

LOCAL GOVERNMENT CODE

TITLE 7. REGULATION OF LAND USE, STRUCTURES, BUSINESSES, AND  
RELATED ACTIVITIES

SUBTITLE A. MUNICIPAL REGULATORY AUTHORITY

CHAPTER 212. MUNICIPAL REGULATION OF SUBDIVISIONS AND PROPERTY  
DEVELOPMENT

SUBCHAPTER D. REGULATION OF PROPERTY DEVELOPMENT PROHIBITED IN  
CERTAIN CIRCUMSTANCES

Sec. 212.101. APPLICATION OF SUBCHAPTER TO CERTAIN HOME-  
RULE MUNICIPALITY. This subchapter applies only to a home-rule  
municipality that:

- (1) has a charter provision allowing for limited-  
purpose annexation; and
- (2) has annexed territory for a limited purpose.

Sec. 212.102. DEFINITIONS. In this subchapter:

- (1) "Affected area" means an area that is:
  - (A) in a municipality or a municipality's  
extraterritorial jurisdiction;
  - (B) in a county other than the county in which a  
majority of the territory of the municipality is located;
  - (C) within the boundaries of one or more school  
districts other than the school district in which a majority of  
the territory of the municipality is located; and
  - (D) within the area of or within 1,500 feet of  
the boundary of an assessment road district in which there are  
two state highways.
- (2) "Assessment road district" means a road district  
that has issued refunding bonds and that has imposed assessments  
on each parcel of land under Subchapter C, Chapter 1471,  
Government Code.
- (3) "State highway" means a highway that is part of  
the state highway system under Section 221.001, Transportation  
Code.

Sec. 212.103. TRAFFIC OR TRAFFIC OPERATIONS. (a) A municipality may not deny, limit, delay, or condition the use or development of land, any part of which is within an affected area, because of:

(1) traffic or traffic operations that would result from the proposed use or development of the land; or

(2) the effect that the proposed use or development of the land would have on traffic or traffic operations.

(b) In this section, an action to deny, limit, delay, or condition the use or development of land includes a decision or other action by the governing body of the municipality or by a commission, board, department, agency, office, or employee of the municipality related to zoning, subdivision, site planning, the construction or building permit process, or any other municipal process, approval, or permit.

(c) This subchapter does not prevent a municipality from exercising its authority to require the dedication of right-of-way.

Sec. 212.104. PROVISION NOT ENFORCEABLE. A provision in a covenant or agreement relating to land in an affected area that would have the effect of denying, limiting, delaying, or conditioning the use or development of the land because of its effect on traffic or traffic operations may not be enforced by a municipality.

Sec. 212.105. SUBCHAPTER CONTROLS. This subchapter controls over any other law relating to municipal regulation of land use or development based on traffic.