

LOCAL GOVERNMENT CODE

TITLE 7. REGULATION OF LAND USE, STRUCTURES, BUSINESSES, AND
RELATED ACTIVITIES

SUBTITLE A. MUNICIPAL REGULATORY AUTHORITY

CHAPTER 218. REGULATION OF MIXED-USE AND MULTIFAMILY RESIDENTIAL
USE AND DEVELOPMENT IN CERTAIN MUNICIPALITIES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 218.001. DEFINITIONS. In this chapter:

(1) "Heavy industrial use" means a storage, processing, or manufacturing use:

(A) with processes using flammable or explosive materials;

(B) with hazardous conditions; or

(C) that is noxious or offensive from odors, smoke, noise, fumes, or vibrations.

(2) "Mixed-use residential," when used to describe land use or development, means the use or development, as applicable, of a site consisting of residential and nonresidential uses in which the residential uses are at least 65 percent of the total square footage of the development. The term includes the use or development of a condominium.

(3) "Multifamily residential," when used to describe land use or development, means the use or development, as applicable, of a site for three or more dwelling units within one or more buildings. The term includes the use or development of a residential condominium.

Added by Acts 2025, 89th Leg., R.S., Ch. 778 (S.B. [840](#)), Sec. 2, eff. September 1, 2025.

Added by Acts 2025, 89th Leg., R.S., Ch. 1026 (S.B. [2477](#)), Sec. 1, eff. September 1, 2025.

Sec. 218.002. APPLICABILITY. This chapter applies only to a municipality with a population greater than 150,000 that is wholly or partly located in a county with a population greater than 300,000.

Added by Acts 2025, 89th Leg., R.S., Ch. 778 (S.B. 840), Sec. 2, eff. September 1, 2025.

Added by Acts 2025, 89th Leg., R.S., Ch. 1026 (S.B. 2477), Sec. 1, eff. September 1, 2025.

Sec. 218.003. NO EFFECT ON OTHER RESTRICTIONS AND RULES. This chapter does not affect the authority of a municipality to:

(1) apply the municipality's regulations on short-term rental units to a mixed-use residential or multifamily residential development;

(2) adopt or enforce water quality protection regulations to implement or comply with water quality requirements under state or federal law, including Chapter 366, Health and Safety Code;

(3) adopt or enforce a density bonus program or other voluntary program that allows for site development standards that are less restrictive than the standards described by this chapter; or

(4) apply the following regulations that are generally applicable to other developments in the municipality:

(A) except as otherwise provided by this chapter:

(i) sewer and water access requirements; or

(ii) building codes;

(B) stormwater mitigation requirements; or

(C) regulations related to historic preservation, including protecting historic landmarks or property in the boundaries of a local historic district.

Added by Acts 2025, 89th Leg., R.S., Ch. 778 (S.B. 840), Sec. 2, eff. September 1, 2025.

Added by Acts 2025, 89th Leg., R.S., Ch. 1026 (S.B. 2477), Sec. 1, eff. September 1, 2025.

SUBCHAPTER B. ZONING AND DEVELOPMENT REGULATIONS

Sec. 218.101. MIXED-USE RESIDENTIAL AND MULTIFAMILY RESIDENTIAL USES ALLOWED. (a) Notwithstanding any other law and

subject to Subsection (c), a municipality shall allow mixed-use residential use and development or multifamily residential use and development in a zoning classification that allows office, commercial, retail, warehouse, or mixed-use use or development as an allowed use under the classification.

(b) Notwithstanding any other law and subject to Subsection (c), a municipality may not require the change of a zoning district or land use classification or regulation or an approval of an amendment, exception, or variance to a zoning district or land use classification or regulation prior to allowing a mixed-use residential use or development or multifamily residential use or development in an area covered by a zoning classification described by Subsection (a). An amendment, exception, or variance to a zoning district or land use classification or regulation includes a special exception, zoning variance, site development variance, subdivision variance, conditional use approval, special use permit, comprehensive plan amendment, or other discretionary approval to allow a mixed-use residential use or development or multifamily residential use or development.

(c) This section does not apply to:

(1) a zoning classification that allows heavy industrial use;

(2) land located within:

(A) 1,000 feet of an existing heavy industrial use or development site; or

(B) 3,000 feet of an airport or military base; or

(3) an area designated by a municipality as a clear zone or accident potential zone.

Added by Acts 2025, 89th Leg., R.S., Ch. 778 (S.B. [840](#)), Sec. 2, eff. September 1, 2025.

Added by Acts 2025, 89th Leg., R.S., Ch. 1026 (S.B. [2477](#)), Sec. 1, eff. September 1, 2025.

Sec. 218.102. REGULATION OF MIXED-USE RESIDENTIAL AND MULTIFAMILY RESIDENTIAL USE OR DEVELOPMENT. (a) Notwithstanding any other law, a municipality may not adopt or enforce an ordinance, zoning restriction, or other regulation that:

(1) imposes on a mixed-use residential or multifamily residential development:

(A) a limit on density that is more restrictive than the greater of:

(i) the highest residential density allowed in the municipality; or

(ii) 36 units per acre;

(B) a limit on building height that is more restrictive than the greater of:

(i) the highest height that would apply to an office, commercial, retail, or warehouse development constructed on the site; or

(ii) 45 feet; or

(C) a setback or buffer requirement that is more restrictive than the lesser of:

(i) a setback or buffer requirement that would apply to an office, commercial, retail, or warehouse development constructed on the site; or

(ii) 25 feet;

(2) requires a mixed-use residential or multifamily residential development to provide:

(A) more than one parking space per dwelling unit; or

(B) a multilevel parking structure;

(3) restricts the ratio of the total building floor area of a mixed-use residential or multifamily residential development in relation to the lot area of the development; or

(4) requires a multifamily residential development not located in an area zoned for mixed-use residential use to contain nonresidential uses.

(b) Notwithstanding any other law, if a municipal authority responsible for approving a building permit or other authorization required for the construction of a mixed-use residential or multifamily residential development determines that a proposed development meets municipal land development regulations in accordance with this subchapter, the municipal authority:

(1) shall administratively approve the permit or other

authorization; and

(2) may not require further action by the governing body of the municipality for the approval to take effect.

Added by Acts 2025, 89th Leg., R.S., Ch. 778 (S.B. 840), Sec. 2, eff. September 1, 2025.

Added by Acts 2025, 89th Leg., R.S., Ch. 1026 (S.B. 2477), Sec. 1, eff. September 1, 2025.

SUBCHAPTER C. FEES AND REGULATIONS APPLICABLE TO CONVERSION OF CERTAIN USES

Sec. 218.201. DEFINITION. In this subchapter, "permit" has the meaning assigned by Section 245.001.

Added by Acts 2025, 89th Leg., R.S., Ch. 778 (S.B. 840), Sec. 2, eff. September 1, 2025.

Added by Acts 2025, 89th Leg., R.S., Ch. 1026 (S.B. 2477), Sec. 1, eff. September 1, 2025.

Sec. 218.202. APPLICABILITY. This subchapter applies only to a building or the structural components of the building that:

(1) is being used for office, retail, or warehouse use;

(2) is proposed to be converted from nonresidential occupancy to mixed-use residential or multifamily residential occupancy for at least 65 percent of the building and at least 65 percent of each floor of the building that is fit for occupancy; and

(3) was constructed at least five years before the proposed date to start the conversion.

Added by Acts 2025, 89th Leg., R.S., Ch. 778 (S.B. 840), Sec. 2, eff. September 1, 2025.

Sec. 218.203. CERTAIN REGULATIONS PROHIBITED. Notwithstanding any other law, a municipality may not, in connection with the use, development, construction, or occupancy of a building proposed to be converted to mixed-use residential or multifamily residential use, require:

(1) the preparation of a traffic impact analysis or

other study relating to the effect the proposed converted building would have on traffic or traffic operations;

(2) the construction of improvements or payment of a fee in connection with mitigating traffic effects related to the proposed converted building;

(3) the provision of additional parking spaces, other than the parking spaces that already exist on the site of the proposed converted building;

(4) the extension, upgrade, replacement, or oversizing of a utility facility except as necessary to provide the minimum capacity needed to serve the proposed converted building; or

(5) a design requirement, including a requirement related to the exterior, windows, internal environment of a building, or interior space dimensions of an apartment, that is more restrictive than the applicable minimum standard under the International Building Code as adopted as a municipal commercial building code under Section [214.216](#).

Added by Acts 2025, 89th Leg., R.S., Ch. 778 (S.B. [840](#)), Sec. 2, eff. September 1, 2025.

Sec. 218.204. IMPACT FEE PROHIBITED. Notwithstanding any other law, a municipality may not impose an impact fee, as defined by Section [395.001](#), on land where a building has been converted to mixed-use residential or multifamily residential use unless the land on which the building is located was already subject to an impact fee before a building permit related to the conversion was filed with the municipality.

Added by Acts 2025, 89th Leg., R.S., Ch. 778 (S.B. [840](#)), Sec. 2, eff. September 1, 2025.

SUBCHAPTER D. ENFORCEMENT

Sec. 218.301. CIVIL ACTION. (a) In this section, "housing organization" means a:

(1) 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;

(2) nonprofit organization organized under the laws of this state that:

(A) provides or advocates for increased access or reduced barriers to housing; and

(B) has filed written or oral comments with the legislature; or

(3) nonprofit organization that is engaged in public policy research, education, and outreach that includes housing policy-related issues and advocacy.

(b) A housing organization or other person adversely affected or aggrieved by a violation of this chapter may bring an action for declaratory or injunctive relief against a municipality.

(c) The court shall award court costs and reasonable attorney's fees to a claimant who prevails in an action brought under this section.

(d) Notwithstanding any other law, including Chapter 15, Civil Practice and Remedies Code, an action brought under this section must be brought in a county in which all or part of the real property that is the subject of the action is located.

(e) Notwithstanding any other law, the Fifteenth Court of Appeals has exclusive intermediate appellate jurisdiction over an action brought under this section.

Added by Acts 2025, 89th Leg., R.S., Ch. 778 (S.B. 840), Sec. 2, eff. September 1, 2025.