



Planning Division  
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# PLANNING

Planning is a Division of the Department of Planning & Development Services

## MINOR SUBDIVISIONS/RESUBDIVISIONS

*What criteria is used to determine if a subdivision or resubdivision can be categorized as minor?*

If it meets *all* of the following criteria, it is considered minor:

- No new street right-of-way(s) shall be proposed or required to serve the lots or tracts resulting from subdivision, or which may be required by an adopted public plan for streets (*note: marginal dedications of land onto existing street rights-of-way may be permitted*);
- It includes the total contiguous tract of land owned or under control of the subdivider; and,
- The City Engineer has indicated that no detailed drainage or utility plans will be required.

If all the above criteria are met, and two or more spaces are being laid out for lease or sale for placement of manufactured homes, mobile homes, or RVs, it is also considered a minor subdivision.

*What is the review process for a minor subdivision/resubdivision?*

- A completed application, plat checklist, applicable fee, and thirteen (13) paper copies of the proposed plat/replat must be submitted and reviewed for completeness. Once deemed complete, the application is reviewed internally, & comments prepared. The Development Staff meets approximately one week before the Planning Commission and will develop a unified recommendation on the plat/replat.
- The staff presents the application & staff report to the Planning Commission, who will approve, approve with conditions or other necessary changes, or deny it.
- If denied, it may be appealed in writing to the City Council within thirty (30) days following the date of denial, or the Planning Commission's denial will be considered final.

*Who can approve a major subdivision?*

The Planning Commission's action shall be considered final, not requiring subsequent consideration by the City Council, unless that decision is appealed to City Council. Notwithstanding procedural requirements of the City Charter, a simple majority vote of the City Council members present shall be necessary to reverse or modify such decision made by the Planning Commission. An appeal of the Planning Commission's denial of a final plat must be made in writing, signed by the developer, and provided to the Director of Planning within thirty (30) days following the Planning Commission's denial.

***Is notification required for minor subdivisions?***

Yes, when the application is for a resubdivision, & any of the area represented on it was limited to no more than two residential units per lot by zoning within the last five years or by deed restrictions. As outlined in state law, notification includes both written mailed notice to property owners as well as a newspaper advertisement. If protested (in writing by the owners of at least 20% of the land area adjoining the property & within 200'), hearing by and an affirmative vote of at least  $\frac{3}{4}$  of Planning Commission members present is required for approval.

***What happens after approval of the final plat or replat application has been granted?***

The approval is effective for three (3) years. If this approval expires, a new application must be filed. To record the plat within the effective approval window, a completed plat submittal signature checklist – along with a minimum of 4 positive copies (at least 2 must be paper) must be provided. Once completion of conditions is verified and all City officials have signed, the copies are returned to the applicant for recording. Completion of conditions regarding infrastructure improvements may be accomplished either by the physical installation of infrastructure – consistent with City specifications – or the approval of a performance guarantee & accompanying agreement. Methods of guarantee include: letters of credit, bonds, cashier's checks, or cash payment. For more information, see the handout on Performance Guarantees or Ch. 6 of the Subdivision Ordinance. The applicant must provide the City with recording information before permits may be issued, and within seven calendar days of recording.