

By: Howard of Fort Bend

H.B. No. 3188

A BILL TO BE ENTITLED

AN ACT

1
2 relating to granting a change in the zoning classification of
3 property based on an inability to market or develop the property
4 under that classification.

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

6 SECTION 1. Subchapter A, Chapter 211, Local Government
7 Code, is amended by adding Section 211.0095 to read as follows:

8 Sec. 211.0095. CHANGE IN ZONING BASED ON INABILITY TO
9 MARKET OR DEVELOP PROPERTY; BOARD OF ADJUSTMENT.

10 (a) This Subchapter shall apply to a home-rule municipality
11 with a population of more than 26,000 that is within a county with a
12 population of more than 249,000 and that contains within its
13 municipal limits a toll road constructed by a Regional Mobility
14 Authority under Chapter 370, Transportation Code,

15 (b) For the purpose of this Subchapter, "R&D-3" zoning shall
16 mean and refer to a zoning classification that includes any of the
17 following uses: (1) manufacturing facilities where software,
18 electronics, communication, precision scientific or technical
19 equipment, pharmaceuticals, or medical and biologic devices and
20 products may be designed, fabricated, created, assembled or
21 packaged; (2) Office buildings, administrative or corporate, with
22 a minimum of one hundred thousand (100,000) sq. ft.; or (3)
23 Research facilities and laboratories.

24 (c) A landowner may seek a change in the zoning

1 classification of property from R&D-3 zoning to another zoning
2 classification of lower intensity if the landowner establishes
3 that: (1) the property has been under the same zoning
4 classification for five or more years; (2) the landowner has been
5 unable to close a sale of, or obtain approval for the development of
6 the property within that zoning classification for five or more
7 years; and (3) the landowner proposes an alternate development
8 plan including one or more zoning classifications or uses of lower
9 intensity that will generate annual ad valorem tax revenues to the
10 municipality of not less than a development plan under the R&D-3
11 zoning classification.

12 (d) A landowner seeking a change under Subsection (c) must
13 make the request to the board of adjustment. If the board finds
14 that the landowner has met the requirements of Subsection (c), the
15 board shall grant the change. If the municipality does not have a
16 board of adjustment, the governing body performs the functions of
17 the board of adjustment under this section.

18 (e) In establishing the criteria necessary to receive a
19 change in classification under Subsection (b), a landowner may use
20 a period before the effective date of this section.

21 SECTION 2. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2007.