(2) By letter mailed first class mail, postage paid, or by electronic mail message to each neighborhood association registered with defined boundaries with the department in whose area the general plan or plat is located as soon as reasonably possible before the first meeting at which the commission will consider the application.

(b) The applicant shall give the notice required by subsections 42-81(g) and 42-82(f) of this Code by posting at least one sign on the property that is the subject of the general plan or plat before the tenth day before the date of the meeting at which the commission will first consider the application. A sign shall face each public right-of-way bordering the site, provided, however, that if more than four signs would be required to be posted, the applicant may request the director to approve an alternative number and location of signs. The director shall approve an alternative to the number and location of signs required by this subsection in excess of four upon determining that the alternative will provide maximum visibility and obtain the objectives of this section without unduly burdening the applicant. Each sign shall be a minimum of four by eight feet in size and shall be posted no more than 15 feet from the public right-of-way. The lettering on the sign shall be legible from the public right-of-way. The applicant shall use reasonable efforts to maintain each required sign on the site until the close of the meeting at which the commission acts on the application. The sign shall provide the following information:

(1) The application number of the plat and the fact that a variance or special exception is being requested;

(2) The date, time, and place of the meeting at which the commission will first consider the application;

(3) A telephone number of the applicant to call for additional information; and

(4) A department telephone number to call for additional information.

(Ord. No. 00-860, § 10, 9-27-00)

*—The option for giving notice shall not be available until the director reports to the city council, after notice to the commission, that the electronic formatting is functioning and the city council by motion authorizes the use of this alternative for notice in lieu of letters to individual property owners.

Editor's note—The alternative for notification provided for in part b. of section 42-83(a)(1) of the Code of Ordinances as amended by this section shall not be authorized until the city council by motion, upon recommendation of the planning director after notice to the planning commission, confirms that the planning and development department has established an adequate electronic notification system to implement the purposes of notification provided for in this section.

That, at the option of the applicant, applications pursuant to chapter 42, Code of Ordinances, Houston, Texas, filed before the effective date of this section shall be governed by either: (1) one or more of the former provisions of the chapter 42, Code of Ordinances, Houston, Texas, which are hereby saved from repeal for the limited purpose of their continued application to previously filed applications, or (2) one or more of the provisions of chapter 42, Code of Ordinances, Houston, Texas, as amended by this section. Notwithstanding the foregoing, the requirements of section 42-82 of this section shall not become effective until 12:00 a.m. of the day following the first date for plat submittal pursuant to subsection 42-53(a), Code of Ordinances, Houston, Texas, following the effective date of this section.

Secs. 42-84—42-99. Reserved.

ARTICLE III. PLANNING STANDARDS

DIVISION 1. GENERAL

Sec. 42-100. Applicability.

The standards established in this article shall apply to all subdivision plats and development plats required by this chapter. Notwithstanding the foregoing, land use regulations adopted by a tax increment reinvestment zone created by the city pursuant to chapter 311 of the Texas Tax Code, and to which the city has delegated the authority to adopt land use regulations, shall govern all property in the tax increment reinvestment zone to the extent of a conflict with these requirements.

(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-101. Urban area designation.

(a) The city council may designate any area within the city that meets each of the criteria of subsection (c) of this section as an urban area.

(b) An application for the designation of an urban area shall be filed with the department and shall:

(1) Be made on an application form provided by the department; and

(2) Be signed by one or more owners of property within the area proposed for designation.

(c) An area is eligible for designation as an urban area if:

(1) The area is bounded by one or more major thoroughfares or other defining physical features, such as railroad tracks or rights-of-way, major overhead power transmission lines contained in fee strips or easements of at least 80 feet in width, bayous, flood control drainageways, parks or schools;

(2) At least 80 percent of the parcels within the boundaries of the area, exclusive of parcels designated as public parks or open space, are developed with improvements;

(3) At least 25 percent of the parcels within the boundaries of the area are developed for or deed restricted to single-family residential or multi-family residential use;

(4) At least 30 percent of the parcels within the area are developed with nonresidential uses;

(5) Single-family residential development within the boundaries of the area is at an average density of at least five units per acre, exclusive of public street rights-of-way;

(6) At least 25 percent of the streets within the boundaries of the area do not exceed 1,000 feet between intersections; and

(7) The area comprises at least one-half of a square mile of land.

(d) The commission shall receive the recommendation of the director regarding the application and hold a public hearing on the application before recommending to the city council the designation of any urban area pursuant to this section. The director shall give notice of the public hearing before the commission to each owner of property in the proposed urban area as shown on the most recently certified tax roll of the county in which the area proposed for designation is located by letter deposited into the United States postal service, postage paid, no later than 30 days before the date of the public hearing. The director also shall give notice of the public hearing before the commission by posting, no later than 30 days before the date of the public hearing, at least two signs within the boundaries of the proposed urban area at locations selected by the director as reasonably calculated to be seen by residents of, and occupants of property within, the proposed urban area. The signs shall be placed so that each sign will be visible, and the writing on the sign will be legible, from at least one public right-of-way. Each sign shall be a minimum of four by eight feet in size, and shall contain at a minimum the following items of information:

(1) That the area is being considered for designation as an urban area;

(2) A general description of the area being considered for designation;

(3) The date of the public hearing on the designation; and

(4) The name and telephone number of a person within the department who can be contacted for additional information.

If the director, in his sole discretion, determines that the size, configuration, traffic patterns or other characteristics of the proposed urban area warrant the placement of additional signs, the director shall cause an appropriate number of additional signs to be posted.

At the public hearing before the commission, the director shall maintain a register upon which interested persons may place their names and mailing addresses. At the public hearing before the commission, any owner of property within the proposed urban area and any other interested person shall be entitled to make comments, in person or in writing, on the proposed designation.

(e) After the close of the public hearing, the commission shall recommend to the city council the designation of a proposed urban area that meets the criteria of subsection (c). If the commis-

sion, by majority vote of members present, votes to recommend the designation of the proposed urban area, the director shall forward the recommendation to the city council for consideration. If the commission does not vote to recommend the designation of the proposed urban area, the action of the commission with respect to the application is final. If the commission does not recommend designation of an area as an urban area, the department shall not accept an application for designation of the same or substantially the same area for one year following the date of the commission action.

(f) Upon receipt of the recommendation of the planning commission, the city council shall hold a public hearing on the recommendation. The director shall give notice of the public hearing before the city council by mail to each person on the register established under subsection (d) not less than 30 days prior to the date of the public hearing before the city council. After the close of the public hearing the city council shall consider the recommendation of the commission and, consistent with the criteria of subsection (c), approve or deny the proposed designation. The decision of the city council with respect to a designation shall be final. If the city council does not designate an area proposed as an urban area, the department shall not accept an application for designation of the same or substantially the same area for one year following the date of the city council action. (Ord. No. 99-262, § 2, 3-24-99)

Secs. 42-102—42-119. Reserved.

DIVISION 2. STREETS

Sec. 42-120. General layout and arrangement of street systems.

(a) The street system proposed within any subdivision plat or general plan shall comply with the design standards of this section and shall provide:

(1) A sufficient number of continuous streets to accommodate the traffic generated by the development of the subdivision;

(2) A system serving properties to be developed for residential purposes that discourages through traffic while maintaining adequate access and traffic movement for convenient circulation within the subdivision and access for fire, police and other emergency services;

(3) Adequate vehicular access to all properties within the subdivision plat boundaries;

(4) Connections to adjacent properties to ensure adequate traffic circulation within the general area; and

(5) The dedication of rights-of-way, including the rights-of-way for major thoroughfares in accordance with the major thoroughfare plan.

(b) One or more alleys may be included within a subdivision plat provided that:

(1) Each alley will be drained in accordance with the design manual; and

(2) The alley shall not provide access to any property outside the subdivision plat boundaries unless the alley was part of an earlier subdivision plat.

(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-121. Dedication of rights-of-way.

(a) The applicant shall dedicate to the public the right-of-way for any street or alley designated in a subdivision plat as a public right-of-way in accordance with the requirements of this chapter and applicable state law.

(b) When an existing public street with a right-of-way width that does not meet the requirements of section 42-122 of this Code is adjacent to and forms a boundary of a subdivision plat or development plat, the owner of the property within the proposed subdivision or development shall dedicate sufficient additional right-of-way within the proposed subdivision or development adjacent to the existing right-of-way to provide one-half of the total right-of way width necessary to meet the requirements of section 42-122 of this Code. In the case of a subdivision plat, the dedication shall be made by plat. In the case of a development plat, the dedication shall be made by separate instrument. The commission shall waive the re-

quirement to dedicate right-of-way upon finding that the applicant has made a satisfactory showing that the proposed subdivision or development will not contribute to a significant increase in traffic on the street.

(c) When the commission finds that it is necessary for the proper subdivision of land and it is in the public interest to locate a new public street right-of-way centered on a property line, the commission shall approve the dedication of one-half of the land needed for the right-of-way. Any subdivision plat that provides for a partial street dedication pursuant to this subsection shall include a one-foot reserve along the proposed centerline with appropriate notations restricting access from any right-of-way so dedicated to adjacent property until the required additional adjacent right-of-way is dedicated.
(Ord. No. 99-262, § 2, 3-24-99)

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; or
	(2) 60 feet if adjacent to any other development
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 interchanged. The width shall be measured from edge to edge across the surface of the pavement	

(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-123. Street width exception areas.

(a) Except as provided in this section, subdivision plats and development plats for subdivisions and developments within a street width exception area shall not be required to dedicate additional right-of-way for an existing public local street that does not meet the standards of the preceding section.

(b) The following are street width exception areas for which additional widening is not required unless the existing right-of-way is less than 50 feet:

(1) The central business district;

(2) The area beginning at the intersection of I.H. 610 (North Loop West) and Yale Street, then south along Yale Street to its intersection with W. 20th Street; thence east along W. 20th Street to its intersection with Oxford Street, thence south along Oxford Street to its intersection with West I.H. 10 Frwy.; thence west along West I.H. 10 Frwy. to its intersection with N. Shepherd Drive; thence north along N. Shepherd Drive to its intersection with the MKT R.R.; thence northwest along the MKT R.R. to its intersection with Washington Avenue; then southeast along Washington Avenue to its intersection with a line projected and extended from E. Memorial Loop Drive; thence westerly, southwesterly and easterly following the curve of E. Memorial Loop Drive to its intersection with Crestwood Street; thence south along Crestwood Street to its intersection with Memorial Drive; thence east along Memorial Drive to its intersection with Westcott Street; thence south along Westcott Street to its intersection with Buffalo Bayou; thence east along Buffalo Bayou to its intersection with Shepherd Drive; thence south along Shepherd Drive to its intersection with San Felipe Street; thence west along San Felipe Street to its intersection with Kirby Drive; thence south along Kirby Drive to its intersection with W. Holcombe Boulevard; thence east along W. Holcombe Boulevard to its intersection with Main Street; thence south along Main Street to its intersection with Hermann Drive; thence east along Hermann Drive to its intersection with Almeda Road; thence south along Almeda Road to its intersection with N. MacGregor Parkway; thence east along N. MacGregor Parkway to its intersection with the H.B. & T.R.R.; thence northeast along the H.B. & T.R.R. to its intersection with Elgin Street; thence east along Elgin Street to its intersection with Dietz Street; thence north along Dietz Street and in a line projected to its intersection with I.H. 45 Frwy.; thence northwest along I.H. 45 Frwy. to its intersection with West I.H. 610 (North Loop West); thence west along West I.H. 610 to the point of beginning; with the exception of the portions of the following streets within this area:

a. Bayland from Studewood to Houston Avenue;

b. Birdsall Street from Maxie to Memorial Drive;

c. Cleburne from San Jacinto to Jackson;

d. W. Clay Street from McDuffie to Taft;

e. Enid Street from IH 610 (North Loop West) to North Main;

f. Fairview Street from Shepherd to Tuam;

g. Feagan Street from Westcott to Waugh;

h. E. 14th Street from Oxford to North Main;

i. Garrot Street from Hawthorne to Milam;

j. Gibbs from W. 23rd Street to Link;

k. Hawthorne from Woodhead to Spur 527;

l. Hazard Street from Peden to Rice;

m. Link Street from Airline to IH 45;

n. Mandell from Fairview to Sunset;

o. McGowen from W. Gray to Scott;

p. Michaux Street from E. 23rd Street to Usener;

q. Patterson Street from IH 10 to Washington;

r. Sampson Street from Leeland to Holman;

s. Stanford Street from Allen Parkway to US 59 South;

t. Taft Street from Allen Parkway to Hawthorne;

u. Tuam Street from Fairview to Sauer;

v. E. 23th Street from Rutland to Gibbes;

w. Usener from Studemont to Sawyer;

x. Watson Street from Pecore to Usener;

y. Woodhead from W. Clay to Bissonet; and

z. The area described in subsection (c) of this section.

(c) The area bounded by western right-of-way line of Heiner Street on the east, the northern right-of-way line of West Gray Street on the south, the western right-of-way line of Mason Street on the west, the northern right-of-way line of Andrews Street on the northwest, the western right-of-way line of Genessee on the northwest, and the southern right-of-way line of West Dallas Street on the north is a street width exception area for which dedication of right-of-way in excess of that described in City Ordinance No. 1999-1344 is not required.

(d) The commission is authorized to designate additional areas as street width exception areas as provided in this subsection. An area that has block lengths that are generally 600 feet or less measured centerline to centerline and paved public streets with rights-of-way of not less than 50 feet wide with equivalent levels of vehicular traffic, as determined after a study by the director of public works and engineering, is eligible for designation as a street width exception area. The commission, after a public hearing on the study of the director of public works and engineering, shall designate an eligible area as a street width exception area upon finding that the area has an adequate system of streets in place, the number and spacing of which is sufficient to forego requirements of a right-of-way width of greater than 50 feet. In designating a street width exception area, the commission shall exclude any street within the area that it determines does not have an adequate right-of-way.
(Ord. No. 99-262, § 2, 3-24-99; Ord. No. 01-1100, § 3, 12-12-01)

Sec. 42-124. Right-of-way transition.

Where a transition from one right-of-way width for any type of street to a different right-of-way width is proposed, the transition shall conform to the geometric design guidelines of the design manual or to other geometric design guidelines that are approved by the director of public works and engineering if in his professional opinion the proposed transition is warranted by the circumstances and achieves the intent and purpose of this section.
(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-125. Location and alignment of major thoroughfares.

(a) The location and alignment of a major thoroughfare shall conform to the major thoroughfare and freeway plan. The commission shall not approve a change in the location or alignment of any major thoroughfare unless the city council first adopts a major thoroughfare and freeway plan incorporating the change. For purposes of this section, an alignment shown on a subdivision plat that occurs completely within the boundaries of the proposed subdivision, that does not change any intersecting points and that does not affect properties outside the proposed subdivision that were shown as adjacent to the major thoroughfare on the major thoroughfare and freeway plan shall not be considered a "change in the location or alignment of a major thoroughfare." Any other proposed location or alignment shall be a "change in the location or alignment of a major thoroughfare."

(b) The location and alignment of a collector street designated on the major thoroughfare and freeway plan shall conform to the major thoroughfare and freeway plan. The commission shall not approve a change in the location or alignment of any collector street designated on the major thor-

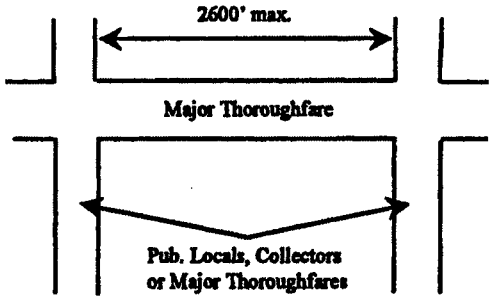
oughfare and freeway plan unless the city council first adopts a major thoroughfare and freeway plan incorporating the change.
(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-126. Intersections.

The design of each intersection shall conform to the geometric design guidelines of the design manual and the standards of this article. All intersection distances shall be measured along the centerline from blockface to blockface.
(Ord. No. 99-262, § 2, 3-24-99)

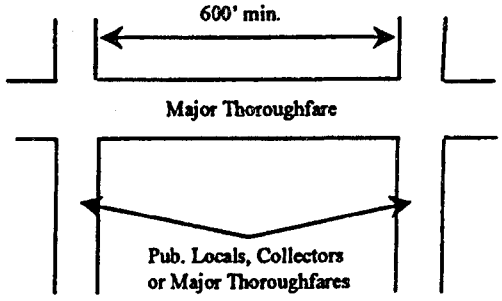
Sec. 42-127. Intersections of major thoroughfares.

(a) A major thoroughfare shall intersect with a public local street, a collector street or another major thoroughfare at least every 2,600 feet.

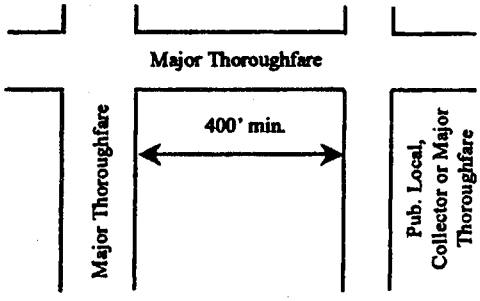


Intersect

(b) Intersections along a major thoroughfare shall be spaced a minimum of 600 feet apart.



(c) An intersection with a major thoroughfare shall not be within 400 feet of the intersection of two major thoroughfares.



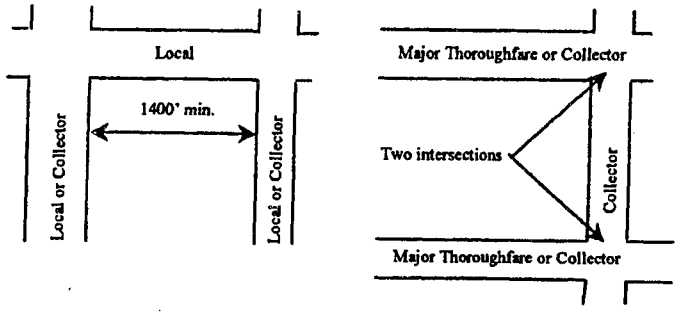
(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-128. Intersections of local streets.

(a) Each class III plat and each general plan that shows local streets shall provide for internal circulation by meeting either of the following requirements:

(1) Each local street shall intersect with a street that meets the requirements of subsection (b) at least every 1400 feet; or

(2) One or more collector streets within the class III plat or general plan shall connect with another collector street or major thoroughfare at a minimum of two points.



(b) A street that intersects with a local street will satisfy the intersection length requirement of item (a)(1) of this section if the street:

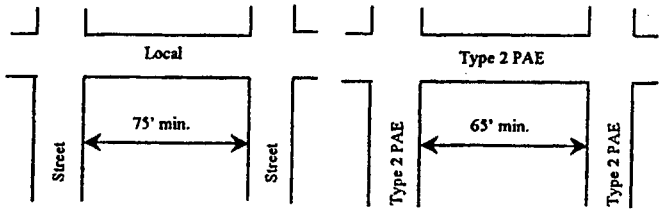
(1) Is a public street that intersects with two different public streets; and

(2) Is not a permanent access easement.

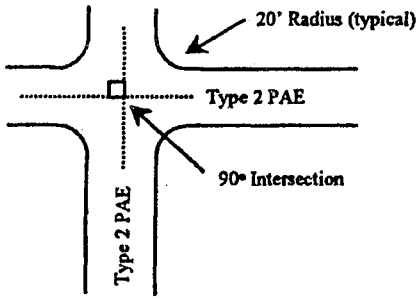
(c) Intersections along local streets shall be spaced a minimum of 75 feet apart.
(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-129. Intersections of type 2 permanent access easements.

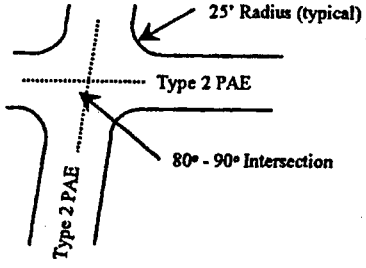
(a) Intersections along type 2 permanent access easements shall spaced a minimum of 65 feet apart and shall not intersect at less than an 80 degree angle.



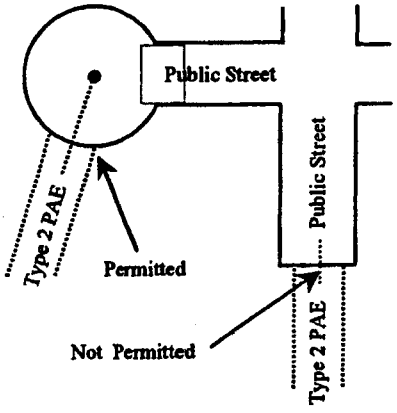
(b) When a type 2 permanent access easement intersects with another type 2 permanent access easement at a 90-degree angle, the type 2 permanent access easement shall provide a 20-foot radius at the intersection.



(c) When a type 2 permanent access easement intersects with another type 2 permanent access easement at an angle of between 80 and 90 degrees each acute angle shall have a 25-foot radius at the intersection.



(d) A type 2 permanent access easement may not be a direct straight-line extension of a public street.



(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-130. Intersection exceptions.

(a) Nothing in the intersection standards established by sections 42-127 through 42-129 of this Code shall require:

(1) The crossing of a single existing pipeline by a street more than every 2,000 feet;

(2) The crossing of multiple existing pipelines by a street more than once every one-half mile;

(3) The crossing of an existing railroad track (other than an industrial lead) or an existing major creek or bayou in a drainage easement having a width of 300 feet or more by any street other than a major thoroughfare;

(4) The crossing of a drainage channel required by a governmental entity with flood control jurisdiction to be located in a recorded drainage easement having a required width of 220 feet or more by a street more than every one-half mile;

(5) The crossing of an drainage channel required by a governmental entity with flood control jurisdiction to be located in a recorded drainage easement having a required width of less than 220 feet and more than 100 feet by a street more than every 2,000 feet;

(6) The crossing of a stormwater detention facility required by a governmental entity with flood control jurisdiction by a street more than once every 2,000 feet;

(7) The crossing by any street other than a major thoroughfare of any portion of Addicks Resevoir, Barker Resevoir, Sheldon Resevoir, the Houston Ship Channel or Lake Houston that is wider than 100 feet; or

(8) The crossing of any portion of a golf course by a local street more than once every 2800 feet, provided that the golf course provides 60 feet of frontage at the location where each street intersection would otherwise occur.

(b) Nothing in the intersection requirements established by sections 42-127 through 42-129 of this Code shall require the creation of a street that stubs into:

(1) Publicly owned airport property;

(2) Property owned or leased by the United States for use by the National Aeronautics and Space Administration for the Johnson Space Center;

(3) Any grade-separated freeway that does not have a frontage road;

(4) Property owned in fee by an electric utility and used or intended for use for electric transmission facilities; or

(5) Any portion of Addicks Resevoir, Barker Resevoir, Sheldon Resevoir, the Houston Ship Channel or Lake Houston that is wider than 100 feet.

(Ord. No. 99-262, § 2, 3-24-99; Ord. No. 00-860, § 11, 9-27-00)

Sec. 42-131. Culs-de-sac.

(a) A cul-de-sac shall not serve a single-family residential development that will generate more than 350 vehicle trips a day at the intersection of the cul-de-sac with a through street. A cul-de-sac that exclusively serves a single-family residential development and that has a length of not more than 350 feet from the centerline of its intersection with the nearest street shall have a paving width of at least 24 feet and shall not be used to serve single-family residential development that will generate more than 350 vehicle trips a day at the intersection of the cul-de-sac with a through street. For purposes of the foregoing requirements, each dwelling unit type shall be deemed to generate the following trips per day:

Detached units	10 trips per unit
Attached units	8 trips per unit

(b) A cul-de-sac shall comply with the applicable terminus design as specified in the design manual.

(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-132. Curves.

(a) Curves for the right-of-way of a major thoroughfare shall have a centerline radius of at least 2000 feet. Reverse curves shall be separated by a tangent distance of not less than 100 feet.

(b) Reverse curves with a tangent distance of 100 feet or less along collector streets and local streets shall have a centerline radius of at least 300 feet. Reverse curves shall be separated by a tangent distance of not less than 50 feet.

(c) Curves along a type 2 permanent access easement or a private street may have any centerline radius except that the centerline radius of a reverse curve shall not be less that 65 feet. Reverse curves shall be separated by a tangent of not less than 25 feet.

(d) At the request of an applicant, the commission shall approve a lesser curve radius upon certification by the director of public works and engineering that the lesser radius meets nationally accepted standards set forth in either the "Guidelines for Urban Major Streets Design" of the Institute of Transportation Engineers or "A Policy on Geometric Design of Highways and Streets" of the American Association of State Highway and Transportation Officials.

(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-133. Public street names.

All public streets contained in any subdivision plat approved by the commission shall be named in conformance with the following policies and procedures:

(1) The name of a new street that is not an extension of an existing street shall not duplicate the name of any existing street located within the city or the city's extraterritorial jurisdiction.

(2) The name of a new street that is a direct extension of an existing street shall be the name of the existing street, except in those instances where the existing street name is a duplicate street name.

(3) Street name prefixes such as "North", "South", "East", and "West" may be used to clarify the general location of the street,

provided that these prefixes must be consistent with the existing and established street naming and numbering system of the general area in which the street is located.

(4) Street name endings shall be used as follows:

a. "Court," "Circle" and "Loop" shall be limited to streets that terminate at a cul-de-sac or are configured as a loop street.

b. "Boulevard," "Speedway," "Parkway" and "Expressway" shall be limited to major thoroughfares or other streets designed to handle traffic volumes in excess of normal neighborhood traffic generation or that are divided streets with at least two lanes of traffic in each direction separated by a median.

c. "Highway" and "Freeway" shall be used only to designate highways or freeways falling under the jurisdiction of the state department of transportation.

(5) Alphabetical and numerical street names must not be used to name any new street on any subdivision plat except in those instances where the street is a direct extension of an existing street with an alphabetical or numerical name that is not a duplicate street name.

(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-134. Private street and permanent access easement names and markers.

(a) Names proposed to be assigned to private streets or permanent access easements shall conform to the standards of section 42-133 of this Code and shall also be subject to the following criteria:

(1) The suffix "PRIVATE" or "PVT" shall be a part of all names established for private streets and permanent access easements and shall be an integral part of any street name marker installed. (Example of sign letter: LOG JAM LN. PRIVATE or LOG JAM LN. PVT.)

(2) The street name markers erected on private streets shall conform to the standards and specifications approved by the director of public works and engineering. In no instance shall the color of the background of a street name marker to be installed on a private street or a permanent access easement be the same as the background color of street name markers used to identify public streets.

(3) A private street or permanent access easement that is a direct extension of a local public street shall not have the same name as the local public street.

(b) Upon the establishment of the name of any private street or permanent access easement pursuant to this section, the owners of the property adjacent to the private street or permanent access easement shall be responsible for the installation, erection and continued maintenance of appropriate street name markers at the intersections of all streets, including public streets, private streets and permanent access easements. Installation of a private street or permanent access easement name marker shall not be authorized without the approval of the director of public works and engineering and shall conform with the standards of the public works and engineering department for street name markers. The director of public works and engineering may declare as a nuisance or a traffic hazard any private street or permanent access easement name marker indicating a name not established in conformance with this section and installed in the public right-of-way and may remove the marker from the right-of-way without notice upon determining that the marker is misleading, confusing or is located so as to create a traffic hazard.

(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-135. Street extension.

A public street that terminates at the boundary of a plat previously approved by the commission

without means of a vehicular turnaround shall be extended into the adjacent property at the time the adjacent property is platted.
(Ord. No. 00-860, § 12, 9-27-00)

Secs. 42-136—42-149. Reserved.

DIVISION 3. BUILDING LINES

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 article. 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 division.

(c) The following chart is a summary of certain of the building line regulations of this division and is intended for illustrative purposes only. In case of any conflict between the chart and the text of this division, the text shall control.

MINIMUM BUILDING LINE REQUIREMENTS		
	URBAN AREA	*SUBURBAN AREA*
Central Business District	0 feet	NA
Abutting Major Thoroughfare	25 feet	25 feet
Single-family Lot Backing on Major Thoroughfare	10 feet, if meets standards of Sec. 42-153	10 feet, if meets standards of Sec. 42-153
Abutting Major Thoroughfare with Planned ROW of 80' or less		
• General	15 feet, if meets standards of Sec. 42-154	NA
• Retail Commercial Center	5 feet, if meets standards of Sec. 42-155(a) 0 feet, if meets standards of Sec. 42-155(b)	NA NA
Collector and Local Streets -		
Not Single-family Residential	10 feet	10 feet
• Nonresidential Across from Single-family Lots with Platted Building Line Greater than 10'	Lesser of 25 feet or Greatest Building Line on Single-family Lots	Lesser of 25 feet or Greatest Building Line on Single-family Lots
Collector Streets - Single-family Residential	10 feet, Principal Structure 17 feet, Garage or Carport Facing Street 5 feet, if meets standards of Sec. 42-159(c)	25 feet Front 10 feet Side and Back, if adjacent to local street
Local Streets - Single-family	10 feet, Principal Structure 17 feet, Garage or Carport Facing Street	20 feet Front 10 feet Side and Back, if adjacent to local street
Residential	5 feet, if meets standards of Sec. 42-159(c)	10 feet Front 10 feet both sides of corner lot, if meets standards of Sec. 42-158(b)
		0 feet, if vehicular access is from public alley (except corner lot)
Private Streets	5 feet for habitable structure	5 feet for habitable structure
Type 2 Permanent Access Easement	5 feet for habitable structure	5 feet for habitable structure
Undefined easement for flammable product pipeline	15 feet from center of pipeline	15 feet from center of pipeline

(Ord. No. 99-262, § 2, 3-24-99)

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

(a) Property within the central business district shall not be subject to a building line requirement.

(b) The commission, after public hearing, shall exempt other areas within the city from the building line requirement upon determining that the area has:

(1) Blockfaces of 300 feet or less;

(2) Public rights-of-way not less than 80 feet wide; and

(3) Levels of vehicular traffic equivalent to the central business district as determined after a study by the traffic engineer.

(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-152. Building line requirement along major thoroughfares—General requirement.

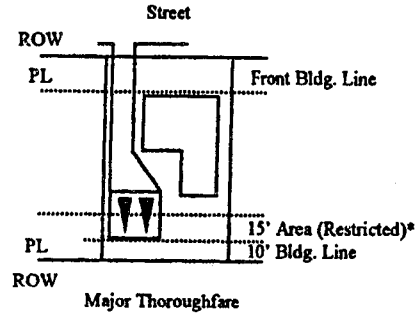
The portion of a lot or tract that is adjacent to a major thoroughfare shall have a building line requirement of 25 feet unless otherwise authorized by this article.
(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-153. Lot backing on major thoroughfare.

A building line requirement of ten feet is authorized for that portion of a single-family residential lot that backs onto a major thoroughfare, provided that the subdivision plat contains a notation that:

(1) The area 15 feet behind the building line along the major thoroughfare is restricted to use as a one-story, uninhabited garage; and

(2) Vehicular access cannot be taken from the major thoroughfare.

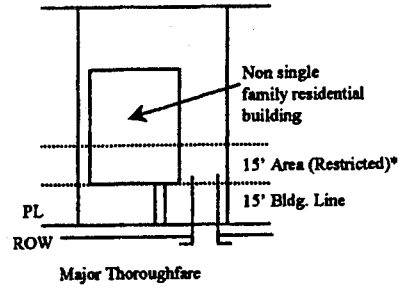


*1) 15' area shall be restricted to one-story, uninhabited garage and 2) vehicular access to major thoroughfare shall be denied.

(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-154. Urban area—Major thoroughfares with planned right-of-way of 80 feet or less.

A building line requirement of 15 feet is authorized for parcels in an urban area that have frontage on a major thoroughfare with a planned right-of-way of 80 feet or less if an applicant submits a subdivision plat or development plat that demonstrates compliance with each of the following standards, if applicable:



*15' area shall be restricted to a height not more than 75 feet.

(1) The subdivision plat does not provide for lots adjacent to the major thoroughfare and the development plat does not provide for single-family development adjacent to the major thoroughfare, as applicable;

(2) Any private street or 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 is not used for parking, driveways or any other auto-related uses such as access to a drive-in window;

(4) A clearly-defined pedestrian walkway that is separate from any private street or private drive is established across the building line perpendicular to the sidewalk providing a connection from a public sidewalk along the major thoroughfare to an entrance to a building or the project;

(5) Provision is made for a sidewalk that is at least five feet wide to be constructed by the applicant within the right-of-way of the major thoroughfare;

(6) 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;

(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;

(8) The building line conforms to the visibility triangle required by section 42-162 of this Code at the intersection of a major thoroughfare and any other street;

(9) 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;

(10) 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

(11) 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.

(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-155. Urban area—Major thoroughfares with planned right-of-way of 80 feet or less—Retail commercial center.

(a) Except as provided in subsection (c), a building line requirement of five feet is authorized for a parcel in an urban area used for a retail commercial center with frontage on a major thoroughfare with a planned right-of-way of 80 feet or less if an applicant submits a development plat that demonstrates compliance with each of the following standards:

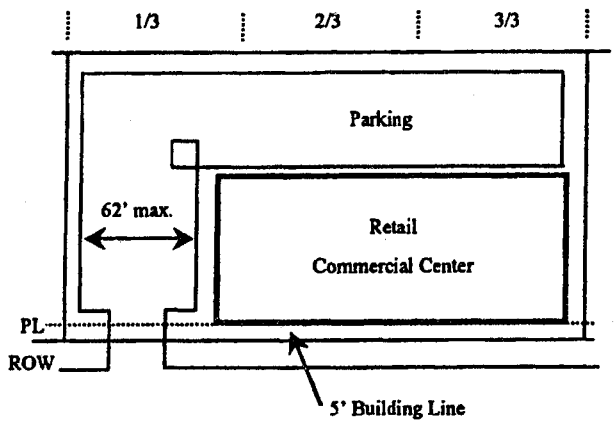
(1) The development plat incorporates a five-foot area within the building line that the applicant will improve with a sidewalk or landscaping if the sidewalk is provided in the right-of-way;

(2) All off-street parking is provided to the rear or side of any improvements on the property;

(3) If any driveway is provided from the major thoroughfare to the side of any improvements on the property, the driveway shall meet one of the following standards:

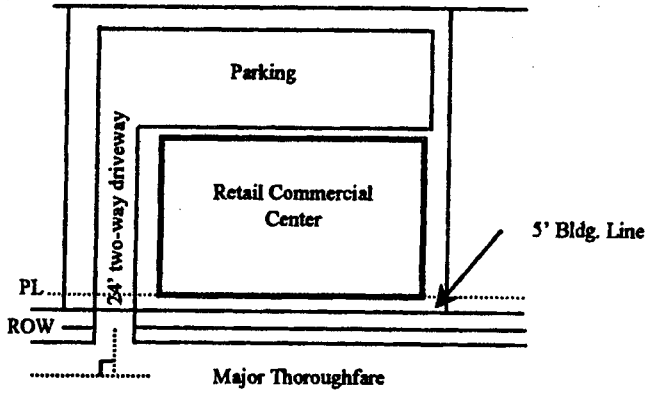
a. Not more than one driveway with two bays of parking comprising a maximum of 62 feet in width is placed to the side of any improvements,

provided that the combination of parking and driveway does not exceed ⅓ of the total frontage of the retail commercial center; or



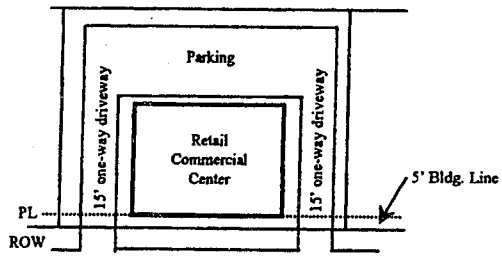
Major Thoroughfare
(80' ROW or less)

b. Not more than one two-way driveway of not more than 24 feet in width is provided from the major thoroughfare to parking at the rear of the improvements; or



Major Thoroughfare
(80' ROW or less)

c. Not more than two one-way driveways of 15 feet each is provided from the major thoroughfare to parking at the rear of the improvements;



Major Thoroughfare
(80' ROW or less)

(4) If the applicant proposes to locate the sidewalk within the building line, the applicant presents evidence that the director of public works and engineering has waived the requirement for a sidewalk within the right-of-way in exchange for the commitment of the owner of the adjacent property to install and maintain landscaping in a ten-foot strip within the right-of-way adjacent to the property;

(5) The improvement that will be located along the reduced building line contains 90 percent of the gross floor area of all improvements located on the parcel;

(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; and

(7) 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) Except as provided in subsection (c), a building line requirement of zero feet is authorized for a parcel in an urban area used for a

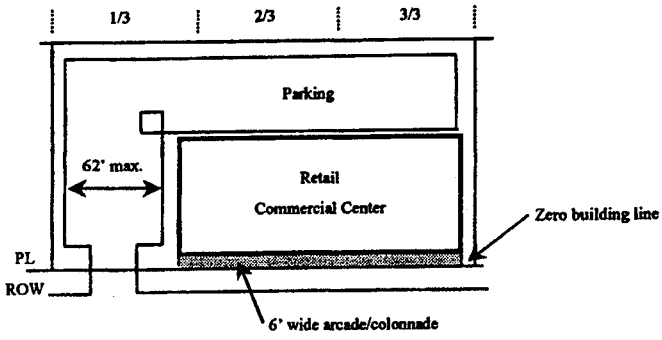
retail commercial center with frontage on a major thoroughfare with a planned right-of-way of 80 feet or less if an applicant submits a development plat that demonstrates compliance with each of the following standards:

(1) The development plat provides for an arcade or colonnade at least six feet wide along the full face of the retail commercial center parallel to the major thoroughfare;

(2) All off-street parking is to the rear or side of any improvements on the property;

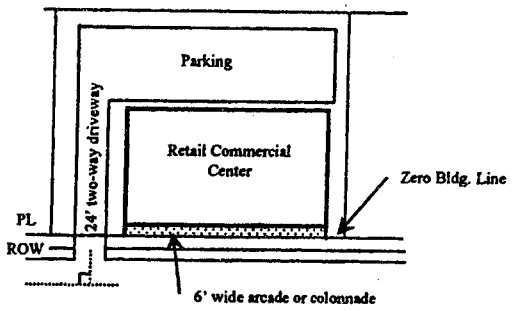
(3) Any driveway from the major thoroughfare to the side of any improvements on the property shall meet one of the following standards:

a. Not more than one driveway with two bays of parking comprising a maximum of 62 feet in width is placed to the side of any improvements, provided that the combination of parking and driveway does not exceed ⅓ of the total frontage of the retail commercial center;



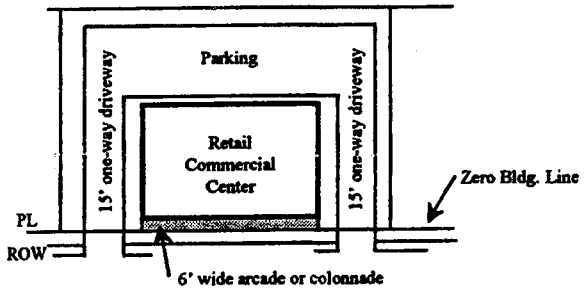
Major Thoroughfare
(80' ROW or less)

b. Not more than one two-way driveway of not more than 24 feet in width is provided from the major thoroughfare to parking at the rear of the improvements; or



Major Thoroughfare
(80' ROW or less)

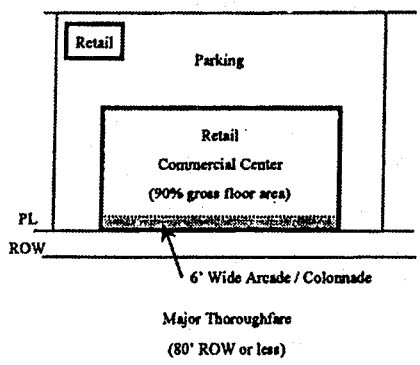
c. Not more than two one-way driveways of 15 feet each is provided from the major thoroughfare to parking at the rear of the improvements;



Major Thoroughfare
(80' ROW or less)

(4) The applicant presents evidence that the director of public works and engineering has waived the requirement for a sidewalk within the right-of-way in exchange for the commitment of the owner of the adjacent property to install and maintain landscaping in a ten foot strip within the right-of-way adjacent to the property. The plantings in the ten-foot landscaping strip shall comply with the requirements of article V of chapter 33 of this Code;

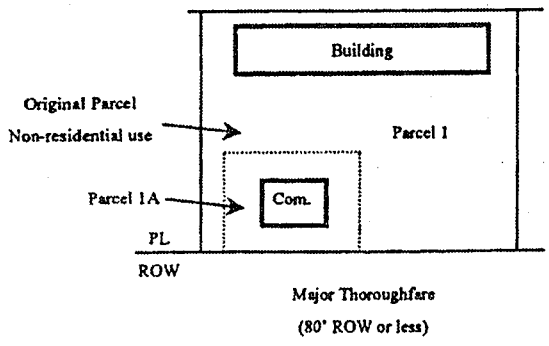
(5) The improvement that will be located along the reduced building line contains 90 percent of the gross floor area of all improvements located on the parcel; and



Reduced building line

(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.

(c) Subsections (a) and (b) do not apply to any retail commercial center that is located on a parcel that has been created from a larger parcel or reserve, either by subdivision or lease agreement, if the remaining portion of the original parcel or reserve is used for nonresidential purposes.



Retail commercial center

(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-156. Streets other than major thoroughfares.

(a) The building line requirement for property used or to be used for other than single-family residential purposes adjacent to a street that is not a major thoroughfare shall be ten feet unless otherwise required or authorized by this article.

(b) The building line requirement for property used or intended for use for nonresidential purposes adjacent to a street that is not a major thoroughfare 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.
(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-157. Collector streets—Suburban.

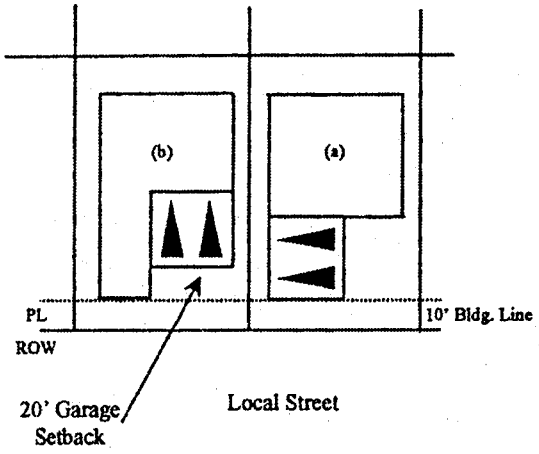
The building line requirement for property in a suburban area restricted to detached single-family residential use shall be 25 feet along the front of a lot and ten feet along the back and sides of a lot adjacent to a collector street unless otherwise required or authorized in this article.
(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-158. Local streets—Suburban.

(a) The building line requirement for property in a suburban area restricted to single-family residential use shall be 20 feet along the front of a lot and ten feet along the back and side of a lot adjacent to a local street, unless otherwise authorized by this article.

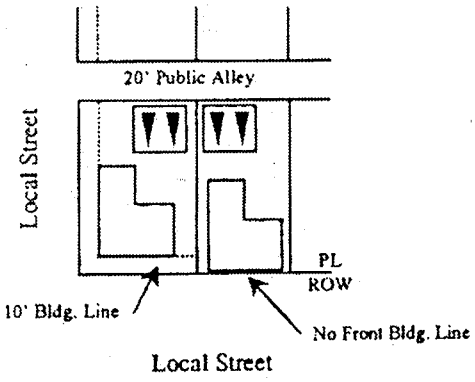
(b) A front building line requirement of ten feet for property otherwise subject to the requirements of subsection (a), and a building line requirement of ten feet on both sides of a corner lot adjacent to a street, are authorized for a subdivision where the face of the plat contains a typical lot layout and notes that restrict the placement of any garage or carport facing the street to no closer

to the property line adjacent to the street than 20 feet.



Front building line

(c) When the plat contains a typical lot layout and notes that restrict vehicular access to an approved public alley, then no front building setback line shall be required, except for corner lots as provided herein.



Lot layout

(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-159. Collector streets and local streets—Urban area.

(a) The standards for building lines in an urban area are intended to:

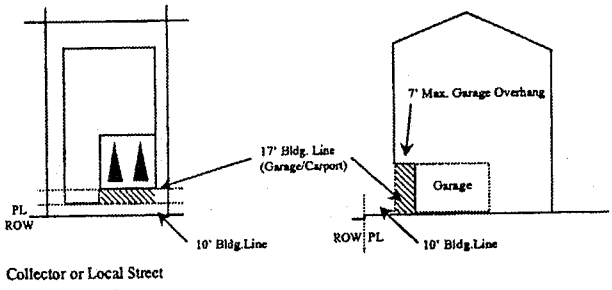
(1) Foster a design framework applicable to urban areas that differ in character from each other and from suburban areas; and

(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 an urban area restricted to single-family residential use adjacent to a collector street or a local street shall be:

(1) Ten feet for the principal structure; and

(2) Seventeen feet for any carport or garage facing the collector street or local street unless otherwise required or authorized by this article. A building above the garage or carport may overhang the building line up to seven feet.



Facing collector street

(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 an urban area that is restricted to single-family residential use adjacent to a collector street or a local street that meets one of the following standards:

(1) Vehicular access to a driveway, garage or carport is available only from the rear of each lot through an alley or shared driveway;

(2) The subdivision or development includes a separate common parking facility containing an adequate number of parking spaces; or

(3) Vehicular access to each lot is provided by a shared driveway and the subdivision meets each of the following standards:

a. The shared driveway intersects only with one or more public streets and is designed as a one-way loop that is a minimum of 12 feet wide or as a two-way shared driveway that is a minimum of 16 feet wide;

b. The garage portion of each single-family residential unit is set back from the edge of the shared driveway at least four feet;

c. The garage entry door is perpendicular to the public street; and

d. The plat contains a note that restricts the locations of any fence or wall up to eight feet high to at least two feet from the property line along the collector street or local street, which two-foot area shall be planted and maintained with landscaping.

(d) A front building line requirement of zero feet adjacent to a collector street or a local street is authorized for a subdivision restricted to single-family residential use in an urban area and that meets the following standards:

(1) The subdivision is solely a replat of a lot on a corner at the intersection of two public streets; and

(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.

(Ord. No. 99-262, § 2, 3-24-99; Ord. No. 00-860, § 13, 9-27-00)

Sec. 42-160. Private streets; type 2 permanent access easement.

The building line requirement for habitable structures along the right-of-way of a private street or type 2 permanent access easement shall be five feet.

(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-161. Pipelines.

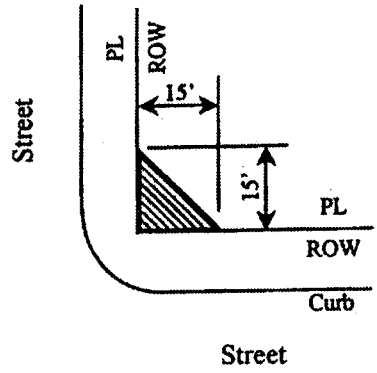
(a) The building line requirement for property adjacent to an undefined easement for a pipeline that carries flammable material under pressure through or over properties within a subdivision or development shall be 15 feet from the centerline of the pipeline.

(b) A subdivision plat may contain a notation that the building line established pursuant to this section will no longer be applicable upon the abandonment or termination of the respective easement or right-of-way.

(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-162. 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.



Triangle area

(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-163. Preservation of prevailing building lines.

(a) To preserve the character of existing blockfaces in residential neighborhoods in urban areas that do not have building lines established

by deed restrictions, the building line requirement may be established pursuant to this section through the creation of a special building line requirement area, and a special building line requirement so created will prevail over any more lenient building line requirement established by this article. A building line requirement established pursuant to this section shall not be established that is greater than the prevailing building line of the blockface. A blockface qualifies for establishment of a special building line requirement pursuant to this section unless all lots on the blockface are subject to a deed restriction establishing a uniform front building line for the blockface.

(b) The establishment of a special building line requirement area shall be initiated by application to the director in the form prescribed by the department. The application shall include the following:

(1) The proposed boundaries of the special building line requirement area, which shall be no less than one blockface;

(2) A map or sketch showing the address and land use for all lots within the proposed special building line requirement area;

(3) Data for each lot within the proposed special building line requirement area showing the distance from the front property line to each building on the lot;

(4) A petition signed by at least one owner of property proposed to be included within the special building line requirement area; and

(5) Evidence of support from the owners of property within the proposed special building line requirement area.

(c) Within ten days after receipt of a complete application for the creation of a special building line requirement area, the director shall give notice of the application for the creation of a special building line requirement to the owners of property within the proposed special building line requirement area as shown on the most recent tax rolls for the county in which the proposed area is located. Notice shall be given by letter deposited into the United States postal service, postage paid. Notice shall also be given by signs placed in at least two locations within the proposed special prevailing building line requirement area. The signs shall conform to the specifications prescribed by the director and shall be posted by the applicant.

(d) A property owner within the proposed special building line requirement area may protest the application for special building line requirement area by filing a protest with the department within 15 days of the date of the notice letter.

(e) The director shall approve the application for establishment of a special building line requirement area upon determining that each of the following conditions exist:

(1) The application satisfies each of the criteria of subsection (g);

(2) The petition was signed by the owners of 51 percent or more of the lots or tracts within the area proposed for special building line requirement area; and

(3) A timely protest of the establishment of the special building line requirement area was not filed by any property owner within the proposed special building line requirement area.

Upon approval of an application, the director shall take the appropriate steps to refer the application to the city council.

(f) The director shall promptly refer an application to the commission if he cannot approve the application pursuant to subsection (e) of this section. Within 30 days after the director refers the application for the creation of a special building line requirement area, the commission shall conduct a public hearing on the application at a regularly scheduled meeting of the commission. The director shall give notice of the public hearing to each owner of real property within the proposed special building line requirement area by letter deposited into the United States postal service, postage paid, no later than 15 days before the date of the public hearing. The owners of property within the proposed special building line requirement area and any other person may present comments in person or in writing at the public hearing.

(g) After the close of the public hearing, the commission shall consider whether to recommend that the city council establish the special building line requirement area. The commission shall recommend the establishment of a proposed special building line requirement area if it finds that the application satisfies each of the following criteria:

(1) The boundaries of the proposed special building line requirement area will include all properties within at least one blockface;

(2) More than 50 percent of the lots to be included within the proposed special building line requirement area are developed with single-family residential units;

(3) That the applicant has demonstrated sufficient support for the establishment of the proposed special building line requirement area to warrant the establishment of the area;

(4) That the establishment of the proposed special building line requirement area will further the goal of preserving the prevailing building line character of the area; and

(5) That the proposed special building line requirement area has a prevailing constructed building line. If department analysis demonstrates that less than 25 percent of the single-family residential properties within the proposed special building line requirement area have a constructed building line measured from the property line to the closest point of any building on the property, including garages and carports, that varies by more than five feet from the most frequent constructed building line, the proposed special building line requirement area shall be deemed to have a prevailing building line, which shall be the most frequently occurring constructed building line.

The director shall forward to the city council each commission recommendation for the establishment of a special building line requirement area. If the commission does not recommend the establishment of a special building line requirement area, the decision of the commission shall be final.

(h) In determining whether to establish the proposed special building line requirement area, the city council shall consider the recommendations of the commission and the criteria in subsection (g). The city council shall establish each proposed special building line requirement area by ordinance, which shall specify that the prevailing constructed building line shall be the building line requirement for the special building line requirement area. The director shall file for recordation in the real property records of the county or counties in which the special building line requirement area is located the ordinance designating the special building line requirement area.

(i) The special building line requirement area shall terminate 20 years after the effective date of the ordinance establishing the area, unless earlier terminated by an ordinance adopted by the city council.

(j) The following rules shall govern the issuance of building permits and the approval of subdivision plats and development plats before and after an application for establishment of a special building line requirement area is filed with the department.

(1) If a complete, valid building permit, subdivision plat or development plat application is filed before the time an application for the establishment of a special building line requirement area is filed with the department, the application shall not be subject to the special building line requirement;

(2) If a complete, valid building permit, subdivision plat or development plat application is filed after the time an application for the establishment of a special building line requirement area is filed with the department, the application will be subject to the special building line requirement unless:

a. The director determines that the application for the establishment of a special building line requirement area is not complete; or

b. The department analysis pursuant to item (5) of subsection 42-163(g) of this Code demonstrates that the proposed special building line requirement area does not have a prevailing constructed building line.

(3) If a complete, valid building permit, subdivision plat or development plat application is filed after the time a complete application for the establishment of a special building line requirement area is filed with the department, the building permit, subdivision plat or development plat shall not be approved pending completion of action on the application unless it meets the prevailing building line determined by the department pursuant to paragraph (5) of subsection 42-163(g) of this Code. Notwithstanding the provisions of items (2) and (3) of this subsection, if the city council has not completed action on the special building line requirement area application 180 days after the filing of a complete, valid building permit, subdivision plat or development plat application, the building permit, subdivision plat or development plat application shall not be subject to the special building line requirement.

(Ord. No. 99-262, § 2, 3-24-99; Ord. No. 01-1100, §§ 4, 5, 12-12-01)

Sec. 42-164. Reconstruction after casualty.

(a) Reconstruction of a building after fire, damage or other casualty not intentionally caused by the owner of the building or the owner's agent shall comply with the requirements of this division if the estimated cost to rebuild the damaged portion of the building exceeds 75 percent of the estimated replacement cost of the entire building, exclusive of the replacement cost of the building foundation.

(b) Reconstruction of a building after fire, damage or other casualty not intentionally caused by the owner of the building or the owner's agent shall not require compliance with the provisions of this division if:

(1) The estimated cost to rebuild is 75 percent or less of the estimated replacement cost of the entire building, after subtracting the estimated replacement cost of the building foundation; and

(2) The reconstruction would not result in an increase in the floor area of the building or a change in the use of the property.

(c) For purposes of this section, the determination of the estimated cost to rebuild and the estimated replacement cost of a building shall be based on a certified cost estimate provided by an architect or contractor and approved by the building official.

(Ord. No. 99-262, § 2, 3-24-99)

Secs. 42-165—42-179. Reserved.

DIVISION 4. LOTS AND RESERVES

Sec. 42-180. General lot design standards.

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 can meet the requirements of city codes and ordinances 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 or alley; and

(4) Ensure that two vehicles per dwelling unit can be parked entirely on the lot in compliance with chapter 26 of this Code.

(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-181. Lots without wastewater collection service.

Lots that will not be served by a wastewater collection system shall meet the minimum requirements of the Texas Natural Resource Conservation Commission. The applicant shall provide a letter from the Texas Natural Resource Conservation Commission evidencing compliance with the minimum requirements. In addition, lots without wastewater collection service that are platted

in a special flood hazard area, as determined under the National Flood Insurance Program, shall meet the applicable requirements of the Texas Natural Resource Conservation Commission, the city and the county engineer of the county in which the lots are located with respect to the location of the onsite sewage system.
(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-182. Lot sizes—Single-family residential—Suburban area.

The minimum lot size for a single-family residential lot in a suburban area shall be:

(1) 5,000 square feet for lots with wastewater collection service;

[The next page is 2911]

(2) Less than 5,000 square feet for lots with wastewater collection service, but in no event less than 1,400 square feet, if the subdivision plat meets the standards of sections 42-184 and 42-185 of this Code; or

(3) The minimum requirement of section 42-181 of this Code for lots without wastewater collection service.

(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-183. Lot sizes—Single-family residential—Urban area.

(a) The minimum lot size for a single-family residential lot in an urban area shall be:

(1) 3,500 square feet for lots with wastewater collection service;

(2) Less than 3,500 square feet for lots with wastewater collection service, but in no event less than 1,400 square feet, if the subdivision plat meets the standards of:

a. Subsection (b); or

b. Sections 42-184 and 42-185 of this Code; or

(3) The minimum requirement of section 42-181 of this Code for lots without wastewater collection service.

(b) A subdivision in an urban area may provide for a single-family lot size of less than 3,500 square feet, but not less than 1,400 square feet, if the subdivision plat meets the following development standards:

(1) For a subdivision that is not the replat of a lot on a corner at the intersection of two public streets:

a. Buildings do not cover more than 60% of the area of each lot that is less than 3,500 square feet in size;

b. The subdivision plat provides for permeable area in an amount equal to 150 square feet per lot;

c. The number of single-family residential dwelling units that can be constructed within the proposed subdivision does not exceed an equivalent density of 27 units to the gross acre of all land within the boundaries of the subdivision plat; and

d. All lots have adequate wastewater collection service; or

(2) For a subdivision that is solely a replat of a lot on a corner at the intersection of two public streets:

a. Buildings do not cover more than 75% of the area of each lot that is less than 3,500 square feet in size, on average of the lots in the subdivision;

b. The subdivision plat provides for permeable area in an amount equal to 150 square feet per lot;

c. The number of single-family residential dwelling units that can be constructed within the proposed subdivision does not exceed an equivalent density of 27 units to the gross acre of all land within the boundaries of the subdivision plat;

d. All lots in the subdivision have adequate wastewater collection service.

(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-184. Reduction in lot size; compensating open space.

Lot sizes less than the otherwise applicable minimum prescribed in sections 42-182 and 42-183 of this Code are permitted in subdivisions where compensating open space is provided within the boundaries of the subdivision plat in accordance with the following schedule and in conformance with the design standards of section 42-185 of this Code:

Average lot size may be reduced to this square footage	*Upon providing this amount of compensating open space per lot*	
	Suburban Area	*Urban Area*
4,999—4,500	100	None
4,499—4,000	200	None
3,999—3,500	300	None
3,499—3,000	400	240
2,999—2,500	500	360
2,449—2,000	600	480
1,999—1,400	720	600

(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-185. Standards for compensating open space.

(a) Compensating open space shall be used to reduce the minimum lot size requirement only to the extent that the area proposed to be dedicated to compensating open space meets the requirements of this section.

(b) The following areas shall not be used for or considered compensating open space:

(1) Areas designated or used as lots or building sites for dwelling units, utility or storage purposes, carports or garages;

(2) Driveways or streets;

(3) Private medians less than 12 feet wide; or

(4) Detention ponds, drainageways, water areas including floodplains and flood ways, or ravines unless they are developed as amenities pursuant to an open space amenities plan approved by the commission.

(c) Compensating open space shall be reasonably dry and flat, unless the area is within an open space amenities plan approved by the commission.

(d) The ground floor square footage of a building used for recreational purposes, at the option of the applicant, may be included in calculating compensating open space to be provided that the recreational use of the building is shown on the subdivision plat.

(e) The minimum size of any area used for compensating open space shall be 240 square feet, with dimensions of 20 feet by 12 feet.

(f) Any area used for compensating open space:

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

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

(3) Shall be accessible to all of the residents of the subdivision.

(g) Compensating open space can be used to provide courtyard access from groups or clusters of lots adjacent to one or more streets provided that the minimum distance between the opposing faces of the buildings forming the courtyard is 20 feet.
(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-186. Minimum lot width.

The minimum width of any lot shall be 20 feet.
(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-187. Parking for single-family residential uses.

Each subdivision plat or development plat providing for single-family residential uses shall provide at least two off-street parking spaces per dwelling unit on each lot except that, in those instances where a secondary dwelling unit of not more than 900 gross square feet is provided, only one additional off-street parking space shall be required for the secondary dwelling unit.
(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-188. Flag lots.

(a) Each flag lot shall provide for vehicular access to the principal portion of the lot through the staff.

(b) If a flag lot derives access solely from its own staff, the minimum width of the staff shall be 20 feet.

(c) If a flag lot derives its access in common with another lot, the combined common access shall have a minimum width of 20 feet.

(d) 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. If the vehicular access is to be shared, the plat note shall clearly indicate the joint or shared nature of the access.
(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-189. Lot access to streets.

(a) Each lot shall have access to a street that meets the requirements of this chapter and the design manual, subject to the limitations of this section.

(b) A single-family residential lot shall not have direct vehicular access to a major thoroughfare unless:

(1) The lot is greater than one acre in size; and

(2) 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:

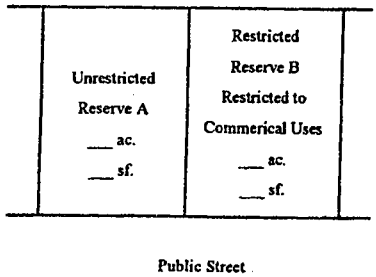
"THIS SUBDIVISION CONTAINS ONE OR MORE PERMANENT ACCESS EASEMENTS THAT HAVE NOT BEEN DEDICATED TO THE PUBLIC OR ACCEPTED BY THE CITY OF HOUSTON OR ANY OTHER LOCAL GOVERNMENT AGENCY AS PUBLIC RIGHTS-OF-WAY. THE CITY OF HOUSTON HAS NO OBLIGATION, NOR DOES ANY OTHER LOCAL GOVERNMENT AGENCY HAVE ANY OBLIGATION, 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."
(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-190. Points of access.

Any subdivision that includes more than 150 lots shall have at least two points of access separated from each other by a distance of at least 250 feet to a public street outside the boundaries of the subdivision.
(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-191. Tracts for non-single-family use.

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.



(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-192. Reserves.

(a) 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 use intended for each reserve shall be noted. A reserve tract for which a use has not been determined shall be identified on the plat as an unrestricted reserve.

(b) A parcel that is served by wastewater collection service and is not restricted to residential use shall:

(1) Have a minimum size of 5,000 square feet; and

(2) Have frontage along at least one public street that has a right-of-way width of not less than 60 feet unless:

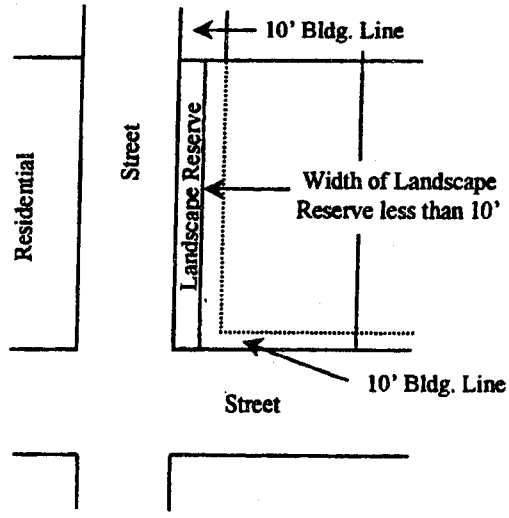
a. The parcel is located on a public local street in a street width exception area; or

b. The parcel abuts property that is used for or restricted to the provision of drainage, detention, wastewater collection service, wastewater treatment, or other utility-related purposes and is restricted to the abutting use.

(c) Except as otherwise limited by one foot reserve strips in the city's extraterritorial jurisdiction as set forth in section 42-193 of this Code, a reserve that is not restricted to landscaping use shall have at least 60 feet of frontage on a public street. A reserve restricted to a lift station-site shall have a minimum of 20 feet of frontage on a public street. Reserves restricted to landscaping and open space, other than compensating open space use, shall not have a minimum square footage or frontage requirement, provided, however, that landscape and open space reserves that are located directly across the street from single-family residential lots shall:

(1) Be a minimum of ten feet in depth along the street frontage; or

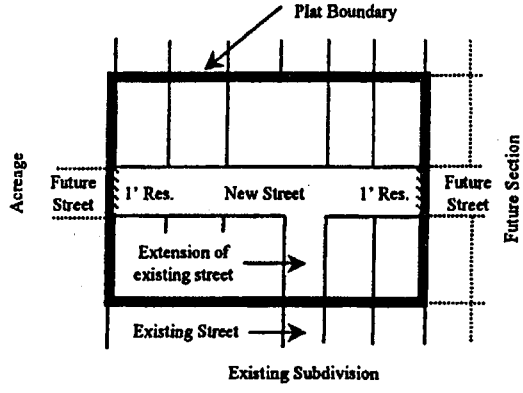
(2) If less than 10 feet in depth along the street frontage, any adjacent lot shall be deemed a corner lot for purposes of establishing the building line requirement on the adjacent lot.



(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-193. One foot reserves.

(a) Subdivision plats shall provide a one-foot reserve within the street right-of-way as a buffer strip dedicated to the public to prevent access to public streets when a proposed public street stub ends into adjacent acreage or where the proposed public street is adjacent to the plat boundary and abutting acreage.



The following notation shall be placed upon the face of the subdivision plat:

"ONE-FOOT RESERVE DEDICATED TO THE PUBLIC IN FEE AS A BUFFER SEPARATION

BETWEEN THE SIDE OR END OF STREETS WHERE SUCH STREETS ABUT ADJACENT PROPERTY, THE CONDITION OF THIS DEDICATION BEING THAT WHEN THE ADJACENT PROPERTY IS SUBDIVIDED OR RESUBDIVIDED IN A RECORDED SUBDIVISION PLAT, THE ONE-FOOT RESERVE SHALL THEREUPON BECOME VESTED IN THE PUBLIC FOR STREET RIGHT-OF-WAY PURPOSES AND THE FEE TITLE THERETO SHALL REVERT TO AND REVEST IN THE DEDICATOR, HIS HEIRS, ASSIGNS OR SUCCESSORS."

(b) In addition to the requirements set forth in subsection (a), subdivision plats within the city's extraterritorial jurisdiction shall provide a one-foot reserve adjacent to the public street right-of-way as a buffer strip dedicated to the public to prevent access to public streets when a reserve is to be established adjacent to a dedicated public street and the average depth of the reserve is more than 300 feet, unless the reserve is restricted to prohibit any single-family or multi-family residential development. The following notation shall be placed upon the face of the subdivision plat:

"ONE-FOOT RESERVE DEDICATED TO THE PUBLIC IN FEE AS A BUFFER SEPARATION BETWEEN THE PUBLIC STREET AND THE ADJACENT RESERVE, THE CONDITION OF SUCH DEDICATION BEING THAT WHEN THE ADJACENT RESERVE IS REPLATTED AND APPROVED BY THE COMMISSION, THE ONE-FOOT RESERVE SHALL AUTOMATICALLY BE VACATED AND THE FEE TITLE THERETO SHALL REVERT TO AND REVEST IN THE DEDICATOR, HIS HEIRS, ASSIGNS OR SUCCESSORS."

(Ord. No. 99-262, § 2, 3-24-99)

Secs. 42-194—42-209. Reserved.

DIVISION 5. EASEMENTS

Sec. 42-210. Public utility easements.

(a) An easement for one or more public utilities shall meet the standards of this section and the location, design and width requirements of the design manual and of the respective utility companies.

(b) A public utility easement located along the boundary of a subdivision plat or a development plat shall contain the full width required for the easement, except that one-half of the required width may be shown and dedicated when one of the following conditions is satisfied:

(1) The property adjacent to the proposed public utility easement is within a recorded subdivision plat as the property that is the subject of the application and which provided for the dedication of a public utility easement contiguous to the proposed easement; or

(2) The additional public utility easement width is or was previously dedicated by the owner of the adjacent property by separate instrument.

(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-211. Drainage easements.

Each drainage easement shall be located in conformity with the requirements of the design manual and all other governmental agencies with jurisdiction over surface water drainage or flood control within the area in which the proposed subdivision or development is located. Each subdivision plat or development plat that contains a drainage easement shall contain a restriction on the plat that:

(1) Prohibits all properties abutting the easement from the construction of fences or buildings, whether temporary or permanent, and the installation or maintenance of plantings or other obstructions to the operation and maintenance of the drainage facility within the drainage easement; and

(2) Prohibits any property abutting the drainage easement from draining directly into the drainage easement except by means of a drainage structure approved by the director of public works and engineering or the authorized public drainage or flood control official.

(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-212. Private easements; fee strips.

All easements or fee strips created prior to the subdivision or development of any tract of land shall be shown on the subdivision plat or development plat with appropriate notations indicating the name of the holder of the easement or fee strip, the purpose of the easement, the dimensions of the easement or fee strip tied to all adjacent lot lines, street rights-of-way and plat boundary lines and the recording reference of the instruments creating and establishing the easement or fee strip. If an easement has not been defined by accurate survey dimensions, such as an "over and across" easement, the subdivider shall request the owner of the easement to define the limits and location of the easement through the property within the plat boundaries. If the holder of an undefined easement does not define the easement involved and the applicant certifies to the director the owner's refusal to define the easement, the subdivision plat or the development plat shall provide accurate information about the centerline location of all existing pipelines or other utility facilities placed in conformance with the easement owners' rights.
(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-213. Preservation of prevailing lot sizes.

(a) To preserve the character of existing residential neighborhoods in urban areas that do not have minimum lot size established by deed restrictions, the minimum lot size may be established pursuant to this section through the creation of a special minimum lot size area, and a minimum lot size so created will prevail over any lesser minimum lot size established by this article. A minimum lot size established pursuant to this section shall not be established that is greater than the prevailing lot size of the area to be designated. An area qualifies for establishment of a special minimum lot size pursuant to this section unless all lots in the area to be designated are subject to a deed restriction establishing a uniform minimum lot size for the area.

(b) The establishment of a special minimum lot size area shall be initiated by application to the department in the form prescribed by the director. The application shall include the following:

(1) The proposed boundaries of the special minimum lot size area, which shall be no less than one blockface;

(2) A map or sketch showing the address and land use for all lots within the proposed special minimum lot size area;

(3) Data for each lot within the proposed special minimum lot size area showing the actual size of each lot;

(4) A petition signed by at least one owner of property proposed to be included within the special minimum lot size area; and

(5) Evidence of support from the owners of property within the proposed special minimum lot size area.

(c) Within ten days after receipt of a complete application for the creation of a special minimum lot size area, the director shall give notice of the application for the creation of a special minimum lot size area to the owners of property within the proposed special minimum lot size area as shown on the most recent tax rolls for the county in which the proposed area is located. Notice shall be given by letter deposited into the United States postal service, postage paid. Notice shall also be given by signs placed in at least two locations within the proposed minimum lot size area. The signs shall conform to the specifications prescribed by the director and shall be posted by the applicant.

(d) A property owner within the proposed special minimum lot size area may protest the application for special minimum lot size area by filing a protest with the department within 15 days of the date of the notice letter.

(e) The director shall approve the application for establishment of a special minimum lot size area upon determining that each of the following conditions exist:

(1) The application satisfies each of the criteria of subsection (g);

(2) The petition was signed by the owners of 51 percent or more of the lots or tracts within the area proposed for special minimum lot size area; and

(3) A timely protest of the establishment of the special minimum lot size area was not filed by any property owner within the proposed minimum lot size area.

Upon approval of an application, the director shall take the appropriate steps to refer the application to the city council.

(f) The director shall promptly refer an application to the commission if he cannot approve the application pursuant to subsection (e) of this section. Within 30 days after the director refers the application for the creation of a special minimum lot size area, the commission shall conduct a public hearing on the application at a regularly scheduled meeting of the commission. The director shall give notice of the public hearing to each owner of real property within the proposed special minimum lot size area by letter deposited into the United States postal service, postage paid, no later than 15 days before the date of the public hearing. The owners of property within the proposed special minimum lot size area and any other person may present comments in person or in writing at the public hearing.

(g) After the close of the public hearing, the commission shall consider whether to recommend that the city council establish the special minimum lot size area. The commission shall recommend the establishment of a proposed special minimum lot size area if it finds that the application satisfies each of the following criteria:

(1) The boundaries of the proposed special minimum lot size area will include all properties within at least one blockface;

(2) At least 60 percent of the lots to be included within the proposed special minimum lot size area are developed with or are restricted to not more than two single-family residential units per lot;

(3) That the applicant has demonstrated sufficient support for the establishment of the proposed special minimum lot size area to warrant the establishment of the area;

(4) That the establishment of the proposed special minimum lot size area will further the goal of preserving the prevailing lot size character of the area; and

(5) That the proposed special minimum lot size area has a prevailing lot size. A prevailing lot size shall exist when 75 percent of the lots exclusive of corner lots in the proposed special minimum lot size area have a size that does not vary by more than ten percent from the average size of the lots within the proposed special minimum lot size area.

The director shall forward to the city council each commission recommendation for the establishment of a special minimum lot size area. If the commission does not recommend the establishment of a special minimum lot size area, the decision of the commission shall be final.

(h) In determining whether to establish the proposed special minimum lot size area, the city council shall consider the recommendations of the director of the commission, as applicable, and the criteria in subsection (g). The city council shall establish each proposed special minimum lot size area by ordinance, which shall specify that the prevailing lot size shall be the minimum lot size for the special minimum lot size area. The director shall file for recordation in the real property records of the county or counties in which the special minimum lot size area is located the ordinance designating the special minimum lot size area.

(i) The special minimum lot size area shall terminate 20 years after the effective date of the ordinance establishing the area, unless earlier terminated by an ordinance adopted by the city council.

(j) The following rules shall govern approval of subdivision plats before and after an application for establishment of a minimum lot size area is filed with the department.

(1) If a complete, valid subdivision plat application is filed before the time an applica-

tion for the establishment of a minimum lot size area is filed with the department, the subdivision plat application shall not be subject to the special minimum lot size.

(2) If a complete, valid subdivision plat application is filed after the time an application for the establishment of a minimum lot size area is filed with the department, the subdivision plat application will be subject to the special minimum lot size unless:

a. The director determines that the application for the establishment of a special minimum lot size area is not complete; or

b. The department analysis pursuant to item (5) of subsection 42-213(g) of this Code demonstrates that the proposed special minimum lot size area does not have a prevailing lot size;

(3) If a complete, valid subdivision plat application is filed after the time a complete application for the establishment of a special minimum lot size area is filed with the department, the subdivision plat shall not be approved pending completion of action on the prevailing lot size application unless it meets the prevailing lot size determined by the department pursuant to paragraph (5) of subsection 42-213(g) of this Code.

Notwithstanding the provisions of items (2) and (3) of this subsection, if the city council has not completed action on the special minimum lot size area application 180 days after the filing of the subdivision plat application, the subdivision plat application shall not be subject to the special minimum lot size.
(Ord. No. 01-1100, § 6, 12-12-01)

Secs. 42-214—42-229. Reserved.

DIVISION 6. MULTI-FAMILY RESIDENTIAL DEVELOPMENTS

Sec. 42-230. Application requirements.

(a) In addition to the information otherwise required to be submitted for a development plat, a development plat that provides for the development of one or more multi-family residential buildings shall provide the following information:

(1) The number of separate buildings that will contain multi-family residential dwelling units;

(2) The location of the principal entrance to each multi-family residential building;

(3) The total number of dwelling units;

(4) An itemized listing of multi-family residential dwelling units indicating the number of bedrooms in 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.

(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.
(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-231. Private streets—General standards.

(a) A development plat that contains a multi-family residential building shall provide at least one private street. The private street shall remain clear at all times for emergency vehicle access. No parking shall be allowed within the private street. Except as provided in section 42-235 of this Code, a private street shall comply with the requirements of this section.

(b) Width:

(1) The minimum right-of-way width for a private street shall be 28 feet, which is coterminous with the pavement width measured from edge-to-edge across the surface of the pavement.

(2) At the option of an applicant, for a distance of not more than 100 feet from the intersection of the private street and the right-of-way of a public street, the right-of-way width of the private street may be

comprised of two paving sections of not less than 20 feet each, separated by a curbed section of not less than five feet and not more than 20 feet in width.

(c) Intersections:

(1) Intersections along private streets shall be a minimum of 65 feet apart.

(2) When a private street intersects with another private street at a 90-degree angle, the private street shall provide a 20-foot radius at the intersection.

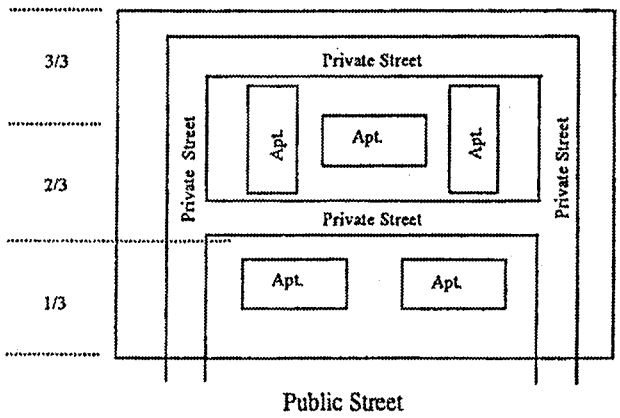
(3) When a private street intersects with another private street at an angle less than 90 degrees, but more than 80 degrees, the private street shall provide a 25-foot radius at the intersection.

(d) The centerline radius of a reverse curve on a private street shall not be less 65 feet. Reverse curves shall be separated by a tangent of not less than 25 feet.
(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-232. Points of access; termination.

(a) Except as otherwise provided in this section, the private street system serving each multifamily residential development shall form a loop that provides more than one point of access to the development from the public streets adjacent to the boundaries of the development. A divided entrance shall not constitute two separate points of access.

(b) When two points of access are provided from the same public street, the private street shall not be deemed to have a second point of access unless the private street connecting the two points of access extends into the property one-third of the depth of the property.



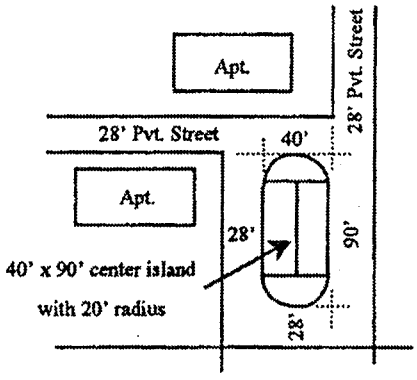
Points of access

(c) Notwithstanding the foregoing, a multifamily residential development on a tract of land of one acre or less shall not be required to provide more than one point of access to a public street.

(d) A dead-end private street intersecting with a public street or with a private street may be extended up to 200 feet without a turnaround provided that a fire hydrant is located not more than 100 feet from the intersection of the dead end private street with the public street or looped private street.

(e) A private street is exempt from complying with the provisions of subsections (a) and (b) if it terminates in a "P" turnaround configuration that is comprised of a center island that is 40 feet wide and 90 feet long surrounded on four sides by a 28 foot wide paved private street. The center island shall be established by a raised portion that has a radius of 20 degrees on each 40-foot wide end of

the island. The interior of the center island may be used for parking, providing that no parking is allowed within the 28-foot private street.



Private street

(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-233. Fire protection.

(a) Fire hydrants shall be located along each private street in a manner that will allow fire fighting apparatus to park and connect by hose to a hydrant not more than 300 feet away and reach any part of any building within the development with a 200-foot long hose extending from the equipment. The hose distance shall be measured as laid on the ground, around buildings, fences and other obstacles, and not as an aerial radius from a hydrant or parked equipment. Notwithstanding the foregoing, fire hydrants shall be located not more than 600 feet apart, unless the fire chief approves a different configuration where, in his professional judgement, fire protection needs can be adequately provided.

(b) If a multi-family residential building will be constructed over and across a private street, the unobstructed overhead clearance of the multi-family residential building shall be not less than 14 feet measured between the highest point of the private street paving under the building and the lowest part of the building or associated parts thereof.

(c) The fire chief shall review and approve each development plat that provides for one or more multi-family residential buildings and shall provide the director with recommendations regarding the adequacy of the design of the development to provide sufficient emergency access to all buildings by firefighters and fire fighting equipment, considering the kinds of equipment and methods of fire-fighting in use by the fire department of the city, the location of buildings in the proposed development and their relationship to existing and proposed fire hydrants and any other factors that may affect the safety and general welfare of the public and the occupants of the buildings to be constructed.
(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-234. Parking.

(a) Each development plat containing a multi-family residential development shall provide off-street parking spaces in accordance with the following schedule:

UNIT SIZE	*PARKING SPACES REQUIRED PER UNIT*
Efficiency	1.25
One bedroom	1.333
Two bedrooms	1.666
Three or more bedrooms	2

In determining the total number of spaces required, any fraction of one-half or less shall be counted as the next smaller whole number and any fraction in excess of one-half shall be counted as the next higher whole number.

(b) Parking space arrangements, sizes of spaces and driveway openings shall be in conformance with the building code. A parking space shall not be in tandem unless the tandem parking space is reserved for use by occupants of the same residential unit to which the space is in tandem.
(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-235. Performance standards.

A multifamily residential development with a density of 30 dwelling units or more per acre that meets each of the performance standards of this

section shall be exempt from the requirements of sections 42-231, 42-232(a), 42-232(b), 42-233(a), and 42-233(b) of this Code:

(1) Each building in the development, except for open carports, detached garages, free-standing mail rooms and multi-level parking garages, shall have an automatic sprinkler system that satisfies the specifications of the Construction Code for an automatic sprinkler system for multi-family residential structures, and each multi-level parking garage shall have a standpipe system that satisfies the specifications of the Construction Code;

(2) A fire hydrant is located within 50 feet of each building;

(3) Fire protection can be provided around all buildings with a hose lay length of 300 feet measured as the hose lays on the ground from the closest fire hydrant around all obstacles, including but not limited to fences, walls, buildings, structures and trees; and

(4) Each building has a fire hose connection that is tied to a fire hydrant that is not less than 50 feet from the building to ensure adequate fire protection.

(Ord. No. 99-262, § 2, 3-24-99; Ord. No. 02-399, § 88, 5-15-02)

Sec. 42-236. Open space.

(a) Except as otherwise provided in this section, each multi-family residential development shall provide open space in accordance with the following schedule:

DWELLING UNIT SIZE	*SQUARE FEET OF OPEN SPACE REQUIRED PER DWELLING UNIT*
Efficiency	200
1 Bedroom	240
2 Bedrooms	320
3 Bedrooms	440
4 Bedrooms	500

For purposes of this section, "open space" shall mean land within the development plat boundary that is not covered by buildings, covered walkways, parking spaces, private streets or driveways.

(b) In lieu of the requirements of subsection (a), a multi-family residential development may provide for open space by complying with each of the following conditions:

(1) At least ten percent of the total land area in the multi-family residential development, exclusive of land within the building line requirement area, shall be provided as open space;

(2) Enclosed amenities, such as an exercise or game room, shall constitute no more than 10 percent of the open space provided;

(3) Each area provided as open space is at least 20 feet wide by 60 feet long;

(4) Any street trees required to be planted to comply with city ordinance are located in the street right-of-way; and

(5) The development plat provides for the construction of sidewalks that are a minimum of five feet in width within the right-of-way of each street that is adjacent to the development.

(c) The aggregate open space requirement of subsection (a) may be reduced by 15 percent if the development meets each of the following conditions:

(1) At least 25 percent of the dwelling units have individual enclosed garages within the buildings where the dwelling units are located; and

(2) Areas within the building line requirement are not used for parking.

(d) The aggregate open space requirement of subsection (a) may be reduced according to the following schedule if the development meets each of the following conditions:

(1) Any street trees required to be planted to comply with city ordinance are located in the street right-of-way; and

(2) The development plat provides for the construction of sidewalks that are a min-

imum of five feet in width within the right-of-way of each street that is adjacent to the development.

Development Density	*Reduction in Aggregate Open Space*
30—39 units per acre	15%
40—49 units per acre	30%
50—59 units per acre	45%
60 units per acre or more	60%

(f) A multi-family residential development with five or more stories shall not be required to provide open space.
(Ord. No. 99-262, § 2, 3-24-99)

Secs. 42-237—42-249. Reserved.

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