

By: Rodriguez

H.B. No. 3951

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of a county to zone, apply building
3 standards, and impose impact fees in an area near certain toll
4 projects; 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. ZONING AROUND CERTAIN TOLL PROJECTS

9 Sec. 231.251. ELIGIBLE COUNTIES. (a) This chapter applies
10 only to a county in which a toll project is located:

11 (1) that is owned and operated by the Texas Department
12 of Transportation; and

13 (2) that was first opened for vehicular traffic after
14 October 1, 2006, and when completed will be over 25 miles long.

15 (b) A county that qualifies under Subsection (a) does not
16 lose its authority to adopt zoning regulations under this chapter
17 if the Texas Department of Transportation transfers ownership or
18 operation of the toll project.

19 Sec. 231.252. AREA COVERED BY SUBCHAPTER. An ordinance
20 adopted under this subchapter applies only to the unincorporated
21 area of a county that:

22 (1) is located within 15 miles of the centerline of a
23 toll project described by Section 231.251(a);

24 (2) is located within 15 miles of a municipality with a

1 population of more than 500,000; and

2 (3) is not beyond the city limit of an incorporated
3 city with a population of greater than 500,000.

4 Sec. 231.253. ZONING AND BUILDING CONSTRUCTION ORDINANCES.

5 (a) The commissioners court of a county may adopt ordinances, not
6 inconsistent with state law, that apply only to the area of the
7 county covered by this subchapter and that regulate:

8 (1) the height, number of stories, or size of
9 buildings in the area;

10 (2) the percentage of a lot that may be occupied;

11 (3) the size of yards and other spaces;

12 (4) population density;

13 (5) the location and use of buildings and land for
14 commercial, industrial, residential, or other purposes; and

15 (6) building construction standards.

16 (b) The commissioners court may not adopt an ordinance in
17 conflict with Chapter 2154, Occupations Code, or with any rule
18 adopted under that chapter. An ordinance adopted in conflict with
19 that chapter is void.

20 (c) This subchapter does not authorize a commissioners
21 court to issue any order or regulation in conflict with a municipal
22 ordinance or state agency rule pertaining to the regulation of
23 billboards or outdoor advertising. An order or regulation issued
24 in conflict with a municipal ordinance or state agency rule is void.

25 (d) The commissioners court shall adopt rules as necessary
26 to carry out this subchapter.

27 Sec. 231.254. IMPACT FEES. A county by ordinance may impose

1 impact fees in the manner provided by Chapter 395 in the area to
2 which this subchapter applies, but the county may not impose an
3 impact fee in an area located in the extraterritorial jurisdiction
4 of a municipality that imposes an impact fee in the area.

5 Sec. 231.255. CONFLICT BETWEEN ORDINANCES. If an ordinance
6 adopted under this subchapter conflicts with an action of a
7 municipality that applies to any part of the area to which this
8 subchapter applies that is located in the county and the
9 extraterritorial jurisdiction of the municipality, the municipal
10 action controls to the extent of the conflict.

11 Sec. 231.256. ENFORCEMENT. (a) The county attorney or
12 other prosecuting attorney representing the county in the district
13 court is entitled to appropriate injunctive relief to prevent a
14 violation or threatened violation of an ordinance adopted under
15 this subchapter from continuing or occurring.

16 (b) If an ordinance adopted under this subchapter defines an
17 offense, the offense is a Class C misdemeanor. The offense shall be
18 prosecuted in the same manner as an offense defined by state law.

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

21 (7) "Political subdivision" means:

22 (A) a municipality;

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

26 (C) a county acting in an area subject to
27 Subchapter L, Chapter 231;[7] or

1 (D) [~~7~~] for the purposes set forth by Section
2 395.079, certain counties described by that section.

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