By: Wohlgemuth H.B. No. 2035

A BILL TO BE ENTITLED

AN ACT

2	relating to the authority of counties to regulate development;
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. COUNTY DEVELOPMENT REGULATIONS
8	Sec. 232.151. AREAS SUBJECT TO REGULATION. (a) This
9	subchapter applies only to the unincorporated areas of a county.
10	(b) A regulation adopted under this subchapter does not
11	apply to a tract of land that the appraisal district appraises as
12	agricultural or open-space land under Subchapter C or D, Chapter
13	23, Tax Code.
14	Sec. 232.152. DEVELOPMENT REGULATIONS GENERALLY. The
15	commissioners court of a county may regulate:
16	(1) the percentage of a lot that may be occupied or
17	developed;
18	(2) population density;
19	(3) the size, design, and construction of buildings;
20	(4) the location, design, construction, extension,
21	and size of streets and roads;
22	(5) the location, design, construction, extension,
23	size, and installation of water and wastewater facilities,
24	including the requirements for connecting to a centralized water or

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- 1 wastewater system;
- 2 (6) the location, design, construction, extension,
- 3 size, and installation of drainage facilities and other required
- 4 public facilities;
- 5 (7) the location, design, and construction of parks,
- 6 playgrounds, and recreational areas; and
- 7 (8) the abatement of harm resulting from inadequate
- 8 <u>water or wastewater facilities.</u>
- 9 Sec. 232.153. COMPLIANCE WITH COUNTY PLAN. Development
- 10 <u>regulations must be:</u>
- 11 (1) adopted in accordance with a county plan for
- 12 growth and development of the county; and
- (2) coordinated with the comprehensive plans of
- 14 municipalities located in the county.
- Sec. 232.154. DISTRICTS. (a) The commissioners court may
- 16 divide the unincorporated area of the county into districts of a
- 17 number, shape, and size the court considers best for carrying out
- 18 this subchapter.
- 19 (b) Development regulations may vary from district to
- 20 district.
- Sec. 232.155. PROCEDURE GOVERNING ADOPTION OF REGULATIONS
- 22 AND DISTRICT BOUNDARIES. (a) A development regulation adopted
- 23 under this subchapter is not effective until it is adopted by the
- 24 commissioners court after a public hearing. Before the 15th day
- 25 before the date of the hearing, the commissioners court must
- 26 publish notice of the hearing in a newspaper of general circulation
- in the county.

- 1 (b) The commissioners court may establish or amend a
- 2 development regulation only by an order passed by a majority vote of
- 3 the full membership of the court.
- 4 Sec. 232.156. DEVELOPMENT COMMISSION. (a) The
- 5 commissioners court may appoint a development commission to assist
- 6 in the implementation and enforcement of development regulations
- 7 <u>adopted under this subchapter.</u>
- 8 (b) The development commission must consist of an ex officio
- 9 presiding officer who must be a public official in the county and
- 10 four additional members.
- 11 (c) The development commission is advisory only and may
- 12 recommend appropriate development regulations for the county.
- 13 (d) The members of the development commission are subject to
- 14 the same requirements relating to conflicts of interest that are
- applicable to the commissioners court under Chapter 171.
- Sec. 232.157. FEES. The commissioners court may set
- 17 reasonable fees related to the implementation and enforcement of
- 18 this subchapter.
- 19 Sec. 232.158. SPECIAL EXCEPTION. (a) A person aggrieved by
- 20 a development regulation adopted under this subchapter may petition
- 21 the commissioners court or the development commission, if the
- commissioners court has established a development commission, for a
- 23 special exception to a development regulation adopted by the
- 24 commissioners court.
- 25 (b) The commissioners court shall adopt procedures
- 26 governing applications, notice, hearings, and other matters
- 27 relating to the grant of a special exception.

- Sec. 232.159. ENFORCEMENT; PENALTY. (a) The commissioners

 court may adopt orders to enforce this subchapter or an order or

 development regulation adopted under this subchapter.
- (b) A person commits an offense if the person violates this

 subchapter or an order or development regulation adopted under this

 subchapter. An offense under this subsection is a misdemeanor

 punishable by a fine of not less than \$500 or more than \$1,000. Each

 day that a violation occurs constitutes a separate offense. Trial

 shall be in the district court.
- Sec. 232.160. COOPERATION WITH MUNICIPALITIES. The

 commissioners court by order may enter into agreements with any
 municipality located in the county to assist in the implementation
 and enforcement of development regulations adopted under this
 subchapter.
- Sec. 232.161. CONFLICT WITH OTHER LAWS. If a development regulation adopted under this subchapter imposes higher standards than those required under another statute or local order or regulation, the regulation adopted under this subchapter controls.

 If the other statute or local order or regulation imposes higher standards, that statute, order, or regulation controls.
- 21 SECTION 2. The heading to Chapter 232, Local Government 22 Code, is amended to read as follows:
- 23 CHAPTER 232. COUNTY REGULATION OF SUBDIVISIONS AND PROPERTY
- 24 DEVELOPMENT
- 25 SECTION 3. This Act takes effect September 1, 2003.