

BILL ANALYSIS

Senate Research Center
77R5551 MI-D

S.B. 1170
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Intergovernmental Relations
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As Filed

DIGEST AND PURPOSE

Currently, there are inconsistencies in the Local Government Code regarding exemptions to the requirement of a subdivision plat for properties within the extra-territorial jurisdiction (ETJ) of a municipality. The county statute, Section 232.0015, exempts subdivisions outside the limits of a municipality where all of the lots of the subdivision are more than 10 acres in area. Under the municipal statute, Section 212.004, the exemption to subdivision platting within the jurisdiction of a municipality is a division of land into parts greater than five acres. Joint review of subdivision plats by municipalities and counties occurs within the ETJ of a municipality. If a plat has lots that are all greater than five acres, but less than ten acres, then the county would require a subdivision plat to be prepared. Since the county requires a plat to be prepared, then the city may or may not require that plat to be reviewed and approved by city staff to meet their specifications. This has caused confusion for developers and inconsistency in administering the platting requirements. As proposed, S.B. 1170 modifies Section 212.004, Local Government Code, to increase the lot size exemption from five acres to ten acres for plats under the jurisdiction of municipalities.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 212.004(a), Local Government Code, to provide that a division of land under this subsection does not include a division of land into parts greater than 10 acres, rather than five, where each part has access and no public improvement is being dedicated.

SECTION 2. Effective date: September 1, 2001.
Makes application of this Act prospective.