

By: Deuell

S.B. No. 1296

A BILL TO BE ENTITLED

AN ACT

1
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. (a) This
10 subchapter applies only to the unincorporated areas of Kaufman
11 County except that for an unincorporated area located in the
12 extraterritorial jurisdiction of a municipality, this subchapter
13 applies only if the Commissioners Court of Kaufman County requests
14 and receives permission from the municipality to regulate the area
15 under this subchapter.

16 (b) This subchapter does not apply to:

17 (1) an area located in Kaufman County that has been
18 annexed by a municipality in accordance with Chapter 43; or

19 (2) an unincorporated area located in Kaufman County
20 that is subject to an existing agreement relating to development
21 regulation.

22 Sec. 231.253. DEVELOPMENT REGULATIONS GENERALLY. The
23 Commissioners Court of Kaufman County may regulate:

24 (1) the percentage of a lot that may be occupied or
25 developed;

26 (2) population density;

27 (3) the size of buildings;

1 (4) the location, design, construction, extension,
2 and size of streets and roads;

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

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

10 (7) the location, design, and construction of parks,
11 playgrounds, and recreational areas; and

12 (8) the abatement of harm resulting from inadequate
13 water or wastewater facilities.

14 Sec. 231.254. COMPLIANCE WITH COUNTY PLAN. Development
15 regulations must be:

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

18 (2) coordinated with the comprehensive plans of
19 municipalities located in the county.

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

24 (b) Development regulations may vary from district to
25 district.

26 Sec. 231.256. PROCEDURE GOVERNING ADOPTION OF REGULATIONS
27 AND DISTRICT BOUNDARIES. (a) A development regulation adopted

1 under this subchapter is not effective until it is adopted by the
2 commissioners court after a public hearing. Before the 15th day
3 before the date of the hearing, the commissioners court must
4 publish notice of the hearing in a newspaper of general circulation
5 in the county.

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

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

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

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

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

21 Sec. 231.258. SPECIAL EXCEPTION. (a) A person aggrieved
22 by a development regulation adopted under this subchapter may
23 petition the commissioners court or the development commission, if
24 the commissioners court has established a development commission,
25 for a special exception to a development regulation adopted by the
26 commissioners court.

27 (b) The commissioners court shall adopt procedures

1 governing applications, notice, hearings, and other matters
2 relating to the grant of a special exception.

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

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

12 Sec. 231.260. COOPERATION WITH MUNICIPALITIES. The
13 commissioners court by order may enter into agreements with any
14 municipality located in the county to assist in the implementation
15 and enforcement of development regulations adopted under this
16 subchapter.

17 Sec. 231.261. CONFLICT WITH OTHER LAWS. If a development
18 regulation adopted under this subchapter imposes higher standards
19 than those required under another statute or local order or
20 regulation, the regulation adopted under this subchapter controls.
21 If the other statute or local order or regulation imposes higher
22 standards, that statute, order, or regulation controls.

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