

By: Wentworth

S.B. No. 578

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a county to regulate land development after a local option election.

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

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

(2) "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.

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

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

7 (A) for a subdivision of fewer than 50 houses,
8 2,500 gallons of storage; or

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

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

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

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

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

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

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

1 subdivision or other development; and

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

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

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

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

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

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

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

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

27 (3) an activity or a structure or appurtenance on a

1 tract of land devoted to agricultural use.

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

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

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

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

18 CHAPTER 232. COUNTY REGULATION OF SUBDIVISIONS AND PROPERTY
19 DEVELOPMENT

20 SECTION 3. This Act takes effect immediately if it receives
21 a vote of two-thirds of all the members elected to each house, as
22 provided by Section 39, Article III, Texas Constitution. If this
23 Act does not receive the vote necessary for immediate effect, this
24 Act takes effect September 1, 2009.