

# LAND USE UPDATE

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Presented

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## I. CONFLICT & PREEMPTION (state and federal laws)





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***City of Houston v. Southern Crushed Concrete***

398 S.W.3d 676 (Tex. 2013)

- **City ordinance:** Restricted locations for concrete crushers



- **Ruling:** City *could not make unlawful* a condition or act approved or authorized under the Texas Clean Air Act or TCEQ rules

I. CONFLICT & PREEMPTION (state and federal laws)

- **Executive:** Governor calls for specific preemptions and even categorical preemption  
  
Attorney General opinions



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2017 preemptive bills:

- Uber-Lyft regs
- “bathroom” bill
- tax levy bill
- vested-rights
- tree ordinances
- manufactured housing
- cellular facilities in public ROW  
(etc.)

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"Land Use Update"