

By: Brown of Kaufman

H.B. No. 2283

A BILL TO BE ENTITLED

AN ACT

relating to development regulations for certain unincorporated areas located in the watersheds of Cedar Creek Lake, the Trinity River, and the East Fork of the Trinity River; providing a penalty.

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

SECTION 1. Chapter 231, Local Government Code, is amended by adding Subchapter L to read as follows:

SUBCHAPTER L. DEVELOPMENT REGULATIONS IN KAUFMAN COUNTY

Sec. 231.251. LEGISLATIVE FINDINGS; PURPOSE. (a) The legislature finds that:

(1) almost all of Kaufman County is located within the watersheds that drain into Cedar Creek Lake, the Trinity River, and the East Fork of the Trinity River;

(2) the area that surrounds Cedar Creek Lake, the Trinity River, and the East Fork of the Trinity River in Kaufman County is or will be frequented for recreational purposes by residents from every part of the state;

(3) orderly development of the area and the watersheds is of concern to the entire state; and

(4) without adequate development regulations, the area and the watersheds will be developed in ways that endanger and interfere with the proper use of that area as a place of recreation to the detriment of the public health, safety, peace, morals, and general welfare.

1 (b) The powers granted under this subchapter are for the
2 purpose of:

3 (1) promoting the public health, safety, peace,
4 morals, and general welfare;

5 (2) encouraging recreation; and

6 (3) safeguarding and preventing the pollution of the
7 state's rivers and lakes.

8 Sec. 231.252. AREAS SUBJECT TO REGULATION. (a) This
9 subchapter applies only to the unincorporated areas of Kaufman
10 County that are within three miles of:

11 (1) Cedar Creek Lake; or

12 (2) the corporate boundaries of a municipality.

13 (b) A county may not exercise its authority under this
14 subchapter in the area described by Subsection (a)(2) unless:

15 (1) the municipality requests, by petition, that the
16 commissioners court of the county exercise the authority; and

17 (2) the county and municipality make an interlocal
18 agreement under which those entities agree to the county's exercise
19 of authority.

20 Sec. 231.253. DEVELOPMENT REGULATIONS GENERALLY. The
21 Commissioners Court of Kaufman County may regulate:

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

24 (2) population density;

25 (3) the size of buildings;

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

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

5 (6) the location, design, construction, extension,
6 size, and installation of drainage facilities and other required
7 public facilities;

8 (7) the location, design, and construction of parks,
9 playgrounds, and recreational areas; and

10 (8) the abatement of harm resulting from inadequate
11 water or wastewater facilities.

12 Sec. 231.254. COMPLIANCE WITH COUNTY PLAN. Development
13 regulations must be:

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

16 (2) coordinated with the comprehensive plans of
17 municipalities located in the county.

18 Sec. 231.255. DISTRICTS. (a) The commissioners court may
19 divide the unincorporated area of the county into districts of a
20 number, shape, and size the court considers best for carrying out
21 this subchapter.

22 (b) Development regulations may vary from district to
23 district.

24 Sec. 231.256. PROCEDURE GOVERNING ADOPTION OF REGULATIONS
25 AND DISTRICT BOUNDARIES. (a) A development regulation adopted
26 under this subchapter is not effective until it is adopted by the
27 commissioners court after a public hearing. Before the 15th day

1 before the date of the hearing, the commissioners court must
2 publish notice of the hearing in a newspaper of general circulation
3 in the county.

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

7 Sec. 231.257. DEVELOPMENT COMMISSION. (a) The
8 commissioners court may appoint a development commission to assist
9 in the implementation and enforcement of development regulations
10 adopted under this subchapter.

11 (b) The development commission consists of:

12 (1) three residents of the affected precincts who own
13 land in the county, appointed by the county judge of the county;

14 (2) one resident of each commissioners precinct,
15 appointed by the commissioners court; and

16 (3) two persons each of whom resides in a different
17 municipality within the county, appointed by the commissioners
18 court.

19 (c) Except for initial members, a member of the development
20 commission is appointed for a two-year term expiring February 1 of
21 each odd-numbered year. Initial members serve terms expiring
22 February 1 of the first odd-numbered year following the date of
23 their appointment.

24 (d) The development commission annually shall elect a chair
25 and a vice-chair from among its members.

26 (e) The commissioners court:

27 (1) shall employ staff for the use of the commission in

1 performing the commission's functions;

2 (2) may assign the development commission other duties
3 that the court considers appropriate and that are not inconsistent
4 with this section; and

5 (3) shall adopt rules governing the operations of the
6 development commission.

7 (f) The development commission is advisory only and may
8 recommend appropriate development regulations for the county.

9 (g) The members of the development commission are subject to
10 the same requirements relating to conflicts of interest that are
11 applicable to the commissioners court under Chapter 171.

12 Sec. 231.258. SPECIAL EXCEPTION. (a) A person aggrieved by
13 a development regulation adopted under this subchapter may petition
14 the commissioners court or the development commission, if the
15 commissioners court has established a development commission, for a
16 special exception to a development regulation adopted by the
17 commissioners court.

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

21 Sec. 231.259. ENFORCEMENT; PENALTY. (a) The commissioners
22 court may adopt orders to enforce this subchapter or an order or
23 development regulation adopted under this subchapter.

24 (b) A person commits an offense if the person violates this
25 subchapter or an order or development regulation adopted under this
26 subchapter. An offense under this subsection is a misdemeanor
27 punishable by a fine of not less than \$500 or more than \$1,000. Each

1 day that a violation occurs constitutes a separate offense. Trial
2 shall be in the district court.

3 Sec. 231.260. COOPERATION WITH MUNICIPALITIES. The
4 commissioners court by order may enter into agreements with any
5 municipality located in the county to assist in the implementation
6 and enforcement of development regulations adopted under this
7 subchapter.

8 Sec. 231.261. CONFLICT WITH OTHER LAWS. If a development
9 regulation adopted under this subchapter imposes higher standards
10 than those required under another statute or local order or
11 regulation, the regulation adopted under this subchapter controls.
12 If the other statute or local order or regulation imposes higher
13 standards, that statute, order, or regulation controls.

14 SECTION 2. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2003.