By: Wentworth S.B. No. 142

A BILL TO BE ENTITLED

1	AN ACT
2	relating to the authority of a county to regulate land development
3	after a local option election.
4	BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
5	SECTION 1. Chapter 232, Local Government Code, is amended
6	by adding Subchapter F to read as follows:
7	SUBCHAPTER F. REGULATION OF LAND DEVELOPMENT
8	Sec. 232.151. SCOPE OF REGULATORY AUTHORITY. The
9	commissioners court of a county that is granted authority in
10	accordance with this subchapter may regulate, by order, land
11	development in the unincorporated area of the county by:
12	(1) requiring a subdivision to use a central water or
13	wastewater system under standards adopted by the county;
14	(2) requiring that a subdivision have a minimum fire
15	suppression system, including the use of fire hydrants, storage
16	tanks, or ponds;
17	(3) requiring improvements to roadways serving a
18	subdivision;
19	(4) requiring a minimum amount of open space or
20	imposing a limit on the amount of impervious cover for recharge and
21	runoff purposes;
22	(5) imposing impact fees under Chapter 395; or
23	(6) adopting any other regulation necessary to
24	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
- of the county."
- 11 Sec. 232.154. EFFECT OF ELECTION. If a majority of the
- 12 votes 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;
- (B) $[\tau]$ a district or authority created under
- 20 Article III, Section 52, or Article XVI, Section 59, of the Texas
- 21 Constitution;
- 22 (C) $(\tau \circ r_{\tau})$ for the purposes set forth by Section
- 395.079, certain counties described by that section; or
- (D) a county authorized to regulate land
- development under Subchapter F, Chapter 232.
- 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.
- SECTION 4. Sections 395.016(c) and (d), Local Government Code, are amended to read as follows:
- 8 This subsection applies only to impact fees adopted 9 after June 20, 1987. For new development which is platted in accordance with Subchapter A, Chapter 212, or Subchapter A or B, 10 Chapter 232, or the subdivision or platting procedures of any other 11 $[\frac{1}{2}]$ political subdivision before the adoption of an impact fee, an 12 impact fee may not be collected on any service unit for which a 13 14 valid building permit is issued within one year after the date of 15 adoption of the impact fee.
- (d) This subsection applies only to land platted 16 17 accordance with Subchapter A, Chapter 212, or Subchapter A or B, Chapter 232, or the subdivision or platting procedures of any other 18 [a] political subdivision after adoption of an impact fee adopted 19 after June 20, 1987. The political subdivision shall assess the 20 impact fees before or at the time of recordation of a subdivision 21 plat or other plat under Subchapter A, Chapter 212, or Subchapter A 22 or B, Chapter 232, or the subdivision or platting ordinance or 23 24 procedures of any other political subdivision in the official records of the county clerk of the county in which the tract is 25 located. Except as provided by Section 395.019, if the political 26 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 <u>DEVELOPMENT</u>
- 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, 2005.