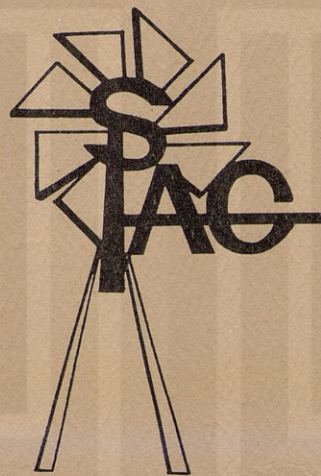


**REGULATIONS AND PLANS AFFECTING
HOUSING AND LAND USE IN
THE SOUTH PLAINS:
AN INVENTORY**



SOUTH PLAINS ASSOCIATION OF GOVERNMENTS
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South Plains Association of Governments

August, 1980

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INTRODUCTION

This report has been prepared by the South Plains Association of Governments (SPAG) in an attempt to produce an effective mechanism for monitoring the existing codes, ordinances, plans, regulations and other controls that affect land use and housing in the South Plains planning region and evaluating the same to determine local government needs and guide SPAG technical assistance efforts.

Local governments are encouraged to contact each other or SPAG staff regarding the consideration or adoption of any of the controls mentioned in this report. It is important to know more specific information about the benefits and side-effects of any control mechanism. Adoption or revision of them should be accomplished in a thorough fashion and, often, with legal advice.

The courteous cooperation of the region's governments in supplying SPAG with the appropriate responses has made this inventory a reality. Intergovernmental cooperation is a vital element in the delivery of services to the public and should continue to be practiced.

INVENTORY RESULTS

As a prerequisite to understanding the information in the inventory, an explanation will be provided for each item in the inventory. It should be kept in mind that the explanations are general and should not be considered to reflect the precise situation applicable to any one city. Simply, each item is wide ranging in application although the general intent of a mechanism/control can be briefly defined.

The inventory contains data on many of the region's governments (some cities did not return the inventory form). For purposes of analysis, it was decided to view the cities according to two population categories. One group was for municipalities over 2500 population; the second was for municipalities under 2500 population. By using 1976 U.S. Bureau of the Census population figures, the resulting groups are as follows:

Cities over 2500 Population

Abernathy	2,812	Morton	2,602
Brownfield	9,716	Muleshoe	4,552
Denver City	4,373	Plainview	20,020
Floydada	3,963	Post	3,864
Levelland	12,013	Slaton	6,737
Littlefield	6,529	Tahoka	2,946
Lubbock	165,936		

Cities Under 2500 Population

Amherst	812	Matador	1,070	Shallowater	1,857
Anton	1,145	Meadow	452	Smyer	336
Crosbyton	2,278	New Deal	545	Springlake	246
Dickens	280	New Home	269	Spur	1,541
Earth	1,128	Olton	1,735	Sudan	900
Edmonson	91	O'Donnell	1,018	Sundown	1,193
Hale Center	1,937	Petersburg	1,181	Wellman	177
Idalou	1,885	Plains	1,094	Whiteface	422
Lake Ransom Canyon	123	Ralls	1,974	Wilson	475
Lockney	2,050	Roaring Springs	324	Wolfforth	1,434
Lorenzo	1,078	Ropesville	552		

Henceforth, the group of communities with a population figure of over 2500 will be referred to as cities. Towns will be the term applied to municipalities under 2500 population. There are thirteen cities and thirty-two towns in the SPAG planning region.

Each of the subject headings on the tables has been marked according to the responses of the individual governments. The date of adoption or the most recent revision has been provided in several instances.

The explanations and inventory results to follow will correspond to the order of the abbreviated subject headings found in tables 1 and 2.

Zoning (Zoning)

A land use plan whether it is part of a comprehensive plan or not is a municipality's guide for establishing the pattern, intensity and timing of community growth and development as to land usage. Zoning is the legal tool of a municipality whereby it may divide its jurisdiction into districts in which the municipality will regulate and restrict the height, number of stories, and size of buildings and structures,

percentage of occupied and/or open space, population density, location and use of buildings, structures, and land for trade, industry, residence or other purposes in order to promote health, safety, moral and general welfare, etc. of the community. Simply, zoning is the land use policy of a municipality.

Nine cities have indicated that they have zoning ordinances. Ten towns have adopted zoning ordinances.

Subdivision Regulation (Subdiv.)

Subdivision regulations are locally adopted laws which govern the process of converting tracts of raw land into residential, industrial or commercial building sites. It is the authority of an incorporated place to approve proposed subdivisions, within its jurisdiction or extraterritorial jurisdiction, regarding conformance of the subdivision's preliminary plan, plat or replat to the general plan and the existing public facilities or services of the same municipality.

Eight of the responding cities had subdivision regulations or controls. Only four towns had a formal process for regulating subdivisions.

Building Codes (Build)

Building codes are sets of minimum acceptable requirements for the design and construction of new buildings, regulating structural loads and stresses and numerous other things affecting the safety and health of future occupants or users of buildings.

Building codes have been adopted in eleven cities and nine towns.

Housing Codes (House)

A housing code establishes minimum requirements respecting the condition and maintenance and the occupancy of dwellings, and the condition and maintenance of utilities and facilities in dwellings,

and provides procedures and sanctions for their enforcement.

Eight cities have adopted housing codes; five towns have done the same.

Electrical Codes (Elect)

Electrical codes set forth minimum requirements for the construction practices of all electrical equipment so as to protect persons and buildings from hazards arising from the use of electricity for light, heat and power.

Electrical codes exist in eleven cities and eight towns.

Plumbing Codes (Plumb)

Plumbing codes are primarily specifications codes which regulate all plumbing work which is installed, constructed, erected, added to, or built upon within a given municipality.

Cities and towns having adopted plumbing codes number eleven for each group.

Mechanical Codes (Mechan.)

Mechanical codes are broadly applicable to requirements for safeguarding life and property where heat, air conditioning and ventilation systems are involved.

Only two cities have adopted mechanical codes.

Fire Prevention (Fire)

This item refers to fire prevention codes which prescribe regulations acceptable with nationally recognized fire prevention practices with the prime objective of providing regulation for the combustibility of a structure.

Responses on the inventory form were such that it was difficult to determine whether a responding municipality actually had fire prevention codes or was confirming the existence of municipal fire protection services. However, eight cities and fifteen towns did respond in the affirmative.

Demolition (Demo.)

Demolition refers to ordinances and/or codes through which a municipality can identify a sub-standard structure within its jurisdiction and provide for the repair or removal of the same.

A total of nine cities and four towns have passed mechanisms providing for demolition procedures.

Mobile Home (Mobile Home)

Mobile home regulations are developed to regulate the quality and location of mobile homes in a municipality. Codes not unlike building codes govern the quality of mobile homes. The location of mobile homes can be determined by zoning districts.

Ten cities as well as seven towns indicated that they have some form of mobile home regulation.

Streets (Street)

This item, generally, refers to any mechanism that a municipality may have which can influence standards for thoroughfares under the municipality's jurisdiction and provide for planning for the same's traffic needs.

Eleven towns indicated that they have some form of street controls. Seven cities had similar mechanisms.

Flood Plains (Flood)

Flood plains management regulations adopted in ordinance form are done so as to conform with the

National Flood Disaster Protection Act of 1973 to reduce or avoid flooding in connection with future construction in identified flood plains.

Nine cities have passed flood plains ordinances. Four towns have also passed this type of ordinance.

Fair Housing (Fair House)

A fair housing ordinance declares that it is the policy of the municipality to prohibit discrimination in housing and establishes administrative procedures for disposition of complaints concerning discriminatory housing practices.

Seven cities and six towns have passed a fair housing ordinance.

Comprehensive Plan (Comp.)

A comprehensive plan is the broad guide to municipal growth and development covering many subjects such as streets and highways, parks, public facilities, housing and land use. The comprehensive plan should be the result of an intensive analysis of the complete municipal inventory including physical, economic, demographic and other characteristics. A comprehensive plan gives support to many of the previously listed mechanisms.

Comprehensive plans have been prepared by six cities and two towns.

Housing Assistance Plan (HAP)

A housing assistance plan identifies the housing needs for households requiring assistance to obtain adequate housing. Often prepared in conjunction with a community development strategy required for some federal programs, the plan serves as a guide for federal agencies in evaluating a municipality's progress in providing assisted housing to the needy target groups.

Seven cities and one town have housing assistance plans.

Citizen Participation (Cit. Part.)

A citizen participation plan is the formally adopted instrument by a municipality in which citizens through written procedures are afforded input into a municipality's process for planning and developing projects requiring federal or state financial assistance.

Four cities and five towns have written citizen participation plans.

Transportation Plan (Trans.)

A transportation plan as an element in a comprehensive plan analyzes a municipality's transportation and parking system and provides guidance as to the municipality's future transportation and parking needs.

A transportation plan has been prepared for four cities and one town according to the inventory responses.

Affirmative Action Plan (Aff. Action)

An affirmative action plan is the stated policy of a municipality outlining the steps which will be taken to ensure that all personnel actions are consistent with Equal Employment Opportunity requirements.

Six cities and four towns have written affirmative action plans.

TABLE 1 (cont.)

TABLE 1

Hale Center

Bailey County

Muleshoe

Cochran County

Morton

Whiteface

Horseshoe

Crosby County

Crosbyton

Lorenzo

Ralls County

Dickens County

Dickens

Spur

Littlefield

Floyd County

Floydada

Lockney

Garza County

Post

Tatum

Hale County Canyon

Edmonson

ZONING	SUBDIV.	BUILD	HOUSE	ELECT	PLUMB	MECHAN.	FIRE	DEMO.
	X	X	X	X	X		X (75)	X
X	X	X	X	X	X		X	X
		X	X	X	X	X (70)	X	X
X	X	X	X	X	X		X	X
X		X	X	X	X		X	X
	X						X	X
		X	X	X	X		X	X
		X	X	X	X		X	X
	X						X	X
X		X(79)	X	X(79)	X			X(79)
		X		X	X		X	X
X							X	X
X							X	X
			X(75)				X	

TABLE 1 (cont.)

	ZONING	SUBDIV.	BUILD	HOUSE	ELECT	PLUMB	MECHAN.	FIRE	DEMO.
Hale Center	X		X		X	X		X	
Petersburg									
Plainview	X	X	X	X	X	X		X (75)	X
<u>Hockley County</u>									
Anton									
Levelland	X	X	X	X	X	X	X (70)	X	X
Ropesville	X		X					X	
Smyer								X	
Sundown			X	X	X	X		X	X
<u>King County</u>								X	
<u>Lamb County</u>								X	
Amherst									
Earth	X		X		X	X			
Littlefield		X	X	X	X	X		X	X
Olton								X	
Springlake									
Sudan									
<u>Lubbock County</u>									
Abernathy			X		X				X
Idalou	X	X							X
Lake Ransom Canyon								X	

TABLE 1 (cont.)

	ZONING	SUBDIV.	BUILD	HOUSE	ELECT	PLUMB	MECHAN.	FIRE	DEMO.
Lubbock	X	X	X	X	X	X	X(77)	X(77)	X
New Deal									
Shallowater									
Slaton	X	X	X	X	X	X		X	X
Wolfforth	X	X	X	X	X	X		X	
<u>Lynn County</u>									
New Home	X		X			X		X	
O'Donnell				X		X		X	
Tahoka									
Wilson	X				X				X
<u>Motley County</u>						X			
Matador								X	
Roaring Springs								X	
<u>Terry County</u>									
Brownfield	X	X	X	X	X	X	X	X	X(74)
Meadow									
Wellman									
<u>Yoakum County</u>									
Denver City	X				X	X			
Plains									

TABLE 2

Bailey County

Muleshoe

Cochran County

Morton

Whiteface

Crosby County

Crosbyton

Lorenzo

Ra11s

Dickens County

Dickens

Spur

Floyd County

Floydada

Lockeny

Garza County

Post

Hale County

Edmonson

TABLE 2 (cont.)

	MOBILE HOME	STREET	FLOOD	FAIR HOUSE	COMP.	HAP	PLANS CIT. PART.	TRANS.	AFF. ACTION
Hale Center	X	X	X(78)	X	X	X	X	X	X
Petersburg		X							
Plainview	X		X(78)	X	X	X	X	X	X(75)
<u>Hockley County</u>									
Anton	X(75)			(79)					
Levelland	X	X	X(78)	X	X	X		X	
Ropesville	X								
Smyer									
Sundown		X							
<u>King County</u>									
<u>Lamb County</u>				X					
Amherst		X	X						
Earth									
Littlefield	X				X(77)				X(77)
Olton									
Springlake									
Sudan									
<u>Lubbock County</u>									
Abernathy	X	X	X(78)						
Idalou	X								
Lake Ransom Canyon									

TABLE 2 (cont.)

	MOBILE HOME	STREET	FLOOD	FAIR HOUSE	COMP.	HAP	PLANS CIT. PART.	TRANS.	AFF. ACTION
Lubbock	X	X	X(78)	X	X	X	X	X	X
New Deal									
Shallowater									
Slaton	X		X	X		X	X	X	X
Wolfforth	X	X							
<u>Lynn County</u>									
New Home	X	X							
O'Donnell		X		X(79)			X		
Tahoka									
Wilson		X							
<u>Motley County</u>									
Matador									
Roaring Springs									
<u>Terry County</u>									
Brownfield	X	X	X	X(77)		X			X(74)
Meadow									
Wellman									
<u>Yoakum County</u>									
Denver City		X	X						
Plains									

SUMMARY

With a general understanding of the information sought for this inventory, the following table should give the reader a synopsis of the results (the appendix of this report contains a copy of the data gathering instrument).

Percentage of Cities and Towns
Indicating the Existence of Mechanisms

SUBJECT	CITIES	TOWNS	SUBJECT	CITIES	TOWNS
Zoning	75%	53%	Mobile Home	83%	37%
Subdivision	67%	21%	Street	58%	58%
Building	92%	47%	Flood Plains	75%	21%
Housing	67%	26%	Fair Housing	58%	32%
Electrical	92%	58%	Comprehensive Plan	50%	11%
Plumbing	92%	58%	HAP	58%	5%
Mechanical	16%	0%	Citizen Participation	33%	26%
Fire Prevention	N/A	N/A	Transportation	33%	5%
Demolition	75%	21%	Affirmative Action	50%	21%

It is obvious from the results that cities have in effect more mechanisms than do towns. This phenomenon confirms the notion that larger communities require appropriate planning and implementation tools to guide community growth and development and/or to remain viable. As for the smaller communities, many of the mechanisms mentioned in this report are not as appropriate as in the urban setting. This is because implementation of the various devices is more difficult in small towns because of enforcement problems among other factors.

In addition to the mechanisms already mentioned, a municipality can influence land usage through annexation and extraterritorial jurisdiction considerations. The Municipal Annexation Act grants annexation authority to all municipalities. Annexation is the ability to incorporate additional land into a city's corporate bounds and can be accomplished when a municipality adds land that it owns or when the majority of the voting inhabitants of the land to be incorporated expressed that desire.

A municipality can extend its subdivision authority to areas lying outside the corporate limits but within its extraterritorial jurisdiction. The extraterritorial jurisdiction of a municipality varies according to five population groups (the larger the population, the greater the extraterritorial jurisdiction). For example, the extraterritorial jurisdiction of a city with 5000 people or less shall consist of all the contiguous unincorporated land, not part of another city, within one-half mile of the corporate limits of such city. At a maximum, a municipality could have up to five miles of extraterritorial jurisdiction. As annexations occur, the extraterritorial jurisdiction of a municipality will expand accordingly. A municipality can also designate area within its extraterritorial jurisdiction as industrial districts.

As a final statement to this report, communities in the region are encouraged to implement those mechanisms that are appropriate for their needs and to inform SPAG of any changes or misrepresentations.

FORM A

SOUTH PLAINS ASSOCIATION OF GOVERNMENTS

LAND USE AND HOUSING INVENTORY FORM

City/County _____

Please indicate which codes, ordinances, regulations, or plans are in affect in your jurisdiction by marking (X) on the appropriate column. Additional space is provided for any comments.

Subject	X	Month/Year Enacted	Comments
Zoning			
Subdivision			
Annexation			
Demolition			
Street/Traffic Flood Plains Regulations			
Building			
Housing			
Electrical			
Plumbing			
Mobile Home			
Mechanical			
Fire Protection			
Comprehensive Plan Housing Assistance Plan			
Land Use Plan			
Citizen Participation			
Affirmative Action			
Transportation Plan Fair Housing Resolution			

Completed By _____

SOUTH PLAINS ASSOCIATION OF GOVERNMENTS

South Plains Association of Governments (SPAG) is the voluntary membership organization of local governments within the 15 county area of Texas State Planning Region 2. Any political subdivision of the State of Texas which is located within the planning region is eligible for membership in the Association. Created and governed by local officials of the region, SPAG is authorized by Article 1011m. V.A.C.S., enacted by the Texas Legislature.

Local governments created SPAG to assure themselves a formal and systematic arrangement to conduct regional planning, to engage in cooperative endeavors, to provide technical assistance, and to promote other types of intergovernmental cooperation. SPAG provides information, assistance, and advice and is expressly denied any authority or powers of taxation or enforcement.

Bylaws of the Association declare its primary goal to be maintenance and improvement of the quality of life on the South Plains by promoting orderly development of its physical, social, and economic environment. During 1980 there were 70 cities, counties, and special purpose districts joined as members of the Association in pursuit of that common goal.

A General Assembly of more than 70 local officials, a 33 member Board of Directors, and a 9 member Executive Committee are governing bodies of South Plains Association of Governments. Over 200 private citizens of the region participate directly in SPAG as members of advisory groups. Offices of the Association, housing an interdisciplinary professional staff, are located in Lubbock, Texas.