

By: Cook of Navarro

H.B. No. 2457

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the authority of Navarro County to adopt development
3 regulations for certain unincorporated areas of the county;
4 providing a penalty.

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

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

8 SUBCHAPTER L. DEVELOPMENT REGULATIONS IN NAVARRO COUNTY

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

11 (1) a substantial majority of Navarro County is
12 located within the watershed that drains into the Richland-Chambers
13 Reservoir;

14 (2) the area that surrounds Richland-Chambers
15 Reservoir in Navarro County is experiencing growth in population as
16 a result of land development and will be frequented for residential
17 and recreational purposes by residents from every part of the
18 state;

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

21 (4) without adequate development regulations, the
22 area and the watershed have been and will continue to be developed
23 in ways that:

24 (A) endanger and interfere with the proper use of

1 the area and the watershed for residential and recreational
2 purposes; and

3 (B) are detrimental to the public health, safety,
4 morals, and general welfare.

5 (b) The powers granted under this subchapter are for the
6 purpose of:

7 (1) promoting the public health, safety, peace,
8 morals, and general welfare;

9 (2) encouraging recreation; and

10 (3) safeguarding and preventing the pollution of the
11 state's rivers and lakes.

12 Sec. 231.252. AREAS SUBJECT TO REGULATION. This
13 subchapter applies only to the unincorporated areas of Navarro
14 County.

15 Sec. 231.253. DEVELOPMENT REGULATIONS GENERALLY. The
16 Commissioners Court of Navarro County may regulate:

17 (1) the percentage of a lot that may be occupied or
18 developed;

19 (2) population density;

20 (3) the size of buildings;

21 (4) the location, design, construction, extension,
22 and size of streets and roads;

23 (5) the location, design, construction, extension,
24 size, and installation of water and wastewater facilities,
25 including the requirements for connecting to a centralized water or
26 wastewater system;

27 (6) the location, design, construction, extension,

1 size, and installation of drainage facilities and other required
2 public facilities;

3 (7) the location, design, and construction of parks,
4 playgrounds, and recreational areas; and

5 (8) the abatement of harm resulting from inadequate
6 water or wastewater facilities.

7 Sec. 231.254. COMPLIANCE WITH COUNTY PLAN. Development
8 regulations must be:

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

11 (2) coordinated with the comprehensive plans of
12 municipalities located in the county.

13 Sec. 231.255. DISTRICTS. (a) The commissioners court may
14 divide the unincorporated area of the county into districts of a
15 number, shape, and size the court considers best for carrying out
16 this subchapter.

17 (b) Development regulations may vary from district to
18 district.

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

26 (b) The commissioners court may establish or amend a
27 development regulation only by an order passed by a majority vote of

1 the full membership of the court.

2 Sec. 231.257. DEVELOPMENT COMMISSION. (a) The
3 commissioners court may appoint a development commission to assist
4 in the implementation and enforcement of development regulations
5 adopted under this subchapter.

6 (b) The development commission must consist of an ex officio
7 chairman who must be a public official in Navarro County and four
8 additional members.

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

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

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

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

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

26 (b) A person commits an offense if the person violates this
27 subchapter or an order or development regulation adopted under this

1 subchapter. An offense under this subsection is a misdemeanor
2 punishable by a fine of not less than \$500 or more than \$1,000. Each
3 day that a violation occurs constitutes a separate offense. Trial
4 shall be in the district court.

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

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

16 SECTION 2. 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, 2007.