



INFORMAL STAFF REPORT

From: Nina Nixon-Méndez, FAICP, Director of Development Services

Date: February 5, 2019

Subject: Whether Lack of Sidewalk Alone is a Required or Necessary "Extension of Municipal Facilities" that Prevents "Minor" or "Amending" Plat Categorization

ISSUE: When determining whether a replat is categorized as an amending plat or a minor plat, staff evaluates whether an "extension of municipal facilities" is required or made necessary by the replat. For a replat involving the relocation or removal of a lot line or lines, that results in one single residential lot, the question arises whether lack of sidewalk alone is a required or necessary "extension of municipal facilities," that excludes the replat from the category of amending or minor plats.

BACKGROUND: Often a land owner seeks to replat a residentially-zoned, previously platted parcel of land, because the parcel is comprised of multiple lots, or a fractional lot or lots, or both. The owner may be seeking a building permit for one house, an addition, accessory structure, or a remodeling project, or the owner seeks to use the land as collateral, and their lender wants to clear any potential cloud on the title to the land or improvements on the land. The land owner's project is relatively small compared to a neighborhood subdivision project, and the size of the single parcel is comparable to the average size lot for the zoning district. From prior platting, the land is already served by adequate utilities and public improvements that satisfy the Unified Development Code's (UDC) Article 8 Subdivision Design and Improvements standards, *except* that the parcel lacks sidewalk. Given the relatively small size of the project, the land owner seeks administrative approval of the plat by staff, without having to take the plat to Planning Commission for approval.

Texas Local Government Code §212.0065 allows delegation of plat approval to City employees for those plats described as "amending" under Texas Local Government Code §212.016, or for "minor" plats described in §212.0065 (involving four or fewer lots and fronting on a street). In both instances, state law excludes from the "amending" or "minor" categories those replats that require or make necessary "the extension of municipal facilities." See Texas Local Government Code §212.016(a)(11)(D) and §212.0065(a)(2).

State law also describes a plat as an amending plat if the plat is solely for the purpose of correcting certain errors or omissions in the preceding plat (§212.016(a)(1)-(7)), or to relocate

a lot line to eliminate an inadvertent encroachment, (§212.016(a)(8)) or to relocate one or more lot lines between one or more adjacent lots, if all the owners join in the application, the amendment does not remove recorded covenants or restrictions and does not increase the number of lots. (See Texas Local Government Code §212.016(a)(9)).

INTERPRETATION / FINDINGS: If a replat would otherwise satisfy the description of an amending plat or a minor plat under Texas Local Government Code, and satisfies the UDC Article 8 Subdivision Design and Improvements standards, except for the lack of sidewalk along the front footage of the property, then sidewalk construction is not considered a required or necessary “extension of a municipal facility.” Such a replat is deemed an amending plat or minor plat as the case may be, and sidewalk construction is not required, if all the following conditions 1-4 are met:

1. The lot does not front on, and is not adjacent to, a right-of-way, street, alignment, or corridor that is designated on:
 - the Urban Transportation Plan (UTP) or Thoroughfare Plan, or has a right-of-way width greater than 50 feet, or
 - the MobilityCC Plan, including the Trails Master Plan (HikeBikeCC) and the ADA¹ Master Plan, or
 - the Corpus Christi Metropolitan Planning Organization’s (MPO) Strategic Plan for Active Mobility, or
 - any other plan that designates sidewalk or active transportation improvements;
2. The lot is zoned Farm Rural, Residential Estate or Single-Family Residential RS-4.5, RS-6, RS-10, RS-15, RS-22, or Single-Family Residential Two Family (“RS-TF”);
3. There are no existing or planned sidewalks on adjacent lots;
4. At least 75% of the block face (lots fronting on the same side of the street as the subject plat), as measured by the number of lots, or, by the linear footage of the block face, does not have sidewalk.

NNM/gc

¹ ADA is the Americans with Disabilities Act of 1990 (42 U.S.C. § 1201 et seq.)