

By: West

S.B. No. 542

A BILL TO BE ENTITLED

AN ACT

relating to county authority regarding subdivision platting and land development.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The heading to Chapter 232, Local Government Code, is amended to read as follows:

CHAPTER 232. COUNTY REGULATION OF SUBDIVISIONS AND PROPERTY DEVELOPMENT

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

SUBCHAPTER E. INFRASTRUCTURE PLANNING PROVISIONS [~~IN CERTAIN URBAN COUNTIES~~]

SECTION 3. Subchapter E, Chapter 232, Local Government Code, is amended by adding Sections 232.108 and 232.109 to read as follows:

Sec. 232.108. PLAT REQUIREMENTS. (a) The commissioners court, in addition to having the authority to adopt rules under Section 232.101 and other authority granted by this chapter, may impose the plat requirements prescribed by Section 232.023. If the commissioners court imposes the plat requirements prescribed by Section 232.023, any rules adopted under Section 232.101 must be consistent with those requirements.

(b) If a county imposing the plat requirements prescribed by Section 232.023 is not described by Section 232.022(a):

1           (1) the document required by Section 232.023(b)(6) is  
2 not required to be in Spanish; and

3           (2) the plat requirements related to drainage shall be  
4 those authorized by Section 232.003(8) rather than those authorized  
5 by Section 232.023(b)(8).

6           Sec. 232.109. FIRE SUPPRESSION SYSTEM. In a subdivision  
7 that is not served by fire hydrants as part of a centralized water  
8 system certified by the Texas Commission on Environmental Quality  
9 as meeting minimum standards for water utility service, the  
10 commissioners court may require a limited fire suppression system  
11 that requires a developer to construct:

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

14           (2) for a subdivision of 50 or more houses, 2,500  
15 gallons of storage with a centralized water system or 5,000 gallons  
16 of storage.

17           SECTION 4. Chapter 232, Local Government Code, is amended  
18 by adding Subchapter F to read as follows:

19           SUBCHAPTER F. REGULATION OF LAND DEVELOPMENT

20           Sec. 232.151. DEFINITIONS. In this subchapter:

21           (1) "Agriculture" means:

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

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

27                   (C) raising, feeding, or keeping animals for

1 breeding purposes or for the production of food, fiber, leather,  
2 pelts, or other tangible products having commercial value;

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

7 (E) wildlife management.

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

10 Sec. 232.152. SCOPE OF REGULATORY AUTHORITY. (a) The  
11 commissioners court of a county that is granted authority in  
12 accordance with this subchapter may regulate, by order, land  
13 development in the unincorporated area of the county by requiring a  
14 buffer zone between the land used for a purpose specified by this  
15 subsection and residential areas as follows:

16 (1) at least 1,000 feet for heavy industrial or quarry  
17 use;

18 (2) at least 750 feet for light industrial use; and

19 (3) at least 500 feet for commercial or other business  
20 use.

21 (b) This section does not authorize a county to adopt zoning  
22 regulations.

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

27 (d) A county regulation under this subchapter does not apply

1 to:

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

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

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

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

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

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

21 SECTION 5. Section 232.100, Local Government Code, is  
22 repealed.

23 SECTION 6. This Act takes effect immediately if it receives  
24 a vote of two-thirds of all the members elected to each house, as  
25 provided by Section 39, Article III, Texas Constitution. If this  
26 Act does not receive the vote necessary for immediate effect, this  
27 Act takes effect September 1, 2007.