

BILL ANALYSIS

Senate Research Center

C.S.S.B. 2439
By: Uresti
Veteran Affairs & Military Installations
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, local governments around Laughlin Air Force Base, which is located in Del Rio, Val Verde County, Texas, have little control over land use policies that might impact the base's mission.

C.S.S.B. 2439 amends current law relating to granting local governments general zoning authority around certain military facilities; providing a penalty.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subtitle C, Title 7, Local Government Code, by adding Chapter 241A, as follows:

CHAPTER 241A. MUNICIPAL AND COUNTY ZONING AUTHORITY AROUND AIR FORCE FACILITY

Sec. 241A.001. DEFINITIONS. Defines "agricultural use," "agriculture," "air force facility," "centerline," "compatible land use," and "controlled compatible land use area."

Sec. 241A.002. LEGISLATIVE FINDINGS; PURPOSE. (a) Provides that the legislature finds that the area that surrounds an air force facility will be frequented for military and national security purposes by residents from many parts of the state and nation; an air force facility is essential to the economic viability of the surrounding local community, the state, and the nation; orderly development and use of the area is of concern to the entire state; 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; and it is imperative for the local community to protect the viability of current and future missions at an air force facility by ensuring compatible land uses are developed within the controlled compatible land use area.

(b) Sets forth the purpose of the powers granted under this chapter.

Sec. 241A.003. AREAS SUBJECT TO REGULATION. (a) Provides that this chapter, except as provided by Subsection (b), applies only to the area that extends not more than five nautical miles from the centerline and not more than five nautical miles from each end of the paved surface of the landing strip at an air force facility located in a county with a population of 60,000 or less.

(b) Provides that this chapter does not apply to an area described by Subsection (a) that is located in a county with a population of less than 5,000 and that is located on an international border.

Sec. 241A.004. DEVELOPMENT REGULATIONS GENERALLY. (a) Authorizes the governing bodies of a municipality and the county in the regulated area through a joint

airport zoning board (board) established under Section 241A.005 to regulate the height, number of stories, and size of buildings and structures; the percentage of a lot that is authorized to be occupied; the size of yards, courts, and other open spaces; population density; the location and use of buildings, other structures, and land for business, industrial, residential, or other purposes; and the placement of water and sewage facilities, landfills, parks, and other required public facilities.

(b) Provides that a regulation adopted under this chapter does not apply to a tract of land used for a single-family residence that is located outside the boundaries of a platted subdivision, a tract of land in agricultural use, or an activity or a structure or appurtenance on a tract of land in agricultural use.

Sec. 241A.005. **JOINT AIRPORT ZONING BOARD.** (a) Requires the governing bodies of a municipality and the county in the regulated area to appoint a board to assist in the implementation and enforcement of development regulations adopted under this chapter to exercise the authority granted under this chapter.

(b) Sets forth the composition of membership of the board.

(c) Requires the board to perform the duties assigned under this chapter and other duties as requested by the governing bodies to implement this chapter.

Sec. 241A.006. **PROCEDURE GOVERNING ADOPTION OF REGULATIONS AND DISTRICT BOUNDARIES.** (a) Provides that a development regulation adopted under this chapter is not effective until it is adopted by the governing bodies of a municipality and the county in the regulated area after a joint public hearing. Requires the governing bodies of the municipality and the county to publish notice of the hearing in a newspaper of general circulation in the county before the 15th day before the date of the hearing.

(b) Authorizes the governing bodies of a municipality and the county in the regulated area to prohibit or restrict development in the area based on recommendations issued in a resolution adopted by the board. Requires that the board's recommendations be based on the most recent Air Installation Compatible Use Zone Study and the most recent Joint Land Use Study. Authorizes the governing bodies of a municipality and the county to amend regulations adopted under this chapter based on amended recommendations issued in a resolution adopted by the board as the studies are periodically updated, and if each governing body makes findings that the conclusions of the studies on which each governing body is basing its findings accurately reflect development circumstances in the subject area.

(c) Authorizes the governing bodies of a municipality and the county in the regulated area to adopt or amend a development regulation only by an order passed by a majority vote of the full membership of each governing body.

Sec. 241A.007. **COMPLIANCE WITH STUDIES AND PLANS.** Requires that development regulations be adopted in accordance with the most recent Air Installation Compatible Use Zone Study and the most recent Joint Land Use Study for growth and development surrounding the air force facility, adopted in accordance with the county plan for growth and development of the county, and coordinated with the comprehensive plan of the municipality.

Sec. 241A.008. **DISTRICTS.** (a) Authorizes the board to divide the area regulated under this chapter into districts of a number, shape, and size the board considers best for carrying out this chapter.

Sec. 241A.009. **SPECIAL EXCEPTION.** (a) Authorizes a person aggrieved by a development regulation adopted under this chapter to petition the governing bodies of a municipality and the county in the regulated area for a special exception to the development regulation. Provides that the grant of a special exception requires a majority vote of the full membership of each governing body.

(b) Requires the governing bodies of a municipality and the county in the regulated area to adopt procedures governing applications, notice, hearings, and other matters relating to the grant of a special exception.

Sec. 241A.010. ENFORCEMENT; PENALTY. (a) Requires the governing bodies of a municipality and the county in the regulated area to adopt ordinances, orders, or development regulations, as applicable, to enforce this chapter.

(b) Provides that a person commits an offense if the person violates this chapter or an ordinance, order, or development regulation adopted under this chapter. Provides that an offense under this subsection is a misdemeanor punishable by a fine of not less than \$500 or more than \$1,000. Provides that each day that a violation occurs constitutes a separate offense. Requires that trial be in the district court.

Sec. 241A.011. COOPERATION AMONG LOCAL ENTITIES. Authorizes the governing bodies of a municipality and the county in the regulated area and the board to enter into an agreement to cooperate in the drafting, implementation, and enforcement of development regulations adopted under this chapter.

SECTION 2. Effective date: September 1, 2009.