

## **BILL ANALYSIS**

H.B. 1732  
By: Kuempel  
Land & Resource Management  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

Section 211.016, Local Government Code, -- pertaining to municipal zoning regulations affecting the appearance of buildings or open space -- applies to a zoning regulation that affects the exterior appearance of a single-family house or the landscaping of a single-family residential lot. Section 211.016(b), Local Government Code, 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 latter of the date the plat was approved or the date the municipality accepts the subdivision improvements offered for public dedication. Because some subdivisions have been in existence for more than two years, property owners in these subdivisions are not protected from the application of the changed zoning regulations.

The purpose of H.B. 1732 is to ensure that proper notice be given to property owners regarding zoning regulations affecting the appearance of buildings or open space on their property; to add new zoning regulations that the provisions of Section 211.016, Local Government Code apply to; and, to add for subdivisions where the plat has already been approved and where the municipality has already accepted the subdivision's improvements, the date written notice is provided to each owner of property affected by the regulation as a date to begin the two year time period that must expire before the zoning regulation would apply.

### **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.

### **ANALYSIS**

SECTION 1. *Amends Sections 211.016(a) and (b), Local Government Code, as follows:*

Adds language in Subsection (a) that would include zoning regulations that affect the floor to area ratio or impervious coverage of a previously platted lot, or that affect a previously platted lot by moving or establishing a vertical setback for the lot, to the list of zoning regulations covered by Section 211.016. Includes the date written notice of the zoning regulation is provided to each owner of property affected by the regulation, to the list of dates described in Subsection (b) from which a zoning regulation adopted after the approval of a residential subdivision plat does not apply until the second anniversary of that later date.

SECTION 2. Provides that the changes in law made by this Act to Sections 211.016(a) and (b), Local Government Code, apply to any zoning regulation adopted on or after January 1, 2006.

SECTION 3. Effective Date. Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2007.