

HB 3167: What Cities and Developers Need to Know About the New Platting Shot Clock

MELINDA RAMOS
CITY ATTORNEY'S OFFICE
CITY OF FORT WORTH

ROB KILLEN
KGB KILLEN, GRIFFIN & FARRIMOND

UT LAND USE CONFERENCE
APRIL 2020

1

HB 3167: Origins

- ▶ City must act on a plat within 30 days after the plat is filed. If it goes to municipal authority and governing body, each has 30 days to act. If it is not acted upon, then it is deemed approved.
- ▶ Concerns regarding the process for plat and land development application approval by political subdivisions.
- ▶ Suggested that some political subdivisions circumventing statutory timelines for approving an application by simply denying the application with generic comments that do not fully address specific deficiencies with the application or taking second, third, fourth, etc. bites at the apple.
- ▶ Passage would provide greater certainty and clarity for the process by setting out provisions relating to county and municipal approval procedures for land development applications.

2

HB 3167 –Summary

- ▶ Broadened applicability to include preliminary plat, general plan, final plat, subdivision development plan, subdivision construction plan, site plan, land development application and site development plan which must be approved or denied within 30 days.
- ▶ HB 3167 replaces “act on” with “approve, approve with conditions, or disapprove” and applies to “plan or plat.”
- ▶ If the City adopts an alternate plan for approval, the applicant can request to be processed under the alternate plan, if the process allows for a shorter approval period.

HB 3167 – Summary

- ▶ Plats/Plans: Must approve, approve with conditions or disapprove with explanation within 30 days after the plan or plat is filed.
- ▶ If plat or plan is conditionally-approved or denied, then written statement is required for each specific condition or reason, including a citation of the ordinance that requires each condition.
- ▶ Applicant may submit a written response that satisfies each condition. City cannot impose a deadline on the applicant. City has 15 days to review the response and either approve or disapprove the plat or plan.
- ▶ If a City requires both P&Z and City Council, that means within 30 days of P&Z, and then an additional 30 days to City Council.
- ▶ Plat/Plan can be extended by 30 additional days by request of the applicant, but a city **cannot request or require** that an applicant waive a deadline.

HB 3167: Implementation

- ▶ Review and amendment of subdivision ordinances and infrastructure manuals adopted by reference. Some cities did not accept applications until their amendments were adopted)
- ▶ Maximization of delegation of plat and plan approval authority to city staff
- ▶ Filing dates
 - ▶ Completeness check: require approval of studies before submission; require approval of infrastructure plans
 - ▶ Submittals restricted to certain dates rather than a rolling period
 - ▶ Mandatory pre-meetings
- ▶ Determination that shot clocks not applicable
 - ▶ to site plans derived from Chapter 211, Texas Local Government Code
 - ▶ Building permits

5

HB 3167: Implementation

- ▶ Administrative capacity of staff of political subdivisions. Size may matter. Smaller political subdivisions outsource review and be put in a queue they do not control
- ▶ Internal review deadlines and recitation of "chapter and verse" within those internal deadlines
- ▶ Treatment of 15 day resubmittals
 - ▶ One and done
 - ▶ Infinite loop of 15 day responses

6

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the [UT Law CLE eLibrary \(utcle.org/elibrary\)](https://utcle.org/elibrary)

Title search: HB3167: What Cities and Developers Need to Know About the New Platting Shot Clock

Also available as part of the eCourse

[2020 Land Use eConference](#)

First appeared as part of the conference materials for the
24th Annual Land Use Conference session

"HB3167: What Cities and Developers Need to Know About the New Platting Shot Clock"