

By: Hughes

S.B. No. 491

A BILL TO BE ENTITLED

AN ACT

relating to building height restrictions in certain municipalities.

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

SECTION 1. Subchapter Z, Chapter 214, Local Government Code, is amended by adding Section 214.908 to read as follows:

Sec. 214.908. LIMITATION ON BUILDING HEIGHT RESTRICTION.

(a) This section applies only to a municipality with a population of more than 725,000.

(b) A municipality may not adopt or enforce 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) The prohibition described by Subsection (b) applies to a zoning regulation that limits the maximum building height authorized for a lot.

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

(e) This section does not affect the application of any restriction imposed by Chapter 3151, Government Code.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this

2 Act takes effect September 1, 2023.