

## **BILL ANALYSIS**

C.S.H.B. 2345  
By: Mowery  
Urban Affairs  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Currently certain municipalities are using the zoning process to control development in the cities. One of the inventive ways that some municipalities are using is to zone undeveloped property to a category where there is little or no demand so that a landowner may not use or sell his property. This technique can result in greatly diminished market for the property while the property owner pays ad valorem taxes. This bill amends Subchapter A, Chapter 211 of the Local Government Code by adding a new Section 211.0076 that would allow a landowner to petition the zoning board to change his classification where his land is in a category where the inventory of land within the municipality is 25 years or more. The burden of proving the 25-year supply is the landowner. In addition, the landowner may appeal the commission's decision to the governing body of the municipality and the county and district court.

The purpose of C.S.H.B. 2345 is to prevent certain municipalities from using zoning as a tool to prevent landowners from developing their property, if that property is zoned in a category for which there is at least a 25-year supply. This would allow the landowner a reasonable opportunity to develop his property during his lifetime.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Subchapter A, Chapter 211, Local Government Code, by adding Section 211.0076 as follows:

Requires a zoning commission in a municipality to conduct a hearing to determine whether a change in zoning is required if petitioned by a landowner of undeveloped property in the municipality within one year of the initial zoning.

Requires the zoning commission to change the zoning of property to a single-family residence category if the landowner establishes at the hearing that the existing zoning is of a category for which there is a supply in the municipality that is sufficient to meet the needs of the municipality for more than the next 25 years.

A decision under this section is appealable by the landowner to the governing body and then to a county or district court.

SECTION 2. Effective date.

### **EFFECTIVE DATE**

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2003.

## **COMPARISON OF ORIGINAL TO SUBSTITUTE**

H.B. 2345 required a municipality to change the zoning if the property owner prevailed to any classification requested by the owner. C.S.H.B. 2345 defines “initial zoning” and “interim zoning” and limits the time during which a landowner may petition for a change in zoning to one year from the date of initial zoning. In addition, C.S.H.B. 2345 restricts application to cities with single-family zoning, and reduces the inventory period from 75 to 25 years.