

## **BILL ANALYSIS**

Senate Research Center  
79R14141 KEG-F

C.S.S.B. 1296  
By: Deuell  
Intergovernmental Relations  
4/29/2005  
Committee Report (Substituted)

### **AUTHOR'S/SPONSOR'S STATEMENT OF INTENT**

C.S.S.B. 1296 authorizes Kaufman County to regulate land use in unincorporated areas of the county, associated with the watersheds of Cedar Creek Lake, the Trinity River, and the East Fork of the Trinity River.

### **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 Chapter 231, Local Government Code, by adding Subchapter L, as follows:

#### **SUBCHAPTER L. DEVELOPMENT REGULATIONS IN KAUFMAN COUNTY**

Sec. 231.251. LEGISLATIVE FINDINGS; PURPOSE. Sets forth certain legislative findings pertaining to development regulations in Kaufman County (county).

Sec. 231.252. AREAS SUBJECT TO REGULATION. (a) Provides that this subchapter applies only to the unincorporated areas of the county, except that for an unincorporated area located in the extraterritorial jurisdiction of a municipality, this subchapter applies only if the commissioners court of the county (court) requests and receives permission to regulate said area.

(b) Provides that this subchapter does not apply to certain areas of the county.

Sec. 231.253. DEVELOPMENT REGULATIONS GENERALLY. Authorizes the court to make certain development regulations.

Sec. 231.254. COMPLIANCE WITH COUNTY PLAN. Sets forth certain requirements for development regulations.

Sec. 231.255. DISTRICTS. (a) Authorizes the court to divide the unincorporated area of the county into districts of a number, shape, and size the court considers best for carrying out this subchapter.

(b) Authorizes development regulations to vary from district to district.

Sec. 231.256. PROCEDURE GOVERNING ADOPTION OF REGULATIONS AND DISTRICT BOUNDARIES. (a) Provides that a development regulation adopted under this subchapter is not effective until it is adopted by the court after a public hearing. Requires the court 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 court to establish or amend a development regulation only by an order passed by a majority vote of the full membership of the court.

Sec. 231.257. DEVELOPMENT COMMISSION. (a) Authorizes the court to appoint a development commission (commission) to assist in the implementation and enforcement of development regulations adopted under this subchapter.

(b) Requires the commission to consist of an ex officio chairman who is required to be a public official in the county, and four additional members.

(c) Provides that the commission is advisory only and is authorized to recommend appropriate development regulations for the county

(d) Provides that members of the commission are subject to the same requirements relating to conflicts of interest that are applicable to the court under Chapter 171 (Regulation and Conflicts of Interest of Officers of Municipalities, Counties, and Certain Other Local Governments).

Sec. 231.258. SPECIAL EXCEPTION. (a) Authorizes a person aggrieved by a development regulation adopted under this subchapter to petition the court or the commission, if the court has established a commission, for a special exception to a development regulation adopted by the court.

(b) Requires the court to adopt procedures governing applications, notice, hearings, and other matters relating to the grant of a special exception.

Sec. 231.259. ENFORCEMENT; PENALTY. (a) Authorizes the court to adopt orders to enforce this subchapter or an order or development regulation adopted under this subchapter.

(b) Provides that a person commits an offense if the person violates this subchapter or an order or development regulation adopted under this subchapter. 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 trial to be in the district court.

Sec. 231.260. COOPERATION WITH MUNICIPALITIES. Authorizes the court by order to enter into agreements with any municipality located in the county to assist in the implementation and enforcement of development regulations adopted under this subchapter.

Sec. 231.261. CONFLICT WITH OTHER LAWS. Provides that if a development regulation adopted under this subchapter imposes higher standards than those required under another statute or local order or regulation, the regulation adopted under this subchapter controls. Provides that if the other statute or local order or regulation imposes higher standards, that statute, order, or regulation controls.

SECTION 2. Effective date: upon passage or September 1, 2005.