

By: Reynolds

H.B. No. 1719

A BILL TO BE ENTITLED

AN ACT

relating to development regulations in Fort Bend County near the Brazos River; creating a criminal offense.

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

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

SUBCHAPTER N. ZONING AROUND THE BRAZOS RIVER IN FORT BEND COUNTY

Sec. 231.301. LEGISLATIVE FINDINGS; PURPOSE. (a) The legislature finds that:

(1) the area that surrounds the Brazos River in Fort Bend County:

(A) is frequented for recreational purposes by residents from every part of the state; and

(B) is critical for the bays and estuaries in the Gulf of Mexico;

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

(3) buildings in the area that are frequented for resort or recreational purposes tend to become congested and tend to be used in ways that interfere with the proper use of the area as a place of recreation to the detriment of the public health, safety, morals, and general welfare.

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

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

3 (2) encouraging tourism and recreation; and

4 (3) safeguarding and preventing the pollution of the
5 state's water resources.

6 Sec. 231.302. AREAS SUBJECT TO REGULATION. This subchapter
7 applies only to the unincorporated areas of Fort Bend County within
8 500 feet of the Brazos River.

9 Sec. 231.303. DEVELOPMENT REGULATIONS GENERALLY. The
10 commissioners court of Fort Bend County may regulate:

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

13 (2) population density;

14 (3) the size and location of buildings; and

15 (4) the location, design, construction, extension,
16 and size of streets and roads.

17 Sec. 231.304. RELATIONSHIP TO COUNTY AND MUNICIPAL PLANS.
18 Development regulations must be:

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

21 (2) coordinated with the comprehensive plans of
22 municipalities located in the county.

23 Sec. 231.305. DISTRICTS. (a) The commissioners court may
24 divide the unincorporated area of the county into districts of a
25 number, shape, and size the court considers best for carrying out
26 this subchapter.

27 (b) Development regulations may vary from district to

1 district.

2 Sec. 231.306. PROCEDURE GOVERNING ADOPTION OF REGULATIONS
3 AND DISTRICT BOUNDARIES. (a) A development regulation adopted
4 under this subchapter is not effective until it is adopted by the
5 commissioners court after a public hearing. Before the 15th day
6 before the date of the hearing, the commissioners court must
7 publish notice of the hearing in a newspaper of general circulation
8 in the county.

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

12 Sec. 231.307. DEVELOPMENT COMMISSION. (a) The
13 commissioners court may appoint a development commission to assist
14 in the implementation and enforcement of development regulations
15 adopted under this subchapter.

16 (b) The development commission must consist of an ex officio
17 chair who must be a public official in Fort Bend County and four
18 additional members.

19 (c) The development commission is advisory only and may
20 recommend appropriate development regulations for the county.

21 (d) The members of the development commission are subject to
22 the same requirements relating to conflicts of interest that are
23 applicable to the commissioners court under Chapter [171](#).

24 Sec. 231.308. SPECIAL EXCEPTION. (a) A person aggrieved by
25 a regulation adopted under this subchapter may petition the
26 commissioners court for a special exception to the regulation.

27 (b) The commissioners court may grant a special exception to

1 the regulation if the person who petitioned under Subsection (a)
2 demonstrates that the requested exception adequately protects the
3 public health, safety, or general welfare.

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

7 Sec. 231.309. ENFORCEMENT; CRIMINAL PENALTY. (a) The
8 commissioners court may adopt orders to enforce this subchapter or
9 an order or regulation adopted under this subchapter.

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

15 Sec. 231.310. COOPERATION WITH MUNICIPALITIES. The
16 commissioners court by order may enter into agreements with any
17 municipality located in the county to assist in the implementation
18 and enforcement of development regulations adopted under this
19 subchapter.

20 Sec. 231.311. CONFLICT WITH OTHER LAWS. If a development
21 regulation adopted under this subchapter imposes higher standards
22 than those required under another statute or local order or
23 regulation, the regulation adopted under this subchapter controls.
24 If the other statute or local order or regulation imposes higher
25 standards, that statute, order, or regulation controls.

26 SECTION 2. This Act takes effect September 1, 2021.