



AGENDA

**PLANNING & ZONING COMMISSION SPECIAL MEETING
THURSDAY, JANUARY 23, 2025, AT 5:30 P.M.
COUNCIL CHAMBERS, CITY HALL BUILDING
100 SOUTH MONROE STREET, EAGLE PASS, MAVERICK COUNTY, TEXAS**

ESTABLISHMENT OF QUORUM

SELECTION OF CHAIRMAN

SELECTION OF VICE-CHAIRMAN

CITIZENS COMMUNICATIONS

MINUTES

1. Approval of the minutes of the December 12, 2024 meeting, the January 3, 2025 meeting, and the January 9, 2025 meeting.

NEW BUSINESS

2. Presentation of an ordinance amending Chapter 23 (Subdivisions), schedule of rates/fees; of the Code of Ordinances revising and updating fees for subdivisions.
3. Presentation of the City of Eagle Pass, Texas, amending Chapter 23, Article II, Section 23 -25, of the Code of Ordinances by removing preliminary plat approval by city council and allowing preliminary plat approval by Community Development Director.
4. Presentation of the City of Eagle Pass, Texas, amending Chapter 23, Article III, Section 23 - 36, of the Code of Ordinances by removing final plat approval by city council and allowing final plat approval by Community Development Director.

EXECUTIVE SESSION

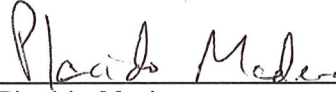
5. Executive session pursuant to Section 551.071, Chapter 551, Texas Government Code - Consultation with legal counsel regarding Commission responsibilities.
6. Executive Session pursuant to Section 551.071, Chapter 551, Texas Government Code - Consultation with legal counsel regarding Ethics Ordinance of the Standards of Conduct; duties and responsibilities (Ord. 2006-22).

ADJOURNMENT

NOTE: The Commission reserves the right to consider business out of the posted agenda order and reserves the right to adjourn into executive session to discuss an item(s) not listed as an executive session on the posted agenda, but which qualifies to be discussed in closed session pursuant to Texas Government Code Chapter 551.

CERTIFICATION

I, THE UNDERSIGNED COMMUNITY DEVELOPMENT DIRECTOR, do hereby certify that the agenda mentioned above was posted on the Bulletin Board located in the Lobby at City Hall, 100 S. Monroe Street, Eagle Pass, Texas on January 17, 2025, at 2:45 p.m.

A handwritten signature in black ink, appearing to read "Placido Madera", is written over a horizontal line.

Placido Madera
Community Development Director

Item #1

THE STATE OF TEXAS)
COUNTY OF MAVERICK)
CITY OF EAGLE PASS)

The Planning and Zoning Commission of the City of Eagle Pass held their regular meeting on Thursday, December 12, 2024, at 5:30 p.m. in the City Manager's Conference Room, City Hall, 100 South Monroe Street, Eagle Pass, Texas. All legal notices were duly posted in accordance with the State Code.

ESTABLISHMENT OF QUORUM

Present: Chairwoman, Tiffany Velazquez-Sanchez, Vice-Chairman, Luis Velez; Commissioner: Kenneth Gross

Absent: Commissioners Doris Salinas-Sanchez, and Aaron Valdez

Staff Present: Community Development Director, Placido Madera; Assistant Community Development Director, Mariebelle Rodriguez; Assistant City Secretary, Ita A. Cortinas; and City Attorney, Ana Sophia Garcia

With a quorum being present, Chairwoman Velazquez-Sanchez called the meeting to order, and the Planning & Zoning Commission considered the items in the following order:

CITIZENS COMMUNICATIONS

Chairwoman Velazquez-Sanchez asked if anyone in the audience wished to address the Commission on any item which did not appear on the agenda, reminding them that although the Commission would be unable to take formal action on such items, they would be glad to take it under advisement.

There were no comments or concerns to be heard.

MINUTES

1. Approval of the minutes of the November 14, 2024 meeting and the November 21, 2024 meeting.

Commissioner Gross moved to approve the minutes. Seconded by Vice-Chairman Velez.

MOTION PASSES: Unanimously

Ayes: Velázquez-Sanchez, Velez, and Gross
Nays: None
Abstained: None
Absent: Salinas-Sanchez, and Valdez

PUBLIC HEARING

2. Public hearing on the request submitted by Jaime Flores for a Conditional Use Permit to allow for a car detail home occupation on property located at 1713 Rio Drive, as regulated by City of Eagle Code of Ordinances Appendix A Zoning Ordinance, particularly Section 13(d) governing home occupations; closing of public hearing and possible action.

Chairwoman Velazquez-Sanchez opened the public hearing at 5:33 p.m.

Community Development Director Madera provided details on the item and recommended that the Planning and Zoning Commission deny the Jaime Flores request to establish a car detailing home occupation on property located at 1713 Rio Drive, as the proposed establishment does not comply with the provisions of City of Eagle Pass Code of Ordinances.

The applicant, Jaime Flores, provided details on the nature of the home occupation and answered questions asked by the Commission.

Chairwoman Velazquez-Sanchez closed the public hearing at 5:52 p.m.

Commissioner Gross moved to approve the Conditional Use Permit with the conditions that operations be limited from Friday-Sunday, only 1 vehicle shall be allowed on-site at any time, the permit shall use the words “ceramic coating and paint correction,” and this item shall be revisited in 1 year. Seconded by Vice-Chairman Velez. **MOTION PASSES:** Unanimously

Ayes: Velázquez-Sanchez, Velez, and Gross

Nays: None

Abstained: None

Absent: Salinas-Sanchez, and Valdez

3. Public hearing on the Final Re-Plat of Lot 2 in block 12 of Loma Linda Subdivision Unit 1, including (1) a subdivision variance from Section 23-36(a) regulating preliminary plat requirements, and (2) a sidewalk waiver from Section 23-64 regulating sidewalks, curb and gutter; closing of public hearing and possible action.

Chairwoman Velazquez-Sanchez opened the public hearing at 5:56 p.m.

Assistant Community Development Director Rodriguez provided details on the item and recommended that the Planning and Zoning Commission (1) grant a subdivision variance from Section 23-36(a) regulating preliminary plat requirements, (2) grant a sidewalk waiver request, including curb and gutter as there are no curb or gutter improvements in the area, and (3) grant final plat approval of the Replat of Lot 2 in Block 12 of Loma Linda Subdivision Unit 1, subject to the plat complying with the provisions of Article III of City of Eagle Pass Code of Ordinances Chapter 23 governing procedures and specifications for Final Plats and the following condition:

1. The Applicant provide a letter from Eagle Pass Water Works System certifying that all utilities constructed have been accepted prior to plat recordation, as regulated by Section 23-36(d)(2)(i).

The applicant, Carlos Velarde of Cavel Engineering spoke and provided details on the request.

Chairwoman Velazquez-Sanchez closed the public hearing at 6:02 p.m.

Vice-Chairman Velez moved to approve as recommended. Seconded by Commissioner Gross.

MOTION PASSES: Unanimously

Ayes: Velázquez-Sanchez, Velez, and Gross

Nays: None

Abstained: None

Absent: Salinas-Sanchez, and Valdez

4. Public hearing on the Final Replat of Lot 26 in School Block of Chula Vista Subdivision, Unit V, including (1) a subdivision variance from Section 23-36(a) regulating preliminary plat requirements, and (2) a sidewalk waiver from Section 23-64 regulating sidewalks, curb and gutter; closing of public hearing and possible action.

Chairwoman Velazquez-Sanchez opened the public hearing at 6:02 p.m.

Assistant Community Development Director Rodriguez provided details on the item and recommended that the Planning and Zoning Commission (1) grant the subdivision variance to proceed directly to Final Replat without first having obtained Preliminary Replat approval as required by City of Eagle Pass Code of Ordinances Section 23-36(a), (2) grant a sidewalk waiver request, including curb and gutter as there are no curb or gutter improvements in the area, and (3) grant final plat approval of the Replat of Lot A in School Block of Chula Vista Subdivision Unit V, subject to the plat comply with the provisions of Article III of City of Eagle Pass Code of Ordinances Chapter 23 governing procedures and specifications for Final Plats with the following condition: 1. The Applicant provides a letter from Eagle Pass Water Works System certifying that all utilities constructed have been accepted prior to plat recordation, as regulated by Section 23-36(d)(2)(i).

The applicant, Carlos Velarde of Cavel Engineering spoke and provided details on the request.

Chairwoman Velazquez-Sanchez closed the public hearing at 6:09 p.m.

Commissioner Gross moved to approve as recommended. Seconded by Vice-Chairman Velez.

MOTION PASSES: Unanimously

Ayes: Velázquez-Sanchez, Velez, and Gross

Nays: None

Abstained: None

Absent: Salinas-Sanchez, and Valdez

5. Public hearing on the Final Replat of Lot 1 in block 5 of La Herradura Subdivision Unit 3, including (1) a sidewalk waiver from Section 23-64 regulating sidewalks, curb and gutter; closing of public hearing and possible action.

Chairwoman Velazquez-Sanchez opened the public hearing at 6:10 p.m.

Assistant Community Development Director Rodriguez provided details on the item and recommended that the Planning and Zoning Commission (1) grant a subdivision variance from Section 23-36(a) regulating preliminary plat requirements, (2) grant a sidewalk waiver request, including curb and gutter as there are no curb or gutter improvements in the area, and (3) grant final plat approval of the Replat of Lot 1 in Block 5 of La Herradura Subdivision, subject to the plat complying with the provisions of Article III of City of Eagle Pass Code of Ordinances Chapter 23 governing procedures and specifications for Final Plats and the following condition: 1. The Applicant provide a letter from Eagle Pass Water Works System certifying that all utilities constructed have been accepted prior to plat recordation, as regulated by Section 23-36(d)(2)(i).

The applicant, Carlos Velarde of Cavel Engineering spoke and provided details on the request.

Chairwoman Velazquez-Sanchez closed the public hearing at 6:13 p.m.

Vice-Chairman Velez moved to approve as recommended. Seconded by Commissioner Gross.
MOTION PASSES: Unanimously

Ayes: Velázquez-Sanchez, Velez, and Gross
Nays: None
Abstained: None
Absent: Salinas-Sanchez, and Valdez

6. Public hearing on the Final Replat of Lot 1 in Block 20 of Loma Linda Subdivision Unit 3, including (1) a sidewalk waiver from Section 23-64 regulating sidewalks, curb and gutter; closing of public hearing and possible action.

Chairwoman Velazquez-Sanchez opened the public hearing at 6:14 p.m.

Assistant Community Development Director Rodriguez provided details on the item and recommended that the Planning and Zoning Commission (1) grant a subdivision variance from Section 23-36(a) regulating preliminary plat requirements, (2) grant a sidewalk waiver request, including curb and gutter as there are no curb or gutter improvements in the area, and (3) grant final plat approval of the Replat of Lot 1 in Block 20 of Loma Linda Subdivision Unit 3, subject to the plat complying with the provisions of Article III of City of Eagle Pass Code of Ordinances Chapter 23 governing procedures and specifications for Final Plats and the following condition: 1. The Applicant provide a letter from Eagle Pass Water Works System certifying that all utilities constructed have been accepted prior to plat recordation, as regulated by Section 23-36(d)(2)(i).

The applicant, Carlos Velarde of Cavel Engineering spoke and provided details on the request.

Chairwoman Velazquez-Sanchez closed the public hearing at 6:16 p.m.

Commissioner Gross moved to approve the Community Development Department's recommendation. Seconded by Vice-Chairman Velez. **MOTION PASSES:** Unanimously

Ayes: Velázquez-Sanchez, Velez, and Gross
Nays: None
Abstained: None
Absent: Salinas-Sanchez, and Valdez

NEW BUSINESS

7. Consideration and possible action on the preliminary plat of Courtyard Subdivision, including a subdivision variance from City of Eagle Pass Code of Ordinances Section 12.1(c)(8)(i) regulating off street parking, design standards.

Community Development Director Madera provided details on the item and recommended that the Planning and Zoning Commission (1) deny a subdivision variance from City of Eagle Pass Code of Ordinances Section 12.1(c)(8)(i) regulating off street parking, design standards, and (2) grant preliminary approval of the proposed Courtyard Subdivision, subject to the plat complying with the provisions of Article III of City of Eagle Pass Code of Ordinances Chapter 23 governing procedures and specifications for Final Plats.

Mr. Ken Dirksen of Dirksen Engineering approached the Commission and provided details on the item. Mr. Carlos Velarde, of Cavel Engineering spoke, stating he agreed with Mr. Dirksen's assessment.

Commissioner Gross moved to grant the subdivision variance, and grant the preliminary approval of the proposed Courtyard Subdivision. Seconded by Vice-Chairman Velez. **MOTION PASSES:** Unanimously

Ayes: Velázquez-Sanchez, Velez, and Gross
Nays: None
Abstained: None
Absent: Salinas-Sanchez, and Valdez

8. Consideration and possible action on the revocation of a Conditional Use Permit granted to Martha Ramon Medina on April 9, 2020 for property located at 2078 La Jolla Street as the conditions have not been met or are not being complied with as governed by Section 13 and Section 21 of the Zoning Ordinance of the City of Eagle Pass.

Community Development Director Madera provided details on the item and recommended that the Planning and Zoning Commission revoke the Martha Ramos Medina Conditional Use Permit that established a home day care business on property located at 2078 La Jolla Street, subject to

the criteria set forth in the report and that the business owner failed to register or renew the license with Texas Child Care Licensing.

The Commission asked Ms. Ramon Medina questions to clarify the details of this item and the Department's recommendation.

Commissioner Gross moved to revoke the CUP. Seconded by Vice-Chairman Velez. **MOTION PASSES:** Unanimously

Ayes: Velázquez-Sanchez, Velez, and Gross

Nays: None

Abstained: None

Absent: Salinas-Sanchez, and Valdez

ADJOURNMENT

Vice-Chairman Velez moved to adjourn the meeting at 7:03 p.m. Seconded by Commissioner Gross. **MOTION PASSES.**

Passed and approved on , 2024.

Tiffany Velázquez-Sanchez
Chairwoman

Attest:

Ita A. Cortinas
Assistant City Secretary

THE STATE OF TEXAS)
COUNTY OF MAVERICK)
CITY OF EAGLE PASS)

The Planning and Zoning Commission of the City of Eagle Pass held a special meeting on Friday, January 3, 2025 at 5:30 p.m. in the Council Chambers, City Hall, 100 South Monroe Street, Eagle Pass, Texas. All legal notices were duly posted in accordance with the State Code.

ESTABLISHMENT OF QUORUM

Present: Chairwoman, Tiffany Velazquez-Sanchez, Vice-Chairman, Luis Velez; Commissioners: Kenneth Gross, and Aaron Valdez

Absent: Commissioners Doris Salinas-Sanchez

Staff Present: Assistant Community Development Director, Mariebelle Rodriguez; Assistant City Secretary, Ita A. Cortinas; and City Attorney, Ana Sophia Garcia

With a quorum being present, Chairwoman Velazquez-Sanchez called the meeting to order, and the Planning & Zoning Commission considered the items in the following order:

CITIZENS COMMUNICATIONS

Chairwoman Velazquez-Sanchez asked if anyone in the audience wished to address the Commission on any item which did not appear on the agenda, reminding them that although the Commission would be unable to take formal action on such items, they would be glad to take it under advisement.

There were no comments or concerns to be heard.

PUBLIC HEARING

1. Public hearing on the request submitted by Homero Morales, Jr. for the rezoning of Lots 2 and 3 in Block 1 of Enchanted Ridge Subdivision Unit 5, also known as 2435 and 2467 N. Veterans Boulevard, from R-1 First One Family Dwelling District to B-3 General Business District; closing of public hearing and possible action.

Chairwoman Velazquez-Sanchez opened the public hearing at 5:34 p.m.

Assistant Community Development Director Rodriguez provided details on the item and recommended that the Planning and Zoning Commission grant a zoning district change from R-1 First One Family Dwelling to B-3 General Business District, for properties legally known as 2435 N. Veterans Boulevard and 2467 North Veterans Boulevard.

Chairwoman Velazquez-Sanchez closed the public hearing at 5:35 p.m.

Commissioner Gross moved to approve as recommended by the Community Development Department. Seconded by Vice-Chairman Velez. **MOTION PASSES:** Unanimously

Ayes: Velázquez-Sanchez, Velez, Gross, and Valdez
Nays: None
Abstained: None
Absent: Salinas-Sanchez

2. Public hearing on the request submitted by Christopher Judge for a Conditional Use Permit to allow for the establishment of a battery energy storage facility on property located at 2282 N. Veterans Boulevard; closing of public hearing and possible action.

Chairwoman Velazquez-Sanchez opened the public hearing at 5:35 p.m.

Assistant Community Development Director Rodriguez provided details on the item and recommended that the Planning and Zoning Commission grant the request to establish a battery energy storage facility on property located at 2282 N. Veterans Boulevard, subject to the following conditions: 1) the establishment complies with all state and local laws and ordinances.

Chairwoman Velazquez-Sanchez closed the public hearing at 5:41 p.m.

Commissioner Valdez moved to proceed as directed by the Community Development Department. Seconded by Vice-Chairman Velez. **MOTION PASSES:** Unanimously

Ayes: Velázquez-Sanchez, Velez, Gross, and Valdez
Nays: None
Abstained: None
Absent: Salinas-Sanchez

NEW BUSINESS

3. Consideration and possible action on the Master Plan for the Regis Escondido, LLC incorporating 10 acres.

Assistant Community Development Director Rodriguez provided details on the item and recommended that the Planning and Zoning Commission grant the Master Plan for Regis Escondido, LLC incorporating 10 acres subject to plan to comply with the provisions of the City of Eagle Pass Code of Ordinances Chapter 23 Section 23-13.1 governing subdivision plat submittal requirements.

Vice-Chairman Velez moved to approve. Seconded by Commissioner Valdez. **MOTION PASSES:** Unanimously

Ayes: Velázquez-Sanchez, Velez, Gross, and Valdez
Nays: None

Abstained: None

Absent: Salinas-Sanchez

4. Consideration and possible action on the final plat of the Regis Escondido, LLC Subdivision including, a subdivision variance from Section 23-36(a) regulating preliminary plat requirements, a subdivision variance from Section 23-66 governing sanitary sewer, a subdivision variance from Section 23-67 governing water supply, a subdivision variance from Section 23-61 governing streets and two points of vehicular access for ingress and egress to the subdivision, (5) a subdivision variance from Section 12.1 (c)(8)(i) regulating cross access between parking areas, and (6) a subdivision variance from Section 23-61 regulating streets and construction standards.

Assistant Community Development Director Rodriguez provided details on the item and recommended that the Planning and Zoning Commission (1) grant the subdivision variance to proceed directly to final replat without first having obtained preliminary replat approval as required by City of Eagle Pass Code of Ordinances Section 23-36(a), (2) grant the subdivision variance from Section 23-66 governing sanitary sewer, (3) grant the subdivision variance from Section 23-67 governing water supply, (4) grant the subdivision variance from Section 23-61 governing streets and two points of vehicular access for ingress and egress to the subdivision, (5) grant the subdivision variance from Section 12.1 (c)(8)(i) regulating cross access between parking areas, (6) grant the subdivision variance from Section 23-61 regulating streets and construction standards, and (7) grant final approval of the proposed Final Plat of Regis Escondido, LLC Subdivision, subject to the plat complying with the provisions of Article III of City of Eagle Pass Code of Ordinances Chapter 23 governing procedures and specifications for Final Plats and the following condition: 1. That the applicant provide a compliant fire flow test prior to plat recordation.

Commissioner Gross moved to move forward as recommended by the Community Development Department. Seconded by Commissioner Valdez. **MOTION PASSES:** Unanimously

Ayes: Velázquez-Sanchez, Velez, Gross, and Valdez

Nays: None

Abstained: None

Absent: Salinas-Sanchez

ADJOURNMENT

Commissioner Gross moved to adjourn the meeting at 5:53 p.m. Seconded by Vice-Chairman Velez. **MOTION PASSES.**

Passed and approved on _____, 2025

Attest:

Tiffany Velazquez-Sanchez
Chairwoman

Ita A. Cortinas
Assistant City Secretary

THE STATE OF TEXAS)
COUNTY OF MAVERICK)
CITY OF EAGLE PASS)

The Planning and Zoning Commission of the City of Eagle Pass held a special meeting on Friday, January 9, 2025 at 5:30 p.m. in the Council Chambers, City Hall, 100 South Monroe Street, Eagle Pass, Texas. All legal notices were duly posted in accordance with the State Code.

ESTABLISHMENT OF QUORUM

Present: Chairwoman, Tiffany Velazquez-Sanchez, Vice-Chairman, Luis Velez; Commissioners: Aaron Valdez, and Noe Rodriguez

Absent: Commissioner, Kenneth Gross

Staff Present: Community Development Director, Placido Madera; Assistant Community Development Director, Mariebelle Rodriguez; Assistant City Secretary, Ita A. Cortinas; and City Attorney, Ana Sophia Garcia

With a quorum being present, Chairwoman Velazquez-Sanchez called the meeting to order, and the Planning & Zoning Commission considered the items in the following order:

CITIZENS COMMUNICATIONS

Chairwoman Velazquez-Sanchez asked if anyone in the audience wished to address the Commission on any item which did not appear on the agenda, reminding them that although the Commission would be unable to take formal action on such items, they would be glad to take it under advisement.

The Community Development Department took the moment to recognize Doris Salinas-Sanchez for having served her five-year term as a Commissioner of the Planning and Zoning Commission with much dedication and expertise.

PUBLIC HEARING

1. Public hearing on the request submitted by Martha Valeria Ramos Medina for a Conditional Use Permit to allow the establishment of a child day care business on property located at 2078 La Jolla Street; closing of public hearing and possible action.

Chairwoman Velazquez-Sanchez opened the public hearing at 5:37 p.m.

Community Development Director Madera provided details on the item and recommended that the Planning and Zoning Commission approve the Martha Valeria Ramos Medina request to establish a home day care business on property located at 2078 La Jolla Street, based on previous, similar determinations, with the condition that the mural on the garage door be removed.

Chairwoman Velazquez-Sanchez closed the public hearing at 5:56 p.m.

The applicant's father approached the Commission and asked to speak.

Chairwoman Velazquez-Sanchez reopened the public hearing at 5:57 p.m.

The applicant's father spoke, stating the reasons he would like to see the conditional use permit passed.

Chairwoman Velazquez-Sanchez closed the public hearing at 6:00 p.m.

Commissioner Valdez moved to approve as recommended by the Community Development Department. Seconded by Commissioner Rodriguez. **MOTION PASSES:** Unanimously

Ayes:	Velázquez-Sanchez, Velez, Valdez, and Rodriguez
Nays:	None
Abstained:	None
Absent:	Gross

NEW BUSINESS

2. Consideration and possible action on the Master Plan Amendment of MGA consisting of 10.49 acres.

Assistant Community Development Director Rodriguez provided details on the item and recommended that the Planning and Zoning Commission grant the Master Plan Amendment for MGA incorporating 10.46 acres subject to plan to comply with the provisions of City of Eagle Pass Code of Ordinances Chapter 23 Section 23-13.1 governing subdivision plat submittal requirements.

Vice-Chairman Velez moved to approve. Seconded by Commissioner Valdez. **MOTION PASSES:** Unanimously

Ayes:	Velázquez-Sanchez, Velez, Valdez, and Rodriguez
Nays:	None
Abstained:	None
Absent:	Gross

3. Consideration and possible action on the preliminary plat of MGA Subdivision Unit 2.

Assistant Community Development Director Rodriguez provided details on the item and recommended that the Planning and Zoning Commission grant preliminary plat approval of the proposed MGA Subdivision Unit 2 subject to plat complying with the provisions of Article III of City of Eagle Pass Code of Ordinances Chapter 23 governing procedures and specifications for Final Plats and allowing the developer to install required improvements.

Vice-Chairman Velez moved to approve. Seconded by Commissioner Valdez. **MOTION PASSES:** Unanimously

Ayes: Velázquez-Sanchez, Velez, Valdez, and Rodriguez

Nays: None

Abstained: None

Absent: Gross

4. Consideration and possible action on the Master Plan of Carthage Place consisting of 20.24 acres.

Community Development Director Madera provided details on the item and recommended that the Planning and Zoning Commission grant the Master Plan for Carthage Place consisting of 20.24 acres subject to plan to comply with the provisions of City of Eagle Pass Code of Ordinances Chapter 23 Section 23-13.1 governing subdivision plat submittal requirements, pending the review on the suitability of the proposed parkland dedication, and review of the stormwater drainage management from the civil engineer.

Commissioner Velez moved to approve as recommended. Seconded by Vice-Chairman Velez. **MOTION PASSES:** Unanimously

Ayes: Velázquez-Sanchez, Velez, Valdez, and Rodriguez

Nays: None

Abstained: None

Absent: Gross

ADJOURNMENT

Commissioner Valdez moved to adjourn the meeting at 6:23 p.m. Seconded by Commissioner Rodriguez. **MOTION PASSES.**

Passed and approved on _____, 2025

Attest:

Tiffany Velazquez-Sanchez
Chairwoman

Ita A. Cortinas
Assistant City Secretary

Item #2

**City of Eagle Pass
Community Development Department
Fee Schedule**

Type	Current Fee	Proposed Fee	City of McAllen	City of Seguin	City of Shertz	City of Laredo
CUP - New	\$100	300	\$300	NA	Ranges from \$650 to \$6000 depending on acreage	\$400
CUP – Renewal	\$0	\$50	\$150			
Special Use Permit		\$200		\$400	\$650 – 6,000 depends on acreage total	\$400
Subdivision - Residential-Filing fee	\$200 + \$10/lot	\$200 + \$25/lot	\$300 + \$25/lot	\$500 + \$50/acre		\$400
Subdivision-Commercial/Industrial	\$200 + \$150/acre		\$400 + \$150/acre	\$500 + \$50/acre		
Subdivision – Replat	\$150 + \$10/lot	\$300	\$300	\$500 + \$5/lot		
Sidewalk Waiver when granted		4-foot: \$20/ linear foot 5-foot: \$25/ lf 6-foot: \$30/lf		4-foot: \$20/ linear foot 5-foot: \$25/ lf 6-foot: \$30/lf		
Subdivision Variance	\$0	\$150	\$250	\$400 requires public hearing		
Plat exception - SVA		\$100	\$50			
Subdivision Plat Amendment	\$50	\$200	\$300	\$500	\$1,500	\$200
Subdivision Short Form	\$					
Plat Time Extension		\$150			\$250	\$300
Street Name Change		NA			\$1,500	
Master Plan		\$300 \$150 - Amend			\$1,500 Amendment: \$500	
Rezone Application Fee	\$150	\$400	\$500	\$500	0-2 acres \$650 5-20 \$2000 20.01-50 \$3,500	Less than 1 acre \$300 x residential & \$350 x comm/Ind 1 to 5 acres \$350 x residential &

						\$400 x Comm/Ind; Over 5 acres \$500 + \$75 per acre x e acre over 5 acres
ZBAA Application Fee	\$100		\$300	\$400		\$300
Annexation Fee	\$100		\$425		\$750	\$700
Zoning Verification Letter	\$0		\$25	\$50		
Site Plan Review	\$0		\$350	Less than 1 acre \$350; 1-5 acres \$500; anything larger than 5.01 acres \$750	\$1,500 Amended \$500	
Tree Removal						
Tree Mitigation				\$200 + \$5/ acre		\$100
Parkland Dedication Fee				- Dedication Fee: \$400 per residential unit - Development Fee: \$800 per proposed residential unit	Residential: Land dedication: 1 acre / 100 dwelling unit Fee inLieu of land dedication: per dwelling unit \$350; park Development Fee: per dwelling unit \$650	

Item #3

Sec. 23-25. Preliminary plat.

- (a) *General provisions.* The subdivider shall cause to be prepared a preliminary plat along with a preliminary engineering report. The preliminary engineering report shall discuss the availability and methodology of providing water facilities and wastewater treatment to individual lots in the subdivision in addition it will include proposed street and drainage improvements, contain preliminary estimates of the costs of providing the improvements, and list the improvements that the subdivider anticipates will not have been constructed at the time final plat approval is requested. Where individual wells are proposed for the supply of drinking water to residences, the preliminary engineering report shall include the quantitative and qualitative results of sampling the test wells in accordance with § 364.32 of the Model Subdivision Rules. Where private on-site sewerage facilities are proposed, the preliminary engineering report shall include planning materials required by 30 TAC § 285.4(c), including the site evaluation described by 30 TAC § 285.30 and all other information required by the county's OSSF order. The documents must be prepared by a registered professional licensed engineer in accordance with the provisions of this chapter. Said preliminary plat shall cover all of the tract intended to be developed, at any time, even though it is intended by the subdivider or subdividers to file plats and install improvements for parts of said tract by sections or units.
- (b) *Filing fees.* Expenses of processing plats and other materials are substantial; therefore, payment to the city shall be made to offset administrative costs. A preliminary plat shall be accompanied by a filing fee of two hundred dollars (\$200.00) per plat, plus ten dollars (\$10.00) per single-family residential lot, plus one hundred fifty dollars (\$150.00) per acre and decimal fraction thereof for nonsingle-family lots. No action by the planning commission shall be valid until the filing fee has been paid. This fee shall not be refunded should the subdivider fail to make formal application for final plat approval; or should the preliminary and/or final plat be disapproved.
- (c) *Time for filing and copies required.* The subdivider shall submit ten (10) blue or black line copies of the preliminary plat with the city manager at least ten (10) working days prior to the date at which formal application for the preliminary plat approval is made by the subdivider to the planning commission. Within this period of time, the Subdivision Review Team of the City of Eagle Pass shall review the submitted materials and provide a written response to the subdivider prior to formal application suggesting modifications to the proposal to ensure conformity with current city requirements.
- (d) *Formal application.* Formal application for preliminary plat approval shall be made by the subdivider in writing to the commission at an official meeting.
- (e) *Replatting without vacating a previous plat.* In addition to the procedures set forth in this article, any preliminary replat submitted by a subdivider shall be replatted in accordance with the conditions and procedures set forth in section 23-46 hereof for the approval of final plats.
- (f) *Form and content.* The preliminary plat shall be computer-drawn on sheets twenty-four (24) inches wide and thirty-six (36) inches long, with a binding margin of not less than two (2) inches on the left side of the sheet and margins on the other three (3) sides of not less than one-half (½) inch. The preliminary plat shall be drawn to a scale of one hundred (100) feet to one (1) inch. When more than one (1) sheet is necessary to accommodate the entire area, an index sheet identifying the subdivision, subdivider, the engineer, and showing the entire

subdivision at an appropriate scale shall be attached to the preliminary plat as the first sheet. The preliminary plat shall show the following:

- (1) The date of preparation, scale of plat, north arrow, and direction of prevailing breeze.
- (2) Vicinity sketch or map at a scale of not more than four hundred (400) feet to one (1) inch, which shall show existing subdivisions, streets, easements, rights-of-way, parks and public facilities, and tracts of acreage in the vicinity, the general drainage plan and ultimate destination of water, and possible storm sewer, water, gas, electric and sanitary sewer connections by arrows.
- (3) The names and addresses of the following:
 - a. All record owners of the land; provided, however, that (1) if the plat deals with an already developed, but unrecorded subdivision, then in that instance, such plat shall list on its face, or on an attachment thereto, the name of each owner, by block and lot number, if appropriate, who authorizes the presentment, and ultimate recordation, of the plat, and (2) such plat shall also contain the name of each owner by lot and block number, if appropriate, who does not agree to such presentment, and ultimate recordation, and that owner's property shall be expressly noted on the plat as being "excepted."
 - b. The subdivider.
 - c. The engineer.
 - d. The surveyor.
- (4) The proposed name of the subdivision, which shall not have the same spelling, nor a similar pronunciation, to the name of any other subdivision located within the city, or within five (5) miles of the corporate limits of the city.
- (5) The name or names of contiguous subdivisions and the name or names of owners of contiguous parcels of unsubdivided land, an indication of whether or not contiguous properties are platted, and ownership in regard to the property immediately adjacent or across bounding streets on all sides for a distance of not less than two hundred (200) feet.
- (6) Any zoning district affecting the area being platted and/or any proposed changes in zoning for which application was made and ownership in regard to the property immediately adjacent or across bounding streets on all sides for a distance of not less than two hundred (200) feet.
- (7) The description of the subdivision boundary lines by metes and bounds. This shall be a definite legal description and identification of the tract being subdivided. This description shall be sufficient for the requirements of title examination and shall tie-in by bearings and distance to a known survey corner. The plat shall be a descriptive diagram to scale and shall show by reference, if applicable, that the subdivision is a particular portion or part of a previously filed plat or an original grant, which diagram and description shall be shown as being included in the subdivision, at least, all of the smallest unit of the last filed subdivision, plat, or grant, out of which the instant subdivision is divided, or so much thereof as is owned by the subdivider.
- (8) The primary control points or description, and ties to such control points to which all dimensions, angles, bearings, block numbers and similar data shall be referred.

-
- (9) The computed acreage of the subdivision and the subdivision boundary lines indicated by a heavy line equivalent to a No. 5 Payzant pen, which lines shall be tied by dimension to the established centerline of all existing boundary streets.
- (10) The existing sites as follows:
- a. The exact location, dimensions, name and description of all existing or recorded streets, alleys, reservations, easements or other public rights-of-way within or adjacent to the subdivision intersecting or contiguous with its boundaries or forming such boundaries, with the name of all subdivisions in which they are located.
 - b. The exact location, dimensions, description and name of all existing or recorded lots and blocks (designated by number), parks, public areas, permanent structures, and other sites within or contiguous with the subdivision.
 - c. The exact location, dimensions, description and flow line of existing watercourses and drainage structures within the subdivision or on contiguous tracts.
 - d. The exact location of existing sewer, water and gas mains and other public utilities, if any.
- (11) The exact location, dimensions, descriptions and name of all proposed streets, alleys, the general plan, drainage structures, parks, other public areas, reservations, easements, or other rights-of-way, blocks and lots lettered or numbered consecutively, all lot and block corners and permanent survey monuments being shown, and other sites within the subdivision.
- a. All lots shall conform to section 23-69 of this chapter.
 - b. The names of all proposed streets shall conform to the existing streets of which they may become extensions, or otherwise shall not duplicate or conflict with the recognized name of any other street located in the area subject to these regulations.
 - c. The actual width of all streets shall be shown, measured at right angles or radially, where curved. All principle lines shall have the bearing given and deviation from the norm indicated.
 - d. The exact location and designation, with proper dimensions, of all streets, alleys, parks and other areas intended to be dedicated on the plat to the public use.
 - e. Proposed general plan for storm water drainage sufficiently detailed to indicate the location of drainage ditches or structures and the direction of flow.
- (12) The topographical information shall include contour lines on a basis of five (5) vertical feet in terrain with a slope of sixteen (16) percent or more, and on a basis of two (2) vertical feet in terrain with a slope of less than sixteen (16) percent.
- (13) The accurate dimensions, both linear and angular, of all items on the plat. The boundary survey on the site shall close within one in ten thousand (10,000) and the plat for record shall so show. The linear dimensions shall be expressed in feet and decimals of a foot. The angular dimensions may be shown by bearings. Curved boundaries shall be fully described and all essential information given. Circular curves shall be defined by actual length of a radius and not the degree of curve. Complete dimensional data shall be given on fractional lots.

-
- (14) Front building setback lines on all lots and sites. Side yard building setback lines at street intersections and crosswalk ways. In no event shall these setbacks be less than required for the present and/or intended zoning classification, as set forth in the Zoning Ordinance of the City of Eagle Pass.
 - (15) Location of city limits line, in relation to the proposed subdivision, measured in a straight line from the nearest points in the city limits, the outer border of the city's extraterritorial jurisdiction, and zoning district boundaries, if they traverse the subdivision or form part of the boundary of the subdivision or area contiguous to such boundary.
 - (16) A copy of the proposed and/or pre-existing restrictive covenants, if any, for the subdivision. For residential subdivisions, include the following restrictive covenants: "No more than one (1) single family detached dwelling shall be located on each lot."
 - (17) One (1) of the following:
 - a. Certification that the preliminary plat has been reviewed by and conforms to the requirements of the school district, the gas, electricity, water, telephone, and television cable companies, and the postal authorities. In addition, for subdivisions outside of the city limits of Eagle Pass, the subdivider shall provide certification that the plat has been reviewed by the county inspector and the sheriff's department.
 - b. Certification by the subdivider that the agencies mentioned above were given at least ten (10) working days to review the proposed preliminary plat. This certification shall be in letter form and shall include the name, title, address and telephone number of the person to whom the subdivider delivered the preliminary plat for review.

(g) *Processing of the preliminary plat.*

- (1) Prior to formal application to the planning commission by the subdivider, the city manager shall check the preliminary plat as to its conformity with the Eagle Pass Master Development Plan, major street plan, land use plan, zoning districts, and the standards and specifications set forth herein or referred to herein.
- (2) The city manager shall submit copies of the preliminary plat to the following for review and comment:
 - a. The water works system;
 - b. The city chief building official;
 - c. The director of parks and recreation;
 - d. The director of public works.
 - e. The sanitary sewer division the water works system.
 - f. The fire chief;
 - g. The city attorney.

The city manager may submit copies of the preliminary plat to others for review, if he deems it necessary.

- (3) At the official meeting of the planning and zoning commission during which the subdivider makes formal written application for review of the preliminary plat by said body, the city manager shall submit to the commission a copy of the preliminary plat

and data with his suggestions as to modifications, additions or alterations of such preliminary plat and data. The formal filing of the preliminary plat shall not be deemed a filing with the planning commission for the purpose of the time limits established by Local Government Code § 212.009.

- (4) Within thirty (30) days after the preliminary plat is formally submitted to the commission, the commission shall render a preliminary decision thereon. Said preliminary decision may be one (1) of the following:
- a. Conditional approval, with the provision that if no final plat of the subdivision, or a portion thereof, has been filed with the commission within a period of six (6) months from the date of conditional approval, such conditional approval shall become null and void unless an extension of time is applied for and granted by the commission. Upon approval, a subdivision inspection fee in the amount of three (3) percent of the estimated costs included as part of the engineering report.
 - b. Conditional disapproval.
 - c. Conditional approval with modifications, which shall be considered to be the approval of a preliminary plat or preliminary replat subject to conformity with prescribed conditions, but shall be deemed to be a conditional disapproval of such preliminary plat or preliminary replat until such conditions are complied with. All objections made to the preliminary plat, or conditions imposed, shall be furnished to the subdivider in writing.

Conditional approval of a preliminary plat by the commission shall be deemed an expression of approval of the layouts submitted on the preliminary plat as a guide to the installation of streets, water, sewer and other required improvements and utilities and to the preparation of the final or record plat. Conditional approval or preliminary plats shall not constitute approval of the final plat, automatic or otherwise.

Said conditional approval of a preliminary plat shall be effective for a period of six (6) months unless, prior to the expiration date, said preliminary plat is reviewed again by the commission in light of new or significant information which would necessitate a revision of the preliminary plat. If such action is necessary, said commission shall provide the subdivider with written notification. If all conditions imposed have not been met within this six-month period, the conditionally approved preliminary plat shall be considered disapproved.

- (5) If said preliminary plat is conditionally disapproved or conditionally approved with modifications, the commission shall inform the subdivider, in writing, of the reasons at the time such action is taken.
- (6) The preliminary action of the planning and zoning commission shall be noted on three (3) copies of the preliminary plat, referenced and attached to any conditions determined. One (1) copy shall be returned to the subdivider, one (1) copy retained by the planning and zoning commission, and the other copy shall be forwarded to the city manager by the chairman of the planning and zoning commission to be filed with the city secretary.

(Ord. No. 05-22, § 1, 8-2-2005; Ord. No. 07-18, § 1, 9-4-2007)

HOUSE BILL 3699

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. Sections 212.001(2) and (3), Local Government Code, are amended to read as follows:

(2) ~~["Plan" means a subdivision development plan, including a subdivision plan, subdivision construction plan, site plan, land development application, and site development plan.~~

~~[(3)]~~ "Plat" includes a preliminary plat, ~~[general plan,]~~ final plat, and replat.

SECTION 2. Subchapter A, Chapter 212, Local Government Code, is amended by adding Section 212.0015 to read as follows:

Sec. 212.0015. CONSTRUCTION OF SUBCHAPTER. This subchapter may not be construed to restrict a municipality from establishing a submittal calendar to be used by an applicant to facilitate compliance with the approval process described by Sections 212.009, 212.0091, 212.0093, and 212.0095.

SECTION 3. 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) 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

(2) adopt reasonable specifications to provide adequate drainage for each street or road in a subdivision in accordance with standard engineering practices.

SECTION 4. Section 212.004, Local Government Code, is amended by amending Subsections (a) and (b) and adding Subsections (f) and (g) to read as follows:

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

(b) To be recorded, the plat must:

(1) describe the subdivision by metes and bounds;

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

(3) state the dimensions of the subdivision and of each street, alley, square, park, or other part of the tract intended by the owner of the tract to be dedicated to public use ~~[or for the use of purchasers or owners of lots fronting on or adjacent~~

to the street, alley, square, park, or other part].

(f) A plat is considered filed on the date the applicant submits the plat, along with a completed plat application and the application fees and other requirements prescribed by or under this subchapter, to:

(1) the governing body of the municipality; or

(2) the municipal authority responsible for approving plats.

(g) The governing body of a municipality or the municipal authority responsible for approving plats may not require an analysis, study, document, agreement, or similar requirement to be included in or as part of an application for a plat, development permit, or subdivision of land that is not explicitly allowed by state law.

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

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

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

SECTION 6. Sections 212.0065(a) and (c), Local Government Code, are amended to read as follows:

(a) The governing body of a municipality or the municipal planning commission may delegate to one or more officers or employees of the municipality or of a utility owned or operated by the municipality the ability to approve, approve with conditions, or disapprove a plat [+]

[+ (1) amending plats described by Section 212.016;

(2) minor plats or replats involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities; or

(3) a replat under Section 212.0145 that does not require the creation of any new street or the extension of municipal facilities].

(c) An applicant has the right to appeal to the governing body of the municipality or the municipal planning commission if the designated [The] person disapproves a [or persons shall not disapprove the] plat [and shall be required to refer any plat which the person or persons refuse to approve to the municipal authority responsible for approving plats within the time period specified in Section 212.009].

SECTION 7. Subchapter A, Chapter 212, Local Government Code, is amended by adding Section 212.0081 to read as follows:

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

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

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

(d) A municipality that does not operate an Internet website shall publish the list described by Subsection (a) on adoption of

the list or an amendment to the list in:

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

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

SECTION 8. Sections 212.009(a), (b), (b-2), (c), and (d), Local Government Code, are amended to read as follows:

(a) The municipal authority responsible for approving plats shall approve, approve with conditions, or disapprove a ~~[plan or]~~ plat within 30 days after the date the ~~[plan or]~~ plat is filed. A ~~[plan or]~~ plat is approved by the municipal authority unless it is disapproved within that period and in accordance with Section 212.0091.

(b) If an ordinance requires that a ~~[plan or]~~ plat be approved by the governing body of the municipality in addition to the planning commission, the governing body shall approve, approve with conditions, or disapprove the ~~[plan or]~~ plat within 30 days after the date the ~~[plan or]~~ plat is approved by the planning commission or is approved by the inaction of the commission. A ~~[plan or]~~ plat is approved by the governing body unless it is disapproved within that period and in accordance with Section 212.0091.

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

(1) both:

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

(B) ~~[-(2)]~~ the municipal authority or governing body, as applicable, approves the extension request; or

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

(c) If a ~~[plan or]~~ plat is approved, the municipal authority giving the approval shall endorse the ~~[plan or]~~ plat with a certificate indicating the approval. The certificate must be signed by:

(1) the authority's presiding officer and attested by the authority's secretary; or

(2) a majority of the members of the authority.

(d) If the municipal authority responsible for approving plats fails to approve, approve with conditions, or disapprove a ~~[plan or]~~ plat within the prescribed period, the authority on the applicant's request shall issue a certificate stating the date the ~~[plan or]~~ plat was filed and that the authority failed to act on the ~~[plan or]~~ plat within the period. The certificate is effective in place of the endorsement required by Subsection (c).

SECTION 9. Section 212.0091(a), Local Government Code, is amended to read as follows:

(a) A municipal authority or governing body that conditionally approves or disapproves a ~~[plan or]~~ plat under this subchapter shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval.

SECTION 10. Sections 212.0093, 212.0095, and 212.0096, Local Government Code, are amended to read as follows:

Sec. 212.0093. APPROVAL PROCEDURE: APPLICANT RESPONSE TO CONDITIONAL APPROVAL OR DISAPPROVAL. After the conditional approval or disapproval of a ~~[plan or]~~ plat under Section 212.0091, the applicant may submit to the municipal authority or governing body that conditionally approved or disapproved the ~~[plan or]~~ plat a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval

provided. The municipal authority or governing body may not establish a deadline for an applicant to submit the response.

Sec. 212.0095. APPROVAL PROCEDURE: APPROVAL OR DISAPPROVAL OF RESPONSE. (a) A municipal authority or governing body that receives a response under Section 212.0093 shall determine whether to approve or disapprove the applicant's previously conditionally approved or disapproved ~~[plan or]~~ plat not later than the 15th day after the date the response was submitted.

(b) A municipal authority or governing body that conditionally approves or disapproves a ~~[plan or]~~ plat following the submission of a response under Section 212.0093:

(1) must comply with Section 212.0091; and

(2) may disapprove the ~~[plan or]~~ plat only for a specific condition or reason provided to the applicant under Section 212.0091.

(c) A municipal authority or governing body that receives a response under Section 212.0093 shall approve a previously conditionally approved or disapproved ~~[plan or]~~ plat if the response adequately addresses each condition of the conditional approval or each reason for the disapproval.

(d) A previously conditionally approved or disapproved ~~[plan or]~~ plat is approved if:

(1) the applicant filed a response that meets the requirements of Subsection (c); and

(2) the municipal authority or governing body that received the response does not disapprove the ~~[plan or]~~ plat on or before the date required by Subsection (a) and in accordance with Section 212.0091.

Sec. 212.0096. APPROVAL PROCEDURE: ALTERNATIVE APPROVAL PROCESS. (a) Notwithstanding Sections 212.009, 212.0091, 212.0093, and 212.0095, an applicant may elect at any time to seek approval for a ~~[plan or]~~ plat under an alternative approval process adopted by a municipality if the process allows for a shorter approval period than the approval process described by Sections 212.009, 212.0091, 212.0093, and 212.0095.

(b) An applicant that elects to seek approval under the alternative approval process described by Subsection (a) is not:

(1) required to satisfy the requirements of Sections 212.009, 212.0091, 212.0093, and 212.0095 before bringing an action challenging a disapproval of a ~~[plan or]~~ plat under this subchapter; and

(2) prejudiced in any manner in bringing the action described by Subdivision (1), including satisfying a requirement to exhaust any and all remedies.

SECTION 11. Section 212.0099, Local Government Code, is amended to read as follows:

Sec. 212.0099. JUDICIAL REVIEW OF DISAPPROVAL. In a legal action challenging a disapproval of a ~~[plan or]~~ plat under this subchapter, the municipality has the burden of proving by clear and convincing evidence that the disapproval meets the requirements of this subchapter or any applicable case law. The court may not use a deferential standard.

SECTION 12. Section 212.010, Local Government Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

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

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

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

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

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

(d) A municipal authority responsible for approving plats may not refuse to review a plat or 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 a county in which the municipality is located under that section.

(e) If a municipal authority responsible for approving plats fails or refuses to approve a plat that meets the requirements of this subchapter, the owner of the tract that is the subject of the plat may bring an action in a district court in a county in which the tract is located for a writ of mandamus to compel the municipal authority to approve the plat by issuing to the owner applicable approval documentation. The applicant shall recover reasonable attorney's fees and court costs in the action if the applicant prevails. The municipality may recover reasonable attorney's fees and court costs in the action if the municipality prevails and the court finds the action is frivolous.

SECTION 13. As soon as practicable after the effective date of this Act but not later than January 1, 2024, each municipality shall adopt and publish the list described by Section 212.0081, Local Government Code, as added by this Act.

SECTION 14. The changes in law made by this Act apply only to an application submitted on or after the effective date of this Act. An application submitted before the effective date of this Act is governed by the law applicable to the application immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 15. This Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I certify that H.B. No. 3699 was passed by the House on May 9, 2023, by the following vote: Yeas 130, Nays 12, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 3699 on May 25, 2023, and requested the appointment of a conference committee to consider the differences between the two houses; that the House adopted the conference committee report on H.B. No. 3699 on May 28, 2023, by the following vote: Yeas 139, Nays 3, 1 present, not voting; and that the House adopted H.C.R. No. 126 authorizing certain corrections in H.B. No. 3699 on May 28, 2023, by the following vote: Yeas 142, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3699 was passed by the Senate, with amendments, on May 21, 2023, by the following vote: Yeas 22, Nays 9; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; that the Senate adopted the conference committee report on H.B. No. 3699 on May 28, 2023, by the following vote: Yeas 20, Nays 11; and that the Senate adopted H.C.R. No. 126 authorizing certain corrections in H.B. No. 3699 on May 28, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____
Date

Governor

Item #4

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY OF EAGLE PASS, TEXAS,
AMENDING CHAPTER 23, ARTICLE III, SECTION 23-36,
OF THE CODE OF ORDINANCES BY REMOVING FINAL
PLAT APPROVAL BY CITY COUNCIL AND ALLOWING
FINAL PLAT APPROVAL BY ADMINISTRATION;
PROVIDING THAT THIS ORDINANCE SHALL BE
CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE;
PROVIDING FOR PUBLICATION; AND DECLARING AN
EFFECTIVE DATE.**

WHEREAS, On August 2, 2005, Ordinance Number 05-22 went into effect granting City Council the ultimate authority to approve a final plat; and

WHEREAS, Texas House Bill 3699 passed and went into effect on September 1, 2023. HB3699 allows for the governing body of a municipality to delegate to one or more officers or employees of the municipality the ability to approve, approve with conditions or disapprove a plat; and;

WHEREAS, City of Eagle Pass City Council and the Planning and Zoning commission meet once a month. The current final plat approval method requires approval from both Council and the Commission, approval, approval with conditions, or denial by the Community Development Director would allow for a more efficient process.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF
THE CITY OF EAGLE PASS, TEXAS THAT:**

Section 1. The City of Eagle Pass Code of Ordinances, Chapter 23, Article III, Section 23-36 is hereby amended as follows:

Sec. 23-36. Processing of the final plat.

a. Preliminary plat required.

No final plat shall be considered unless a preliminary plat has been submitted to the commission for its consideration and approval with possible recommendations. However, if a previously approved final plat has been duly recorded and the subdivider wishes to increase the size of the lots by combining two (2) or more lots or by combining one (1) lot with a portion of the adjacent lots, in such manner that no portion of a lot remains smaller than the original lots, no preliminary plat will be necessary, but the subdivider shall adhere to the conditions set forth herein for the submission of a final plat and replating without vacating the previous plat.

b. Submission of final plat. As soon as practicable after the subdivider is notified of the approval of the preliminary plat by the commission, but in no event later than six (6) months from the date of conditional approval of his preliminary plat, the subdivider or his engineer shall submit to and file with the [city-manager]

community development director:

(1) The original and ~~[ten (10)]~~ four (4) for properties within city limits, six (6) for properties within extraterritorial jurisdiction blue or black line copies and one (1) digital set of the final plat, resub division plat or replat, together with the specifications set forth herein;

2. Accompanying data as provided under section 23-35;

3. Detailed cost estimates as required herein;

4. A written or illustrative description incorporating the final plat to the existing master plan of the City of Eagle Pass;

5. Any other required information as provided by the [commission] or the [city-manager] community development director.

6. Payment of any required fees or administrative costs.

If the subdivider fails to submit the final plat to the [city-manager] community development director within the time period set forth herein, the approval of the commission of the preliminary plat shall become null and void unless an extension of time is applied for and granted by the commission.

c. Review of submissions.

1. The [city-manager] Community Development Director shall check the final plat as to its conformity with the City of Eagle Pass ~~[Master Plan]~~ Development Plan, major street plan, land use plan, zoning districts and the standards and specifications set forth herein or referred to herein before presenting same for final approval to the ~~[commission and thereafter to the city council]~~ community development director.

2. The [city-manager] community development director

3. shall submit copies of the final plat and data as required by subsection 23-35 to the following for review and comment:

a. The waterworks and sewer system;

b. The Chief Building Official of the City of Eagle Pass;

c. The director of parks and recreation;

d. The public works director

e. The fire chief;

f. The city attorney.

3. Procedure for securing letters of certification. The data shall be reviewed by the appropriate agency within thirty (30) days. When a department or agency specified in section 23-35 determines that the proposed plat or any required accompanying data does not conform to the requirements of this chapter, the agency shall so notify the applicant for plat approval. The applicant may, at ~~[his]~~ their option, revise any nonconforming aspects. The agency may, at its option, extend the review period for a maximum of an additional thirty (30) days. Within no later than sixty (60) days from the date of submission, the appropriate official shall issue a letter of certification giving approval or indicating the section and specific

requirement of the subdivision regulations, and the respect in which the proposed plat does not comply. The plat may, at the request of the applicant, be formally filed with the commission accompanied by a letter requesting a variance as specified in section 23-11 herein. Letters of certification shall remain valid for a period not to exceed six (6) months from date of issuance.

d. Application for final plat approval.

(1) Formal request. A formal written request should be submitted to the ~~[city manager]~~ community development director in substantially the same form as attached herein as Exhibit "A".

2. Attached documents. The following documents must be attached to the written request:

a. Certificates and letters of certification.

1. Tax certificate: A certificate from the city tax collector and from the proper official of other taxing agencies within whose jurisdiction the proposed subdivision lies to the effect that all ad valorem taxes have been paid on the land included within the subdivision.

2. Certificates concerning utilities:

i. Water Works System of Eagle Pass. Letter of certification from the city water works board of trustees and, in addition, if applicable, other approved water purveyors, stating that adequate service is available to the subdivision or stating that adequate service is not available to the subdivision. In addition, thereto, a letter of certification from the water works general manager stating whether the water facilities meet the requirements of section 23-67 and whether the wastewater facilities meet the requirements of section 23-66 and whether the final engineering report meets the requirements of section 23-35(a)(4)c.

ii. Gas and electric companies. Letters of certification from the gas and electric companies will be furnished for subdivisions within the service areas of such companies. Letters will certify that adequate service is available and that the proposed subdivision plats and utility layouts have been approved or disapproved.

3. Certificate of the department of public works: Letter of certification from the department of public works stating that the department has received and approved or disapproved the data required by section 23-35.

4. Certificate of the fire department: Letter of certification stating that the fire department has received and approved or disapproved the data required by section 23-35.

b. Water and wastewater facility documents. A final plat will be approved only if the facilities for water and wastewater service have been fully constructed or if the city has received an adequate financial guarantee of performance approved by city council.

1. As to completed facilities written proof that the facilities have been completed and comply with the requirements under the Model Subdivision Rules.

2. As to unfinished facilities:

i. A draft of the subdivision construction agreement.

ii. A draft of the financial guarantee of performance as required under section 11 of the subdivision construction agreement and as provided by Texas Local Government Code § 212.0106, and the Model Subdivision Rules (31 TAC, Chapter 364).

e. Final plat approval process.

(1) Within a reasonable time not to exceed thirty (30) days from the date of formal written request, the [city manager] community development director shall [set and submit] review the final plat. The community development director shall either approve, disapprove, or recommend changes pursuant to the requirements of state law or this chapter. [and accompanying data to the commission at the next available meeting.] [The city manager shall submit written recommendations and suggestions as to approval or disapproval and shall include in his report recommendations to the commission on the amount of value to be placed on any required documents under this chapter as well as any other fee or bond the city manager sees fit in recommending to the commission pursuant to the Model Subdivision Rules or this chapter.] The director shall approve a plat that complies with the Model Subdivision Rules, state law, and this chapter. [The city manager's report shall include an up-to-date copy of the city's final plat checklist for the subdivision.] [A copy of the city manager's report shall be provided to the subdivider at least three (3) days prior to the date of the meeting of the commission.]

(2) If the request is denied by the [commission] community development director, the subdivider shall be provided with written recommendations by the [commission] community development director within seven (7) days from the [meeting] denial date and shall have thirty (30) days thereafter in which to cure the defect(s). The subdivider shall submit a written request for reconsideration to the [city manager] community development director within the required time. [The city manager shall present the final plat for reconsideration at the next available commission meeting.]

(3) [If the request is approved, the city manager shall set the final plat for approval at the next available city council meeting. The approval by the commission shall contain recommendations to the city council on the amount of value to be placed on any required documents under this chapter as well as any other fee or bond the commission sees fit in recommending to the city council pursuant to the Model Subdivision Rules or this chapter.]

(4) [The city manager shall submit a written report to the city council with the proposed recommendations made by him and the commission as well as his suggestions as to approval or disapproval. The city council shall either approve, disapprove, or recommend changes pursuant to the requirements of state law or this chapter. The

~~subdivider shall be provided with the written recommendations by the city council within seven (7) days from the meeting date and shall have thirty (30) days thereafter in which to cure the defect(s).]~~

~~(5) [It is a valid defense to the city manager for noncompliance with the time limits provided under this section, if the commission or city council is unable to establish a quorum or an emergency arises which causes the cancellation of the commission or city council's next available meeting.]~~

f. Formally filed plats. For the purpose of the time limits established by Texas Local Government Code §212.009, no plat shall be deemed formally filed unless:

- (1) The requirements under section 23-36(d) are met;
- (2) If applicable, a request for variance as specified in section 23-11 has been submitted to the commission in writing as required herein; and
- ~~(3) [The subdivider or his agent appears in person at the meeting of the commission considering the plat approval.]~~

Section 2. This ordinance shall be cumulative of all provisions of ordinances of the City of Eagle Pass, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

Section 3. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 4. This Ordinance shall become effective immediately upon passage.

READ, PASSED, AND APPROVED ON FIRST READING, on this 10th Day of December, A.D., 2024.

ATTEST:

Rolando Salinas
Mayor

Erika Rodriguez
City Secretary

AYES: Salinas, Cruz, Garcia, Diaz
NAYS: None
ABSTAINED: None
ABSENT: Davis

**READ, PASSED, AND APPROVED ON SECOND READING, this 7th Day of January
A.D., 2025.**

ATTEST:

Rolando Salinas
Mayor

Erika. Rodriguez
City Secretary

AYES:
NAYS:
ABSTAINED:
ABSENT:

**READ, PASSED, AND APPROVED ON THIRD AND FINAL READING this Day of
October, A.D., 2025.**

ATTEST:

Rolando Salinas
Mayor

Imelda B. Rodriguez
City Secretary

AYES:
NAYS:
ABSTAINED:
ABSENT:

APPROVED AS TO FORM AND LEGALITY:

Ana Sophia Garcia
City Attorney

HOUSE BILL 3699

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. Sections 212.001(2) and (3), Local Government Code, are amended to read as follows:

(2) ~~["Plan" means a subdivision development plan, including a subdivision plan, subdivision construction plan, site plan, land development application, and site development plan.~~

~~[-(3)]~~ "Plat" includes a preliminary plat, ~~[general plan,]~~ final plat, and replat.

SECTION 2. Subchapter A, Chapter 212, Local Government Code, is amended by adding Section 212.0015 to read as follows:

Sec. 212.0015. CONSTRUCTION OF SUBCHAPTER. This subchapter may not be construed to restrict a municipality from establishing a submittal calendar to be used by an applicant to facilitate compliance with the approval process described by Sections 212.009, 212.0091, 212.0093, and 212.0095.

SECTION 3. 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) 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

(2) adopt reasonable specifications to provide adequate drainage for each street or road in a subdivision in accordance with standard engineering practices.

SECTION 4. Section 212.004, Local Government Code, is amended by amending Subsections (a) and (b) and adding Subsections (f) and (g) to read as follows:

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

(b) To be recorded, the plat must:

(1) describe the subdivision by metes and bounds;

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

(3) state the dimensions of the subdivision and of each street, alley, square, park, or other part of the tract intended by the owner of the tract to be dedicated to public use ~~[or for the use of purchasers or owners of lots fronting on or adjacent~~

~~to the street, alley, square, park, or other part].~~

(f) A plat is considered filed on the date the applicant submits the plat, along with a completed plat application and the application fees and other requirements prescribed by or under this subchapter, to:

(1) the governing body of the municipality; or

(2) the municipal authority responsible for approving plats.

(g) The governing body of a municipality or the municipal authority responsible for approving plats may not require an analysis, study, document, agreement, or similar requirement to be included in or as part of an application for a plat, development permit, or subdivision of land that is not explicitly allowed by state law.

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

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

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

SECTION 6. Sections 212.0065(a) and (c), Local Government Code, are amended to read as follows:

(a) The governing body of a municipality or the municipal planning commission may delegate to one or more officers or employees of the municipality or of a utility owned or operated by the municipality the ability to approve, approve with conditions, or disapprove a plat [+]

~~[-(1) amending plats described by Section 212.016;~~

~~[-(2) minor plats or replats involving four or fewer lots fronting on an existing street and not requiring the creation of any new street or the extension of municipal facilities; or~~

~~[-(3) a replat under Section 212.0145 that does not require the creation of any new street or the extension of municipal facilities].~~

(c) An applicant has the right to appeal to the governing body of the municipality or the municipal planning commission if the designated [The] person disapproves a [or persons shall not disapprove the] plat [and shall be required to refer any plat which the person or persons refuse to approve to the municipal authority responsible for approving plats within the time period specified in Section 212.009].

SECTION 7. Subchapter A, Chapter 212, Local Government Code, is amended by adding Section 212.0081 to read as follows:

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

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

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

(d) A municipality that does not operate an Internet website shall publish the list described by Subsection (a) on adoption of

the list or an amendment to the list in:

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

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

SECTION 8. Sections 212.009(a), (b), (b-2), (c), and (d), Local Government Code, are amended to read as follows:

(a) The municipal authority responsible for approving plats shall approve, approve with conditions, or disapprove a ~~[plan or]~~ plat within 30 days after the date the ~~[plan or]~~ plat is filed. A ~~[plan or]~~ plat is approved by the municipal authority unless it is disapproved within that period and in accordance with Section 212.0091.

(b) If an ordinance requires that a ~~[plan or]~~ plat be approved by the governing body of the municipality in addition to the planning commission, the governing body shall approve, approve with conditions, or disapprove the ~~[plan or]~~ plat within 30 days after the date the ~~[plan or]~~ plat is approved by the planning commission or is approved by the inaction of the commission. A ~~[plan or]~~ plat is approved by the governing body unless it is disapproved within that period and in accordance with Section 212.0091.

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

(1) both:

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

(B) ~~[-(2)]~~ the municipal authority or governing body, as applicable, approves the extension request; or

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

(c) If a ~~[plan or]~~ plat is approved, the municipal authority giving the approval shall endorse the ~~[plan or]~~ plat with a certificate indicating the approval. The certificate must be signed by:

(1) the authority's presiding officer and attested by the authority's secretary; or

(2) a majority of the members of the authority.

(d) If the municipal authority responsible for approving plats fails to approve, approve with conditions, or disapprove a ~~[plan or]~~ plat within the prescribed period, the authority on the applicant's request shall issue a certificate stating the date the ~~[plan or]~~ plat was filed and that the authority failed to act on the ~~[plan or]~~ plat within the period. The certificate is effective in place of the endorsement required by Subsection (c).

SECTION 9. Section 212.0091(a), Local Government Code, is amended to read as follows:

(a) A municipal authority or governing body that conditionally approves or disapproves a ~~[plan or]~~ plat under this subchapter shall provide the applicant a written statement of the conditions for the conditional approval or reasons for disapproval that clearly articulates each specific condition for the conditional approval or reason for disapproval.

SECTION 10. Sections 212.0093, 212.0095, and 212.0096, Local Government Code, are amended to read as follows:

Sec. 212.0093. APPROVAL PROCEDURE: APPLICANT RESPONSE TO CONDITIONAL APPROVAL OR DISAPPROVAL. After the conditional approval or disapproval of a ~~[plan or]~~ plat under Section 212.0091, the applicant may submit to the municipal authority or governing body that conditionally approved or disapproved the ~~[plan or]~~ plat a written response that satisfies each condition for the conditional approval or remedies each reason for disapproval

provided. The municipal authority or governing body may not establish a deadline for an applicant to submit the response.

Sec. 212.0095. APPROVAL PROCEDURE: APPROVAL OR DISAPPROVAL OF RESPONSE. (a) A municipal authority or governing body that receives a response under Section 212.0093 shall determine whether to approve or disapprove the applicant's previously conditionally approved or disapproved ~~[plan or]~~ plat not later than the 15th day after the date the response was submitted.

(b) A municipal authority or governing body that conditionally approves or disapproves a ~~[plan or]~~ plat following the submission of a response under Section 212.0093:

- (1) must comply with Section 212.0091; and
- (2) may disapprove the ~~[plan or]~~ plat only for a specific condition or reason provided to the applicant under Section 212.0091.

(c) A municipal authority or governing body that receives a response under Section 212.0093 shall approve a previously conditionally approved or disapproved ~~[plan or]~~ plat if the response adequately addresses each condition of the conditional approval or each reason for the disapproval.

(d) A previously conditionally approved or disapproved ~~[plan or]~~ plat is approved if:

- (1) the applicant filed a response that meets the requirements of Subsection (c); and
- (2) the municipal authority or governing body that received the response does not disapprove the ~~[plan or]~~ plat on or before the date required by Subsection (a) and in accordance with Section 212.0091.

Sec. 212.0096. APPROVAL PROCEDURE: ALTERNATIVE APPROVAL PROCESS. (a) Notwithstanding Sections 212.009, 212.0091, 212.0093, and 212.0095, an applicant may elect at any time to seek approval for a ~~[plan or]~~ plat under an alternative approval process adopted by a municipality if the process allows for a shorter approval period than the approval process described by Sections 212.009, 212.0091, 212.0093, and 212.0095.

(b) An applicant that elects to seek approval under the alternative approval process described by Subsection (a) is not:

- (1) required to satisfy the requirements of Sections 212.009, 212.0091, 212.0093, and 212.0095 before bringing an action challenging a disapproval of a ~~[plan or]~~ plat under this subchapter; and
- (2) prejudiced in any manner in bringing the action described by Subdivision (1), including satisfying a requirement to exhaust any and all remedies.

SECTION 11. Section 212.0099, Local Government Code, is amended to read as follows:

Sec. 212.0099. JUDICIAL REVIEW OF DISAPPROVAL. In a legal action challenging a disapproval of a ~~[plan or]~~ plat under this subchapter, the municipality has the burden of proving by clear and convincing evidence that the disapproval meets the requirements of this subchapter or any applicable case law. The court may not use a deferential standard.

SECTION 12. Section 212.010, Local Government Code, is amended by adding Subsections (c), (d), and (e) to read as follows:

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

- (1) not intended by the owner of the tract; and
- (2) not included, funded, and approved in:
 - (A) a capital improvement plan adopted by the municipality; or
 - (B) a similar plan adopted by a county in which the municipality is located or the state.

(d) A municipal authority responsible for approving plats may not refuse to review a plat or 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 a county in which the municipality is located under that section.

(e) If a municipal authority responsible for approving plats fails or refuses to approve a plat that meets the requirements of this subchapter, the owner of the tract that is the subject of the plat may bring an action in a district court in a county in which the tract is located for a writ of mandamus to compel the municipal authority to approve the plat by issuing to the owner applicable approval documentation. The applicant shall recover reasonable attorney's fees and court costs in the action if the applicant prevails. The municipality may recover reasonable attorney's fees and court costs in the action if the municipality prevails and the court finds the action is frivolous.

SECTION 13. As soon as practicable after the effective date of this Act but not later than January 1, 2024, each municipality shall adopt and publish the list described by Section 212.0081, Local Government Code, as added by this Act.

SECTION 14. The changes in law made by this Act apply only to an application submitted on or after the effective date of this Act. An application submitted before the effective date of this Act is governed by the law applicable to the application immediately before the effective date of this Act, and that law is continued in effect for that purpose.

SECTION 15. This Act takes effect September 1, 2023.

President of the Senate

Speaker of the House

I certify that H.B. No. 3699 was passed by the House on May 9, 2023, by the following vote: Yeas 130, Nays 12, 2 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 3699 on May 25, 2023, and requested the appointment of a conference committee to consider the differences between the two houses; that the House adopted the conference committee report on H.B. No. 3699 on May 28, 2023, by the following vote: Yeas 139, Nays 3, 1 present, not voting; and that the House adopted H.C.R. No. 126 authorizing certain corrections in H.B. No. 3699 on May 28, 2023, by the following vote: Yeas 142, Nays 0, 1 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 3699 was passed by the Senate, with amendments, on May 21, 2023, by the following vote: Yeas 22, Nays 9; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; that the Senate adopted the conference committee report on H.B. No. 3699 on May 28, 2023, by the following vote: Yeas 20, Nays 11; and that the Senate adopted H.C.R. No. 126 authorizing certain corrections in H.B. No. 3699 on May 28, 2023, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

APPROVED: _____
Date

Governor