Local Land Use Regulation Outside Cities

REID WILSON WILSON CRIBBS + GOREN

2022 UT LAND USE LAW April 2022

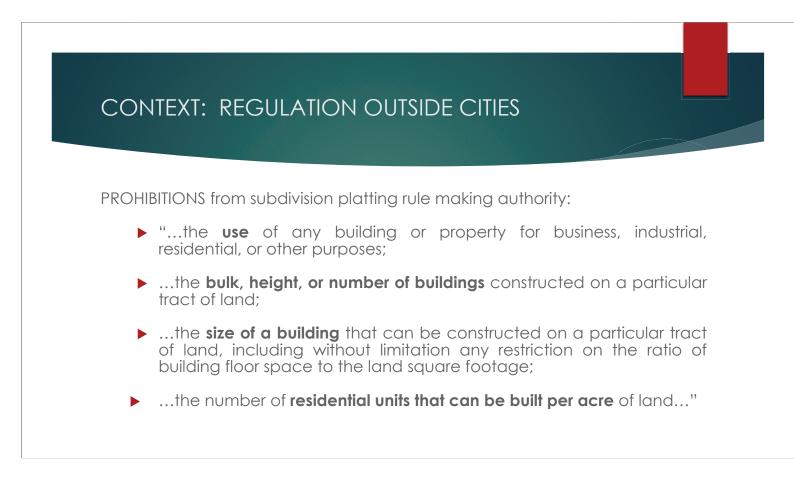
Local Land Use Regulation Outside Cities

- 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

Find the full text of this and thousands of other resources from leading experts in dozens of legal practice areas in the <u>UT Law CLE eLibrary (utcle.org/elibrary)</u>

Title search: Local Land Use Regulation Outside Cities

Also available as part of the eCourse 2022 Land Use eConference

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