

By: Workman

H.B. No. 3089

A BILL TO BE ENTITLED

AN ACT

relating to limitations on the application of certain municipal regulations to local permits.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 245.004, Local Government Code, is amended to read as follows:

Sec. 245.004. EXEMPTIONS. This chapter does not apply to:

(1) a permit that is at least two years old, is issued for the construction of a building or structure intended for human occupancy or habitation, and is issued under laws, ordinances, procedures, rules, or regulations adopting only:

(a) uniform building, fire, electrical, plumbing, or mechanical codes adopted by a recognized national code organization; or

(b) local amendments to those codes enacted solely to address imminent threats of destruction of property or injury to persons;

~~[(2) municipal zoning regulations that do not affect landscaping or tree preservation, open space or park dedication, property classification, lot size, lot dimensions, lot coverage, or building size or that do not change development permitted by a restrictive covenant required by a municipality,]~~

(23) regulations that specifically control only the use of land in a municipality that does not have zoning and that do

1 not affect landscaping or tree preservation, open space or park
2 dedication, lot size, lot dimensions, lot coverage, or building
3 size;

4 (34) regulations for sexually oriented businesses;

5 (45) municipal or county ordinances, rules,
6 regulations, or other requirements affecting colonias;

7 (56) fees imposed in conjunction with development
8 permits;

9 (67) regulations for annexation that do not affect
10 landscaping or tree preservation or open space or park dedication;

11 (78) regulations for utility connections;

12 (89) regulations to prevent imminent destruction of
13 property or injury to persons from flooding that are effective only
14 within a flood plain established by a federal flood control program
15 and enacted to prevent the flooding of buildings intended for
16 public occupancy;

17 (910) construction standards for public works located
18 on public lands or easements; or

19 (1011) regulations to prevent the imminent
20 destruction of property or injury to persons if the regulations do
21 not:

22 (a) affect landscaping or tree preservation,
23 open space or park dedication, lot size, lot dimensions, lot
24 coverage, building size, residential or commercial density, or the
25 timing of a project; or

26 (b) change development permitted by a
27 restrictive covenant required by a municipality.

1 SECTION 2. The change in law made by this act applies to any
2 project in progress before or commenced after the effective date of
3 this Act.

4 SECTION 3. This Act takes effect September 1, 2013.