

By: Bettencourt, et al.
(Gates)

S.B. No. 15

Substitute the following for S.B. No. 15:

By: Gates

C.S.S.B. No. 15

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 CERTAIN MUNICIPALITIES

Sec. 211.051. DEFINITIONS. In this subchapter:

(1) "Housing organization" means a:

(A) trade or industry group organized under the laws of this state consisting of local members primarily engaged in the construction or management of housing units;

(B) nonprofit organization organized under the laws of this state that:

(i) provides or advocates for increased access or reduced barriers to housing; and

(ii) has filed written or oral comments with the legislature; or

(C) nonprofit organization organized under the laws of this state that is engaged in public policy research, education, and outreach that includes housing policy-related issues and advocacy.

(2) "Small lot" means a residential lot that is 4,000

square feet or less.

Sec. 211.052. APPLICABILITY. (a) This subchapter applies only to:

(1) a municipality that:

(A) has a population of more than 150,000; and

(B) is wholly or partly located in a county with a population of more than 300,000; and

(2) a tract of land located in a municipality described by Subdivision (1) that:

(A) will be platted and located in an area zoned for single-family homes;

(B) is five acres or more; and

(C) has no recorded map or plat.

(b) This subchapter does not apply to an area located within:

(1) one mile of a campus of the perimeter of a law enforcement training center in a county that has a population of 2,600,000 or more;

(2) 3,000 feet of an airport or military base; or

(3) 15,000 feet of the boundary of a military base if the area is designated by a municipality or joint airport zoning board, as applicable, as a military airport overlay zone with a clear zone and accident potential zone designation, as described by the military base's air installation compatible use zone report.

Sec. 211.053. CONSTRUCTION OF SUBCHAPTER. This subchapter may not be construed to affect requirements directly related to:

(1) the use and occupancy of residential units leased

for a term of less than 30 days; or
(2) flooding, sewer facilities, or well water located
on an individual residential lot and serving only that lot.

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

Sec. 211.055. SMALL LOTS. (a) Except as provided by
Subsection (c), a municipality may not adopt or enforce an
ordinance, rule, or other measure that requires a small lot to have:

- (1) a building, waterway, plane, or other setback
greater than:
 - (A) five feet from the front or back of the
property; or
 - (B) five feet from the side of the property;
- (2) covered parking;
- (3) more than one parking space per unit;
- (4) off-site parking;
- (5) more than 30 percent open space or permeable
surface;
- (6) fewer than three full stories not exceeding 10

feet in height measured from the interior floor to ceiling;

(7) a maximum building bulk;

(8) a wall articulation requirement; or

(9) any other zoning restriction that imposes restrictions inconsistent with this subsection, including restrictions through contiguous zoning districts or uses or from the creation of an overlapping zoning district.

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

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

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

(c) Notwithstanding Subsection (a)(5), a municipality may adopt or enforce an ordinance, rule, or other measure with respect to a small lot that:

(1) applies to land located in an aquifer recharge zone; and

(2) relates to the protection of an aquifer.

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

Sec. 211.057. NO EFFECT ON HOMEOWNERS' ASSOCIATIONS AND OTHER PRIVATE AGREEMENTS. This subchapter does not prohibit property owners from enforcing rules or deed restrictions imposed by a homeowners' association or by other private agreement.

1 Sec. 211.058. ACTION. (a) A person adversely affected or
2 aggrieved by a municipality's violation of this subchapter or a
3 housing organization may bring an action against the municipality
4 or an officer or employee of the municipality in the officer's or
5 employee's official capacity for relief described by Subsection
6 (c).

7 (b) A claimant must bring an action under this section in a
8 county in which the real property that is the subject of the action
9 is wholly or partly located.

10 (c) In an action brought under this section, a court may:
11 (1) enter a declaratory judgment under Chapter 37,
12 Civil Practice and Remedies Code;
13 (2) issue a writ of mandamus compelling a defendant
14 officer or employee to comply with this subchapter; and
15 (3) issue an injunction preventing the defendant from
16 violating this subchapter.

17 (d) A court shall award reasonable attorney's fees and court
18 costs incurred in bringing an action under this section to a
19 prevailing claimant.

20 (e) A claimant in an action brought under this section may
21 elect in the claimant's petition to designate the Fifteenth Court
22 of Appeals as the exclusive intermediate appellate court over an
23 appeal or original proceeding arising from the action.

24 SECTION 2. This Act takes effect September 1, 2025.