

## **BILL ANALYSIS**

C.S.H.B. 1207  
By: Kuempel  
Urban Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Chapter 211 of the Local Government Code contains the fundamental power of cities to zone property. Chapter 211 is entitled *Municipal Zoning Authority*. Under the general zoning powers, cities may regulate the height, storage, and size of buildings, size of yards and open spaces, population density, lot coverage, as well as the location and use of businesses for either commercial, industrial, or residential purposes.

Committee Substitute House Bill 1207 proposes to clarify the power of cities to make changes in zoning regulations pertaining to “architectural style,” materials and landscaping of tracts of land that are the subject of an approved preliminary or final plat. In effect, C.S.H.B. 1207 prohibits cities from making changes in requirements relating to architectural style, materials, and landscaping for single-family residential homes and lots for a period of two years following approval of a plat or acceptance of subdivision improvements.

### **RULEMAKING AUTHORITY**

It is the committee’s opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 211, Local Government Code, to add Section 211.016 to prohibit cities from applying zoning regulations regarding the exterior appearance of single-family residential houses or the landscaping of single-family residential lots until after two years have passed from either plat approval or acceptance for public dedication of subdivision improvements. This prohibition does not apply to building codes regarding inherently dangerous building materials.

SECTION 2. Effective date; prospective application.

**EFFECTIVE DATE:** September 1, 2003

### **COMPARISON OF ORIGINAL TO SUBSTITUTE**

The original H.B. 1207 would have affirmatively authorized municipal zoning regulations to involve landscaping and architectural matters and to make such regulations subject to Local Government Code Chapter 245, *Issuance of Permits*. C.S.H.B. 1207 prohibits the application of zoning regulations until after two years have passed from either the plat approval or acceptance of subdivision improvements. This restriction only applies zoning regulations regarding exterior appearance of single-family residential homes and landscaping of single-family residential lots, and does not prohibit cities from enforcing codes regarding inherently dangerous building materials. Amended Caption. Redrafted for better placement in the Code.