

By: Wohlgemuth

H.B. No. 1276

A BILL TO BE ENTITLED

AN ACT

relating to the authority of certain counties to regulate development; providing a penalty.

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

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

SUBCHAPTER F. DEVELOPMENT REGULATIONS IN CERTAIN COUNTIES

Sec. 232.151. APPLICABILITY. This subchapter applies only to a county that:

(1) has a population of 125,000 or more;

(2) is in the same metropolitan statistical area as a county with a population of one million or more; and

(3) has within its boundaries at least one state park or recreation area.

Sec. 232.152. AREAS SUBJECT TO REGULATION. (a) This subchapter applies only to the unincorporated areas of the county.

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

Sec. 232.153. DEVELOPMENT REGULATIONS GENERALLY. The commissioners court of the county may regulate:

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

1 (2) population density;

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

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

5 (5) the location, design, construction, extension,
6 size, and installation of water and wastewater facilities,
7 including the requirements for connecting to a centralized water or
8 wastewater system;

9 (6) the location, design, construction, extension,
10 size, and installation of drainage facilities and other required
11 public facilities;

12 (7) the location, design, and construction of parks,
13 playgrounds, and recreational areas; and

14 (8) the abatement of harm resulting from inadequate
15 water or wastewater facilities.

16 Sec. 232.154. COMPLIANCE WITH COUNTY PLAN. Development
17 regulations must be:

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

20 (2) coordinated with the comprehensive plans of
21 municipalities located in the county.

22 Sec. 232.155. DISTRICTS. (a) The commissioners court may
23 divide the unincorporated area of the county into districts of a
24 number, shape, and size the court considers best for carrying out
25 this subchapter.

26 (b) Development regulations may vary from district to
27 district.

1 Sec. 232.156. PROCEDURE GOVERNING ADOPTION OF REGULATIONS
2 AND DISTRICT BOUNDARIES. (a) A development regulation adopted
3 under this subchapter is not effective until it is adopted by the
4 commissioners court after a public hearing. Before the 15th day
5 before the date of the hearing, the commissioners court must
6 publish notice of the hearing in a newspaper of general circulation
7 in the county.

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

11 Sec. 232.157. DEVELOPMENT COMMISSION. (a) The
12 commissioners court may appoint a development commission to assist
13 in the implementation and enforcement of development regulations
14 adopted under this subchapter.

15 (b) The development commission must consist of an ex officio
16 presiding officer who must be a public official in the county and
17 four additional members.

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

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

23 Sec. 232.158. FEES. The commissioners court may set
24 reasonable fees related to the implementation and enforcement of
25 this subchapter.

26 Sec. 232.159. SPECIAL EXCEPTION. (a) A person aggrieved by
27 a development regulation adopted under this subchapter may petition

1 the commissioners court or the development commission, if the
2 commissioners court has established a development commission, for a
3 special exception to a development regulation adopted by the
4 commissioners court.

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

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

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

17 Sec. 232.161. COOPERATION WITH MUNICIPALITIES. The
18 commissioners court by order may enter into agreements with any
19 municipality located in the county to assist in the implementation
20 and enforcement of development regulations adopted under this
21 subchapter.

22 Sec. 232.162. CONFLICT WITH OTHER LAWS. If a development
23 regulation adopted under this subchapter imposes higher standards
24 than those required under another statute or local order or
25 regulation, the regulation adopted under this subchapter controls.
26 If the other statute or local order or regulation imposes higher
27 standards, that statute, order, or regulation controls.

