

1-1 By: Wentworth S.B. No. 142
1-2 (In the Senate - Filed December 28, 2004; February 1, 2005,
1-3 read first time and referred to Committee on Intergovernmental
1-4 Relations; April 18, 2005, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 5, Nays 0;
1-6 April 18, 2005, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 142 By: Wentworth

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the authority of a county to regulate land development
1-11 after a local option election.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Chapter 232, Local Government Code, is amended
1-14 by adding Subchapter F to read as follows:

1-15 SUBCHAPTER F. REGULATION OF LAND DEVELOPMENT

1-16 Sec. 232.151. DEFINITIONS. In this subchapter:

1-17 (1) "Agriculture" means:

1-18 (A) cultivating the soil to produce crops for
1-19 human food, animal feed, seed for planting, or the production of
1-20 fibers;

1-21 (B) practicing floriculture, viticulture,
1-22 silviculture, or horticulture;

1-23 (C) raising, feeding, or keeping animals for
1-24 breeding purposes or for the production of food, fiber, leather,
1-25 pelts, or other tangible products having commercial value;

1-26 (D) planting cover crops, including cover crops
1-27 cultivated for transplantation, or leaving land idle for the
1-28 purpose of participating in a governmental program or normal crop
1-29 or livestock rotation procedure; or

1-30 (E) wildlife management.

1-31 (2) "Agricultural use" means use or activity involving
1-32 agriculture.

1-33 Sec. 232.152. SCOPE OF REGULATORY AUTHORITY. (a) The
1-34 commissioners court of a county that is granted authority in
1-35 accordance with this subchapter may regulate, by order, land
1-36 development in the unincorporated area of the county by:

1-37 (1) requiring a subdivision to use a central water or
1-38 wastewater system under standards adopted by the county;

1-39 (2) requiring a limited fire suppression system that
1-40 requires a developer to construct:

1-41 (A) for a subdivision of fewer than 50 houses,
1-42 2,500 gallons of storage; or

1-43 (B) for a subdivision of 50 or more houses, 2,500
1-44 gallons of storage with a centralized water system or 5,000 gallons
1-45 of storage;

1-46 (3) requiring a buffer zone between the land used for a
1-47 purpose specified by this subdivision and residential areas as
1-48 follows:

1-49 (A) at least 1,000 feet for heavy industrial or
1-50 quarry use;

1-51 (B) at least 750 feet for light industrial use;
1-52 and

1-53 (C) at least 500 feet for commercial,
1-54 agricultural, or other business use; or

1-55 (4) requiring a developer, before the county approves
1-56 a plat filed by the developer, to:

1-57 (A) contract with a civil engineer to determine
1-58 the water, wastewater, roadway, and other infrastructure needs of
1-59 the subdivision or other development and the costs of providing the
1-60 necessary infrastructure; and

1-61 (B) provide the necessary infrastructure or pay
1-62 to the county an amount equal to the cost of providing the necessary
1-63 infrastructure, as determined by the civil engineer under Paragraph

2-1 (A).
2-2 (b) Subsection (a)(3) does not authorize a county to adopt
2-3 zoning regulations generally. A county that requires a buffer zone
2-4 under Subsection (a)(3) shall require each affected property owner
2-5 to maintain on the owner's property a buffer zone of at least 50
2-6 percent of the total required buffer zone.

2-7 (c) A county regulation under this subchapter does not apply
2-8 to land used for an activity for which the state or an agency of the
2-9 state issues a permit.

2-10 (d) A county regulation under this subchapter, other than a
2-11 regulation requiring a buffer zone under Subsection (a)(3), does
2-12 not apply to:

2-13 (1) a tract of land used for a single-family residence
2-14 that is located outside the boundaries of a platted subdivision;

2-15 (2) a tract of land devoted to agricultural use; or

2-16 (3) an activity or a structure or appurtenance on a
2-17 tract of land devoted to agricultural use.

2-18 Sec. 232.153. ELECTION TO GRANT REGULATORY AUTHORITY. The
2-19 commissioners court of a county may order and hold an election in
2-20 the county on the question of granting the commissioners court the
2-21 authority to regulate land development in the unincorporated area
2-22 of the county.

2-23 Sec. 232.154. BALLOT PROPOSITION. For an election under
2-24 this subchapter, the ballot shall be prepared to permit voting for
2-25 or against the proposition: "Granting (name of county) the
2-26 authority to regulate land development in the unincorporated area
2-27 of the county."

2-28 Sec. 232.155. EFFECT OF ELECTION. If a majority of the
2-29 votes received on the question at the election approve the grant of
2-30 authority, the commissioners court of the county may adopt a
2-31 regulation under this subchapter.

2-32 SECTION 2. The heading to Chapter 232, Local Government
2-33 Code, is amended to read as follows:

2-34 CHAPTER 232. COUNTY REGULATION OF SUBDIVISIONS AND PROPERTY
2-35 DEVELOPMENT

2-36 SECTION 3. This Act takes effect immediately if it receives
2-37 a vote of two-thirds of all the members elected to each house, as
2-38 provided by Section 39, Article III, Texas Constitution. If this
2-39 Act does not receive the vote necessary for immediate effect, this
2-40 Act takes effect September 1, 2005.

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