

By: Elkins

H.B. No. 3418

A BILL TO BE ENTITLED

AN ACT

relating to municipal zoning affecting places or areas of historical, cultural, or architectural importance and significance.

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 211.0165 to read as follows:

Sec. 211.0165. ZONING AFFECTING PLACES OR AREAS OF HISTORICAL, CULTURAL, OR ARCHITECTURAL IMPORTANCE AND SIGNIFICANCE. (a) A municipality that has established a process for designating places or areas as historically important and significant through the adoption of zoning regulations or zoning district boundaries must include the following as criteria in determining whether to adopt the regulations or boundaries:

(1) to designate a place or an area based on the occurrence of an event, the event that occurred at the place or in the area must be widely recognized as a historic event; or

(2) to designate a property location based on a person associated with that location, the person must be recognized as a historic figure who lived at the property location.

(b) An action by a zoning commission or planning commission to recommend the adoption of or proposed change to a zoning regulation or zoning district boundary applicable in a designated place or area of historical, cultural, or architectural importance

1 and significance requires the vote of three-fourths of all members
2 of the zoning commission or planning commission. An action by the
3 governing body of a municipality to approve a recommendation of a
4 zoning commission or planning commission described by this
5 subsection requires the vote of three-fourths of all members of the
6 governing body of a municipality.

7 (c) If a property owner submits a request to the appropriate
8 municipal official to take an action under municipal zoning
9 regulations to construct, reconstruct, alter, or raze a building or
10 other structure in a designated place or area of historical,
11 cultural, or architectural importance and significance, the
12 municipal official must approve or deny the property owner's
13 request not later than the 30th day after the date the property
14 owner submits the request. If the municipal official fails to
15 approve or deny the property owner's request within the period
16 prescribed by this subsection, the request is considered approved.

17 SECTION 2. (a) Section 211.0165(a), Local Government Code,
18 as added by this Act, applies only to a designation of a place or
19 area as historically important and significant made on or after the
20 effective date of this Act.

21 (b) Section 211.0165(c), Local Government Code, as added by
22 this Act, applies only to a request to take an action under
23 municipal zoning regulations submitted to a municipal regulatory
24 authority on or after the effective date of this Act.

25 SECTION 3. This Act takes effect September 1, 2017.