

BILL ANALYSIS

Senate Research Center

H.B. 3583
By: Kubiak (Ogden)
Intergovernmental Relations
5-15-97
Engrossed

DIGEST

Lake Somerville is one of the state's most beautiful lakes, offering recreational opportunities to thousands of Texans each year. Each of the surrounding counties enjoys benefits from the lake itself but also from the tourism attracted to the lake from all around the state. Development along and around the lake has been slow in the past but area residents and leaders in the community have expressed an interest in managing and expanding tourism and development of the lake's facilities. This bill sets forth provisions regarding the zoning around Lake Somerville.

PURPOSE

As proposed, H.B. 3583 sets forth provisions regarding the zoning around Lake Somerville.

RULEMAKING AUTHORITY

Rulemaking authority is granted to the commissioners court in SECTION 1 (Sections 231.203(a), 231.207(b), 231.209, 231.210(a), Local Government Code) of this bill.

SECTION BY SECTION ANALYSIS

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

SUBCHAPTER J. ZONING AROUND LAKE SOMERVILLE

Sec. 231.201. LEGISLATIVE FINDINGS; PURPOSE. Sets forth provisions regarding legislative findings pertaining to Lake Somerville. Provides that the powers granted under this subchapter are for the purpose of promoting the public health, safety, peace, morals, and general welfare and encouraging recreation.

Sec. 231.202. DEFINITIONS. Defines "affected county" and "lake area."

Sec. 231.203. ZONING AND BUILDING CONSTRUCTION ORDINANCES. Sets forth provisions regarding zoning and building construction ordinances.

Sec. 231.204. LOCAL OPTION ELECTION. Sets forth provisions regarding a local option election.

Sec. 231.205. PETITION; VERIFICATION. Sets forth provisions regarding a petition for a local election under this section. Sets forth provisions regarding the verification of the petition by the county clerk.

Sec. 231.206. LAKE SOMERVILLE PLANNING COMMISSION. Establishes a lake planning commission and sets forth the composition of the commission.

Sec. 231.207. COMMISSION DUTIES; RULES. Authorizes the commissioners court of an affected county to assign the lake planning commission any duties applicable in that county that the court considers appropriate and that are not inconsistent with this subchapter, including the ability of the commission to issue bonds, in the same manner as the affected county, for a capital improvement or other project in that county on Lake Somerville or in the

lake area. Requires the commissioners court of an affected county to adopt rules governing the operation of the commission in that county.

Sec. 231.208. COMMISSION STUDIES; REPORTS; HEARINGS. Provides the lake planning commission, at the request of the commissioners court of an affected county shall, or on its own initiative the commission may, conduct studies of the lake area in that county and prepare reports to advise the commissioners court about the boundaries of the original zoned districts in that county, other regulations for the lake area in that county, and changes to those districts or regulations. Requires the commission, before it may prepare a report, to hold a public hearing at which members of the public may present testimony about any subject to be included in the commission's report. Requires the commission to give notice of the hearing as required by the commissioners court of the affected county. Sets forth provisions applicable if a report will advise a commissioners court about certain proposed action.

Sec. 231.209. ADOPTION OF ORDINANCE AFTER RECEIPT OF REPORT. Authorizes the commissioners court of an affected county to adopt a proposed ordinance under certain conditions.

Sec. 231.210. SPECIAL EXCEPTIONS. Authorizes the lake planning commissioner to recommend, subject to approval by the commissioners court of an affected county, a special exception to an ordinance applicable in that county and adopted under this subchapter if the commission finds that the grant of the special exemption will not be contrary to the public interest and that a literal enforcement of the ordinance would result in an unnecessary hardship. Requires the commission to adopt procedures governing applications, notice, hearings, and other matters relating to the grant of a special exception.

Sec. 231.211. CONFLICT BETWEEN ORDINANCES. Sets forth provisions applicable if an ordinance of a county adopted under this subchapter conflicts with an action of a municipality that applies to any part of the lake area located in that county and the municipality.

Sec. 231.212. ENFORCEMENT. Provides that the county attorney or other prosecuting attorney representing an affected county in the district court is entitled to appropriate injunctive relief to prevent a violation or threatened violation of an ordinance adopted by that county under this subchapter from continuing or occurring. 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. Effective date: September 1, 1997.

SECTION 3. Emergency clause.