

City of Houston Ordinance No. 2023- 801

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HOUSTON, TEXAS, BY AMENDING SEVERAL SECTIONS OF CHAPTER 42 OF THE CODE OF ORDINANCES, AND ADDING SEVERAL NEW SECTIONS, ALL AMENDMENTS RELATING TO MULTI-UNIT RESIDENTIAL PERFORMANCE STANDARDS, COURTYARD STYLE DEVELOPMENT PERFORMANCE STANDARDS, AND ENTRY FEATURE PERFORMANCE STANDARDS; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; DECLARING CERTAIN CONDUCT TO BE UNLAWFUL AND PROVIDING A PENALTY THEREFOR; PROVIDING FOR SEVERABILITY; AND ESTABLISHING AN EFFECTIVE DATE.

* * * * *

WHEREAS, City Council recognizes that a greater range of naturally occurring affordable housing options is necessary to address the lack of affordable housing available within the city; and

WHEREAS, development incentives will encourage more compact development patterns and small-scale multi-unit housing options; and

WHEREAS, development incentives will encourage access and proximity to mobility options and to make better use of land closer to existing infrastructure; and

WHEREAS, the City Council finds and determines that the city should make every effort to promote responsible affordable housing development within the inner city; and

WHEREAS, the City Council desires to adopt an ordinance providing for multi-unit residential standards to incentivize desirable development patterns; **NOW, THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That the findings contained in the preamble of this Ordinance are determined to be true and correct and hereby adopted as part of this Ordinance.

Section 2. That Chapter 42 of the Code of Ordinances, Houston, Texas, is hereby amended by amending Section 42-1, Definitions, by replacing the words "shall mean" with "means" throughout.

Section 3. That Chapter 42 of the Code of Ordinances, Houston, Texas, is further amended by amending certain sections only as set forth in **Exhibit A**, attached hereto and incorporated herein.

Section 4. That except as specifically herein amended as shown in Exhibit A, Chapter 42 of the Code of Ordinances, Houston, Texas remains unchanged and in full force and effect.

Section 5. That any applications currently in process as of the effective date of this Ordinance shall continue to be processed under the rules in effect at the time of the application, unless such permit has been determined to be dormant or is no longer valid, unless the property owner determines they wish their application processed under the terms of these amendments.

Section 6. That the City Attorney is hereby authorized to direct the publisher of the Code to make such non-substantive changes to the Code as are necessary to conform to the provisions adopted in this Ordinance, and to make such changes to the provisions adopted in this Ordinance conform them to the provisions and conventions of the published Code.

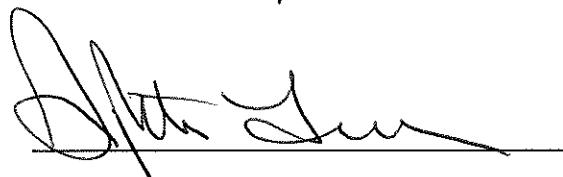
Section 7. That, if any provision, section, subsection, sentence, clause, phrase, of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances

shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

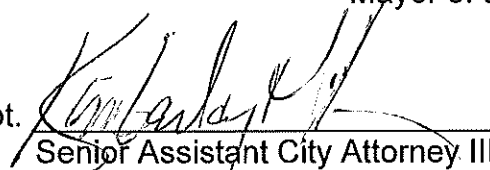
Section 8. Any violation of any provision of Chapter 42, as herein adopted and made a part of the City of Houston Code of Ordinances, is a misdemeanor punishable upon conviction by a fine as established by Section 1-6 of the City of Houston Code of Ordinances.

Section 9. That a public emergency exists requiring that this ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; however, this Ordinance when passed by City Council shall take effect at 12:01 a.m. on November 27, 2023.

PASSED, ADOPTED and APPROVED this 27th day of September, 2023.



Mayor of the City of Houston

Prepared by Legal Dept. 
KMickelson Senior Assistant City Attorney III
Requested by Margaret Wallace Brown
Director, Department of Planning and Development
L.D. File No. 0000001608

Meeting 9/27/2023

Aye	No	
✓		Mayor Turner
....	Council Members
✓		Peck
✓		Jackson
✓		Kamin
✓		Evans-Shabazz
✓		Martin
✓		Thomas
✓		Huffman
Absent due to death in family		Cisneros
✓		Gallegos
✓		Pollard
✓		Castex-Tatum
✓		Knox
✓		Robinson
	✓	Kubosh
✓		Plummer
✓		Alcorn
Caption	Adopted	

Captions Published in DAILY COURT REVIEW

Date: 10/3/2023

EXHIBIT A

**Amendments to Certain Sections of Chapter 42, Code of Ordinances of
the City of Houston**

Sec. 42-1. Definitions.

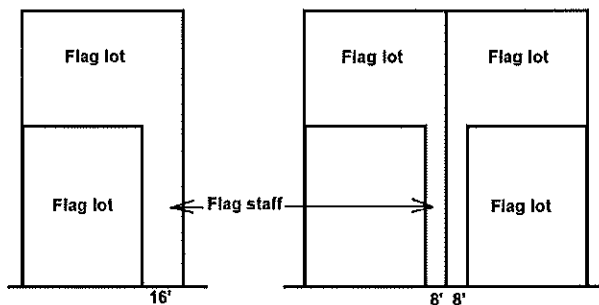
Alley shall mean a public or private right-of-way that is not used primarily for through traffic and that provides vehicular access to rear or side entrances to buildings or properties.

Courtyard access drive means a private drive that provides driveway access to lots and parking from the street or alley within Courtyard style development meeting the requirements of Sec. 42-194.

Courtyard style development means a tract of land located within the city boundary, divided into lots, reserves, courtyard and access drives that allow for a unified development.

Façade means the exterior wall of any building on a property that faces a public street abutting the property or a courtyard meeting the requirements of Sec. 42-194.

Flag lot shall mean a lot whose frontage on and access to the street right-of-way is provided by a narrow driveway, access easement, or other parcel of land referred to as the "flag staff" where more than one lot abutting the flag staff use it for shared vehicular access.



Front Entrance means the primary pedestrian doorway located on the first floor of a building facade along a street. A garage door is not considered a front entrance.

Multi-family residential shall mean the use of property with one or more buildings on a parcel designed for and containing an aggregate of three or more dwelling units. Multi-family residential includes apartments, condominiums, triplexes and quadraplexes.

Multi-unit residential (MUR) shall mean the use of property located within the city boundary, for one or more buildings on a tract designed for and containing an aggregate of three to eight dwelling units, which may include multiple duplexes, triplexes, quadraplexes, and apartments and condominiums.

Narrow Lot means a lot that has less than 44 feet of frontage on a street or type 1 permanent access easement.

Private drive shall mean a privately owned way for vehicular travel that is not a street or private street and that provides an unobstructed connection between one or more streets or private streets or to any portion of a parking lot, shopping center, institution, commercial area, multi-unit residential development, or industrial development. A private drive may provide for access by the general public, but the owner of the private drive shall maintain the right to restrict public access to the private drive.

Single-family residential shall mean the use of a lot with one building designed for and containing not more than two separate units with facilities for living, sleeping, cooking, and eating therein. A lot upon which is located a free-standing building containing one dwelling unit and a detached secondary dwelling unit of not more than 1500 square feet shall also be considered single-family residential. A building that contains one dwelling unit on one lot that is connected by a party wall to another building containing one dwelling unit on an adjacent lot shall be single-family residential.

Sec. 42-46. Development plat submittal requirements.

An application for the approval of a development plat shall be filed with the department, and shall:

- (1) Be made on an application form provided by the department;
- (2) Provide a copy of a survey sealed and certified by a Texas registered professional land surveyor showing:
 - a. The location of each existing building, structure or improvement;
 - b. Each easement and right-of-way within or abutting the boundary of the surveyed property, tied to a street intersection or landmark; and
 - c. The dimensions of each sidewalk, alley, square, park or other part of the property intended to be dedicated to public use or for the use of purchasers of property fronting on or adjacent to the sidewalk, alley, square, park or other part.

The survey does not have to be recent so long as it illustrates all contiguous property under one ownership or common control;

- (3) Include a copy of a site plan illustrating:
 - a. All proposed and existing buildings, proposed and existing driveways, stairways, fences and adjacent roadways;
 - b. Parking that meets the applicable requirements of this chapter and chapter 26 of this Code;
 - c. Landscaping that meets the applicable requirements of chapter 33 of this Code;

- d. Location of bulk container and screening for bulk containers that meets the applicable requirements of article VI of chapter 39 of this Code; and
 - e. Location of gang mailboxes or cluster box units that are constructed in the public street pursuant to section 40-13 of this Code, as applicable; and
- (4) Be accompanied by the applicable filing fee.

Sec. 42-122. Right-of-way widths.

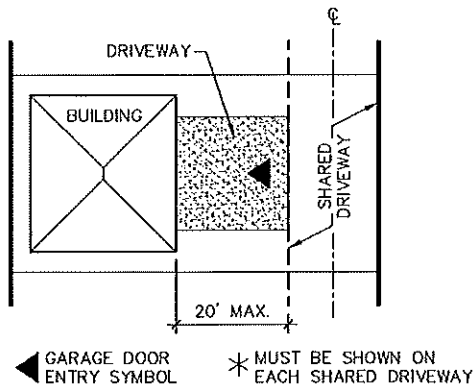
The minimum right-of-way required for each of the following types of streets or public alleys shall be as follows, subject only to the street width exception areas established pursuant to section 42-123 of this Code:

Major thoroughfares	(1) The lesser of 100 feet or the right-of-way specified by the street hierarchy classification established by the major thoroughfare and freeway plan; or
	(2) 100 feet for streets designated on the major thoroughfare and freeway plan for which a street hierarchy classification is not established
Collector streets designated on the major thoroughfare and freeway plan	The right-of-way width established by the major thoroughfare and freeway plan
Other collector streets	(1) 60 feet; or
	(2) 50 feet if all properties on both sides of the collector street consist of single-family residential lots, that do not have driveway access to the collector street.
Local streets	(1) 50 feet if adjacent to exclusively single-family residential lots, MUR's and other uses that are allowed on a 50 feet right-of-way in accordance with section 42-190; or
	(2) 60 feet if adjacent to any other development
Transit-oriented development street not designated as a major thoroughfare or collector street on the MTFP	60 feet
Walkable places street	The right-of-way width established by the walkable places plan
	The right-of-way width otherwise required by this division for street segments designated on the walkable places plan for which a

	substitute right-of-way width is not established
Public alleys	20 feet
Type 1 permanent access easement	The width required if the permanent access easement were a public street
Type 2 permanent access easement	28 feet
The right-of-way width of a type 2 permanent access easement is coterminous with the pavement width and the terms are used interchangeably. The width shall be measured from edge to edge across the surface of the pavement	

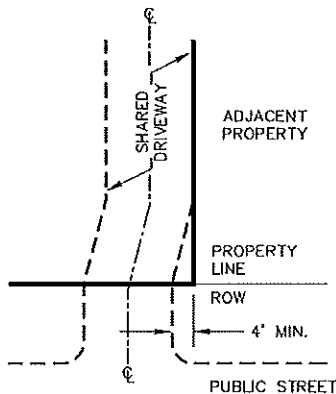
Sec. 42-145. General layout and arrangement for all shared driveways.

- (a) A subdivision plat within the city may provide for a lot that takes access from a shared driveway within the same subdivision plat as the lot in accordance with the following requirements:
- (1) A shared driveway shall have a minimum width of 18 feet except as provided in section 42-146 of this Code;
 - (2) No part of a shared driveway shall be more than 200 feet from a type 1 permanent access easement or a public street that is not an alley and that contains a roadway. The distance shall be measured along the centerline of the shared driveway starting from the intersection with the type 1 permanent access easement or the public street.
 - (3) A shared driveway may be any length if all lots that take access from the shared driveway have frontage in the amount of the minimum lot width required by section 42-185 of this Code on a type 1 permanent access easement or a public street that is not an alley and that contains a roadway;

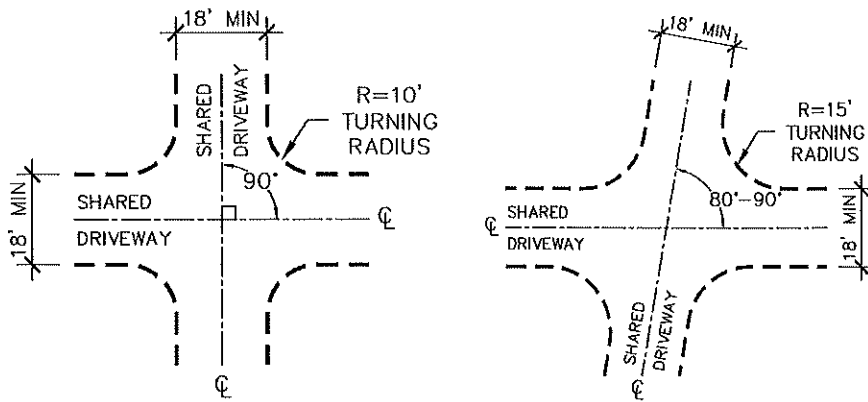


- (4) The length of a driveway that connects to a shared driveway shall be 20 feet or less as measured from the edge of the shared driveway. The total length of the driveway and the shared driveway, excluding a garage building line, if any, may not exceed 200 feet;

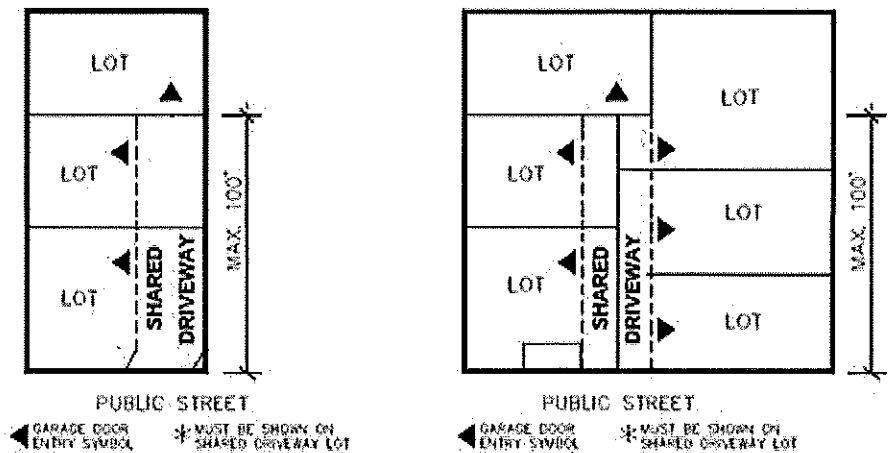
- (5) Any parking space in a subdivision containing a shared driveway shall provide sufficient space for turning movements as depicted on the drawings of the space requirements for off street parking referenced in Section 3112.4.5 of the *Construction Code*;
 - (6) A shared driveway containing a reverse curve shall have a centerline radius of 65 feet or more. A reverse curve within a shared driveway shall be separated by a tangent of 25 feet or more; and
 - (7) A shared driveway that intersects with a major thoroughfare shall not provide gated vehicular access to the shared driveway unless the gate is set back 25 feet or more from the right-of-way of the major thoroughfare.
- (b) A shared driveway shall not intersect with a type 2 permanent access easement, a private alley, or connect to, or be the extension of, a shared driveway created by an adjacent subdivision. A shared driveway shall intersect with at least one type 1 permanent access easement or public street that is not an alley in accordance with the following requirements:
- (1) The shared driveway shall intersect with a public street that has a roadway;
 - (2) The shared driveway shall intersect with a type 1 permanent access easement or a public street at a 90-degree angle except as needed to comply with item (3) of this subsection; and
 - (3) The shared driveway shall be set back at least four feet from the boundary of the subdivision plat measured at the point of intersection with the public street.



- (c) Intersections within a shared driveway shall comply with the following requirements:
- (1) Intersections shall be spaced a minimum of 65 feet apart measured from the closest edges of the shared driveway and shall not intersect at less than an 80-degree angle; and
 - (2) A shared driveway with a width of 18 feet or more shall provide for a 10-foot turning radius at every 90-degree angle in the shared driveway and shall provide for a 15-foot turning radius at every angle less than 90 degrees but equal to or greater than 80 degrees in the shared driveway.



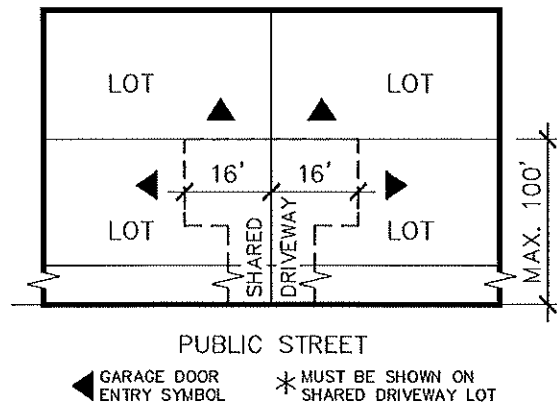
- (d) A subdivision plat containing a shared driveway shall provide a three-foot wide emergency access easement along each boundary of the subdivision plat that does not abut a public street. No objects or obstructions shall be placed within the emergency access strip except that a fence may be permitted if it provides for pedestrian gate access for emergency services.
- (e) Each garage entry door on each lot within a subdivision plat that takes access from a shared driveway shall be parallel to the length of the shared driveway allowing sufficient room for turnaround. The garage entry door may be perpendicular to the length of the shared driveway when the shared driveway complies with the following performance standards:
 - (1) No more than six lots take access from the shared driveway and no more than one lot has a garage perpendicular to the length of the shared driveway;



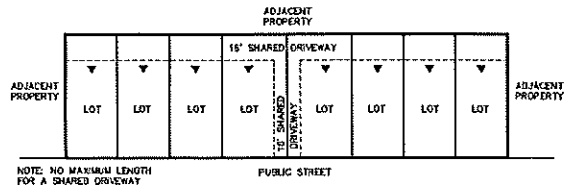
- (2) The shared driveway does not intersect a major thoroughfare or collector street; and
- (3) The shared driveway is less than or equal to 100 feet in length.

Sec. 42-146. Optional performance standards for reduction in shared driveway width.

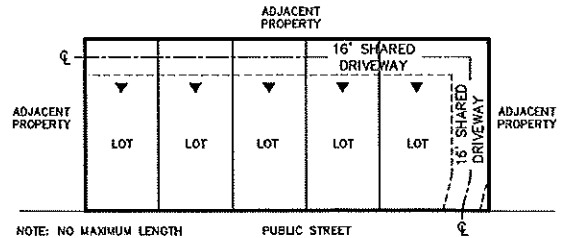
- (a) A shared driveway may have a minimum width of 12 feet if the subdivision complies with all of the following performance standards:
 - (1) No more than six dwelling units are proposed;
 - (2) The maximum depth of the proposed subdivision does not exceed 150 feet from a public street where the shared driveway will have access; and
 - (3) The garage must be set back an adequate distance allowing sufficient room for vehicular turn around.
- (b) A shared driveway shall have a minimum width of 16 feet if it complies with one of the following performance standards:
 - (1) The shared driveway is equal to or less than 100 feet in length and contains no turns except those turns that are part of a "T" turnaround configuration that complies with the following performance standards:
 - a. The "T" turnaround portion of the shared driveway has a minimum width of 16 feet;
 - b. The length of each branch of the "T" turnaround extends exactly 16 feet from the centerline of the shared driveway;
 - c. Not more than four lots take vehicular access from the "T" turnaround; and
 - d. Each garage entry door is parallel to the shared driveway except for a garage entry door located within the "T" turnaround; or



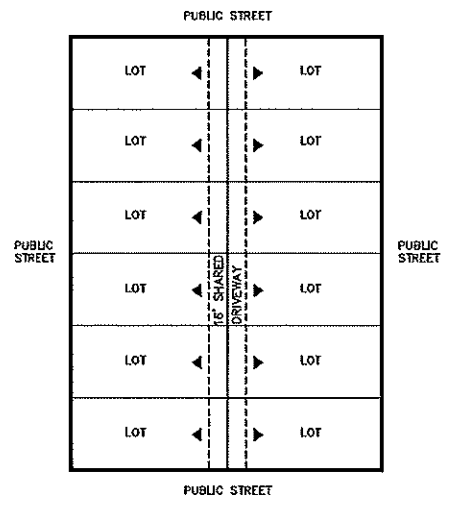
- (2) The shared driveway is greater than 100 feet in length and complies with the following performance standards:
 - a. Each lot within the subdivision plat has frontage along a public street that is not an alley and takes vehicular access only from the shared driveway; or



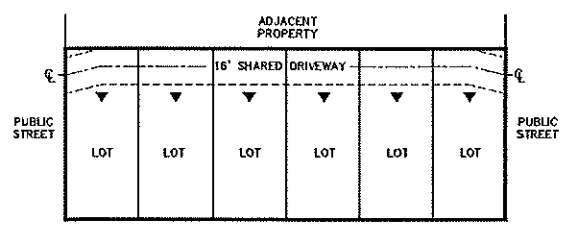
NOTE: NO MAXIMUM LENGTH FOR A SHARED DRIVEWAY IF ALL LOTS FRONT ON A PUBLIC STREET.



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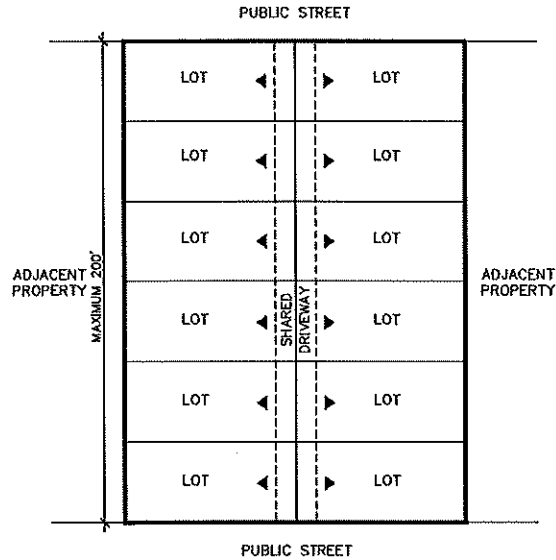


NOTE: NO MAXIMUM LENGTH FOR A SHARED DRIVEWAY IF ALL LOTS FRONT ON A PUBLIC STREET.



NOTE: NO MAXIMUM LENGTH FOR A SHARED DRIVEWAY IF ALL LOTS FRONT ON A PUBLIC STREET.

b. The shared driveway connects to two public streets and has no turns or curves.



Sec. 42-150. Building line requirement.

- (a) An improvement that requires a building permit shall not be constructed within the building line requirement established by this chapter. Each subdivision plat and development plat shall show all applicable building lines and the following note:

"Unless otherwise indicated, the building lines [b.l.], whether one or more, shown on this subdivision plat are established to evidence compliance with the applicable provisions of Chapter 42, Code of Ordinances, City of Houston, Texas, in effect at the time this plat was approved, which may be amended from time to time."

- (b) The building line requirements established by this chapter are minimum standards. Where deed restrictions provide for a greater building line or setback, the deed restrictions shall control over the provisions of this chapter.
- (c) A special minimum building line requirement established pursuant to subdivision B of this division shall control over all other provisions of this chapter relating to building line requirements.
- (d) The following chart is a summary of certain building line requirements of this chapter and is intended for illustrative purposes only. In case of any conflict between the chart and the text of this chapter, the text shall control.

Summary of Minimum Building Line Requirements

Type of Street or Private Roadway	Tract Description	Minimum Building Line Requirement
All Public Streets	Within the central business district	No requirement
Major Thoroughfares	In general	25 feet

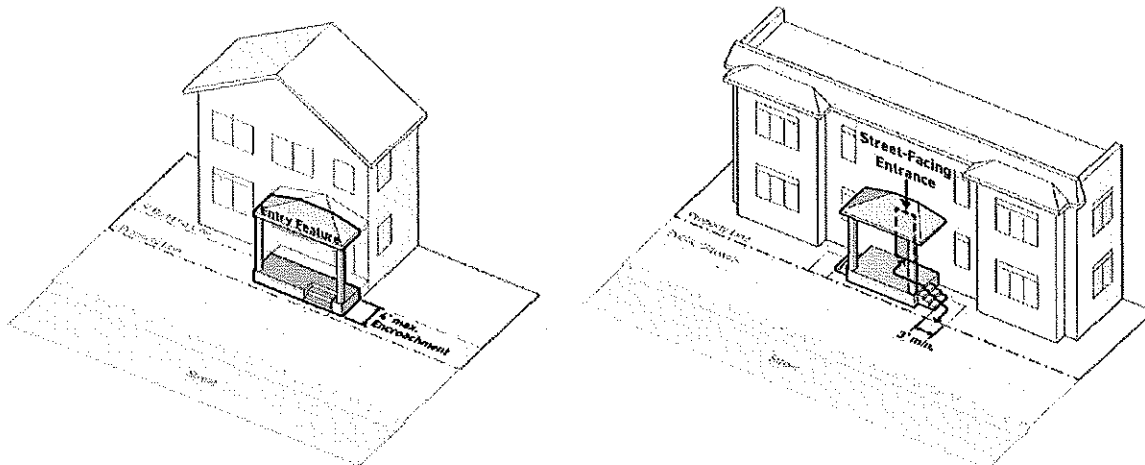
	Single-family residential backing on a major thoroughfare	10 feet, if the lot meets the standards of section 42-152(b)
	Not single-family residential and abutting a major thoroughfare with a planned right-of-way width of 80 feet or less	15 feet, if the reserve meets the standards of section 42-153(a)
	Retail commercial center abutting a major thoroughfare with a planned right-of-way width of 80 feet or less	5 feet, if the reserve meets the standards of section 42-154(a)
		zero feet, if the reserve meets the standards of section 42-154(b)
	Single-family residential lots with vehicular access from a flag staff, shared driveway, alley, PERMANENT ACCESS EASEMENT or courtyard access drive abutting a major thoroughfare with a planned right-of-way width of 80 feet or less	15 feet, if the development meets the standards of section 42-153(b)
	Multi-unit residential use abutting a major thoroughfare with a planned right-of-way width of 80 feet or less.	15 feet, if the multi-unit residential use meets the standards of section 42-237 and 52-153(c)
Primary Streets	All tracts	Zero feet and subject to the standards of section 42-164
Secondary Streets	All tracts	See applicable public street classification
		Zero feet, if the lot or reserve meets the standards of section 42-164
Collector Streets	Not single-family residential and across the street from a single-family residential lot with a platted building line of 10 feet or more	Lesser of 25 feet or the greatest building line on the single-family residential lots
	Single-family residential	25 feet, if the lot meets the standards of section 42-156(a)
		10 feet, if the lot meets the standards of section 42-157(b)
		5 feet, if the lot meets the standards of section 42-157(c)
		zero feet, if the lot meets the standards of section 42-157(d)
	Single-family residential lots within a courtyard style development	5 feet, if the courtyard style development meets the standards of section 42-194

	Multi-unit residential reserves	5 feet, if the multi-unit residential use meets the standards of section 42-237
	All others	10 feet
Local streets	Not single-family residential and across the street from a single-family residential lot with a platted building line of 10 feet or more	Lesser of 25 feet or the greatest platted building line on the single-family residential
	Single-family residential	20 feet, if the lot meets the standards of section 42-156(b)
		10 feet, if the lot meets the standards of section 42-156(b) or section 42-157(b)
		5 feet, if the lot meets the standards of section 42-157(c)
		zero feet, if the lot meets the standards of section 42-157(d)
	Single-family residential lots within courtyard style development	5 feet, if the courtyard style development meets the standards of section 42-194
	Multi-unit residential reserve	5 feet, if the multi-unit residential use meets the standards of section 42-237
	All others	10 feet
Private Streets	All tracts	5 feet for habitable structures
Type 2 Permanent Access Easements	All tracts	5 feet
Shared Driveways	All tracts	3 feet, if the lot meets the standards of section 42-159(a)
		zero feet, if the lot meets the standards of section 42-159(b)

Sec. 42-151. Exceptions to building line requirement.

- (a) A tract within the central business district shall not be subject to a building line requirement.
- (b) For a building line requirement of ten feet or greater established by this article, an encroachment shall be permitted as follows:
 - (1) An encroachment of up to 30 inches into the building line requirement shall be permitted for eaves, bay windows, balconies, fireplace chimneys, decorative features, and habitable area if:
 - a. The encroachment is cantilevered into the building line requirement and is not supported by other means;

- b. The lowest point of the encroachment is at least nine feet higher than the highest point of the building foundation;
 - c. The encroachment for habitable living area for each floor does not have an area greater than 50 percent of the total area of the building façade for that floor; and
- (2) An encroachment of up to five feet into the building line requirement shall be permitted for open stairways and wheelchair ramps.
- (c) For a building line requirement less than ten feet established by this article along a collector or local street, an encroachment of up to 30 inches shall be permitted for eaves, bay windows, balconies, fireplace chimneys, decorative features, and habitable living area if:
- (1) The encroachment is cantilevered into the building line requirement and is not supported by other means;
 - (2) The lowest point of the encroachment is at least nine feet higher than the highest point of the building foundation;
 - (3) The encroachment for habitable living area for each floor does not have an area greater than 50 percent of the total area of the building façade for that floor; and
 - (4) The encroachment is not within ten feet of aboveground utility lines except those individual service lines used to connect the building to the utility lines, as measured horizontally from the point of the encroachment closest to the utility lines.
- (d) For single family residential lots, lots within courtyard style development in accordance with section 42-194 or MUR tracts in accordance with section 42-237 with a building line requirement of five feet or greater established by this article, an encroachment of the entry feature in accordance with section 42-165 shall be permitted within the building line provided;
- (1) The vehicular access is via alley, flag staff, shared driveway, permanent access easement, courtyard access drive or private drive.
 - (2) The entry feature encroaches no more than 4 feet into the building line on the first floor if there is adequate room for sidewalks and all utilities with no structures above the entry feature and;
 - (3) The encroachment is not within ten feet of aboveground utility lines except those individual service lines used to connect the building to the utility lines, as measured horizontally from the point of the encroachment closest to the utility lines.

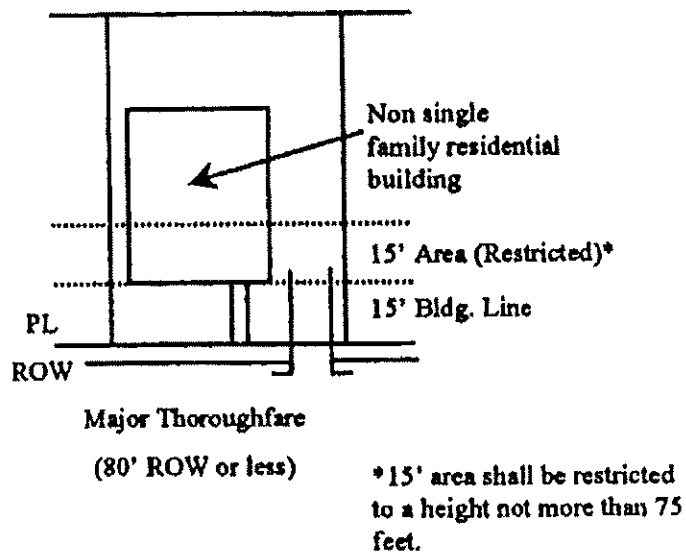


- (e) An encroachment of up to 30 inches into the building line requirement along a type 2 permanent access easement established by this article shall be permitted if:
 - (1) The encroachment is cantilevered into the building line requirement and is not supported by other means; and
 - (2) The lowest point of the encroachment is at least nine feet higher than the highest point of the building foundation.
- (f) Encroachments into the building line requirement along a shared driveway established by this article shall be permitted if:
 - (1) The encroachment is cantilevered into the building line requirement and is not supported by other means; and
 - (2) The lowest point of the encroachment is at least 12 feet higher than the highest point of the shared driveway paving.
- (g) An encroachment into the building line requirement as provided by this article shall be permitted for any building that has received a certificate of appropriateness issued pursuant to article VII, chapter 33, of this Code, relating to historic preservation, evidencing approval of the encroachment into the building line requirement.
- (h) An existing building may encroach into the building line requirement established by this article if:
 - (1) The existing building was constructed in accordance with the building line requirement that was in effect at the time the building was constructed;
 - (2) Additional construction on the portion of the existing building that encroaches into the building line requirement does not expand the size, footprint, or any dimension of the encroachment;
 - (3) The portion of the existing building that encroaches into the building line requirement is not reconstructed in a way that replaces the structural elements of the encroachment; or

- (4) A subdivision plat filed with the department after July 24, 2015, that includes a tract containing the existing building depicts the encroachment as a dual building line and contains a plat notation that requires compliance with the terms of this section.

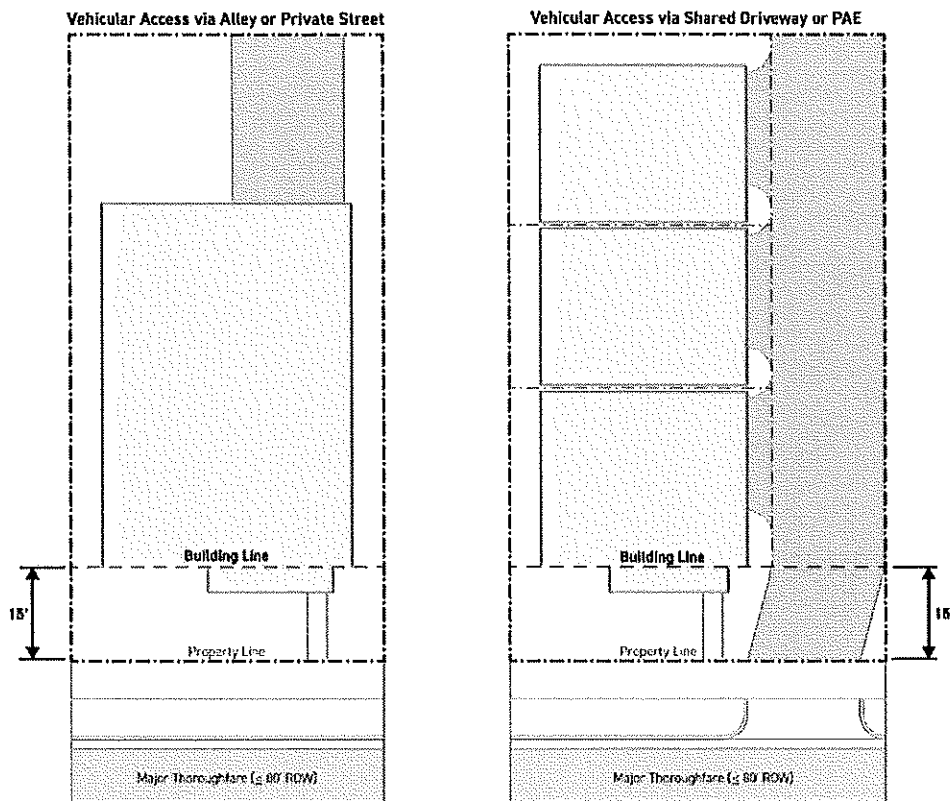
Sec. 42-153. Optional performance standards for a major thoroughfare within the city with a planned right-of-way of 80 feet or less—In general

Except for along a walkable places street or transit-oriented development street, a building line requirement of 15 feet is authorized for a tract in the city that has frontage on a major thoroughfare with a planned right-of-way of 80 feet or less if the applicant submits a subdivision plat that includes plat notations that require compliance with the following performance standards or a development plat that demonstrates compliance with each of the following performance standards, as applicable:



- (a) Uses other than single-family or multi-unit residential, adjacent to a major thoroughfare, may build to a fifteen-foot building line, provided:
- (1) Any private street or private drive crossing the building line is substantially perpendicular to the adjacent major thoroughfare and the building line;
 - (2) The area within the building line is not used for parking, driveways, or any other auto-related uses such as access to a drive-through window;
 - (3) A clearly defined pedestrian walkway that is separate from any private street or private drive is established providing a connection from the public sidewalk along the major thoroughfare to an entrance to a building or the development;
 - (4) The sidewalk and safety buffer standards of article XXII of chapter 40 of this Code;

- (5) The height of any building within 15 feet behind the building line is restricted to not more than 75 feet, as measured in accordance with the Building Code;
 - (6) Trees that are within 25 feet of the property line adjacent to the major thoroughfare are protected as corridor trees pursuant to article V of chapter 33 of this Code;
 - (7) The building line conforms to the visibility triangle required by section 42-161 of this Code at the intersection of a major thoroughfare and any other street;
 - (8) For any property used for nonresidential purposes, the maximum height of any fence, wall, berm, or combination thereof within the building line is 36 inches in height measured from mean grade;
 - (9) For multi-family residential uses, any fence, wall, berm, or combination thereof within the building line that is more than 36 inches high, but less than eight feet high, measured from mean grade is at least two feet from the property line adjacent to the major thoroughfare and the space created thereby is used and maintained for landscape plantings; and
 - (10) For purposes of section 33-127(b) of this Code, the number of required shrubs shall be equal to the number of required street trees multiplied by five, which required shrubs shall be distributed along the street frontage of the property in the landscape strip.
- (b) A single-family residential lot that takes vehicular access via an alley, flag staff, shared driveway, permanent access easement or courtyard access drive per Sec. 42-194 may build to a fifteen-foot building line, provided;
- (1) The units along the major thoroughfare front the street with an entry feature per Sec. 42-165;
 - (2) Any flag staff, shared driveway, permanent access easement or courtyard access drive crossing the building line is substantially perpendicular to the adjacent major thoroughfare and the building line;
 - (3) The area within the building line along the major thoroughfare is not used for parking;
 - (4) A decorative non-opaque fence may be provided along the major thoroughfare;
 - (5) All parking is located 20 feet away from the ROW;
 - (6) A development shall not provide gated vehicular access to the flag staff, shared driveway or permanent access easement unless the gate is set back 25 feet or more from the right-of-way of the major thoroughfare;
 - (7) A clearly defined pedestrian walkway is established providing a connection from the public sidewalk along the major thoroughfare to an entrance to the development; and
 - (8) The sidewalk and safety buffer standards of article XXII of chapter 40 are met.



(c) Multi-unit residential tracts developed in accordance with section 42-237, and taking vehicular access from a public street, through an alley, or a private drive, may build to a fifteen-foot building line, provided:

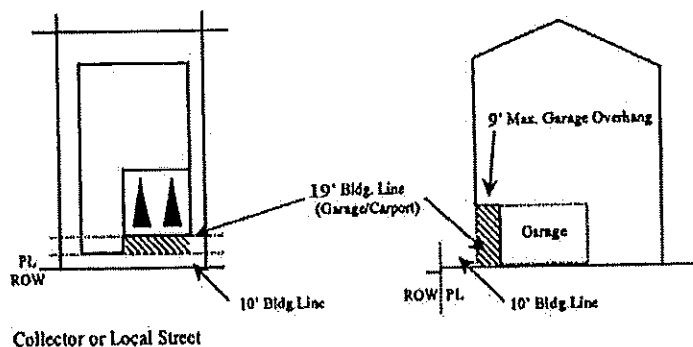
- (1) The structures along the major thoroughfare front the street with an entry feature in accordance with section 42- 165
- (2) Any private drive crossing the building line is substantially perpendicular to the adjacent major thoroughfare and the building line;
- (3) The area within the building line along the major thoroughfare is not used for parking or any other auto-related uses;
- (4) Parking is located at the rear or on the side of the property;
- (5) A clearly defined pedestrian walkway is established providing a connection from the public sidewalk along the major thoroughfare to an entrance to the development;
- (6) The sidewalk and safety buffer standards of article XXII of chapter 40 are met; and
- (7) Trees that are within 25 feet of the property line adjacent to the major thoroughfare are protected as corridor trees pursuant to article V of chapter 33 of this Code.

Sec. 42-155. - Collector and local streets—Uses other than single-family residential.

- (a) The building line requirement for a tract used or to be used for other than single-family residential purposes adjacent to a street that is a collector street or local street that is not an alley shall be ten feet unless otherwise required or authorized by this chapter.
- (b) The building line requirement for property used or intended for to be used for other than single-family residential purposes adjacent to a street that is a collector street or local street and that is not an alley and across which street are located single-family residential lots having platted building lines greater than ten feet shall be the lesser of 25 feet or the greatest building line on the single-family residential lots directly across the street from the property.
- (c) The building line requirement for tracts used for multi-unit residential purposes adjacent to a collector street or local street that is not an alley shall be as identified in section 42-237 unless otherwise required or authorized by this chapter.

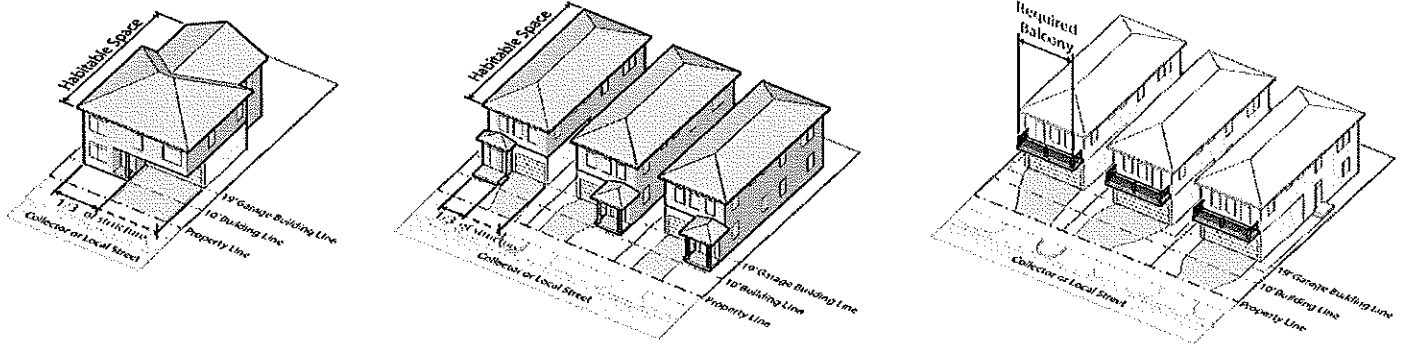
Sec. 42-157. Optional performance standards for collector streets and local streets—Single-family residential.

- (a) The performance standards for building lines in the city are intended to:
 - (1) Foster a design framework applicable to the city; and
 - (2) Assure that pedestrian use of sidewalks is not impeded by vehicles blocking the sidewalks.
- (b) The building line requirement for a subdivision or development in the city restricted to single-family residential use adjacent to a collector street or a local street that is not an alley shall be:
 - (1) Ten feet for the principal structure;
 - (2) Notwithstanding the other provisions of this section, 19 feet for a garage or carport facing the street. An occupiable space above the garage or carport may overhang the building line up to nine feet; and



- (3) For lots with the garage facing the street, at least 1/3 of the structure along the street must be occupiable space with the front door facing the street. This 1/3 of the structure

can be located within the 9 feet ahead of the garage building line or no more than 4 feet behind the garage building line. For narrow lots, if not able to meet the 1/3 requirement, then functional balconies must be provided on the second floor. In lieu of a balcony, there may be a minimum of 36 square feet of windows facing the street, with at least one or more windows being a minimum of 3 feet by 5 feet.



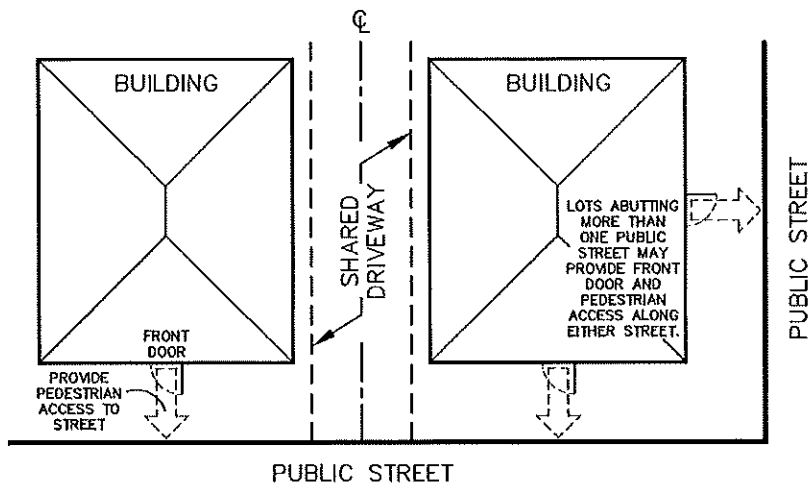
(c) A front building line requirement of five feet is authorized for all or a portion of the lots in a subdivision or development in the city that is restricted to single-family residential use adjacent to a collector street or a local street that meets one of the following performance standards:

- (1) Vehicular access to a driveway, garage or carport is available only from the rear or side of each lot through an alley, flag staff, permanent access easement or courtyard access drive, and each dwelling unit on a lot that is adjacent to a public street has a front door with an entry feature per Sec. 42-165; or
- (2) Vehicular access to each lot is provided by a shared driveway and:
 - a. The shared driveway meets the requirements of division 2 of article III of this chapter relating to shared driveways;
 - b. Each dwelling unit on a lot that is adjacent to a public street has front door with an entry feature per section 42-165; and
 - c. All electrical service installations for the development are installed according to the energy provider's service standards for the underground installations including the dedication of any easements required for the underground installation.

(d) A front building line requirement of zero feet is authorized for all or a portion of the lots in a subdivision plat in the city that is restricted to single-family residential use adjacent to a collector street or local street that meets the following performance standards:

- (1) The subdivision is solely a replat of a lot on a corner at the intersection of two public streets;
- (2) Each lot in the replat provides for one or more shared driveways so that every dwelling unit will share a shared driveway with at least one other dwelling unit;

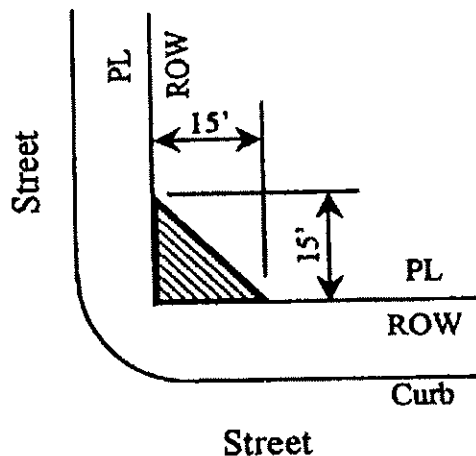
- (3) Each dwelling unit on a lot that is adjacent to a public street has a front door with an entry feature per Sec. 42-165;
- (4) All electrical service installations for the development are installed according to the electrical service provider's standards for the underground installations including the dedication of any easements required for the underground installation; and
- (5) There is adequate room for required sidewalks and utilities within the right-of-way.



Sec. 42-161. Visibility triangles.

The building line for property adjacent to two intersecting streets shall not encroach into any visibility triangle, the triangular area adjacent to the intersection of any street established by measuring a distance of 15 feet from the point of intersection of two streets along the right-of-way of each of the intersecting streets and connecting the ends of each measured distance, to assure adequate visibility sight lines for vehicular traffic approaching the intersection. The maximum height of the visibility triangle shall be 20 feet as measured vertically from the ground.

For lots and multi-unit residential sites located on collector or local streets that take rear or side access in accordance with section 42-188 and qualify for a reduced building line of 5 feet, an encroachment into the visibility triangle is allowed above 10 feet as measured vertically from the ground.



Sec. 42-164. Transit-oriented development streets and walkable places streets

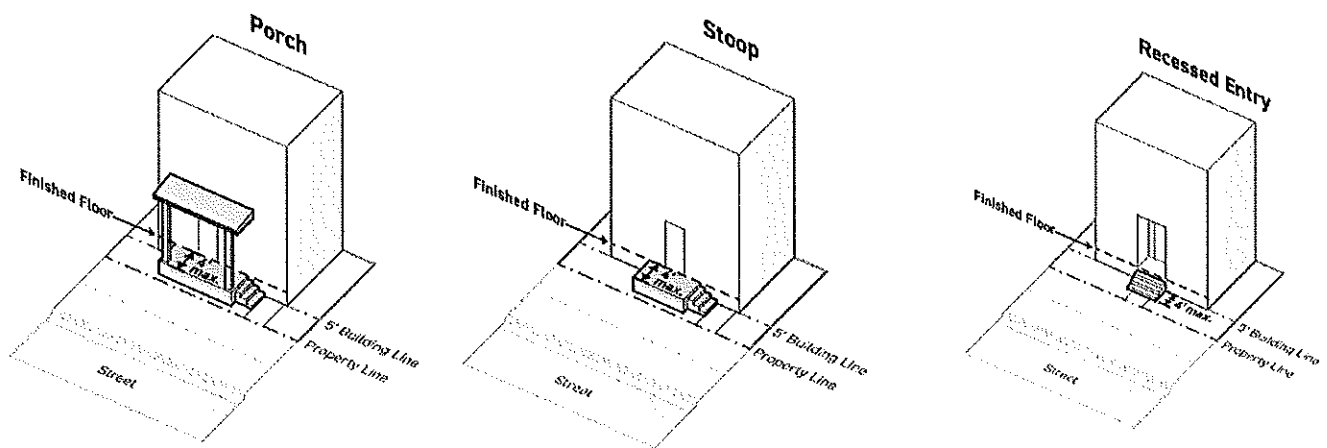
- (a) This section shall apply to any improvement requiring a building permit or development within a lot on a walkable places street or transit-oriented development street.
- (b) The portion of a lot or development that is adjacent to a primary street shall have a building line requirement of zero feet and the lot or development must comply with the requirements of article IV of this chapter.
- (c) A building line of zero feet is authorized for the portion of a lot or development that is adjacent to a secondary street if the lot or development complies with the requirements of article IV of this chapter. Any lot or development that does not meet the standards of this subsection must be in compliance with the standard building line requirement otherwise required by this article for the corresponding type of street and tract description.
- (d) Except when a special minimum building line requirement is applicable, this section shall prevail over the building line requirement otherwise required or authorized by this chapter.

Sec. 42-165. Entry feature performance standards for units fronting the street

A reduced building line within the city boundary will be allowed for single family and multi unit residential developments having rear or side access to the units, if units fronting the street meet the following entry feature criteria:

1. Each structure with frontage on a street, not including an alley, must provide at least one entry feature;
2. To be considered street-facing, an entry feature must face the street it is intended to serve. An entrance directly accessed from a porch, stoop or recessed entry on the street-facing side, counts as a street-facing entrance, regardless of if it faces the street;

3. The required entrance must provide both pedestrian ingress and egress to the first story of a building;
4. The required entrance must provide access to occupiable space within the first story of a building;
5. The required entrance must have a separate pedestrian access gate if a fence is provided, and a minimum 3-foot wide pedestrian connection to the nearest public sidewalk or public street;
6. The required entrance must include a porch, a stoop, or a recessed entry. A porch or stoop may encroach up to 4 feet into a required building line, provided there is adequate room for required sidewalks and all utilities; and
7. A porch or stoop may encroach up to 4 feet into the required building line, but may not have occupiable space above the first floor.



Sec. 42-180. General lot design standards.

- (a) Each lot in a subdivision plat shall be of sufficient size and shape to:
 - (1) Allow for the construction of a single-family residential building that meets the requirements of this Code, the Construction Code, and the design manual;
 - (2) Accommodate an easement for all public and private utilities necessary to serve the single-family residential building constructed thereon;
 - (3) Ensure that direct vehicular access is provided from a street, shared driveway, or alley.
 - (4) When proposing a narrow lot, no more than 1 vehicular access from a street is allowed.
 - (5) No vehicular access is required for lots within a courtyard style development.
 - (6) Provide for the number of parking spaces required by section 42-186 and article VIII of chapter 26 of this Code, as applicable. The size and dimensions of a parking space shall be in conformance with the requirements of the Construction Code.

- (b) A lot that will not be served by a wastewater collection system shall meet the minimum requirements of the Texas Commission on Environmental Quality. The applicant shall provide a letter from the Texas Commission on Environmental Quality evidencing compliance with the minimum requirements. In addition, a lot without wastewater collection service that is platted in a special flood hazard area, as determined under the National Flood Insurance Program, shall meet the applicable requirements of the Texas Commission on Environmental Quality, the city, and the county engineer of the county in which the lot is located with respect to the location of the onsite sewage system.

Sec. 42-181. Single-family residential lot size.

- (a) The minimum lot size for a single-family residential lot with wastewater collection service shall be as shown below, except for lots within courtyard style development meeting the requirements of section 42-194:
 - (1) 5,000 square feet for a lot within the extraterritorial jurisdiction; or
 - (2) 3,500 square feet for a lot within the city.
- (b) The lot size for a single-family residential lot with wastewater collection service may be less than the minimum lot size provided by subsection (a) if the subdivision plat meets the performance standards of either:
 - (1) The compensating open space performance standards of section 42-182 of this Code; or
 - (2) For a subdivision plat within the city, the performance standards of section 42-184 of this Code.
- (c) A subdivision plat shall not include a lot that is less than 1,400 square feet unless the plat meets the following performance standards:
 - (1) The property to be platted is located within the city and all lots within the subdivision take vehicular access from the shared driveway or permanent access easement;
 - (2) The average lot size within the subdivision plat is greater than or equal to 1,400 square feet. A lot that is larger than 3,500 square feet shall be counted as 3,500 square feet for purposes of the average lot size calculation of this subsection;
 - (3) For the purposes of this subsection, blockface has the meaning in 42-1 and shall include the distances measured from and to shared driveways, intersecting or terminating with shared driveways.
 - (4) If the subdivision plat contains one or more blockfaces in their entirety, the average lot size of each blockface within the subdivision plat is greater than or equal to 1,400 square feet; and
 - (5) If a subdivision plat includes a lot with a lot size less than 3,500 square feet, any subsequent replat of a lot within the subdivision plat shall maintain an average lot size that is greater than or equal to 1,400 square feet. The average lot size for each subsequent replat shall be based on all lots within the original subdivision plat

containing a lot with a lot size less than 3,500 feet. The subdivision plat and all subsequent replats of lots within the subdivision plat shall contain a plat notation stating the requirements of this item.

- (d) The minimum lot size for lots without wastewater collection service shall be in accordance with the requirements of subsection (b) of section 42-180 of this Code;
- (e) A special minimum lot size requirement established pursuant to subdivision B of this division shall control over all other provisions of this section.

Sec. 42-184. Optional performance standards for the reduction in lot size within the city.

A subdivision plat for property located within the city may provide for a single-family residential lot size of less than 3,500 square feet, but not less than an average of 1,400 square feet, for lots with adequate wastewater collection service, if the subdivision plat meets the following performance standards and includes plat notations requiring compliance with the following performance standards:

- (1) More than 60% of the area of each lot that is less than 3,500 square feet is not covered by buildings, or for a subdivision plat that is solely a replat of a lot on a corner at the intersection of two public streets, more than 75% of the area of the lot is not covered by buildings;
- (2) The subdivision plat provides for at least 150 square feet of permeable area on each lot that is less than 3,500 square feet; and
- (3) The number of single-family residential dwelling units that can be constructed within the proposed subdivision plat does not exceed an equivalent density of 27 units to the gross acre of all land within the boundaries of the subdivision plat; and
- (4) An equivalent density of 35 units to the gross acre of all land within the boundaries of the subdivision plat is allowed if all lots within the subdivision take vehicular access from the rear or side via an alley, flag staff, shared driveway or permanent access easement.

Sec. 42-185. Minimum width of a lot.

- (a) The minimum width of any lot along a street or shared driveway shall be 20 feet unless otherwise allowed by this ordinance.
- (b) The minimum width of any lot in a subdivision within the city may be 15 feet if all lots within the subdivision plat take vehicular access from the shared driveway or permanent access easement and the subdivision plat conforms to the following performance standards:
 - (1) The average width of all lots within the subdivision plat is greater than or equal to 18 feet. A lot with a width greater than 30 feet shall be counted as 30 feet for purposes of the average lot width calculation of this subsection;
 - (2) For the purposes of this subsection, blockface shall have the meaning of 42-1 and further shall include the distances measured from and to shared driveways, intersecting or terminating with shared driveways.

- (3) If the subdivision plat contains one or more blockfaces in their entirety, the average lot width of each blockface within the subdivision plat is greater than or equal to 18 feet; and
- (4) If a subdivision plat includes a lot with a width of less than 20 feet, any subsequent replat of a lot within the subdivision plat shall maintain an average lot width that is greater than or equal to 18 feet. The average lot width for each subsequent replat shall be based on all lots within the original subdivision plat containing a lot with a width less than 20 feet. The subdivision plat and all subsequent replats of lots within the subdivision plat shall contain a plat notation stating the requirements of this item.

Sec. 42-186. Parking for single-family residential uses.

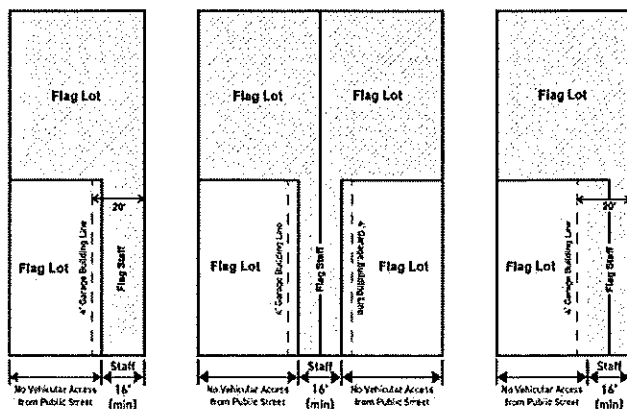
- (a) Each subdivision plat or development plat providing for a single-family residential use shall provide at least two off-street parking spaces per dwelling unit on each lot with the following exceptions:
 - (1) for a dwelling unit that is not more than 1500 square feet, only one space shall be required per dwelling unit; or
 - (2) for a dwelling unit that is less than or equal to 1000 square feet, no off-street parking is required when all of the following criteria are met:
 - a. the lot has less than 33 feet of public street frontage,
 - b. 100 percent of the unit has occupiable space fronting the street, and
 - c. driveway access from the public street is not permitted, and shall be reflected on the plat and building permit.
- (b) If the first unit meets the off-street parking requirements:
 - (1) When a second dwelling unit of not more than 1000 gross square feet is provided, no additional off-street parking spaces shall be required.
 - (2) When a second dwelling unit is greater than 1000 square feet but less than or equal to 1500 square feet, only one additional off-street parking space shall be required.
- (c) Each courtyard style development plat completed in accordance with section 42-194, providing for single-family residential use, shall provide one off-street parking space for every dwelling unit less than or equal to 1000 square feet and 2 off-street parking spaces per dwelling unit if the units are between 1001-1800 square feet.
- (d) For lots within a courtyard style development in accordance with section 42-194 parking may be located in a reserve within the subdivision provided there is a shared access and maintenance agreement among lot owners.
- (e) Each subdivision plat providing for a single-family residential use on property located within the city that includes a courtyard access drive, a shared driveway, or a type 2 permanent access easement with six or more dwelling units shall provide one additional parking space for every six dwelling units. Dwelling units on a lot that includes a parking space in excess of

the parking requirements of subsection (a) of this section shall not be counted in determining the required number of additional parking spaces required by this subsection. Each additional parking space shall conform to the following requirements:

- (1) The size and dimensions of the parking space shall be in conformance with the requirements of the Construction Code;
 - (2) The parking space shall be placed within the boundaries of the subdivision plat;
 - (3) For a subdivision plat where the lots abut a type 2 permanent access easement and take vehicular access only from a private alley, a parking space may be included within the type 2 permanent access easement;
 - (4) The parking space shall not be placed within a shared driveway or within a lot;
 - (5) The parking space shall not be placed where parking is prohibited by law, and the parking space shall be placed a minimum of 20 feet away from the right-of-way of a major thoroughfare, major collector, or existing protected bike lanes;
 - (6) The parking space shall be accessible to all residents of each dwelling unit of the subdivision plat via an internal path of either the shared driveway, type 2 permanent access easement or an improved walkway surface in an access easement within the subdivision meeting accessibility requirements in accordance with IDM standards with a minimum width of 3 feet in accordance with Chapter 40 sidewalk regulations.
- (f) A variance granted by the commission to parking requirements contained in this chapter is also a variance to the same parking requirement in Chapter 26.

Sec. 42-187. Flag lots.

- (a) Each flag lot shall provide for a combined vehicular access to the principal portion of all lots that are less than 44 feet wide through the flag staff. The maximum number of lots that may take access from a flag staff is 4.
- (b) The minimum width of the flag staff shall be 16 feet. The entire width of the flag staff need not be paved.
- (c) If the garage is parallel to the length of the flag staff, the distance between the face of the garage and the farthest edge of the flag staff shall be 20 feet.



- (d) The total length of the flag staff and driveway cannot be longer than 200 feet from the street that contains a roadway.
- (e) Any area required to be used for vehicular access purposes shall be depicted by a note on the subdivision plat that restricts the portions of the lots for ingress and egress only and that precludes construction of any building, structure, wall or fence within those portions. The plat note shall clearly indicate the joint or shared nature of the access.

Sec. 42-188. Lot access. ~~to streets~~

This section sets forth requirements for lot access. Subsections (b)(2) and (d) through (h) apply only in the city boundary.

- (a) Each lot shall have access to a street or shared driveway that meets the requirements of this chapter and the design manual, subject to the limitations of this section except for lots within courtyard style development in accordance with section 42-194.
- (b) A single-family residential lot shall not have direct vehicular access to a major thoroughfare unless:
 - (1) The lot takes vehicular access to a major thoroughfare through a shared driveway that meets the requirements of subdivision B of division II of this article;
 - (2) The lot takes vehicular access to a major thoroughfare through a flag staff that meets the requirements of Sec 42-187 and a turnaround is provided that prohibits vehicles from backing onto the major thoroughfare; or
 - (3) The lot is greater than one acre in size and the subdivision plat contains a notation adjacent to the lot requiring a turnaround on the lot that prohibits vehicles from backing onto the major thoroughfare.
- (c) Lots that front on or take access from a permanent access easement must be a part of a unified development scheme where the owners of all lots within the subdivision are legally bound together by deed restriction, contract or any other constituted and binding homeowners association, corporation, or other organization with, as one of its purposes, the continued care and maintenance of all commonly owned properties within the subdivision, particularly the areas established as permanent access easements, and the authority and means to impose binding assessments upon the lot owners for that purpose. Each subdivision plat that contains a permanent access easement shall contain the following notation on the face of the plat:

"THIS SUBDIVISION CONTAINS ONE OR MORE PERMANENT ACCESS EASEMENTS THAT HAVE NOT BEEN DEDICATED TO THE PUBLIC OR ACCEPTED BY THE CITY OF HOUSTON OR ANY OTHER LOCAL GOVERNMENT AGENCY AS PUBLIC RIGHTS-OF-WAY. THE CITY OF HOUSTON HAS NO OBLIGATION, NOR DOES ANY OTHER LOCAL GOVERNMENT AGENCY HAVE ANY OBLIGATION, TO MAINTAIN OR IMPROVE ANY PERMANENT ACCESS EASEMENT WITHIN THE SUBDIVISION, WHICH OBLIGATION SHALL BE THE SOLE RESPONSIBILITY OF THE OWNERS OF PROPERTY IN THIS SUBDIVISION."

(d) Lots within a courtyard style development must be a part of a unified development plan where the owners of all lots within the subdivision are legally bound by deed restriction, contract or any other legal and binding homeowners association, corporation, or other organization with, as one of its purposes, the continued care and maintenance of all commonly owned properties within the subdivision, particularly the areas established as courtyards, parking, pedestrian pathways and courtyard access drives, and the authority and means to impose binding assessments upon the lot owners for that purpose. Each subdivision plat for a courtyard style development shall contain the following notation on the face of the plat:

"THIS SUBDIVISION CONTAINS ONE OR MORE COURTYARD ACCESS DRIVES THAT HAVE NOT BEEN DEDICATED TO THE PUBLIC OR ACCEPTED BY THE CITY OF HOUSTON OR ANY OTHER LOCAL GOVERNMENT AGENCY AS PUBLIC RIGHTS-OF-WAY. THE CITY OF HOUSTON HAS NO OBLIGATION, NOR DOES ANY OTHER LOCAL GOVERNMENT AGENCY HAVE ANY OBLIGATION, TO MAINTAIN OR IMPROVE ANY COURTYARD ACCESS DRIVES WITHIN THE SUBDIVISION, WHICH OBLIGATION SHALL BE THE SOLE RESPONSIBILITY OF THE OWNERS OF PROPERTY IN THIS SUBDIVISION."

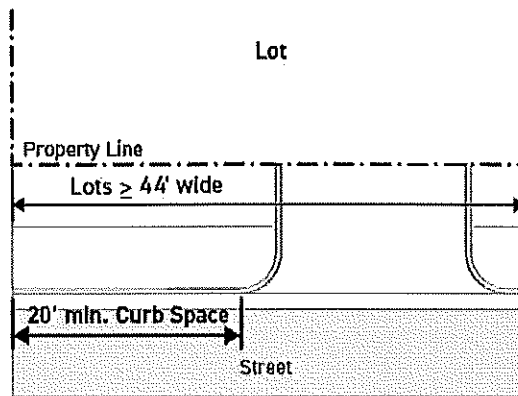
(e) Properties being subdivided that abut an alley that is maintained by the City or a homeowners association must take vehicular access from the alley, unless determined by the director to be undevelopable or inaccessible, including the blockage or partial blockage of the alley by obstructions not allowing vehicular use.

(f) Corner properties being subdivided shall provide vehicular access:

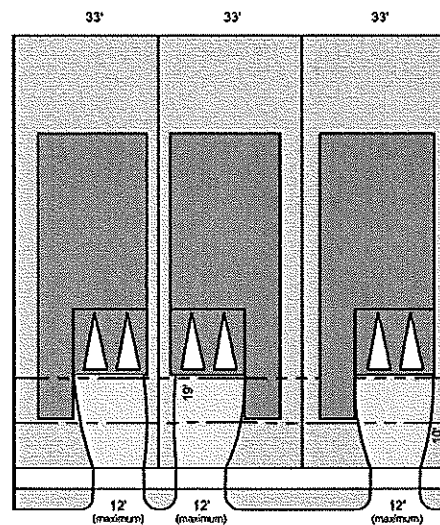
1. from an existing alley that is maintained by the City or a homeowners association;
2. if there is no alley or the alley is determined by the director to be undevelopable or inaccessible, the access must be provided from the side street unless the side street is a major thoroughfare through a flag staff, shared driveway, courtyard access drive or permanent access easement; or
3. for a sole corner lot, access must be from the side street.

(g) Mid-block property being subdivided is adjacent to an undevelopable or inaccessible alley as determined by the director, or is not abutting an alley, access must be provided as follows:

1. For a lot that is 44 feet wide or more, at least 20 feet of frontage must be left as unobstructed curb space, and a minimum of 1/3 of the width of the structure façade facing the street must be occupiable space.



2. When proposing one or more narrow lots on a public street, the following shall apply:
 - a. Vehicular access must be provided through a flag-staff, a shared driveway or permanent access easement; or
 - b. For property less than or equal to 15,000 square feet, direct vehicular access from a street may be allowed for lots 33 feet or wider but less than 44 feet wide, through a driveway of maximum 12 feet in width.



- (h) When a tract along a transit-oriented development street or walkable places street is subdivided, a single-family residential lot within this new subdivision shall not be designed to have direct vehicular access to the TOD street or WP street unless opting-into TOD or walkable places standards, and:
 - (1) The lot takes vehicular access to the TOD street or WP street through a shared driveway that meets the requirements of subdivision B of division II of this article; or
 - (2) The lot is greater than one acre in size and the subdivision plat contains a note prohibiting vehicles from backing onto the transit-oriented development street or walkable places street and requiring the turnaround to be located wholly outside the pedestrian realm.

Sec. 42-188.5—Optional performance standards for direct driveway access. Direct driveway access to a street or type 1 permanent access easement for existing lots narrower than 33 feet is permitted if all the following standards are met:

- (a) The existing lot was platted with less than 33 feet width, or the property is of an insufficient width to subdivide into multiple equal-sized lots of 33 feet or more prior to September 27, 2023;
- (b) The existing property does not have usable side or rear access to a public street or a type 1 permanent access easement or an alley maintained by the city or a homeowners association;
- (c) Each proposed lot will have only one driveway approach of no more than 12 feet in width;
- (d) The garage building line on each proposed lot must be a minimum of 20 feet;
- (e) The property proposed to be subdivided is not within 1,400 feet walking distance, measured by walking on sidewalks or other paved surface, from the primary entrance of a primary or secondary school; and
- (f) The property is not located in an area shown as a Complete Community on the map attached as Appendix A to this chapter and also available on the department’s website.

Sec. 42-190. Tracts for non-single-family use—Reserves.

- (a) A tract of land that is not restricted to single-family residential use shall not be designated on a subdivision plat as a lot but shall be designated as a reserve and shall be subject to those provisions of this chapter pertaining to reserves.
- (b) A subdivision plat shall identify each reserve by alphabetical letter and shall show the total acreage of the reserve within the delineated reserve boundaries. The applicant may note on the plat the use intended for each reserve. The applicant shall identify a reserve tract for which it has not determined a use as an unrestricted reserve.
- (c) Each reserve shall meet the following requirements for minimum size, the type and width of street or shared driveway on which it may be located, and the minimum frontage, as applicable to the type of reserve:

TYPE OF RESERVE	MINIMUM SIZE	TYPE OF STREET OR SHARED DRIVEWAY	MINIMUM STREET OR SHARED DRIVEWAY WIDTH	MINIMUM STREET OR SHARED DRIVEWAY FRONTAGE
Unrestricted reserve	5,000 sq. ft.	public street	60 feet (50 feet in a street width exception area)	60 feet

MUR Reserve per Sec. 42-237	3500 sq ft	public street or type 1 permanent access easement	50 feet	50 feet
Restricted reserve – Courtyard per Sec. 42-194	480 sq ft for the main courtyard	None required	None required	None required
Restricted reserve—Lift station	Minimum size required by the design manual	public street or type 1 permanent access easement	50 feet	20 feet
		Temporary access easement if the reserve meets the standards of section 42-190(d)	Temporary access easement if the reserve meets the standards of section 42-190(d)	
Restricted reserve—Compensating open space	240 sq. ft.	public street or type 1 permanent access easement	50 feet	12 feet
		type 2 permanent access easement	28 feet	
		shared driveway	16 feet	
Restricted reserve—Landscape or open space	None required	None required	None required	None required
Restricted reserve—Recreation	5,000 sq. ft.	public street or type 1 permanent access easement	50 feet	50 feet
		Type 2 permanent access easement	28 feet	50 feet
		Shared driveway	16 feet	50 feet
Restricted reserve—Drainage or detention	None required	public street	50 feet	20 feet
		permanent access easement	28 feet	
		shared driveway owned by homeowners association	16 feet	16 feet

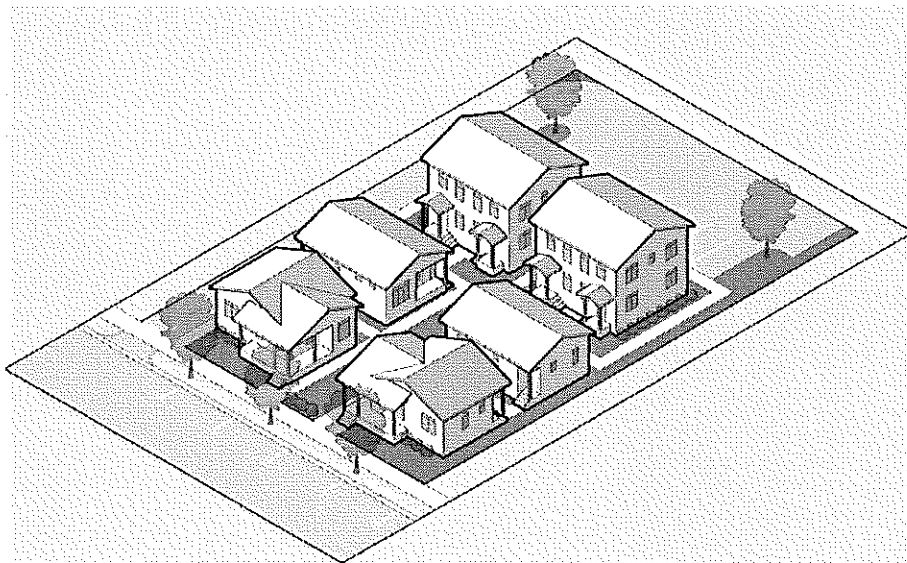
		None if adjoining existing reserve restricted to drainage or detention	None if adjoining existing reserve restricted to drainage or detention	None if adjoining existing reserve restricted to drainage or detention
Restricted reserve—Wastewater treatment, water production, or water repressurization	5,000 sq. ft.	public street or type 1 permanent access easement	50 feet	50 feet
		Temporary access easement if the reserve meets the standards of section 42-190(d)	Temporary access easement if the reserve meets the standards of section 42-190(d)	
		None if adjoining existing reserve restricted to wastewater treatment, water production, or water repressurization	None if adjoining existing reserve restricted to wastewater treatment, water production, or water repressurization	None if adjoining existing reserve restricted to wastewater treatment, water production, or water repressurization
Restricted reserve—Parking	Minimum size requirement for a parking space specified in the Construction Code	public street or type 1 permanent access easement	50 feet	Minimum width of a parking space required by the Construction Code
		type 2 permanent access easement	28 feet	
		shared driveway	16 feet	
Restricted reserve—All other	5,000 sq. ft.	public street	60 feet (50 feet in a street width exception area)	60 feet

(d) A reserve may take access via an access easement temporarily until the adjacent public streets within the general plan are platted with abutting sections if all of the following conditions are met:

- (1) The reserve is specifically restricted to lift station, wastewater treatment, water production, or water repressurization;
- (2) The access easement is temporary and non-exclusive that must be recorded prior to the recordation of the plat in a form approved by the city attorney;
- (3) The access easement aligns with the public street pattern identified in the current approved general plan;
- (4) The minimum width of the access easement must be 30 feet with all-weather road surface and shall comply with all applicable Design Manual, Fire Code, city, county, and Texas Commission of Environmental Quality (TCEQ) requirements; and
- (5) The minimum street width and minimum frontage requirements otherwise required by this section must be met as other sections abutting the reserve are recorded."

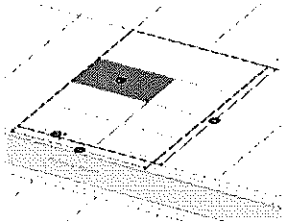
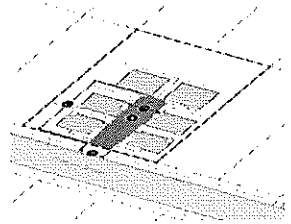
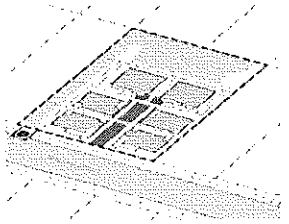
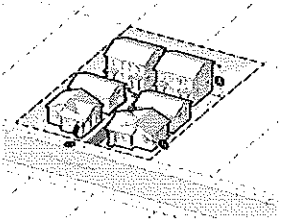
Sec. 42-194. Courtyard style development performance standards

- (a) The intent of the courtyard style development is to allow design of a group of small single-family residential lots arranged around a shared open space, to incentivize a greater range of naturally occurring affordable housing options, smaller single-family residential homes with functioning open space in a compact development pattern. It will also promote access and proximity to mobility options and better utilize land closer to existing infrastructure.



(b) The courtyard style development performance standards applicable to developments are shown in the table, and summarized, with depictions below. The full text of standards is contained in subsection (c). The following chart is a summary of certain requirements of this section and is intended for illustrative purposes only. In case of any conflict between the chart, drawings or this section, the text controls. These standards can only be used on property submitted on a site plan showing compliance with this section, and platted as a unified courtyard style development with single-family restricted lots, reserves and courtyard access drive. For purposes of courtyard style developments, the word courtyard does not include roof top courtyards.

SUMMARY OF PERFORMANCE STANDARDS

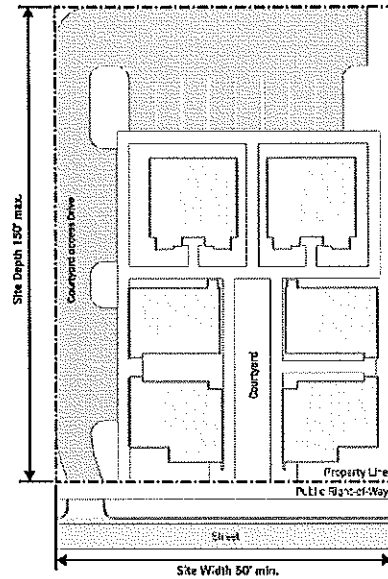
SITE	COURTYARD	PARKING / VEHICLE ACCESS	BUILDINGS/STREET ACTIVATION																																																																																						
																																																																																									
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(c) The common areas and courtyards within the development cannot be replatted into any other use and are subject to section 42-193. Each subdivision plat that contains a courtyard style development shall contain a notation to that effect on the face of the plat. Any area used for common space or a courtyard:

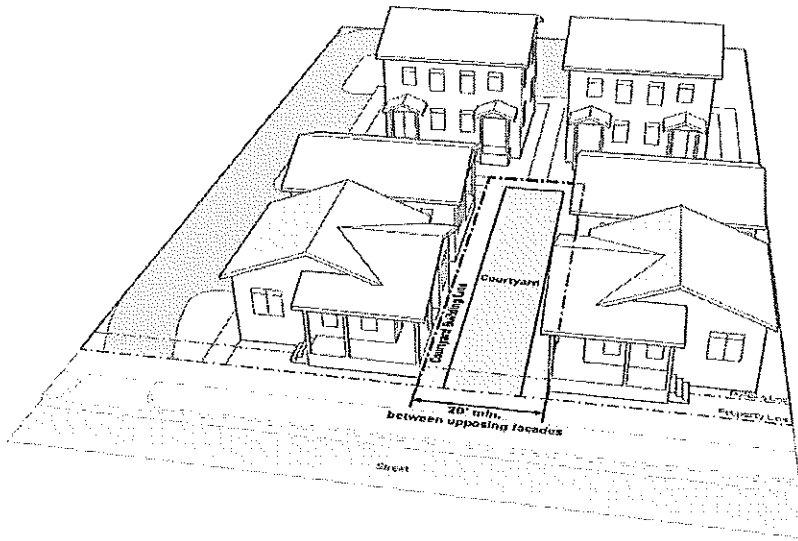
(1) Shall be restricted for the use and access of owners of property in and residents of the subdivision; and

(2) Shall be owned, managed, and maintained under a binding agreement among the owners of property in the subdivision.

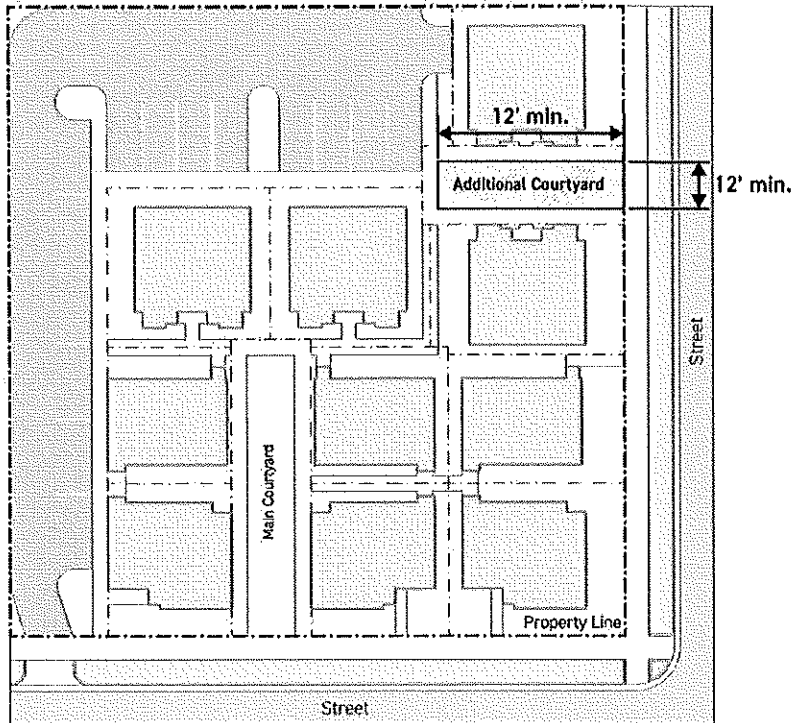
(d) A Courtyard style development site must have a minimum width of 50-foot frontage on a 50 feet street. No portion of a site can be more than 150 feet from a street containing a roadway.



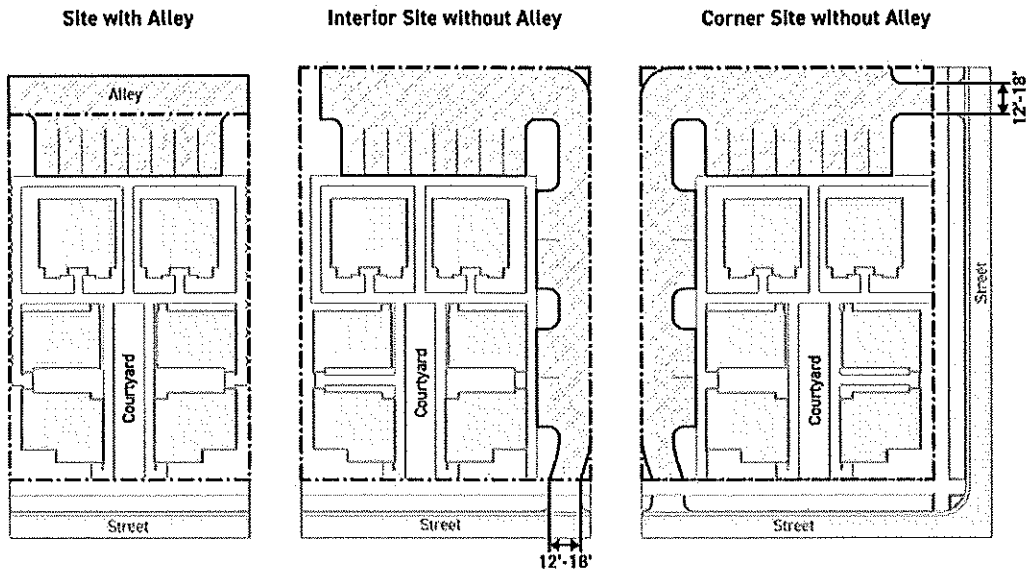
- (e) No individual lot can be more than 3,500 square feet in area, and no unit on a site can exceed 1800 square feet in floor area.
- (f) Each lot on the site must have frontage on a public street or alley that meets the requirements of Sec. 42-122, a courtyard, a courtyard access drive that meets the requirements of this section, or a pedestrian pathway that is at least 3 feet wide and connects the dwelling units to courtyard space, parking, and public street.
- (g) The building line requirement for a structure along a public street right-of-way other than major thoroughfare and not including an alley, is 5 feet. A reduced building line of 15 feet is authorized for a structure along major thoroughfares with a right-of-way 80 feet or less. All units along the public street must face the street with an entry feature, and provide a pedestrian connection to the sidewalk in accordance with section 42-165.
- (h) The minimum building line for a structure along a courtyard edge is 0 feet, provided there is at least 20 feet between opposing building facades across the courtyard, measured from edge to edge of the courtyard, including any pedestrian walkways.



- (i) A courtyard style development may have more than one courtyard area. One must be designated as the main courtyard area, and at least one must be provided within each courtyard style development. A main courtyard must be a minimum of 480 square feet in area. A minimum area of 150 square feet of courtyard space per lot must be provided within the boundaries of the subdivision plat. Courtyards must have minimum dimensions of 12 feet by 12 feet, measured from edge to edge of the area designated, including any pedestrian walkways.
- (j) At least half of all lots must front the main courtyard or a street. To be considered fronting, at least 50% of the width or depth of each residence lot must front the main courtyard or a street. Each lot with frontage on the main courtyard must provide an entrance that faces the courtyard unless an entrance is provided along the street, provide pedestrian ingress and egress to a first floor occupiable space, and must provide a minimum 3-foot-wide pedestrian connection to the main courtyard.
 - (1) Additional courtyards are allowed in order to meet the 150 square foot per lot requirement.
 - (2) Additional courtyards are not required to meet the minimum area of 480 square feet, but must meet the minimum width and depth standards below to receive credit for the courtyard requirement.

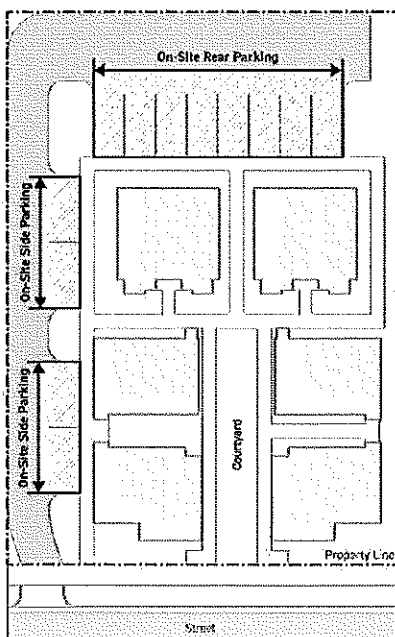


- (k) Courtyards must be located at grade and may be a mix of impervious or pervious material and may contain elements such as patios, seating areas, landscaping, lighting, and pedestrian walkways. Fences along the edge of the main courtyard may not exceed 4 feet in height. If a fence is installed, a pedestrian access gate must be provided for access to the main courtyard for each lot or building fronting on the main courtyard.
- (l) Where the property abuts an alley meeting the requirements of section 42-188, all vehicular access is provided from that alley.
- (m) On a site without alley access, or abutting an undeveloped alley midblock, a driveway is allowed every 75 feet along each street frontage, measured along the property line from edge to edge of the pavement from all existing and proposed driveways located on-site. Measurement does not apply to abutting properties. On a corner site without alley access, vehicular access must be provided from the side street if not a major thoroughfare.
- (n) A driveway to or from a street must be at least 12 feet wide but can be no wider than 18 feet, measured from edge to edge of driveway along the property line. One-way driveways are permitted for corner property and must meet the design manual.



(o) Parking requirements for courtyard style developments must meet section 42-186. In addition, the following parking requirements apply:

- (1) Parking spaces may be consolidated in one or more locations to the side or rear of the site. Pedestrian access must be provided from consolidated parking areas to each lot or structure the parking area is intended to serve.
- (2) No required parking space may be located between a street or courtyard and a building that faces a street or courtyard.



(p) No building on the site may exceed 30 feet in height, as measured from average grade to the highest roof surface. Roof surface is defined, in accordance with Section

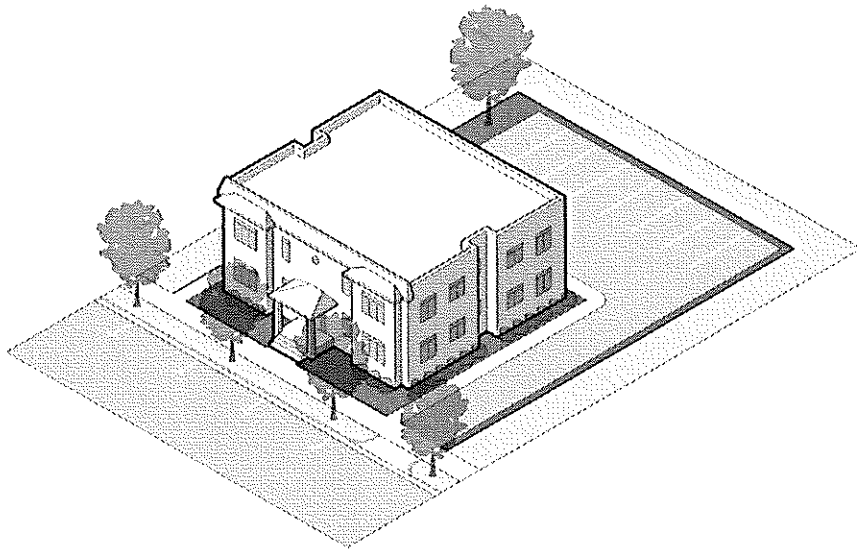
D of the International Fire Code, as the measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of a parapet wall, whichever is greater.

Sec. 42-230. Application requirements.

- (a) In addition to the information otherwise required to be submitted for a development plat in accordance with section 42-46, a development plat that provides for the development of one or more multi-family or multi-unit residential buildings shall provide the following information:
- (1) The number of separate buildings that will contain residential dwelling units;
 - (2) The location of the principal entrance to each residential building;
 - (3) The total number of dwelling units;
 - (4) An itemized listing of ~~multi-family~~ residential dwelling units existing and proposed within the property indicating the number of bedrooms in and square footage of each dwelling unit; and
 - (5) The number, location and dimensions of off-street parking spaces required to serve the dwelling units pursuant to section 42-234 of this Code or section 26-492.
- (b) When property is replatted to remove a one-foot restricted reserve, the subdivision plat shall additionally provide all of the information required for a development plat and required by subsection (a) of this section and shall be deemed a development plat for the purposes of this division.

Sec. 42-237. Multi-unit residential (MUR) performance standards

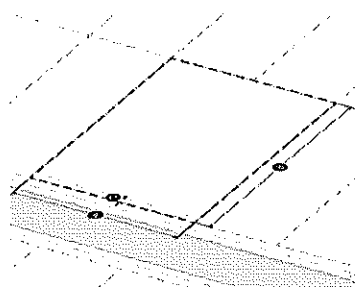
- (a) The intent of the multi-unit residential (MUR) development standards is to incentivize a greater range of naturally occurring affordable housing options, encourage more small-scale multi-unit housing options, to promote more compact development patterns and encourage residential units to face the street. It is also designed to promote access and proximity to mobility options and better utilize land closer to existing infrastructure.



(b) The multi-unit residential performance standards applicable to developments are shown in the table, and summarized, with depictions below. The full text of performance standards is contained in subsection (c). The following chart is a summary of certain performance standards contained in this section and is intended for illustrative purposes only. In case of any conflict between the charts, drawings, or text, the text shall control.

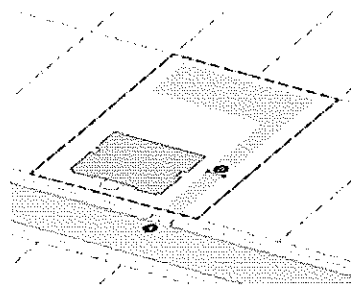
SUMMARY OF PERFORMANCE STANDARDS

SITE



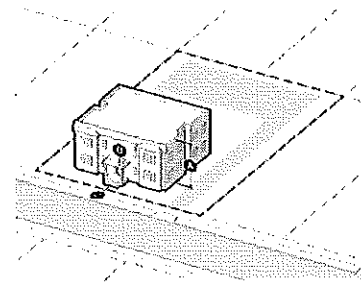
Site Dimensions	
Site size (min)	3500 SF
A Site frontage (min)	50'
B Depth (max)	150'
Dwelling Units	
Per site (min/max)	3/8
Along local street (max)	4
Building Lines	
C Local/Collector Street (min)	5'
Major thoroughfare with ROW 80 feet or less	15'
Front Yard Fencing	
Height (max)	4'

PARKING / VEHICLE ACCESS



Vehicle Access	
Access from alley (where existing)	Required
A Curb cuts per street front (max)	1
B Drive width (min/max)	12'/16'
Parking Ratios	
Spaces per unit (min)	
Less than or equal to 1,000 SF	1
More than 1,000 SF	2
Guest spaces (min)	1 per 6 units
Spaces required within Market-based parking area	0
Parking Location	
On-site	Required
Off-site	Not allowed
Between building and street	Not allowed

BUILDINGS/STREET ACTIVATION

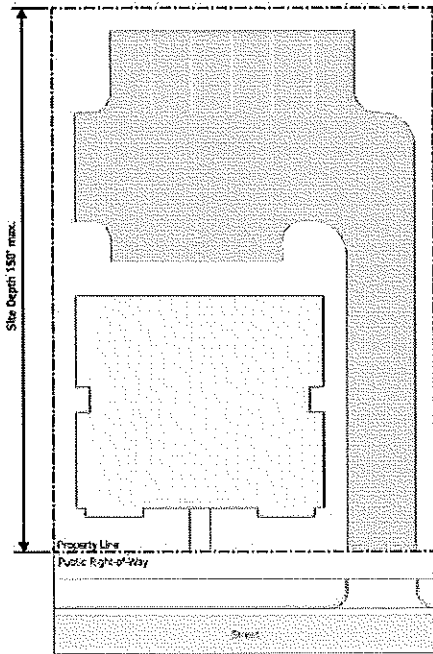


Massing	
A Building height (max)	30'
Pedestrian Access	
B Street-facing entrance	Required
C Pedestrian connection to public sidewalk	Required

(c) Multi-unit residential performance standards are as follows:

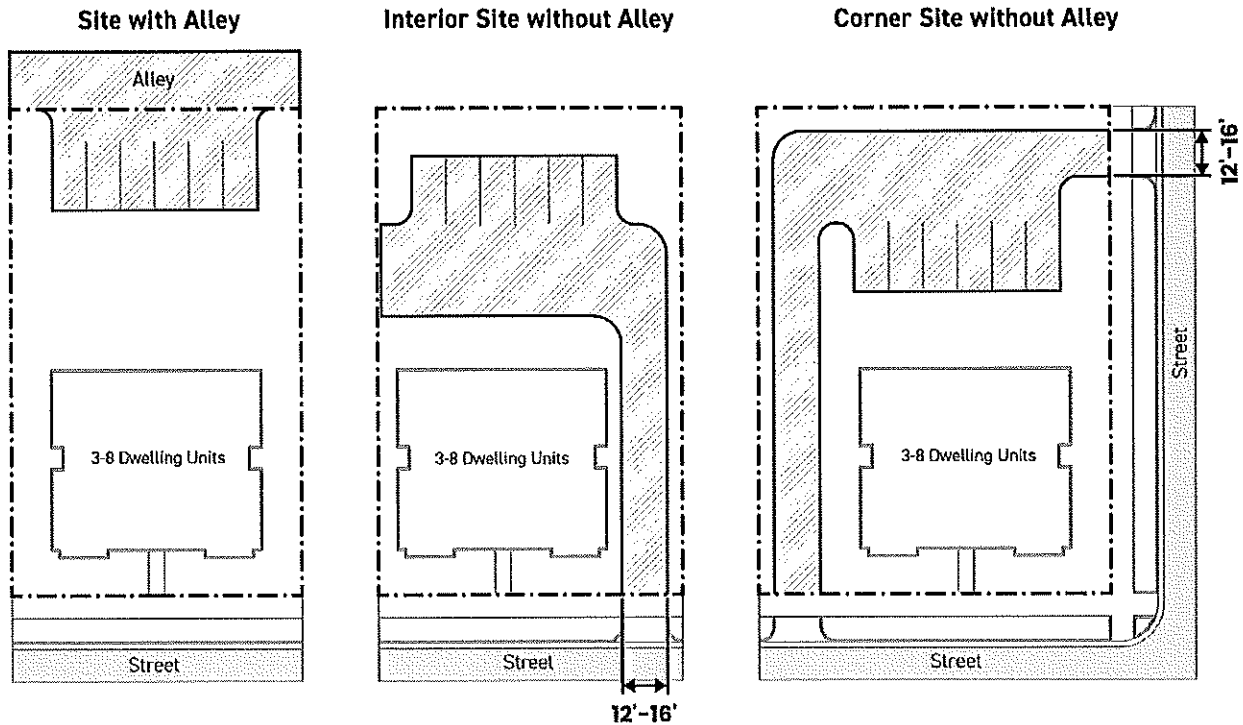
(1) Site Dimensions

- a. A site must have a minimum of 50' frontage on a 50 feet street.
- b. A site can be no more than 150' deep from the street containing a roadway.
- c. The minimum size of a site required is 3500 square feet.

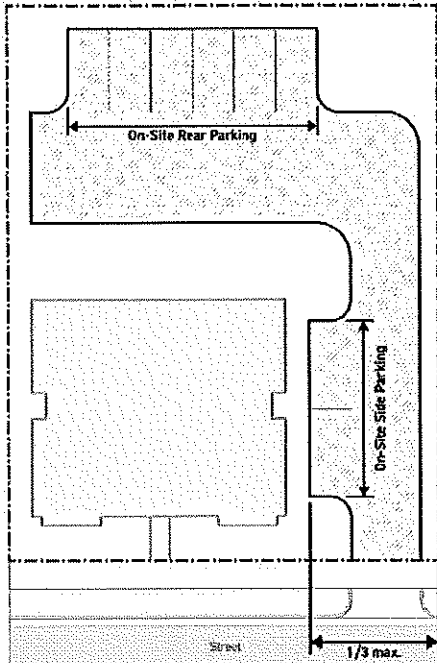


- (2) A site must contain at least 3 dwelling units but no more than 8 dwelling units. No more than 4 units may be located within a site on a local street.
- (3) The building line requirement along a public street right-of-way, not including an alley is 5 feet except along major thoroughfares. A reduced building line of 15 feet is authorized along major thoroughfares with a right-of-way of 80 feet or less. All structures along the public street must face the street with an entry feature, and provide a pedestrian connection to the sidewalk in accordance with section 42-165.
- (4) A fence, if installed in a front yard must be constructed of a non-opaque, decorative material and may be no more than 4' in height.
- (5) Vehicular Access
 - a. Where the property abuts an alley, vehicular access is provided from that alley.
 - b. On an interior site without alley access, or along an undeveloped alley, one driveway to or from a street is allowed.

- c. On a corner site without alley access, vehicular access is provided from the side street if not a major thoroughfare. No more than two driveways, one per street frontage, are allowed per site.
- d. A driveway to or from a street may be no wider than 16 feet. One-way driveways are permitted for corner property and must meet the design manual.



- (6) Parking requirements for multi-unit residential developments must meet section 26-492. In addition, one guest parking space must be provided for every 6 dwelling units.
- (7) All required parking spaces must be provided on-site and must be located to the side or rear of any improvements on the property; see the example below.



- (8) Building height may not exceed 30 feet as measured from average grade to the highest roof surface. Roof surface is defined, in accordance with Section D of the International Fire Code, as the measurement to the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of a parapet wall, whichever is greater.

Sec. 42-251. Applicability.

- (a) The regulations contained in this division shall be applicable to all property within the city limits of the city proposed to be developed in whole or in part for single family residential, multi-unit residential or multifamily residential purposes for which a subdivision plat or development plat is required, unless otherwise noted herein.
- (b) These regulations do not apply to replats of land owned by a governmental unit.

Sec. 42-252. Park dedication required.

- (a) Each single-family residential subdivision, multi-unit residential development, and multifamily residential development shall provide one or a combination of the following for park or open space purposes:
 - (1) Fee simple dedication of land suitable in type and location for development of parks within the park sector in which the subdivision or development is located, which land may be, but is not required to be, located within the subdivision or development creating the dedication requirement; or
 - (2) Payment of fees in lieu of the dedication of land for parks in the amount established in section 42-253 of this Code.

- . . .
- (e) Issuance of a building permit for a multi-unit residential or multifamily residential development subject to the requirements of this section shall require one or a combination of the following necessary to satisfy the requirements of subsection (a) of this section taking into account any credits authorized pursuant to section 42-254:
- (1) For land dedicated for park purposes, evidence of recording in the appropriate real property records of a general warranty deed of the required park land as approved by the parks director;
 - (2) Identification of the required amount of private park on an approved development plat;
or
 - (3) Confirmation of deposit into the park and recreation dedication fund of the fee in lieu of dedication in the amount established pursuant to section 42-253 of this Code.
- . . .

City of Houston Ordinance No. 2023-802

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HOUSTON, TEXAS, BY AMENDING SEVERAL SECTIONS OF CHAPTER 26, PARKING; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; DECLARING CERTAIN CONDUCT TO BE UNLAWFUL AND PROVIDING A PENALTY THEREFOR; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, City Council directed the Planning and Development Department (the "Department") to study affordable housing and lot design options, as well as incentives therefor; and

WHEREAS, the Department created a Livable Places Action Committee, as an ad hoc committee of the Planning Commission; and

WHEREAS, after three years of meetings and study, the Livable Places Action Committee established a set of recommendations, which it forwarded to the Planning Commission; and

WHEREAS, these recommendations included certain amendments to the parking requirements contained in the Code; and

WHEREAS, the Planning Commission held a public hearing on the draft recommendations, including a 30-day period for public comments; and

WHEREAS, after closing of the public hearing and public comment period, the recommendations for parking requirements were made; and

WHEREAS, development incentives will encourage more compact development patterns and small-scale multi-unit housing options; and

WHEREAS, development incentives will encourage access and proximity to mobility options and to make better use of land closer to existing infrastructure; and

WHEREAS, the City Council, having held a public hearing on these amendments as required by State law, finds and determines that the city should make every effort to promote responsible development, including parking, in the city; **NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:**

Section 1. That the findings contained in the preamble of this Ordinance are determined to be true and correct and hereby adopted as part of this Ordinance.

Section 2. That Section 26-472 Definitions, of Chapter 26 of the Code of Ordinances, Houston, Texas, is hereby amended by adding the following definitions:

Courtyard style development as defined in Chapter 42.

Multi-unit residential as defined in Chapter 42.

Single-family residential as defined in Chapter 42.

Section 3. That Section 26-473 Site plan submittal requirements of Chapter 26 of the Code of Ordinances, Houston, Texas, is hereby amended by amending subsection (a)(5)c and (a)(5)d to read as follows:

- c. The dimensions, design, and location of parking spaces, bicycle spaces, bicycle racks, loading berths, drive aisles, existing and proposed driveways, landscaping islands, and other physical features relating to layout of parking and loading facilities;
- d. Existing and proposed trees, shrubs, and screening fences required by article V of chapter 33, or chapter 39 for bulk containers with screening, of this Code;

Section 4. That the table contained in Section 26-492 Parking spaces for certain types of use classifications, of Chapter 26 of the Code of Ordinances, Houston, Texas, is hereby amended by amending the Class 2.b. Residential parking standards, and adding a new subsection g. Multi-unit residential parking standard to read as follows:

Class 2. Residential:		
a.	Apartment	1.250 parking spaces for each efficiency dwelling unit
		1.333 parking spaces for each one-bedroom dwelling unit
		1.666 parking spaces for each two-bedroom dwelling unit
		2.0 parking spaces for each dwelling unit with 3 or more bedrooms
b.	Single-family residential or manufactured home	2.0 parking spaces for each dwelling unit, except that a secondary dwelling unit not larger than 900 square feet of GFA shall provide 1.0 parking space 1.0 parking space per dwelling unit that is 1500 sf or less No parking space if the criteria of Sec. 42-186(a)(2) is met
	<u>Second dwelling unit</u>	If the first unit meets off-street parking requirements, then the second unit needs +0 parking space if the unit is 1000 sf or less +1 parking space if the unit is 1001 sf -1500 sf
	<u>Single-family residential lots within Courtyard style development</u>	1.0 Parking space per dwelling unit 1000sf or less 1.0 2.0 Parking spaces per dwelling unit is 1001-1800 sf
c.	Special residential	0.3 parking spaces per sleeping room, plus 1.0 parking space per employee on largest shift
d.	Retirement community (with kitchen facilities)	0.75 parking spaces per dwelling unit, plus 1.0 space per employee on the largest shift
e.	Retirement community (without kitchen facilities)	1.0 parking space for every 6 beds, plus 1.0 parking space per employee on largest shift
f.	Hotel or motel	1.0 parking space for each sleeping room up and including 250 rooms; 0.75 parking spaces for each sleeping room from 251 rooms to 500 rooms; 0.50 parking spaces for each sleeping room in excess of 500 rooms.
g.	<u>Multi-unit residential (MUR)</u>	1.0 Parking space per dwelling unit 1000 sf or less 2.0 Parking spaces per dwelling unit 1000 sf or greater

Section 5. That subsection (c) of Section 26-497 Reduced parking space requirement for additional bicycle spaces of Chapter 26 of the Code of Ordinances, Houston, Texas, is hereby amended to add the following language:

(c) A reduction of parking spaces under this section is available for all use classifications except single-family residential or multi-unit residential developments.

Section 6. That except as herein amended, Chapter 26 of the Code of Ordinances, Houston, Texas remains unchanged and in full force and effect.

Section 7. That the City Attorney is hereby authorized to direct the publisher of the Code to make such non-substantive changes to the Code as are necessary to conform to the provisions adopted in this Ordinance, and to make such changes to the

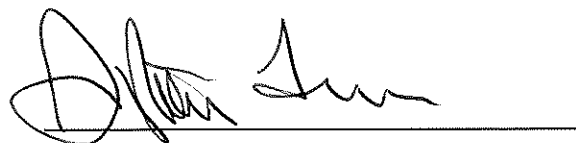
provisions adopted in this Ordinance conform them to the provisions and conventions of the published Code.

Section 8. That, if any provision, section, subsection, sentence, clause, phrase, of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 9. Any violation of any provision of Chapter 26, as herein adopted and made a part of the City of Houston Code of Ordinances, is a misdemeanor punishable upon conviction by a fine as established by Section 1-6 of the City of Houston Code of Ordinances.

Section 10. That a public emergency exists requiring that this ordinance be passed finally on the date of its introduction as requested in writing by the Mayor, however this ordinance when passed by City Council, shall take effect at 12:01 a.m. on November 27, 2023.

PASSED, ADOPTED and APPROVED this 27th day of September 2023.



Mayor of the City of Houston

Prepared by Legal Dept.
KMickelson



Senior Assistant City Attorney III

Requested by Margaret Wallace Brown
Director, Department of Planning and Development
L.D. File No. 0000001608

Meeting 9/27/2023

Aye	No	
✓		Mayor Turner
....	Council Members
✓		Peck
✓		Jackson
✓		Kamin
✓		Evans-Shabazz
✓		Martin
✓		Thomas
✓		Huffman
Absent due to death in family		Cisneros
✓		Gallegos
✓		Pollard
✓		Castex-Tatum
✓		Knox
✓		Robinson
✓		Kubosh
✓		Plummer
✓		Alcorn
Caption	Adopted	

Captions Published in DAILY COURT REVIEW

Date: 10/3/2023