

- SUBJECT:** Revised notice requirements for zoning commission hearings
- COMMITTEE:** Land and Resource Management — favorable, without amendment
- VOTE:** 8 ayes — Bonnen, Farrar, Alvarado, Bolton, Hamilton, Homer, Orr, Thibaut
- 0 nays
- 1 absent — Paxton
- WITNESSES:** For — Scott Houston, Texas Municipal League; Darrin Hall, Office of Mayor, City of Houston
- Against — None
- BACKGROUND:** Local Government Code, ch. 211, regulates municipal zoning authority. Sec. 211.007 requires home-rule municipalities choosing to adopt zoning regulations to establish a zoning commission. At least ten days prior to hearing a proposed change in zoning classification at a zoning commission, written notice of the upcoming hearing must be sent to each property owner within 200 feet of the property subject to the zoning change.
- Area property owners may sign a petition opposing the proposed change. The change must be approved by at least three-fourths of the governing body of the municipality if a petition opposing the change is submitted to the municipality and includes the signatures of:
- 20 percent of the property owners representing the area of the lots or land included in the zoning change; or
 - 20 percent of the property owners representing the area of the lots or land within 200 feet of the proposed change.
- Attorney General's Opinion No. 0630-GA, issued in May 2008, determined that a landowner is eligible to sign a petition to protest a proposed zoning change if the landowner's lot or land is within 200 feet of the proposed change and the landowner is on the most recently approved city tax role.

DIGEST:

HB 774 would revise notice requirements for a change in zoning to provide that if property within 200 feet of the property subject to the zoning code was located in an adjacent municipality, then notice would have to be sent to the governing body of that municipality.

The bill also would add a requirement to the petition process that the 20 percent of owners of the area of lots and land within 200 feet of the property would have to be located within the incorporated territory of the municipality to sign the petition.

The bill would take effect September 1, 2009.

SUPPORTERS
SAY:

HB 774 would help ensure that property owners in the immediate area around a proposed zoning change receive sufficient notice of the zoning commission meeting to consider the change. By requiring that a municipality's governing body be notified, the bill would strike a balance between taking measures to ensure that all potentially affected property owners receive proper notice and placing an undue burden on municipalities to notify property owners in neighboring jurisdictions of potential changes. Municipalities that receive notice of the proposed change could post relevant information on their websites or in other public forums or could notify affected property owners, but would not be required to take any action.

HB 774 also would make conforming changes to statute to reflect Attorney General Opinion No. 0630-GA, which determined that existing statutes allow property owners in area within 200 feet of a proposed zoning change may sign a petition to oppose the change only if they own property within the municipality. Allowing only property owners within a municipality's incorporated jurisdiction to oppose a zoning change through the petition process is a matter of fairness, since property owners outside the incorporated area do not pay the same property taxes and do not have to abide by the same zoning and building regulations.

OPPONENTS
SAY:

HB 774 would place in statute an attorney general's opinion that excludes unincorporated neighbors from taking action to oppose a zoning change near their property through a petition. The bill would codify the practice of denying neighboring residents' ability to dispute effectively a zoning change that could affect their property.