

By: Bettencourt

S.B. No. 1787

A BILL TO BE ENTITLED

AN ACT

relating to size and density requirements for residential lots in certain municipalities; authorizing a fee.

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

SECTION 1. Chapter 211, Local Government Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. RESIDENTIAL ZONING LIMITATIONS IN MUNICIPALITIES
LOCATED IN COUNTIES OF 300,000 OR MORE

Sec. 211.051. DEFINITION. In this subchapter, "small lot" means a residential lot that is 4,000 square feet or less.

Sec. 211.052. APPLICABILITY. This subchapter applies only to a municipality that is wholly or partly located in a county with a population of 300,000 or more.

Sec. 211.053. CONSTRUCTION OF SUBCHAPTER. This subchapter may not be construed to affect sewer or water requirements or the rules or deed restrictions imposed by a homeowners' association.

Sec. 211.054. CERTAIN DWELLING UNIT LOT SIZE REQUIREMENTS PROHIBITED. A municipality may not adopt or enforce an ordinance, rule, or other measure that requires:

(1) a residential lot to be:

(A) larger than 1,400 square feet;

(B) wider than 20 feet; or

(C) deeper than 60 feet; or

(2) if regulating the density of dwelling units on a

1 residential lot, a ratio of dwelling units per acre that results in
2 fewer than 31.1 units per acre.

3 Sec. 211.055. SMALL LOTS. (a) A municipality may not adopt
4 or enforce an ordinance, rule, or other measure that requires a
5 small lot to have:

6 (1) a building setback greater than:

7 (A) ten feet from the front or back of the
8 property; or

9 (B) five feet from the side of the property;

10 (2) covered parking;

11 (3) more than one parking space per unit;

12 (4) off-site parking;

13 (5) more than 30 percent open space or permeable
14 surface; or

15 (6) fewer than three full stories.

16 (b) A municipality may require with respect to a small lot:

17 (1) the sharing of a driveway with another lot; or

18 (2) permitting fees equivalent to the permitting fees
19 charged for the development of a lot the use of which is restricted
20 to a single-family residence.

21 Sec. 211.056. NO EFFECT ON OTHER ZONING AUTHORITY. This
22 subchapter does not prohibit a municipality from imposing
23 restrictions that are applicable to all similarly situated lots or
24 subdivisions, including requiring all subdivisions or all small
25 lots to fully mitigate stormwater runoff.

26 SECTION 2. This Act takes effect September 1, 2023.