

By: Casteel

H.B. No. 2486

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a county to regulate land development after a local option election.

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. REGULATION OF LAND DEVELOPMENT

Sec. 232.151. SCOPE OF REGULATORY AUTHORITY. The commissioners court of a county that is granted authority in accordance with this subchapter may regulate, by order, land development in the unincorporated area of the county by:

(1) requiring a subdivision to use a central water or wastewater system under standards adopted by the county;

(2) requiring that a subdivision have a minimum fire suppression system, including the use of fire hydrants, storage tanks, or ponds;

(3) requiring improvements to roadways serving a subdivision;

(4) requiring a minimum amount of open space or imposing a limit on the amount of impervious cover for recharge and runoff purposes;

(5) imposing impact fees under Chapter 395; or

(6) adopting any other regulation necessary to regulate or manage land development.

1       Sec. 232.152. ELECTION TO GRANT REGULATORY AUTHORITY. The  
2 commissioners court of a county may order and hold an election in  
3 the county on the question of granting the commissioners court the  
4 authority to regulate land development in the unincorporated area  
5 of the county.

6       Sec. 232.153. BALLOT PROPOSITION. For an election under  
7 this subchapter, the ballot shall be prepared to permit voting for  
8 or against the proposition: "Granting (name of county) the  
9 authority to regulate land development in the unincorporated area  
10 of the county."

11       Sec. 232.154. EFFECT OF ELECTION. If a majority of the votes  
12 received on the question at the election approve the grant of  
13 authority, the commissioners court of the county may adopt a  
14 regulation under this subchapter.

15       SECTION 2. Section 395.001(7), Local Government Code, is  
16 amended to read as follows:

17               (7) "Political subdivision" means:

18                       (A) a municipality;

19                       (B) [~~7~~] a district or authority created under  
20 Article III, Section 52, or Article XVI, Section 59, of the Texas  
21 Constitution;

22                       (C) [~~7 or 7~~] for the purposes set forth by Section  
23 395.079, certain counties described by that section; or

24                       (D) a county authorized to regulate land  
25 development under Subchapter F, Chapter 232.

26       SECTION 3. Section 395.011(b), Local Government Code, is  
27 amended to read as follows:

1 (b) Political subdivisions may enact or impose impact fees  
2 on land within their [~~corporate~~] boundaries or extraterritorial  
3 jurisdictions only by complying with this chapter, except that  
4 impact fees may not be enacted or imposed in the extraterritorial  
5 jurisdiction for roadway facilities.

6 SECTION 4. Sections 395.016(c) and (d), Local Government  
7 Code, are amended to read as follows:

8 (c) This subsection applies only to impact fees adopted  
9 after June 20, 1987. For new development which is platted in  
10 accordance with Subchapter A, Chapter 212, or Subchapter A or B,  
11 Chapter 232, or the subdivision or platting procedures of any other  
12 [~~a~~] political subdivision before the adoption of an impact fee, an  
13 impact fee may not be collected on any service unit for which a  
14 valid building permit is issued within one year after the date of  
15 adoption of the impact fee.

16 (d) This subsection applies only to land platted in  
17 accordance with Subchapter A, Chapter 212, or Subchapter A or B,  
18 Chapter 232, or the subdivision or platting procedures of any other  
19 [~~a~~] political subdivision after adoption of an impact fee adopted  
20 after June 20, 1987. The political subdivision shall assess the  
21 impact fees before or at the time of recordation of a subdivision  
22 plat or other plat under Subchapter A, Chapter 212, or Subchapter A  
23 or B, Chapter 232, or the subdivision or platting ordinance or  
24 procedures of any other political subdivision in the official  
25 records of the county clerk of the county in which the tract is  
26 located. Except as provided by Section 395.019, if the political  
27 subdivision has water and wastewater capacity available:

1           (1) the political subdivision shall collect the fees  
2 at the time the political subdivision issues a building permit;

3           (2) for land platted outside the corporate boundaries  
4 of a municipality, the municipality shall collect the fees at the  
5 time an application for an individual meter connection to the  
6 municipality's water or wastewater system is filed; or

7           (3) a political subdivision that lacks authority to  
8 issue building permits in the area where the impact fee applies  
9 shall collect the fees at the time an application is filed for an  
10 individual meter connection to the political subdivision's water or  
11 wastewater system.

12           SECTION 5. The heading for Chapter 232, Local Government  
13 Code, is amended to read as follows:

14           CHAPTER 232. COUNTY REGULATION OF SUBDIVISIONS AND PROPERTY  
15   DEVELOPMENT

16           SECTION 6. This Act takes effect immediately if it receives  
17 a vote of two-thirds of all the members elected to each house, as  
18 provided by Section 39, Article III, Texas Constitution. If this  
19 Act does not receive the vote necessary for immediate effect, this  
20 Act takes effect September 1, 2003.