

By: Bell of Montgomery

H.B. No. 3892

A BILL TO BE ENTITLED

AN ACT

relating to county regulation of subdivision setbacks.

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

SECTION 1. Section 232.101(b), Local Government Code, is amended to read as follows:

(b) Unless otherwise authorized by state law, a commissioners court shall not regulate under this section:

(1) the use of any building or property for business, industrial, residential, or other purposes;

(2) the bulk, height, placement, or number of buildings constructed on a particular tract of land;

(3) the size of a building that can be constructed on a particular tract of land, including without limitation and restriction on the ratio of building floor space to the land square footage;

(4) the number of residential units that can be built per acre of land, including without limitation and restriction on factors such as minimum lot size, minimum lot width and depth, building setbacks and other measures that the county may impose to limit the density of development;

(5) a plat or subdivision in an adjoining county; or

(6) road access to a plat or subdivision in an adjoining county.

SECTION 2. Section 232.103, Local Government Code, is

1 amended to read as follows:

2       Sec. 232.103. LOT FRONTAGES. By an order adopted and  
3 entered in the minutes of the commissioners court and after a notice  
4 is published in a newspaper of general circulation in the county,  
5 the commissioners court may adopt reasonable standards for minimum  
6 lot frontages on existing county roads and establish reasonable  
7 standards for the lot frontages in relation to curves in the road.  
8 The commissioners court is prohibited from adopting minimum lot  
9 frontages on newly platted or created local public or private  
10 roads.

11       SECTION 3. Section 232.104, Local Government Code, is  
12 amended as to read follows:

13       Sec. 232.104. SET-BACKS. By an order adopted and entered in  
14 the minutes of the commissioners court and after a notice is  
15 published in a newspaper of general circulation in the county, the  
16 commissioners court may establish reasonable building and front  
17 set-back lines for existing county and state roads as provided by  
18 Chapter 233 without the limitation period provided by Section  
19 233.004(c).

20       SECTION 4. Section 233.032, Local Government Code is  
21 amended to read as follows:

22       Sec. 233.032. POWERS AND DUTIES OF COMMISSIONERS COURT.

23 (a) If the commissioners court of a county determines that the  
24 general welfare will be promoted, the court may:

25               (1) establish by order building or set-back lines on  
26 the public roads, including major highways and existing roads, in  
27 the county; and

1           (2) prohibit the location of a new building within  
2 those building or set-back lines.

3           (b) A building or set-back line established under this  
4 subchapter may not extend:

5           (1) more than 25 feet from the edge of the right-of-way  
6 on all existing public roads other than major highways and roads; or

7           (2) more than 50 feet from the edge of the right-of-way  
8 of major highways and roads.

9           (c) The commissioners court may designate the public roads  
10 that are major highways and roads.

11          (d) The commissioners court may not establish set-backs  
12 from private roads or roads not maintained by the county.

13          SECTION 5. This Act takes effect September 1, 2025.