

Summary of Proposed Chapter 42 Amendments

November 29, 2012

Removing the Urban Area Designation:

Chapter 42 has a core set of rules that apply to the City and the Extra Territorial Jurisdiction (ETJ). This amendment removes the "Urban Area" designation and establishes optional, city-wide performance standards for single-family residential developments and reduced building lines for commercial, retail, and multi-family developments located along major thoroughfares with a planned right-of-way of 80-feet or less.

Optional City-Wide Single Family Performance Standards:

This amendment establishes a minimum lot size of 3,500 square feet in the city and allows for the use of lot size performance standards to reduce the lot size below 3,500 square feet, reduced building lines for certain single-family residential developments, and allows single-family residential lots to take access from a shared driveway. The amendment also expands the optional Special Minimum Lot Size Requirement and Special Minimum Building Line Requirement city-wide.

Average Lot Size/Average Lot Width for Single-Family Residential:

The current provisions for lot size and lot width are based upon a 1970 style townhouse product. The purpose of these amendments is to allow greater flexibility for a mix of housing prices within a subdivision in the city. Any lot in the city that is less than 3,500 square feet will be required to meet compensating open space requirements or optional lot size performance standards, as applicable. Key Points to the amendment are as follows:

- Allowing for lots less than 1,400 square feet if the average area in the subdivision or block face is a minimum of 1,400 square feet, as applicable.
- Allowing for a minimum lot width of 15-feet if the average width in the block face is a minimum of 18-feet.

There is a provision that limits the maximum value used to calculate the average – lots over 30-feet in width will be calculated as 30-feet when determining average lot width and lots over 3,500 square feet will be calculated as 3,500 square feet when determining average lot size. This was added to prevent skewing the numbers with an oversized lot or width for averaging purposes.

Shared Driveways:

There are concerns about fire protection, access and turning movements, and the adequacy of a shared driveway width, length, geometrics and minimum setbacks adjacent to shared driveways for firefighting purposes. This concern has led to amendments related to the shared driveway provision for single-family residential development inside the city. Key Points to the amendment are as follows:

- Establishing that a shared driveway development must take access from a public street with a minimum roadway paving section of 18-feet.
- Establishing a maximum length of 200-feet for shared driveways, except that a length greater than 200-feet will be allowed if all lots have frontage on a public street.
- Establishing a minimum shared driveway width of 18-feet with a building line of three feet for most situations.
- Allowing for minimum shared driveway width of 16-feet with a garage setback line of four feet in the following situations:
 - The shared driveway is less than 100-feet in length and contains no turns.
 - The shared driveway is less than 100-feet and ends in a "T" turnaround and not more than four lots take access from the "T" turnaround.
 - The shared driveway connects two public streets and has no turns or curves.
 - Each lot on the shared driveway has frontage along a public street.

- Allowing for the construction of a “portal building” over the entrance of a shared driveway development that is not more than 30-feet in length, constructed to a minimum one hour fire rating, and provides for an automatic sprinkler system.
- Requiring a minimum setback of 25-feet for any vehicle entrance gate on a shared driveway that takes access from a major thoroughfare.

Additional Parking for Certain Single-Family Residential Developments:

The practice of subdividing larger, single-family lots into multiple single-family lots continues throughout many neighborhoods in the city. These new, higher density single-family residential developments typically provide only the minimum number of parking spaces required by code. As a result, there is often a lack of parking in these redeveloping areas. The proposed amendment requires one additional parking space for every six dwelling units for single-family residential developments with six or more dwelling units when they are developed on a shared driveway or 28’ permanent access easement. Preserving existing on-street parking in front of the development may count toward fulfilling this additional parking requirement. Included with this new requirement are amendments to the Department of Public Works & Engineering (PWE) Infrastructure Design Manual allowing for culverts on open ditch streets to provide on-street parallel parking.

Optional City-Wide Building Line Performance Standards along Certain Major Thoroughfares:

This amendment allows for reduced building lines for commercial, retail, and multi-family developments located along major thoroughfares within the city with a planned width of 80-feet or less. The optional performance standards create a more pedestrian focused development by moving the buildings closer to the public street and moving parking to the side or the rear of the development.

Building Line Encroachments:

This amendment eliminates encroachments into any building line less than ten feet and specifies the type of encroachments allowed into a Chapter 42 building line of ten feet or greater. Key Points to the amendment are as follows:

- An encroachment of up to 30-inches is allowed for roof eaves, bay windows, balconies, fireplace chimneys or decorative features that are cantilevered into the setback line.
- An encroachment of up to five feet is allowed for open stairways or wheelchair ramps into the building setback line.

There is a provision that allows for encroachments into the 3’ building line along a shared driveway.

Existing Conditions Survey for Single-Family Residential Developments:

This amendment requires certain information be shown in a site survey for each subdivision plat with single-family residential within the city. This is to assist staff review of site development elements earlier in the development process and identify potential problems that may arise during permitting.

Subdivision Name Requirements for Certain Partial Replats:

Neighborhood residents are concerned that a new replat application with a different subdivision name will remove the property from the deed restrictions. To ensure name continuity, new applications for partial replats of single-family residential subdivisions containing separately filed deed restrictions must be sequentially numbered and refer back to the original subdivision plat name. For example, the first partial replat of "Sunny Land Subdivision" would be named "Sunny Land Subdivision partial replat no 1".

Special Minimum Lot Size Requirement:

The amendments to the special minimum lot size requirement expand the provision city-wide and will make it easier for neighborhoods to protect themselves from unwanted redevelopment within the core residential area of their neighborhood. The current provision sets a maximum size of two opposing block faces per application for a special minimum lot size requirement. This existing provision will continue to be available as a “Special Minimum Lot Size Block” application. A second provision will be added for establishing a “Special Minimum Lot Size Area” that would allow residents, a civic club, or a homeowners

association to apply for an area not to exceed 400 lots with a provision to go up to 500 lots if all lots are within the same subdivision plat.

The process is as follows. A Special Minimum Lot Size Area application is submitted by ten percent of the property owners in the area. Once the application is deemed initially complete, notification will be mailed to all property owners in the application area. A community meeting will be held to explain the proposed designation and then a ballot will be mailed to all property owners. If at least 60 percent of the property owners respond affirmatively in support of the designation, a hearing will be scheduled at the Houston Planning Commission. The Planning Director and the Planning Commission will have the ability to modify the boundaries to exclude blocks that don't meet the ordinance criteria. If the Planning Commission approves the application, it is forwarded to City Council for final action.

Once adopted by City Council, the special minimum lot size requirement will function similar to deed restrictions by establishing a minimum lot size requirement within the neighborhood and preventing single-family residential properties or vacant unrestricted properties from redeveloping into a use other than single-family residential. The special minimum lot size requirement will be in place for 20 years.

Special Minimum Building Line Requirement:

This amendment expands the provision city-wide and clarifies the ordinance language related to the special minimum building line requirement to make it easier for residents to understand the application requirements and establishment process.

Lift Station Reserve Requirements:

This amendment resolves the conflicts found between Chapter 42 and the PWE Infrastructure Design Manual regarding allowable lift station reserve sizes. Key Points to the amendment are as follows:

- A lift station with one pump may have a minimum reserve size of 2,500 square feet
- A lift station with two pumps may have a minimum reserve size of 3,750 square feet
- A lift station with more than two pumps may have a minimum reserve size of 5,000 square feet

Additional Related Amendment

Side Setbacks Adjacent to Single-Family Residential:

The Code allows for the construction of buildings on the property line when the construction includes the appropriate fire rated wall. The amendment includes a change to Chapter 10 of the Code of Ordinances requiring a construction repair and maintenance agreement with the abutting property owner when construction is within three feet of a single family residential property line.

For more information, please contact:

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