

By: Cook

H.B. No. 317

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a county to regulate land use 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 USE

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) engaging in 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 use in
4 the unincorporated area of the county by requiring a buffer zone
5 between the land used for a purpose specified by this subsection and
6 residential areas as follows:

7 (1) at least 1,000 feet for heavy industrial or quarry
8 use;

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

10 (3) at least 500 feet for commercial or other business
11 use.

12 (b) This section does not authorize a county to adopt zoning
13 regulations.

14 (c) A county regulation under this subchapter does not apply
15 to:

16 (1) land used for:

17 (A) operating a pipeline, including a common
18 carrier pipeline as defined by Section 111.002, Natural Resources
19 Code, over which the Railroad Commission of Texas has jurisdiction;
20 or

21 (B) drilling or operating an oil or gas well;

22 (2) an interstate gas pipeline facility as defined by
23 49 U.S.C. Section 60101;

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

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

27 (5) 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 use in the unincorporated area of the
6 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 use in the unincorporated area of the
11 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, 2011.