

**BILL ANALYSIS**

Senate Research Center

S.B. 1690  
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Transportation & Homeland Security  
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As Filed

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

Current law provides counties with limited or no authority regarding zoning laws relating to new toll projects. It is difficult for counties to regulate the growth and development created by new toll roads that are not located within incorporated municipalities.

As proposed, S.B. 1690 provides counties in which certain new toll roads are located with specific zoning authority limited to certain areas within the county. This bill only affects Travis and Williamson counties.

**RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the commissioners court of a county in SECTION 1 (Section 231.253, Local Government Code) of this bill.

**SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 231, Local Government Code, by adding Subchapter L, as follows:

**SUBCHAPTER L. ZONING AROUND CERTAIN TOLL PROJECTS**

Sec. 231.251. ELIGIBLE COUNTIES. (a) Provides that this chapter applies only to a county in which certain toll projects are located.

(b) Provides that a county that qualifies under Subsection (a) does not lose its authority to adopt zoning regulations under this chapter if the Texas Department of Transportation (TxDOT) transfers ownership or operation of the toll project.

Sec. 231.252. AREA COVERED BY SUBCHAPTER. Provides that an ordinance adopted under this subchapter applies only to the unincorporated area of a county that is located within 15 miles of the centerline of a toll project described by Section 231.251(a), is located within 15 miles of a municipality with a population of more than 500,000, and is not beyond the city limit of an incorporated city with a population of greater than 500,000.

Sec. 231.253. ZONING AND BUILDING CONSTRUCTION ORDINANCES. (a) Authorizes the commissioners court of a county to adopt certain ordinances, not inconsistent with state law, that apply only to the area of the county covered by this subchapter.

(b) Prohibits the commissioners court from adopting an ordinance in conflict with Chapter 2154 (Regulation of Fireworks and Fireworks Displays), Occupations Code, or with any rule adopted under that chapter. Provides that an ordinance adopted in conflict with that chapter is void.

(c) Provides that this subchapter does not authorize a commissioners court to issue any order or regulation in conflict with a municipal ordinance or state agency rule pertaining to the regulation of billboards or outdoor advertising. Provides that an order or regulation issued in conflict with a municipal ordinance or state agency rule is void.

(d) Requires the commissioners court to adopt rules as necessary to carry out this subchapter.

Section 231.254. IMPACT FEES. Authorizes a county by ordinance to impose impact fees in the manner provided by Chapter 395 (Financing Capital Improvements Required by New Development in Municipalities, Counties, and Certain Other Local Governments) in the area to which this subchapter applies, but prohibits the county from imposing an impact fee in an area located in the extraterritorial jurisdiction of a municipality that imposes an impact fee in the area.

Section 231.255. CONFLICT BETWEEN ORDINANCES. Provides that if an ordinance adopted under this subchapter conflicts with an action of a municipality that applies to any part of the area to which this subchapter applies that is located in the county and the extraterritorial jurisdiction of the municipality, the municipal action controls to the extent of the conflict.

Section 231.256. ENFORCEMENT. (a) Entitles the county attorney or other prosecuting attorney representing the county in the district court to appropriate injunctive relief to prevent a violation or threatened violation of an ordinance adopted under this subchapter from continuing or occurring.

(b) Provides that if an ordinance adopted under this subchapter defines an offense, the offense is a Class C misdemeanor. Requires the offense to be prosecuted in the same manner as an offense defined by state law.

SECTION 2. Amends Section 395.001(7), Local Government Code, to redefine "political subdivision."

SECTION 3. Effective date: upon passage or September 1, 2007.