

By: Hughes, Eckhardt

S.B. No. 844

A BILL TO BE ENTITLED

AN ACT

relating to procedures for changes to a zoning regulation or district boundary.

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 211.0011 to read as follows:

Sec. 211.0011. DEFINITION. In this subchapter, "proposed comprehensive zoning change" means a municipal proposal to:

(1) change an existing zoning regulation that:

(A) will have the effect of allowing more residential development than the previous regulation; and

(B) will apply uniformly to each parcel in one or more zoning districts;

(2) adopt a new zoning code or zoning map that will apply to the entire municipality; or

(3) adopt a zoning overlay district that:

(A) will have the effect of allowing more residential development than allowed without the overlay; and

(B) will include an area along a major roadway, highway, or transit corridor.

SECTION 2. Section 211.006(a), Local Government Code, is amended to read as follows:

(a) The governing body of a municipality wishing to exercise the authority relating to zoning regulations and zoning district

1 boundaries shall establish procedures for adopting and enforcing
2 the regulations and boundaries. A regulation or boundary is not
3 effective until after a public hearing on the matter at which
4 parties in interest and citizens have an opportunity to be
5 heard. Before the 15th day before the date of the hearing, notice
6 of the time and place of the hearing must be:

7 (1) published in an official newspaper or a newspaper
8 of general circulation in the municipality; and

9 (2) if the municipality maintains an Internet website,
10 published on the municipality's Internet website.

11 SECTION 3. Subchapter A, Chapter 211, Local Government
12 Code, is amended by adding Section 211.0061 to read as follows:

13 Sec. 211.0061. PROTEST PROCEDURES FOR CERTAIN PROPOSED
14 CHANGES. (a) This section applies only to a proposed change to a
15 zoning regulation or district boundary that is not a proposed
16 comprehensive zoning change.

17 (b) A protest of a proposed change to a zoning regulation or
18 district boundary must be written and signed by the owners of:

19 (1) at least 20 percent of the area of the lots or land
20 covered by the proposed change;

21 (2) except as provided by Subdivision (3), at least 60
22 percent of the area of the lots or land immediately adjoining the
23 area covered by the proposed change and extending 200 feet from that
24 area; or

25 (3) at least 20 percent of the area of the lots or land
26 immediately adjoining the area covered by the proposed change and
27 extending 200 feet from that area if the proposed change will have

1 the effect of allowing for the use of a building or structure for
2 the operation of any form of gambling or sports wagering.

3 (d) If a proposed change to a regulation or district
4 boundary is protested in accordance with Subsection (b), the
5 proposed change must receive, in order to take effect, the
6 affirmative vote of at least:

7 (1) three-fourths of all members of the governing body
8 for a protest described by Subsection (b)(1) or (3); or

9 (2) a majority of all members of the governing body for
10 a protest described by Subsection (b)(2).

11 SECTION 4. Section 211.006(e), Local Government Code, is
12 transferred to Section 211.0061, Local Government Code, as added by
13 this Act, redesignated as Section 211.0061(c), Local Government
14 Code, and amended to read as follows:

15 (c) [~~(e)~~] In computing the percentage of land area under
16 Subsection (b):

17 (1) [~~(d)~~] the area of streets and alleys shall be
18 included; and

19 (2) the land area is not calculated individually for
20 each tract of land subject to a proposed change in a zoning
21 regulation or district boundary but in the aggregate for all tracts
22 of land subject to the change.

23 SECTION 5. Subchapter A, Chapter 211, Local Government
24 Code, is amended by adding Sections 211.0063 and 211.0065 to read as
25 follows:

26 Sec. 211.0063. NOTICE FOR PROPOSED COMPREHENSIVE ZONING
27 CHANGES. The notice described by Section 211.006(a) or 211.007(d),

1 as applicable, and Section 211.006(a-1) is the only notice required
2 for a proposed comprehensive zoning change.

3 Sec. 211.0065. PRESUMPTION OF VALIDITY FOR CERTAIN CHANGES
4 TO ZONING REGULATIONS OR DISTRICT BOUNDARIES. A change to a zoning
5 regulation or district boundary that has the effect of allowing
6 more residential development than the previous regulation is
7 conclusively presumed valid and to have occurred in accordance with
8 all applicable statutes and ordinances if an action to annul or
9 invalidate the change has not been filed before the 60th day after
10 the effective date of the change.

11 SECTION 6. Sections 211.006(d) and (f), Local Government
12 Code, are repealed.

13 SECTION 7. The changes in law made by this Act apply only to
14 a proposal to change a municipal zoning regulation or district
15 boundary made on or after the effective date of this Act.

16 SECTION 8. This Act takes effect September 1, 2025.