

By: Wohlgemuth

H.B. No. 1064

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the development regulatory authority of Johnson County;
3 providing a penalty.

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

5 SECTION 1. Chapter 232, Local Government Code, is amended
6 by adding Subchapter F to read as follows:

7 SUBCHAPTER F. DEVELOPMENT REGULATIONS IN JOHNSON COUNTY

8 Sec. 232.151. LEGISLATIVE FINDINGS; PURPOSE. (a) The
9 legislature finds that:

10 (1) Johnson County is a rapidly growing urban county;

11 (2) the county is frequented for recreational purposes
12 by residents from every part of the state;

13 (3) without adequate development regulations, the
14 county will be developed in ways that are detrimental to the public
15 health, safety, peace, morals, and general welfare; and

16 (4) orderly development within the county is of
17 concern to the entire state.

18 (b) The powers granted under this subchapter are for the
19 purpose of:

20 (1) promoting the public health, safety, peace,
21 morals, and general welfare;

22 (2) encouraging recreation; and

23 (3) encouraging orderly development in Johnson
24 County.

1 Sec. 232.152. AREAS SUBJECT TO REGULATION. (a) This
2 subchapter applies only to the unincorporated areas of Johnson
3 County.

4 (b) A regulation adopted under this subchapter does not
5 apply to a tract of land that the appraisal district appraises as
6 agricultural or open-space land under Subchapter C or D, Chapter
7 23, Tax Code.

8 Sec. 232.153. DEVELOPMENT REGULATIONS GENERALLY. The
9 Commissioners Court of Johnson County may regulate:

10 (1) the percentage of a lot that may be occupied or
11 developed;

12 (2) population density;

13 (3) the size, design, and construction of buildings;

14 (4) the location, design, construction, extension,
15 and size of streets and roads;

16 (5) the location, design, construction, extension,
17 size, and installation of water and wastewater facilities,
18 including the requirements for connecting to a centralized water or
19 wastewater system;

20 (6) the location, design, construction, extension,
21 size, and installation of drainage facilities and other required
22 public facilities;

23 (7) the location, design, and construction of parks,
24 playgrounds, and recreational areas; and

25 (8) the abatement of harm resulting from inadequate
26 water or wastewater facilities.

27 Sec. 232.154. COMPLIANCE WITH COUNTY PLAN. Development

1 regulations must be:

2 (1) adopted in accordance with a county plan for
3 growth and development of the county; and

4 (2) coordinated with the comprehensive plans of
5 municipalities located in the county.

6 Sec. 232.155. DISTRICTS. (a) The commissioners court may
7 divide the unincorporated area of the county into districts of a
8 number, shape, and size the court considers best for carrying out
9 this subchapter.

10 (b) Development regulations may vary from district to
11 district.

12 Sec. 232.156. PROCEDURE GOVERNING ADOPTION OF REGULATIONS
13 AND DISTRICT BOUNDARIES. (a) A development regulation adopted
14 under this subchapter is not effective until it is adopted by the
15 commissioners court after a public hearing. Before the 15th day
16 before the date of the hearing, the commissioners court must
17 publish notice of the hearing in a newspaper of general circulation
18 in the county.

19 (b) The commissioners court may establish or amend a
20 development regulation only by an order passed by a majority vote of
21 the full membership of the court.

22 Sec. 232.157. DEVELOPMENT COMMISSION. (a) The
23 commissioners court may appoint a development commission to assist
24 in the implementation and enforcement of development regulations
25 adopted under this subchapter.

26 (b) The development commission must consist of an ex officio
27 presiding officer who must be a public official in Johnson County

1 and four additional members.

2 (c) The development commission is advisory only and may
3 recommend appropriate development regulations for the county.

4 (d) The members of the development commission are subject to
5 the same requirements relating to conflicts of interest that are
6 applicable to the commissioners court under Chapter 171.

7 Sec. 232.158. FEES. The commissioners court may set
8 reasonable fees related to the implementation and enforcement of
9 this subchapter.

10 Sec. 232.159. SPECIAL EXCEPTION. (a) A person aggrieved by
11 a development regulation adopted under this subchapter may petition
12 the commissioners court or the development commission, if the
13 commissioners court has established a development commission, for a
14 special exception to a development regulation adopted by the
15 commissioners court.

16 (b) The commissioners court shall adopt procedures
17 governing applications, notice, hearings, and other matters
18 relating to the grant of a special exception.

19 Sec. 232.160. ENFORCEMENT; PENALTY. (a) The commissioners
20 court may adopt orders to enforce this subchapter or an order or
21 development regulation adopted under this subchapter.

22 (b) A person commits an offense if the person violates this
23 subchapter or an order or development regulation adopted under this
24 subchapter. An offense under this subsection is a misdemeanor
25 punishable by a fine of not less than \$500 or more than \$1,000. Each
26 day that a violation occurs constitutes a separate offense. Trial
27 shall be in the district court.

