

By: Guillen

H.B. No. 4068

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the authority of Zapata 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 ZAPATA COUNTY

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

11 (1) a substantial majority of Zapata County is located  
12 within the watershed that drains into the International Falcon  
13 Reservoir;

14 (2) the area that surrounds the International Falcon  
15 Reservoir in Zapata 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 Zapata  
14 County.

15 Sec. 231.253. DEVELOPMENT REGULATIONS GENERALLY. The  
16 Commissioners Court of Zapata 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 Zapata 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.