

Amend **CSSB 142** by striking all below the enacting clause and substituting the following:

SECTION 1. Chapter 232, Local Government Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. REGULATION OF LAND DEVELOPMENT

Sec. 232.151. DEFINITIONS. In this subchapter:

(1) "Agriculture" means:

(A) cultivating the soil to produce crops for human food, animal feed, seed for planting, or the production of fibers;

(B) practicing floriculture, viticulture, silviculture, or horticulture;

(C) raising, feeding, or keeping animals for breeding purposes or for the production of food, fiber, leather, pelts, or other tangible products having commercial value;

(D) planting cover crops, including cover crops cultivated for transplantation, or leaving land idle for the purpose of participating in a governmental program or normal crop or livestock rotation procedure; or

(E) wildlife management.

(2) "Agricultural use" means use or activity involving agriculture.

Sec. 232.152. SCOPE OF REGULATORY AUTHORITY. (a) The commissioners court of a county that is granted authority in accordance with this subchapter may regulate, by order, land development in the unincorporated area of the county by:

(1) requiring a limited fire suppression system that requires a developer to construct:

(A) for a subdivision of fewer than 50 houses, 2,500 gallons of storage; or

(B) for a subdivision of 50 or more houses, 2,500 gallons of storage with a centralized water system or 5,000 gallons of storage;

(2) requiring a buffer zone between the land used for a purpose specified by this subdivision and residential areas as follows:

(A) at least 1,000 feet for heavy industrial or

quarry use;

(B) at least 750 feet for light industrial use;

and

(C) at least 500 feet for commercial or other business use; or

(3) requiring a developer, before the county approves a plat filed by the developer, to:

(A) contract with an engineer licensed under Chapter 1001, Occupations Code, and specializing in civil engineering to determine the off-site roadway needs of the subdivision or other development and the costs of providing the necessary off-site roadway improvements attributable to the subdivision or other development; and

(B) provide for the necessary off-site roadway improvements attributable to the subdivision or other development, as determined by the engineer under Paragraph (A).

(b) Any contribution from a developer required to be provided for necessary off-site roadway improvements must be limited to the developer's portion of the costs required for the off-site roadway improvements that are roughly proportionate to the attributable increased off-site roadway needs of the county as a result of the proposed development, as determined by the engineer under Subsection (a)(3)(A).

(c) Subsection (a)(2) does not authorize a county to adopt zoning regulations.

(d) A county regulation under this subchapter does not apply to land used for an activity described by Section 81.051, Natural Resources Code, or to an interstate gas pipeline facility as defined by 49 U.S.C. Section 60101.

(e) A county regulation under this subchapter, other than a regulation requiring a buffer zone under Subsection (a)(2), does not apply to a tract of land used for a single-family residence that is located outside the boundaries of a platted subdivision.

(f) A county regulation under this subchapter does not apply to:

(1) a platted residential subdivision in existence on the date the regulation takes effect;

(2) a tract of land devoted to agricultural use; or

(3) an activity or a structure or appurtenance on a tract of land devoted to agricultural use.

Sec. 232.153. ELECTION TO GRANT REGULATORY AUTHORITY. The commissioners court of a county may order and hold an election in the county on the question of granting the commissioners court the authority to regulate land development in the unincorporated area of the county.

Sec. 232.154. BALLOT PROPOSITION. For an election under this subchapter, the ballot shall be prepared to permit voting for or against the proposition: "Granting (name of county) the authority to regulate land development in the unincorporated area of the county."

Sec. 232.155. EFFECT OF ELECTION. If a majority of the votes received on the question at the election approve the grant of authority, the commissioners court of the county may adopt a regulation under this subchapter.

SECTION 2. The heading to Chapter 232, Local Government Code, is amended to read as follows:

CHAPTER 232. COUNTY REGULATION OF SUBDIVISIONS

AND PROPERTY DEVELOPMENT

SECTION 3. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2005.