

By: Talton

H.B. No. 2731

A BILL TO BE ENTITLED

AN ACT

1
2 relating to procedures governing adoption of zoning regulations and
3 district boundaries.

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

5 SECTION 1. Title 7. PROCEDURES GOVERNING ADOPTION OF
6 ZONING REGULATIONS AND DISTRICT BOUNDARIES, Section 211.006, Local
7 Government Code, is amended to read as follows:

8 (a) The governing body of a municipality wishing to exercise
9 the authority relating to zoning regulations and zoning district
10 boundaries shall establish procedures for adopting and enforcing
11 the regulations and boundaries. A regulation or boundary is not
12 effective until after a public hearing on the matter at which
13 parties in interest and citizens have an opportunity to be heard.
14 Before the 15th day before the date of the hearing, notice of the
15 time and place of the hearing must be published in an official
16 newspaper or a newspaper of general circulation in the
17 municipality.

18 (b) In addition to the notice required by Subsection (a), a
19 general-law municipality that does not have a zoning commission
20 shall give notice of a proposed change in a zoning classification to
21 each property owner who would be entitled to notice under Section
22 211.007(c) if the municipality had a zoning commission. That
23 notice must be given in the same manner as required for notice to
24 property owners under Section 211.007(c). The governing body may

1 not adopt the proposed change until after the 30th day after the
2 date the notice required by this subsection is given.

3 (c) If the governing body of a home-rule municipality
4 conducts a hearing under Subsection (a), the governing body may, by
5 a two-thirds vote, prescribe the type of notice to be given of the
6 time and place of the public hearing. Notice requirements
7 prescribed under this subsection are in addition to the publication
8 of notice required by Subsection (a).

9 (d) If a proposed change to a regulation or boundary is
10 protested in accordance with this subsection, the proposed change
11 must receive, in order to take effect, the affirmative vote of at
12 least three-fourths of all members of the governing body on all
13 readings of the ordinance. The protest must be written and signed
14 by the owners of the property if it is subject to a tax exemption
15 pursuant to Section 11.20, Tax Code or at least 20 percent of
16 either:

17 (1) the area of the lots or land covered by the
18 proposed change; or

19 (2) the area of the lots or land immediately adjoining
20 the area covered by the proposed change and extending 200 feet from
21 that area. This subsection applies to all attempted changes to
22 regulations or boundaries which occurred since January 1, 2000 and
23 are applicable to property subject to a tax exemption pursuant to
24 Section 11.20, Tax Code.

25 (e) In computing the percentage of land area under
26 Subsection (d), the area of streets and alleys shall be included.

27 (f) The governing body by ordinance may provide that the

1 affirmative vote of at least three-fourths of all its members is
2 required to overrule a recommendation of the municipality's zoning
3 commission that a proposed change to a regulation or boundary be
4 denied.

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