

City of Houston Ordinance No. 2023-_____

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HOUSTON, TEXAS, BY AMENDING SEVERAL SECTIONS OF CHAPTER 42 OF THE CODE OF ORDINANCES, AND ADDING A NEW SECTION 42-xx, ALL AMENDMENTS RELATING TO MULTI-UNIT RESIDENTIAL PERFORMANCE STANDARDS; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; DECLARING CERTAIN CONDUCT TO BE UNLAWFUL AND PROVIDING A PENALTY THEREFOR; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, City Council recognizes that a greater range of naturally occurring affordable housing options is necessary to address the lack of affordable housing available within the city; and

WHEREAS, development incentives will encourage more compact development patterns and small-scale multi-unit housing options; and

WHEREAS, development incentives will encourage access and proximity to mobility options and to make better use of land closer to existing infrastructure; and

WHEREAS, the City Council finds and determines that the city should make every effort to promote responsible affordable housing development within the inner city; and

WHEREAS, the City Council desires to adopt an ordinance providing for multi-unit residential standards to incentivize desirable development patterns; **NOW, THEREFORE,**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HOUSTON, TEXAS:

Section 1. That the findings contained in the preamble of this Ordinance are determined to be true and correct and hereby adopted as part of this Ordinance.

Section 2. That Chapter 42 of the Code or Ordinances, Houston, Texas, is hereby amended as set forth in **Exhibit A**, attached hereto and incorporated herein.

Section 3. That the City Attorney is hereby authorized to direct the publisher of the Code to make such non-substantive changes to the Code as are necessary to conform to the provisions adopted in this Ordinance, and to make such changes to the provisions adopted in this Ordinance conform them to the provisions and conventions of the published Code.

Section 4. That, if any provision, section, subsection, sentence, clause, phrase, of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their application to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 5. Any violation of any provision of Chapter 42, as herein adopted and made a part of the City of Houston Code of Ordinances, is a misdemeanor punishable upon conviction by a fine as established by Section 1-6 of the City of Houston Code of Ordinances.

Section 6. That a public emergency exists requiring that this ordinance be passed finally on the date of its introduction as requested in writing by the mayor; therefore, this

PRELIMINARY DRAFT FOR PLANNING COMMISSION REVIEW

MARCH 10-2023

Subject to change; not final until approved by City Council

Not approved by City Attorney

ordinance shall be passed finally on that day and shall take effect at 12:01 a.m. on the _____, 2023.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2023.

Mayor of the City of Houston

Prepared by Legal Dept. _____
KM/ Senior Assistant City Attorney III
Requested by Margaret Wallace Brown
Director, Department of Planning and Development
L.D. File No. 0000000____

DRAFT

PRELIMINARY DRAFT FOR PLANNING COMMISSION REVIEW
MARCH 10-2023
Subject to change; not final until approved by City Council
Not approved by City Attorney

EXHIBIT A

Amendments to Chapter 42, Code of Ordinances of the City of Houston

DRAFT

Sec. 42-1. Definitions.

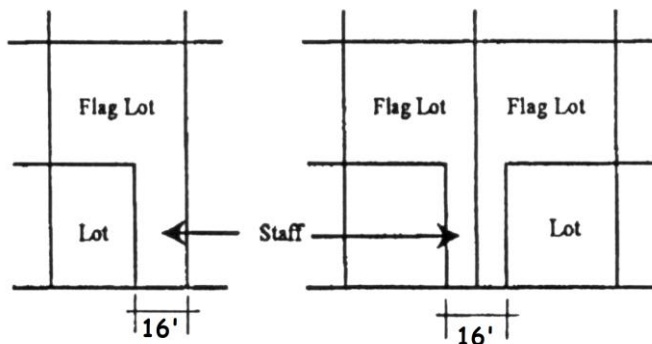
Alley ~~shall mean~~ a public or private right-of-way that is not used primarily for through traffic and that provides vehicular access to rear or side entrances to buildings or properties ~~that front on an adjacent street.~~

Courtyard Access Drive shall mean a private drive that provides driveway access to parking from the street or alley within Courtyard style development meeting the requirements of Sec. 42-194.

Director of solid waste means the director of the department of solid waste management or ~~his~~their designee.

Façade means the exterior wall of any building on a property that faces a public street abutting the property or a courtyard meeting the requirements of Sec. 42-194.

Flag lot ~~shall mean~~ a lot whose frontage on and access to the street right-of-way is provided by a narrow driveway, access easement or other parcel of land referred to as the “staff” of the flag lot and all lots abutting the staff use it for shared vehicular access.



Ground floor façade means the façade of a building along a ~~a transit-oriented development public~~ street or ~~walkable places street, as applicable, between the finished floor height of the ground floor and the vertical height of eight feet~~ a courtyard meeting requirements of Sec. 42-194.

Market Based Parking shall mean that there is no city required minimum parking requirements and parking can be provided based on market needs when the property is within ½ mile of other modes of transit such as rail stations, high frequency bus stops, blue route bus stops in opportunity zones, transit stations, park and ride stations or within ¼ mile of high comfort bike paths.

Multi-family residential shall mean the use of property with one or more buildings on a parcel designed for and containing an aggregate of three or more dwelling units. Multi-family residential includes apartments, condominiums, triplexes and quadruplexes.

Narrow Lots shall mean the lots that have less than 40 feet of frontage on a street or shared driveway.

Single-family residential shall mean the use of a lot with one building designed for and containing not more than two separate unit with facilities for living, sleeping, cooking, and eating therein. A lot upon which is located a free-standing building containing one dwelling unit and a detached second dwelling unit ~~of not more than 900 square feet~~ shall also be considered single-family residential. A building that contains one dwelling unit on one lot that is connected by a party wall to another building containing one dwelling unit on an adjacent lot shall be single-family residential.

Sec. 42-8. Forms authorized

The director is authorized to promulgate forms to use in the implementation of this chapter, including forms for standardized language to be used on the face of subdivision plats and development plats. Prior to the use of any form, the city attorney or the city attorney's designee shall review the form for legal sufficiency and approve each form the city attorney or the city attorney's designee, in ~~his~~their sole professional judgment, determines to be legally sufficient.

Sec. 42-79. Reconsideration of subdivision plat approval conditions.

- (a) At the request of the owner of a proposed subdivision, at any time during the period a previous commission approval of a subdivision plat remains valid, but prior to the time that the subdivision plat is filed of record, the commission may reconsider any requirement or condition of approval imposed by it. A request for reconsideration shall:
 - (1) Be made in writing;
 - (2) Be submitted to the director in conformance with the provisions of section 42-53 of this Code regarding the submittal of subdivision plats;
 - (3) State the specific requirement or condition of approval requested to be reconsidered and the reasons for reconsideration; and
 - (4) Be accompanied by the applicable fee.
- (b) Upon consideration of a request for reconsideration, the commission shall reaffirm its previous actions or shall approve the request for reconsideration, with or without conditions, as the commission finds the merits of the situation warrant. The director shall not calendar a request to reconsider the same requirement or condition of approval once the commission has rendered a decision upon a request for reconsideration unless the applicant presents new information that was not known by the applicant at the time of the original reconsideration.

- (c) If the relief requested by the applicant requires a variance or special exception, the applicant shall submit a complete amended application for the subdivision plat that contains all of the information required by section 42-47 or 42-48 of this Code, as applicable, and the commission shall make the findings necessary for the granting of a variance or special exception, as applicable, in considering the request for reconsideration.
- (d) Each request for reconsideration shall be subject to all public hearing and notification requirements that applied to the subdivision plat for which the request for reconsideration is made or that apply to the request for reconsideration. The applicant shall be responsible for providing current information pursuant to section 42-49 of this Code.

Sec. 42-46. Development plat submittal requirements.

An application for the approval of a development plat shall be filed with the department, and shall:

- (1) Be made on an application form provided by the department;
- (2) Provide ~~two copies~~ a copy of a survey sealed and certified by a Texas registered professional land surveyor showing:
 - a. The location of each existing building, structure or improvement;
 - b. Each easement and right-of-way within or abutting the boundary of the surveyed property, tied to a street intersection or landmark; and
 - c. The dimensions of each sidewalk, alley, square, park or other part of the property intended to be dedicated to public use or for the use of purchasers of property fronting on or adjacent to the sidewalk, alley, square, park or other part.

The survey does not have to be recent so long as it illustrates all contiguous property under one ownership or common control;

- (3) Include ~~three copies~~ a copy of a site plan illustrating:
 - a. Proposed and existing buildings (where applicable), stairways, fences and adjacent roadways;
 - b. Parking that meets the applicable requirements of this chapter and chapter 26 of this Code;
 - c. Landscaping that meets the applicable requirements of chapter 33 of this Code;
 - d. Location of bulk container and Screening for bulk containers that meets the applicable requirements of article VI of chapter 39 of this Code; and
 - e. Location of gang mailboxes or cluster box units that are constructed in the public street pursuant to section 40-13 of this Code, as applicable; and
- (4) Be accompanied by the applicable filing fee.

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, <u>MUR's and other uses that are allowed on a 50' right-of-way</u> that do not have driveway access to the collector street.
Local streets	(1) 50 feet if adjacent to exclusively single-family residential lots, <u>MUR's and other uses that are allowed on a 50 feet right-of-way;</u> or
	(2) 60 feet if adjacent to any other development
Transit-oriented development street not designated as a major thoroughfare or collector street on the MTFP	60 feet
Walkable places street	The right-of-way width established by the walkable places plan
	The right-of-way width otherwise required by this division for street segments designated on the walkable places plan for which a substitute right-of-way width is not established
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

<p>The right-of-way width of a type 2 permanent access easement is coterminous with the pavement width and the terms are used interchangeably. The width shall be measured from edge to edge across the surface of the pavement</p>	
---	--

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

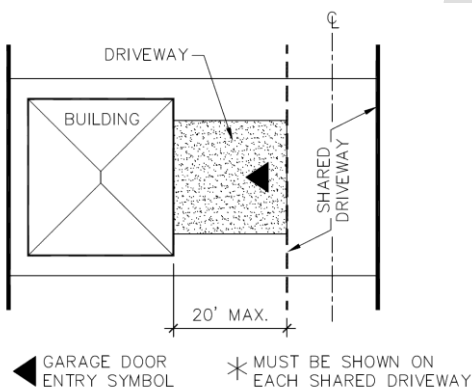
Where a transition from one right-of-way width for any type of street to a different right-of-way width is proposed, the transition shall conform to the geometric design guidelines of the design manual or to other geometric design guidelines that are approved by the Director of Houston Public Works if in his professional opinion the proposed transition is warranted by the circumstances and achieves the intent and purpose of this section.

Sec. 42-130(a). 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 ½ 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 ½ mile;
 - (5) 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 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 Reservoir, Barker Reservoir, Sheldon Reservoir, 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 2,800 feet, provided that the golf course provides 60 feet of frontage at the location where each street intersection would otherwise occur.

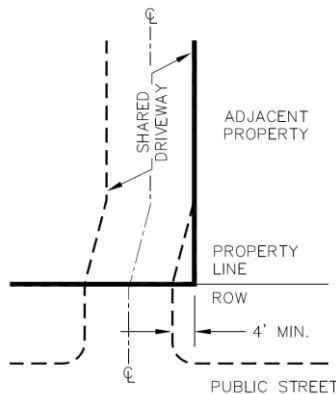
Sec. 42-145. General layout and arrangement for all shared driveways.

- (a) A subdivision plat within the city may provide for a lot that takes access from a shared driveway within the same subdivision plat as the lot in accordance with the following requirements:
- (1) A shared driveway shall have a minimum width of 18 feet except as provided in section 42-146 of this Code;
 - (2) No part of a shared driveway shall be more than 200 feet from a type 1 permanent access easement or a public street that is not an alley and that contains a roadway. The distance shall be measured along the centerline of the shared driveway starting from the intersection with the type 1 permanent access easement or the public street.
 - (3) A shared driveway may be any length if all lots that take access from the shared driveway have frontage in the amount of the minimum lot width required by section 42-185 of this Code on a type 1 permanent access easement or a public street that is not an alley and that contains a roadway;



- (4) The length of a driveway that connects to a shared driveway shall be 20 feet or less as measured from the edge of the shared driveway as long as the total length of the shared driveway plus driveway does not exceed 200 feet from a type 1 permanent access easement or a public street that is not an alley and that contains a roadway;
- (5) Any parking space in a subdivision containing a shared driveway shall provide sufficient space for turning movements as depicted on the drawings of the space requirements for off street parking referenced in Section 3112.4.5 of the *Construction Code*;
- (6) A shared driveway containing a reverse curve shall have a centerline radius of 65 feet or more. A reverse curve within a shared driveway shall be separated by a tangent of 25 feet or more; and

- (7) A shared driveway that intersects with a major thoroughfare shall not provide gated vehicular access to the shared driveway unless the gate is set back 25 feet or more from the right-of-way of the major thoroughfare.
- (b) A shared driveway shall not intersect with a type 2 permanent access easement, a private alley, or connect to, or be the extension of, a shared driveway created by an adjacent subdivision. A shared driveway shall intersect with at least one type 1 permanent access easement or public street that is not an alley in accordance with the following requirements:
- (1) The shared driveway shall intersect with a public street that has a roadway ~~width 18 feet or more as measured at the narrowest point of the roadway adjacent to the tract;~~
 - (2) The shared driveway shall intersect with a type 1 permanent access easement or a public street at a 90-degree angle except as needed to comply with item (3) of this subsection; and
 - (3) The shared driveway shall be set back at least four feet from the boundary of the subdivision plat measured at the point of intersection with the public street.



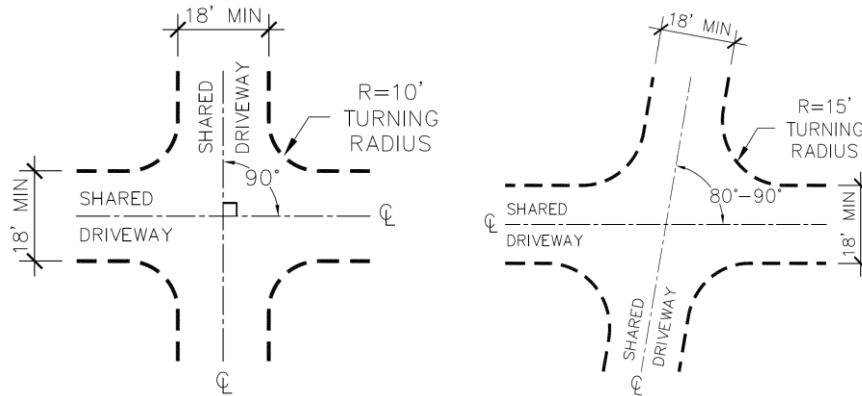
- (c) Intersections within a shared driveway shall comply with the following requirements:
- (1) Intersections shall be spaced a minimum of 65 feet apart measured from the closest edges of the shared driveway and shall not intersect at less than an 80-degree angle; and
 - (2) A shared driveway with a width of 18 feet or more shall provide for a 10-foot turning radius at every 90-degree angle in the shared driveway and shall provide for a 15-foot turning radius at every angle less than 90 degrees but equal to or greater than 80 degrees in the shared driveway.

PRELIMINARY DRAFT FOR PLANNING COMMISSION REVIEW

MARCH 10-2023

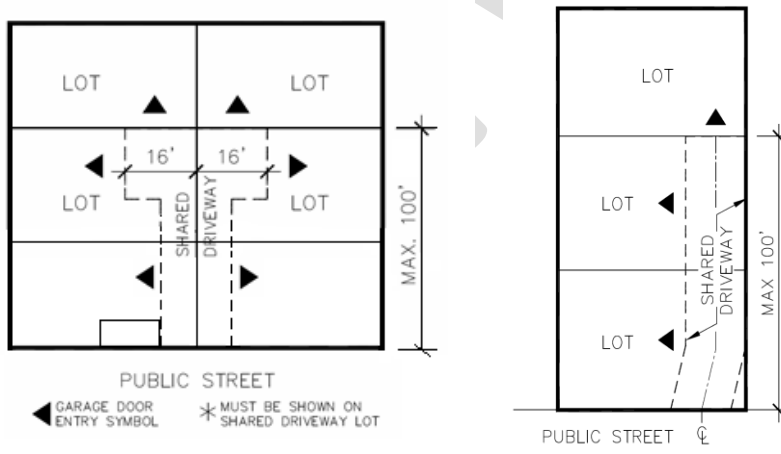
Subject to change; not final until approved by City Council

Not approved by City Attorney



- (d) A subdivision plat containing a shared driveway shall provide a three-foot wide emergency access easement along each boundary of the subdivision plat that does not abut a public street. No objects or obstructions shall be placed within the emergency access strip except that a fence may be permitted if it provides for pedestrian gate access for emergency services.
- (e) Each garage entry door on each lot within a subdivision plat that takes access from a shared driveway shall be parallel to the length of the shared driveway allowing sufficient room for turnaround per IDM. The garage entry door may be perpendicular to the length of the shared driveway when the shared driveway complies with the following performance standards:

- (1) No more than three six lots with no more than three lots on either side of the length of the shared driveway take access from the shared driveway;



- (2) The shared driveway does not intersect a major thoroughfare or collector street; and
- (3) The shared driveway is less than or equal to 100 feet in length.

PRELIMINARY DRAFT FOR PLANNING COMMISSION REVIEW

MARCH 10-2023

Subject to change; not final until approved by City Council

Not approved by City Attorney

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 chapter. 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 chapter.
- (c) A special minimum building line requirement established pursuant to subdivision B of this division shall control over all other provisions of this chapter relating to building line requirements.
- (d) The following chart is a summary of certain building line requirements of this chapter and is intended for illustrative purposes only. In case of any conflict between the chart and the text of this chapter, the text shall control.

Summary of Minimum Building Line Requirements

Type of Street or Private Roadway	Tract Description	Minimum Building Line Requirement
All Public Streets	Within the central business district	No requirement
Major Thoroughfares	In general	25 feet
	Single-family residential backing on a major thoroughfare	10 feet, if the lot meets the standards of section 42-152(b)
	Not single-family residential and abutting a major thoroughfare with a planned right-of-way width of 80 feet or less	15 feet, if the reserve meets the standards of section 42-153
	Retail commercial center abutting a major thoroughfare with a planned right-of-way width of 80 feet or less	5 feet, if the reserve meets the standards of section 42-154(a)
		zero feet, if the reserve meets the standards of section 42-154(b)
	<u>SFR lots with vehicular access from flag staff, shared driveway, alley, PAE or courtyard access drive</u>	<u>15' if the ROW width is 80' or less</u>
	<u>Tracts used for MUR per Sec. 42-237</u>	<u>15' if the ROW width is 80' or less</u>
Primary Streets	All tracts	Zero feet and subject to the standards of section 42-164
Secondary Streets	All tracts	See applicable public street classification
		Zero feet, if the lot or reserve meets the standards of section 42-164
Collector Streets	Not single-family residential and across the street from a single-family residential lot with a platted building line of 10 feet or more	Lesser of 25 feet or the greatest building line on the single-family residential lots
	Single-family residential	25 feet, if the lot meets the standards of section 42-156(a)

PRELIMINARY DRAFT FOR PLANNING COMMISSION REVIEW

MARCH 10-2023

Subject to change; not final until approved by City Council

Not approved by City Attorney

		10 feet, if the lot meets the standards of section 42-157(b)
		5 feet, if the lot meets the standards of section 42-157(c)
		zero feet, if the lot meets the standards of section 42-157(d)
	<u>SFR lots within courtyard style development</u>	<u>5 feet Courtyard style development Sec. 42-194</u>
	<u>Tracts used for MUR</u>	<u>5 feet per MUR Sec. 42- 237</u>
	All others	10 feet
Local streets	Not single-family residential and across the street from a single-family residential lot with a platted building line of 10 feet or more	Lesser of 25 feet or the greatest platted building line on the single-family residential
	Single-family residential	20 feet, if the lot meets the standards of section 42-156(b)
		10 feet, if the lot meets the standards of section 42-156(b) or section 42-157(b)
		5 feet, if the lot meets the standards of section 42-157(c)
		zero feet, if the lot meets the standards of section 42-157(d)
	<u>SFR lots within courtyard style development</u>	<u>5 feet per Courtyard style development Sec. 42-194</u>
	<u>Tracts used for MUR</u>	<u>5 feet per MUR Sec. 42-237</u>
	All others	10 feet
Private Streets	All tracts	5 feet for habitable structures
Type 2 Permanent Access Easements	All tracts	5 feet
Shared Driveways	All tracts	3 feet, if the lot meets the standards of section 42-159(a)
		zero feet, if the lot meets the standards of section 42-159(b)

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

- (a) A tract within the central business district shall not be subject to a building line requirement.
- (b) For a building line requirement of ten feet or greater established by this article, an encroachment shall be permitted as follows:
 - (1) An encroachment of up to 30 inches into the building line requirement shall be permitted for eaves, bay windows, balconies, fireplace chimneys, decorative features, and habitable area if:
 - a. The encroachment is cantilevered into the building line requirement and is not supported by other means;
 - b. The lowest point of the encroachment is at least nine feet higher than the highest point of the building foundation;

PRELIMINARY DRAFT FOR PLANNING COMMISSION REVIEW

MARCH 10-2023

Subject to change; not final until approved by City Council

Not approved by City Attorney

- c. The encroachment for habitable living area for each floor does not have an area greater than 50 percent of the total area of the building façade for that floor; and
- (2) An encroachment of up to five feet into the building line requirement shall be permitted for open stairways and wheelchair ramps.
- (c) For a building line requirement less than ten feet established by this article along a collector or local street, an encroachment of up to 30 inches shall be permitted for eaves, bay windows, balconies, fireplace chimneys, decorative features, and habitable living area if:
 - (1) The encroachment is cantilevered into the building line requirement and is not supported by other means;
 - (2) The lowest point of the encroachment is at least nine feet higher than the highest point of the building foundation;
 - (3) The encroachment for habitable living area for each floor does not have an area greater than 50 percent of the total area of the building façade for that floor; and
 - (4) The encroachment is not within ten feet of aboveground utility lines except those individual service lines used to connect the building to the utility lines, as measured horizontally from the point of the encroachment closest to the utility lines.

(d) For single family residential lots, lots within courtyard style development per Sec. 42-194 or MUR tracts per Sec. 42-237 with a building line requirement of five feet or greater established by this article, an encroachment of the entry feature per Sec. 42-165 shall be permitted within the building line provided;

(1) The vehicular access is from the rear/side via alley, flag staff, shared driveway, PAE or courtyard access drive;

(2) The entry feature encroaches no more than 4 feet into the building line on the first floor if there is adequate room for sidewalks and all utilities with no structures above the entry feature and;

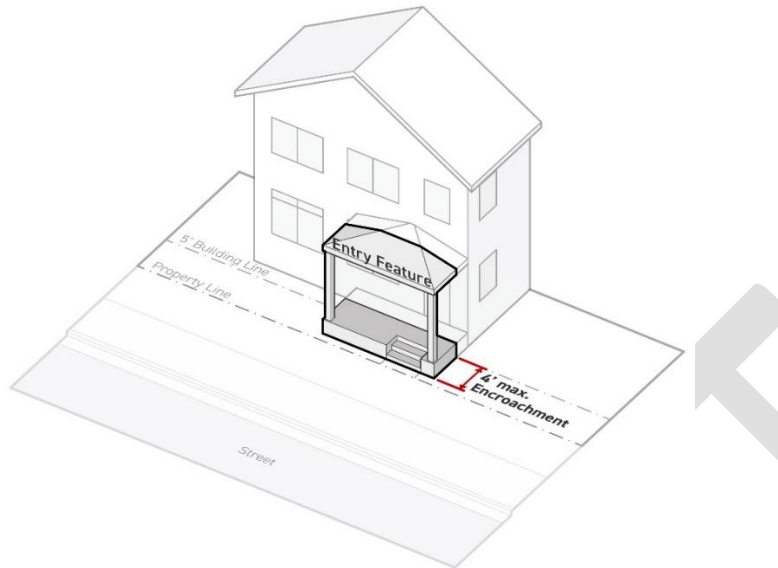
(3) The encroachment is not within ten feet of aboveground utility lines except those individual service lines used to connect the building to the utility lines, as measured horizontally from the point of the encroachment closest to the utility lines.

PRELIMINARY DRAFT FOR PLANNING COMMISSION REVIEW

MARCH 10-2023

Subject to change; not final until approved by City Council

Not approved by City Attorney

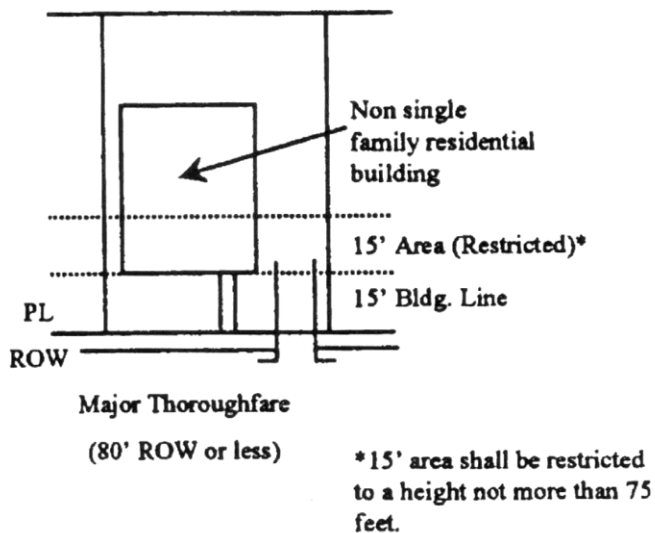


- (d-e) An encroachment of up to 30 inches into the building line requirement along a type 2 permanent access easement established by this article shall be permitted if:
- (1) The encroachment is cantilevered into the building line requirement and is not supported by other means; and
 - (2) The lowest point of the encroachment is at least nine feet higher than the highest point of the building foundation.
- (e-f) Encroachments into the building line requirement along a shared driveway established by this article shall be permitted if:
- (1) The encroachment is cantilevered into the building line requirement and is not supported by other means; and
 - (2) The lowest point of the encroachment is at least 12 feet higher than the highest point of the shared driveway paving.
- (f-g) An encroachment into the building line requirement as provided by this article shall be permitted for any building that has received a certificate of appropriateness issued pursuant to article VII, chapter 33, of this Code, relating to historic preservation, evidencing approval of the encroachment into the building line requirement.
- (g-h) An existing building may encroach into the building line requirement established by this article if:
- (1) The existing building was constructed in accordance with the building line requirement that was in effect at the time the building was constructed;
 - (2) Additional construction on the portion of the existing building that encroaches into the building line requirement does not expand the size, footprint, or any dimension of the encroachment;
 - (3) The portion of the existing building that encroaches into the building line requirement is not reconstructed in a way that replaces the structural elements of the encroachment; or

- (4) A subdivision plat filed with the department after July 24, 2015, that includes a tract containing the existing building depicts the encroachment as a dual building line and contains a plat notation that requires compliance with the terms of this section.

Sec. 42-153. Optional performance standards for a major thoroughfare within the city with a planned right-of-way of 80 feet or less—In general

Except for along a walkable places street or transit-oriented development street, a building line requirement of 15 feet is authorized for a tract in the city that has frontage on a major thoroughfare with a planned right-of-way of 80 feet or less if the applicant submits a subdivision plat that includes plat notations that require compliance with the following performance standards or a development plat that demonstrates compliance with each of the following performance standards, as applicable:



- (a) A building line requirement of fifteen feet is authorized for tract with uses other than single family residential adjacent to the major thoroughfare provided;

~~(1) The subdivision plat does not provide for single family residential use~~

- ~~(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-through window;
- ~~(34)~~ 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

PRELIMINARY DRAFT FOR PLANNING COMMISSION REVIEW

MARCH 10-2023

Subject to change; not final until approved by City Council

Not approved by City Attorney

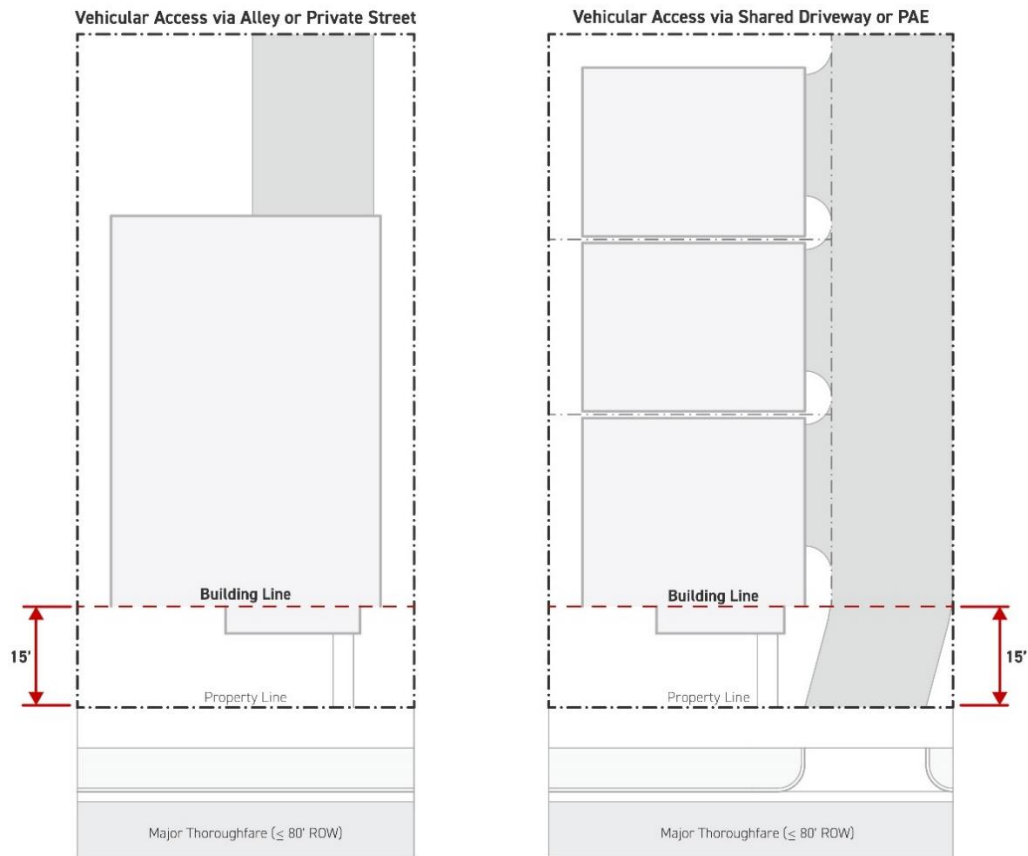
from the public sidewalk along the major thoroughfare to an entrance to a building or the development;

- ~~(45)~~ The sidewalk and safety buffer standards of article XXII of chapter 40 of this Code;
- ~~(56)~~ 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;
- ~~(67)~~ 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;
- ~~(78)~~ The building line conforms to the visibility triangle required by section 42-161 of this Code at the intersection of a major thoroughfare and any other street;
- ~~(89)~~ 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;
- ~~(910)~~ 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
- ~~(1011)~~ 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) A building line requirement of fifteen feet is authorized for single-family residential lots that take vehicular access via an alley, flag staff, shared driveway, PAE or courtyard access drive per Sec. 42-194 provided;

- (1) The units along the major thoroughfare front the street with an entry feature per Sec. 42-165
- (2) Any flag staff, shared driveway, PAE 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 along the major thoroughfare is not used for parking;
- (4) A decorative non-opaque fence is provided along the major thoroughfare
- (5) All Parking is located 20 feet away from the ROW
- (6) A development shall not provide gated vehicular access to the flag staff, shared driveway or PAE unless the gate is set back 25 feet or more from the right-of-way of the major thoroughfare.
- (7) A clearly defined pedestrian walkway that is separate from any flag staff, shared driveway, or PAE is established across the building line perpendicular to the sidewalk providing a connection from the public sidewalk along the major thoroughfare to an entrance to the development;
- (8) The sidewalk and safety buffer standards of article XXII of chapter 40 of this Code are met;

PRELIMINARY DRAFT FOR PLANNING COMMISSION REVIEW
MARCH 10-2023
Subject to change; not final until approved by City Council
Not approved by City Attorney



- (c) A building line requirement of fifteen feet is authorized for multi-unit residential (MUR) tracts per Sec. 42-237 that take vehicular access via an alley, or a private drive provided;
- (1) The units along the major thoroughfare front the street with an entry feature per Sec. 42- 165
 - (2) Any private drive crossing the building line is substantially perpendicular to the adjacent major thoroughfare and the building line;
 - (4) The area within the building line along the major thoroughfare is not used for parking or any other auto-related uses;
 - (5) Parking is in rear or on the side of the property
 - (6) A clearly defined pedestrian walkway that is separate from any private drive is established across the building line perpendicular to the sidewalk providing a connection from the public sidewalk along the major thoroughfare to an entrance to the development;
 - (7) The sidewalk and safety buffer standards of article XXII of chapter 40 of this Code are met;
 - (8) 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;
 - (9) 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.

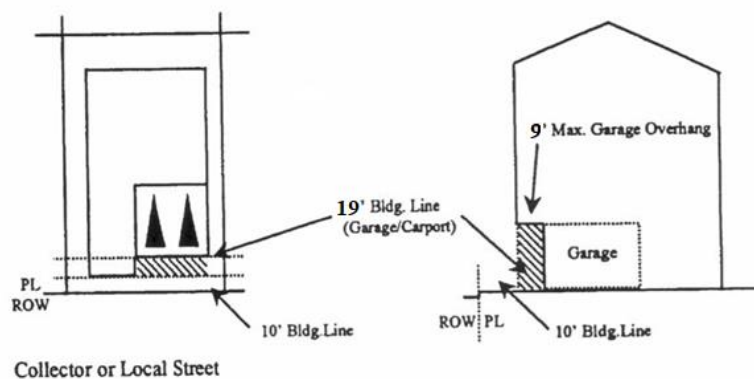
Sec. 42-155. - Collector and local streets—Uses other than single-family residential.

- (a) The building line requirement for a tract used or to be used for other than single-family residential purposes adjacent to a street that is a collector street or local street that is not an alley shall be ten feet unless otherwise required or authorized by this chapter.
- (b) The building line requirement for property used or intended for to be used for other than single-family residential purposes adjacent to a street that is a collector street or local street and that is not an alley 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.

(c) The building line requirement for tracts used or to be used for multi-unit residential purposes per Sec. 42-237 adjacent to a collector street or local street that is not an alley shall be as identified in Sec. 42-237 unless otherwise required or authorized by this chapter.

Sec. 42-157. Optional performance standards for collector streets and local streets—Single-family residential.

- (a) The performance standards for building lines in the city are intended to:
 - (1) Foster a design framework applicable to the city; 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 the city restricted to single-family residential use adjacent to a collector street or a local street that is not an alley shall be:
 - (1) Ten feet for the principal structure; and
 - (2) Notwithstanding the other provisions of this section, **17 19** feet for a garage or carport facing the street. A building above the garage or carport may overhang the building line up to ~~seven~~ **nine** feet; and



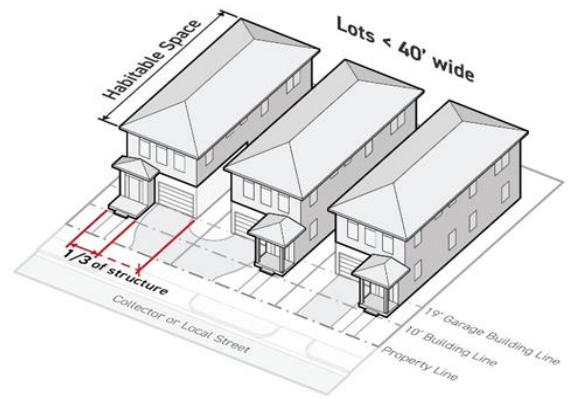
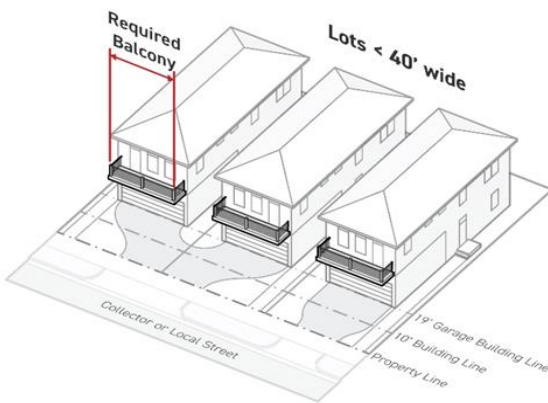
PRELIMINARY DRAFT FOR PLANNING COMMISSION REVIEW

MARCH 10-2023

Subject to change; not final until approved by City Council

Not approved by City Attorney

- (3) For lots with garage facing the street, 1/3 of the structure along the street must be occupiable space with front door facing the street. This 1/3 of the structure can be located within the 9 feet ahead of the garage building line or within 4 feet behind the garage building line. For lots narrower than 40', if not able to meet the 1/3 requirement, then functional balconies must be provided on the second floor.



- (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 the city that is restricted to single-family residential use adjacent to a collector street or a local street that meets one of the following performance standards:
- (1) Vehicular access to a driveway, garage or carport is available only from the rear/side of each lot through an alley, flag staff, PAE or courtyard access drive, and each dwelling unit on a lot that is adjacent to a public street has a front door with an entry feature per Sec. 42-165 that faces the public street and provides pedestrian access to the public street provided there is adequate room for sidewalks and all utilities; or
 - (2) Vehicular access to each lot is provided by a shared driveway and:

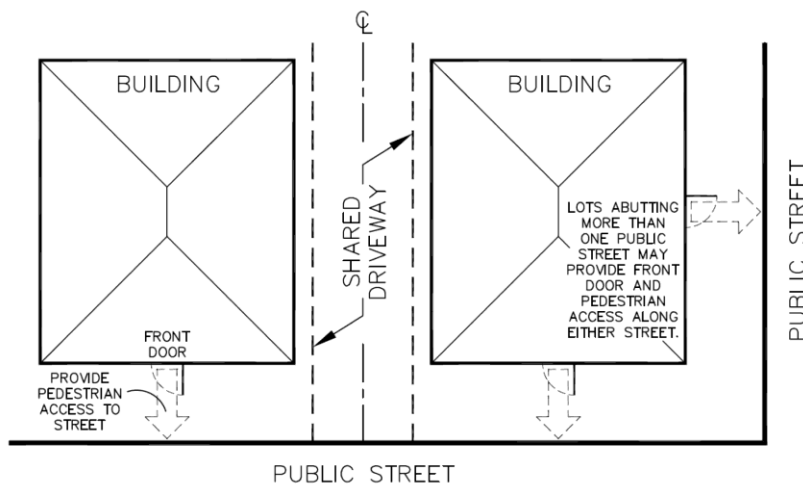
PRELIMINARY DRAFT FOR PLANNING COMMISSION REVIEW

MARCH 10-2023

Subject to change; not final until approved by City Council

Not approved by City Attorney

- a. The shared driveway meets the requirements of division 2 of article III of this chapter relating to shared driveways;
 - b. Each dwelling unit on a lot that is adjacent to a public street has front door with an entry feature per Sec. 42-165 that faces the public street and provides pedestrian access to the public street; and
 - c. All electrical service installations for the development are installed according to Centerpoint Energy's service standards for the underground installations including the dedication of any easements required by Centerpoint Energy for the underground installation.
- (d) A front building line requirement of zero feet is authorized for all or a portion of the lots in a subdivision plat in the city that is restricted to single-family residential use adjacent to a collector street or local street that meets the following performance standards:
- (1) The subdivision is solely a replat of a lot on a corner at the intersection of two public streets;
 - (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; and
 - (3) Each dwelling unit on a lot that is adjacent to a public street has a front door with an entry feature per Sec. 42-165 that faces the public street and provides pedestrian access to the public street.
 - (4) All electrical service installations for the development are installed according to Centerpoint Energy's service standards for the underground installations including the dedication of any easements required by Centerpoint Energy for the underground installation.



Sec. 42-165. Entry Feature performance standards for units fronting the street

The concept is to create optional performance standards that allow a 5-foot building line for developments with rear/side access if units fronting the street meet entry feature criteria.

- **Front Entrance:**

PRELIMINARY DRAFT FOR PLANNING COMMISSION REVIEW

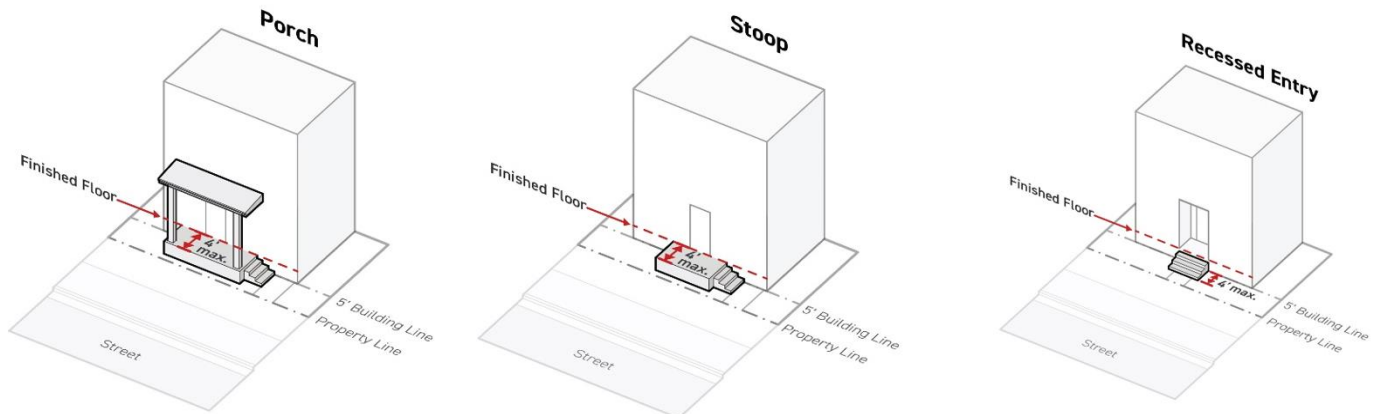
MARCH 10-2023

Subject to change; not final until approved by City Council

Not approved by City Attorney

- Definition: The primary pedestrian doorway located on the ground floor of a building facade along a street. A garage door is not considered a front entrance.
- Standards:
 - Each lot with frontage on a street, not including and alley, must provide at least one street-facing entrance.
 - To be considered street-facing, an entrance must face the street it is intended to serve. An entrance directly accessed from a porch, stoop or recessed entry counts as a street-facing entrance, regardless of if it faces the street.
 - The required entrance must provide both pedestrian ingress and egress to the ground story of a building.
 - The required entrance must provide access to occupiable space.
 - The required entrance must provide a minimum 3-foot wide pedestrian connection to the nearest public sidewalk.
 - The required entrance must include one of the following:
 - Porch;
 - Stoop; or
 - Recessed entry.
 - A porch or stoop can encroach up to 4 feet into a required building line.
 - Must provide a separate pedestrian access gate for each front entrance pedestrian walkway along the sidewalk.
 - Must be setback 1' from the property line

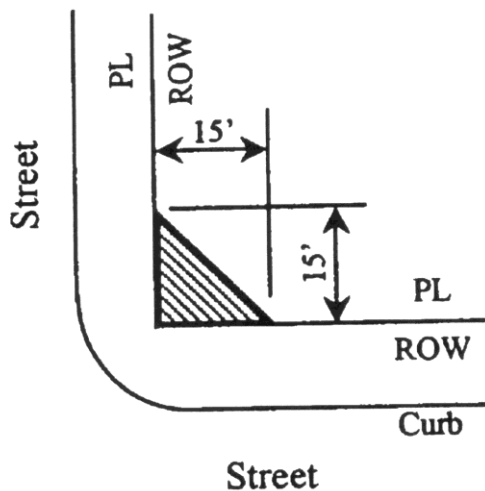
PRELIMINARY DRAFT FOR PLANNING COMMISSION REVIEW
MARCH 10-2023
Subject to change; not final until approved by City Council
Not approved by City Attorney



Sec. 42-161. 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. The maximum height of the visibility triangle shall be 20 feet as measured vertically from the ground.

For lots located on collector or local streets that take rear/side access per 42-188 and qualify for reduced building line of 5 feet, an encroachment into the visibility triangle is allowed above 10 feet as measured vertically from the ground.



Sec. 42-164. Transit-oriented development streets and walkable places streets

- (a) This section shall apply to any improvement requiring a building permit or development within a lot on a walkable places street or transit-oriented development street.

- (b) The portion of a lot or development that is adjacent to a primary street shall have a building line requirement of zero feet and the lot or development must comply with the requirements of article IV of this chapter.
- (c) A building line of zero feet is authorized for the portion of a lot or development that is adjacent to a secondary street if the lot or development complies with the requirements of article IV of this chapter. Any lot or development that does not meet the standards of this subsection must be in compliance with the standard building line requirement otherwise required by this article for the corresponding type of street and tract description.
- (d) Except when a special minimum building line requirement is applicable, this section shall prevail over the building line requirement otherwise required or authorized by this chapter.

Sec. 42-180. General lot design standards.

- (a) 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 meets the requirements of this Code, the Construction Code, 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, flag staff, shared driveway, or alley unless it meets the courtyard style development requirements of Sec. 42-194; and
 - (4) Provide for the number of parking spaces required by section 42-186 and article VIII of chapter 26 of this Code, as applicable. The size and dimensions of a parking space shall be in conformance with the requirements of the Construction Code.
- (b) A lot that will not be served by a wastewater collection system shall meet the minimum requirements of the Texas Commission on Environmental Quality. The applicant shall provide a letter from the Texas Commission on Environmental Quality evidencing compliance with the minimum requirements. In addition, a lot without wastewater collection service that is platted in a special flood hazard area, as determined under the National Flood Insurance Program, shall meet the applicable requirements of the Texas Commission on Environmental Quality, the city, and the county engineer of the county in which the lot is located with respect to the location of the onsite sewage system.

Sec. 42-181. Single-family residential lot size.

- (a) The minimum lot size for a single-family residential lot with wastewater collection service shall be as shown below except for lots within courtyard style development meeting the requirements of Sec. 42-194:
 - (1) 5,000 square feet for a lot within the extraterritorial jurisdiction; or
 - (2) 3,500 square feet for a lot within the city.
- (b) The lot size for a single-family residential lot with wastewater collection service may be less than the minimum lot size provided by subsection (a) if the subdivision plat meets the performance standards of either:
 - (1) The compensating open space performance standards of section 42-182 of this Code; or

PRELIMINARY DRAFT FOR PLANNING COMMISSION REVIEW

MARCH 10-2023

Subject to change; not final until approved by City Council

Not approved by City Attorney

- (2) For a subdivision plat within the city, the performance standards of section 42-184 of this Code.
- (c) A subdivision plat shall not include a lot that is less than 1,400 square feet unless the plat meets the following performance standards:
 - (1) The property to be platted is located within the city and all lots within the subdivision take vehicular access from the rear/side via flag staff, shared driveway or PAE;
 - (2) The average lot size within the subdivision plat is greater than or equal to 1,400 square feet. A lot that is larger than 3,500 square feet shall be counted as 3,500 square feet for purposes of the average lot size calculation of this subsection;
 - (3) For the purposes of this subsection, blockface shall have the meaning of 42-1 and further shall include the distances measured from and to shared driveways, intersecting or terminating with shared driveways.
 - ~~(4)~~ If the subdivision plat contains one or more blockfaces in their entirety, the average lot size of each blockface within the subdivision plat is greater than or equal to 1,400 square feet; and
 - ~~(5)~~ If a subdivision plat includes a lot with a lot size less than 3,500 square feet, any subsequent replat of a lot within the subdivision plat shall maintain an average lot size that is greater than or equal to 1,400 square feet. The average lot size for each subsequent replat shall be based on all lots within the original subdivision plat containing a lot with a lot size less than 3,500 feet. The subdivision plat and all subsequent replats of lots within the subdivision plat shall contain a plat notation stating the requirements of this item.
- (d) The maximum lot size for single family residential lots within courtyard style development per Sec. 42-194 is 3,500 square feet;
- ~~(e)~~ The minimum lot size for lots without wastewater collection service shall be in accordance with the requirements of subsection (b) of section 42-180 of this Code;
- ~~(e-f)~~ A special minimum lot size requirement established pursuant to subdivision B of this division shall control over all other provisions of this section.

Sec. 42-184. Optional performance standards for the reduction in lot size within the city.

A subdivision plat for property located within the city may provide for a single-family residential lot size of less than 3,500 square feet, but not less than an average of 1,400 square feet, for lots with adequate wastewater collection service, if the subdivision plat meets the following performance standards and includes plat notations requiring compliance with the following performance standards:

- (1) More than 60% of the area of each lot that is less than 3,500 square feet is not covered by buildings, or for a subdivision plat that is solely a replat of a lot on a corner at the intersection of two public streets, more than 75% of the area of the lot is not covered by buildings;
- (2) The subdivision plat provides for at least 150 square feet of permeable area on each lot that is less than 3,500 square feet; and
- (3) The number of single-family residential dwelling units that can be constructed within the proposed subdivision plat does not exceed an equivalent density of 27 units to the gross acre of all land within the boundaries of the subdivision plat.

(4) An equivalent density of 35 units to the gross acre of all land within the boundaries of the subdivision plat is allowed if all lots within the subdivision take vehicular access from the rear or side via an alley, flag staff, shared driveway or PAE.

Sec. 42-185. Minimum width of a lot.

- (a) The minimum width of any lot along a street or shared driveway shall be 20 feet unless otherwise allowed by this ordinance.
- (b) The minimum width of any lot in a subdivision within the city may be 15 feet if all lots within the subdivision plat take vehicular access from the rear/side via flag staff, shared driveway or PAE and the subdivision plat conforms to the following performance standards:
 - (1) The average width of all lots within the subdivision plat is greater than or equal to 18 feet. A lot with a width greater than 30 feet shall be counted as 30 feet for purposes of the average lot width calculation of this subsection;
 - (2) For the purposes of this subsection, blockface shall have the meaning of 42-1 and further shall include the distances measured from and to shared driveways, intersecting or terminating with shared driveways.
 - ~~(23)~~ If the subdivision plat contains one or more blockfaces in their entirety, the average lot width of each blockface within the subdivision plat is greater than or equal to 18 feet; and
 - ~~(34)~~ If a subdivision plat includes a lot with a width of less than 20 feet, any subsequent replat of a lot within the subdivision plat shall maintain an average lot width that is greater than or equal to 18 feet. The average lot width for each subsequent replat shall be based on all lots within the original subdivision plat containing a lot with a width less than 20 feet. The subdivision plat and all subsequent replats of lots within the subdivision plat shall contain a plat notation stating the requirements of this item.

Sec. 42-186. Parking for single-family residential uses.

- (a) Each subdivision plat or development plat providing for a single-family residential use 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, dwelling unit is not more than 1500 sf, only one space shall be required per dwelling unit.
- (b) If the first unit already has two off-street parking spaces;
 - 1. When a secondary dwelling unit of not more than 900 1000 gross square feet is provided, no additional off-street parking spaces shall be required.
 - 2. When a second dwelling unit is greater than 1000 sf but less than 1500 sf, only one additional off-street parking space shall be required.
 - 3. When a second dwelling unit is greater than 1500 sf, 2 additional off-street parking spaces shall be required.
- (c) Each courtyard style development plat per Sec. 42-194 providing for a single-family residential use shall provide one off-street parking space for every dwelling unit less than or equal to 1000 sf and 2 off-street parking spaces per dwelling unit if the units are between 1001-1500 sf.

PRELIMINARY DRAFT FOR PLANNING COMMISSION REVIEW
MARCH 10-2023
Subject to change; not final until approved by City Council
Not approved by City Attorney

<u>Single family residential</u>	
<u>Dwelling unit size</u>	<u>Required parking</u>
<u>1500sf or less</u>	<u>1 parking space</u>
<u>More than 1500sf</u>	<u>2 parking spaces</u>
<u>Market based parking near other modes of transit</u>	<u>0 parking space</u>
<u>One additional parking per every 6 units in shared driveway or PAE developments on site</u>	
<u>Second dwelling unit</u>	
<u>If first unit has two parking spaces already</u>	
<u>1000 sf or less</u>	<u>0 parking spaces</u>
<u>1001 sf -1500 sf</u>	<u>1 parking space</u>
<u>More than 1500 sf</u>	<u>2 parking spaces</u>
<u>Courtyard style development</u>	
<u>Dwelling unit size</u>	<u>Reduced parking</u>
<u>1000sf or less</u>	<u>1 parking space</u>
<u>1001sf-1500sf</u>	<u>2 parking spaces</u>
<u>Market based parking near other modes of transit</u>	<u>0 parking space</u>
<u>One additional parking per every 6 units on site</u>	

- (d) Lots meeting the requirements of sec 42-188 (d), (e) or (f)(2)a. and courtyard style developments or tracts used for multi-unit residential developments are exempt from 42-186 and Chapter 26 Division 2 of the Code of Ordinances if the property is within ½ mile of transit (rail stations, high frequency bus stops, blue route bus stops in opportunity zones, transit stations, or park and ride stations) or within ¼ mile of high comfort bike paths.
- (e) For lots meeting the requirements of sec 42-188 (d), (e) or (f)(2)a. and courtyard style developments per Sec 42-194 or tracts used for multi-unit residential developments per Sec. 42-237, required parking may be located off the lot or unit but within the development.
- (f) Each subdivision plat providing for a single-family residential use on property located within the city that includes a shared driveway or a type 2 permanent access easement with six or more dwelling units shall provide one additional parking space for every six dwelling units within the subdivision plat boundary. Dwelling units on a lot that includes a parking space in excess of the parking requirements of subsection (a) of this section shall not be counted in determining the required number of additional parking spaces required by this subsection. Each additional parking space shall conform to the following requirements:
- (1) The size and dimensions of the parking space shall be in conformance with the requirements of the Construction Code;
 - (2) The parking space shall be placed within the boundaries of the subdivision plat; ~~unless the parking space abuts:~~

PRELIMINARY DRAFT FOR PLANNING COMMISSION REVIEW

MARCH 10-2023

Subject to change; not final until approved by City Council

Not approved by City Attorney

- ~~a. continuous curb along a public street that is adjacent to or within the plat boundary and that is not a major thoroughfare; or~~
- ~~b. Culverts installed in accordance with the requirements of the design manual along an open ditch street adjacent to or within the subdivision plat boundary;~~
- (3) For a subdivision plat where the lots abut a type 2 permanent access easement and take vehicular access only from a private alley, a parking space may be included within the type 2 permanent access easement;
- (4) The parking space shall not be placed within a shared driveway or within a lot;
- (5) The parking space shall not be placed where parking is prohibited by law; and the parking space shall be placed a minimum of 20 feet from the property line of designated major thoroughfares and major collectors on the most recent Major Thoroughfare and Freeway Plan and from existing high-comfort bike lanes;
- (6) The parking space shall be accessible to all residents of each dwelling unit of the subdivision plat via an internal path of either the shared driveway, type 2 PAE paving or an improved walkway surface within the subdivision meeting accessibility requirements in accordance with IDM standards with a minimum width of 3 feet in accordance with Ch 40 sidewalk regulations.

Sec. 42-187. Flag lots.

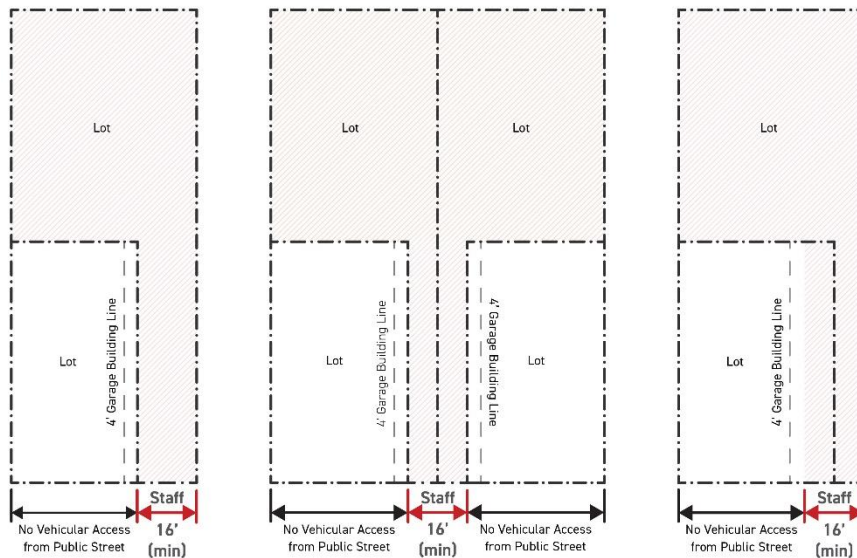
- (a) Each flag lot development shall provide for combined vehicular access to the principal portion of ~~the~~all lots through the staff.
- (b) ~~If a flag lot derives its access solely from its own staff, t~~ The minimum width of the staff shall be 20 16 feet and can be split equally among all lots. The entire width of the staff need not be paved.
- (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. All lots with street or shared driveway frontage narrower than 40' and abutting the flag staff must take vehicular access from the staff. If the garage is parallel to the length of the flag staff, the distance between the face of the garage and the farthest edge of the staff shall be 20 feet.~~
- (d) The total length of the staff and driveway cannot be longer than 200 feet from the street ROW with paving.

PRELIMINARY DRAFT FOR PLANNING COMMISSION REVIEW

MARCH 10-2023

Subject to change; not final until approved by City Council

Not approved by City Attorney



(d e) 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, t~~The plat note shall clearly indicate the joint or shared nature of the access.

Sec. 42-188. Lot access ~~to streets~~

- (a) Each lot shall have access to a street or shared driveway that meets the requirements of this chapter and the design manual, subject to the limitations of this section except for lots within courtyard style development per Sec. 42-194.
- (b) A single-family residential lot shall not have direct vehicular access to a major thoroughfare unless:
 - (1) The lot takes vehicular access to a major thoroughfare through a shared driveway that meets the requirements of subdivision B of division II of this article; or the lot takes vehicular access to a major thoroughfare through a flag lot staff that meets the requirements of Sec 42-187.
 - (2) The lot is greater than one acre in size and 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:

PRELIMINARY DRAFT FOR PLANNING COMMISSION REVIEW

MARCH 10-2023

Subject to change; not final until approved by City Council

Not approved by City Attorney

"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."

Lots within a courtyard style development 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 courtyards, parking, pedestrian pathways and courtyard access drives, and the authority and means to impose binding assessments upon the lot owners for that purpose. The common areas and courtyards within the development cannot be replatted into any other use and are subject to 42-193. Each subdivision plat that contains a courtyard style development shall contain a notation on the face of the plat.

(d) All properties abutting an alley will take vehicular access from the alley or flag staff, shared driveway, PAE that connects to the alley when possible

(e) All corner properties adjacent to an undeveloped or inaccessible alley, vehicular access shall be

1. from the alley after improving it OR;

2. from the side street via flag staff, shared driveway or PAE that connects to alley when possible.

(f) If property is adjacent to an undeveloped or inaccessible alley midblock or is not abutting an alley,

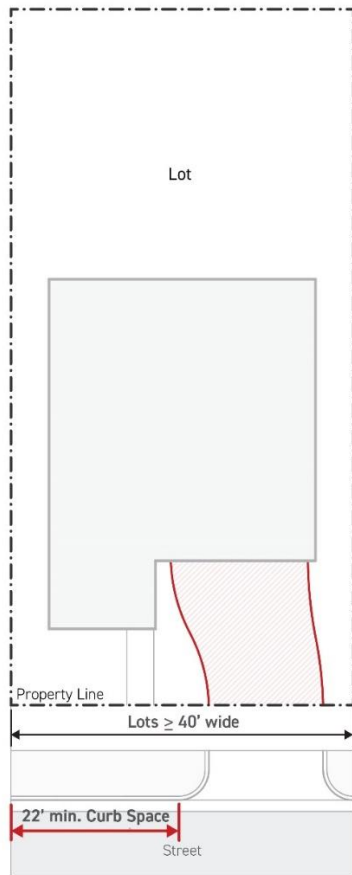
1. When proposing lots with 40 feet or more frontage on a public street, at least 22 feet of frontage must be unobstructed curb space, and 1/3 of the structure facing the street must be occupiable space.

PRELIMINARY DRAFT FOR PLANNING COMMISSION REVIEW

MARCH 10-2023

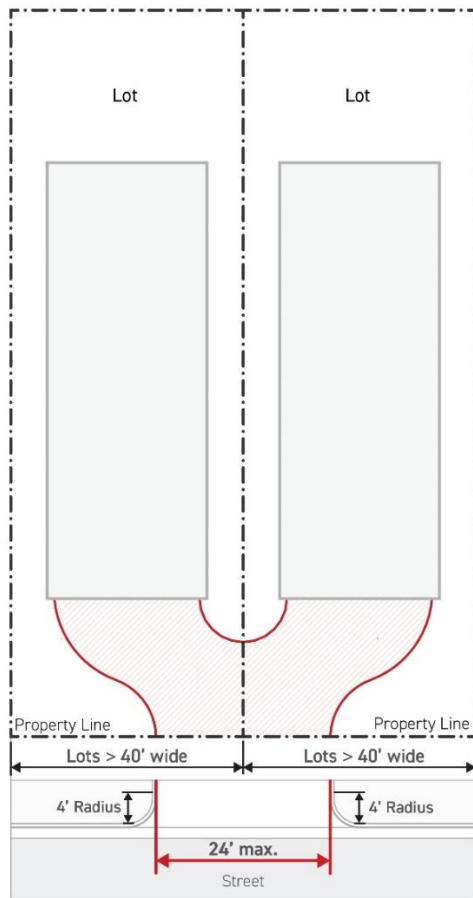
Subject to change; not final until approved by City Council

Not approved by City Attorney



2. When proposing one or more lots with less than 40 feet of frontage on a public street, the following shall apply:
 - a. Vehicular access will be through the flag staff, a shared driveway or PAE; OR
 - b. Vehicular access can be through a combined driveway approach with a maximum width of 24, being 12 feet for each lot, on property less than or equal to 15,000 sf. Individual driveways shall be maximum 12 feet wide for a narrow lot when proposing an odd number of lots that are less than 40 feet wide.

PRELIMINARY DRAFT FOR PLANNING COMMISSION REVIEW
MARCH 10-2023
Subject to change; not final until approved by City Council
Not approved by City Attorney



- (d) When a tract along a transit-oriented development street or walkable places street is subdivided, a single-family residential lot within this new subdivision shall not be designed to have direct vehicular access to the TOD street or WP street unless opting-in and:
- (1) The lot takes vehicular access to the TOD street or WP street through a shared driveway that meets the requirements of subdivision B of division II of this article; or
 - (2) The lot is greater than one acre in size and the subdivision plat contains a note prohibiting vehicles from backing onto the transit-oriented development street or walkable places street and requiring the turnaround to be located wholly outside the pedestrian realm.

Sec. 42-190. Tracts for non-single-family use—Reserves.

- (a) 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.
- (b) 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 applicant may note on the plat the use intended for each reserve. The applicant shall identify a reserve tract for which it has not determined a use as an unrestricted reserve.

PRELIMINARY DRAFT FOR PLANNING COMMISSION REVIEW

MARCH 10-2023

Subject to change; not final until approved by City Council

Not approved by City Attorney

- (c) Each reserve shall meet the following requirements for minimum size, the type and width of street or shared driveway on which it may be located, and the minimum frontage, as applicable to the type of reserve:

TYPE OF RESERVE	MINIMUM SIZE	TYPE OF STREET OR SHARED DRIVEWAY	MINIMUM STREET OR SHARED DRIVEWAY WIDTH	MINIMUM STREET OR SHARED DRIVEWAY FRONTAGE
Unrestricted reserve	5,000 sq. ft.	public street	60 feet (50 feet in a street width exception area)	60 feet
<u>MUR Reserve per Sec. 42-237</u>	<u>3500sf</u>	<u>public street or type 1 permanent access easement</u>	<u>60 feet</u> <u>(50 feet in a street width exception area)</u>	<u>50 feet</u>
<u>Restricted reserve – Courtyard per Sec. 42-194</u>	<u>480sf</u>	<u>public street or type 1 permanent access easement</u>	<u>50 feet</u>	<u>12 feet</u>
Restricted reserve—Lift station	Minimum size required by the design manual	public street or type 1 permanent access easement	50 feet	20 feet
		Temporary access easement if the reserve meets the standards of section 42-190(d)	Temporary access easement if the reserve meets the standards of section 42-190(d)	
Restricted reserve—Compensating open space	240 sq. ft.	public street or type 1 permanent access easement	50 feet	12 feet
		type 2 permanent access easement	28 feet	
		shared driveway	16 feet	
Restricted reserve—Landscape or open space	None required	None required	None required	None required
Restricted reserve—Recreation	5,000 sq. ft.	public street or type 1 permanent access easement	50 feet	50 feet
		<u>Type 2 PAE</u>	<u>28 feet</u>	<u>50 feet</u>
		<u>Shared driveway</u>	<u>16 feet</u>	<u>50 feet</u>
Restricted reserve—Drainage or detention	None required	public street	50 feet	20 feet
		permanent access easement	28 feet	
		shared driveway owned by homeowners association	16 feet	16 feet

PRELIMINARY DRAFT FOR PLANNING COMMISSION REVIEW

MARCH 10-2023

Subject to change; not final until approved by City Council

Not approved by City Attorney

		None if adjoining existing reserve restricted to drainage or detention	None if adjoining existing reserve restricted to drainage or detention	None if adjoining existing reserve restricted to drainage or detention
Restricted reserve—Wastewater treatment, water production, or water repressurization	5,000 sq. ft.	public street or type 1 permanent access easement	50 feet	50 feet
		Temporary access easement if the reserve meets the standards of section 42-190(d)	Temporary access easement if the reserve meets the standards of section 42-190(d)	
		None if adjoining existing reserve restricted to wastewater treatment, water production, or water repressurization	None if adjoining existing reserve restricted to wastewater treatment, water production, or water repressurization	None if adjoining existing reserve restricted to wastewater treatment, water production, or water repressurization
Restricted reserve—Parking	Minimum size requirement for a parking space specified in the Construction Code	public street or type 1 permanent access easement	50 feet	Minimum width of a parking space required by the Construction Code
		type 2 permanent access easement	28 feet	
		shared driveway	16 feet	
Restricted reserve—All other	5,000 sq. ft.	public street	60 feet (50 feet in a street width exception area)	60 feet

- (d) A reserve may take access via an access easement temporarily until the adjacent public streets within the general plan are platted with abutting sections if all of the following conditions are met:
- (1) The reserve is specifically restricted to lift station, wastewater treatment, water production, or water repressurization;
 - (2) The access easement is temporary and non-exclusive that must be recorded prior to the recordation of the plat in a form approved by the city attorney;
 - (3) The access easement aligns with the public street pattern identified in the current approved general plan;

- (4) The minimum width of the access easement must be 30 feet with all-weather road surface and shall comply with all applicable Design Manual, Fire Code, city, county, and Texas Commission of Environmental Quality (TCEQ) requirements; and
- (5) The minimum street width and minimum frontage requirements otherwise required by this section must be met as other sections abutting the reserve are recorded."

Sec. 42-191. One-foot reserves.

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 RE-SUBDIVIDED 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~~THEIR HEIRS, ASSIGNS OR SUCCESSORS."

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 or multi-unit residential buildings shall provide the following information:
 - (1) The number of separate buildings that will contain multi-family multiple residential dwelling units;
 - (2) The location of the principal entrance to each multi-family multiple residential building;
 - (3) The total number of dwelling units;
 - (4) An itemized listing of multi-family residential dwelling units existing and proposed within the property 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 or section 26-492 Article VIII.
- (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.

Sec. 42-233. Fire protection.

- (a) Fire hydrants shall be located along each private street in a manner that will allow firefighting 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~~their 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 firefighting equipment, considering the kinds of equipment and methods of firefighting 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.

Sec. 42-251. Applicability.

- (a) The regulations contained in this division shall be applicable to all property within the city limits of the city proposed to be developed in whole or in part for single family residential, multi-unit residential or multifamily residential purposes for which a subdivision plat or development plat is required, unless otherwise noted herein.
- (b) These regulations do not apply to replats of land owned by a governmental unit.

Sec. 42-252. Park dedication required.

- (a) Each single-family residential subdivision, multi-unit residential development, and multifamily residential development shall provide one or a combination of the following for park or open space purposes:
 - (1) Fee simple dedication of land suitable in type and location for development of parks within the park sector in which the subdivision or development is located, which land may be, but is not required to be, located within the subdivision or development creating the dedication requirement; or
 - (2) Payment of fees in lieu of the dedication of land for parks in the amount established in section 42-253 of this Code.
- (b) The amount of land required to be dedicated for parks shall be proportionate to the development calculated on the basis of the following formula:

$$\frac{10 \text{ ac.} \times \text{No. of DU} \times \text{PPDU}}{1000}$$

Where:

PRELIMINARY DRAFT FOR PLANNING COMMISSION REVIEW

MARCH 10-2023

Subject to change; not final until approved by City Council

Not approved by City Attorney

DU = the number of dwelling units in the development;

PPDU = 1.8, the number of persons per dwelling unit for each dwelling unit; and

1000 = the number of residents per 10 acres of park land.

(c) Recordation of a subdivision plat subject to the requirements of this section shall require one or a combination of the following necessary to satisfy the requirements of subsection (a) of this section taking into account any credits authorized pursuant to section 42-254 of this Code:

- (1) For land dedicated to parks within the subdivision, a fee simple dedication on the subdivision plat of the required park land as approved by the parks director;
- (2) For land dedicated to parks outside the subdivision, evidence of recording in the appropriate real property records of a deed of the required park land as approved by the parks director;
- (3) For land established as private park, identification of the required amount of private park as one or more restricted reserves with the following notation on each private park reserve within the subdivision:

'RESERVE RESTRICTED TO PRIVATE PARK PURSUANT TO CHAPTER 42 OF THE CODE OF ORDINANCES, CITY OF HOUSTON, TEXAS. THIS PRIVATE PARK DESIGNATION MAY NOT BE CHANGED WITHOUT APPROVAL OF THE PLANNING COMMISSION OF THE CITY OF HOUSTON, TEXAS.'

Land established as a private park for the purposes of this section may not be replatted to change this designation pursuant to section 212.0146 of Chapter 212 without the approval of the commission. The commission shall not approve a replat that would change the private park designation unless it determines that alternative private park space that satisfies the requirements of this subsection is available within the original subdivision generating the dedication requirement.

- (4) Confirmation of deposit into the park and recreation dedication fund of the fee in lieu of dedication in the amount established pursuant to section 42-253 of this Code; or
 - (5) A statement on the plat that payment of a required fee in lieu of dedication has been deferred and shall be paid at the then-current fee prior to the issuance of a building permit for each single-family dwelling unit within the subdivision.
- (d) Issuance of a building permit for a single-family dwelling unit in a subdivision subject to the requirements of this section for which the payment of fees in lieu of dedication has been deferred pursuant to item (5) above shall require confirmation of deposit into the park and recreation dedication fund of the fee in lieu of dedication in the amount per dwelling unit then required by section 42-253 of this Code.
- (e) Issuance of a building permit for a multi-unit residential or multifamily residential development subject to the requirements of this section shall require one or a combination of the following necessary to satisfy the requirements of subsection (a) of this section taking into account any credits authorized pursuant to section 42-254:
- (1) For land dedicated for park purposes, evidence of recording in the appropriate real property records of a general warranty deed of the required park land as approved by the parks director;

- (2) Identification of the required amount of private park on an approved development plat; or
 - (3) Confirmation of deposit into the park and recreation dedication fund of the fee in lieu of dedication in the amount established pursuant to section 42-253 of this Code.
- (f) If the calculation in subsection (b) of this section results in a requirement of less than one-half acre for property located in the area within and bounded by Interstate Highway 610 or one acre for property located in the area outside of Interstate Highway 610, the parks director may require the developer to pay the fee in lieu of land dedication as provided in section 42-253 of this Code. The parks director may approve the dedication of less than one-half acre of property in the area within and bounded by Interstate Highway 610 or one acre of property in the area outside of Interstate Highway 610 if the proposed park is a pocket park the need for which is identified in the Parks Master Plan, is adjacent to an existing park or other public space, provides access to a park, or otherwise presents an opportunity to enhance the city parks system consistent with the Parks Master Plan. This limitation, however, shall not apply to limit the size of compensating open space, which shall be governed by section 42-182 of this Code.
- (g) Notwithstanding any other provision of this section, the owner of property for which dedication is required may pay a fee in lieu of dedication in the amount determined pursuant to section 42-253 of this Code, and the parks director shall not refuse any payment of a fee in lieu of dedication.

Sec. 42-273. Major activity center designation.

- (a) The city council may designate any area within the city as a Major Activity Center that meets each of the following criteria:
- (1) The area contains two or more major thoroughfares or abuts a freeway, tollway, or transit corridor street;
 - (2) The area is comprised of at least 400 acres of land;
 - (3) The area is comprised of at least 10,000,000 square feet of gross floor area developed for uses other than single-family residential use;
 - (4) Not more than three percent of the area is in use for or restricted to single-family residential use;
 - (5) The area contains properties used for two or more of the following uses: office, commercial, institutional, or multi-family.
 - (6) The area is comprised of contiguous tracts and contains no out tracts as determined by the director in ~~his~~their sole professional judgment.
- (b) The city council may expand the boundaries of a MAC to include any area abutting the MAC if the boundaries of the MAC as expanded continue to satisfy the criteria of subsection (a) of this section.
- (c) An application for the designation or expansion of a MAC shall be filed with the department by one or more owners of property within an area that meets the criteria of subsection (a) of this section and shall be made on an application form provided by the department. The director shall forward applications that meet the criteria of subsection (a) of this section to the commission which shall hold a public hearing on the application.

PRELIMINARY DRAFT FOR PLANNING COMMISSION REVIEW

MARCH 10-2023

Subject to change; not final until approved by City Council

Not approved by City Attorney

- (d) The director shall cause notice to be given of a public hearing before the commission to each owner of property within the proposed MAC or area proposed to be added to a MAC and each owner of property in use for or restricted to single-family residential use within 250 feet of the proposed area as shown on the current appraisal district records. Notice shall be given by United States mail no later than 30 days before the date of the public hearing. The applicant shall give notice of the public hearing before the commission by posting at least two signs within the boundaries of the proposed MAC no later than 30 days before the date of the public hearing. The signs shall be placed at locations selected by the director as reasonably calculated to be seen by occupants of property within the proposed MAC and facing 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 a MAC;
 - (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~~their sole discretion, determines that the size, configuration, traffic patterns or other characteristics of the proposed area warrant the placement of additional signs, the director shall cause an appropriate number of additional signs to be posted. All costs associated with the notice provisions of this section are to be paid by the applicant.

- (e) After the close of the public hearing, the commission shall vote on whether to recommend to the city council the designation of the proposed area that meets the criteria of subsection (a). If the commission votes to recommend the designation of the proposed area, by majority vote of those members present and voting, the director shall forward the recommendation to city council for consideration. If the commission does not vote to recommend the designation of the proposed area, the action of the commission with respect to the application is final. If the commission does not recommend designation of an area as a MAC or as an addition to a MAC, 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 commission, the city council shall hold a public hearing on the recommendation. After the close of the public hearing the city council shall consider the recommendation of the commission and, consistent with the criteria of subsection (a), 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 a MAC, 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.

Sec. 42-237. Multi-Unit Residential (MUR) Performance Standards

One or more buildings on a single tract designed for and containing 3 to 8 dwelling units that meets the MUR performance standards. Multi-Unit Residential includes multiple duplexes, triplexes, quadruplexes, apartments and condominiums.

1.1.1. Intent

- A. To incentivize a greater range of naturally occurring affordable housing options.
- B. To encourage more small-scale multi-unit housing options.
- C. To promote more compact development patterns with street facing homes.
- D. To promote access and proximity to an expanded set of mobility options.
- E. To better utilize land closer to existing infrastructure.
- F. Fire safety services can be provided from the public street



1.1.2. Applicability

The MUR performance standards apply as shown below:

PRELIMINARY DRAFT FOR PLANNING COMMISSION REVIEW
MARCH 10-2023
Subject to change; not final until approved by City Council
Not approved by City Attorney

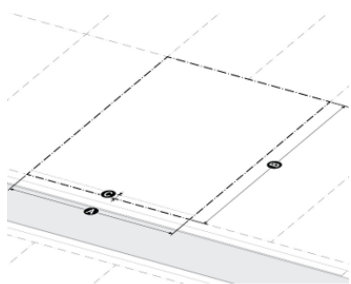
	Site with No Buildings	Site with Existing Buildings			
		Site	New Building	Reuse of Existing Building	Addition to Existing Building
Site Dimensions	●	●	-	-	-
Dwelling Units	●	●	-	-	-
Building Line	●	-	●	-	●
Vehicle Access	●	●	-	-	-
Parking Ratios	●	●	-	-	-
Parking Location	●	-	●	-	●
Massing	●	-	●	-	●
Transparency	●	-	●	-	●
Pedestrian Access	●	●	-	-	-

● = Standards apply - = Standards are not applicable

1.1.3. Summary of performance standards

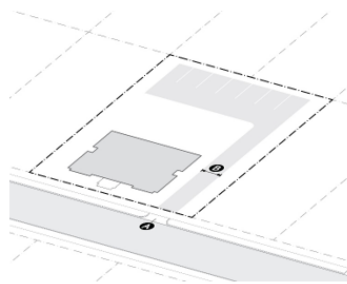
1.1.3. SUMMARY OF PERFORMANCE STANDARDS

A. SITE



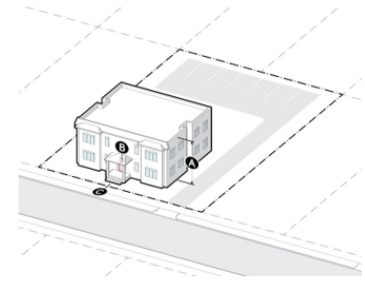
1. Site Dimensions	Sec. XX
a Site frontage (min)	50'
b Depth (max)	150'
2. Dwelling Units	Sec. XX
Per site (min/max)	3/8
3. Building Lines	Sec. XX
C Street (min)	5'
4. Front Yard Fencing	Sec. XX
Height (max)	4'

B. PARKING / VEHICLE ACCESS



1. Vehicle Access	Sec. XX
Access from alley (where existing)	Required
a Curb cuts per street front (max)	1
b Drive width (min/max)	10'/16'
2. Parking Ratios	Sec. XX
Spaces per unit (min)	
Up to 1,500 SF	1
More than 1,500 SF	2
Guest spaces (min)	1 per 6 units
Spaces required within ½ mile of transit/ ¼ mile of high comfort bike lane	Market-based
3. Parking Location	Sec. XX
On-site	Required
Off-site	Not allowed
Between building and street	Not allowed

C. BUILDINGS/STREET ACTIVATION



1. Massing	Sec. XX
a Building height (max)	30'
2. Pedestrian Access	Sec. XX
B Street-facing entrance	Required
C Pedestrian connection to public sidewalk	Required

PRELIMINARY DRAFT FOR PLANNING COMMISSION REVIEW
MARCH 10-2023
Subject to change; not final until approved by City Council
Not approved by City Attorney

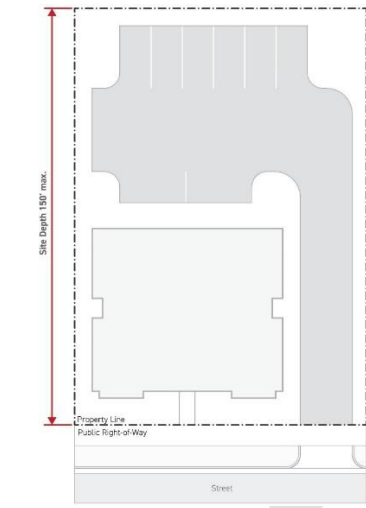
1.1.4. Performance standards

Projects that use the MUR performance standards must meet the following requirements.

A. Site Dimensions

1. Site Frontage: A site must have 50' frontage on a public street right-of-way that meets the requirements of Sec. 42-122, not including an alley.

2. Site Depth: No portion of a site can be more than 150 feet from a public street right-of-way containing a roadway, not including an alley.



B. Dwelling Units: A site must contain at least 3 dwelling units but can have no more than 8 dwelling units.

C. Building Lines: The building line requirement for a habitable structure along a public street right-of-way, not including an alley is 5 feet except along major thoroughfares. A reduced building line of 15 feet is authorized for a habitable structure along major thoroughfares with right-of-way 80 feet or less. Provide pedestrian connections to the sidewalk.

D. Front Yard Fencing: A fence in a front yard should be non-opaque decorative fence and no more than 4' in height.

E. Vehicle Access

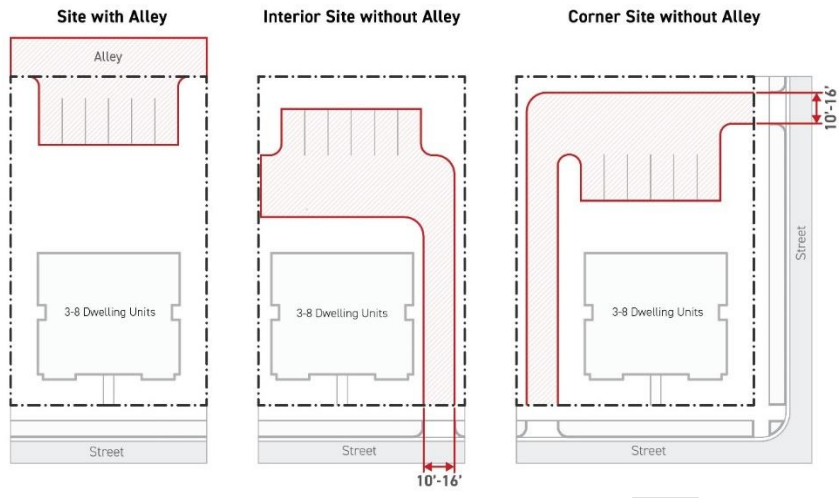
1. Where the property abuts an alley, vehicular access is provided from that alley.

2. On an interior site without alley access, or along an undeveloped alley, one driveway (curb-cut) to or from a street is allowed.

3. On a corner site without alley access, vehicular access is provided from the side street. No more than two driveways (curb-cuts), one per street frontage are allowed per site.

4. A drive to or from a street must be at least 10 feet wide but can be no wider than 16 feet.

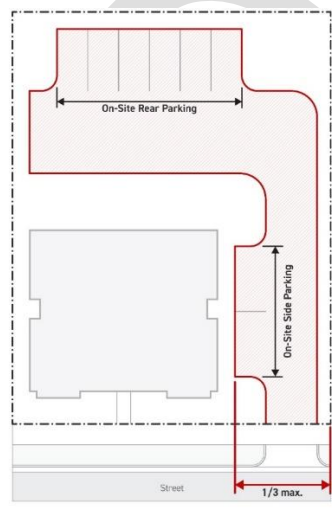
PRELIMINARY DRAFT FOR PLANNING COMMISSION REVIEW
MARCH 10-2023
Subject to change; not final until approved by City Council
Not approved by City Attorney



F. Parking Ratios

1. One parking space must be provided for every dwelling unit 1,500 square feet or less in size.
2. Two parking spaces must be provided for every dwelling unit over 1,500 square feet in size.
3. One guest parking space must be provided for every 6 dwelling units.
4. Market based parking for property located within ½ mile of transit (rail stations, high frequency bus stops, blue route bus stops in opportunity zones, transit stations, or park and ride stations) or within ¼ mile of high comfort bike paths.
5. When market-based parking is applied, one bike parking space must be provided per each dwelling unit.

G. Parking Location: All required parking spaces must be provided on-site. When provided, all off-street parking must be located to the side or rear of any improvements on the property.



H. Massing

1. Building Height:

PRELIMINARY DRAFT FOR PLANNING COMMISSION REVIEW

MARCH 10-2023

Subject to change; not final until approved by City Council

Not approved by City Attorney

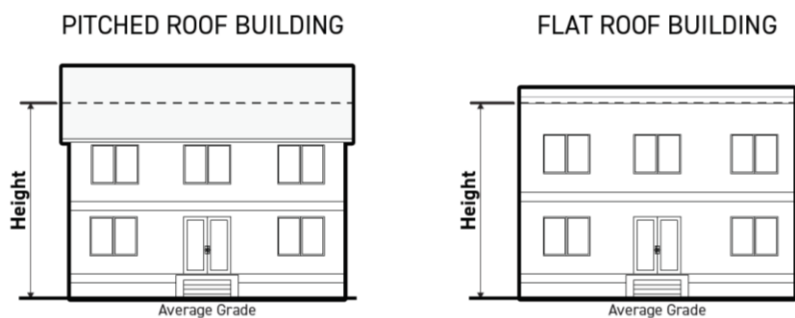
a. No building on the site can exceed 30 feet in height.

b. Maximum building height is measured as the number of feet from average grade to:

i. The mid-point of the roof, for a building with a pitched roof (with slope more than 3:12);

ii. The top of the roof deck, for a building with a flat roof (with slope 3:12 or less); and

iii. The topmost point of the structure, for all other structures.



J. Pedestrian Access

1. Street-Facing Entrance

a. All units along the street must provide street-facing entrance

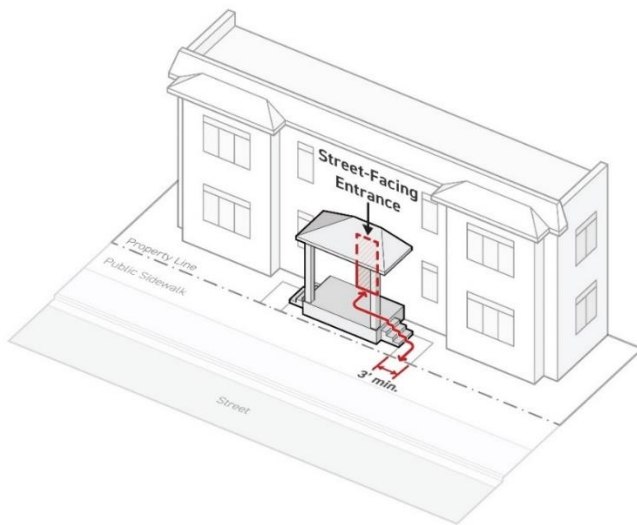
b. To be considered street-facing, an entry feature must face the street it is intended to serve. An entrance directly accessed from an entry feature counts as a street-facing entrance, regardless of if it faces the street or not.

2. Entrance Standards: The required entrance must

a. provide both pedestrian ingress and egress to the ground floor of a building.

b. provide access to occupiable space.

c. provide a minimum 3-foot-wide pedestrian connection to the nearest public sidewalk.

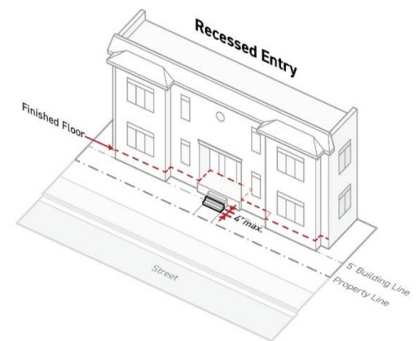
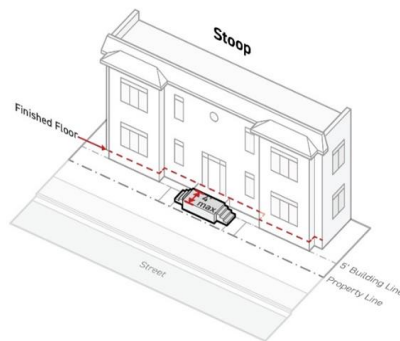
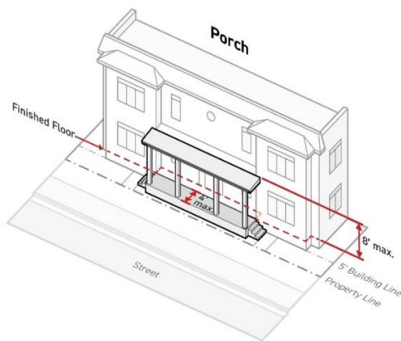


d. include one of the following entry features:

i. Porch;

ii. Stoop; or

iii. Recessed entry.



3. Encroachment: A porch or stoop can encroach up to 4 feet into the required building line provided there is adequate room for sidewalks and all utilities, and it does not have structures above the first floor.

Sec. 42-194. Courtyard Style Development Performance Standards

A group of small single-family residential lots arranged around a shared open space that meets the Courtyard style development performance standards. Units can be attached or detached but no more than 2 units can be on an individual lot.

PRELIMINARY DRAFT FOR PLANNING COMMISSION REVIEW
MARCH 10-2023
Subject to change; not final until approved by City Council
Not approved by City Attorney



1.2.1. Intent

- A. To incentivize a greater range of naturally occurring affordable housing options.
- B. To encourage smaller single-family residential homes that provide functioning open space.
- C. To promote compact development patterns.
- D. To promote access and proximity to an expanded set of mobility options.
- E. To better utilize land closer to existing infrastructure.

1.2.2. Applicability

- A. These standards can only be used on property platted as a unified courtyard style development with single-family restricted lots, reserves and courtyard access drive. Courtyard here does not include roof top courtyards.
- B. The Courtyard style development performance standards apply as shown below.

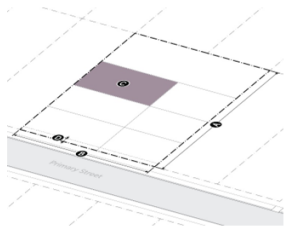
PRELIMINARY DRAFT FOR PLANNING COMMISSION REVIEW
MARCH 10-2023
Subject to change; not final until approved by City Council
Not approved by City Attorney

	Site with No Buildings	Site with Existing Buildings			
		Site	New Building	Reuse of Existing Building	Addition to Existing Building
Site Dimensions	●	●	-	-	-
Building Line	●	-	●	-	●
Courtyard Dimensions	●	●	-	-	-
Courtyard Activation	●	-	●	-	●
Vehicle Access	●	●	-	-	-
Parking Ratios	●	●	-	-	-
Parking Location	●	-	●	-	●
Massing	●	-	●	-	●
Transparency	●	-	●	-	●
Pedestrian Access	●	-	●	-	●

● = Standards apply - = Standards are not applicable

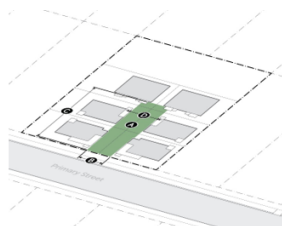
1.2.3. SUMMARY OF PERFORMANCE STANDARDS

A. SITE



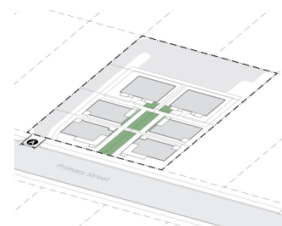
1. Site Requirements		Sec. XX
Site frontage	Street	
a Depth (max)		150'
b Width (min)		50'
Unit size (max)		1,500 SF
Number of lots per site (min)		3
c Lot area (max)		3,500 SF
Lot frontage	Street Alley Courtyard Pedestrian Path Access Drive	
2. Building Lines		Sec. XX
D Street (min)		5'
Courtyard (min)		0'

B. COURTYARD



1. Courtyard Dimensions		Sec. XX
Courtyard area per lot		150 SF
a Courtyard size for main courtyard (min)		480 SF
% of lots that must front a courtyard (min)		50%
B Courtyard width (min)		12'
C Courtyard depth (min)		12'
D Distance between buildings across courtyard (min)		20'
2. Courtyard Activation		Sec. XX
Fence height facing courtyard (max)		3.5'
Courtyard-facing entrance		Required
Pedestrian connection to courtyard		Required

C. PARKING / VEHICLE ACCESS



1. Vehicle Access		Sec. XX
Access from alley (where existing)		Required
Distance between drives (min)		75'
A Access Drive width (min/max)		12'/18'
2. Parking Ratios		Sec. XX
Spaces per unit (min)		
Up to 1,000 SF		1
More than 1,000 SF		2
Guest spaces (min)		1 per 6 lots
Spaces required within 1/2 mile of transit/ 1/4 mile of high comfort bike lane		Market-based
3. Parking Location		Sec. XX
On-site		Required
Off-site		Not allowed
Consolidated parking (detached from individual lot)		Allowed
Between building and street		Not allowed
Between building courtyard		Not allowed

D. BUILDINGS/STREET ACTIVATION



1. Massing		Sec. XX
a Building height (max)		30'
2. Transparency		Sec. XX
B First story (min)		30%
3. Pedestrian Access		Sec. XX
C Street-facing entrance		Required
D Pedestrian connection to public sidewalk		Required

1.2.4. Performance Standards

Projects that use the Courtyard style development performance standards must meet the following requirements.

A. Site Requirements

PRELIMINARY DRAFT FOR PLANNING COMMISSION REVIEW

MARCH 10-2023

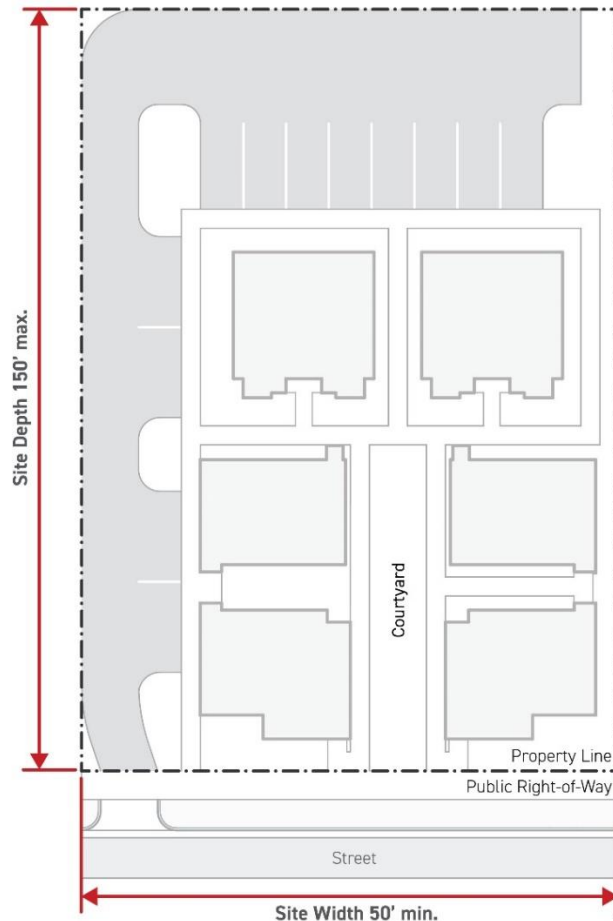
Subject to change; not final until approved by City Council

Not approved by City Attorney

1. Site Frontage: A site must have frontage 50-foot frontage on a public street right-of-way that meets the requirements of Sec. 42-122, not including an alley.

2. Site Depth: No portion of a site can be more than 150 feet from a public street right-of-way containing a roadway, not including an alley.

3. Site Width: A site must be at least 50 feet in width.



4. Lot Area: No individual lot can be more than 3,500 square feet in area.

5. Unit Size: No unit on a site can exceed 1,500 square feet in floor area.

6. Number of Lots: A site must contain at least 3 lots.

7. Lot Frontage:

Each lot on the site must have frontage on one of the following:

a. A public street or alley that meets the requirements of Sec. 42-122;

b. A courtyard that meets the requirements of Sec. 1.2.4.C;

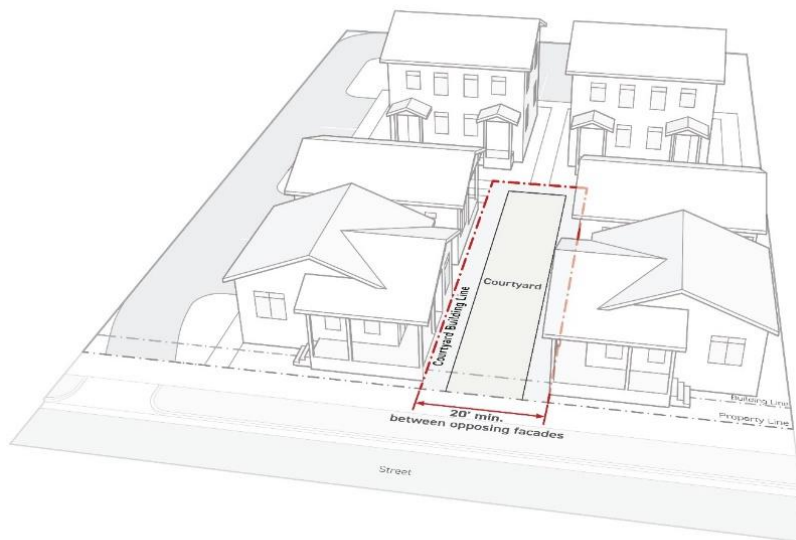
c. A courtyard access drive that meets the requirements of Sec. 1.2.4.D.

d. A pedestrian pathway that is at-least 3 feet wide and connects the dwelling units to courtyard space, parking, and public street.

B. Building Lines

1. Street: The building line requirement for a habitable structure along a public street right-of-way other than major thoroughfare and not including an alley, is 5 feet. A reduced building line of 15 feet is authorized for a habitable structure along major thoroughfares with right-of-way 80 feet or less. Provide pedestrian connections to the sidewalk. All units along the public street must face the street with an entry feature.

2. Courtyard: The building line requirement for a structure along a courtyard is 0 feet but there must be at least 20 feet between opposing building facades across the courtyard, measured from edge to edge of the courtyard, including any pedestrian walkways. A courtyard must be at least 12 feet wide and 12 feet deep.



C. Courtyard Requirements

1. General Requirements

a. In total, 150 square feet of courtyard area must be provided on-site for every lot.

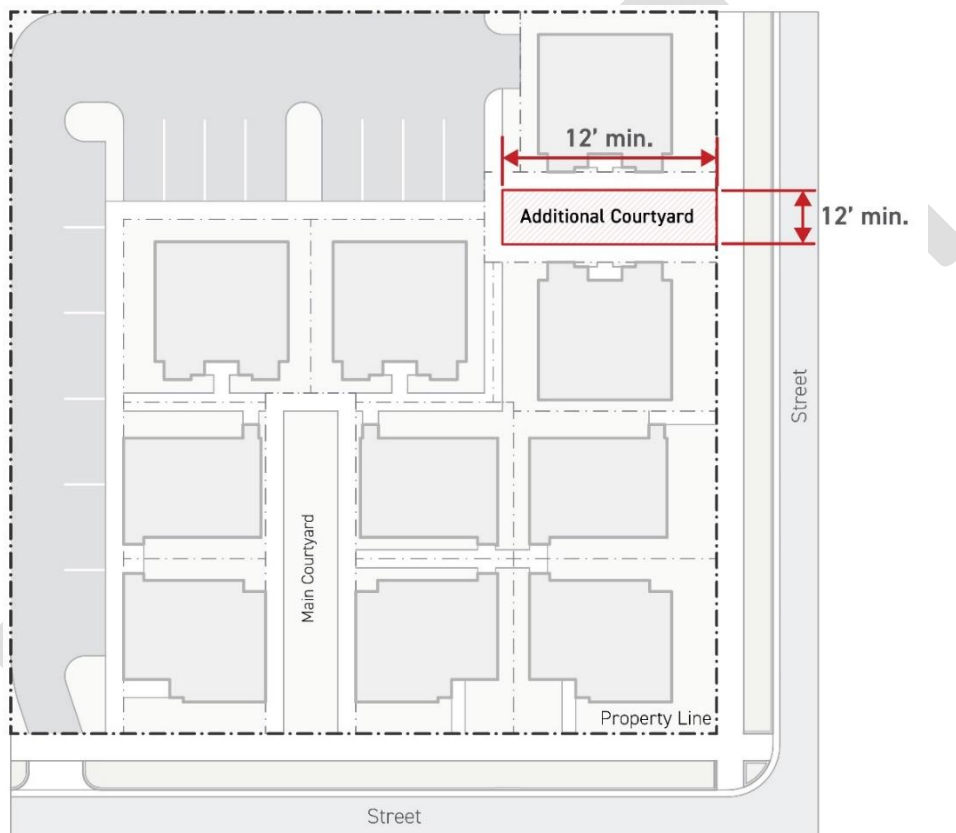
b. At least one courtyard must be provided on-site, and that courtyard must be at least 480 square feet in area, measured from edge to edge of the courtyard, including any pedestrian walkways. This must be designated as the main courtyard for the project.

PRELIMINARY DRAFT FOR PLANNING COMMISSION REVIEW
MARCH 10-2023
Subject to change; not final until approved by City Council
Not approved by City Attorney

c. A least half of all lots must front the main courtyard. To be considered fronting, at least 50% of the width or depth of the lot must front the main courtyard. This could be the front, rear or side lot line.

d. Lots and buildings that front the main courtyard must meet the courtyard activation requirements as described below.

e. Additional courtyards are allowed in order to meet the 150 square foot per lot requirement, but additional courtyards don't have to meet the minimum area of 480 square feet but must meet the minimum width and depth standards below to receive credit for the courtyard requirement.



f. Courtyards must be located at grade and may be a mix of impervious or pervious material and may contain elements such as patios, seating areas, landscaping, lighting, and pedestrian walkways.

2. Courtyard Activation

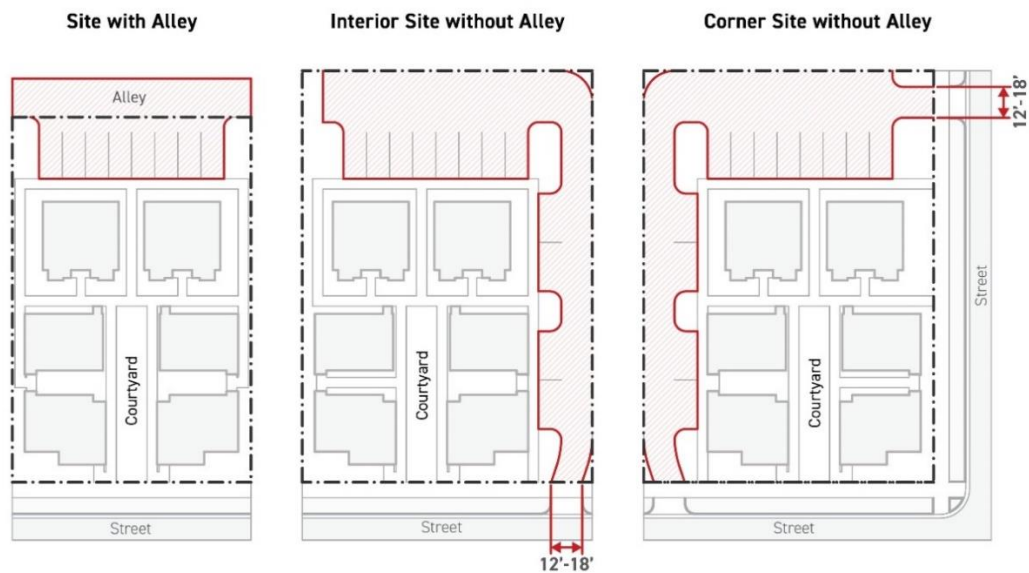
a. Each lot with frontage on the main courtyard must provide an entrance that faces the courtyard.

PRELIMINARY DRAFT FOR PLANNING COMMISSION REVIEW
MARCH 10-2023
Subject to change; not final until approved by City Council
Not approved by City Attorney

- i. The entrance must provide both pedestrian ingress and egress to the first floor of a building.
 - ii. The entrance must provide access to occupiable space.
 - iii. The entrance must provide a minimum 3-foot-wide pedestrian connection to the main courtyard.
- b. A fence with frontage on the main courtyard cannot exceed 3.5 feet in height. If a fence is installed, a pedestrian access gate must be provided for access to the main courtyard.

D. Vehicle Access

- 1. Where an alley that meets the requirements of Sec. XX abuts a site, all vehicle access must take place from that alley.
- 2. On a site without alley access, or abutting an undeveloped alley midblock, a driveway (curb-cut) is allowed every 75 feet along each street frontage, measured along the property line from edge to edge of the pavement from all existing and proposed driveways located on-site only - does not apply to abutting properties.
- 3. A driveway to or from a street must be at least 12 feet wide but can be no wider than 18 feet, measured from edge to edge of driveway along the property line.



E. Parking Ratios

- 1. One parking space must be provided for every dwelling unit 1,000 square feet or less in size.
- 2. Two parking spaces must be provided for every dwelling unit over 1,000 square feet in size.
- 3. One guest parking space must be provided for every 6 lots.

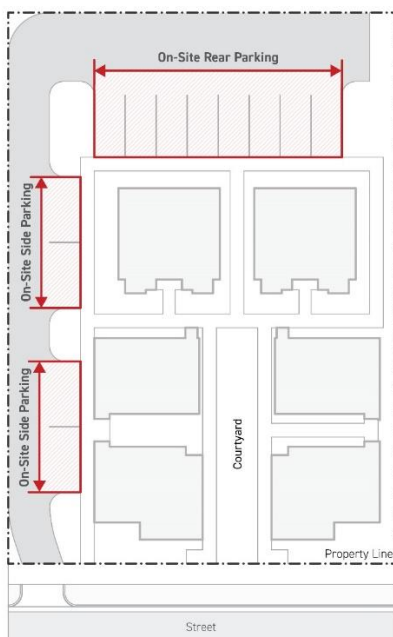
PRELIMINARY DRAFT FOR PLANNING COMMISSION REVIEW
MARCH 10-2023
Subject to change; not final until approved by City Council
Not approved by City Attorney

4. Market based parking for property located within ½ mile of transit (rail stations, high frequency bus stops, blue route bus stops in opportunity zones, transit stations, or park and ride stations) or within ¼ mile of high comfort bike paths. 5. When market-based parking is applied, one bike parking space must be provided per each dwelling unit.

F. Parking Location

1. All required parking spaces must be provided on-site located on the rear or side of the site.

2. Consolidated parking located to the side or rear of the site that is detached from individual lots is allowed. Pedestrian access must be provided from consolidated parking areas to each lot the parking area is intended to serve.



3. When provided, no parking space can be located between a street or courtyard and building facade that faces a street or courtyard.

G. Massing

1. Building Height

a. No building on the site can exceed 30 feet in height.

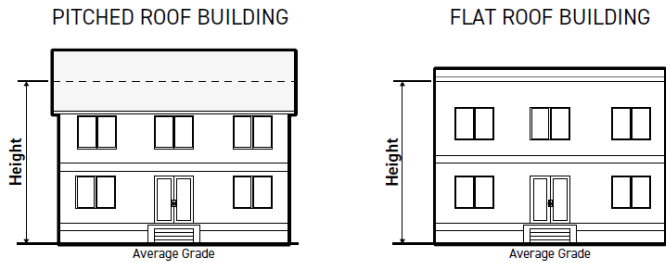
b. Maximum building height is measured as the number of feet from average grade to:

i. The mid-point of the roof, for a building with a pitched roof (more than 3:12);

ii. The top of the roof deck, for a building with a flat roof (3:12 or less); and

iii. The topmost point of the structure, for all other structures.

PRELIMINARY DRAFT FOR PLANNING COMMISSION REVIEW
MARCH 10-2023
Subject to change; not final until approved by City Council
Not approved by City Attorney



2. Encroachments

The following encroachments are allowed beyond the maximum height limit:

Building Elements and Equipment <i>Attached to or integrated onto the top of a building, not intended for human occupation. Examples include HVAC equipment, wind turbines, solar panels, solar water heaters, exhaust ducts, smokestacks, ventilation fans, chimneys, flues, and vent stacks.</i>	3' max
Safety Barriers <i>Used for safety, screening or protection. Examples include fencing, walls, parapets and railings.</i>	6' max
Vertical Circulation <i>Floor area used only for rooftop access.</i>	10' max
Unenclosed Structures <i>Attached to or integrated onto the roof of a building, intended for human shelter or activity. Examples include shade structures, cabanas, pergolas, outdoor dining, permanent seating, beehives, and cooking facilities.</i>	8' max

I. Pedestrian Access

1. Street-Facing Entrance

- a. All lots with frontage on a public street, not including an alley, must provide at least one street facing entry feature.
- b. To be considered street-facing, an entrance must face the public street it is intended to serve. An entrance directly accessed from a porch, stoop or recessed entry counts as a street-facing entrance, regardless of if it faces the public street.

2. Entrance Standards

- a. The required entrance must provide both pedestrian ingress and egress to the first floor of a building.
- b. The required entrance must provide access to occupiable space.
- c. The required entrance must provide a minimum 3-foot-wide pedestrian connection to the nearest public sidewalk.
- d. The required entry feature must include one of the following:
 - i. Porch;

ii. Stoop; or

iii. Recessed entry.

3. Encroachment

A porch or stoop can encroach up to 4 feet into the required building line and cannot have structures above the first floor.

DRAFT