

AN ACT

relating to the filing of an amended subdivision plat with a county to correct certain errors or omissions and to other county regulations of subdivisions.

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

SECTION 1. Subchapter A, Chapter 232, Local Government Code, is amended by adding Section 232.011 to read as follows:

Sec. 232.011. AMENDING PLAT. (a) The commissioners court may approve and issue an amending plat, if the amending plat is signed by the applicants and filed for one or more of the following purposes:

(1) to correct an error in a course or distance shown on the preceding plat;

(2) to add a course or distance that was omitted on the preceding plat;

(3) to correct an error in a real property description shown on the preceding plat;

(4) to show the location or character of a monument that has been changed in location or character or that is shown incorrectly as to location or character on the preceding plat;

(5) to correct any other type of scrivener or clerical error or omission of the previously approved plat, including lot numbers, acreage, street names, and identification of adjacent recorded plats; or

1 (6) to correct an error in courses and distances of lot
2 lines between two adjacent lots if:

3 (A) both lot owners join in the application for
4 amending the plat;

5 (B) neither lot is abolished;

6 (C) the amendment does not attempt to remove
7 recorded covenants or restrictions; and

8 (D) the amendment does not have a material
9 adverse effect on the property rights of the other owners of the
10 property that is the subject of the plat.

11 (b) The amending plat controls over the preceding plat
12 without the vacation, revision, or cancellation of the preceding
13 plat.

14 (c) Notice, a hearing, and the approval of other lot owners
15 are not required for the filing, recording, or approval of an
16 amending plat.

17 SECTION 2. Subchapter B, Chapter 232, Local Government
18 Code, is amended by adding Section 232.044 to read as follows:

19 Sec. 232.044. AMENDING PLAT. The commissioners court may
20 approve and issue an amending plat under this subchapter in the same
21 manner, for the same purposes, and subject to the same related
22 provisions as provided by Section 232.011.

23 SECTION 3. Subchapter C, Chapter 232, Local Government
24 Code, is amended by adding Section 232.081 to read as follows:

25 Sec. 232.081. AMENDING PLAT. The commissioners court may
26 approve and issue an amending plat under this subchapter in the same
27 manner, for the same purposes, and subject to the same related

1 provisions as provided by Section 232.011.

2 SECTION 4. Subsection (b), Section 232.101, Local
3 Government Code, is amended to read as follows:

4 (b) Unless otherwise authorized by state law, a
5 commissioners court shall not regulate under this section:

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

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

10 (3) the size of a building that can be constructed on a
11 particular tract of land, including without limitation and
12 restriction on the ratio of building floor space to the land square
13 footage; [~~or~~]

14 (4) the number of residential units that can be built
15 per acre of land;

16 (5) a plat or subdivision in an adjoining county; or

17 (6) road access to a plat or subdivision in an
18 adjoining county.

19 SECTION 5. Subchapter E, Chapter 232, Local Government
20 Code, is amended by adding Sections 232.108 and 232.109 to read as
21 follows:

22 Sec. 232.108. PLAT REQUIREMENTS. (a) The commissioners
23 court, in addition to having the authority to adopt rules under
24 Section 232.101 and other authority granted by this chapter, may
25 impose the plat requirements prescribed by Section 232.023. If the
26 commissioners court imposes the plat requirements prescribed by
27 Section 232.023, any rules adopted under Section 232.101 must be

1 consistent with those requirements.

2 (b) If a county imposing the plat requirements prescribed by
3 Section 232.023 is not described by Section 232.022(a):

4 (1) the document required by Section 232.023(b)(6) is
5 not required to be in Spanish; and

6 (2) the plat requirements related to drainage shall be
7 those authorized by Section 232.003(8) rather than those authorized
8 by Section 232.023(b)(8).

9 Sec. 232.109. FIRE SUPPRESSION SYSTEM. In a subdivision
10 that is not served by fire hydrants as part of a centralized water
11 system certified by the Texas Commission on Environmental Quality
12 as meeting minimum standards for water utility service, the
13 commissioners court may require a limited fire suppression system
14 that requires a developer to construct:

15 (1) for a subdivision of fewer than 50 houses, 2,500
16 gallons of storage; or

17 (2) for a subdivision of 50 or more houses, 2,500
18 gallons of storage with a centralized water system or 5,000 gallons
19 of storage.

20 SECTION 6. Section 232.100, Local Government Code, is
21 repealed.

22 SECTION 7. This Act takes effect September 1, 2007.

S.B. No. 1867

David Dewhurst
President of the Senate

Jim Caddick
Speaker of the House

I hereby certify that S.B. No. 1867 passed the Senate on April 26, 2007, by the following vote: Yeas 30, Nays 0; and that the Senate concurred in House amendments on May 15, 2007, by the following vote: Yeas 31, Nays 0.

Letsy Spaw
Secretary of the Senate

I hereby certify that S.B. No. 1867 passed the House, with amendments, on May 9, 2007, by the following vote: Yeas 143, Nays 0, two present not voting.

Robert Haney
Chief Clerk of the House

Approved:

15 JUN 07
Date

RICK PERRY
Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
9 PM O'CLOCK

ROBERT WILLIAMS
Secretary of State