



### **What are the Chapter 42 and 26 Development Incentives (also known as Livable Places)**

Livable Places was a community-led initiative to create opportunities within our land-development standards that encourage housing variety and affordability. Initiated in late 2020, this effort aimed to achieve the goals identified in several previous planning efforts such as Plan Houston, Resilient Houston, the Climate Action Plan and various Livable Center Studies conducted with neighborhoods across Houston. Livable Places was approved by City Council in three phases. First, technical amendments to Chapters 42 and 26 were approved in June 2022, then the revision of Residential Buffering standards in January 2023, the creation of Conservation Districts in April 2023, and finally, the approval of Housing Recommendations in September 2023. These changes went into effect in November 2023.

### **Besides Planning, what other City departments participated in this effort?**

Early in the Livable Places process, the Planning Department formed a Technical Advisory Group. This group includes, but is not limited to, Houston Public Works, Houston Parks & Recreation Department, Houston Housing and Community Development Department, Solid Waste Management Department, Mayor's Office of Complete Communities, and Mayor's Office for Persons with Disabilities. Each of these partners will assist Planning and the Committee to ensure that any recommendation meets the standards established in their area of expertise. For instance, when discussing dumpster screening, the Solid Waste Management Department provided expertise on their operations and how the recommendations would be handled.

### **What is Missing Middle Housing?**

"Missing middle" refers to a housing type sized between detached single-family homes and mid-rise apartment buildings. This type of building is compatible in scale with detached single-family homes and is typically located in a walkable neighborhood. Most "middle housing" structures have 4-8 units and are two stories in height. The "missing middle" could provide another option for Houstonians who want smaller homes set in a neighborhood, instead of an apartment complex. Houston neighborhoods were once filled with these homes but current development rules discourage their construction. One of the purposes of the Livable Places Action Committee was to examine changes that can be made to the development rules that will allow this once popular style of home to be constructed as infill development.

### **Did the Planning and Development Department and Livable Places Action Committee take into consideration potential Flooding and drainage impacts from increased development in neighborhoods?**

Yes. Any potential recommendations that came out of the Livable Places Action Committee went through the Technical Advisory Group, which includes members of Houston Public Work's drainage team. The Technical Advisory Group's analysis of how development styles affect drainage and neighborhood flooding was part of the overall analysis of potential changes to the development code that this department recommend to City Council.

## **Residential Buffering:**

### **What are the residential buffering amendments?**

The amendments help mitigate the effects of commercial developments on single-family and multiunit residential developments. The following requirements apply to commercial developments:

- A 15-40 foot buffer distance between mid-rise or high-rise structures and single-family or small scale multi-family residential developments. No structures or mechanical equipment is allowed in the buffer area. The previous buffering ordinance encouraged high-rise developments to be located on major thoroughfares or in high-density, mixed-use areas designated as Major Activity Centers (Link to MAC areas). The amendments strengthened the previous standards to include mid-rise structures. They also protected single-family houses on small lots and small scale multifamily (3-8 units) structures.
- Enhanced exterior screening for parking garages to prevent car headlights and garage ceiling lights from shining on adjacent residential properties. Enhanced requirements for outdoor light fixtures mounted on the sides of commercial buildings or on poles in parking lots to make sure they do not shine onto the adjacent residential homes or public streets.
- Screening for bulk containers, also called dumpsters, located along all public streets and residential developments, so they are not visible at ground level.

### **How tall is a mid-rise structure?**

A mid-rise is at least 65 feet or greater measured from the ground to the roof.

## **Housing Recommendations**

### **Do the changes to Chapter 42 of the Code of Ordinances supersede deed restrictions in Houston neighborhoods?**

No. The City has no authority to override or supersede active, private deed restrictions. For example, the City's development code allows duplexes on a single-family lot. However, the City does not allow construction of a duplex if deed restrictions prohibit more than one dwelling unit on a lot. Any changes that may be recommended would not apply where prohibited by deed restrictions.

### **What did these changes accomplish?**

The Livable Places package changed our development codes to provide a wider variety of homes to meet the diverse needs of Houstonians. They focused on affordability, equity and walkability. The changes incentivize the construction of small-scale residential development such as garage apartments and other rental properties in developments of eight units or less. They also incentivize residential development that improves walkability and safer pedestrian spaces. They encourage narrow-lot, single-family residential development to have garages in the rear so that the homes can face the streets and leave the sidewalks clear for pedestrian safety.

### **Where do they apply?**

The new standards apply to new development and redevelopment within the Houston city limits. They do not apply to developments in Houston's Extra Territorial Jurisdiction (ETJ) unless otherwise already applicable. How do these changes increase affordability? Before amending these ordinances, Houston's development regulations encouraged the construction of larger, more expensive homes that tend to be priced beyond the financial reach of many Houstonians. Even homes built on smaller, subdivided lots tend to skew into the high six figures. This package provided incentives for small homes — both rental and owned — on smaller lots. Because the land is such a large part of the cost of a home, building smaller homes on smaller lots can make them more affordable. The Courtyard Development change opened a new style of homes previously not seen in Houston. It allows Houstonians to buy smaller homes on smaller lots — only if the home is built along a common green space or a courtyard. These will have a maximum height and size, so they encourage affordability. The

multi-unit residential option brought back an affordable housing type that is small scale 3-8 unit apartments that have a height restriction to better fit within neighborhoods. The rules also increased square footage permitted for Second Dwelling Units like garage apartments, which increases the affordable options for people who want to live in a neighborhood setting and may provide rental income to property owners. The long-term sustainability of Houston neighborhoods require that we encourage responsible development with more trees and provide safer sidewalks that are accessible by people with all abilities.

### **Why were driveways considered among these amendments?**

Pedestrian safety is paramount for the City. Every time a driveway crosses a sidewalk, it increases the possibility that an automobile can collide with a person. Also, homes built up close to the street leave little room for a car to fit on a driveway without blocking the sidewalk. By reducing the number of driveways and requiring homes to be built further back from the street, the potential for neighbors to be injured was also reduced. When multiple lots on a street are converted to driveway after driveway, it increases the amount of concrete and reduces greenspace and places for trees. Instead of creating shade-filled neighborhoods, too many driveways tend to create heat islands that are inhospitable for people to walk or ride bikes. Finally, too many driveway entrances can affect the city's drainage system and impede water absorption.

**How do the changes affect subdivided lots in neighborhoods?** The new rules still permit property owners to subdivide lots. However, the new rules establish greater incentives to subdivide lots that take access from an alley, from the side or rear, or shared access from the front street. If an existing lot is to be subdivided into smaller lots less than 33 feet wide and the only access is from the street, the new standards will require that the lots utilize a shared driveway and have one entrance of not more than 16 feet wide. If the property owner believes that to be impossible, they may apply for a variance from the Planning Commission to allow for individual driveways for each lot. If the lots are already subdivided into lots smaller than 33 feet wide, then these rules will not apply to the existing lots.

### **Do the changes require homeowners to park on the street?**

The new standards do not require anyone to park on the street. While they increase the amount of street parking available to all Houstonians, they do not reduce the required two parking spaces per single-family home, unless building smaller homes. Any home that is on a lot at least 33 feet wide can still have their own driveway from the street that can hold as many as four cars in the garage and driveway combined. If neighbors believe their street is not wide enough to have cars parked on either side, they may request a City inspector to examine whether on-street parking should be limited on one or both sides of the street. Call 311.

### **Did these changes reduce the number of parking spaces required for single-family homes?**

Each single-family home built in Houston that is greater than 1,500 square feet must continue to provide two parking spaces on its property. Homes smaller than 1,500 SF may provide fewer spaces if they meet narrowly defined criteria. The amendments did change the way that parking requirements are calculated for Second Dwelling Units (garage apartments) and small-scale rental properties. Instead of requiring a certain number of spaces according to the number of bedrooms, it calculates the spaces according to the size of the unit. This will better align the need for parking with the requirements.

### **Will this encourage people to park in front of my home?**

The property in front of your home is public land and is open for anyone to park on it, unless it is restricted by the residential parking permit program or a parking meter, just as you are allowed to park anywhere on your street. The City does prohibit a person from knowingly leaving a parked or standing vehicle in any public street, alley or other public place for a longer continuous period of time of more

than 24 hours. If that is happening on your street, you may call 311 to notify the police.

**What does this mean if I want to remodel my home? What if I sell it?** Nothing affects the construction or remodel of an existing home, unless the lot is split into smaller lots. If you choose to, and your deed restrictions allow it, these changes increased the maximum size of a Second Dwelling Unit (garage apartment) you may build on your lot. Regarding the driveway requirements, these rules apply only when someone splits a residential lot into two or more lots to sell separately after the effective date of the ordinance. It does not affect any remodels or construction on lots that are not split into smaller lots. Nor does it affect the construction of lots that have already been split. Subdivision plats and building permit applications submitted for approval prior to adopting the ordinance amendments will follow the rules in place today.

#### **How did the narrow-lot development options change over the course of the project?**

Taking feedback from residents and developers into consideration, the Planning Commission held a robust debate about the Housing Recommendations on June 8, 2023. The Housing Recommendations were approved with overwhelming Commission support, with two changes: 1. Establish 33 feet as the minimum width for lots taking direct access from the street and remove the requirement of a “combined driveway approach” (also called a “Y” driveway). Individual driveway approaches shall be 10'-12' wide.” It was clarified that any lots narrower than 33 feet may use alley access, flag lots, shared driveway or permanent access easement (PAE). Or the builder may ask for a variance. 2. The maximum unit size within Courtyard style development was amended from 1,500 SF to 1,800 SF. Following the Planning Commission vote, the Department also decided to remove market-based parking from the package.

#### **What is the summary of these changes?**

##### **These changes:**

- Incentivize the construction of smaller homes on smaller lots that are more affordable to all Houstonians;
- Revive affordable options like four-plexes or small multi-unit apartments up to 8 units that used to be available in Houston;
- Introduce a new Courtyard Development option;
- Support the City’s Vision Zero efforts by ensuring that future narrow-lot developments will provide safer pedestrian walkways;
- Support the Houston Police Department’s Crime Prevention Through Environmental Design (CPTED) efforts by orienting doors and windows and porches toward the street;
- Alleviate impervious surface-related environmental factors such as drainage and heat island effects. • Allow green space and room for trees to thrive.

##### **The Livable Places amendments did not:**

- Take away any required residential parking,
- Stop or slow the redevelopment of properties into new homes on smaller lots,
- Control the price of homes built on these lots,
- Affect neighborhoods that have active deed restrictions or minimum lot size or building line restrictions,
  - Eliminate the option to build front-loading narrow-lot homes; or
  - Require changes to existing homes or projects that have already begun the permitting process before the ordinance amendments were approved.