

By: Brown of Kaufman

H.B. No. 3552

A BILL TO BE ENTITLED

1 AN ACT

2 relating to development regulations for certain unincorporated  
3 areas associated with the watersheds of Cedar Creek Lake, the  
4 Trinity River, and the East Fork of the Trinity River; providing a  
5 penalty.

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

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

9 SUBCHAPTER L. DEVELOPMENT REGULATIONS IN KAUFMAN COUNTY

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

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

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

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

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

1 general welfare.

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

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

6 (2) encouraging recreation; and

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

9 Sec. 231.252. AREAS SUBJECT TO REGULATION. This subchapter  
10 applies only to the unincorporated areas of Kaufman County.

11 Sec. 231.253. DEVELOPMENT REGULATIONS GENERALLY. The  
12 Commissioners Court of Kaufman County may regulate:

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

15 (2) population density;

16 (3) the size of buildings;

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

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

23 (6) the location, design, construction, extension,  
24 size, and installation of drainage facilities and other required  
25 public facilities;

26 (7) the location, design, and construction of parks,  
27 playgrounds, and recreational areas; and

1           (8) the abatement of harm resulting from inadequate  
2 water or wastewater facilities.

3           Sec. 231.254. COMPLIANCE WITH COUNTY PLAN. Development  
4 regulations must be:

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

7           (2) coordinated with the comprehensive plans of  
8 municipalities located in the county.

9           Sec. 231.255. DISTRICTS. (a) The commissioners court may  
10 divide the unincorporated area of the county into districts of a  
11 number, shape, and size the court considers best for carrying out  
12 this subchapter.

13           (b) Development regulations may vary from district to  
14 district.

15           Sec. 231.256. PROCEDURE GOVERNING ADOPTION OF REGULATIONS  
16 AND DISTRICT BOUNDARIES. (a) A development regulation adopted  
17 under this subchapter is not effective until it is adopted by the  
18 commissioners court after a public hearing. Before the 15th day  
19 before the date of the hearing, the commissioners court must  
20 publish notice of the hearing in a newspaper of general circulation  
21 in the county.

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

25           Sec. 231.257. DEVELOPMENT COMMISSION. (a) The  
26 commissioners court may appoint a development commission to assist  
27 in the implementation and enforcement of development regulations

1 adopted under this subchapter.

2 (b) The development commission must consist of an ex officio  
3 chairman who must be a public official in Kaufman County and four  
4 additional members.

5 (c) The development commission is advisory only and may  
6 recommend appropriate development regulations for the county.

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

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

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

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

22 (b) A person commits an offense if the person violates this  
23 subchapter or an order or development regulation adopted under this  
24 subchapter. An offense under this subsection is a misdemeanor  
25 punishable by a fine of not less than \$500 or more than \$1,000. Each  
26 day that a violation occurs constitutes a separate offense. Trial  
27 shall be in the district court.

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

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

12       SECTION 2. This Act takes effect immediately if it receives  
13 a vote of two-thirds of all the members elected to each house, as  
14 provided by Section 39, Article III, Texas Constitution. If this  
15 Act does not receive the vote necessary for immediate effect, this  
16 Act takes effect September 1, 2005.