and counties for who will process plats
- Gated Communities, Private Streets
  - Need to have specific requirements for building and to handle eventual replacement
- Impact Fees/Pro-Rata Charges
  - Fees that cover effect of development on existing city services
- Park Dedication or Fees-in-lieu-of Land

**Thank you!**  
**Questions and Discussion?**