

By: Campbell

S.B. No. 1954

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a county to regulate land use in certain areas in and around hydrologically sensitive areas.

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 NEAR CERTAIN WATER QUALITY PROTECTED AREAS

Sec. 231.301. DEFINITION. In this subchapter, "development plan" has the meaning assigned by Section 232.00285.

Sec. 231.302. PROTECTED AREAS. The regulatory authority granted under this subchapter applies only to an area designated by the commissioners court of a county as a protected area for the purpose of protecting public health and safety by regulating land use and development in a hydrologically sensitive area, including an aquifer recharge zone, floodplain, karst topographic area, riparian area, or other watershed.

Sec. 231.303. ADOPTION OF SUBCHAPTER. This subchapter applies only to a county for which the commissioners court by order has adopted this subchapter following an election held under Section 231.305.

Sec. 231.304. PETITION FOR ADOPTION. (a) A person may submit a petition to the county clerk of a county to request that the county hold an election on the question of adopting this subchapter.

1        (b) The petition must:

2            (1) be signed by a number of registered voters in the  
3 county that is equal to at least 10 percent of the number of votes  
4 received by all candidates for governor in the most recent  
5 gubernatorial general election in the county;

6            (2) include each signer's current voter registration  
7 number, printed name, and residence address, including zip code;

8            (3) include a signature date entered by each signer  
9 next to the signer's signature; and

10           (4) include a statement on each page of the petition  
11 preceding the space for signatures in substantially the following  
12 form:

13 "This petition is to request that an election be held in (name of  
14 county) to authorize the county to adopt zoning and building  
15 regulations applicable in protected areas designated by the county  
16 for the protection of water quality."

17        (c) A petition signature is not valid if:

18            (1) the signer fails to enter the date the signer signs  
19 the petition; or

20            (2) the date is earlier than the 90th day before the  
21 date the petition is submitted to the county clerk.

22        (d) Not later than the 30th day after the date the county  
23 clerk receives a petition under this section, the clerk shall  
24 provide a written determination on whether the petition is valid to  
25 the commissioners court of the county.

26        (e) If the county clerk determines the petition is invalid,  
27 the clerk shall provide written notice to the commissioners court

1 and the person submitting the petition, which must include each  
2 reason the clerk determines the petition is invalid.

3 Sec. 231.305. ADOPTION ELECTION. (a) After receipt of the  
4 county clerk's determination of a valid petition under Section  
5 231.304, the commissioners court of the county shall order an  
6 election on the question of adopting this subchapter.

7 (b) An election held under this section must be held on the  
8 first uniform election date after the date the commissioners court  
9 receives the county clerk's determination of a valid petition under  
10 Section 231.304 that allows sufficient time to comply with other  
11 requirements of law.

12 (c) The ballot for the election must be printed to provide  
13 for voting for or against the following proposition:  
14 "Granting authority to the county to adopt zoning and building  
15 regulations applicable in protected areas designated by the county  
16 for the protection of water quality."

17 (d) If a majority of the votes cast in the election favor the  
18 proposition, the commissioners court shall adopt by order this  
19 subchapter at the next scheduled meeting of the court.

20 Sec. 231.306. AUTHORITY TO REGULATE. (a) The  
21 commissioners court of a county by order may:

22 (1) designate one or more geographic areas in the  
23 county as a protected area under Section 231.302; and

24 (2) adopt regulations authorized by this subchapter  
25 that apply only to an area designated by the commissioners court as  
26 a protected area.

27 (b) A commissioners court may regulate:

- 1           (1) the height, number of stories, or size of  
2 buildings;
- 3           (2) the percentage of a lot that may be occupied;
- 4           (3) the size of yards and other spaces;
- 5           (4) population density;
- 6           (5) the location and use of buildings and land for  
7 commercial, industrial, residential, or other purposes; and
- 8           (6) building construction standards.

9           (c) A commissioners court may require a person to submit a  
10 development plan during the plat approval process for land any part  
11 of which is located in a protected area designated by the  
12 commissioners court under this subchapter.

13           (d) A commissioners court may not regulate:

- 14           (1) the use, design, or placement of public utility  
15 buildings, land, or facilities; or
- 16           (2) for siting or zoning purposes, new manufactured or  
17 industrialized housing that is constructed to preemptive state or  
18 federal building standards in any manner that is different from  
19 regulation of site-built housing.

20           Sec. 231.307. PLANNING COMMISSION; MEMBERS. (a) The  
21 commissioners court of a county shall appoint a planning commission  
22 for each protected area in the county. Each planning commission  
23 must consist of:

- 24           (1) five members appointed by the county judge;
- 25           (2) one member appointed by each county commissioner;
- 26 and
- 27           (3) one member appointed by the mayor of each

1 municipality in which any part of the protected area covered by the  
2 planning commission is located.

3 (b) Members appointed to the planning commission must  
4 reside in the jurisdiction of the person appointing the member.  
5 Members appointed by the county judge must own land in the county.

6 (c) A member appointed to the initial planning commission  
7 serves a term that expires on February 1 of the first odd-numbered  
8 year after the date of the member's appointment. Except for a  
9 member appointed to the initial commission, a member of a planning  
10 commission serves a two-year term beginning February 1 of each  
11 odd-numbered year.

12 (d) A planning commission shall annually elect a presiding  
13 officer and vice presiding officer from among its members.

14 (e) A county shall employ necessary staff for a planning  
15 commission to carry out its duties.

16 Sec. 231.308. PLANNING COMMISSION: POWERS AND DUTIES. (a)  
17 A planning commission established for a protected area under this  
18 subchapter shall recommend to the commissioners court:

19 (1) boundaries for the protected area; and  
20 (2) appropriate zoning regulations for the protected  
21 area.

22 (b) A planning commission shall seek input from  
23 appropriately qualified scientists, including hydrologists,  
24 geologists, and environmental scientists, to determine the  
25 appropriate size and extent of the protected area for the purpose of  
26 recommending boundaries for the protected area under Subsection  
27 (a).

1        (c) A planning commission may not recommend boundaries for a  
2 protected area that are located:

3            (1) outside the boundary of a 100-year floodplain as  
4 determined by the most recent maps published by the Federal  
5 Emergency Management Agency;

6            (2) less than 200 feet from the boundary of a riparian  
7 zone;

8            (3) less than 300 feet from the boundary of an aquifer  
9 recharge zone; or

10           (4) less than 500 feet from the boundary of a karst  
11 topographic area.

12        (d) A planning commission may conduct a study of the  
13 protected area under its jurisdiction to inform the planning  
14 commission's advice to the commissioners court about the boundaries  
15 of the protected area, regulations that apply in the protected  
16 area, and proposed changes to the boundaries or regulations. A  
17 planning commission shall conduct a study described by this  
18 subsection on request of the commissioners court.

19        Sec. 231.309. PLANNING COMMISSION REPORT; PUBLIC HEARING.

20        (a) A planning commission that conducts a study under Section  
21 231.308(d) shall prepare a report based on the study and present it  
22 to the commissioners court.

23        (b) Before a planning commission prepares a report under  
24 this section, the planning commission shall:

25            (1) hold a public hearing at which members of the  
26 public may present testimony about any subject to be included in the  
27 report; and

1           (2) give notice of a public hearing to be held under  
2 this section as required by the commissioners court.

3           (c) If a study conducted under Section 231.308(d) advises  
4 the planning commission to change the zoning classification of a  
5 parcel of land, the planning commission shall send written notice  
6 to each landowner, as listed on the county tax rolls, whose land  
7 would be directly affected by the advised change in zoning  
8 classification or is located within 500 feet of land directly  
9 affected by the advised change in zoning classification. The  
10 notice must:

11           (1) inform the landowner of the time and place of the  
12 public hearing held under Subsection (b) at which the landowner may  
13 present testimony to the commission about the advised change in  
14 zoning classification; and

15           (2) be deposited in the United States mail before the  
16 10th day before the date of the hearing held under Subsection (b).

17           Sec. 231.310. ADOPTION OF ORDER AFTER RECEIPT OF REPORT.  
18 The commissioners court may adopt an order relating to a zoning  
19 classification or regulation affecting a protected area under this  
20 subchapter only after the commissioners court receives a report  
21 prepared under Section 231.309 relating to the protected area.

22           Sec. 231.311. SPECIAL EXCEPTIONS. (a) The commissioners  
23 court may grant a special exception to an order or regulation  
24 adopted under this subchapter if the commissioners court finds that  
25 the special exception will not be contrary to the public interest  
26 and that a literal enforcement of the order or regulation would  
27 result in an unnecessary hardship.

1        (b) The commissioners court shall adopt procedures  
2 governing applications, notice, hearings, and other matters  
3 relating to the grant of a special exception.

4        Sec. 231.312. CONFLICT WITH OTHER ACTION OR REGULATION. In  
5 the event of a conflict between an order adopted under this  
6 subchapter and an action or regulation of a municipality or  
7 special-purpose district or authority, the more stringent  
8 regulation prevails. A more stringent regulation is the regulation  
9 that imposes a higher standard.

10       Sec. 231.313. ENFORCEMENT. (a) The county attorney or  
11 other prosecuting attorney representing the county in the district  
12 court may file an action to enjoin a violation or threatened  
13 violation of a regulation adopted under this subchapter. The court  
14 may grant appropriate relief.

15       (b) If an order adopted under this subchapter defines an  
16 offense, an offense under that order is a Class C misdemeanor.

17       SECTION 2. Section [232.0025](#), Local Government Code, is  
18 amended by amending Subsection (d) and adding Subsection (d-1) to  
19 read as follows:

20       (d) Except as provided by Subsections (d-1) and  
21 [Subsection] (f), the commissioners court or the county authority  
22 responsible for approving plats shall approve, approve with  
23 conditions, or disapprove a plat application not later than the  
24 30th day after the date the completed application is received by the  
25 commissioners court or the county authority. An application is  
26 approved by the commissioners court or the county authority unless  
27 the application is disapproved within that period and in accordance



1 with Section 232.0026.

2 (d-1) The commissioners court or the county authority  
3 responsible for approving plats of a county that has exercised the  
4 regulatory authority granted under Subchapter N, Chapter 231, may  
5 not approve with conditions a plat application for land any part of  
6 which is located in a protected area regulated by the county under  
7 that subchapter if the conditions relate to the protected area.

8 SECTION 3. Section 232.00285, Local Government Code, is  
9 amended by adding Subsection (c) to read as follows:

10 (c) A county that has exercised the regulatory authority  
11 granted under Subchapter N, Chapter 231, may require a person to  
12 submit a development plan during the plat approval process required  
13 by this subchapter.

14 SECTION 4. This Act takes effect September 1, 2025.