

By: Mowery

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) On petition of a landowner of undeveloped property in the municipality, the zoning commission shall conduct a hearing to determine whether a change in zoning of the property is required under this section.

(b) 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 different category as requested by the landowner.

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

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

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1 Act takes effect September 1, 2003.