

By: Gallego

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
4 extends not more than 10 miles from the boundary line of Laughlin
5 Air Force Base.

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

8 (1) the percentage of a lot that may be occupied or
9 developed;

10 (2) the size of buildings;

11 (3) the location, design, construction, extension,
12 and size of streets and roads;

13 (4) the location, design, construction, extension,
14 size, and installation of water and wastewater facilities,
15 including the requirements for connecting to a centralized water or
16 wastewater system;

17 (5) the location, design, construction, extension,
18 size, and installation of drainage facilities and other required
19 public facilities;

20 (6) the location, design, and construction of parks,
21 playgrounds, and recreational areas; and

22 (7) the abatement of harm resulting from inadequate
23 water or wastewater facilities.

24 (b) The Commissioners Court of Val Verde County may prohibit
25 or restrict development in an area of the unincorporated county
26 based on recommendations of the Air Installation Compatible Use
27 Zone Study of April 2000 and as that study is periodically updated

1 if the commissioners court makes findings that the conclusions of
2 the study on which the commissioners court is basing its findings
3 accurately reflects development circumstances in the subject area.

4 Sec. 231.244. COMPLIANCE WITH COUNTY PLAN. Development
5 regulations must be:

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

8 (2) coordinated with the comprehensive plans of
9 municipalities located in the county.

10 Sec. 231.245. DISTRICTS. (a) The commissioners court may
11 divide the unincorporated area of the county into districts of a
12 number, shape, and size the court considers best for carrying out
13 this subchapter.

14 (b) Development regulations may vary from district to
15 district.

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

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

26 Sec. 231.247. DEVELOPMENT COMMISSION. (a) The
27 commissioners court shall appoint a development commission to

1 assist in the implementation and enforcement of development
2 regulations adopted under this subchapter.

3 (b) The development commission must consist of an ex officio
4 chairperson who must be a public official in Val Verde County and
5 six additional members. Of the six additional members appointed
6 under this subsection, the commissioners court shall appoint:

7 (1) one member from a list of persons recommended by
8 the members of the Texas Senate who represent Val Verde County; and

9 (2) one member from a list of persons recommended by
10 the members of the Texas House of Representatives who represent Val
11 Verde County.

12 (c) The chairperson appointed under this section serves a
13 two-year term of office. The additional members serve four-year
14 terms. In making the initial appointments of the additional
15 members, the commissioners court shall designate the members for
16 staggered terms so that one initial member serves a term of one
17 year, one initial member serves a term of two years, two initial
18 members serve terms of three years, and two initial members serve
19 terms of four years. In the event of resignation, end of term, or a
20 vacancy, the commissioners court shall appoint a new member. The
21 court shall fill a vacancy in the office of chairperson by
22 appointment.

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

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

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

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

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

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

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

22 Sec. 231.251. CONFLICT WITH OTHER LAWS. If a development
23 regulation adopted under this subchapter imposes higher standards
24 than those required under another statute or local order or
25 regulation, the regulation adopted under this subchapter controls.
26 If the other statute or local order or regulation imposes higher
27 standards, that statute, order, or regulation controls.

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