
Special Minimum Lot Size Area (SMLSA) Application to Rescind



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Dear Applicant:

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

This application packet includes:

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

Each applicant must meet with a staff person for a preliminary meeting before an application is submitted, allowing staff to go over the eligibility requirements that are reviewed for all applications. Below are the five criteria that applications and their proposed boundaries must meet:

1. contains no less than five blockfaces (a blockface is from one intersecting street to the next intersecting street);
2. contains no more than 500 lots within one subdivision and not more than 400 lots within multiple subdivisions;
3. forms an area that does not exclude a block or lot within the boundary area;
4. has at least 80% of the lots developed for or restricted to single-family use (exclusive of land used for a park, utility, drainage or detention, public recreation or community center, library, place of worship, schools) ; and
5. contains at least 10% of lots within the boundary that do not have a minimum lot size established by deed restrictions.

A complete application must include all items listed in the submittal requirements on page 6 of this packet. A complete application package must be mailed or hand-delivered during standard business hours to:

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

A step-by-step guide is provided in this packet. Contact the Community and Regional Planning division at (832) 393-6600 with any questions or to schedule a meeting before submitting an application. More information can be found on www.houstonplanning.com. Thank you for your interest and we look forward to meeting with you soon.

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

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Application to Rescind Special Minimum Lot Size Area: Frequently Asked Questions

What is a Special Minimum Lot Size Area (SMLSA) application, what does it mean, and who created the boundary?

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

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

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

What can I build on my lot?

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

Can I add to or rebuild my single-family/multifamily/commercial property?

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

What will happen to my lot if the Special Minimum Lot Size Area is rescinded?

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

What happens during the application process?

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

What if I disagree with this application?

A 30-day response form period will take place. Response forms (ballots) will be mailed to each property owner. Residents may choose to support or protest the application by responding YES or NO. For an application to be referred to the Planning Commission, at least 67% of all property owners within the boundary area must respond in support of the application to rescind the SMLSA.

What happens at the Planning Commission?

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

What happens after the City Council?

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

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

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Application to Rescind a Special Minimum Lot Size Area (SMLSA) Steps

- **Step 1: Meet with Staff of the Planning and Development Department**
The applicant(s) must meet with Planning and Development staff before submitting an application. At the meeting, the applicant should bring a map with the proposed boundary and a copy of any existing deed restrictions. To schedule a pre-submittal meeting, contact Community and Regional Planning at (832) 393-6600.
- **Step 2: Gather Signatures from Property Owners**
Applicant(s) must gather support from property owners of at least 10% of the lots within the application boundary area through signatures on the Evidence of Support handout found on page 7.
- **Step 3: Submit a Complete Application to Rescind a Special Minimum Lot Size Area**
The application package can be mailed through the US Postal Service or hand delivered to the Planning and Development Department. Within two (2) business days, Planning and Development staff will contact the applicant(s) regarding whether their application is accepted or rejected. If the application is rejected, staff will explain any necessary revisions. It is important to note that any subdivision or development plats submitted within seven (7) days after a Special Minimum Lot Size Area application is accepted will NOT be subject to the lot size requirement.
- **Step 4: Application Review and Notification Signs**
An accepted application will be posted on the Planning and Development Department's website within two (2) business days. Planning and Development staff will review the application, and within 60 business days, determine if the application meets eligibility requirements. After it has been determined that the application meets eligibility requirements staff will notify the applicant(s) and send an instruction letter for the posting of notification signs within the application boundary area. The applicant will have 10 days from when they receive the instruction letter to post the signs.
- **Step 5: Community Meeting**
A letter will be sent from the Planning and Development Department to the residents within the application boundary area detailing the date, time, and location for a community meeting. The letter will be sent no later than 15 days before a community meeting is to be held.
- **Step 6: Response Form Period**
Within 60 business days after the community meeting the residents within the application boundary area will receive a response form (many residents refer to it as a ballot) from the Planning and Development Department. The property owners will have 30 days to respond to the SMLSA application.

If property owners of at least 67% of the application boundary area support the application to rescind the SMLSA designation, the Planning Director will forward the application to the Houston Planning Commission. If less than 67% of the property owners in the application boundary area support the removal of the designation, the application fails, with no further action being taken, and the boundary area will not be allowed to reapply to be rescinded for five years.

If a public hearing is scheduled, a notification letter will be sent to property owners no less than 15 days before the Planning Commission hearing date.
- **Step 7: Attend the Planning Commission Public Hearing**
A Planning Commission date will be established by the Planning and Development Department no later than 60 business days from the deadline for the response forms. A letter indicating the time, date, and place of the Planning Commission meeting will be sent to all property owners within the boundary area to be rescinded. Members of the public may present comments about the SMLSA at the public hearing. After the public hearing, the Commission will consider whether or not to recommend that the City Council rescind the SMLSA.

If the Planning Commission recommends that the City Council rescind the SMLSA, the application will be referred to the City Council. If the application is denied, the decision of the Planning Commission will be final.
- **Step 8: City Council Action**
The City Council will consider all applications to rescind Special Minimum Lot Size Areas approved by the Planning Commission. The City Council's action to approve or deny the application is final. Persons wanting to address the City Council during the public comment session of the meeting should contact the City Secretary at (832) 393-1100 or citysecretary@houstontx.gov.

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

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Main Applicant Information (required)

Full Name: _____ Date: _____

Address: _____

Street Address

Apartment/Unit #

City

State

ZIP Code

Phone: _____ Email _____

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

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

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

Describe the location of the application boundary. (Example: "North side of Golden Retriever Drive between Boxer and Schnauzer Streets" or "Block 15, Lots 1-5, in Cocker Spaniel Subdivision")

Signature of applicant: _____

Alternate Applicant Information (optional)

Full Name: _____ Date: _____

Address: _____

Street Address

Apartment/Unit #

City

State

ZIP Code

Phone: _____ Email _____

Signature of alternate applicant: _____

Application Information (STAFF USE ONLY)

File Number: _____ Super Neighborhood: _____

Application number to be rescinded: _____ Planner Assigned: _____

City Council District: _____

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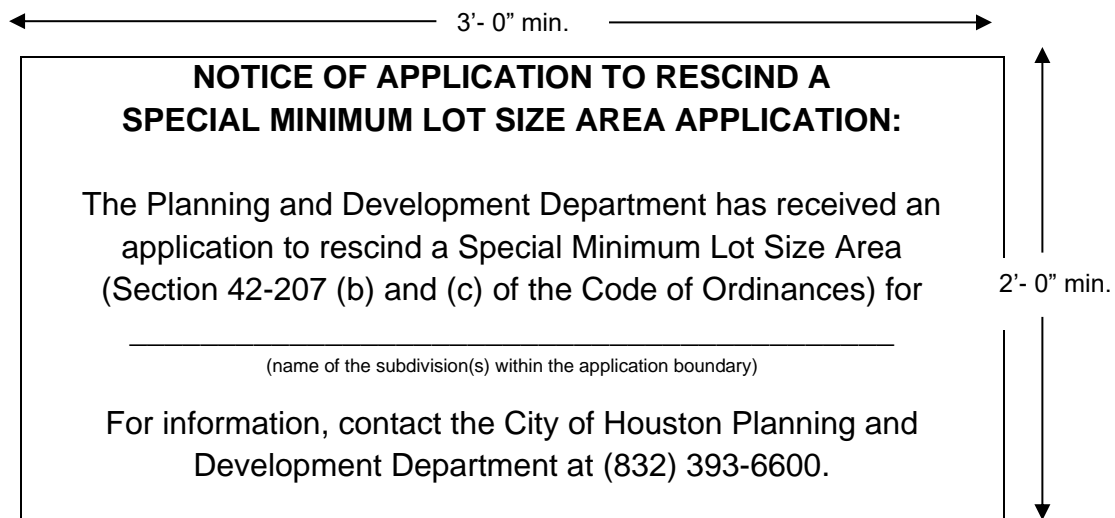
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Submittal Requirements (Please check and complete)	
Completed application form (page 4)	<input type="checkbox"/>
Sample of Notification Sign (page 5)	<input type="checkbox"/>
Evidence of support signed by at least 10% of lot owners within the boundary area (page 6)	<input type="checkbox"/>
Copy of deed restrictions, if applicable***	<input type="checkbox"/>
Map or sketch showing the area to be rescinded (page 7)	<input type="checkbox"/>
Three (3) recommended locations for a community meeting (page 8)	<input type="checkbox"/>

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

Sample Notification Sign (Fill in the blank)

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



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Evidence of Support to Rescind a Special Minimum Lot Size Area

Below are signatures of property owners within the application boundary who support the request to rescind a Special Minimum Lot Size Area for the following area: (Example: "North and south side of Winter Lane between Spring Avenue and Summer Avenue" or "Block 15, Lots 1-5, in Four Seasons Subdivision")

By signing this evidence of support, I hereby represent:

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

Property Owner (Please Print Name):	Address:	
Signature: X	Date:	Telephone:
Property Owner (Please Print Name):	Address:	
Signature: X	Date:	Telephone:
Property Owner (Please Print Name):	Address:	
Signature: X	Date:	Telephone:
Property Owner (Please Print Name):	Address:	
Signature: X	Date:	Telephone:
Property Owner (Please Print Name):	Address:	
Signature: X	Date:	Telephone:

For any questions on the Special Minimum Lot Size Area, call the Planning and Development Department at (832) 393-6600 or visit the department's website at www.houstonplanning.com.

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

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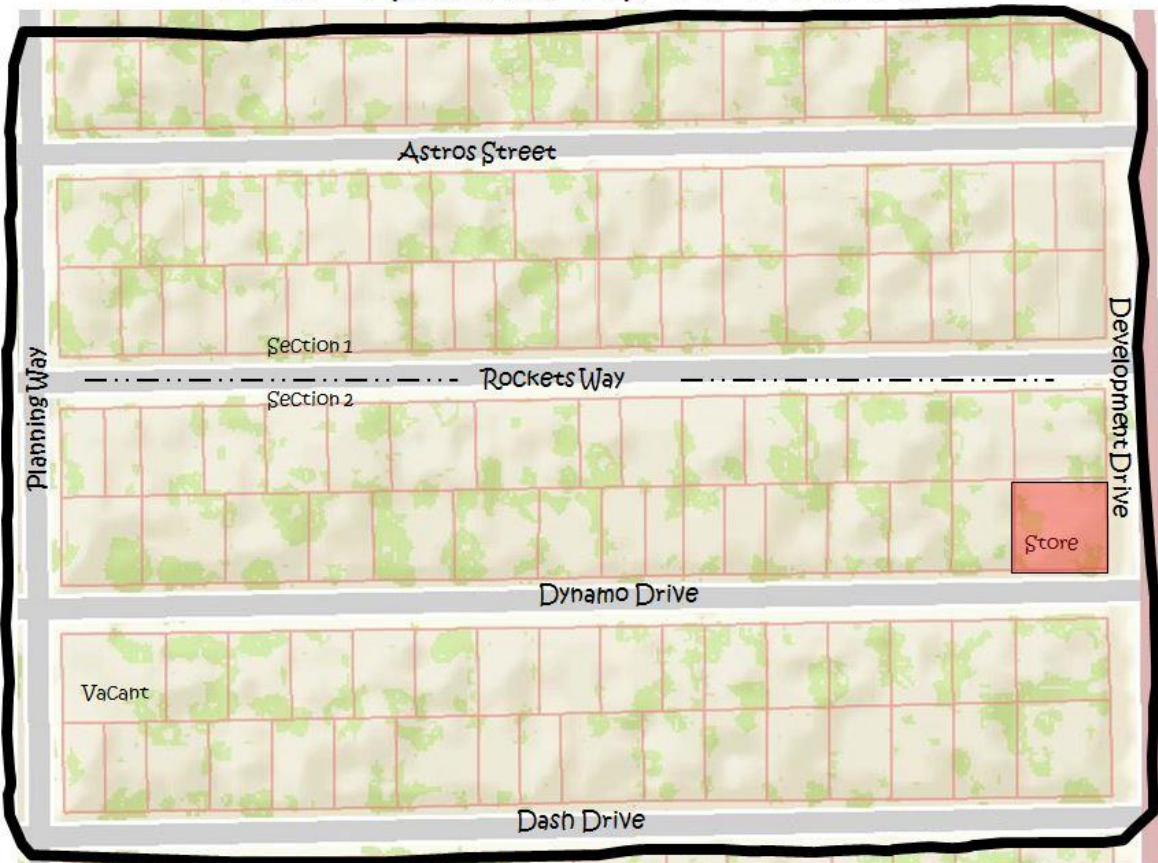


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Sample Map Sketch (Include Map Sketch in Application)

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

Houston Subdivision, Sections 1 and 2



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

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Community Meeting Sites (To be Completed by the Applicant)

A community meeting must take place no more than 90 business days after the application has been accepted by the Planning and Development Department. The meeting site must be within or near the application boundary area. At the community meeting, property owners will be given information about the SMLSA rescind application submitted and the Planning and Development Department review process.

The requirements of the venue are:

- Accessible to all property owners within the boundary area.
- The venue must hold at least 20% of the number of lot owners within the boundary area.
- Adequate amount of seating for those present at the community meeting.
- Access to a working electrical outlet
- Available between 6pm-9pm, Monday-Friday (Saturdays will be considered on a case-by-case basis)
- Free of cost (including security)

In the boxes below please give 3 proposed meeting sites:

Name of Venue	Address	Time and Date Available	Contact Information

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Special Minimum Lot Size Area: Public Information Request Form

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

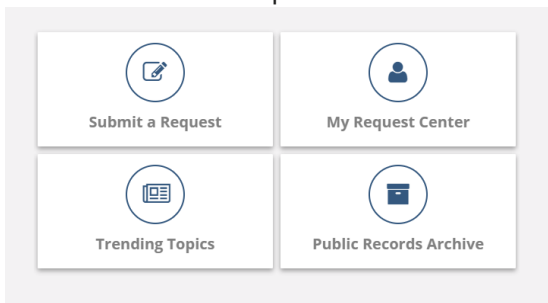
Applicants or property owners within a Special Minimum Lot Size Area can receive information about an application, including who is applying for a rescind, as well as details relating to the support of the application from the response forms. Please follow the steps below to request information from our department's Public Information Office.

1. Go to Public Information Act Requests home page:
<https://www.houstontx.gov/pia.html>

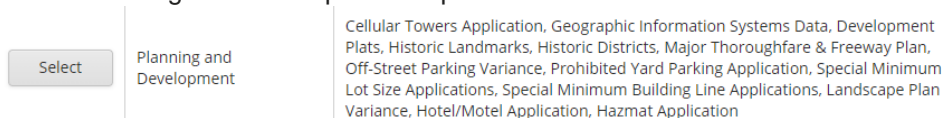
2. Scroll down to click on "Please click here to access the portal"

Using the online portal, you may now request public records of most City departments. [Please click here to access the portal.](#)

3. Click on "Submit a Request"



4. Select Planning and Development Department



5. Create an account and then, fill out the request form

Login
If you have used this service previously, please log in. If this is your first online request, please create an account and provide as much contact information as possible. You will be able to track the progress of your request by logging in to your account.

Login and Submit

Email Address:*

Password:*

You can also find the steps to request information in the following [video](https://www.youtube.com/watch?v=qixeK59ohks).
<https://www.youtube.com/watch?v=qixeK59ohks>