

By: Cyrier

H.B. No. 2989

A BILL TO BE ENTITLED

AN ACT

relating to certain notice and protest provisions applicable to municipal zoning changes.

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

SECTION 1. Sections 211.006(a) and (d), Local Government Code, are amended to read as follows:

(a) The governing body of a municipality wishing to exercise the authority relating to zoning regulations and zoning district boundaries shall establish procedures for adopting, revising, and enforcing the regulations and boundaries. The adoption of initial zoning regulations and zoning district boundaries, a comprehensive revision of the regulations or boundaries, or an amendment of a regulation that applies uniformly across boundaries or areas of the municipality [~~A regulation or boundary~~] is not effective until after a public hearing on the matter at which parties in interest and citizens have an opportunity to be heard. Before the 15th day before the date of the hearing, notice of the time and place of the hearing must be published in an official newspaper or a newspaper of general circulation in the municipality.

(d) A [~~If a~~] proposed change to a regulation or boundary that only affects an individual lot or a limited area of contiguous lots or land may be [~~is~~] protested in accordance with this subsection. If protested, the proposed change must receive, in order to take effect, the affirmative vote of at least

1 three-fourths of all members of the governing body. The protest
2 must be written and signed by the owners of at least 20 percent of
3 either:

4 (1) the area of the lots or land covered by the
5 proposed change; or

6 (2) the area of the lots or land immediately adjoining
7 the area covered by the proposed change and extending 200 feet from
8 that area.

9 SECTION 2. Section 211.007(c), Local Government Code, is
10 amended to read as follows:

11 (c) Before the 10th day before the hearing date, written
12 notice of each public hearing before the zoning commission on a
13 proposed change in a zoning classification of an individual
14 property or a limited area of contiguous properties shall be sent to
15 each owner, as indicated by the most recently approved municipal
16 tax roll, of real property within 200 feet of the property or area
17 on which the change in classification is proposed. The notice may
18 be served by its deposit in the municipality, properly addressed
19 with postage paid, in the United States mail. If the property
20 within 200 feet of the property or area on which the change is
21 proposed is located in territory annexed to the municipality and is
22 not included on the most recently approved municipal tax roll, the
23 notice shall be given in the manner provided by Section 211.006(a).

24 SECTION 3. The amendments made by this Act to Sections
25 211.006 and 211.007, Local Government Code, are a clarification of
26 existing law and do not imply that existing Sections 211.006 and
27 211.007, Local Government Code, may be construed as inconsistent

1 with those sections as amended by this Act.

2 SECTION 4. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2021.