

By: Mowery

H.B. No. 2345

Substitute the following for H.B. No. 2345:

By: Talton

C.S.H.B. No. 2345

A BILL TO BE ENTITLED

AN ACT

relating to requiring a municipality to make a change in zoning.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 211, Local Government Code, is amended by adding Section 211.0076 to read as follows:

Sec. 211.0076. CHANGE IN ZONING REQUIRED. (a) In this section:

(1) "Initial zoning" means the first zoning of non-zoned or interim zoned property in which the individual characteristics or location of the property is considered in determining the zoning classification of the property.

(2) "Interim zoning" means the first zoning of non-zoned property ordered by a municipality.

(b) Within one year of the initial zoning of undeveloped property, a landowner of undeveloped property may petition the municipality for a change in zoning and the zoning commission shall conduct a hearing to determine whether a change in zoning of the property is required under this section.

(c) At the hearing, if the landowner establishes that the zoning of the undeveloped property is of a category for which, after disregarding the landowner's property, there is a supply in the municipality that is sufficient to meet the needs of the municipality for more than the next 25 years, the zoning commission shall change the zoning of the property to a single-family

1 residence category that existed in the municipality when then  
2 property was annexed.

3 (c) A landowner making a petition under this section may  
4 appeal a decision of the zoning commission to the governing body of  
5 the municipality and then to a county or district court of the  
6 county in which the property is located.

7 SECTION 2. This Act takes effect immediately if it receives  
8 a vote of two-thirds of all the members elected to each house, as  
9 provided by Section 39, Article III, Texas Constitution. If this  
10 Act does not receive the vote necessary for immediate effect, this  
11 Act takes effect September 1, 2003.