

By: Gallego

H.B. No. 3396

Substitute the following for H.B. No. 3396:

By: Corte

C.S.H.B. No. 3396

A BILL TO BE ENTITLED

AN ACT

relating to granting certain counties general zoning authority around certain military facilities; providing a penalty.

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

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

SUBCHAPTER L. ZONING AROUND LAUGHLIN AIR FORCE BASE

Sec. 231.241. LEGISLATIVE FINDINGS; PURPOSE. (a) The legislature finds that:

(1) the area that surrounds Laughlin Air Force Base will be frequented for military and national security purposes by residents from many parts of the state and nation;

(2) orderly development and use of the area is of concern to the entire state; and

(3) without adequate development regulations, the area will tend to become congested and to be used in ways that interfere with the proper use of the area as a secure location for the continuation of a military establishment.

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

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

(2) protecting and preserving places and areas of military and national security importance and significance; and

1 (3) encouraging state and national security.

2 Sec. 231.242. AREAS SUBJECT TO REGULATION. This subchapter
3 applies only to the unincorporated area of Val Verde County that is
4 located:

5 (1) within three miles of any point on the centerline
6 of the main runway of the airport located at Laughlin Air Force
7 Base; or

8 (2) within five miles of any point on either end of
9 that main runway.

10 Sec. 231.243. DEVELOPMENT REGULATIONS GENERALLY. (a) The
11 Commissioners Court of Val Verde County may regulate:

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

14 (2) the size of buildings;

15 (3) the location, design, construction, extension,
16 and size of streets and roads;

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

21 (5) the location, design, construction, extension,
22 size, and installation of drainage facilities and other required
23 public facilities;

24 (6) the location, design, and construction of parks,
25 playgrounds, and recreational areas; and

26 (7) the abatement of harm resulting from inadequate
27 water or wastewater facilities.

1 (b) The Commissioners Court of Val Verde County may prohibit
2 or restrict development in an area of the unincorporated county
3 based on recommendations of the Air Installation Compatible Use
4 Zone Study of April 2000 and as that study is periodically updated
5 if the commissioners court makes findings that the conclusions of
6 the study on which the commissioners court is basing its findings
7 accurately reflects development circumstances in the subject area.

8 Sec. 231.244. COMPLIANCE WITH COUNTY PLAN. The county
9 shall:

10 (1) adopt development regulations in accordance with a
11 county plan for growth and development of the county; and

12 (2) inform municipalities located in the county
13 regarding the adoption of the regulations.

14 Sec. 231.245. DISTRICTS. (a) The commissioners court may
15 divide the unincorporated area of the county into districts of a
16 number, shape, and size the court considers best for carrying out
17 this subchapter.

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

20 Sec. 231.246. PROCEDURE GOVERNING ADOPTION OF REGULATIONS
21 AND DISTRICT BOUNDARIES. (a) A development regulation adopted
22 under this subchapter is not effective until it is adopted by the
23 commissioners court after a public hearing. Before the 15th day
24 before the date of the hearing, the commissioners court must
25 publish notice of the hearing in a newspaper of general circulation
26 in the county.

27 (b) The commissioners court may establish or amend a

1 development regulation only by an order passed by a majority vote of
2 the full membership of the court.

3 Sec. 231.247. DEVELOPMENT COMMISSION. (a) The
4 commissioners court shall establish a development commission to
5 assist in the implementation and enforcement of development
6 regulations adopted under this subchapter.

7 (b) The development commission is composed of the following
8 seven members:

9 (1) an ex officio chairperson appointed by the
10 commissioners court who must be a public official in Val Verde
11 County;

12 (2) five members, with one member appointed by each
13 person serving on the commissioners court; and

14 (3) one member appointed by the commissioners court
15 who represents parties whose property interests are impacted by the
16 regulatory authority granted under this subchapter.

17 (c) The chairperson appointed under this section serves a
18 two-year term of office. The other members serve four-year terms.
19 Of the initial appointments of the six other members, the
20 commissioners court shall designate the members for staggered terms
21 so that one initial member serves a term of one year, one initial
22 member serves a term of two years, two initial members serve terms
23 of three years, and two initial members serve terms of four years.
24 In the event of resignation, end of term, or a vacancy, the entity
25 that appointed the previous member shall appoint a new member.

26 (d) The development commission is advisory only and may
27 recommend appropriate development regulations for the county.

1 (e) The members of the development commission are subject to
2 the same requirements relating to conflicts of interest that are
3 applicable to the commissioners court under Chapter 171.

4 Sec. 231.248. SPECIAL EXCEPTION. (a) A person aggrieved by
5 a development regulation adopted under this subchapter may petition
6 the commissioners court for a special exception to a development
7 regulation adopted by the commissioners court.

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

11 Sec. 231.249. ENFORCEMENT; PENALTY. (a) The commissioners
12 court may adopt orders to enforce this subchapter or an order or
13 development regulation adopted under this subchapter.

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

20 Sec. 231.250. COOPERATION WITH MUNICIPALITIES. The
21 commissioners court by order may enter into agreements with any
22 municipality located in the county to assist in the implementation
23 and enforcement of development regulations adopted under this
24 subchapter.

25 Sec. 231.251. CONFLICT WITH OTHER LAWS. (a) Except as
26 provided by Subsection (b), if a development regulation adopted
27 under this subchapter imposes higher standards than those required

1 under another statute or local order or regulation, the regulation
2 adopted under this subchapter controls. If the other statute or
3 local order or regulation imposes higher standards, that statute,
4 order, or regulation controls.

5 (b) To the extent of a conflict between this subchapter and
6 a regulation adopted by a municipal governing body or municipal
7 board or commission located in the county with jurisdiction over
8 airport zoning, the municipal regulation prevails.

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