

BILL ANALYSIS

Senate Research Center
88R5531 MP-F

S.B. 491
By: Hughes
Local Government
3/9/2023
As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Purpose of Bill and Change to Current Law:

This bill will create a uniform approach to the land use issue of height compatibility for major cities with minimum populations of 750,000. There is no existing state law that regulates height compatibility, and it would not conflict with or affect any other existing state laws.

Issue:

Height compatibility, also known as a buffer ordinance, is an additional height restriction on a plot of land that overrides the existing height allowances permitted by the existing zoning classification for a plot. This restriction has been used by some cities to prevent properties from achieving the heights granted by their zoning classification, limiting property rights, and reducing the number of residential units that can be built where they are most needed.

Across the country, housing availability is a major issue; however, in Texas, it is growing to be a larger issue in urban cores where the population is drastically increasing and is expected to continue to increase in the next 10 years due to the quality of life and economic freedom available in Texas.

Impact:

This bill will establish a maximum distance of 50 feet from a triggering property that height compatibility can be applied. Structures will be able to reach their maximum height per zoning classification and maximize the number of units. It will not interfere with or impede the federal government's regulation of airports or military facilities and the surrounding land or affect the Capitol View Corridor.

As proposed, S.B. 491 amends current law relating to building height restrictions in certain municipalities.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter Z, Chapter 214, Local Government Code, by adding Section 214.908, as follows:

Sec. 214.908. LIMITATION ON BUILDING HEIGHT RESTRICTION. (a) Provides that this section applies only to a municipality with a population of more than 725,000.

(b) Prohibits a municipality from adopting or enforcing an ordinance, regulation, or other measure that limits the height of a building on a lot based on the lot's proximity to another lot that is located more than 50 feet from the original lot.

(c) Provides that the prohibition described by Subsection (b) applies to a zoning regulation that limits the maximum building height authorized for a lot.

(d) Provides that the proximity of a lot to another lot is measured along the shortest straight line between each lot's lot line for purposes of this section.

(e) Provides that this section does not affect the application of any restriction imposed by Chapter 3151 (Preservation of View of State Capitol), Government Code.

SECTION 2. Effective date: upon passage or September 1, 2023.