# Local Land Use Regulation Outside Cities

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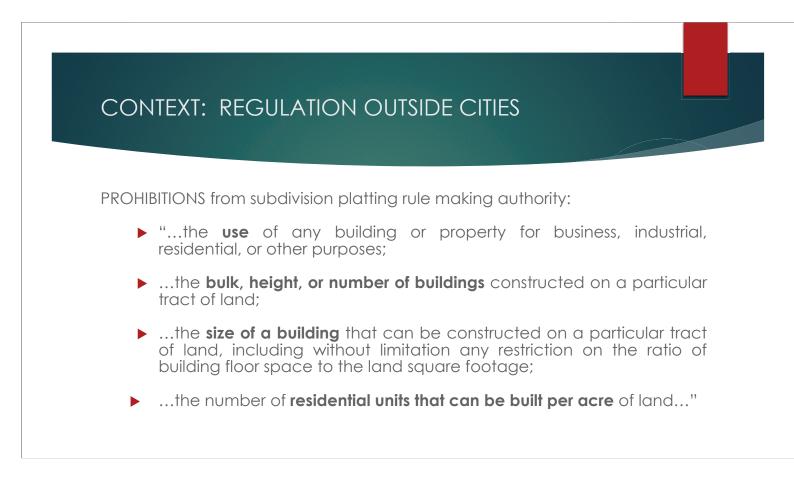
## Local Land Use Regulation Outside Cities

- Texas = LOW regulation, dev. friendly
- LIMITED land use regulation outside cities
- Where are we today?
- My perspective: Private

### CONTEXT: REGULATION OUTSIDE CITIES

#### History (& Demise) of Non-Consent Annexation

- PRE 1963 ANNEXATION TO THE NEXT TOWN
- 1963-2017 ETJ ANNEXATION
- 12/31/96 -- KINGWOOD ANNEXATION
- 2017-2019 TIER ONE/TIER TWO
- 2019 POST UNILATERAL ANNEXATION



# CONTEXT: REGULATION OUTSIDE CITIES

- A city's authority to regulate land development in its ETJ is wholly derived from a legislative grant of authority. <u>FM</u> <u>Props. Operating Co. v. City of Austin, (Tex.2000)</u>
- If no municipal ordinances are legislatively authorized to be extended to a municipality's ETJ, then only county land-use regulations apply. FM Props. Operating Co.
- County authority is similar to a general law city; only what is granted by the legislature. *Canales v. Laughlin (Tex. 1948)*



- City Arguments:
- Express Statutory Authority
- Implied Authority
- Public Policy

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### Title search: Local Land Use Regulation Outside Cities

Also available as part of the eCourse <u>Texas ETJs: Regulatory Authority, Evolving Law and Financing Tools</u>

First appeared as part of the conference materials for the 26<sup>th</sup> Annual Land Use Conference session "ETJ Municipal Regulatory Authority in the ETJ"