

By: McLaughlin

H.B. No. 3578

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a county that borders the United Mexican States to regulate residential land use; 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 ON BORDER WITH UNITED MEXICAN STATES

Sec. 231.301. LEGISLATIVE FINDINGS; PURPOSE. (a) The legislature finds that the counties that border the United Mexican States face unique challenges because of their geographic location and population dynamics.

(b) The powers granted under this subchapter are for the purpose of promoting orderly development, protecting public health and safety, and enhancing quality of life.

Sec. 231.302. APPLICABILITY. This subchapter applies only to a county that borders the United Mexican States.

Sec. 231.303. AREAS SUBJECT TO REGULATION. An order adopted under this subchapter applies only to an area that:

(1) is in the unincorporated area of a county; and

(2) has more than two dwelling units per acre.

Sec. 231.304. ZONING REGULATIONS GENERALLY. The commissioners court of a county by order may adopt zoning regulations that regulate:

- 1 (1) the size or height of a building;
- 2 (2) the percentage of a lot that may be occupied or
3 developed;
- 4 (3) the number of dwelling units per acre;
- 5 (4) the size of a setback or open space; and
- 6 (5) the location, design, construction, extension,
7 size, and installation of utilities, roads, and other essential
8 services.

9 Sec. 231.305. DISTRICTS. (a) The commissioners court of a
10 county by order may divide the county into districts of a number,
11 shape, and size the court considers best for carrying out this
12 subchapter.

13 (b) The commissioners court of a county may adopt zoning
14 regulations that vary from district to district.

15 Sec. 231.306. PROCEDURE GOVERNING ADOPTION OF REGULATIONS.
16 (a) The commissioners court of a county may not adopt an order
17 under this subchapter until after a public hearing is held where the
18 public is given the opportunity to be heard on the question of
19 adopting the order. Before the 15th day before the date of the
20 hearing, the commissioners court must publish notice of the hearing
21 in a newspaper of general circulation in the county.

22 (b) The commissioners court of a county may adopt or amend a
23 regulation or boundary under this subchapter only by an order
24 passed by a majority vote of the full membership of the court.

25 (c) If a proposed change to a regulation or boundary is
26 protested in accordance with this subsection, the proposed change
27 must receive, in order to take effect, the affirmative vote of at

1 least three-fourths of all members of the commissioners court
2 proposing the change. The protest must be written and signed by the
3 owners of at least 20 percent of the area covered by the proposed
4 change.

5 Sec. 231.307. ENFORCEMENT; PENALTY. (a) The commissioners
6 court of a county by order may provide for the enforcement of this
7 subchapter or an order or regulation adopted under this subchapter.

8 (b) A person commits an offense if the person violates this
9 subchapter or an order or regulation adopted under this subchapter.

10 An offense under this subsection is a misdemeanor punishable by a
11 fine of not less than \$500 or more than \$1,000. Each day that a
12 violation occurs constitutes a separate offense. Trial shall be in
13 the justice court.

14 SECTION 2. This Act takes effect September 1, 2025.