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Thank you, Chairman Schwertner, for the opportunity to present information related to Senate Bill 149 and for all that this committee is doing for those of us in the Great State of Texas. My name is Carissa Cox and I am here on behalf of the American Planning Association - Texas Chapter (APA Texas). APA Texas members work in a broad range of public and private professions to develop plans, standards and policies to help manage growth and plan for development in Texas communities. Our membership includes professional planners, engineers, land planners, attorneys and consultants, as well as academics and students.

I am testifying in opposition to SB 149 as currently written. We request modification to the definition of the phrase “regulation of local land use,” as we see the following problems with the definition as written:

1. *regulation of local land use... does not include any restriction, condition or regulation of...operations...* – Cities must be allowed to regulate operations for businesses that can have a negative impact on our communities if left unchecked. This would include sexually-oriented businesses and certain industries where hours of operation and activity in the outside area of the lot are of concern to the safety and well-being of the community.

2. *“regulation of local land use... does not include any restriction, condition or regulation of...marketing”* - As written, this would prevent cities from regulating signage as signage is a type of marketing.

3. *“regulation of local land use... does not include any restriction, condition or regulation of...any other...practices (beyond 211, 212, 213, 214) by a person engaging in a commercial activity.”* - Creates conflict with other regulatory controls granted to municipalities to

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promote health, safety and welfare outside of Chapters 211, 212, 213 and 214 of the Local Government Code. (hours of operation and lighting/dark sky communities).

4. Will result in LESS FLEXIBILITY regarding rights of use. Discourages form-based development practices and special or conditional use permits, which allow for a broader range of uses to be exercised for a property, provided they meet certain conditions to ensure they are contextually appropriate.

In other bills, such as SB 1017, language has been inserted to clarify what controls in case of conflict between the new bill and existing legislation. We request addition of such a provision to this bill as well, particularly with regard to municipal authority to regulate signage.

APA Texas works closely with the people that are designing, regulating and developing new projects all over our state. Land use is one of our core areas of expertise. Our members stand ready to assist you in this legislation.

Respectfully submitted,



**Carissa Cox, AICP**  
**American Planning Association - Texas Chapter**