

By: Wilson

H.B. No. 3699

A BILL TO BE ENTITLED

AN ACT

relating to municipal regulation of subdivisions and approval of subdivision plans or plats.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 212, Local Government Code, is amended by adding Section 212.0021 to read as follows:

Sec. 212.0021. SUBDIVISION REQUIREMENTS. The governing body of a municipality, by ordinance and after notice is published in a newspaper of general circulation in the municipality, may:

(1) require a right-of-way on a street or road that functions as a main artery in a subdivision of a width of not less than 50 feet or more than 100 feet;

(2) require a right-of-way on any other street or road in a subdivision of a width of not less than 40 feet or more than 70 feet;

(3) require that the shoulder-to-shoulder width on collectors or main arteries within the right-of-way is not less than 32 feet or more than 56 feet, and that the shoulder-to-shoulder width on any other street or road is not less than 25 feet or more than 35 feet;

(4) adopt, based on the amount and kind of travel over each street or road in a subdivision, reasonable specifications relating to the construction of each street or road; and

(5) adopt reasonable specifications to provide

1 adequate drainage for each street or road in a subdivision in
2 accordance with standard engineering practices.

3 SECTION 2. Sections 212.004(a) and (b), Local Government
4 Code, are amended to read as follows:

5 (a) The owner of a tract of land located within the limits or
6 in the extraterritorial jurisdiction of a municipality who divides
7 the tract in two or more parts to lay out a subdivision of the tract,
8 including an addition to a municipality, to lay out suburban,
9 building, or other lots, or to lay out streets, alleys, squares,
10 parks, or other parts of the tract intended by the owner of the
11 tract to be dedicated to public use [~~or for the use of purchasers or~~
12 ~~owners of lots fronting on or adjacent to the streets, alleys,~~
13 ~~squares, parks, or other parts]~~ must have a plat of the subdivision
14 prepared. A division of a tract under this subsection includes a
15 division regardless of whether it is made by using a metes and
16 bounds description in a deed of conveyance or in a contract for a
17 deed, by using a contract of sale or other executory contract to
18 convey, or by using any other method. A division of land under this
19 subsection does not include a division of land into parts greater
20 than five acres, where each part has access and no public
21 improvement is being dedicated.

22 (b) To be recorded, the plat must:

23 (1) describe the subdivision by metes and bounds;

24 (2) locate the subdivision with respect to a corner of
25 the survey or tract or an original corner of the original survey of
26 which it is a part; and

27 (3) state the dimensions of the subdivision and of

1 each street, alley, square, park, or other part of the tract
2 intended by the owner of the tract to be dedicated to public use [~~or~~
3 ~~for the use of purchasers or owners of lots fronting on or adjacent~~
4 ~~to the street, alley, square, park, or other part~~].

5 SECTION 3. Section 212.005, Local Government Code, is
6 amended to read as follows:

7 Sec. 212.005. APPROVAL BY MUNICIPALITY REQUIRED. (a) The
8 municipal authority responsible for approving plats must approve a
9 plat or replat that is required to be prepared under this subchapter
10 and that satisfies the requirements of this subchapter [~~all~~
11 ~~applicable regulations~~].

12 (b) This subchapter may not be construed to convey any
13 authority to a municipality regarding the completeness of an
14 application or the approval of a plat or replat that is not
15 explicitly granted by this subchapter.

16 SECTION 4. Subchapter A, Chapter 212, Local Government
17 Code, is amended by adding Section 212.0081 to read as follows:

18 Sec. 212.0081. REQUIRED APPLICATION MATERIALS. (a) Each
19 municipality to which this subchapter applies shall adopt and make
20 available to the public a complete, written list of all
21 documentation and other information that the municipality requires
22 to be submitted with a plat application. The required documentation
23 and other information must be related to a requirement authorized
24 under this subchapter.

25 (b) An application submitted to the municipal authority
26 responsible for approving plats that contains all documents and
27 other information on the list provided under Subsection (a) is

1 considered complete.

2 (c) A municipality that operates an Internet website shall
3 publish the list described by Subsection (a) on the Internet
4 website not later than the 30th day after the date the municipality
5 adopts or amends the list.

6 (d) A municipality that does not operate an Internet website
7 shall publish the list described by Subsection (a) on adoption of
8 the list or an amendment to the list in:

9 (1) a newspaper of general circulation in the
10 municipality; and

11 (2) a public place in the location in which the
12 governing body of the municipality meets.

13 SECTION 5. Section 212.009(b-2), Local Government Code, is
14 amended to read as follows:

15 (b-2) Notwithstanding Subsection (a) or (b), the parties
16 shall ~~may~~ extend the 30-day period described by those subsections
17 for a period not to exceed 30 days if:

18 (1) both:

19 (A) the applicant requests the extension in
20 writing to the municipal authority responsible for approving plats
21 or the governing body of the municipality, as applicable; and

22 (B) ~~(2)~~ the municipal authority or governing
23 body, as applicable, approves the extension request; or

24 (2) Chapter 2007, Government Code, requires the
25 municipality to perform a takings impact assessment in connection
26 with the plan or plat.

27 SECTION 6. Section 212.010, Local Government Code, is

1 amended by adding Subsections (c), (d), and (e) to read as follows:

2 (c) The municipal authority responsible for approving plats
3 may not require the dedication of land within a subdivision for a
4 future street or alley that is:

5 (1) not intended by the owner of the tract; and

6 (2) not included, funded, and approved in:

7 (A) a capital improvement plan adopted by the
8 municipality; or

9 (B) a similar plan adopted by a county in which
10 the municipality is located or the state.

11 (d) A municipal authority responsible for approving plats
12 may not refuse to review a plat or to approve a plat for recordation
13 for failure to identify a corridor, as defined by Section 201.619,
14 Transportation Code, unless the corridor is part of an agreement
15 between the Texas Department of Transportation and a county in
16 which the municipality is located under that section.

17 (e) If a municipal authority responsible for approving
18 plats fails or refuses to approve a plat that meets the requirements
19 of this subchapter, the owner of the tract that is the subject of
20 the plat may bring an action in a district court in a county in which
21 the tract is located for a writ of mandamus to compel the municipal
22 authority to approve the plat by issuing to the owner applicable
23 approval documentation. The owner may recover reasonable and
24 necessary attorney's fees and court costs in the action.

25 SECTION 7. As soon as practicable after the effective date
26 of this Act but not later than January 1, 2024, each municipality
27 shall adopt and publish the list described by Section 212.0081,

1 Local Government Code, as added by this Act.

2 SECTION 8. The changes in law made by this Act apply only to
3 an application submitted on or after the effective date of this Act.
4 An application submitted before the effective date of this Act is
5 governed by the law applicable to the application immediately
6 before the effective date of this Act, and that law is continued in
7 effect for that purpose.

8 SECTION 9. This Act takes effect September 1, 2023.