

BILL ANALYSIS

Senate Research Center

C.S.S.B. 1227

By: Shapiro

Intergovernmental Relations

4-10-97

Committee Report (Substituted)

DIGEST

Currently, Texas cities have the ability to implement comprehensive municipal plans, but it is unclear how development regulations should relate to the plans. Consistency between a city's regulations and a city's comprehensive plan is ambiguous under current law. This bill eliminates the requirement for comprehensive plans to be developed after land use assumptions are adopted by a city.

PURPOSE

As proposed, C.S.S.B. 1227 eliminates the requirement for comprehensive plans to be developed after land use assumptions are adopted by a city.

RULEMAKING AUTHORITY

Rulemaking authority is granted to a municipality in SECTION 1 (Sections 219.002 and 219.003, Local Government Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 7A, Local Government Code, by adding Chapter 219, as follows:

CHAPTER 219. MUNICIPAL COMPREHENSIVE PLANS

Sec. 219.001. PURPOSE. Provides that the powers granted under this chapter are for the purpose of promoting sound development of municipalities and promoting public health, safety, and welfare.

Sec. 219.002. COMPREHENSIVE PLAN. Authorizes the governing body of a municipality to adopt a comprehensive plan for the long-range development of the municipality. Authorizes a municipality to define the content and design of a comprehensive plan. Sets forth provisions which a comprehensive plan may include. Authorizes a municipality to define, in its charter or by ordinance, the relationship between a comprehensive plan and development regulations and to provide standards for determining the consistency required between a plan and development regulations. Authorizes land use assumptions adopted in a manner that complies with Chapter 395C, to be incorporated in a comprehensive plan.

Sec. 219.003. ADOPTION OR AMENDMENT OF COMPREHENSIVE PLAN. Authorizes a comprehensive plan to be adopted or amended by ordinance following a hearing at which the public is given the opportunity to give testimony and present written evidence and, if one exists, review by the municipality's planning commission or department. Authorizes a municipality to establish, in its charter or by ordinance, procedures for adopting and amending a comprehensive plan.

Sec. 219.004. EFFECT ON OTHER MUNICIPAL PLANS. Prohibits this chapter from limiting the ability of a municipality to prepare other plans, policies, or strategies as required.

SECTION 2. Repealer: Section 211.004(b), Local Government Code (Compliance with Comprehensive Plan).

SECTION 3. Emergency clause.

Effective date: upon passage.

SUMMARY OF COMMITTEE CHANGES

SECTION 1.

Authorizes a comprehensive plan to include, but is not limited to, certain provisions. Deletes a provision authorizing a comprehensive plan adopted under this chapter in a manner that complies with Chapter 395C, to be used in place of a separate ordinance, order, or resolution approving land use assumptions. Authorizes land use assumptions adopted in a manner that complies with Chapter 395C, to be incorporated in a comprehensive plan.