

CHAPTER 568

H.B. No. 2370

An Act relating to the submission and approval of certain development plats in cities of 1,500,000 residents or more; providing a penalty.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Title 28, Revised Statutes, is amended by adding Article 974a-3 to read as follows:

Art. 974a-3. PLATTING IN UNZONED CITIES WITH A POPULATION OF 1,500,000 OR MORE

Sec. 1. DEFINITIONS. *As used in this article unless the context requires a different definition:*

(1) "City" shall mean any unzoned city in the State of Texas having a population of greater than 1,500,000 according to the most recent federal census which chooses or has chosen by ordinance of its governing body to avail itself of the provisions of this article.

(2) "Development" or "to develop" shall mean the new construction or the enlargement of any exterior dimension of any building, structure, or improvement.

(3) "Extraterritorial jurisdiction" shall mean the contiguous unincorporated area, not a part of any other city or that city's extraterritorial jurisdiction and within five miles of the corporate limits of a city as established by the Municipal Annexation Act (Article 970a, Vernon's Texas Civil Statutes).

(4) "Development plat" shall mean a boundary survey prepared by a registered public surveyor showing:

(A) all existing or proposed buildings, structures, or improvements or proposed modifications of the external configuration thereof involving a change thereof;

(B) all easements and rights-of-way within or abutting the boundary of the surveyed property; and

(C) the dimensions of all streets, sidewalks, alleys, squares, parks, or other portions of same intended to be dedicated to public use or for the use of purchasers or owners of lots fronting thereon or adjacent thereto.

Sec. 2. DEVELOPMENT PLATS REQUIRED. (a) Every owner of any tract of land or owner of a possessory interest in any such tract situated within a city as defined herein or within its extraterritorial jurisdiction, or any other person, who may hereafter propose to develop such property, shall cause a development plat of such tract to be prepared in accordance with the provisions of this article and the applicable plans, rules, regulations, or ordinances of such city. If the provisions of Chapter 231, Acts of the 40th Legislature, Regular Session, 1927 (Article 974a, Vernon's Texas Civil Statutes) or an ordinance of the city operate so as to require a person to file a subdivision plat, no development plat as herein defined shall be required by the city in addition to that subdivision plat.

(b) No new development shall begin on said property until the development plat has been submitted to and approved by the city in accordance with Section 3 of this article. In addition, until a development plat has been filed and approved as herein provided, neither the city nor any county or other governmental official shall issue any building permits or any other types of permits for development on lots or tracts falling under the provisions of this article.

Sec. 3. ENDORSEMENT OF APPROVAL OF PLAT BY CITY. (a) If such development plat shall conform to the general plans, rules, regulations, and ordinances of said city as to its streets, sidewalks, alleys, parks, playgrounds, and public utility facilities, including those which have been or may be laid out, and to the general plans, rules, regulations, and ordinances for the extension of such city or the extension, improvement, or widening of its roads, streets, and public highways within said city and within the area of extraterritorial jurisdiction of such city, regard being had for access to and extension of sewer and water mains and the instrumentalities of public utilities, and if such development plat shall conform to such general plans, rules, regulations, and ordinances, if any, governing development plats of land falling within such city's boundaries and within its extraterritorial jurisdiction as the city may adopt and promulgate to promote the health, safety, morals, or general welfare of the community, and the safe, orderly, and healthful development of said community (which general plans, rules, regulations, and ordinances for said purposes such cities are hereby authorized to adopt and promulgate after a public hearing is held thereon), then it shall be the duty of said city to endorse approval on the development plat submitted to it. This article does not authorize the city to require city building permits or to otherwise enforce the city's building code in its extraterritorial jurisdiction.

(b) *The approval of any such development plat shall not be deemed an acceptance of any proposed dedication for public use or use by anyone other than the owner of the platted property and shall not impose any duty on such city concerning the maintenance or improvement of any such purportedly dedicated parts until the governing body of said city shall have made actual appropriation of the same by formal acceptance, entry, use, or improvement.*

Sec. 4. ENFORCEMENT. (a) *Whenever it appears that a violation or threat of violation of any provision of this article or of any ordinance, plan, rule, or regulation of any city promulgated pursuant to this article or which is consistent with the terms of this article exists, the city may institute a suit for injunctive relief against the person or entity who committed or is committing or threatening to commit the violation. In addition, any person violating any provision of this article or of any ordinance, plan, rule, or regulation within the corporate limits of the city shall be guilty of a Class C misdemeanor. Each day that such violation continues shall constitute a separate offense.*

(b) *A suit for injunctive relief may be brought either in the county where the defendant resides, in the county where the violation or threat of violation occurs, or in any county in which the city is situated in whole or in part.*

(c) *In a suit brought to enjoin a violation or threat of violation of this article or any plan, ordinance, rule, regulation, or other order of a city promulgated pursuant to this article, the court may grant the city any such prohibitory or mandatory injunction as the facts may warrant including but not limited to temporary restraining orders, temporary injunctions, or permanent injunctions.*

(d) *A suit brought under this article shall be given precedence over all other cases of a different nature on the docket of the trial or appellate court.*

(e) *It shall not be a defense to any suit, criminal, at law, or in equity, authorized hereunder, that a license or permit has been issued by a governmental agency, other than the city, authorizing construction, repair, or alteration of any building, structure, or improvement. In addition, it shall not be a defense that the defendant had no knowledge of the provisions of this article or of the applicable plans, rules, regulations, or ordinances of a city affected hereby.*

Sec. 5. VALIDATION. *All plans, rules, regulations, and ordinances heretofore passed and adopted by the governing body of any such city regarding development or development plats as herein defined are hereby in all respects validated and held to be enforceable as of the effective date of said plans, rules, regulations, or ordinances.*

Sec. 6. OTHER APPLICABLE LAWS. *Any provision of Chapter 231, Acts of the 40th Legislature, Regular Session, 1927 (Article 974a, Vernon's Texas Civil Statutes) not in conflict herewith shall be applicable to development plats as herein defined.*

SECTION 2. *If any provision of this Act or its application to any person or circumstance is held to be invalid for any reason, the invalidity does not affect any other provision or application of this Act which can be given effect without the invalid provision or application, and to this end the provisions of this Act are declared to be severable.*

SECTION 3. *The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force according to its terms, and it is so enacted.*

Passed by the House on May 17, 1985, by the following vote: Yeas 134, Nays 0, 1 present, not voting; passed by the Senate on May 26, 1985, by the following vote: Yeas 31, Nays 0.

Approved: June 12, 1985

Effective: Immediately