By: Farabee, Casteel H.B. No. 757

Substitute the following for H.B. No. 757:

By: Allen of Dallas C.S.H.B. No. 757

A BILL TO BE ENTITLED

AN ACT

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- 2 relating to the authority of a county to enact certain land 3 development regulations after a local option election.
- 4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
- 5 SECTION 1. Chapter 232, Local Government Code, is amended 6 by adding Subchapter F to read as follows:

7 SUBCHAPTER F. REGULATION OF LAND DEVELOPMENT

- 8 Sec. 232.151. SCOPE OF REGULATORY AUTHORITY. (a) The
- 9 commissioners court of a county that is granted authority in
- 10 accordance with this subchapter may regulate, by order, land
- 11 development in the unincorporated area of the county by:
- 12 <u>(1) requiring a limited fire protection system that</u>
- 13 <u>requires a developer to construct:</u>
- 14 (A) for a subdivision of fewer than 50 houses, up
- to 2,500 gallons of storage; or
- 16 (B) for a subdivision of 50 or more houses, up to
- 2,500 gallons of storage with a centralized water system or 5,000
- gallons of storage; or
- 19 (2) requiring a person who intends to use land for a
- 20 purpose specified by this subdivision to maintain a buffer zone
- 21 between the land used for that purpose and residential areas as
- 22 follows:

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- 23 (A) not to exceed 1,000 feet for heavy industrial
- 24 or quarry use;

1	(B) not to exceed 750 feet for light industrial										
2	or agricultural use; and										
3	(C) not to exceed 500 feet for commercial or										
4	other business use.										
5	(b) A regulation under Subsection (a)(2) may not affect										
6	residential construction or a residential development project.										
7	Subsection (a)(2) does not authorize a county to adopt zoning										
8	regulations generally.										
9	Sec. 232.152. ELECTION TO GRANT REGULATORY AUTHORITY. The										
10	commissioners court of a county may order and hold an election in										
11	the county on the question of granting the commissioners court the										
12	authority to regulate land development in the unincorporated area										
13	of the county.										
14	Sec. 232.153. BALLOT PROPOSITION. For an election under										
15	this subchapter, the ballot shall be prepared to permit voting for										
16	or against the proposition: "Granting (name of county) the										
17	authority to regulate land development in the unincorporated area										
18	of the county."										
19	Sec. 232.154. EFFECT OF ELECTION. If a majority of the										
20	votes received on the question at the election approve the grant of										
21	authority, the commissioners court of the county may adopt a										
22	regulation under this subchapter.										
23	SECTION 2. The heading to Chapter 232, Local Government										
24	Code, is amended to read as follows:										
25	CHAPTER 232. COUNTY REGULATION OF SUBDIVISIONS AND PROPERTY										
26	DEVELOPMENT										
27	SECTION 3. This Act takes effect immediately if it receives										

C.S.H.B. No. 757

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