

BILL ANALYSIS

Senate Research Center
78R10801 DRH-F

H.B. 1207
By: Kuempel (Armbrister)
Intergovernmental Relations
5/9/2003
Engrossed

DIGEST AND PURPOSE

Current Texas law authorizes cities to adopt zoning ordinances to control land and building use. Under the police power granted to cities, a city may also regulate aesthetics such as landscaping and the types of building materials or architectural styles that must be used. H.B. 1207 states that a zoning ordinance relating to the exterior appearance or landscaping of a home that is passed after a residential subdivision plat is approved will not apply to the subdivision for two years after the plat is approved or the public improvements are accepted by the municipality. The bill also provides that a municipality is not prevented from applying building codes or prohibiting the use of materials that have been found to be inherently dangerous.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter A, Chapter 211, Local Government Code, by adding Section 211.016, as follows:

Sec. 211.016. ZONING REGULATION AFFECTING APPEARANCE OF BUILDINGS OR OPEN SPACE. (a) Provides that this section applies only to a zoning regulation that affects certain residential properties.

(b) Provides that a zoning regulation adopted after the approval of a residential subdivision plat does not apply to that subdivision until the second anniversary of the later of specified dates.

(c) Provides that this section does not prevent a municipality from adopting or enforcing applicable building codes or prohibiting the use of building materials that have been proven to be inherently dangerous.

SECTION 2. (a) Effective date: September 1, 2003.

(b) Makes application of this Act prospective.