



# Subdivision and Plats:

Omar Izfar  
Wilson Cribbs + Goren  
Houston, Texas

2022 Land Use Fundamentals  
UTCLE - April 20, 2022



## 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

Wilson Cribbs + Goren

## 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

Wilson Cribbs + Goren

## 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.

Wilson Cribbs + Goren

## 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

Wilson Cribbs + Goren

## 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

Wilson Cribbs + Goren

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: Subdivision and Plats

Also available as part of the eCourse

[2022 Land Use Fundamentals eConference](#)

First appeared as part of the conference materials for the  
2022 Land Use Fundamentals session

"Subdivision and Plats"