

House Bill 3697
Senate Amendments
Section-by-Section Analysis

HOUSE VERSION

SECTION 1. Section 232.001(a), Local Government Code, is amended to read as follows:

(a) The owner of a tract of land located outside the limits of a municipality must have a plat of the subdivision prepared if the owner divides the tract into two or more parts to lay out:

- (1) a subdivision of the tract, including an addition;
- (2) lots; or
- (3) streets, alleys, squares, parks, or other parts of the tract intended by the owner of the tract to be dedicated to public use or for the private use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks, or other parts to be maintained by the purchasers or owners of those lots.

SECTION 2. Sections 232.0025(a) and (i), Local Government Code, are amended to read as follows:

(a) The commissioners court of a county or a person designated by the commissioners court shall issue a written list of all [~~the~~] documentation and other information that must be submitted with a plat application. The documentation or other information must relate to a requirement authorized under this section or other applicable law. An application submitted to the commissioners court or the person designated by the commissioners court that contains all [~~the~~] documents and other information on the written list is considered complete. The commissioners court shall post and continuously maintain the most current version of the list on the county's Internet website.

SENATE VERSION (IE)

SECTION 1. Same as House version.

SECTION 2. Same as House version.

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(i) If the commissioners court or the court's designee fails to approve, approve with conditions, or disapprove a plat application as required by this subchapter:

(1) the commissioners court shall refund the greater of the unexpended portion of any application fee or deposit or 50 percent of an application fee or deposit that has been paid;

(2) the application is granted by operation of law; ~~and~~

(3) the applicant may apply to a district court in the county where the tract of land is located for a writ of mandamus to compel the commissioners court to issue documents recognizing the plat application's approval; and

(4) the prevailing party in an action filed under Subdivision (3) may recover reasonable attorney's fees and court costs incurred in the action.

SECTION 3. Section 232.0033, Local Government Code, is amended by adding Subsection (c) to read as follows:

(c) The commissioners court of a county or the court's designee may not refuse to review a plat application or refuse to approve a plat for recordation for failure to identify a corridor, as defined by Section 201.619, Transportation Code, unless the corridor is part of an agreement between the Texas Department of Transportation and the county under that section.

No equivalent provision.

SENATE VERSION (IE)

SECTION 3. Same as House version.

SECTION 4. Section 232.101, Local Government Code, is amended by amending Subsections (a) and (b) and adding Subsection (b-1) to read as follows: [FA1(1);FA2(1)]

(a) By an order adopted and entered in the minutes of the commissioners court and after a notice is published in a

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newspaper of general circulation in the county, the commissioners court may adopt rules governing plats and subdivisions of land within the unincorporated area of the county ~~as authorized by this subchapter [to promote the health, safety, morals, or general welfare of the county and the safe, orderly, and healthful development of the unincorporated area of the county].~~

(b) A ~~[Unless otherwise authorized by state law, a]~~ commissioners court shall not regulate, either directly or indirectly ~~[under this section]:~~

(1) the use of any building or property for business, industrial, residential, or other purposes;

(2) the bulk, height, or number of buildings constructed on a particular tract of land;

(3) the size of a building that can be constructed on a particular tract of land, including without limitation and restriction on the ratio of building floor space to the land square footage;

(4) except as provided by Subsection (b-1), the minimum size of a lot, dimensions of a lot, minimum width of a lot frontage, minimum distance a lot must be set back from a road or property line, or another component of lot density on a particular tract of land; [FA2(2)]

(5) the number of residential units that can be built per acre of land;

~~(6) [(5)]~~ a plat or subdivision in an adjoining county; or

~~(7) [(6)]~~ road access to a plat or subdivision in an adjoining county.

(b-1) A county that has a population of more than 370,000 and contains more than eight municipalities, each with a population of less than 2,000, may regulate the minimum size of a lot, dimensions of a lot, minimum width of a lot

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frontage, minimum distance a lot must be set back from a road or property line, or another component of lot density on a particular tract of land that the county may otherwise regulate under other law. [FA2(3)]

(d) A rule related to plats, development permits, and subdivisions of land may not require any analysis, study, document, agreement, or similar requirement that is not otherwise specifically required by statute. [FA1(2)]

No equivalent provision.

SECTION __. Section 232.103, Local Government Code, is amended to read as follows:

Sec. 232.103. LOT FRONTAGES. Subject to Sections 232.101(b) and (b-1), by [By] an order adopted and entered in the minutes of the commissioners court and after a notice is published in a newspaper of general circulation in the county, the commissioners court may adopt reasonable standards for minimum lot frontages on existing county roads and establish reasonable standards for the lot frontages in relation to curves in the road. [FA2(5)]

No equivalent provision.

SECTION __. Section 232.104, Local Government Code, is amended to read as follows:

Sec. 232.104. SET-BACKS. Subject to Sections 232.101(b) and (b-1), by [By] an order adopted and entered in the minutes of the commissioners court and after a notice is published in a newspaper of general circulation in the county, the commissioners court may establish reasonable building and set-back lines as provided by Chapter 233 without the limitation period provided by Section 233.034(c) [233.004(e)]. [FA2(5)]

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No equivalent provision.

Same as House version. SECTION 5. [Deleted by FA2(4)]

SECTION 4. As soon as practicable after the effective date of this Act but not later than January 1, 2024, each county shall adopt and publish the list described by Section 232.0025, Local Government Code, as amended by this Act.

SECTION 6. Same as House version.

SECTION 5. The changes in law made by this Act apply only to a plat application submitted on or after the effective date of this Act. A plat application submitted before the effective date of this Act is governed by the law in effect on the date the application was submitted, and that law is continued in effect for that purpose.

SECTION 7. Same as House version.

SECTION 6. This Act takes effect September 1, 2023.

SECTION 8. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2023.