

1-1 By: Hughes S.B. No. 491
 1-2 (In the Senate - Filed January 18, 2023; February 17, 2023,
 1-3 read first time and referred to Committee on Local Government;
 1-4 April 20, 2023, reported adversely, with favorable Committee
 1-5 Substitute by the following vote: Yeas 7, Nays 1; April 20, 2023,
 1-6 sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14	X			
1-15	X			
1-16	X			
1-17		X		

1-18 COMMITTEE SUBSTITUTE FOR S.B. No. 491 By: Springer

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to building height restrictions in certain
 1-22 municipalities.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Subchapter Z, Chapter 214, Local Government
 1-25 Code, is amended by adding Section 214.908 to read as follows:

1-26 Sec. 214.908. LIMITATION ON BUILDING HEIGHT RESTRICTION.

1-27 (a) This section applies only to a municipality with a population
 1-28 of more than 725,000.

1-29 (b) A municipality may not adopt or enforce an ordinance,
 1-30 regulation, or other measure that limits the height of a building
 1-31 based on the building's proximity to a lot that is located more than
 1-32 50 feet from the building.

1-33 (c) The prohibition described by Subsection (b) applies to a
 1-34 zoning regulation that limits the maximum building height
 1-35 authorized for a lot.

1-36 (d) For purposes of this section, the proximity of a
 1-37 building to a lot is measured along the shortest straight line
 1-38 between the building and the lot's lot line.

1-39 (e) This section does not affect the application of a
 1-40 restriction or regulation imposed by:

1-41 (1) Chapter 3151, Government Code;

1-42 (2) federal law, including a restriction or regulation
 1-43 affecting a military base or airport;

1-44 (3) a municipality that contains a World Heritage Site
 1-45 declared by the United Nations Educational, Scientific and Cultural
 1-46 Organization and intended to protect a building or area designated
 1-47 for protection based on the building's or area's historical,
 1-48 cultural, or architectural importance and significance; or

1-49 (4) a municipality related to the height of a building
 1-50 near an airport, including a military airport, commercial service
 1-51 airport, or joint-use airport.

1-52 SECTION 2. This Act takes effect immediately if it receives
 1-53 a vote of two-thirds of all the members elected to each house, as
 1-54 provided by Section 39, Article III, Texas Constitution. If this
 1-55 Act does not receive the vote necessary for immediate effect, this
 1-56 Act takes effect September 1, 2023.

1-57 * * * * *