

By: Leibowitz

H.B. No. 3328

A BILL TO BE ENTITLED

AN ACT

relating to land development in certain counties.

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

SECTION 1. The following is added to Chapter 232 of the Local Government Code as Subchapter F and entitled PROVISIONS FOR THE PRESERVATION OF THE TEXAS HILL COUNTRY:

Section 232.200 Applicability

This subchapter applies to each of the following counties where, at an election ordered and held by a county commissioners court for that purpose, a majority of the qualified voters of that county vote to approve the application of this Subchapter to their county: Bandera, Bexar, Blanco, Comal, Hays, Kendall, Kerr, Medina, Travis, and Williamson.

Section 232.201 Land Development Regulatory Authority

The commissioners court may regulate, by order, land development in the unincorporated area of the county by:

(1) requiring a subdivision to use a central water or wastewater system under standards adopted by the county;

(2) requiring that a subdivision have a minimum fire suppression system, including the use of fire hydrants, storage tanks, or ponds;

(3) requiring improvements to roadways serving a subdivision;

(4) requiring a minimum amount of open space or

1 imposing a limit on the amount of impervious cover for recharge and
2 runoff purposes;

3 (5) adopting any other regulation necessary to
4 regulate or manage land development.

5 Section 232.202 Impact fees.

6 A county may enact and impose impact fees on land within their
7 boundaries in compliance with Chapter 395.

8 Section 232.203 Historic Districts & Roadways

9 (a) A county commissioners court, after public hearings and
10 consultation with a historical commission established pursuant to
11 Subchapter A of Chapter 318, may define and establish districts
12 encompassing neighborhoods, natural features, geographic areas and
13 roadways that have great historic cultural, scenic or natural
14 resource value to the community.

15 (b) A county commissioners court possesses all the
16 authority to regulate within these districts granted to the
17 commissioners court of El Paso to regulate the El Paso Mission Trail
18 Historical Area by Subchapter I of Chapter 231.

19 Section 232.204 Interpretation

20 This Subchapter is cumulative of any other powers and
21 authorities exercised by counties and is not intended to limit any
22 other powers exercised by counties under any other law.

23 Section 232.205 Uniformity of Application

24 No private individual, corporation or other artificial entity shall
25 have special rights or immunities against this Subchapter. This
26 Subchapter is not subject to the provisions of Chapter 245 of the
27 Local Government Code.

1 SECTION 2. Section 395.001(7), Local Government Code, is
2 amended to read as follows:

3 (7) "Political subdivision" means:

4 (A) a municipality;

5 (B) [7] a district or authority created under
6 Article III, Section 52, or Article XVI, Section 59, of the Texas
7 Constitution;

8 (C) [~~7 or~~] for the purposes set forth by Section
9 395.079, certain counties described by that section; or

10 (D) a county authorized to regulate land
11 development under Subchapter F, Chapter 232.

12 SECTION 3. Section 395.011(b), Local Government Code, is
13 amended to read as follows:

14 (b) Political subdivisions may enact or impose impact fees
15 on land within their [~~corporate~~] boundaries or extraterritorial
16 jurisdictions only by complying with this chapter, except that
17 impact fees may not be enacted or imposed in the extraterritorial
18 jurisdiction for roadway facilities.

19 SECTION 4. Sections 395.016(c) and (d), Local Government
20 Code, are amended to read as follows:

21 (c) This subsection applies only to impact fees adopted
22 after June 20, 1987. For new development which is platted in
23 accordance with Subchapter A, Chapter 212, or Subchapter A or B,
24 Chapter 232, or the subdivision or platting procedures of any other
25 [a] political subdivision before the adoption of an impact fee, an
26 impact fee may not be collected on any service unit for which a
27 valid building permit is issued within one year after the date of

1 adoption of the impact fee.

2 SECTION 5. This Act takes effect immediately if it receives
3 a vote of two-thirds of all the members elected to each house, as
4 provided by Section 39, Article III, Texas Constitution. If this
5 Act does not receive the vote necessary for immediate effect, this
6 Act takes effect September 1, 2007.