

By: Wohlgemuth

H.B. No. 2035

A BILL TO BE ENTITLED

AN ACT

relating to the authority of 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. COUNTY DEVELOPMENT REGULATIONS

Sec. 232.151. AREAS SUBJECT TO REGULATION. (a) This  
subchapter applies only to the unincorporated areas of a 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. 232.152. DEVELOPMENT REGULATIONS GENERALLY. The  
commissioners court of a county may regulate:

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

(2) population density;

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

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

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

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 water or wastewater facilities.

9 Sec. 232.153. COMPLIANCE WITH COUNTY PLAN. Development  
10 regulations must be:

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

13 (2) coordinated with the comprehensive plans of  
14 municipalities located in the county.

15 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.

21 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  
27 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 adopted under this subchapter.

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  
15 applicable to the commissioners court under Chapter 171.

16       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  
22 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.

