

By: Harless

H.B. No. 3093

A BILL TO BE ENTITLED

AN ACT

relating to the authority of certain counties to adopt commercial development regulations for unincorporated areas of the county; 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 P to read as follows:

SUBCHAPTER P. REGULATION OF COMMERCIAL DEVELOPMENT IN CERTAIN COUNTIES

Sec. 231.451. PURPOSE. The powers granted under this subchapter are for the purpose of promoting the public health, safety, peace, morals, and general welfare.

Sec. 231.452. APPLICABILITY. This subchapter applies only to a county with a population of 3.3 million or more.

Sec. 231.453. COMMERCIAL DEVELOPMENT REGULATION. The commissioners court of a county may regulate commercial development in the unincorporated areas of the county, including:

- (1) the percentage of a lot that may be occupied or developed;
- (2) the size of buildings; and
- (3) the location, design, construction, extension, and size of streets and roads.

Sec. 231.454. COMPLIANCE WITH COUNTY PLAN. Commercial development regulations must be:

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

3 (2) coordinated with the comprehensive plans of
4 municipalities located in the county.

5 Sec. 231.455. PROCEDURE GOVERNING ADOPTION OF REGULATIONS.

6 (a) A commercial development regulation under this subchapter is
7 not effective until the regulation is adopted by the commissioners
8 court after a public hearing. Before the 15th day before the date
9 of the hearing, the commissioners court must publish notice of the
10 hearing in a newspaper of general circulation in the county.

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

14 Sec. 231.456. SPECIAL EXCEPTION. (a) A person aggrieved
15 by a commercial development regulation adopted under this
16 subchapter may petition the commissioners court for a special
17 exception to a regulation adopted by the commissioners court.

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

21 Sec. 231.457. ENFORCEMENT; PENALTY. (a) The commissioners
22 court may adopt orders to enforce this subchapter or an order or
23 commercial development regulation adopted under this subchapter.

24 (b) A person commits an offense if the person violates this
25 subchapter or an order or commercial development regulation adopted
26 under this subchapter. An offense under this subsection is a
27 misdemeanor punishable by a fine of not less than \$500 or more than

1 \$1,000. Each day that a violation occurs constitutes a separate
2 offense. Trial shall be in the district court.

3 Sec. 231.458. COOPERATION WITH MUNICIPALITIES. The
4 commissioners court by order may enter into agreements with any
5 municipality located in the county to assist in the implementation
6 and enforcement of commercial development regulations adopted
7 under this subchapter.

8 Sec. 231.459. CONFLICT WITH OTHER LAWS. If a commercial
9 development regulation adopted under this subchapter imposes
10 higher standards than those required under another statute or local
11 order or regulation, the regulation adopted under this subchapter
12 controls. If the other statute or local order or regulation imposes
13 higher standards, that statute, order, or regulation controls.

14 SECTION 2. This Act takes effect immediately if it receives
15 a vote of two-thirds of all the members elected to each house, as
16 provided by Section 39, Article III, Texas Constitution. If this
17 Act does not receive the vote necessary for immediate effect, this
18 Act takes effect September 1, 2009.