

1-1 By: West S.B. No. 542
1-2 (In the Senate - Filed February 8, 2007; February 26, 2007,
1-3 read first time and referred to Committee on Intergovernmental
1-4 Relations; March 27, 2007, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 3, Nays 0;
1-6 March 27, 2007, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 542 By: West

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

1-10 relating to county authority regarding subdivision platting and
1-11 land development.

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

1-13 SECTION 1. The heading to Chapter 232, Local Government
1-14 Code, is amended to read as follows:

1-15 CHAPTER 232. COUNTY REGULATION OF SUBDIVISIONS AND PROPERTY
1-16 DEVELOPMENT

1-17 SECTION 2. The heading to Subchapter E, Chapter 232, Local
1-18 Government Code, is amended to read as follows:

1-19 SUBCHAPTER E. INFRASTRUCTURE PLANNING PROVISIONS [~~IN CERTAIN~~
1-20 ~~URBAN COUNTIES~~]

1-21 SECTION 3. Subchapter E, Chapter 232, Local Government
1-22 Code, is amended by adding Sections 232.108 and 232.109 to read as
1-23 follows:

1-24 Sec. 232.108. PLAT REQUIREMENTS. (a) The commissioners
1-25 court, in addition to having the authority to adopt rules under
1-26 Section 232.101 and other authority granted by this chapter, may
1-27 impose the plat requirements prescribed by Section 232.023. If the
1-28 commissioners court imposes the plat requirements prescribed by
1-29 Section 232.023, any rules adopted under Section 232.101 must be
1-30 consistent with those requirements.

1-31 (b) If a county imposing the plat requirements prescribed by
1-32 Section 232.023 is not described by Section 232.022(a):

1-33 (1) the document required by Section 232.023(b)(6) is
1-34 not required to be in Spanish; and

1-35 (2) the plat requirements related to drainage shall be
1-36 those authorized by Section 232.003(8) rather than those authorized
1-37 by Section 232.023(b)(8).

1-38 Sec. 232.109. FIRE SUPPRESSION SYSTEM. In a subdivision
1-39 that is not served by fire hydrants as part of a centralized water
1-40 system certified by the Texas Commission on Environmental Quality
1-41 as meeting minimum standards for water utility service, the
1-42 commissioners court may require a limited fire suppression system
1-43 that requires a developer to construct:

1-44 (1) for a subdivision of fewer than 50 houses, 2,500
1-45 gallons of storage; or

1-46 (2) for a subdivision of 50 or more houses, 2,500
1-47 gallons of storage with a centralized water system or 5,000 gallons
1-48 of storage.

1-49 SECTION 4. Chapter 232, Local Government Code, is amended
1-50 by adding Subchapter F to read as follows:

1-51 SUBCHAPTER F. REGULATION OF LAND DEVELOPMENT

1-52 Sec. 232.151. DEFINITIONS. In this subchapter:

1-53 (1) "Agriculture" means:

1-54 (A) cultivating the soil to produce crops for
1-55 human food, animal feed, seed for planting, or the production of
1-56 fibers;

1-57 (B) practicing floriculture, viticulture,
1-58 silviculture, or horticulture;

1-59 (C) raising, feeding, or keeping animals for
1-60 breeding purposes or for the production of food, fiber, leather,
1-61 pelts, or other tangible products having commercial value;

1-62 (D) planting cover crops, including cover crops
1-63 cultivated for transplantation, or leaving land idle for the

2-1 purpose of participating in a governmental program or normal crop
2-2 or livestock rotation procedure; or

2-3 (E) wildlife management.

2-4 (2) "Agricultural use" means use or activity involving
2-5 agriculture.

2-6 Sec. 232.152. SCOPE OF REGULATORY AUTHORITY. (a) The
2-7 commissioners court of a county that is granted authority in
2-8 accordance with this subchapter may regulate, by order, land
2-9 development in the unincorporated area of the county by requiring a
2-10 buffer zone between the land used for a purpose specified by this
2-11 subsection and residential areas as follows:

2-12 (1) at least 1,000 feet for heavy industrial or quarry
2-13 use;

2-14 (2) at least 750 feet for light industrial use; and

2-15 (3) at least 500 feet for commercial or other business
2-16 use.

2-17 (b) This section does not authorize a county to adopt zoning
2-18 regulations.

2-19 (c) A county regulation under this subchapter does not apply
2-20 to land used for an activity described by Section 81.051, Natural
2-21 Resources Code, or to an interstate gas pipeline facility as
2-22 defined by 49 U.S.C. Section 60101.

2-23 (d) A county regulation under this subchapter does not apply
2-24 to:

2-25 (1) a platted residential subdivision in existence on
2-26 the date the regulation takes effect;

2-27 (2) a tract of land devoted to agricultural use; or

2-28 (3) an activity or a structure or appurtenance on a
2-29 tract of land devoted to agricultural use.

2-30 Sec. 232.153. ELECTION TO GRANT REGULATORY AUTHORITY. The
2-31 commissioners court of a county may order and hold an election in
2-32 the county on the question of granting the commissioners court the
2-33 authority to regulate land development in the unincorporated area
2-34 of the county.

2-35 Sec. 232.154. BALLOT PROPOSITION. For an election under
2-36 this subchapter, the ballot shall be prepared to permit voting for
2-37 or against the proposition: "Granting (name of county) the
2-38 authority to regulate land development in the unincorporated area
2-39 of the county."

2-40 Sec. 232.155. EFFECT OF ELECTION. If a majority of the
2-41 votes received on the question at the election approve the grant of
2-42 authority, the commissioners court of the county may adopt a
2-43 regulation under this subchapter.

2-44 SECTION 5. Section 232.100, Local Government Code, is
2-45 repealed.

2-46 SECTION 6. This Act takes effect immediately if it receives
2-47 a vote of two-thirds of all the members elected to each house, as
2-48 provided by Section 39, Article III, Texas Constitution. If this
2-49 Act does not receive the vote necessary for immediate effect, this
2-50 Act takes effect September 1, 2007.

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