

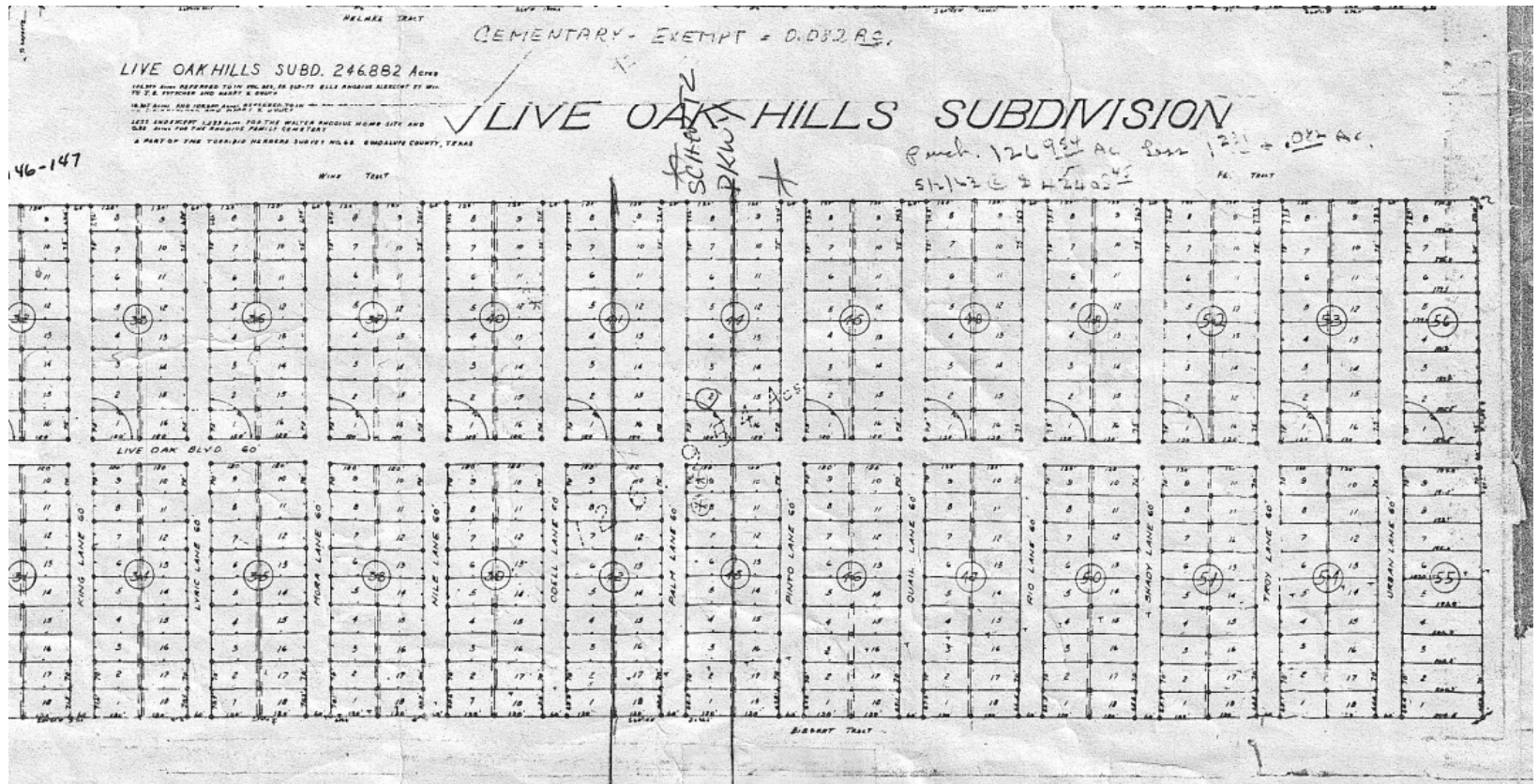
# The Challenges with Paper Subdivisions

## AACOG Planning and Zoning Workshop

June 23, 2022

# What are Paper Subdivisions?

- A paper subdivision is a term used to describe land parcels that are recognized on paper but have no constructed roads, drainage, water sewer or electricity, so they are not buildable.



# Is This a New Thing?

## **Rapid Growth and Development at Lehigh Acres, Florida Despite Faulty Layout and Design**

*Hubert B. Stroud*

*Department of Criminology, Sociology, and Geography  
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### **Introduction**

The selling of rural real estate mushroomed into a multi-billion dollar industry during the 1950s and 1960s as land developers capitalized on the desire of millions of Americans to own a parcel of land. Unfortunately, many of the lots that were sold are in large pre-platted subdivisions, projects that sold raw land as rapidly as possible and largely ignored many important aspects of land development.

Pre-platted subdivisions (often referred to as platted lands) create a complex set of problems that depend on the location and size of the development, the nature of the land that has been platted, the character of the lots, and the availability of basic services. Some platted lands are a problem because the lots in the subdivision are too small to meet minimum lot size requirements for on-site waste-water treatment facilities (septic tanks, for example). Others are a problem because of poor drainage or because the land on which they are located is underwater for all or much of the year. Some are a problem because no improvements have been made and they are subdivisions in name only or are “paper subdivisions.” Regardless of the reason, the platted lands problem involves literally millions of platted vacant lots and looms as one of the most significant stumbling blocks for orderly growth and development in Florida (Stroud and Spikowski, 1999).

## Is This a New Thing?

# STRIKING OUT ON THE LAND PITCH THOUSANDS BOUGHT PLACES IN THE SUN ON WHICH THEY CAN'T BUILD

By Katherine Long of The Sentinel Staff  
Orlando Sentinel • Sep 05, 1987 at 12:00 am

KISSIMMEE — The year was 1968. Florida land was cheap. Real estate practices were unregulated. And everybody wanted a piece of the Central Florida action.

Lured by promises that they could double their investment in a matter of years, about 4,000 visitors to Florida put down money to buy one- and two-acre lots in Osceola County in the 1960s.

Now, nearly 20 years later, many of those landowners are returning to Florida to build their retirement dream on their piece of the Sunshine State. What they find is a lot on which they can't build, in a subdivision that does not officially exist.

County officials call them "paper subdivisions" -- land divided by developers on paper but never accepted as subdivisions by the county commission.

A swamp meanders through one of the subdivisions. The county prohibits construction on most lots both because of their size and because there are no adjacent county-maintained roads.

And even if some of the lot owners could find their property -- it has never been surveyed -- they might need a helicopter or a four-wheel drive vehicle to get to it.



I am having trouble picturing a paper subdivision...

- They may have some infrastructure, but not all that is needed to develop homes and what they do have may not be close to current or past standards.



A typical street in a paper subdivision



## A typical conversation with an owner of a lot in a paper subdivision – one of 28 emails exchanged on this topic

I believe we have communicated about some of this, but just to fully explain the issue. Your property is zoned R-2. An RV Park is not an allowed use - so you would not be able to live in an RV on the property. You then asked, generally why an RV could not be considered a one family dwelling which is allowed. A building permit and Certificate of Occupancy is required for a one family. In order to issue a building permit, the application and association plans must comply with the adopted building codes. It is my understanding the your RV does not. Additionally, inspections are required to verify construction compliance - something that may not be possible. Alternatively, it would have to comply with the IHP program for industrial housing. This essentially allows for prefabricated elements, but again I don't believe your RV complies with this as it is an RV and built to the standards for an RV.

With regard to the sewer/septic service, it isn't apparent to me that the TCEQ provisions overrides the City's requirement to construct and provide public infrastructure, including sewer.

Again, we can help walk you through the waiver process for the infrastructure, but I don't see a way to not have the residence comply with the building codes.

Happy to meet to discuss.

Brian

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## Why are Paper Subdivisions a Problem?

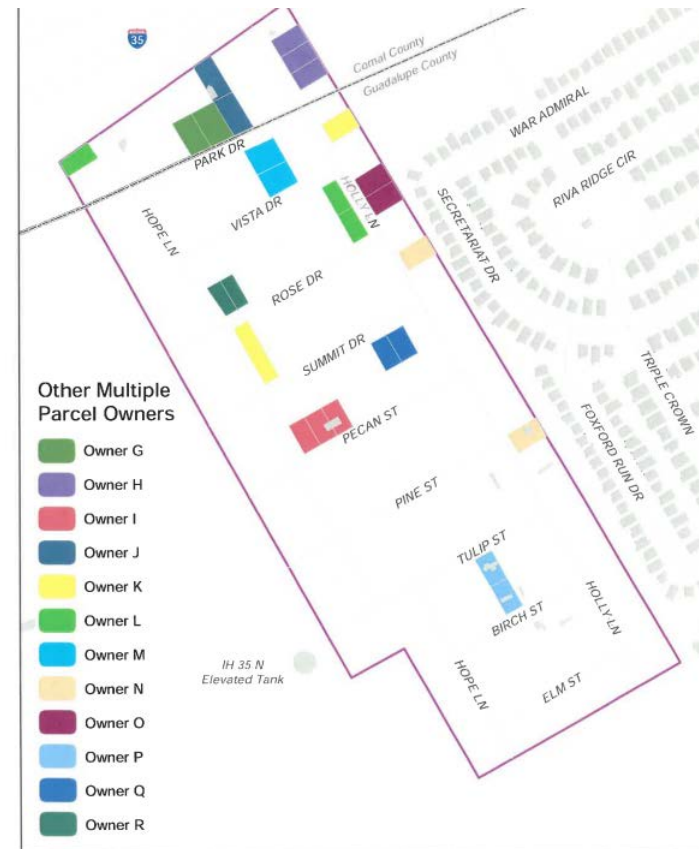
- The lots are not buildable – there is no water, sewer or adequate emergency access – but often buyers don't know that.
- Over time people have built structures – either permits were not required, rules may have changed, or they did not pull a permit as required.
- Pathways may have been created over time making it easy to access but secluded enough to allow for illegal dumping.





## Why are Solutions for Paper Subdivisions Such a Challenge?

- Often there are many different owners and in many of cases the owner cannot be located.
- There may be deed restrictions limiting the uses



## Why are Solutions for Paper Subdivisions Such a Challenge?

- There may be liens for back taxes (this can be part of a solution too)
- Because we have often ignored them for too long and the problems have gotten worse.



## Options and Suggestions

- Get a clear and full understanding of what you are dealing with – you can never have too much information – and City Attorneys hate surprises.
  - What infrastructure if any is out there?
  - How many lots, how many owners, how many owe back taxes?
  - What problems exist – dumping, substandard structures, sewage flow, other environmental issues?
  - Figure out how this problem got to this point
  - Are there deed restrictions?
  - Are lots currently for sale – how often do they come up for sale?



Have I got a deal for you.....

- <https://www.kwsanantonio.com/neighborhoods/homes-for-sale-in-freeway-manor>



## Develop a Vision, Plan and Get Buy In.

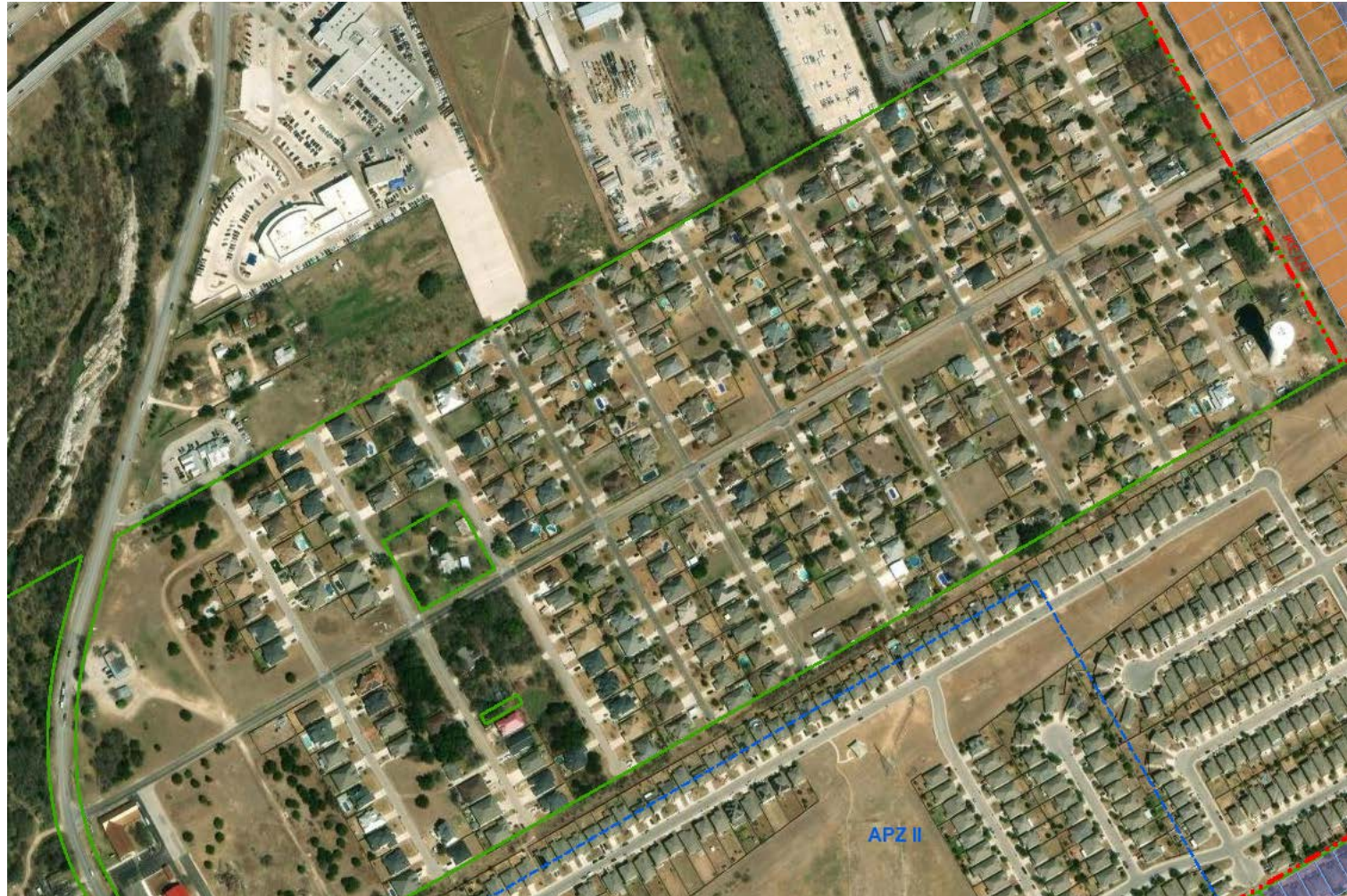
- Your community needs to define what their vision for this paper subdivision is
  - Do you want to put in infrastructure to support the houses that are there and to allow more development?
  - Do you want to try to redevelop it for a higher and better use?
  - Is the private sector better positioned to deal with this? – but you may need to incent it.

If there is money to be made, the private sector may be willing to step in.





Putting in infrastructure to make it better.



## Words of Advice

- Go in eyes wide open – this will not be easy, quick, inexpensive or painless.
- Try to keep it from getting worse even if you are not ready to move to long term solutions.
- Have a clear plan that is viable – you know you can allocate appropriate resources to it.
- Work with your City Attorney to make sure your ordinances support what you are going to do/allow property owners to do.

Remember as bad as we may have it – others may have it worse.

- Unlike Lakeview County California you probably have not had to develop a 66-page document to deal with an estimated 10,000 unbuildable lots.

**LAKE COUNTY PAPER SUBDIVISION  
MANAGEMENT PLAN**



Adopted March 10, 2015  
Lake County Board of Supervisors



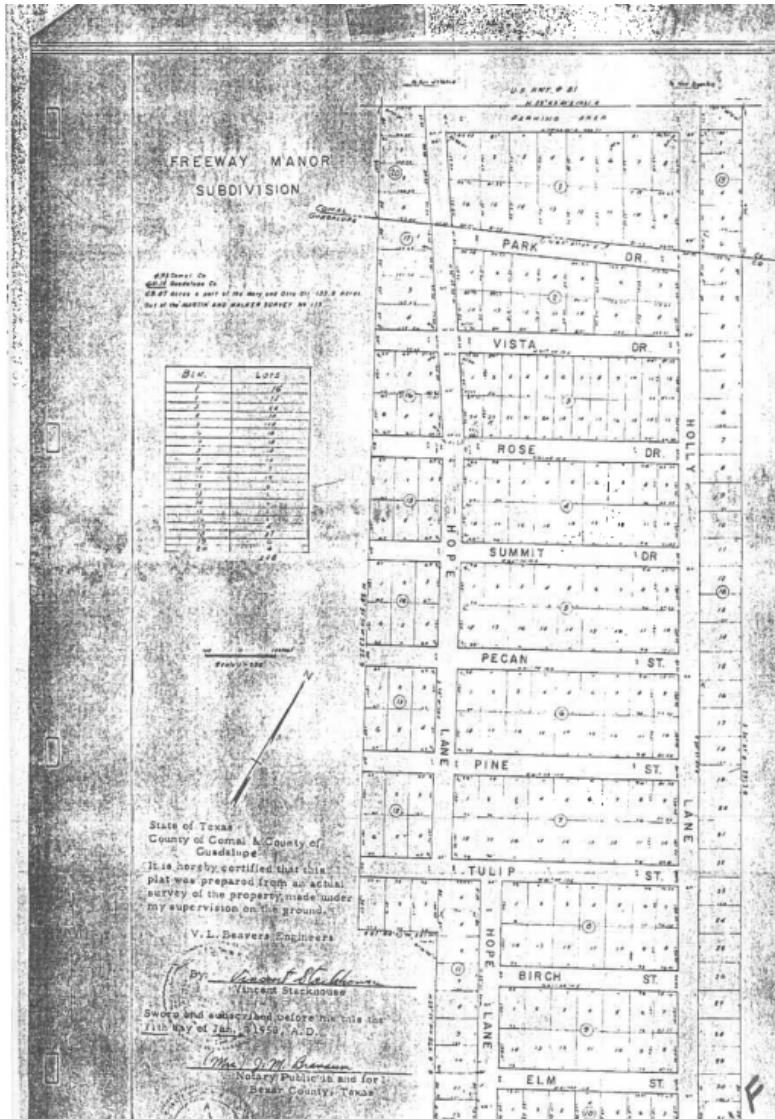
## A Few Schertz Examples – Freeway Manor and Live Oak Hills

For a number of years, the City acquired property in the Freeway Manor Subdivision. The City has not purchased any of the properties for nearly 10 years. Freeway Manor is a paper subdivision, so called because although the plat was filed, there is not infrastructure - streets, water, sewer to support development of all the lots. The plat was filed in 1958. Freeway Manor is located on the south side of IH-35, just east of the Belmont Park residential subdivision. The area is zoned GB - General Business. There are a handful of residential structures on the property that have been there for a long time.

The City began acquiring the properties given the lack of adequate infrastructure that made it difficult for any of the many owners to develop their property. While there are a few people, like the City that own numerous lots, most people own just one or two, which makes it difficult to justify the cost of providing infrastructure. As such the City began acquiring properties when approached by their owners or as properties came up at foreclosure sales.

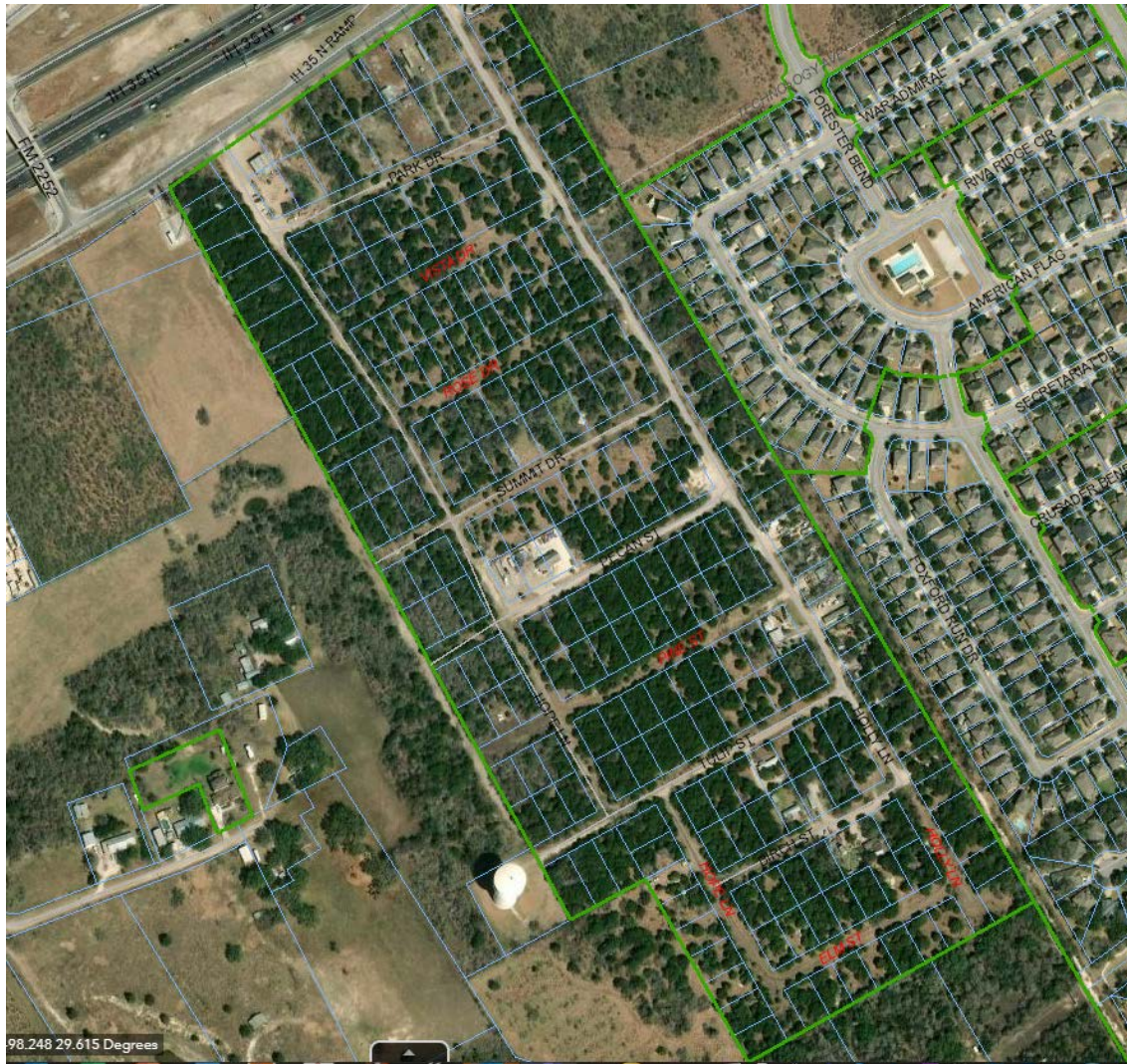
Since it is has been some time since the City has acquired any properties in this area, staff is seeking direction about restarting the effort to acquire properties as they come up for sale.

## A Few Schertz Examples – Freeway Manor and Live Oak Hills





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## A Few Schertz Examples – Freeway Manor and Live Oak Hills



## Discussion and Questions