

BILL ANALYSIS

C.S.H.B. 757
By: Farabee
County Affairs
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, Texas counties are not given authority to enact certain land development regulations. In order to better serve citizens in an unincorporated area of a county, a commissioners court may require this authority to promulgate this goal. For example, counties do not have the authority to require central water/wastewater systems, minimum fire suppression systems or regulate various developments affecting the county.

Committee Substitute House Bill 757 authorizes a county commissioners court, after approval by the voters in the county, to adopt court orders to regulate development in unincorporated areas of the county.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

SECTION 1. Amends Chapter 232, Local Government Code, by adding Subchapter F

SUBCHAPTER F. REGULATION OF LAND DEVELOPMENT

Authorizes the commissioners court of a county that is granted authority in accordance with this subchapter to regulate by order, land development in the unincorporated area of the county by taking certain actions.

(1.) requiring a limited fire protection system that requires a developer to construct up to a 2,500 gallons of storage for a subdivision of fewer than 50 houses or for a subdivision of 50 or more houses, up to 2,500 gallons of storage with a centralized water system or 5,000 gallons of storage.

(2.) requiring a person who intends to use land for a purpose specified by a subdivision to maintain a buffer zone between the land used for that purpose and residential areas not to exceed 1,000 feet for heavy industrial or quarry use; not to exceed 750 feet for light industrial or agricultural use; and not to exceed 500 feet for commercial or other business use.

Provides that a regulation under Subsection (a)(2) may not affect residential construction or a residential development project and that Subsection (a)(2) does not authorize a county to adopt zoning regulations generally.

Authorizes a commissioners court of a county to order and hold an election in the county on the question of granting the commissioners court the authority to regulate land development in the unincorporated area of the county.

Requires, for an election under this subchapter, the ballot to be prepared to permit voting for or against the proposition: "Granting (name of county) the authority to regulate land development in the unincorporated area of the county."

Authorizes the commissioners court of a county, if a majority of the votes received on the question at the election approve the grant of authority, to adopt a regulation under this subchapter.

SECTION 2. Amends the heading to Chapter 232, Local Government Code, to read: "COUNTY REGULATION OF SUBDIVISIONS AND PROPERTY DEVELOPMENT"

SECTION 3. Effective Date

EFFECTIVE DATE

Upon passage, or, if the Act does not receive the necessary vote, the Act takes effect September 1, 2005.

COMPARISON OF ORIGINAL TO SUBSTITUTE

The Originally filed bill granted counties ordinance making powers and the ability to impose fees in order to pay for the ordinances. In addition, the original bill provided for penalties for violating an established ordinance.

The substitute limits the scope of a counties ability as it relates to regulatory authority. In addition, the substitute provides that for a county to be able to obtain certain regulatory authority, an election must be held and passed by a majority of voters.