

By: Guillen

H.B. No. 3513

A BILL TO BE ENTITLED

AN ACT

relating to a municipality's comprehensive development.

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

SECTION 1. Section 211.004, Local Government Code, is amended to read as follows:

Sec. 211.004. COMPLIANCE WITH COMPREHENSIVE PLAN. (a) Zoning regulations must be adopted in accordance with a comprehensive plan developed under Subchapter C and must be designed to:

- (1) lessen congestion in the streets;
- (2) secure safety from fire, panic, and other dangers;
- (3) promote health and the general welfare;
- (4) provide adequate light and air;
- (5) prevent the overcrowding of land;
- (6) avoid undue concentration of population; or
- (7) facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements.

(b) A comprehensive plan adopted under Subchapter C must designate uses for property that would allow the property to be sold or developed for those uses before the fifth anniversary of the date the plan is adopted.

SECTION 2. Chapter 211, Local Government Code, is amended by adding Subchapter C to read as follows:

1 SUBCHAPTER C. COMPREHENSIVE PLAN FOR LAND USE

2 Sec. 211.101. DEFINITIONS. In this subchapter:

3 (1) "Land use" means one or more uses of land
4 designated for a tract or an area under a comprehensive plan for
5 land use or a current or future land use plan or map.

6 (2) "Landowner" means the current owner of record, but
7 also includes a predecessor in interest.

8 (3) "Tract" means all or a majority of the metes and
9 bounds of a tract.

10 Sec. 211.102. ADOPTION, AMENDMENT, AND REVIEW OF
11 COMPREHENSIVE PLAN FOR LAND USE. (a) The governing body of a
12 municipality shall adopt by resolution or ordinance a comprehensive
13 plan for land use that details current and future land uses and
14 serves as a basis for making planning or zoning decisions under this
15 chapter.

16 (b) The governing body may amend the comprehensive plan for
17 land use from time to time in accordance with this subchapter.

18 (c) The governing body of a municipality shall review its
19 comprehensive plan for land use not less than every five years.

20 Sec. 211.103. INCORPORATION OF LAND USE ASSUMPTIONS. Land
21 use assumptions adopted in a manner that complies with Subchapter
22 C, Chapter 395, may be incorporated in a comprehensive plan for land
23 use.

24 Sec. 211.104. NOTATION ON MAP OF COMPREHENSIVE PLAN. A map
25 of a comprehensive plan for land use illustrating future land use
26 must contain the following clearly visible statement: "A
27 comprehensive plan does not constitute zoning regulations or

1 establish zoning district boundaries."

2 Sec. 211.105. ADVISORY COMMITTEE FOR ADOPTION, AMENDMENT,
3 AND REVIEW OF COMPREHENSIVE PLAN FOR LAND USE. (a) The governing
4 body of a municipality shall appoint an advisory committee to make
5 recommendations regarding the adoption, amendment, or review of its
6 comprehensive plan for land use.

7 (b) The advisory committee is composed of at least five
8 members appointed by a majority vote of the governing body. At
9 least 40 percent of the membership of the advisory committee must be
10 representatives of the real estate, development, or building
11 industries who are not employees or officials of a political
12 subdivision or governmental entity.

13 (c) The meetings of the advisory committee shall be open to
14 the public and conducted in accordance with Chapter 551, Government
15 Code.

16 (d) The municipality shall make available to the advisory
17 committee professional reports concerning municipal planning and
18 land uses.

19 (e) In making recommendations regarding or while reviewing
20 a comprehensive plan for land use, the advisory committee may
21 receive information from the municipality, any interested
22 landowner, or the general public.

23 Sec. 211.106. ADVISORY COMMITTEE REPORT. (a) The advisory
24 committee shall issue a written report to the governing body of the
25 municipality detailing its findings and recommendations as to the
26 adoption, amendment, or review of the comprehensive plan for land
27 use.

1 (b) The advisory committee's written report shall be made
2 available to the municipality, each interested landowner, and the
3 general public as soon as practicable after its receipt by the
4 governing body.

5 Sec. 211.107. GOVERNING BODY ACTION ON ADVISORY COMMITTEE
6 REPORT; PUBLIC HEARING. (a) Except as provided by Section 211.108,
7 the governing body of the municipality may not adopt or amend the
8 comprehensive plan for land use until the governing body conducts
9 at least one public hearing on the recommendations made by the
10 advisory committee.

11 (b) Except as provided by Section 211.108, the governing
12 body of the municipality may not adopt or amend the comprehensive
13 plan for land use before the 30th day after the date the governing
14 body receives the advisory committee's report, unless each of the
15 landowners affected by the plan or amendment consents to the plan or
16 amendment.

17 (c) At the public hearing, a landowner may object to any
18 land use applied to the landowner's tract by the comprehensive plan
19 for land use.

20 Sec. 211.108. PETITION TO GOVERNING BODY BY AFFECTED
21 LANDOWNER FOR LESS INTENSE USE. (a) If a landowner's tract has not
22 been sold or developed in conformity with a comprehensive plan for
23 land use within five years after adoption or amendment of the plan,
24 a landowner may petition the governing body of the municipality to
25 designate the landowner's tract on the comprehensive plan for land
26 use for a less intense use or uses chosen by the landowner.

27 (b) The governing body of the municipality shall amend its

1 comprehensive plan for land use in conformity with a landowner's
2 petition under Subsection (a) not later than the 60th day after the
3 date the landowner files the petition.

4 (c) In this section, "less intense use" means a lower use on
5 the following descending scale:

6 (1) an industrial use;

7 (2) a retail use;

8 (3) an office use;

9 (4) a multifamily residential use; and

10 (5) a single-family residential use.

11 Sec. 211.109. ENFORCEMENT OF LANDOWNER'S PETITION. (a) If
12 the governing body of the municipality fails or refuses to amend the
13 comprehensive plan for land use in accordance with a landowner's
14 petition under Section 211.108, the landowner may file suit in the
15 district court in the county where the tract is located to enforce
16 the landowner's rights under that section.

17 (b) The landowner's rights under Section 211.108 may be
18 enforced by mandamus or declaratory or injunctive relief.

19 (c) A prevailing landowner may recover reasonable
20 attorney's fees, expert witness fees, and costs of court.

21 SECTION 3. Section 213.002, Local Government Code, is
22 amended to read as follows:

23 Sec. 213.002. COMPREHENSIVE PLAN. (a) The governing body
24 of a municipality may adopt a comprehensive plan for the long-range
25 development of the municipality. A municipality may define the
26 content and design of a comprehensive plan.

27 (b) A comprehensive plan under this chapter may:

1 (1) include [~~but is not limited to~~] provisions on
2 [~~land use,~~] transportation[~~,~~] and public facilities;

3 (2) consist of a single plan or a coordinated set of
4 plans organized by subject and geographic area; and

5 (3) incorporate the comprehensive plan for land use
6 required by Subchapter C, Chapter 211 [~~be used to coordinate and~~
7 ~~guide the establishment of development regulations~~].

8 [~~(c) A municipality may define, in its charter or by~~
9 ~~ordinance, the relationship between a comprehensive plan and~~
10 ~~development regulations and may provide standards for determining~~
11 ~~the consistency required between a plan and development~~
12 ~~regulations.~~

13 [~~(d) Land use assumptions adopted in a manner that complies~~
14 ~~with Subchapter C, Chapter 395, may be incorporated in a~~
15 ~~comprehensive plan.]~~

16 SECTION 4. Section 213.005, Local Government Code, is
17 repealed.

18 SECTION 5. A landowner affected by a land use under a
19 municipality's comprehensive plan for land use may file a petition
20 under Section 211.108, Local Government Code, as added by this Act,
21 on or after September 1, 2013, regardless of whether the land use
22 provisions are incorporated in a comprehensive plan that was
23 adopted before or after that date and regardless of whether the land
24 use provisions are incorporated in a comprehensive plan that was
25 adopted under Chapter 213, Local Government Code, as it existed
26 before the effective date of this Act, or under Subchapter C,
27 Chapter 211, Local Government Code, as added by this Act.

1 SECTION 6. This Act takes effect September 1, 2013.