



**NOTICE OF AGENDA
GRANITE SHOALS PLANNING AND ZONING COMMISSION
REGULAR MEETING**

TUESDAY, MARCH 3, 2026 AT 6:00 PM

City of Granite Shoals City Hall, 2221 N. Phillips Rd., Granite Shoals, TX 78654
Phone (830) 598-2424 Fax (830) 598-6538 • www.graniteshoals.org

AGENDA

Livestream:

1. Call to Order/ Roll Call/ Welcome

2. Public Comments/Announcements

3. Consent Agenda

3.a. Discuss and consider approval of meeting minutes from January 6, 2026

4. Discussion Items

4.a. Code Enforcement Report

4.b. Purpose of Planning and Zoning Commission

4.c. Review of the current zoning district, clarifying city limits and ETJ and any differences in city's authority.

4.d. Discussion and updates related to the Community Comprehensive Plan kick-off meeting held on Thursday, February 19, 2026.

4.e. Discussion regarding Chapter 40, Section 24- Signs

4.f. Discussion regarding Chapter 40- Zoning Regulations.

5. Executive Session (Closed to the Public)

The Planning and Zoning Commission reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any matters listed on the agenda, as authorized by Texas Government Code Sections 551.071 (consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices), 551.087 (economic development), and/or 418.183 (homeland security).

6. Future Agenda Items

7. Adjournment

CERTIFICATION

IT IS HEREBY CERTIFIED that the foregoing agenda has been posted on both the indoor bulletin board and outdoor notice board of Granite Shoals City Hall on or before 6:00 PM on the 25 **day of February, 2026**. Requests for accommodations or interpretive services must be made 8 hours prior to this meeting. Please contact the City Secretary at (830) 598-2424 for further information.

Dawn Wright, City Secretary



This Notice and Meeting Agenda, and the Agenda Packet, are posted online at www.graniteshoals.org



**MINUTES
GRANITE SHOALS PLANNING AND ZONING COMMISSION
REGULAR MEETING**

TUESDAY, JANUARY 6, 2026, AT 6:00 PM

City of Granite Shoals City Hall, 2221 N. Phillips Rd., Granite Shoals, TX 78654
Phone (830) 598-2424 Fax (830) 598-6538 • www.graniteshoals.org

1. Call to Order/ Roll Call/Welcome

Chair Wilson called the meeting to order at 6:00p.m. Commissioner Zagger moved to approve Commissioner Henson, Edwards and Kahl's absence, the motion was seconded by Commissioner Borths and with a unanimous vote the motion carried.

2. Public Comments/Announcements

There were no public comments.

3. Consent Agenda

3 a. Discuss and consider approval of meeting minutes from November 4, 2025

Commissioner Randell noted that the minutes needed to be amended to reflect the maximum square footage for a garage is 3,000, not minimum. Staff acknowledged the error and will update. Commissioner Zagger moved to approve the minutes with amendment, the motion was seconded by Commissioner Borths, and with a unanimous vote, the motion carried.

4. Discussion Items

4.a. Code Enforcement update and discussion.

Mr. Williams provided the Commission with an overview of Code Enforcement initiatives, activities and administrative responsibilities.

4.b. Update on the process of the comprehensive plan for the City.

Mrs. Sims advised working on data gathering for Verduntiy, reviewing and making changes to the citizen survey, compiling list of community members for Comprehensive Plan Advisory Committee and finalizing dates for kick-off meeting.

5. Public Hearings

5.a. Public hearing to receive citizen comments regarding a final replat of lots 83-86, Sherwood Shores, Castlehills Section and lots 277-280, Sherwood Shores, Sherwood Manor Section commonly known as 402 E Bluebriar and 405 E Bluebonnet, Granite Shoals, Texas, Burnet

County. Mr. Shelby is asking for consideration of a replat from 8 lots into two lots, 277A and 83A.

Mrs. Sims advised that Mr. Shelby has been working with Cuplin and Associates on this replat. This is a standard replat and would generally be handled administratively. Chapter 212 of the Texas Local Government Code requires any replat consisting of more than 4 lots be brought before the Planning Commission then to City Council for consideration. Staff has reviewed the replat for utility conflicts and liens and does recommend approval.

There were no public comments.

6. Action Items

6.a. Discussion and possible action to recommend approval, denial or approval with modifications to the final replat of lots 83-86, Sherwood Shores, Castlehills Section and lots 277-280, Sherwood Shores, Sherwood Manor Section commonly known as 402 E Bluebriar and 405 E Bluebonnet, Granite Shoals, Texas, Burnet County.

Commissioner Zaggar moved to approve the final replat of lots 83-86, Sherwood Shores, Castle Hills Section and lots 277-280, Sherwood Shores, Sherwood Manor Section commonly known as 402 E Bluebriar and 405 E Bluebonnet, Granite Shoals, Texas, Burnet County, the motion was seconded by Commissioner Hisey and with a unanimous vote, the motion carried.

7. Executive Session (Closed to the Public)

The Planning and Zoning Commission reserves the right to adjourn into executive session at any time during the course of this meeting to discuss any matters listed on the agenda, as authorized by Texas Government Code Sections 551.071 (consultation with attorney), 551.072 (deliberations about real property), 551.073 (deliberations about gifts and donations), 551.074 (personnel matters), 551.076 (deliberations about security devices), 551.087 (economic development), and/or 418.183 (homeland security).

The Commission did not meet in Executive Session this evening.

8. Future Agenda Items:

- a** *Food Trucks*
- b** *Chapter 40*

9. Adjournment- Business concluded at 6:58 p.m.

CERTIFICATION- I hereby certify that the above minutes are true and correct from the Planning and Zoning meeting of January 6, 2026

Shannon Wilson, Chair

ATTEST:

Dawn Wright, City Secretary

DIVISION 3
Planning and Zoning Commission

§ 2-75. Organization.

- (a) There is created in section 9.01 of the city Charter the city planning and zoning commission. The commission shall consist of at least seven members who shall be appointed by the city council. Any vacancy occurring during the unexpired term of a member shall be filled by the city council for the remainder of the unexpired term. The commission shall elect from its members a chairman, vice-chairman, and secretary in the month following the general city election. Members of the commission may be removed, with or without cause, by an affirmative vote of a majority of the full membership of the city council.
- (b) The commission members will be appointed by the city council to staggered terms in accordance with the existing zoning ordinance. Three members will be appointed on odd numbered years and four will be appointed on even numbered years. The council intends to appoint members that are a broad representation of the community.
- (c) Members must be qualified city voters and shall serve for a term of two years. A member may be reappointed as desired by the city council. Any vacancy occurring during the unexpired term of a member will be filled by appointment by the city council for the remainder of the unexpired term.
- (d) A term shall begin on June 1 and shall end on May 31. Upon the expiration of a term, each commission member shall hold over into the subsequent term until such time that the city council either re-appoints that member or appoints a replacement.
- (e) The commission shall, in matters of procedure, be governed by Robert's Rules of Order, Newly Revised, and may adopt such additional rules of procedure as it may deem necessary.
- (f) In addition to the requirements in Charter section 9.01, the members of the planning and zoning commission shall be registered voters and citizens of the city on the date of their appointments.
- (g) No member may serve in any capacity on more than one other city standing board, commission and committee, or any special committee for a term that exceeds 24 months' duration.
- (h) All members shall serve without compensation. No debts of any kind or character shall be made or incurred by the commission or by anyone acting in its behalf.
- (i) The commission shall meet at least once a month. The commission shall keep minutes of its proceedings which shall be of public record. Minutes will be recorded by the commission secretary, who may use a staff representative as designated by the city manager to assist in the recording of minutes. Minutes will be provided and approved on a regular monthly basis and filed in the office of the city secretary.
- (j) Four commission members shall constitute a quorum for the purpose of transaction of business. No action or recommendation of the commission, except as specifically provided in the Charter, shall be valid or binding unless adopted by the affirmative vote of a majority of the commission members present, and adopted by a majority vote of the

city council.

(Ordinance 587, sec. III(A), adopted 5/8/12; Ordinance 875 adopted 7/8/2025)

§ 2-76. Duties and powers.

- (a) The commission shall be responsible to and act as an advisory board to the city council. The commission shall:
 - (1) Review all current and proposed ordinances and amendments pertaining to planning and zoning and make recommendations to the city council for action to be taken;
 - (2) Make proposals to the city council to amend, extend and add to the comprehensive plan for the physical development of the city;
 - (3) Keep public records of its resolutions, findings and determinations;
 - (4) Review plats and zoning requests and make recommendations to the city council for final adoption of same;
 - (5) Review and recommend to the city council approval or disapproval of conditional use permits; and
 - (6) If requested by the city council, a monthly report shall be made in person by a member of the commission to the city council.
- (b) The commission shall have full power to:
 - (1) Exercise the authority of the commission as provided by state law, this Charter and city ordinances.
 - (2) Make reports and recommendations relating to the comprehensive plan and development of the city.
 - (3) Prepare, adopt and administer the rules and recommendations pertaining to subdivisions and platting in territories within the city limits and its extraterritorial jurisdiction.
 - (4) In conjunction with other committees and commissions, make reports and recommendations relating to location, extension, vacating and planning of rights-of-way, parks or other public property.
 - (5) In conjunction with other committees and commissions, study and recommend on the location, extension and planning of public rights-of-way, parks or other public places, and on the vacating or closing of such public rights-of-way, parks or other public places.
 - (6) In conjunction with other committees and commissions, study and recommend on the general design and location of public buildings, bridges, viaducts, street fixtures and other structures and appurtenances; study and recommend on the design or alteration of the location or relocation of works of art which are, or may become, the property of the city.

- (7) A majority vote of the council members present is required to overrule a recommendation of the commission that a proposed zoning amendment, supplement, or change be denied or approved.

(Ordinance 587, sec. III(B), adopted 5/8/12; Ordinance 875 adopted 7/8/2025)

§ 2-77. Procedure.

- (a) All rules and regulations adopted by the commission shall be forwarded in writing to the city manager who shall submit them to the city council with the city manager's recommendations. The city council may amend, adopt or reject any such rules or regulations. If any rules or regulations should be rejected, the commission may modify them and submit such modified rules and recommendations to the city council.
- (b) Should any person on the commission have a conflict of interest, pursuant to any state laws and/or city ordinances regulating conflicts of interest of municipal officers, with an agenda item then before the commission, he/she shall openly declare same before discussion proceeds, and he/she is thereby prohibited from discussing the item or voting on the question, and is not considered as present and voting for the purposes of the tally.
- (c) Should any person on the commission choose to abstain from voting on any question before the commission, where no conflict of interest exists, the person's vote shall be recorded as a negative vote in the official minutes of the meeting. In a vote on a matter in which there is a conflict of interest, an abstention by a commission member shall be recorded as an abstention and not as a negative vote.

(Ordinance 587, sec. III(C), adopted 5/8/12)

§ 2-78. Comprehensive plan; procedure and legal effect.

- (a) The existing comprehensive plan for the physical development of the city contains recommendations for the growth, development and beautification of the city and its extraterritorial jurisdiction. Additions to and amendments of the comprehensive plan shall be by ordinance or resolution, but before any such revision, the commission shall hold at least one public hearing on the proposed action.
- (b) A copy of the proposed revisions to the comprehensive plan shall be forwarded to the city manager who shall submit the proposal to the city council, together with his recommendations, if any. The city council, after a public hearing, shall adopt or reject such proposed revision, or any part thereof, as submitted within 60 days following its submission by the city manager. If the proposed revisions, or part thereof, should be rejected by the city council, the city council may request the commission to make other modifications and again forward it to the city manager for submission to the city council.
- (c) Following the adoption by the city council of the comprehensive plan, and any revisions thereto, it shall serve as a guide to all future city council action concerning land use and development regulations and expenditures for capital improvements. Any proposal, other than expenditures for capital improvements, which deviates from the comprehensive plan shall not be authorized until and unless the location and extent thereof shall have been submitted to and approved by the commission. In case of denial, the commission shall communicate its reasons to the city council, which shall have the power to overrule such

§ 2-78

§ 2-79

denial with a vote of three-fourths of the council members present, or four votes, whichever is greater, and upon such overruling, the city council or the appropriate office, department or agency shall have authority to proceed.
(Ordinance 587, sec. III(D), adopted 5/8/12)

§ 2-79. through § 2-82. (Reserved)

ARTICLE IX
PLANNING AND ZONING COMMISSION AND BOARD OF ADJUSTMENT

§ 9.01. Organization of Planning and Zoning Commission.

- (1) There is hereby established a Planning and Zoning Commission (the “Commission”) which shall consist of at least seven (7) members who are property owners or residents of the City, and who shall be appointed by the City Council. Members of the Commission shall hold no other City office. Any vacancy occurring during the unexpired term of a member shall be filled by the City Council for the remainder of the unexpired term. The Commission shall elect from its members a Chairman and Vice Chairman to serve for two (2) years beginning in the month following the general City election in odd numbered years. Members of the Commission may be removed, with or without cause, by an affirmative vote of a majority of the full membership of the City Council.
 - (2) The Commission shall meet at least once a month. The Commission shall keep minutes of its proceedings which shall be of public record. Minutes will be recorded by the Commission Secretary.
 - (3) Four (4) Commission members shall constitute a quorum for the purpose of transaction of business. No action or recommendation of the Commission, except as specifically provided in this Charter, shall be valid or binding unless adopted by the affirmative vote of a majority of the Commission members present.
- (Amnd. 11/5/19 election)

§ 9.02. Duties and Powers.

- (1) The Commission shall be responsible to and act as an advisory board to the City Council. The Commission shall:
 - (A) Review all current and proposed ordinances and amendments pertaining to planning and zoning and make recommendations to the City Council for action to be taken;
 - (B) Make proposals to the City Council to amend, extend and add to the Comprehensive Plan for the physical development of the City;
 - (C) Keep records of its resolutions, findings, determinations, and meeting minutes, which shall be maintained by the City Secretary according to the record management plan for the City as adopted by City Council. These official public records shall be available for review by the public.
 - (D) Provide reports or presentations to City Council, as requested; and
 - (E) Review plats (and re-plats, as requested) and zoning requests and make recommendations to the City Council for final adoption of same.
 - (F) Provide reports or presentations to the City Council regarding cost analysis and/or financial impact to the City regarding matters brought before the Commission.
- (2) The Commission shall have full power to:
 - (A) Exercise the authority of the Commission as provided by state law, this Charter and City ordinances; and

(B) Make reports and recommendations relating to the Comprehensive Plan and development of the City.

- (3) A vote of three-fourths (3/4) of the Councilmembers present, or four (4) votes, whichever is greater, be required to overrule a recommendation of the Commission that a proposed zoning amendment, supplement or change be denied.

(Amnd. 11/5/19 election; Amnd. 5/4/2024 election)

§ 9.03. Procedure.

- (1) All rules and regulations adopted by the Commission shall be forwarded in writing to the City Manager who shall submit them to the City Council with the City Manager's recommendations. The City Council may amend, adopt or reject any such rules or regulations. If any rules or regulations should be rejected, the Commission may modify them and submit such modified rules and recommendations to the City Council.
- (2) Should any person on the Commission have a conflict of interest, pursuant to any state laws and/or City ordinances regulating conflicts of interest of municipal officers, with an agenda item then before the Commission, he/she shall openly declare same before discussion proceeds, and he/she is thereby prohibited from discussing the item or voting on the question, and is not considered as present and voting for the purposes of the tally.
- (3) Should any person on the Commission choose to abstain from voting on any question before the Commission, where no conflict of interest exists, the person's vote shall be recorded as a negative vote in the official minutes of the meeting. In a vote on a matter in which there is a conflict of interest, an abstention by a Commission member shall be recorded as an abstention and not as a negative vote.

§ 9.04. The Comprehensive Plan: Procedure and Legal Effect.

- (1) The existing Comprehensive Plan for the physical development of the City contains recommendations for the growth, development and beautification of the City and its extraterritorial jurisdiction. Additions to and amendments of the Comprehensive Plan shall be by ordinance or resolution, but before any such revision, the Commission shall hold at least one (1) public hearing on the proposed action.
 - (2) The Commission shall have full power to:
 - (A) Exercise the authority of the Commission as provided by state law, this Charter and City ordinances; and
 - (B) Make reports and recommendations relating to the Comprehensive Plan and development of the City.
 - (3) A vote of three-fourths (3/4) of the Council members present, or four (4) votes, whichever is greater, be required to overrule a recommendation of the Commission that a proposed zoning amendment, supplement or change be denied.
- (Amnd. 11/5/19 election)

§ 9.05. Board of Adjustment.

- (1) The City Council shall by ordinance establish a Board of Adjustment (the "Board"), consistent with the Texas Local Government Code, that shall have the power to hear and determine appeals concerning the refusal of building permits, appeals resulting from administrative decisions and to permit exception to or variation from zoning regulations. Members of the Board shall hold no other City office and no former member of the City Council shall serve as a member of the Board until one (1) year after the completion of the former member's City council term.
- (2) The Board shall consist of no fewer than five (5) nor more than seven (7) property owners or residents of the City. The members of the Board shall be appointed by the City Council for a term of two (2) years or until their successors are appointed and qualified. The Board shall elect a Presiding Officer and Secretary from among its appointed members. The City Council may remove a Board Member for cause upon written charge and after a public hearing. Vacancies on the Board shall be filled for the unexpired term by the City Council. Three-fourths of the appointed members shall constitute a quorum for the transaction of business.
- (3) Meetings of the Board shall be held at the call of the Presiding Officer and at other times determined by the Board Members. The Presiding Officer or Acting Presiding Officer may administer oaths and compel the attendance witnesses. All meetings of the Board shall be open to the public and subject to the Texas Open Meetings Act.
- (4) The Board by majority vote shall adopt rules in accordance with the ordinance adopted by the City Council.
- (5) The Board shall keep minutes of its proceedings that indicate the vote of each member on each question or the fact that a member is absent or fails to vote. The Board shall keep records of its examinations and other official actions. The minutes and records of the Board are public records and shall be filed with the City Secretary within fifteen (15) business days after the date of each meeting.

(Amnd. 11/5/19 election)

LOCAL GOVERNMENT CODE

TITLE 7. REGULATION OF LAND USE, STRUCTURES, BUSINESSES, AND
RELATED ACTIVITIES

SUBTITLE A. MUNICIPAL REGULATORY AUTHORITY

CHAPTER 211. MUNICIPAL ZONING AUTHORITY

SUBCHAPTER A. GENERAL ZONING REGULATIONS

Sec. 211.001. PURPOSE. The powers granted under this subchapter are for the purpose of promoting the public health, safety, morals, or general welfare and protecting and preserving places and areas of historical, cultural, or architectural importance and significance.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Text of section as added by Acts 2025, 89th Leg., R.S., Ch. 778
(S.B. 840), Sec. 1

For text of section as added by Acts 2025, 89th Leg., R.S., Ch. 909
(H.B. 24), Sec. 1, see other Sec. 211.0011.

Sec. 211.0011. ZONING REGULATION OF MIXED-USE RESIDENTIAL AND MULTIFAMILY RESIDENTIAL USE AND DEVELOPMENT. (a) In this section, "mixed-use residential" and "multifamily residential" have the meanings assigned by Section 218.001.

(b) The authority under this chapter related to zoning regulations and the determination of zoning district boundaries in connection with mixed-use residential use and development and multifamily residential use and development is subject to Chapter 218.

Added by Acts 2025, 89th Leg., R.S., Ch. 778 (S.B. 840), Sec. 1, eff. September 1, 2025.

Text of section as added by Acts 2025, 89th Leg., R.S., Ch. 909
(H.B. 24), Sec. 1

For text of section as added by Acts 2025, 89th Leg., R.S., Ch. 778
(S.B. 840), Sec. 1, see other Sec. 211.0011.

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.

Added by Acts 2025, 89th Leg., R.S., Ch. 909 (H.B. [24](#)), Sec. 1, eff. September 1, 2025.

Sec. 211.002. ADOPTION OF REGULATION OR BOUNDARY INCLUDES AMENDMENT OR OTHER CHANGE. A reference in this subchapter to the adoption of a zoning regulation or a zoning district boundary includes the amendment, repeal, or other change of a regulation or boundary.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 211.003. ZONING REGULATIONS GENERALLY. (a) The governing body of a municipality may regulate:

(1) the height, number of stories, and size of buildings and other structures;

(2) the percentage of a lot that may be occupied;

(3) the size of yards, courts, and other open spaces;

(4) population density;

(5) the location and use of buildings, other structures, and land for business, industrial, residential, or other purposes; and

(6) the pumping, extraction, and use of groundwater by persons other than retail public utilities, as defined by Section [13.002](#), Water Code, for the purpose of preventing the use or contact with groundwater that presents an actual or potential threat to human health.

(b) In the case of designated places and areas of historical, cultural, or architectural importance and significance, the governing body of a municipality may regulate the construction, reconstruction, alteration, or razing of buildings and other structures.

(c) The governing body of a home-rule municipality may also regulate the bulk of buildings.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 2003, 78th Leg., ch. 731, Sec. 2, eff. Sept. 1, 2003.

Sec. 211.0035. ZONING REGULATIONS AND DISTRICT BOUNDARIES APPLICABLE TO PAWNSHOPS. (a) In this section, "pawnshop" has the meaning assigned by Section [371.003](#), Finance Code.

(b) For the purposes of zoning regulation and determination of zoning district boundaries, the governing body of a municipality shall designate pawnshops that have been licensed to transact business by the Consumer Credit Commissioner under Chapter [371](#), Finance Code, as a permitted use in one or more zoning classifications.

(c) The governing body of a municipality may not impose a specific use permit requirement or any requirement similar in effect to a specific use permit requirement on a pawnshop that has been licensed to transact business by the Consumer Credit Commissioner under Chapter [371](#), Finance Code.

Added by Acts 1991, 72nd Leg., ch. 687, Sec. 18, eff. Sept. 1, 1991. Amended by Acts 1999, 76th Leg., ch. 62, Sec. 7.81, eff. Sept. 1, 1999.

Sec. 211.004. COMPLIANCE WITH COMPREHENSIVE PLAN. (a) Zoning regulations must be adopted in accordance with a comprehensive plan and must be designed to:

- (1) lessen congestion in the streets;
- (2) secure safety from fire, panic, and other dangers;
- (3) promote health and the general welfare;
- (4) provide adequate light and air;
- (5) prevent the overcrowding of land;
- (6) avoid undue concentration of population; or

(7) facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements.

(b) Repealed by Acts 1997, 75th Leg., ch. 459, Sec. 2, eff. Sept. 1, 1997.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1989, 71st Leg., ch. 458, Sec. 1, eff. Aug. 28, 1989; Acts 1997, 75th Leg., ch. 459, Sec. 2, eff. Sept. 1, 1997.

Sec. 211.005. DISTRICTS. (a) The governing body of a municipality may divide the municipality into districts of a number, shape, and size the governing body considers best for carrying out this subchapter. Within each district, the governing body may regulate the erection, construction, reconstruction, alteration, repair, or use of buildings, other structures, or land.

(b) Zoning regulations must be uniform for each class or kind of building in a district, but the regulations may vary from district to district. The regulations shall be adopted with reasonable consideration, among other things, for the character of each district and its peculiar suitability for particular uses, with a view of conserving the value of buildings and encouraging the most appropriate use of land in the municipality.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 211.006. PROCEDURES GOVERNING ADOPTION OF ZONING REGULATIONS AND DISTRICT BOUNDARIES. (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 and enforcing the regulations and boundaries. 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:

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

(2) if the municipality maintains an Internet website,

published on the municipality's Internet website.

(a-1) In addition to any notice required by this section or Section 211.007, the governing body of a municipality or a zoning commission, as applicable, shall provide written notice of each public hearing regarding any proposed adoption of or change to a zoning regulation or boundary under which a current conforming use of a property is a nonconforming use if the regulation or boundary is adopted or changed. The notice must:

(1) be mailed by United States mail or delivered electronically to each owner of real or business personal property where the proposed nonconforming use is located as indicated by the most recently approved municipal tax roll and each occupant of the property not later than the 10th day before the hearing date;

(2) contain the time and place of the hearing; and

(3) include the following text in bold 14-point type or larger:

"THE [MUNICIPALITY NAME] IS HOLDING A HEARING THAT WILL DETERMINE WHETHER YOU MAY LOSE THE RIGHT TO CONTINUE USING YOUR PROPERTY FOR ITS CURRENT USE. PLEASE READ THIS NOTICE CAREFULLY."

(b) In addition to the notice required by Subsection (a), a general-law municipality that does not have a zoning commission shall give notice of a proposed change in a zoning classification to each property owner who would be entitled to notice under Section 211.007(c) if the municipality had a zoning commission. That notice must be given in the same manner as required for notice to property owners under Section 211.007(c). The governing body may not adopt the proposed change until after the 30th day after the date the notice required by this subsection is given.

(c) If the governing body of a home-rule municipality conducts a hearing under Subsection (a), the governing body may, by a two-thirds vote, prescribe the type of notice to be given of the time and place of the public hearing. Notice requirements prescribed under this subsection are in addition to the publication of notice required by Subsection (a).

(d) Repealed by Acts 2025, 89th Leg., R.S., Ch. 909 (H.B. 24), Sec. 7, eff. September 1, 2025.

(f) Repealed by Acts 2025, 89th Leg., R.S., Ch. 909 (H.B.

24), Sec. 7, eff. September 1, 2025.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2023, 88th Leg., R.S., Ch. 52 (S.B. 929), Sec. 1, eff. May 19, 2023.

Acts 2025, 89th Leg., R.S., Ch. 460 (H.B. 4506), Sec. 1, eff. June 20, 2025.

Acts 2025, 89th Leg., R.S., Ch. 909 (H.B. 24), Sec. 2, eff. September 1, 2025.

Acts 2025, 89th Leg., R.S., Ch. 909 (H.B. 24), Sec. 4, eff. September 1, 2025.

Acts 2025, 89th Leg., R.S., Ch. 909 (H.B. 24), Sec. 7, eff. September 1, 2025.

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

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

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

(2) except as provided by Subdivision (3), at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area; or

(3) at least 60 percent of the area of the lots or land immediately adjoining the area covered by the proposed change and extending 200 feet from that area if the proposed change has the effect of allowing more residential development than the existing zoning regulation or district boundary and does not have the effect of allowing additional commercial or industrial uses unless the additional use is limited to the first floor of any residential development and does not exceed 35 percent of the overall development.

(c) In computing the percentage of land area under Subsection (b):

(1) the area of streets and alleys shall be included;
and

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

(d) If a proposed change to a regulation or district boundary is protested in accordance with Subsection (b), 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 for a protest described by Subsection (b)(1) or (2); or

(2) a majority of all members of the governing body for a protest described by Subsection (b)(3).

Added by Acts 2025, 89th Leg., R.S., Ch. 909 (H.B. 24), Sec. 3, eff. September 1, 2025.

Amended by:

Acts 2025, 89th Leg., R.S., Ch. 909 (H.B. 24), Sec. 4, eff. September 1, 2025.

Sec. 211.0063. NOTICE FOR PROPOSED COMPREHENSIVE ZONING CHANGES. The notices described by Section 211.006(a) or 211.007(d), as applicable, and Section 211.006(a-1) are the only notices required for a proposed comprehensive zoning change.

Added by Acts 2025, 89th Leg., R.S., Ch. 909 (H.B. 24), Sec. 5, eff. September 1, 2025.

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

Added by Acts 2025, 89th Leg., R.S., Ch. 909 (H.B. 24), Sec. 5, eff. September 1, 2025.

Sec. 211.007. ZONING COMMISSION. (a) To exercise the powers authorized by this subchapter, the governing body of a home-rule municipality shall, and the governing body of a general-law municipality may, appoint a zoning commission. The commission shall recommend boundaries for the original zoning districts and appropriate zoning regulations for each district. If the municipality has a municipal planning commission at the time of implementation of this subchapter, the governing body may appoint that commission to serve as the zoning commission.

(b) The zoning commission shall make a preliminary report and hold at least one public hearing on that report before submitting a final report to the governing body. The governing body may not hold a public hearing until it receives the final report of the zoning commission unless the governing body by ordinance provides that a public hearing is to be held, after the notice required by Section [211.006\(a\)](#), jointly with a public hearing required to be held by the zoning commission. In either case, the governing body may not take action on the matter until it receives the final report of the zoning commission.

(c) Before the 10th day before the hearing date, written notice of each public hearing before the zoning commission on a proposed change in a zoning classification shall be sent to each owner, as indicated by the most recently approved municipal tax roll, of real property within 200 feet of the property on which the change in classification is proposed. The notice may be served by its deposit in the municipality, properly addressed with postage paid, in the United States mail or by electronic delivery. If the property within 200 feet of the property on which the change is proposed is located in territory annexed to the municipality and is not included on the most recently approved municipal tax roll, the notice shall be given in the manner provided by Section [211.006\(a\)](#).

(c-1) Before the 10th day before the hearing date, written notice of each public hearing before the zoning commission on a proposed change in a zoning classification affecting residential or multifamily zoning shall be sent to each school district in which the property for which the change in classification is proposed is

located. The notice may be served by its deposit in the municipality, properly addressed with postage paid, in the United States mail or by electronic delivery.

(c-2) Subsection (c-1) does not apply to a municipality the majority of which is located in a county with a population of 100,000 or less, except that such a municipality must give notice under Subsection (c-1) to a school district that has territory in the municipality and requests the notice. For purposes of this subsection, if a school district makes a request for notice under Subsection (c-1), the municipality must give notice of each public hearing held following the request unless the school district requests that no further notices under Subsection (c-1) be given to the school district.

(d) The governing body of a home-rule municipality may, by a two-thirds vote, prescribe the type of notice to be given of the time and place of a public hearing held jointly by the governing body and the zoning commission. If notice requirements are prescribed under this subsection, the notice requirements prescribed by Subsections (b) and (c) and by Section [211.006\(a\)](#) do not apply.

(e) If a general-law municipality exercises zoning authority without the appointment of a zoning commission, any reference in a law to a municipal zoning commission or planning commission means the governing body of the municipality.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Amended by:

Acts 2013, 83rd Leg., R.S., Ch. 640 (H.B. [674](#)), Sec. 1, eff. September 1, 2013.

Acts 2023, 88th Leg., R.S., Ch. 401 (H.B. [1381](#)), Sec. 1, eff. September 1, 2023.

Acts 2025, 89th Leg., R.S., Ch. 460 (H.B. [4506](#)), Sec. 2, eff. June 20, 2025.

Sec. 211.0073. NOTICE SIGN REQUIREMENT FOR CERTAIN ZONING CHANGES IN HOME-RULE MUNICIPALITIES. (a) Not later than the 10th day before the date the zoning commission of a home-rule municipality holds a hearing on a proposed change in zoning

classification that does not apply to the whole municipality and until the date of a final determination on the proposed change by the governing body of the municipality, the zoning commission shall post a notice sign in accordance with this section on:

(1) the property affected by the change; or

(2) a public right-of-way for a change initiated by the municipality that affects multiple properties.

(b) The notice sign must be at least 24 inches long by 48 inches wide.

(c) The zoning commission may elect to provide, maintain, and pay for a notice sign under this section or require an applicant for a change in zoning classification to provide, maintain, and pay for the sign.

(d) Notice requirements prescribed under this section are in addition to notice required by Section 211.007.

Added by Acts 2025, 89th Leg., R.S., Ch. 909 (H.B. 24), Sec. 6, eff. September 1, 2025.

Sec. 211.0075. COMPLIANCE WITH OPEN MEETINGS LAW. A board or commission established by an ordinance or resolution adopted by the governing body of a municipality to assist the governing body in developing an initial comprehensive zoning plan or initial zoning regulations for the municipality, or a committee of the board or commission that includes one or more members of the board or commission, is subject to Chapter 551, Government Code, regardless of whether the board, commission, or committee has rulemaking or quasi-judicial powers or functions only in an advisory capacity.

Added by Acts 1993, 73rd Leg., ch. 381, Sec. 1, eff. Aug. 30, 1993.

Amended by Acts 1995, 74th Leg., ch. 76, Sec. 5.95(82), eff. Sept. 1, 1995.

Sec. 211.008. BOARD OF ADJUSTMENT. (a) The governing body of a municipality may provide for the appointment of a board of adjustment. In the regulations adopted under this subchapter, the governing body may authorize the board of adjustment, in appropriate cases and subject to appropriate conditions and safeguards, to make special exceptions to the terms of the zoning

ordinance that are consistent with the general purpose and intent of the ordinance and in accordance with any applicable rules contained in the ordinance.

(b) A board of adjustment must consist of at least five members to be appointed for terms of two years. The governing body must provide the procedure for appointment. The governing body may authorize each member of the governing body, including the mayor, to appoint one member to the board. The appointing authority may remove a board member for cause, as found by the appointing authority, on a written charge after a public hearing. A vacancy on the board shall be filled for the unexpired term.

(c) The governing body, by charter or ordinance, may provide for the appointment of alternate board members to serve in the absence of one or more regular members when requested to do so by the mayor or city manager. An alternate member serves for the same period as a regular member and is subject to removal in the same manner as a regular member. A vacancy among the alternate members is filled in the same manner as a vacancy among the regular members.

(d) Each case before the board of adjustment must be heard by at least 75 percent of the members.

(e) The board by majority vote shall adopt rules in accordance with any ordinance adopted under this subchapter and with the approval of the governing body. Meetings of the board are held at the call of the presiding officer and at other times as determined by the board. The presiding officer or acting presiding officer may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public.

(f) The board shall keep minutes of its proceedings that indicate the vote of each member on each question or the fact that a member is absent or fails to vote. The board shall keep records of its examinations and other official actions. The minutes and records shall be filed immediately in the board's office and are public records.

(g) The governing body of a Type A general-law municipality by ordinance may grant the members of the governing body the authority to act as a board of adjustment under this chapter.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended

by Acts 1993, 73rd Leg., ch. 126, Sec. 1, eff. Sept. 1, 1993; Acts 1995, 74th Leg., ch. 724, Sec. 1, eff. Aug. 28, 1995; Acts 1997, 75th Leg., ch. 363, Sec. 1, eff. Sept. 1, 1997.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 820 (H.B. [2497](#)), Sec. 1, eff. September 1, 2019.

Sec. 211.009. AUTHORITY OF BOARD. (a) The board of adjustment may:

(1) hear and decide an appeal that alleges error in an order, requirement, decision, or determination made by an administrative official in the enforcement of this subchapter or an ordinance adopted under this subchapter;

(2) hear and decide special exceptions to the terms of a zoning ordinance when the ordinance requires the board to do so;

(3) authorize in specific cases a variance from the terms of a zoning ordinance if the variance is not contrary to the public interest and, due to special conditions, a literal enforcement of the ordinance would result in unnecessary hardship, and so that the spirit of the ordinance is observed and substantial justice is done; and

(4) hear and decide other matters authorized by an ordinance adopted under this subchapter.

(b) In exercising its authority under Subsection (a)(1), the board may reverse or affirm, in whole or in part, or modify the administrative official's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for that purpose the board has the same authority as the administrative official.

(b-1) In exercising its authority under Subsection (a)(3), the board may consider the following as grounds to determine whether compliance with the ordinance as applied to a structure that is the subject of the appeal would result in unnecessary hardship:

(1) the financial cost of compliance is greater than 50 percent of the appraised value of the structure as shown on the

most recent appraisal roll certified to the assessor for the municipality under Section [26.01](#), Tax Code;

(2) compliance would result in a loss to the lot on which the structure is located of at least 25 percent of the area on which development may physically occur;

(3) compliance would result in the structure not being in compliance with a requirement of a municipal ordinance, building code, or other requirement;

(4) compliance would result in the unreasonable encroachment on an adjacent property or easement; or

(5) the municipality considers the structure to be a nonconforming structure.

(c) The concurring vote of 75 percent of the members of the board is necessary to:

(1) reverse an order, requirement, decision, or determination of an administrative official;

(2) decide in favor of an applicant on a matter on which the board is required to pass under a zoning ordinance; or

(3) authorize a variation from the terms of a zoning ordinance.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1993, 73rd Leg., ch. 126, Sec. 2, eff. Sept. 1, 1993; Acts 1995, 74th Leg., ch. 724, Sec. 2, eff. Aug. 28, 1995.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 318 (H.B. [1475](#)), Sec. 1, eff. September 1, 2021.

Sec. 211.010. APPEAL TO BOARD. (a) Except as provided by Subsection (e), any of the following persons may appeal to the board of adjustment a decision made by an administrative official that is not related to a specific application, address, or project:

(1) a person aggrieved by the decision; or

(2) any officer, department, board, or bureau of the municipality affected by the decision.

(a-1) Except as provided by Subsection (e), any of the following persons may appeal to the board of adjustment a decision made by an administrative official that is related to a specific

application, address, or project:

(1) a person who:

(A) filed the application that is the subject of the decision;

(B) is the owner or representative of the owner of the property that is the subject of the decision; or

(C) is aggrieved by the decision and is the owner of real property within 200 feet of the property that is the subject of the decision; or

(2) any officer, department, board, or bureau of the municipality affected by the decision.

(b) The appellant must file with the board and the official from whom the appeal is taken a notice of appeal specifying the grounds for the appeal. The appeal must be filed not later than the 20th day after the date the decision is made. On receiving the notice, the official from whom the appeal is taken shall immediately transmit to the board all the papers constituting the record of the action that is appealed.

(c) An appeal stays all proceedings in furtherance of the action that is appealed unless the official from whom the appeal is taken certifies in writing to the board facts supporting the official's opinion that a stay would cause imminent peril to life or property. In that case, the proceedings may be stayed only by a restraining order granted by the board or a court of record on application, after notice to the official, if due cause is shown.

(d) The board shall set a reasonable time for the appeal hearing and shall give public notice of the hearing and due notice to the parties in interest. A party may appear at the appeal hearing in person or by agent or attorney. The board shall decide the appeal at the next meeting for which notice can be provided following the hearing and not later than the 60th day after the date the appeal is filed.

(e) A member of the governing body of the municipality who serves on the board of adjustment under Section [211.008\(g\)](#) may not bring an appeal under this section.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1997, 75th Leg., ch. 363, Sec. 2, eff. Sept. 1, 1997.

Amended by:

Acts 2019, 86th Leg., R.S., Ch. 820 (H.B. [2497](#)), Sec. 2, eff. September 1, 2019.

Sec. 211.011. JUDICIAL REVIEW OF BOARD DECISION. (a) Any of the following persons may present to a district court, county court, or county court at law a verified petition stating that the decision of the board of adjustment is illegal in whole or in part and specifying the grounds of the illegality:

- (1) a person aggrieved by a decision of the board;
- (2) a taxpayer; or
- (3) an officer, department, board, or bureau of the municipality.

(b) The petition must be presented within 10 days after the date the decision is filed in the board's office.

(c) On the presentation of the petition, the court may grant a writ of certiorari directed to the board to review the board's decision. The writ must indicate the time by which the board's return must be made and served on the petitioner's attorney, which must be after 10 days and may be extended by the court. Granting of the writ does not stay the proceedings on the decision under appeal, but on application and after notice to the board the court may grant a restraining order if due cause is shown.

(d) The board's return must be verified and must concisely state any pertinent and material facts that show the grounds of the decision under appeal. The board is not required to return the original documents on which the board acted but may return certified or sworn copies of the documents or parts of the documents as required by the writ.

(e) If at the hearing the court determines that testimony is necessary for the proper disposition of the matter, it may take evidence or appoint a referee to take evidence as directed. The referee shall report the evidence to the court with the referee's findings of fact and conclusions of law. The referee's report constitutes a part of the proceedings on which the court shall make its decision.

(f) The court may reverse or affirm, in whole or in part, or

modify the decision that is appealed. Costs may not be assessed against the board unless the court determines that the board acted with gross negligence, in bad faith, or with malice in making its decision.

(g) The court may not apply a different standard of review to a decision of a board of adjustment that is composed of members of the governing body of the municipality under Section 211.008(g) than is applied to a decision of a board of adjustment that does not contain members of the governing body of a municipality.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1997, 75th Leg., ch. 363, Sec. 3, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 646, Sec. 1, eff. Aug. 30, 1999.

Sec. 211.012. ENFORCEMENT; PENALTY; REMEDIES. (a) The governing body of a municipality may adopt ordinances to enforce this subchapter or any ordinance or regulation adopted under this subchapter.

(b) A person commits an offense if the person violates this subchapter or an ordinance or regulation adopted under this subchapter. An offense under this subsection is a misdemeanor, punishable by fine, imprisonment, or both, as provided by the governing body. The governing body may also provide civil penalties for a violation.

(c) If a building or other structure is erected, constructed, reconstructed, altered, repaired, converted, or maintained or if a building, other structure, or land is used in violation of this subchapter or an ordinance or regulation adopted under this subchapter, the appropriate municipal authority, in addition to other remedies, may institute appropriate action to:

(1) prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance, or use;

(2) restrain, correct, or abate the violation;

(3) prevent the occupancy of the building, structure, or land; or

(4) prevent any illegal act, conduct, business, or use on or about the premises.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Sec. 211.013. CONFLICT WITH OTHER LAWS; EXCEPTIONS. (a) If a zoning regulation adopted under this subchapter requires a greater width or size of a yard, court, or other open space, requires a lower building height or fewer number of stories for a building, requires a greater percentage of lot to be left unoccupied, or otherwise imposes higher standards than those required under another statute or local ordinance or regulation, the regulation adopted under this subchapter controls. If the other statute or local ordinance or regulation imposes higher standards, that statute, ordinance, or regulation controls.

(b) This subchapter does not authorize the governing body of a municipality to require the removal or destruction of property that exists at the time the governing body implements this subchapter and that is actually and necessarily used in a public service business.

(c) This subchapter does not apply to a building, other structure, or land under the control, administration, or jurisdiction of a state or federal agency.

(d) This subchapter applies to a privately owned building or other structure and privately owned land when leased to a state agency.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987. Amended by Acts 1999, 76th Leg., ch. 476, Sec. 1, eff. June 18, 1999.

Sec. 211.014. PANEL OF BOARD OF ADJUSTMENT. (a) This section applies only to a municipality with a population of 500,000 or more.

(b) A board of adjustment shall consist of one or more panels of at least five members each to be appointed for terms of two years. If more than one panel of the board is appointed, the board consists of the regular members of all of the panels. The board may adopt rules for the assignment of appeals to a panel.

(c) If the board consists of more than one panel, only one panel may hear, handle, or render a decision in a particular case. A decision of a panel of the board on a case constitutes the

decision of the board.

(d) Meetings of a panel of the board are held at the call of the presiding officer of the panel and at other times as determined by the panel or the board.

(e) A panel of a board of adjustment:

(1) has the powers and duties that a board of adjustment has under Sections [211.008](#), [211.009](#), [211.010](#), and [211.011](#); and

(2) is to be treated as a board of adjustment for purposes of the requirement imposed by Section [211.008](#)(d).

Added by Acts 1993, 73rd Leg., ch. 126, Sec. 3, eff. Sept. 1, 1993.

Amended by Acts 2001, 77th Leg., ch. 402, Sec. 12, eff. Sept. 1, 2001; Acts 2001, 77th Leg., ch. 669, Sec. 73, eff. Sept. 1, 2001.

Amended by:

Acts 2005, 79th Leg., Ch. 24 (S.B. [177](#)), Sec. 1, eff. May 9, 2005.

Sec. 211.015. ZONING REFERENDUM IN HOME-RULE MUNICIPALITY.

(a) Notwithstanding other requirements of this subchapter, the voters of a home-rule municipality may repeal the municipality's zoning regulations adopted under this subchapter by either:

(1) a charter election conducted under law; or

(2) on the initial adoption of zoning regulations by a municipality, the use of any referendum process that is authorized under the charter of the municipality for public protest of the adoption of an ordinance.

(b) Notwithstanding any procedural or other requirements of this chapter to the contrary, the governing body of a home-rule municipality may on its own motion submit the repeal of the municipality's zoning regulations, as adopted under this chapter, in their entirety to the electors by use of any process that is authorized under the charter of the municipality for a popular vote on the rejection or repeal of ordinances in general.

(c) The provisions of this chapter shall not be construed to prohibit the adoption or application of any charter provision of a home-rule municipality that requires a waiting period prior to the adoption of zoning regulations or the submission of the initial

adoption of zoning regulations to a binding referendum election, or both, provided that all procedural requirements of this chapter for the adoption of the zoning regulation are otherwise complied with. This subsection does not apply to the adoption of airport zoning regulations under Chapter 241.

(d) Notwithstanding any charter provision to the contrary, a governing body of a municipality may adopt a zoning ordinance and condition its taking effect upon the ordinance receiving the approval of the electors at an election held for that purpose.

(e) The provisions of this section may only be utilized for the repeal of a municipality's zoning regulations in their entirety or for determinations of whether a municipality should initially adopt zoning regulations, except the governing body of a municipality may amend, modify, or repeal a zoning ordinance adopted, approved, or ratified at an election conducted pursuant to this section.

(f) The provisions of this section shall not authorize the repeal of:

(1) an ordinance approving land-use regulations adopted under the provisions of this chapter by a board of directors of a reinvestment zone under the authority of Section 311.010(c), Tax Code; or

(2) an ordinance approving airport zoning regulations adopted under Chapter 241.

Added by Acts 1993, 73rd Leg., ch. 126, Sec. 4, eff. Sept. 1, 1993.

Amended by:

Acts 2007, 80th Leg., R.S., Ch. 190 (S.B. 1360), Sec. 1, eff. May 23, 2007.

Sec. 211.016. ZONING REGULATION AFFECTING APPEARANCE OF BUILDINGS OR OPEN SPACE. (a) This section applies only to a zoning regulation that affects:

(1) the exterior appearance of a single-family house, including the type and amount of building materials; or

(2) the landscaping of a single-family residential lot, including the type and amount of plants or landscaping materials.

(b) A zoning regulation adopted after the approval of a residential subdivision plat does not apply to that subdivision until the second anniversary of the later of:

(1) the date the plat was approved; or

(2) the date the municipality accepts the subdivision improvements offered for public dedication.

(c) This section does not prevent a municipality from adopting or enforcing applicable building codes or prohibiting the use of building materials that have been proven to be inherently dangerous.

Added by Acts 2003, 78th Leg., ch. 524, Sec. 1, eff. Sept. 1, 2003.

Sec. 211.0165. DESIGNATION OF HISTORIC LANDMARK OR DISTRICT. (a) Except as provided by Subsection (b), a municipality that has established a process for designating places or areas of historical, cultural, or architectural importance and significance through the adoption of zoning regulations or zoning district boundaries may not designate a property as a local historic landmark or include a property within the boundaries of a local historic district unless:

(1) the owner of the property consents to the designation or inclusion; or

(2) if the owner does not consent, the designation or inclusion of the owner's property is approved by a three-fourths vote of:

(A) the governing body of the municipality; and

(B) the zoning, planning, or historical commission of the municipality, if any.

(a-1) If a municipality has more than one commission described by Subsection (a)(2)(B), the municipality shall designate one of those commissions as the entity with exclusive authority to approve the designations of properties as local historic landmarks and the inclusion of properties in a local historic district under that paragraph.

(b) If the property is owned by an organization that qualifies as a religious organization under Section 11.20, Tax Code, the municipality may designate the property as a local

historic landmark or include the property in a local historic district only if the organization consents to the designation or inclusion.

(c) The municipality must provide the property owner a statement that describes the impact that a historic designation or inclusion in a local historic district of the owner's property may have on the owner and the owner's property. The municipality must provide the statement to the owner not later than the 15th day before the date of the initial hearing on the historic designation or inclusion in a local historic district of the property of:

(1) the zoning, planning, or historical commission, if any; or

(2) the governing body of the municipality.

(d) The historic designation impact statement must include lists of the:

(1) regulations that may be applied to any structure on the property after the designation;

(2) procedures for the designation;

(3) tax benefits that may be applied to the property after the designation; and

(4) rehabilitation or repair programs that the municipality offers for a property designated as historic.

(e) The municipality must allow an owner to withdraw consent at any time during the designation process.

Added by Acts 2019, 86th Leg., R.S., Ch. 231 (H.B. [2496](#)), Sec. 1, eff. May 25, 2019.

Amended by:

Acts 2021, 87th Leg., R.S., Ch. 405 (S.B. [1585](#)), Sec. 1, eff. September 1, 2021.

Acts 2021, 87th Leg., R.S., Ch. 405 (S.B. [1585](#)), Sec. 2, eff. September 1, 2021.

Sec. 211.0166. EXCLUSION FROM CERTAIN CONSERVATION DISTRICTS. (a) In this section, "conservation district" means a local preservation district authorized by ordinance by a municipality described by Subsection (b) to preserve, maintain, and protect the physical elements of development and the community

character and heritage of neighborhoods having distinctive characteristics and patterns of development.

(b) This subsection applies only to a property located in a municipality with a population of two million or more. Notwithstanding any other law, this subsection applies regardless of whether the municipality has established a process for designating places or areas of historical, cultural, or architectural importance and significance through the adoption of zoning regulations or zoning district boundaries. The owner of a property included within the boundaries of a conservation district authorized by ordinance may elect to exclude the property from the district by filing in the real property records for the county in which the property is located an acknowledged statement:

(1) describing the property by reference to a map or plat of the subdivision; and

(2) stating that the owner elects to have the property excluded from the district.

(c) Subsection (b) does not apply to:

(1) the designation of a property as a local historic landmark described by Section [211.0165\(a\)](#); or

(2) the inclusion of a property within the boundaries of a local historic district described by Section [211.0165\(a\)](#).

(d) A statement filed under Subsection (b) must be filed before the first anniversary of the date of the inclusion in a conservation district. The exclusion of a property takes effect on the filing of the statement by the owner of the property.

Added by Acts 2023, 88th Leg., R.S., Ch. 545 (H.B. [4057](#)), Sec. 1, eff. June 10, 2023.

Sec. 211.017. CONTINUATION OF LAND USE IN NEWLY INCORPORATED AREAS. (a) A municipality incorporated after September 1, 2003, may not prohibit a person from:

(1) continuing to use land in the area in the manner in which the land was being used on the date of incorporation if the land use was legal at that time; or

(2) beginning to use land in the area in the manner that was planned for the land before the 90th day before the

effective date of the incorporation if:

(A) one or more licenses, certificates, permits, approvals, or other forms of authorization by a governmental entity were required by law for the planned land use; and

(B) a completed application for the initial authorization was filed with the governmental entity before the date of incorporation.

(b) For purposes of this section, a completed application is filed if the application includes all documents and other information designated as required by the governmental entity in a written notice to the applicant.

(c) This section does not prohibit a municipality from imposing:

(1) a regulation relating to the location of sexually oriented businesses, as that term is defined by Section [243.002](#);

(2) a municipal ordinance, regulation, or other requirement affecting colonias, as that term is defined by Section [2306.581](#), Government Code;

(3) a regulation relating to preventing imminent destruction of property or injury to persons;

(4) a regulation relating to public nuisances;

(5) a regulation relating to flood control;

(6) a regulation relating to the storage and use of hazardous substances;

(7) a regulation relating to the sale and use of fireworks; or

(8) a regulation relating to the discharge of firearms.

(d) A municipal ordinance or rule in conflict with this section is void.

Added by Acts 2003, 78th Leg., ch. 279, Sec. 1, eff. Sept. 1, 2003.

Renumbered from Local Government Code, Section [211.016](#) by Acts 2005, 79th Leg., Ch. 728 (H.B. [2018](#)), Sec. 23.001(66), eff. September 1, 2005.

Sec. 211.018. CONTINUATION OF LAND USE REGARDING MANUFACTURED HOME COMMUNITIES. (a) In this section,

"manufactured home," "manufactured home community," and "manufactured home lot" have the meanings assigned by Section [94.001](#), Property Code.

(b) The governing body of a municipality may not require a change in the nonconforming use of any manufactured home lot within the boundaries of a manufactured home community if:

(1) the nonconforming use of the land constituting the manufactured home community is authorized by law; and

(2) at least 50 percent of the manufactured home lots in the manufactured home community are physically occupied by a manufactured home used as a residence.

(c) For purposes of Subsection (b), requiring a change in the nonconforming use includes:

(1) requiring the number of manufactured home lots designated as a nonconforming use to be decreased; and

(2) declaring that the nonconforming use of the manufactured home lots has been abandoned based on a period of continuous abandonment of use as a manufactured home lot of any lot for less than 12 months.

(d) A manufactured home owner may install a new or used manufactured home, regardless of the size, or any appurtenance on a manufactured home lot located in a manufactured home community for which a nonconforming use is authorized by law, provided that the manufactured home or appurtenance and the installation of the manufactured home or appurtenance comply with:

(1) nonconforming land use standards, including standards relating to separation and setback distances and lot size, applicable on the date the nonconforming use of the land constituting the manufactured home community was authorized by law; and

(2) all applicable state and federal law and standards in effect on the date of the installation of the manufactured home or appurtenance.

(e) A municipality that prohibits the construction of new single-family residences or the construction of additions to existing single-family residences on a site located in a designated floodplain may, notwithstanding Subsection (b), (c), or (d),

prohibit the installation of a manufactured home in a manufactured home community on a manufactured home lot that is located in an equivalently designated floodplain.

Added by Acts 2017, 85th Leg., R.S., Ch. 741 (S.B. [1248](#)), Sec. 1, eff. September 1, 2017.

Sec. 211.019. NONCONFORMING LAND USE. (a) In this section, "market value" means the price the sale of the property would bring in an arms-length transaction when offered for sale by one who wishes, but is not obliged, to sell and when bought by one who is under no necessity of buying it.

(b) A person using a property in a manner considered to be a nonconforming use as a result of the adoption of or change to a zoning regulation or boundary may continue to use the property in the same manner unless required by a municipality to stop the nonconforming use of the property.

(c) A requirement imposed by a municipality to stop a nonconforming use of a property under this section includes:

(1) an official action by the governing body of the municipality or a board, commission, department, or official of the municipality; or

(2) a determination by the municipality that a nonconforming use has an adverse effect or other necessary determination that a municipality must make before imposing a requirement to stop a nonconforming use under applicable law.

(d) If a municipality requires a property owner or lessee to stop the nonconforming use of a property as described by Subsection (b), the owner or lessee of the property is entitled to:

(1) payment from the municipality in an amount equal to the sum of:

(A) the costs incurred by the owner or lessee of the property that are directly attributable to ceasing the nonconforming use of the property, including expenses related to demolition, relocation, termination of a lease, or discharge of a mortgage; and

(B) an amount equal to the greater of, as determined by the municipality, the diminution in the market value

of the property, computed by subtracting the current market value of the property after the imposition of a requirement to stop the nonconforming use of the property from:

(i) the market value of the property on the day before the date the notice was given under Section 211.006(a-1); or

(ii) the market value of the property on the day before a person submits an application or request to the municipality to require or the municipality otherwise requires a person to stop using the property in a manner that is a nonconforming use as described by Subsection (b); or

(2) continued nonconforming use of the property until the owner or lessee recovers the amount determined under Subdivision (1) through the owner or lessee's continued business activities according to generally accepted accounting principles.

(e) Not later than the 10th day after the date a municipality imposes a requirement to stop a nonconforming use of a property under this section, the municipality shall give written notice to each owner or lessee of the property, as indicated by the most recently approved municipal tax roll, who is required to stop a nonconforming use of the property of the requirement and of the remedies which an owner or lessee of the property is entitled to under Subsection (d).

(f) The owner or lessee of a property that is subject to a requirement to stop a nonconforming use of the property under this section shall not later than the 30th day after the date the municipality gives the notice required by Subsection (e) respond in writing to the municipality indicating the remedy under Subsection (d) chosen by the owner or lessee. In the event of a conflict in the choice of remedy by the owner and a lessee of the property, the owner's choice of remedy shall control. In the event of a conflict in the choice of remedy by the owners of a property that has more than one owner, the choice of remedy made by an owner or owners holding the greater ownership interest in the property shall control. If the municipality does not receive timely notice from an owner or lessee, the municipality may choose the remedy provided under this section.

(g) A person receiving a payment under Subsection (d)(1) must stop the nonconforming use not later than the 10th day after the date of the payment.

(h) A person who continues the nonconforming use under Subsection (d)(2) must stop the nonconforming use immediately on the recovery of the amount determined under Subsection (d)(1).

(i) If more than one person seeks a payment from the municipality under Subsection (d)(1), the municipality shall apportion the payment between each person based on the market value of the person's interest in the property. A person may appeal the apportionment in the manner provided by this section.

(j) A person entitled to a remedy under this section may appeal a determination under Subsection (d)(1) or (2) to the board of adjustment of the municipality not later than the 20th day after the date the determination is made. At the hearing before the board of adjustment, the municipality has the burden of proof to establish the correctness of its determination.

(k) A municipality or a person aggrieved by the final decision of the board of adjustment under Subsection (j) may seek judicial review of the decision by filing suit as provided by Section 211.011 not later than the 20th day after the date the final decision is made. The court shall review the decision in the manner provided by Section 211.011 except that:

(1) the municipality has the burden of proving by clear and convincing evidence that its determination was correct; and

(2) the court:

(A) in reviewing the municipality's decision may not use a deferential standard in the municipality's favor; and

(B) is not limited to determining whether a decision of the board meets the requirements of this chapter or other applicable law.

(l) A person seeking to continue a nonconforming use under Subsection (d)(2) who appeals the decision of the municipality or board of adjustment may continue to use the property in the same manner pending the appeal unless an official of the body that made the decision shows cause to stay the nonconforming use by certifying in writing to the board of adjustment or court with

jurisdiction over the appeal facts supporting the official's opinion that continued nonconforming use of the property would cause imminent peril to life or property. On a showing of cause the board of adjustment or court with jurisdiction over the appeal may, after notice to the official, grant a restraining order to stay continued nonconforming use of the property.

(m) If the board of adjustment or court with jurisdiction over an appeal determines that an owner or lessee is entitled to:

(1) a payment under this section in an amount different than the amount determined by the municipality under Subsection (d)(1), the board of adjustment or court shall order, as applicable:

(A) additional payment to the owner or lessee; or

(B) the owner or lessee to reimburse the municipality; or

(2) an amount of time to operate the nonconforming use that is different than the amount of time initially received under Subsection (d)(2), the board of adjustment or court shall order the municipality to allow an owner or lessee to continue the nonconforming use for additional or less time.

(n) An owner or lessee may waive the rights and remedies provided by this section by providing to the municipality a written waiver.

(o) This section does not apply to a nonconforming use that has been intentionally abandoned for at least six months.

(p) A municipality's immunity from suit and governmental immunity from liability are waived for purposes of an action brought by a property owner or lessee to enforce the rights and remedies under this section.

Added by Acts 2023, 88th Leg., R.S., Ch. 52 (S.B. [929](#)), Sec. 2, eff. May 19, 2023.

Sec. 211.020. ELECTRONIC DELIVERY OF NOTICE. (a) A municipality may deliver notice electronically under this chapter only if the recipient elects to receive notice electronically under Subsection (b).

(b) A municipality that intends to deliver notice

electronically under this chapter shall establish an online portal on the municipality's Internet website through which a notice recipient may:

(1) elect to receive notice electronically under this chapter; and

(2) manage preferences for receiving notice electronically under this chapter.

(c) A municipality may deliver notice electronically by e-mail or text message.

(d) A municipality shall request that the recipient of a notice delivered electronically under this chapter acknowledge receipt of the notice. The municipality must deliver the notice as otherwise provided by this chapter if the recipient does not acknowledge receipt of the notice delivered electronically.

Added by Acts 2025, 89th Leg., R.S., Ch. 460 (H.B. [4506](#)), Sec. 3, eff. June 20, 2025.

SUBCHAPTER B. ADDITIONAL ZONING REGULATIONS IN MUNICIPALITY WITH POPULATION OF MORE THAN 290,000

Sec. 211.021. ADDITIONAL ZONING REGULATIONS. (a) The governing body of a municipality with a population of more than 290,000 that has adopted a comprehensive zoning ordinance under Subchapter A may, by ordinance, divide the municipality into neighborhood zoning areas 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.

(b) The mayor of the municipality, with the approval of the governing body, may appoint a neighborhood advisory zoning council for each of the neighborhood zoning areas. Each zoning council must be composed of five citizens who reside in the neighborhood zoning area. A zoning council member is appointed for a term of two years.

(c) Each neighborhood advisory zoning council shall provide the zoning commission with information, advice, and

recommendations relating to each application filed with the zoning commission for zoning regulation changes that affect property within that neighborhood zoning area.

(d) On the filing of a zoning change application with the zoning commission, the zoning commission shall provide the appropriate neighborhood advisory zoning council with a copy of the application. The zoning council shall conduct a public hearing on the application and must publish notice of the time and place of the hearing in an official newspaper or a newspaper of general circulation in the municipality before the 10th day before the date of the hearing.

(e) At or before the zoning commission's hearing on the zoning change application, the neighborhood advisory zoning council shall submit to the zoning commission any information, advice, and recommendations relating to that application that the zoning council considers proper. The zoning commission may not overrule a recommendation of the zoning council with respect to the disposition of the application unless at least three-fourths of the members of the zoning commission who are present at the meeting vote to overrule the recommendation.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

SUBCHAPTER C. REGULATION OF COTTAGE FOOD PRODUCTION OPERATIONS

Sec. 211.031. DEFINITIONS. In this subchapter, "cottage food production operation" and "home" have the meanings assigned by Section [437.001](#), Health and Safety Code.

Added by Acts 2013, 83rd Leg., R.S., Ch. 653 (H.B. [970](#)), Sec. 7, eff. September 1, 2013.

Sec. 211.032. CERTAIN ZONING REGULATIONS PROHIBITED. A municipal zoning ordinance may not prohibit the use of a home for cottage food production operations.

Added by Acts 2013, 83rd Leg., R.S., Ch. 653 (H.B. [970](#)), Sec. 7, eff. September 1, 2013.

Sec. 211.033. ACTION FOR NUISANCE OR OTHER TORT. This

subchapter does not affect the right of a person to bring a cause of action under other law against an individual for nuisance or another tort arising out of the individual's use of the individual's home for cottage food production operations.

Added by Acts 2013, 83rd Leg., R.S., Ch. 653 (H.B. 970), Sec. 7, eff. September 1, 2013.

Subchapter D, consisting of Secs. 211.051 to 211.057, was added by Acts 2025, 89th Leg., R.S., Ch. 841 (S.B. 1567), Sec. 1.

For another Subchapter D, consisting of Secs. 211.051 to 211.058, added by Acts 2025, 89th Leg., R.S., Ch. 1127 (S.B. 15), Sec. 1, see Sec. 211.051 et seq., post.

SUBCHAPTER D. RESIDENTIAL ZONING LIMITATIONS RELATED TO OCCUPANCY IN CERTAIN MUNICIPALITIES

Sec. 211.051. DEFINITIONS. In this subchapter:

(1) "Dwelling unit" means a house, apartment unit, or any unit in a multiunit residential structure. The term does not include a unit in a hotel, motel, or other establishment in which more than half of the units are intended to be used for transient accommodations.

(2) "Institution of higher education" has the meaning assigned by Section 61.003, Education Code.

Added by Acts 2025, 89th Leg., R.S., Ch. 841 (S.B. 1567), Sec. 1, eff. September 1, 2025.

Sec. 211.052. APPLICABILITY. This subchapter applies only to a home-rule municipality with a population of less than 250,000:

(1) in which the campus of an institution of higher education with a student enrollment of more than 20,000 is located; or

(2) that is adjacent to the campus of an institution of higher education described by Subdivision (1).

Added by Acts 2025, 89th Leg., R.S., Ch. 841 (S.B. 1567), Sec. 1, eff. September 1, 2025.

Sec. 211.053. DWELLING UNIT OCCUPANCY REQUIREMENTS.

(a) Except as provided by Subsection (b), a municipality may not adopt or enforce a zoning ordinance, rule, or other regulation that limits the number of people who may occupy a dwelling unit based on:

- (1) age;
- (2) familial status;
- (3) occupation;
- (4) relationship status; or
- (5) whether the occupants are related to each other by a certain degree of affinity or consanguinity.

(b) A municipality may impose a limit on the number of occupants of a dwelling unit that is not more restrictive than:

(1) one occupant per sleeping room with a minimum floor area of 70 square feet; and

(2) one additional occupant for each additional 50 square feet of floor area in the same sleeping room.

Added by Acts 2025, 89th Leg., R.S., Ch. 841 (S.B. 1567), Sec. 1, eff. September 1, 2025.

Sec. 211.054. NO EFFECT ON OTHER ZONING AUTHORITY. This subchapter does not prohibit a municipality from imposing a limit on the number of people who may occupy a dwelling unit based on health and safety standards contained in:

(1) a building code as adopted under Subchapter G, Chapter 214;

(2) a fire code;

(3) standards adopted by the Department of State Health Services; or

(4) local, state, or federal affordable housing program guidelines.

Added by Acts 2025, 89th Leg., R.S., Ch. 841 (S.B. 1567), Sec. 1, eff. September 1, 2025.

Sec. 211.055. LEASE REVIEW PROHIBITED. A municipality may not require a real estate broker, agent, or other third party fiduciary to submit for review or provide access to a lease or related document to determine the number of unrelated occupants of a dwelling unit for the purpose of enforcing a dwelling unit

occupancy requirement.

Added by Acts 2025, 89th Leg., R.S., Ch. 841 (S.B. 1567), Sec. 1, eff. September 1, 2025.

Sec. 211.056. NO EFFECT ON PROPERTY OWNERS' ASSOCIATIONS AND OTHER PRIVATE AGREEMENTS. This subchapter does not prohibit a property owner from enforcing rules or deed restrictions imposed by a property owners' association or by other private agreement.

Added by Acts 2025, 89th Leg., R.S., Ch. 841 (S.B. 1567), Sec. 1, eff. September 1, 2025.

Sec. 211.057. CIVIL ACTION. (a) A person who owns property in or a tenant who resides in a municipality who is adversely affected or aggrieved by the municipality's violation of this subchapter may bring an action against the municipality or an officer or employee of the municipality in the officer's or employee's official capacity for relief described by Subsection (c).

(b) A claimant must bring an action under this section in a county in which the real property that is the subject of the action is wholly or partly located.

(c) In an action brought under this section, a court may:

(1) enter a declaratory judgment under Chapter 37, Civil Practice and Remedies Code;

(2) issue a writ of mandamus compelling a defendant officer or employee to comply with this subchapter; and

(3) issue an injunction preventing the defendant from violating this subchapter.

(d) A court shall award reasonable attorney's fees and court costs incurred in bringing an action under this section to a prevailing claimant.

(e) The Fifteenth Court of Appeals has exclusive intermediate appellate jurisdiction over an appeal or original proceeding arising from an action brought under this section.

Added by Acts 2025, 89th Leg., R.S., Ch. 841 (S.B. 1567), Sec. 1, eff. September 1, 2025.

Subchapter D, consisting of Secs. 211.051 to 211.058, was added by Acts 2025, 89th Leg., R.S., Ch. 1127 (S.B. 15), Sec. 1.

For another Subchapter D, consisting of Secs. 211.051 to 211.057, added by Acts 2025, 89th Leg., R.S., Ch. 841 (S.B. 1567), Sec. 1, see Sec. 211.051 et seq., post.

SUBCHAPTER D. RESIDENTIAL ZONING LIMITATIONS IN CERTAIN
MUNICIPALITIES

Sec. 211.051. DEFINITIONS. In this subchapter:

(1) "Housing organization" means a:

(A) trade or industry group organized under the laws of this state consisting of local members primarily engaged in the construction or management of housing units;

(B) nonprofit organization organized under the laws of this state that:

(i) provides or advocates for increased access or reduced barriers to housing; and

(ii) has filed written or oral comments with the legislature; or

(C) nonprofit organization organized under the laws of this state that is engaged in public policy research, education, and outreach that includes housing policy-related issues and advocacy.

(2) "Small lot" means a residential lot that is 4,000 square feet or less.

Added by Acts 2025, 89th Leg., R.S., Ch. 1127 (S.B. 15), Sec. 1, eff. September 1, 2025.

Sec. 211.052. APPLICABILITY. (a) This subchapter applies only to:

(1) a municipality that:

(A) has a population of more than 150,000; and

(B) is wholly or partly located in a county with a population of more than 300,000; and

(2) a tract of land located in a municipality described by Subdivision (1) that:

(A) will be platted and located in an area zoned

for single-family homes;

(B) is five acres or more; and

(C) has no recorded plat.

(b) This subchapter does not apply to an area located within:

(1) one mile of a campus of the perimeter of a law enforcement training center in a county that has a population of 2,600,000 or more;

(2) 3,000 feet of an airport or military base; or

(3) 15,000 feet of the boundary of a military base if the area is designated by a municipality or joint airport zoning board, as applicable, as a military airport overlay zone with a clear zone and accident potential zone designation, as described by the military base's air installation compatible use zone report.

Added by Acts 2025, 89th Leg., R.S., Ch. 1127 (S.B. 15), Sec. 1, eff. September 1, 2025.

Sec. 211.053. CONSTRUCTION OF SUBCHAPTER. This subchapter may not be construed to affect requirements directly related to:

(1) the use and occupancy of residential units leased for a term of less than 30 days; or

(2) flooding, sewer facilities, or well water located on an individual residential lot and serving only that lot.

Added by Acts 2025, 89th Leg., R.S., Ch. 1127 (S.B. 15), Sec. 1, eff. September 1, 2025.

Sec. 211.054. CERTAIN DWELLING UNIT LOT SIZE REQUIREMENTS PROHIBITED. A municipality may not adopt or enforce an ordinance, rule, or other measure that requires:

(1) a residential lot to be:

(A) larger than 3,000 square feet;

(B) wider than 30 feet; or

(C) deeper than 75 feet; or

(2) if regulating the density of dwelling units in a residential development, a ratio of dwelling units per acre that prevents a single-family home from being built on a residential lot that is at least 3,000 square feet.

Added by Acts 2025, 89th Leg., R.S., Ch. 1127 (S.B. [15](#)), Sec. 1, eff. September 1, 2025.

Sec. 211.055. SMALL LOTS. (a) Except as provided by this section, a municipality may not adopt or enforce an ordinance, rule, or other measure that requires a small lot to have:

- (1) a building plane or other setback greater than:
 - (A) 15 feet from the front or 10 feet from the back of the property; or
 - (B) five feet from the side of the property;
- (2) covered parking;
- (3) more than one parking space per unit;
- (4) off-site parking;
- (5) more than 30 percent open space or permeable surface;
- (6) fewer than three full stories not exceeding 10 feet in height measured from the interior floor to ceiling;
- (7) a maximum building bulk;
- (8) a wall articulation requirement; or
- (9) any other zoning restriction that imposes restrictions inconsistent with this subsection, including restrictions through contiguous zoning districts or uses or from the creation of an overlapping zoning district.

(a-1) Notwithstanding Subsection (a)(1), a municipality may require with respect to a small lot a setback related to environmental features, erosion, or waterways, to the extent authorized by federal or other state law.

- (b) A municipality may require with respect to a small lot:
 - (1) the sharing of a driveway with another lot;
 - (2) permitting fees equivalent to the permitting fees charged for the development of a lot the use of which is restricted to a single-family residence; or
 - (3) impact fees, to the extent authorized by Chapter [395](#).

(c) Notwithstanding Subsection (a)(5), a municipality may adopt or enforce an ordinance, rule, or other measure with respect to a small lot that:

(1) applies to land located in an aquifer recharge zone; and

(2) relates to the protection of an aquifer.

Added by Acts 2025, 89th Leg., R.S., Ch. 1127 (S.B. 15), Sec. 1, eff. September 1, 2025.

Sec. 211.056. NO EFFECT ON OTHER ZONING AUTHORITY. Except as expressly provided by this subchapter, this subchapter does not prohibit a municipality from imposing restrictions that are applicable to all similarly situated lots or subdivisions, including requiring all subdivisions or all small lots to fully mitigate stormwater runoff.

Added by Acts 2025, 89th Leg., R.S., Ch. 1127 (S.B. 15), Sec. 1, eff. September 1, 2025.

Sec. 211.057. NO EFFECT ON HOMEOWNERS' ASSOCIATIONS AND OTHER PRIVATE AGREEMENTS. This subchapter does not prohibit property owners from enforcing rules or deed restrictions imposed by a homeowners' association or by other private agreement.

Added by Acts 2025, 89th Leg., R.S., Ch. 1127 (S.B. 15), Sec. 1, eff. September 1, 2025.

Sec. 211.058. ACTION. (a) A person adversely affected or aggrieved by a municipality's violation of this subchapter or a housing organization may bring an action against the municipality or an officer or employee of the municipality in the officer's or employee's official capacity for relief described by Subsection (c).

(b) A claimant must bring an action under this section in a county in which the real property that is the subject of the action is wholly or partly located.

(c) In an action brought under this section, a court may:

(1) enter a declaratory judgment under Chapter 37, Civil Practice and Remedies Code;

(2) issue a writ of mandamus compelling a defendant officer or employee to comply with this subchapter; and

(3) issue an injunction preventing the defendant from

violating this subchapter.

(d) A court shall award reasonable attorney's fees and court costs incurred in bringing an action under this section to a prevailing claimant.

(e) A claimant in an action brought under this section may elect in the claimant's petition to designate the Fifteenth Court of Appeals as the exclusive intermediate appellate court over an appeal or original proceeding arising from the action.

Added by Acts 2025, 89th Leg., R.S., Ch. 1127 (S.B. 15), Sec. 1, eff. September 1, 2025.

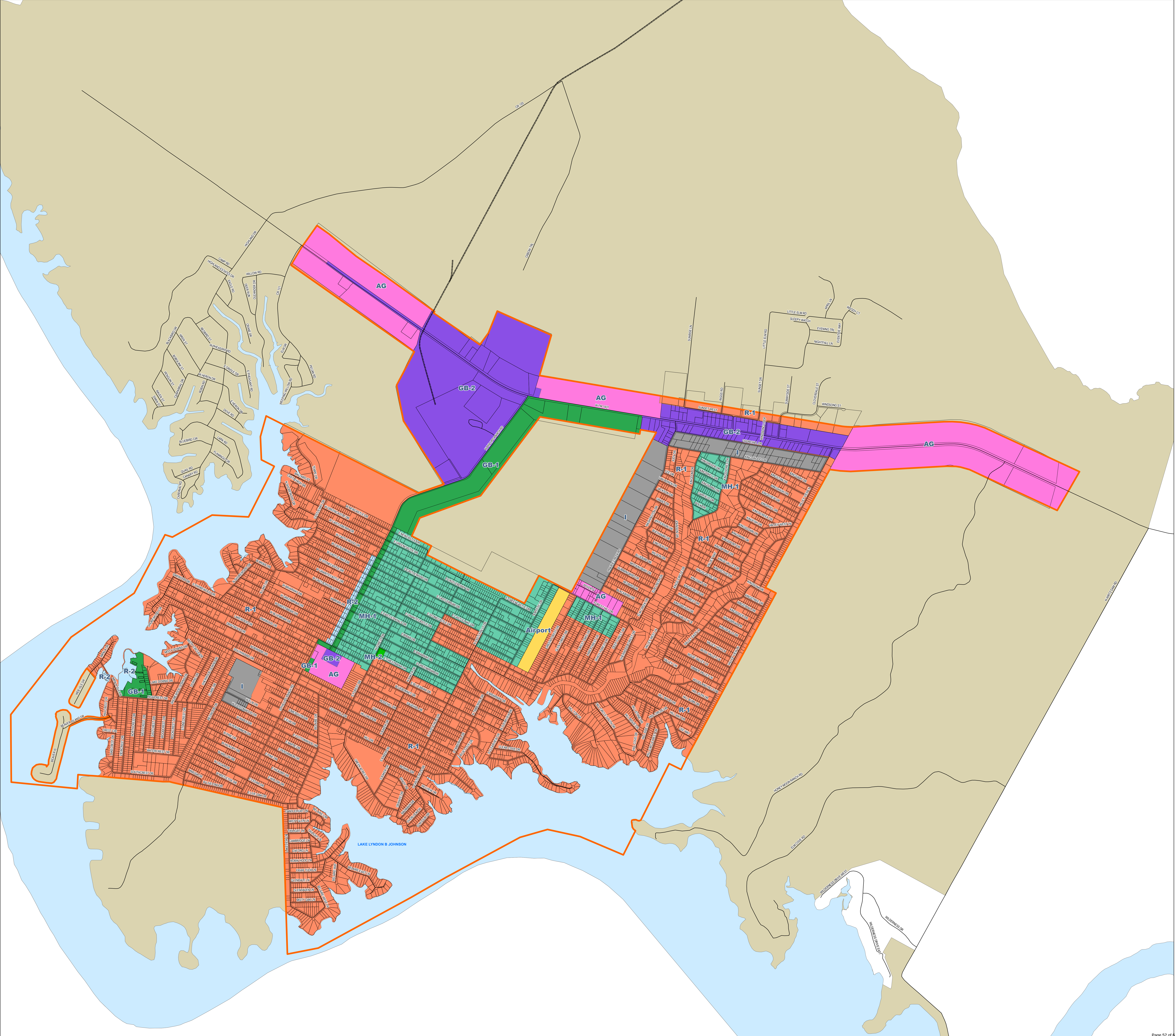


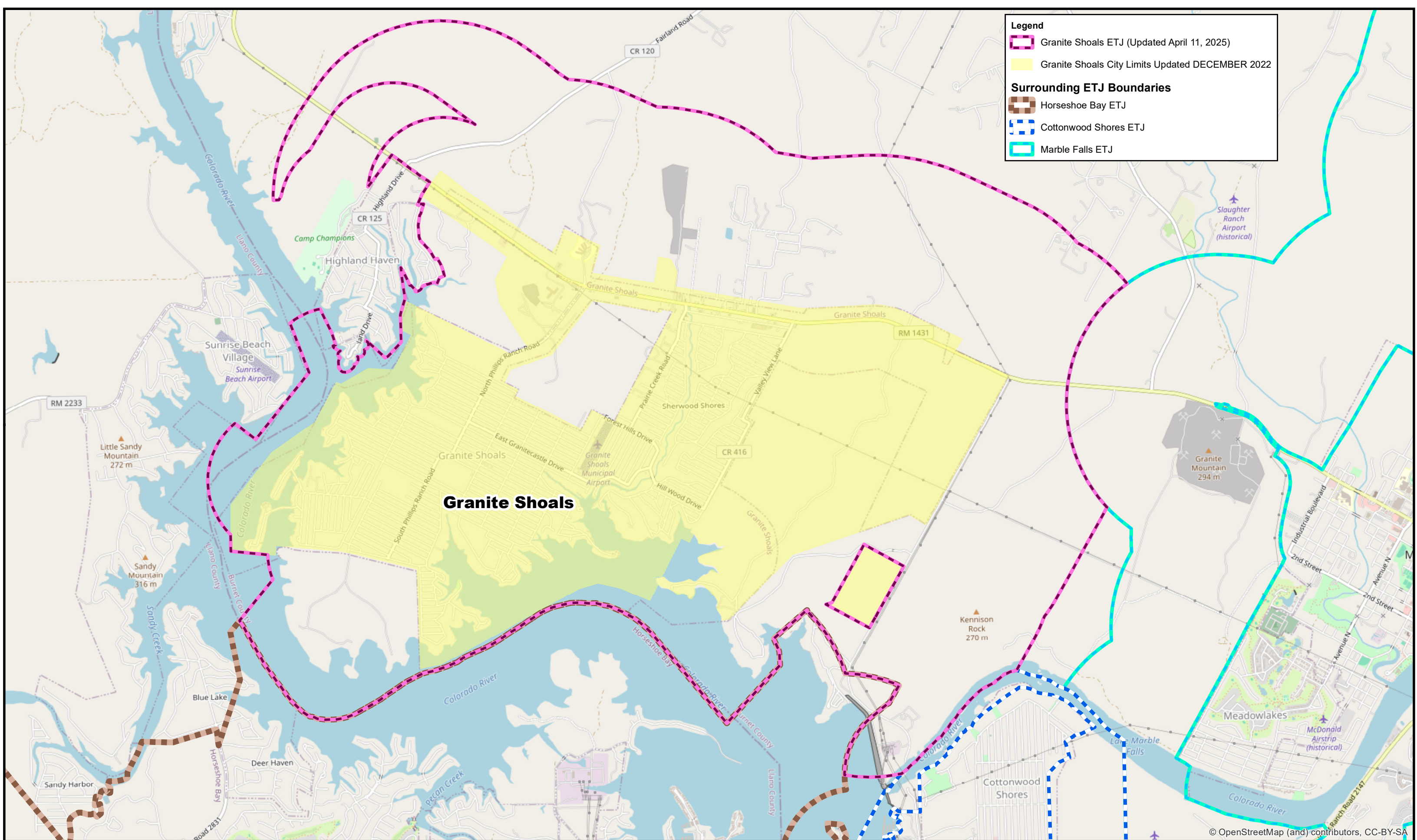
ZONING MAP

Map Date February 6, 2014

Legend

- Granite Shoals City Limits
- Lots
- AG Agricultural
- ARPT Airport
- GB-1 General Business 1
- GB-2 General Business 2
- I - Industrial
- MH-1 Mobile Home Residential
- MH-2 Mobile Home Park
- R-1 Single Family Residential
- R-2 Multiple Family Residential
- Roads
- Railroad
- Burnet County
- Highland Lakes





Legend

- Granite Shoals ETJ (Updated April 11, 2025)
- Granite Shoals City Limits Updated DECEMBER 2022

Surrounding ETJ Boundaries

- Horseshoe Bay ETJ
- Cottonwood Shores ETJ
- Marble Falls ETJ



To: City Council

From: Becky Sims, Building & Development Specialist

Date: February 20, 2026

Subject: Recap from the Granite Shoals Comprehensive Plan **Update** Kick-Off Meeting

Purpose of This Memo

This memo is designed to provide an overview of the data collected from the initial kick-off meeting held on Thursday, February 19, 2026.

Meeting Overview

Sarah Novo, City Manager, welcomed and acknowledged the community, Mayor, Council members and advisory board members. There were approximately 30 people in attendance. The meeting was well received by those in attendance, and many are looking forward to the next engagement.

Key Updates

Mrs. Sims presented the agenda, discussed the importance of a Comprehensive Plan, what the plan entails and the project timeline.

Phase 1: Assess December 2025- February 2026	Phase 2: Explore March to May	Phase 3: Organize June to August	Phase 4: Prioritize September to October	Phase 5: Adopt November 2026
➤ Data review & analysis ➤ Initial project meetings ➤ Community survey ➤ Introductory presentation	➤ Analyze development scenarios ➤ Community engagement ➤ Map preparation & finalization ➤ Plan writing	➤ Preparation of draft plan ➤ Plan review ➤ Revision of plan	➤ Draft implementation ➤ Community engagement ➤ Revision of plan ➤ Draft of plan for adoption	➤ Draft plan completed ➤ Adoption presentation ➤ Public hearing ➤ Final edits completed

The attendees were asked to participate in three activities:

- ❖ What is the vision for Granite Shoals?
- ❖ What do you love about Granite Shoals?
- ❖ What should the city focus on?



Those in attendance preferred the proposed Vision Statement:

Granite Shoals is a unique lakeside community dedicated to a high quality of life through the preservation of parks, natural assets, and distinctive local identity. The city is committed to responsible growth that balances opportunity with long-term fiscal sustainability to ensure access to resources for current and future residents

Comments and suggestions:

- ❖ Must consider sewer system in order to attract businesses
- ❖ City sewer
- ❖ Phillips Ranch Road should be an impressive entrance to Granite Shoals (solar lights, divided, flowers, trees down center, curb and gutter).
- ❖ Help the east side
- ❖ Underground utilities
- ❖ Curb and gutters, all streets paved with ribbon style curbs
- ❖ Possibly re-visit old plans that fell through in the past. Regional wastewater, MUD etc.
- ❖ Partnerships with private businesses to improve city business environment
- ❖ Become known throughout the community for X
- ❖ Add the word infrastructure to preservation of parks, natural assets...
 - Ensure future ordinances and laws etc. point towards and prioritize the above.
- ❖ Why Granite Shoals?
- ❖ Great place to live and raise a family.
- ❖ Develop commercial infrastructure, provide top-notch city services
- ❖ Splash pad should be top-notch with colling stations and just a place to be.
- ❖ Love the distinctive local identity. What sets us apart from others.
- ❖ The lights on water tower need to be turned back on.
- ❖ Determine if we are or are not going to be Dark Sky Community.
- ❖ Our City Hall is one of our finest assets
- ❖ Wastewater, more restaurants, uniformity on 1431 Sports Complex.
- ❖ Enhance our parks
- ❖ Fiscal and resource responsible to serve community
- ❖ Keep City Parks.
- ❖ Build a fine Splash Pad
- ❖ Fix roads
- ❖ Repave roads
- ❖ Improve and maintain city infrastructure, leveraging community assets for development.



What do you love most about Granite Shoals?

- ❖ City Hall
 - ❖ Parks, low crime rate, lake, City Hall complex, good neighbors, MFISD, City staff and services.
 - ❖ Parks
 - ❖ Community and public access to the lake.
 - ❖ All our children
 - How involved they get to be- parks, lake, Quarry Park, City events, etc.
 - ❖ Commercial potential, location, room for smart development.
 - ❖ Transparent leadership
 - How involved the staff, employees and management are.
 - ❖ Beautiful parks and the amazing people who use them.
 - ❖ Lake, small city feel, comradery.
 - ❖ Beauty, community and opportunity
 - ❖ Friendly, laid-back atmosphere
 - ❖ Lake access
 - ❖ Lake, views and the parks
 - ❖ Police and FD- involvement within the community.
 - ❖ Neighbors
 - ❖ Quarry Park
 - ❖ Recreational opportunities
 - ❖ Community Events
 - ❖ PD and FD
- 

Based on the rankings provided by attendees, the group established the following as the City's prioritized order of focus. 1 being the highest priority and 9 being the lowest.

1. Enhancing quality of life and maintaining small town charm. (14)
2. Promoting high quality development along corridors. (11)
3. Identify, protect, and preserve natural open spaces. (9)
4. Promoting economic development and job creation. (8)
5. Planning for expansion/renovation of existing infrastructure. (6)
6. Developing a variety of housing choices. (5)
7. Promoting tourism. (5)
8. Providing a balanced park and open space system for residents. (5)
9. Growing in a balanced and efficient manner. (4)

Additional comments from this exercise:

- ❖ What does growing in a balanced and efficient manner mean?
 - If it's good, what does growth look like, main focus for the next 10 years?
- ❖ Zoning- Reflect preservation of property values.
- ❖ Keep involving our children, they are the future, don't leave them behind like surrounding cities.
- ❖ Preserving parks and public lake access.
 - Promote tourism to utilize our greatest natural assets, our people and our lake.
- ❖ Focus on *planning for expansion* because it will determine zoning etc. for the next decade.
- ❖ Commercial development on 1431.
- ❖ Need a wastewater plant for sustainable growth.
- ❖ City infrastructure- roads, water, wastewater
 - Develop and maintain
- ❖ Build a small water-treatment plant along 1431- 1-2 miles long- attract commercial development
- ❖ Enhancing *quality of life*, balancing city taxes with infrastructure and city resources.

§ 40-24. Signs.

- (a) Jurisdiction. The provisions of this section shall apply within the city limits, and within the extraterritorial jurisdiction (ETJ) of the city. All signs erected within the extraterritorial jurisdiction of the City of Granite Shoals shall be erected in accordance with the standards imposed for property inside the city limits. A sign shall not include numbers indicating the address of a residential structure or signs erected by a governmental entity in compliance with applicable law.
- (b) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in the subsection, except where the context clearly indicates a different meaning:

Allowable means permissible to do.

Banner means a sign intended to be hung without frames. Flags of governmental jurisdiction and flags carrying the emblem of a business or institution are not to be considered banners for the purpose of this section.

Billboard means a commercial sign that is designed for changeable copy, within fixed sign face, that will be used to display any good, service, brand, slogan, message, product, or company not located on the same site (or property) as the billboard.

Construction sign means a sign temporarily placed on a construction site identifying the project, and/or owner, developer, contractor, or architect, and may include other information regarding the project. A construction sign shall be limited to no more than eight square feet.

Damaged sign means a sign, which is unsafe, unsecured, disfigured, or broken.

Detached sign means an on-premises sign that is not a wall sign.

District means zoning district of the City of Granite Shoals, Texas wherein the regulations of this section are uniform.

Electronic sign means any sign for which the text, letters, numbers, pictures, or symbols forming the informational portion of the sign consists of flashing, intermittent, or moving lights, including any LED screen or any other type of video display. This definition does not include:

- (1) Signs that have internal or indirect illumination that is kept stationary or constant in intensity or color at all times when such sign is in use;
- (2) Any government sign located on government property; or
- (3) Any government sign located within the right-of-way that functions as a traffic-control device and that is described and identified in the Texas Manual on Uniform Traffic-Control Devices.

Externally illuminated sign means a sign illuminated in any manner by an artificial light source which is detached from the sign.

Ground clearance means the distance between the bottom of the sign and the average established ground level below [the] sign.

Internally illuminated sign means a sign illuminated in any manner by an artificial light source as an integral part of the sign. This includes but is not limited to neon type signs.

Nonconforming sign means a sign that does not conform to the regulations of this section, but which was placed or constructed in accordance with city ordinances existing at the time of its placement or construction.

On-premises sign means a sign located on the property where the goods or services it advertises are sold or provided.

Permit means a written authority or warrant.

Portable sign means a sign which may be carried, wheeled, or moved about.

Real estate sign means a sign which is used to offer property for sale or lease.

Sign means any letters, figures, symbols, trademarks, or devices designed, intended or used to advertise or inform including the frame or mounting structure.

Sign height means the vertical distance between the highest part of the sign or its supporting structure, whichever is higher, and the average established ground level beneath the sign, unless curb elevation is higher than the ground level, in which case the height shall be measured from curb level.

Tacked sign means a sign made of any material when such sign is tacked, nailed, posted, pasted, glued or otherwise attached to trees, poles, stakes, fences, or other objects, and the advertising matter appearing thereon is not applicable to the use of the premise upon which or adjacent to the area at which such sign is located.

Temporary sign means a sign which is to be used for only a limited time.

Unattached sign means a portable sign which is easily carried, wheeled, or moved about without having to detach the sign from a secure anchoring device. Such signs are considered to be unattached if they can reasonably be expected to be blown about in high winds that may cause injuries to pedestrians or become traffic hazards.

Wall sign means a sign mounted permanently to the structure.

(c) Signs permitted by district.

(1) The following signs shall be permitted in all residential districts:

- a. Churches may display a permanent sign without a sign permit. Such sign shall be limited to 36 square feet and shall be no higher or wider than eight feet. Any such sign located closer than 25 feet to any street right-of-way shall have a minimum clearance of nine feet from the finished grade with a maximum height not to exceed 20 feet. There shall be no projections over public property, rights-of-way or easements.
- b. During construction of a building, one unilluminated sign shall be allowed without a sign permit. Such sign shall be removed immediately upon completion of the building, or upon expiration of the building permit.
- c. A person having a legal home based business may display a commercial sign

such as a name plate on the face of the building or porch. It shall be attached directly to and parallel to the face of the building or porch. It shall not exceed one square foot in area and shall not be internally illuminated, but may be externally illuminated. A permit is required. No other commercial sign shall be mounted or displayed on any residential unit.

d. Temporary signs pursuant to subsection (d) of this section.

(2) The following signs are permitted in a mobile home park district:

- a. An on-premises sign advertising the mobile home park. The sign shall be a permanent sign of not more than 36 square feet in total area and no higher or wider than eight feet. A permit is required.
- b. All permanent signs located closer than 25 feet to any street or highway right-of-way shall have a minimum ground clearance of nine feet and a maximum height of 20 feet. Signs and supporting structures will be of sound construction and of a permanent nature, advertising products and services sold only at that location. There shall be no projections over public property, rights-of-way or easements.

(3) The following signs are permitted in all nonresidential districts:

- a. Each business may have one wall sign. This sign may not extend above the roof line of the building, nor may it extend horizontally beyond the wall to which it is attached.
- b. Each business may have one detached sign located on the business premises. The total area of this sign shall not exceed 115 square feet, shall be no wider than eight feet, and shall have a maximum height of 33 feet from the normal grade elevation measured at the street on which the business is located to the highest part of the sign or the structure on which the sign is placed. There shall be no projection over public property, rights-of-way or easement.
 1. The one allowed detached sign on a property with frontage on FM 1431 may be an electronic sign if the electronic sign satisfies the following requirements:
 - (a) The sign must be elevated at least ten (10) feet from ground level; and
 - (b) The display may not contain any moving elements, except that the display may change from one static image to another at a change rate of no less than four (4) seconds per image.
- c. In addition to the detached sign permitted in subsection (b), a business may add one additional sign for the purpose of displaying the price of goods or services offered for sale at the business, which may include the price of various grades of fuel offered for sale at the business. An additional pricing sign under this paragraph must satisfy the following requirements:

1. The additional sign may not exceed 75 square feet;
 2. The additional sign must be located on the same structure as the detached sign described by subsection (b); and
 3. The additional sign must be located immediately below the detached sign described by subsection (b).
- d. All permanent signs located closer than 25 feet to any street or highway right-of-way shall have a minimum ground clearance of nine feet and a maximum height of 33 feet. There shall be no projection over public property, rights-of-way or easements. No signs shall project over property lines. All signs and supporting structures will be of sound construction and of a permanent nature, advertising products and services sold only at that location.
 - e. During construction of a building, one unilluminated construction sign shall be allowed. Such signs shall be removed immediately upon completion of the building, or upon expiration of the building permit.
- (d) Temporary signs permitted by district.
Temporary signs shall be permitted subject to the following:
- (1) Any sign, poster or advertisement put up under a permit granted pursuant to this section shall:
 - a. Not remain for a period of more than 45 consecutive days.
 - b. Not to exceed 36 square feet in area.
 - c. If a permit is required, display the permit number issued for said sign(s) in the lower left hand corner of said sign.
 - d. Be constructed so as to have its own support structure.
 - e. Be fabricated of materials designed to withstand the elements for the permitted time period.
 - f. [Reserved.]
 - g. Not be located:
 1. Anywhere within the city's right-of-way.
 2. So as to block the view of traffic or interfere with vehicular or pedestrian traffic.
 3. So as to create an immediate physical danger.
 4. On any utility pole or street sign.
 - (2) Allowable temporary signs. The following temporary signs shall be authorized upon application and issuance of a permit by the city:

- a. Temporary signs advertising the opening or relocation of a business.
 - b. Temporary signs advertising special events.
 - c. Banners and other temporary signs attached and parallel to a wall of the structure.
 - d. Banners above public streets or highways in such locations as may be approved by the code compliance officer.
 - e. Garage sale signs, or similar signs, advertising a temporary event.
- (3) Except as otherwise permitted herein, no sign shall be constructed, placed or installed unless a permit for such sign is issued by the city.
- a. A person seeking a permit shall file an application with the city upon such forms as the city shall from time-to-time establish.
 - b. Any sign, poster, or advertisement of any nature which does not comply with this section, shall be removed by the city as directed by the city manager.
- (4) All temporary signs must be removed within forty-eight (48) hours after the expiration of the permit.
- (e) Damaged signs. Damaged signs must be repaired or removed within 30 working days following the date of notice to repair given by the code compliance officer, to the party responsible for such sign. Such 30-day period shall be extended provided that a bona fide work order bearing a delivery date for repairs is submitted to the code compliance officer within a 30-day period. The 30-day period shall be extended until seven days after the day shown on the work order.
- (f) Temporary sign during sale or lease of real property.
- (1) Signs advertising real property for sale or lease may be placed on the real property which is for sale or lease without a sign permit. The face of such temporary signs shall not exceed five square feet on each side including sign riders such as “price reduced,” “waterfront,” “sale pending,” etc. A second sign not to exceed five square feet is permitted on the shoreline.
 - a. Residential. A banner or sign not to exceed 36 square feet advertising property for sale is permitted on a boat dock if located in a residential zone.
 - b. Commercial. A banner or sign not to exceed 36 square feet advertising property for sale is permitted if located in a commercial zone.
 - (2) Each sign must be constructed so as to have its own support structure and must be made of materials calculated to withstand the weather.
 - (3) Signs may be in place for as long as the property is offered for sale. Signs must be removed within forty-eight (48) hours after the property is leased or sold.
 - (4) This type sign does not require a permit.

- (g) Nonconforming signs. Any sign not in compliance with the provisions of this section shall be considered to be nonconforming.
- (1) Nonconforming temporary signs. All such signs must be removed within 90 days after the effective date of the ordinance from which this section is derived.
 - (2) Maintenance and replacement of nonconforming permanent signs.
 - a. Ordinary maintenance of all signs, except nonconforming signs, is allowed without the necessity of obtaining a permit. Ordinary maintenance shall mean the refurbishment of signs as they exist with no substantial alteration. Replacement or reconstruction of any part of any sign is not ordinary maintenance.
 - b. Nonconforming signs which have been damaged, blown down or otherwise destroyed or dismantled for any purpose other than maintenance operations, may be replaced only if the cost of repairing the sign does not exceed 60 percent of the market value cost of erecting a new sign of the same type at the same location. Evidence of the cost of repair market value and cost of erection of a new sign shall be submitted to the code compliance officer at the time of application for the repair permit but such evidence shall not be conclusive of the code compliance officer's decision in issuing or not issuing a repair permit. The property owner may appeal the code compliance officer's decision to the city manager.
- (h) Prohibited signs. All other signs not expressly permitted are prohibited, including but not limited to the following:
- (1) Billboards.
 - (2) Tacked signs.
 - (3) Electronic signs, except as specifically permitted by this section.
 - (4) Off-premises signs (excluding signs in subsection (d)(2) of this section).
 - (5) Signs exceeding 20 feet in sign height.
 - (6) Multiple signs may not be arrayed together so as to violate the size restriction stated herein.
 - (7) Signs in the city right-of-way.
 - (8) Signs that emit a noise.
- (i) Temporary signs during election. A property owner may display one or more temporary signs on private property without a permit if the sign satisfies the following requirements:
- (1) Is not more than eight feet high;
 - (2) Has an effective area less than thirty-six square feet;

- (3) For any property located in a nonresidential zoning district (GB-1 GB-2, or I), is located on the property for a period of no more than ninety (90) days prior and nor more than forty-eight (48) hours after an election involving candidates for a federal, state, or local office that represents the area in which the property is located or that involves a measure on the ballot of an election within the area;
- (4) Is not illuminated;
- (5) Does not have any moving elements; and
- (6) Meets all other city ordinance requirements that do not conflict with this subsection.