

By: Howard of Fort Bend

H.B. No. 3397

A BILL TO BE ENTITLED

AN ACT

relating to authorizing a change in a municipal zoning classification under certain circumstances.

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 211.0095 to read as follows:

Sec. 211.0095. CHANGE IN ZONING CLASSIFICATION UNDER CERTAIN CIRCUMSTANCES. (a) A property owner may request a change in the zoning classification of the owner's real property from an existing commercial use zoning classification to one or more other zoning classifications of lower use intensity if the owner establishes that:

(1) the property has been under the same commercial use zoning classification for at least five years;

(2) the owner has been unable to sell or obtain approval for the development of the property under the existing commercial use zoning classification for at least five years; and

(3) an alternate development plan that includes one or more zoning classifications of lower use intensity has the potential to generate annual ad valorem tax revenues for the municipality in an amount equal to or greater than a development plan submitted under the existing commercial use zoning classification.

(b) A property owner who requests a change to an alternate

1 zoning classification under Subsection (a) must make the request to
2 the municipality's board of adjustment. If the board of adjustment
3 finds that the owner complies with the criteria established under
4 Subsection (a), the board shall grant the zoning change. If a
5 municipality does not have a board of adjustment, the governing
6 body of the municipality shall perform the functions of the board of
7 adjustment under this section.

8 (c) In establishing the criteria necessary to receive a
9 change in classification under Subsection (a), a property owner may
10 use a period before the effective date of this section.

11 SECTION 2. This Act takes effect immediately if it receives
12 a vote of two-thirds of all the members elected to each house, as
13 provided by Section 39, Article III, Texas Constitution. If this
14 Act does not receive the vote necessary for immediate effect, this
15 Act takes effect September 1, 2009.