



## Subdivision and Plats:

Omar Izfar  
Wilson Cribbs + Goren  
Houston, Texas

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## Origin of Subdivision Regulation

- 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.
- Land registration system - 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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## Definitions and Key Concepts

**Variance** – Entitlement to vary from the literal word of the applicable regulation upon a showing of “hardship.” Granted by Planning Commission.

**Extraterritorial Jurisdiction (“ETJ”)** – Defined area surrounding city limits where city has power of annexation and limited regulatory authority. City platting authority may be extended to ETJ.

TEX. LOC. GOV'T CODE §§ 42.021:

Population
Less than 5,000
5,000 - 24,999
25,000 - 49,999
50,000 - 99,999
100,000 +

ETJ from City's Boundary

½ mile
1 mile
2 miles
3.5 miles
5 miles

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

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## Types of Plats

**Replat Plan** – Plat of previously platted area.

**Plan** – subdivision development plan, site development plan, site plan, land development application. Not a plat, but rules apply.

**Residential Plat** – TLGC 212.015 Notice to adjacent property owners. Public hearing. Supermajority over protest of variance.

**Minor Plat** – Plat with 4 or fewer lots on an existing street.

**Amending Plat** – Minor changes/corrections – no notice/public hearing.

**Vacating Plat/Cancellation Plat** – Return to raw land.

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## Types of Plats

### **Development Plat –**

- Houston Creation
- No Subdivision
- Required for building permit

### **Preliminary Plat –**

- Initial submitted plat – less detailed
- Critical juncture in the platting process
- If challenge expected- submit in final plat form

### **Final Plat –**

- Ready for recording
- Fully engineered
- Must meet LGC Ch. 212 standards

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## When to Plat

**General Rule –** Any division of land. Some cities require platting prior to building permits.

### **State Law Exceptions:**

State Law:

Cities LGC §212.004:

- <5 acre subdivision
- Each tract has “access” (to a public street)
- “No public improvements are dedicated”

Counties LGC 232.0015

- 10 acres
- No dedication of streets

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"Subdivision and Plats"