

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 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 3,000 square feet;

(B) wider than 30 feet; or

(C) deeper than 75 feet; or

(2) if regulating the density of dwelling units in a residential development, a ratio of dwelling units per acre that prevents a single-family home from being built on a residential lot that is at least 3,000 square feet.

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

(1) a building plane or other setback greater than:

(A) 15 feet from the front or 10 feet from the 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.

(a-1) Notwithstanding Subsection (a)(1), a municipality may require with respect to a small lot a setback related to environmental features, erosion, or waterways, to the extent authorized by federal or other state law.

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

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

(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; or

(3) impact fees, to the extent authorized by Chapter [395](#).

(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. Except as expressly provided by this subchapter, this subchapter does not prohibit a municipality from imposing restrictions that are

1 applicable to all similarly situated lots or subdivisions,
2 including requiring all subdivisions or all small lots to fully
3 mitigate stormwater runoff.

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

8 Sec. 211.058. ACTION. (a) A person adversely affected or
9 aggrieved by a municipality's violation of this subchapter or a
10 housing organization may bring an action against the municipality
11 or an officer or employee of the municipality in the officer's or
12 employee's official capacity for relief described by Subsection
13 (c).

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

17 (c) In an action brought under this section, a court may:

18 (1) enter a declaratory judgment under Chapter 37,
19 Civil Practice and Remedies Code;

20 (2) issue a writ of mandamus compelling a defendant
21 officer or employee to comply with this subchapter; and

22 (3) issue an injunction preventing the defendant from
23 violating this subchapter.

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

27 (e) A claimant in an action brought under this section may

elect in the claimant's petition to designate the Fifteenth Court
of Appeals as the exclusive intermediate appellate court over an
appeal or original proceeding arising from the action.

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

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 15 passed the Senate on March 19, 2025, by the following vote: Yeas 28, Nays 3; May 29, 2025, Senate refused to concur in House amendments and requested appointment of Conference Committee; May 30, 2025, House granted request of the Senate; May 31, 2025, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 15 passed the House, with amendments, on May 28, 2025, by the following vote: Yeas 86, Nays 43, two present not voting; May 30, 2025, House granted request of the Senate for appointment of Conference Committee; June 1, 2025, House adopted Conference Committee Report by the following vote: Yeas 78, Nays 57, one present not voting.

Chief Clerk of the House

Approved:

Date

Governor