



## *Application to Rescind Special Minimum Lot Size Block (SMLSB)*

Dear Applicant:

This application serves to rescind an established Special Minimum Lot Size Block application. The Planning and Development Department staff will help you determine if your neighborhood qualifies for this application, and can assist you in completing the application process. **An application to rescind a Special Minimum Lot Size Block shall be accepted by the Planning and Development Department no earlier than five years after the effective date of the ordinance establishing the special minimum lot size requirement.** If approved, an ordinance will be created that rescinds the special minimum lot size requirement for your block.

This application packet includes:

- an application to rescind a Special Minimum Lot Size Block (SMLSB) Application
- a list of Submittal Requirements and a sample of the notification signs
- a blank Evidence of Support page for other property owners to sign
- a sample of a Map Sketch
- a set of Frequently Asked Questions

It is recommended, but not required, that each applicant meet with a staff person for a preliminary meeting before an application is submitted, allowing staff to go over the eligibility requirements that are reviewed for all applications.

A complete application must include all items listed in the submittal requirements on page 5 of this packet. A complete application package must be mailed or hand-delivered during standard business hours to:

Planning and Development Department  
Attn: Community Sustainability  
611 Walker Street, 6th Floor  
Houston, TX 77002

A step by step guide is provided on page 3 of this packet. Contact the Community Sustainability division at (832) 393-6600 with any questions or to schedule a meeting prior to submitting an application. More information can be found on [www.houstonplanning.com](http://www.houstonplanning.com). Thank you for your interest and we look forward to meeting with you soon.

¡ATENCIÓN! Si necesita ayuda en español o gustaría recibir más información acerca de este asunto, comuníquese al número 832-393-6659.



## *Application to Rescind Special Minimum Lot Size Block (SMLSB) - Frequently Asked Questions*

### **Application to Rescind a Special Minimum Lot Size Block: Frequently Asked Questions**

#### **What is a Special Minimum Lot Size Block (SMLSB) application, what does it mean and who created the boundary?**

A SMLSB application provides property owners an opportunity to preserve the lot size character within a specified area. It was supported by property owners within the application area, reviewed by Planning and Development staff and Planning Commission, and was approved by the Houston City Council. Any new lots that are created must currently be greater than or equal to the established Special Minimum Lot Size.

#### **What if my lot is currently smaller than the Minimum Lot Size designated?**

If a 5,000 square foot special minimum lot size is established for your area, no lots are able to divide into any size less than 5,000 square feet. If you currently own a lot that is smaller than the special minimum lot size, you are not be allowed to divide your property. If you have a 10,000 square foot lot, you can divide your property into two 5,000 square foot lots.

#### **What can I build on my lot?**

On a single family lot you can build a single family home, a single family home with a detached garage apartment not larger than 900 square feet, or a duplex. A Special Minimum Lot Size Ordinance does not determine the physical design of buildings. Please note that deed restrictions may already be imposed on your neighborhood. In those cases the more restrictive of either the proposed lot size or deed restrictions will be applied to the property.

#### **Can I add a porch or rebuild my home/commercial/multifamily property?**

Yes, if you have an existing single family lot you are allowed to rebuild, improve or add to your home. If you have an existing commercial or multifamily lot you are allowed to rebuild, improve or add to the building. Please note that deed restrictions may already be imposed on your neighborhood. In those cases the more restrictive of either the proposed lot size or deed restrictions will be applied to the property.

#### **What will happen to my commercial/multifamily lot if the minimum lot size application is rescinded?**

Any protections currently provided by the Special Minimum Lot Size Block ordinance would no longer apply to your property.

#### **What happens next in the application process?**

An applicant to rescind a Special Minimum Lot Size Block will submit a completed application packet. You may choose to support this application by signing the Evidence of Support page. Planning and Development Department staff will review the application and notify residents within the application area that a complete application was submitted. If an application to rescind a Special Minimum Lot Size Block is referred to the Houston Planning Commission, a public hearing will be held. Planning and Development Department staff will let you know the time and place of the public hearing. Applications are only finalized with City Council approval.

#### **What if I disagree with this application?**

Notification sent to property owners will indicate a 30-day protest period allowing property owners to file a written protest with the Planning and Development Department. If an application to rescind a SMLSB receives less than 51% support when it is submitted to the Planning and Development Department, or if there is a protest from a property owner within the block, the application will be referred to the Houston Planning Commission.

#### **What happens at Planning Commission?**

At Planning Commission there will be a public hearing where you will have an opportunity to speak. The Planning Commission will recommend approval of, or deny, the application to rescind the Special Minimum Lot Size Block. If recommended for approval, the application will be forwarded to City Council. If the application is denied at Planning Commission or City Council, the application may not be resubmitted for an additional five years.

#### **What happens after City Council?**

If City Council approves the application to rescind the Special Minimum Lot Size Block designation, the ordinance will no longer apply to the application area.



# *Application to Rescind Special Minimum Lot Size Block (SMLSB)*

## **Application to Rescind a Special Minimum Lot Size Block (SMLSB) Steps**

- **Step 1: Meet with Staff of the Planning and Development Department (Optional)**  
Applicants may choose to meet with Planning and Development staff before submitting an application. At the meeting the applicant should bring a map with the proposed boundary and a copy of any existing deed restrictions. To schedule a pre-submittal meeting, contact Community Sustainability at (832) 393-6600.
- **Step 2: Submit a Complete Application to Rescind a Special Minimum Lot Size Block**  
A complete application package must be mailed or hand-delivered during standard business hours to the Planning & Development Department. If the application is determined to be incomplete, it will be returned with an explanation of what is needed to make it complete. The application package can be mailed through US Postal Service or hand delivered to the Planning and Development Department. Within two (2) business days, Planning and Development staff will contact the applicant(s) regarding whether their application is accepted or rejected. If the application is rejected, staff will provide an explanation of any necessary revisions.
- **Step 3: Application Review and Notification Signs**  
An accepted application will be posted on the Planning and Development Department’s website within two (2) business days. Planning and Development staff will review the application, and within 30 business days, determine if the application meets eligibility requirements. After it has been determined that the application meets eligibility requirements staff will notify the applicant(s) and send an instruction letter for the posting of notification signs within the application boundary area. The applicant will have 10 days from when they receive the instruction letter to post the signs.
- **Step 4: 30-Day Protest Period**  
Within 15 days of receiving a complete application, the Planning & Development Department will send notification to property owners within the proposed boundaries, as well as the District Council Member. The notifications will include instructions on how property owners may object to this designation. Any objections must be made in writing within 30 days of the date of the notice.
- **Step 5: Department Review of Protest Responses**  
At the end of the thirty days, one of the following actions will occur:
  - the application will be sent to the City Council if it has at least 51% support with no protests; or
  - the application will be sent to the Planning Commission for a public hearing if:
    - a) it has at least 51% support and has received protests, or
    - b) it has less than 51% support but has received no protests

A notification letter will be sent to property owners no less than 15 days before the Planning Commission hearing date. Applications recommended for approval by the Commission will be forwarded on to City Council. Applications denied by the Commission will not be forwarded to City Council.
- **Step 6: Attend the Planning Commission Public Hearing**  
A letter indicating the time, date and place of the Planning Commission meeting will be sent to all property owners within the proposed SMLSB. Members of the public may present comments about the SMLSB at the public hearing. After the public hearing, the Commission will consider whether or not to recommend that City Council establish the SMLSB. If the Commission recommends that City Council establish the SMLSB, the Planning and Development Director will refer the application to City Council. If the application is denied, the decision of the Commission will be final.
- **Step 7: City Council Action**  
City Council will consider all Special Minimum Lot Size Block applications that are approved by the Planning Commission. City Council action to approve or deny the designation is final. Persons wanting to address City Council during the public comment session of the meeting should contact the City Secretary at (832) 393-1100 or [citysecretary@houstontx.gov](mailto:citysecretary@houstontx.gov).

**IMPORTANT NOTICE: WE WILL NOT ACCEPT APPLICATIONS THAT ARE SENT THROUGH EMAIL OR FAX**



# Application to Rescind Special Minimum Lot Size Block (SMLSB)

## Main Applicant Information (required)

Full Name: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

*Street Address*

*Apartment/Unit #*

*City*

*State*

*ZIP Code*

Phone: \_\_\_\_\_ Email \_\_\_\_\_

Are you a property owner within the application boundary?      YES       NO       If no, what is your relation to the area? \_\_\_\_\_

Did you have a preliminary meeting with the Planning & Development Department?      YES       NO       If yes, what was the date of the meeting? \_\_\_\_\_

Does the application boundary have deed restrictions?      YES       NO       If yes, do they address a Minimum Lot Size? \_\_\_\_\_

Describe the location of the application boundary. (Example: "Houston Subdivision Section 1, Blocks 1 and 2, Lots 1-24" or "1600 Block of Planning and Development Street, north and south sides")

Signature of applicant: \_\_\_\_\_

## Alternate Applicant Information (optional)

Full Name: \_\_\_\_\_ Date: \_\_\_\_\_

Address: \_\_\_\_\_

*Street Address*

*Apartment/Unit #*

*City*

*State*

*ZIP Code*

Phone: \_\_\_\_\_ Email \_\_\_\_\_

Signature of alternate applicant: \_\_\_\_\_

## Application Information (STAFF USE ONLY)

File Number: \_\_\_\_\_  
Application number to be rescinded: \_\_\_\_\_  
City Council District: \_\_\_\_\_

Super Neighborhood: \_\_\_\_\_  
Planner Assigned: \_\_\_\_\_



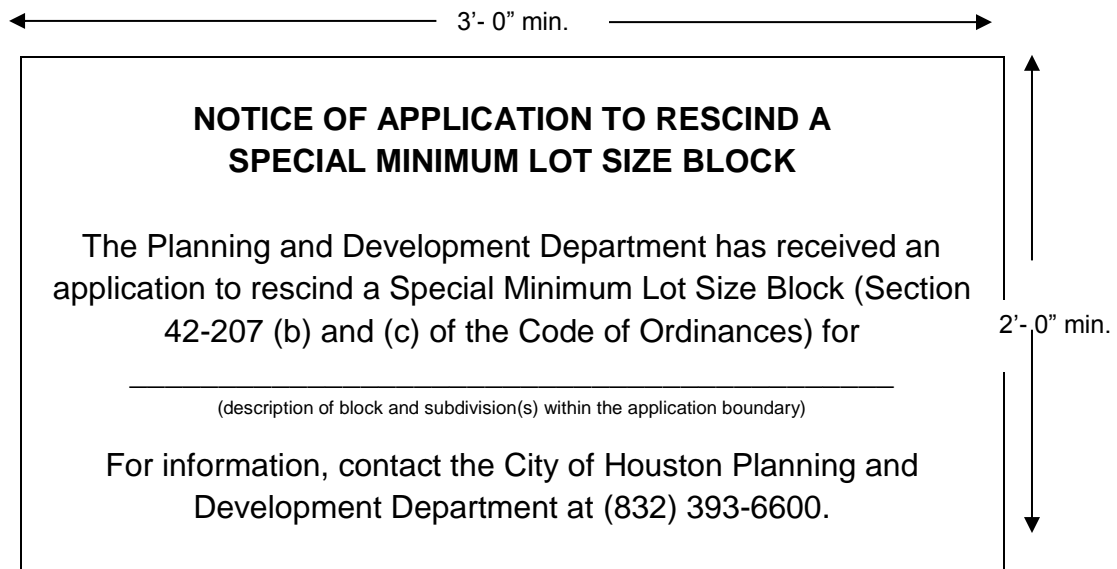
# Application to Rescind Special Minimum Lot Size Block (SMLSB)

<b>Submittal Requirements (Please check and complete)</b>	
Completed application form (page 4)	<input type="checkbox"/>
Evidence of support of lot owners within the boundary area (page 6)	<input type="checkbox"/>
Copy of deed restrictions, if applicable***	<input type="checkbox"/>
Sample of Notification Sign (page 5)	<input type="checkbox"/>
Map or sketch showing the area to be rescinded (page 7)	<input type="checkbox"/>

**\*\*\*DISCLAIMER:** The Planning Department reviewed the deed restrictions you submitted for your subdivision and noted no language addressing a minimum lot size or minimum lot line requirement. As such, revisions to Chapter 42 of the City of Houston Code of Ordinances extending the minimum lot size and minimum building line requirements to neighborhoods within the corporate boundaries of the City of Houston that do not have a minimum lot size or minimum building line established in their deed restrictions are applicable to your subdivision. It's important to understand, however, Planning's review and decision regarding the eligibility of your subdivision to avail itself of the protections set forth in Chapter 42 of the City of Houston Code of Ordinances is based solely on the instruments you have provided and which purport to be the most recent, valid version of your subdivision's deed restrictions. The City of Houston is making no assurances or representations regarding the actual validity of your deed restrictions. You should consult with a private attorney if you have any questions or concerns about your deed restrictions.

## Sample Notification Sign (Fill in the blank)

The applicant is responsible for obtaining and posting a minimum of two (2) signs per blockface within the boundary of the proposed Special Minimum Lot Size Block to be rescinded within ten (10) days of written notice from the Planning and Development Department. Planning and Development staff may approve an alternative number of signs for the application to rescind a Special Minimum Lot Size Block upon determining that the signs will provide sufficient notice within the application area. Each sign shall be at least two feet by three feet (2' x 3'), face the street, and be legible from the street. Applicants are responsible for contacting Planning and Development Staff once the signs are posted. The applicant shall use reasonable efforts to maintain the signs until the Planning and Development Director or the Houston Planning Commission has approved an application. Applicants shall include the name of each subdivision in the application on the notification sign.





# Application to Rescind Special Minimum Lot Size Block (SMLSB)

## Evidence of Support to Rescind a Special Minimum Lot Size Block

Below are signatures of property owners within the proposed boundary who support the request to rescind a Special Minimum Lot Size Block. (Example: "Houston Subdivision Section 1, Blocks 1 and 2, Lots 1-24" or "1600 Block of Planning and Development Street, north and south sides")

By signing this evidence of support, I hereby represent:

- (1) That I am the lot owner or representative of the property listed with my signature, and
- (2) I support the petition to rescind a Special Minimum Lot Size Block.

<b>Property Owner (Please Print Name):</b>	<b>Address:</b>	
<b>Signature:</b> X	<b>Date:</b>	<b>Telephone:</b>
<b>Property Owner (Please Print Name):</b>	<b>Address:</b>	
<b>Signature:</b> X	<b>Date:</b>	<b>Telephone:</b>
<b>Property Owner (Please Print Name):</b>	<b>Address:</b>	
<b>Signature:</b> X	<b>Date:</b>	<b>Telephone:</b>
<b>Property Owner (Please Print Name):</b>	<b>Address:</b>	
<b>Signature:</b> X	<b>Date:</b>	<b>Telephone:</b>
<b>Property Owner (Please Print Name):</b>	<b>Address:</b>	
<b>Signature:</b> X	<b>Date:</b>	<b>Telephone:</b>

For questions regarding Special Minimum Lot Size Block applications, call the Planning and Development Department at (832) 393-6600 or visit the department's website at [www.houstonplanning.com](http://www.houstonplanning.com).

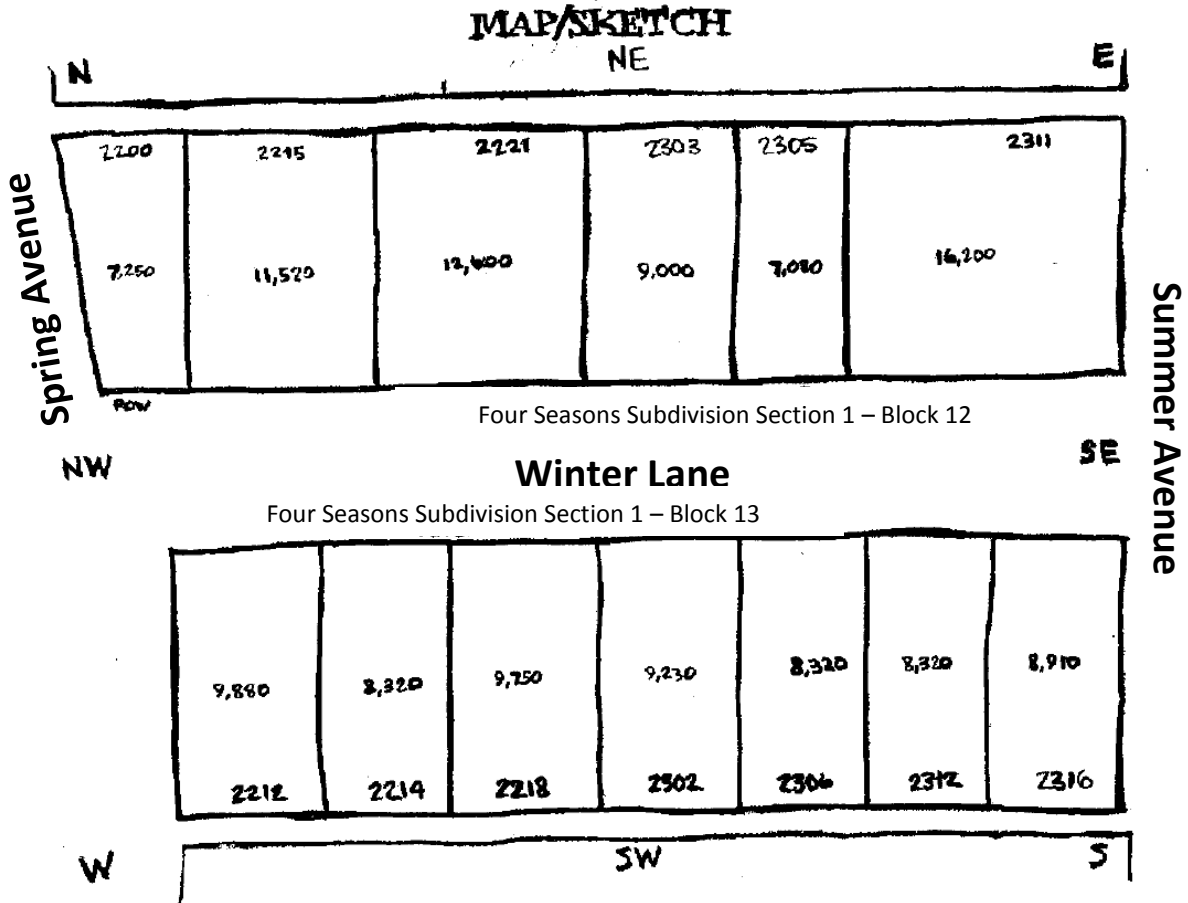
¡ATENCIÓN! Si necesita ayuda en español o gustaría recibir más información acerca de este asunto, comuníquese al número 832-393-6659



Application to Rescind Special Minimum Lot Size Block (SMLSB)

Sample Map Sketch (Include Map Sketch in Application)

As part of the application to rescind a Special Minimum Lot Size Block, applicants must provide a map sketch of the proposed application area. It should look similar to the drawing below.



If at any time you need assistance, please call the Planning and Development Department at (832) 393-6600, or visit the department's website at [www.houstonplanning.com](http://www.houstonplanning.com).

¡ATENCIÓN! Si necesita ayuda en español o gustaría recibir más información acerca de este asunto, comuníquese al número 832-393-6659



## Special Minimum Lot Size Block: Public Information Request Form

### How can applicants or property owners stay updated as to the status of an application?

Applicants or property owners within an application to rescind a Special Minimum Lot Size Block can receive information about an application, including who is applying for the designation, as well as the percentage of support of the application throughout the response form process. Please see the page below to request this information from our department's Public Information Office. You can also find this form at [www.houstonplanning.com/Forms/](http://www.houstonplanning.com/Forms/).



## Planning & Development Department

Public Information Office  
611 Walker Street / 6th Floor Houston, TX 77002

**FAX (832) 393-6661**

**Email [Patricia.Benavides-Foley@houstontx.gov](mailto:Patricia.Benavides-Foley@houstontx.gov)**

### Public Information Request Form

Date: \_\_\_\_\_

I \_\_\_\_\_, under the Public Information Act request

(Please Print Name Clearly)

the following documents:

---



---



---



---



---



---

**NOTE: The Planning and Development Department does not have records relating to building permits, code violations, flooding, property inspections or certificates of occupancy. Please direct those requests to the Public Works and Engineering Department.**

### REQUESTOR INFORMATION

*Must be filled out completely*

**PLEASE PRINT**

Customer/Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

City \_\_\_\_\_ St. \_\_\_\_\_ Zip \_\_\_\_\_

Phone:   (  ) \_\_\_\_\_ Fax:   (  ) \_\_\_\_\_

Email Address (optional): \_\_\_\_\_

**Signature of Requestor:** \_\_\_\_\_ **Date** \_\_\_\_\_

**NOTE: The Planning Department has 10 working days to respond to your request and will notify you in writing of the reasonable date and time when records will be available along with the estimated cost.**