

PLATTING: All You Need to Know

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PLATTING: All You Need to Know

Part of the Dev. Reg. process, but frequently misunderstood.

Origin:

- Public law (health, safety and public welfare – the “police power”) not contract law.
- Different from zoning- Gov’t rights significantly limited when reviewing a plat.

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Basis of subdivision control:

- Land registration system
- Registration is a privilege
- Gov't grant/withhold registration approval based upon the compliance with conditions
- Legitimate government interest in
 - “promoting healthy and orderly development” and
 - protecting future lot owners

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WHAT IS A . . . ? (The Jargon of Platting)

Subdivision (to subdivide, subdividing)

The division of land

Subdividing ≠ platting

Platting (to plat) – Government process

Subdivision Plat (or Plat) – Written depiction of the lots, blocks and reserves - Government Permit

Planning Commission – Appointed governmental body with plat approval authority

Houston – 26 members

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Variance – Right to vary from the literal word of the applicable regulation upon a showing of “hardship”

Houston- requires supermajority vote

Extraterritorial Jurisdiction (“ETJ”)- Special area surrounding a city where city has power of annexation and limited regulatory authority- City platting authority may be extended to ETJ

Applicant – Any “person” may be an applicant, but only an “owner” may actually plat property

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Development Agreement – An agreement between a land owner and a local government relating to development of land.

LGC §212.172- ETJ Dev. Agmts.

- ETJ only
- Defer annexation up to 15 yrs. & 2 extensions – 45 yrs. max.
- May extend City planning authority & regulations
- Authorizes specific regulations
- May provide for infrastructure
- May specify uses
- “Other lawful terms”
- Must be recorded
- Vests rights

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"Subdivision and Platting: A Land Use Foundation"