

## **Summary of Ordinance Changes**

2013/14 Planning Commission Subcommittee

Subcommittee Chair: Jim Jard, Houston Planning Commission

Document Date: March 25, 2015

### **Screening of Residential Group Electric Meters**

- Require the screening of group electric meters (three or more meters clustered) that would otherwise be visible from the street. [[Page 1, Section 33-111](#)]

### **Garbage/Recycling Collection Service for Single-Family**

- Change the eligibility requirements for basic garbage collection service for single-family developments that have: 1) 25 residential units or less; and 2) shared driveways or private streets. Developments will be required to have either: 1) 10 feet of frontage along the public street for each residential unit; or 2) an area within the public right-of-way that allows for the placement of two automated collection containers (5'x5') per residential unit. [[Page 1, Section 39-63](#)]

### **Location of Group Mailboxes**

- Clarify where in the public right-of-way a group mailbox can be constructed. The group mailbox cannot obstruct: 1) sidewalks or street paving; 2) visibility at streets or driveways; and 3) access to utilities, fire hydrants, etc. [[Page 15, Section 40-13](#)]

### **Shared Driveways**

- Require single-family developments opting into a building line of five feet or less to provide underground electrical service that meets Centerpoint Energy's design requirements. [[Page 2, Section 42-157](#)]
- Allow a shared driveway to take access from a type 1 permanent access easement. [[Page 2, Section 42-145](#)]
- Modify the standard shared driveway length to be a maximum of 200 feet from a type 1 permanent access easement or a public street with an improved roadway. [[Page 2, Section 42-145](#)]

### **Building Line Encroachments**

- Allow an encroachment into a non-deed restriction building line requirement less than 10 feet along a collector or local street with the following conditions: 1) the encroachment is cantilevered; 2) the encroachment is 30 inches or less; 3) the

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lowest point of the encroachment is at least 9 feet higher than the foundation; 4) for habitable area encroachments, the façade of the encroachment for each floor does not have an area greater than 50% of the total area of the façade for that floor; and 5) no aboveground utility lines exist within 10 feet of the encroachment as measured horizontally. [Page 4, Section 42-151(c)]

- Allow an encroachment into a non-deed restricted building line along a type 2 permanent access easement with the following conditions: 1) the encroachment is cantilevered; 2) the encroachment is 30 inches or less; 3) the lowest point of the encroachment is at least 9 feet higher than the foundation. [Page 4, Section 42-151(d)]
- Clarify the ordinance language for an encroachment into a non-deed restriction building line requirement of 10 feet or more. [Page 3, Section 42-151(b)]
- Clarify the ordinance language for an encroachment into a building line requirement along a shared driveway. [Page 4, Section 42-151(e)]
- Change an encroachment into the building line requirement approved with certificate of appropriateness under the Historic Preservation Ordinance from a “shall approve” variance by the Commission to an exception to the building line requirement. [Page 4, Section 42-151(f)]
- Change an encroachment into the building line requirement for an existing building that was constructed in accordance with the building line in effect at the time of construction from a “dual building line” requiring variance approval by the Commission to an exception to the building line requirement. Any new construction that expands the size, footprint, or dimension of the encroachment must meet the current building line requirements. [Page 4, Section 42-151(g)]

### **Special Minimum Building Line Requirements**

- Change the effective length of a special minimum building line requirement from 20 years to 40 years. [Page 7, Section 42-178(a)]
- Allow the temporary special minimum building line protection to go into effect on the date the application is accepted by the director. [Page 8, Section 42-179(a)]
- Establish an application process to rescind a designation of a special minimum building line requirement. Key Points: 1) property owners of 67 percent of the area must want to remove the requirement; and 2) applications may be

submitted a minimum of five years after the designation is put into place and, if necessary, five years after the last application to rescind was considered. [Page 8, Section 42-178(b)&(c)]

- Establish a simplified process for applying to renew a special minimum building line requirement. [Page 8, Section 42-178(d)&(e)]
- Clarify the ordinance language on how to determine the special minimum building line requirement. [Page 7, Section 42-173(a)]

### **Special Minimum Lot Size Requirements**

- Require the director to advise the applicant during the pre-submittal meeting on the process and criteria used by the Commission and City Council to evaluate the application. [Page 9, Section 42-198(b)]
- Allow the temporary special minimum lot size protection to go into effect on the date the application is accepted by the director. [Page 13, Section 42-208 (a)]
- Revise the application process to rescind a designation of a special minimum lot size requirement. Key points: 1) at least 67 percent of the property owners must want to remove the requirement; 2) the boundaries of a special minimum lot size area may be modified if between 55 and 67 percent of the property owners want to remove the requirement. The remaining boundaries must have at least 55 percent support for keeping the designation; and 3) applications may be submitted minimum of five years after the designation is put into place and, if necessary, five years after the last application to rescind was considered. [Page 11, Section 42-207(b)&(c)]
- Establish a simplified process for applying to renew a special minimum lot size requirement. [Page 13, Section 42-207 (d)&(e)]
- Clarify the ordinance language on how to determine the special minimum lot size requirement. [Page 10, Section 42-202]
- Remove land owned by a government entity or a utility from the calculation of a special minimum lot size requirement so it does not skew the final requirement. [Page 10, Section 42-202]
- Establish that property owned by a government entity or a utility within a proposed special minimum lot size area is considered to be neutral when determining the percentages for the level of support unless otherwise indicated. [Page 10, Section 42-201]

## Miscellaneous or Technical Changes

- Establish a process to allow a variance to the Chapter 10 requirement for a construction and perpetual maintenance agreement when construction is within three feet of a property line adjacent to single-family residential. [Page 1, Section 10-8(b)]
- Establish double application fees for work performed without prior authorization or approval. [Page 15, Section 42-54(b)]
- Technical amendments to various sections, including: correcting typos, revising section numbering, modifying and/or clarifying ordinance language, removing outdated requirements, etc.

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Amend Section 10-8 to read as follows:

**Sec. 10-8. Access rights to adjacent single-family residential property.**

(a) The building official shall not issue a permit for the construction of a new building or addition to an existing building within three feet of property used for or restricted to single-family residential use, as that phrase is defined in chapter 42 of this Code, unless the owner of the property for which a permit is sought has filed a separate instrument in the form provided for by the director of the department of planning and development for recordation in the real property records that provides for the owner's right to enter onto the adjacent single-family residential property for the purpose of performing construction, repairs, and maintenance to the building on the property for which a permit is sought.

(b) The planning commission is authorized to consider and grant variances to the requirements of this section in accordance with the rules and procedures for the granting of variances in chapter 42 of this Code.

Add a Section 33-111 to read as follows:

**Sec. 33-111. Screening of Electric Meters on residential properties.**

A single-family or multi-family residential development that contains three or more electric meters that are clustered together in a group meter or gang meter configuration that is visible from the right-of-way shall install screening around the electric meters in accordance with the following:

- (1) The screen must be constructed out of wood, lattice, metal, brick, vegetation, or other opaque fencing material;
- (2) The screen must be tall enough to obstruct the view of the electric meters from the right-of-way; and
- (3) The screen shall provide for at least three feet of front clearance from the face of the meter and at least two feet of side clearance from the electric meter, or the minimum clearance for electric meters required by all utility companies with authority to service the electric meters.

Amend Section 39-63 to read as follows:

**Sec. 39-63. Eligibility for basic garbage collection service.**

The following residential units shall be eligible for basic garbage collection service:

- (1) Except as provided in item (2) of this section, residential units abutting a public street;
- (2) ~~All residential units within a~~ A development or subdivision containing private streets, permanent access easements or shared driveways, that has 25 residential units or less, shall be eligible to receive automated garbage collection service ~~only~~, provided at least one residential unit located within such development or subdivision is adjacent to or abuts at least one public street and has direct access to that public street, ~~and if:~~
  - ~~a. The development or subdivision contains 25 residential units or less; and~~
  - ~~b. Each automated service container or one-way container is placed at the curblin~~ Each automated service container or one-way container is placed at the curblin ~~on the public street adjacent to the development or subdivision or, if the development or subdivision is adjacent to more than one public street, on the street specified by the director; and~~
  - ~~c. The adjacent public street(s) contains sufficient non-driveway frontage to permit the placement of automated service containers for all residential units within the development or subdivision when spaced on five-foot centers.~~
  - a. The development or subdivision has at least ten feet of frontage on a public street, not including the driveway, for each residential unit within the development or subdivision; or

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b. The development or subdivision contains an area that:

- [1] Contains two distinct 5 foot by 5 foot square areas for each residential unit in the development or subdivision for the placement of automated service containers and recycling containers;
- [2] Does not extend more than 5 feet into the roadway, as that term is defined in Chapter 42 of this Code;
- [3] Does not block or prohibit access to driveways, fire hydrants, or sidewalks;
- [4] Is not on private property; and
- [5] Is on a flat surface free of physical features such as utility poles, trees, and other obstructions.

**Amend Section 42-157(c) to read as follows:**

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

(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 of each lot through an alley or shared driveway, and each dwelling unit on a lot that is adjacent to a public street has a front door that faces the public street and provides pedestrian access to the public street; or

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

(3) Vehicular access to each lot is provided by a shared driveway and:

- 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 that faces the public street and provides pedestrian access to the public street; and

~~e. The subdivision plat contains a plat notation that a fence or wall is required at least two feet from the property line along the street and that the area between the fence or wall and the street shall be planted, landscaped and maintained.~~

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.

**Amend Sections 42-145(a) and (b) to read as follows:**

**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) ~~The total length of the~~ 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

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~~or less as~~ measured along the centerline of the shared driveway starting from the intersection with the type 1 permanent access easement or the public street, ~~provided however that~~

- (3) ~~a~~A shared driveway may be ~~more than 200 feet in 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;
  - (34) 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;
  - (54) Any parking space in a subdivision containing a shared driveway shall provide sufficient space for turning movements as depicted on the drawing of the space requirements for off street parking in the Construction Code;
  - (65) 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
  - (76) 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.

**Amend Section 42-150(d) by deleting the phrase "for habitable structures" from the row for "Type 2 Permanent Access Easements."**

**Amend Section 42-151 to read as follows:**

**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 10 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, ~~and decorative features,~~ and habitable area if: ~~the minor encroachment is cantilevered into the building line requirement; and~~
    - 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 9 feet higher than the highest point of the building foundation;
    - c. The encroachment for habitable living area for each floor does not have an area greater than 50% of the total area of the building façade for that floor; and [INSERT GRAPHIC]

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- (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 10 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 9 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% of the total area of the building façade for that floor; and [INSERT GRAPHIC]
- (4) The encroachment is not within 10 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.. [INSERT GRAPHIC]

(d) 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 9 feet higher than the highest point of the building foundation.

(ee) Encroachments into the building line requirement along a shared driveway established by this article shall be permitted if ~~the encroachment is:~~

- (1) ~~The encroachment is Cantilevered~~ ~~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~~ ~~or more in vertical height as measured from~~ the highest point of the shared driveway paving ~~to the lowest point of the encroachment.~~

(f) 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) 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) No additional construction on the portion of the existing building that encroaches into the building line requirement shall be permitted that expands 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



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- (4) A subdivision plat filed with the department after [insert effective date of the ordinance] 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.

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**Amend the definition of blockface in Chapter 42 to read as follows:**

*Blockface* shall mean that portion of a block that abuts a street between two intersecting streets, or between an intersecting street and the termination of the street. A street shall be considered to terminate at the intersection of a railroad or a drainage channel required by a governmental entity with flood control jurisdiction, except for purposes of the intersection spacing requirements of this chapter.

**Amend Section 42-170(b) to read as follows:**

**Sec. 42-170. In general.**

- (b) An area is eligible for designation of a special minimum building line block if it:
- (1) Contains not less than one blockface and no more than two opposing blockfaces;
  - (2) Contains every lot on each blockface within the proposed area;
  - (3) Forms a contiguous area;
  - (4) Contains lots, at least 60 percent of which are developed for or restricted to single-family residential use, exclusive of land used for a park, utility, drainage or detention, public recreation or community center, library, place of religious assembly or an elementary, junior high, or high school; and
  - (5) Contains at least one lot that does not have a building line established by deed restrictions.

**Amend Section 42-171(a)(5) to read as follows:**

- (5) Include a map depicting boundaries of the proposed special minimum building line block ~~that demonstrates compliance with the eligibility requirements of subsection (b) of section 42-170 of this Code.~~

**Amend Sections 42-172 to read as follows:**

**Sec. 42-172. Application review.**

(a) Upon receipt of an application, the director shall determine whether the application meets the requirements of section 42-171 of this Code. After evaluating the application, the director shall accept or reject the application and give written notice to the applicant that the application has been accepted or that the application has been rejected and that additional information must be provided by the applicant.

(ab) After accepting an application pursuant to subsection (a) of this section, ~~The~~ the director shall review each application for completeness and shall determine the effective building line requirement pursuant to section 42-173 of this Code. If an application satisfies the eligibility requirements of section ~~42-174-170~~ of this Code, the director shall consider the application to be complete. If an application does not satisfy the eligibility requirements of section ~~42-174-170~~ of this Code, the director shall either:

(1) ~~consider~~ Consider the application incomplete, return the application to the applicant for revision, and advise the applicant of the specific deficiencies within the application; or-

(e2) ~~If~~ For an application with two blockfaces ~~does not meet the eligibility requirements of subsection (b) of section 42-170 of this Code~~, the director may modify the boundaries of the proposed special minimum building line block by removing a blockface so that the boundaries as amended satisfy the requirements, after which the director shall consider the application to be complete.

(ec) The director shall, within 15 business days of receipt of a complete application, give notice by first class mail to the owners of lots within the proposed special minimum building line block as shown on the current appraisal district records. The notice shall inform the owners of lots of the application and the procedure for review and consideration of the application. The notice shall also inform the owners of lots of their prerogative to file a written protest of the application with the department within 30 days of the date of the notice.

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- (ed) The director shall give notice by electronic mail to each district city council member in whose district any lot within the proposed special minimum building line block is located.
- (fe) The applicant shall place two signs on each blockface within the proposed area that shall conform to the specifications prescribed by the director. The director shall approve an alternative to the number and location of signs required by this subsection upon determining that the alternative will provide sufficient visibility of the signs and accomplish the objectives of this section without unduly burdening the applicant. The applicant shall use reasonable efforts to maintain each required sign on each blockface until either the director refers an approved application to city council or the commission takes final action on an application.
- (gf) For an application signed by the owners of 51 percent or more of the land within the proposed special minimum building line block, if no timely written protest by an owner of a lot within the proposed special minimum building line block is received by the department, and the director finds that the application meets the approval criteria of section 42-175 of this chapter, the director shall approve the application and refer the application directly to city council for consideration.
- (hg) If the director is not able to approve the application, the director shall refer the application to the commission for review and consideration pursuant to section 42-175 of this Code.

Amend Section 42-173 to read as follows:

**Sec. 42-173. Determination of special minimum building line requirement.**

- (a) The following formula shall be used to determine the special minimum building line requirement:
  - (1) List all of the lots within the proposed special minimum building line block that have an existing building or buildings constructed in descending order of building lines.
  - (2) Express each lot's building line as a percentage of the total sum of the building lines within the proposed special minimum building line block by dividing the building line of each lot with the sum of the combined building lines of all lots within the entire special minimum building line block.
  - (3) Add the areas expressed as a percentage in the order of the list until the cumulative sum of the percentages reaches 70 percent or greater, or in the case of a special minimum building line block within a historic district designated by city council, 60 percent or greater.
  - (4) The building line of the lot at which the cumulative sum reaches the percentage required by item (3) of this section is the special minimum building line requirement.

~~The minimum building line requirement shall be the smallest constructed building line of the 70 percent of the buildings in the proposed area farthest from the public street. If the proposed area is within an historic district designated pursuant to article VII of chapter 33 of this Code, the minimum building line requirement shall be the smallest constructed building line of the 60 percent of the structures in the proposed area farthest from the public street.~~
- (b) The constructed building line shall be measured from the property line adjacent to the blockface to the nearest point of the building footprint excluding uninhabitable porches.

Amend Section 42-178 to read as follows:

**Sec. 42-178. Term and expiration; application to rescind; application to renew.**

- (a) A special minimum building line ~~block~~ requirement established pursuant to an application that the director determines to be complete after [insert effective date of this ordinance] shall terminate 20-40 years after the effective date of the ordinance establishing the block, unless earlier terminated earlier by an ordinance adopted by the city council. A special minimum building line requirement established pursuant to an application that the director determines to be complete before [insert effective date of this ordinance] shall terminate 20 years after the effective date of the ordinance establishing the special minimum building line requirement unless terminated earlier by an ordinance adopted by city council.

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(b) An application to rescind a special minimum building line requirement shall comply with the application requirements of section 42-171 of this Code except that items (3), (4), and (5) of subsection (a) of section 42-171 of this Code shall not be required. The application to rescind shall be accepted by the director no earlier than five years after the effective date of the ordinance establishing the special minimum building line requirement, and no earlier than five years after the final action on the most recent application to rescind the special minimum building line requirement. Notwithstanding the foregoing, an application may be accepted by the director if the applicant provides new information regarding changed circumstances that the director determines warrants the acceptance of the application. The application shall be reviewed in accordance with the provisions of this subdivision for a new application for designation of a special minimum building line requirement, as applicable, except as provided by subsection (c) of this section.

(c) In addition to the criteria for reviewing an application to establish a special minimum building line requirement in this subdivision, an application to rescind a special minimum building line requirement shall be evaluated in accordance with the following:

- (1) If the application is not signed by the property owners of 67 percent of the area within the special minimum building line block, the application fails and no further action shall be taken;
- (2) If the application is signed by the property owners of 67 percent of the area within the special minimum building line block and no timely written protest is received by the department, the director shall approve the application and refer the application directly to city council for consideration; and
- (3) If the application is signed by property owners of 67 percent of the area within the special minimum building line block and a timely written protest is received by the department, the director shall refer the application to the commission. The commission shall approve the application and refer the application to city council for consideration if the special minimum building line block no longer satisfies the criteria of section 42-175 of this Code.

(d) An application to renew a special minimum building line requirement shall comply with the application requirements of section 42-171 of this Code except that items (2), (3), (4), and (5) of subsection (a) of section 42-171 shall not be required. The application to renew shall be accepted by the director no earlier than two years before the expiration of the ordinance establishing the special minimum building line requirement. The application shall be reviewed in accordance with the provisions of this subdivision for a new application for designation of a special minimum building line requirement, as applicable, except as provided by subsection (e) of this section.

(e) For an application to renew a special minimum building line requirement that does not receive a timely protest by an owner of a lot within the proposed special minimum building line block, and the director finds that the application meets the approval criteria of 42-175 of this chapter, the director shall approve the application and refer the application directly to city council for consideration.

**Amend Section 42-179(a) to read as follows:**

- (a) A complete, valid, subdivision plat, development plat, or building permit application filed with the department shall be subject to the special minimum building line requirement only if it is filed after the date an application for a special minimum building line block is ~~determined to be complete~~accepted by the director.

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**Amend Section 42-197(b) to read as follows:**

**Sec. 42-197. In general.**

- (b) An area is eligible for designation as a special minimum lot size block if it:
- (1) Contains not less than one blockface and no more than two opposing blockfaces;
  - (2) Contains all lots on each blockface within the proposed area;
  - (3) Forms a contiguous area without containing any out tracts;
  - (4) Contains lots, at least 60 percent of which are developed for or restricted to single-family use, exclusive of land used for a park, utility, drainage or detention, public recreation or community center, library, place of religious assembly or an elementary school, junior high school, or high school; and
  - (5) Contains at least one lot that does not have a minimum lot size established by deed restrictions.

**Amend Section 42-198(a)(5) to read as follows:**

- (5) Include a map depicting boundaries of the proposed block or area ~~that demonstrates compliance with the requirements of subsections (b) or (c) of section 42-197 of this Code.~~

**Amend Section 42-198(b) to read as follows:**

- (b) Prior to the filing of an application with the department, the applicant shall meet with the director. The director shall conduct a preliminary review of the application during the pre-submittal meeting and advise the applicant of the procedures for applications as well the criteria used by the commission and city council to evaluate an application. The director shall also advise the applicant of any notable deficiencies that would cause the application to be considered incomplete or that would cause the application to not conform to the criteria.

**Amend Section 42-199 to read as follows:**

**Sec. 42-199. Application review.**

- (a) Upon receipt of an application, the director shall determine whether the application meets the requirements of section 42-198 of this Code. After evaluating the application, the director shall accept or reject the application and give written notice to the applicant that the application has been accepted or that the application has been rejected and that additional information must be provided by the applicant.
- (b) After accepting an application pursuant to subsection (a) of this section, ~~The~~ the director shall review each application for completeness and shall determine the effective minimum lot size requirement pursuant to section 42-202 of this Code. If an application satisfies the eligibility requirements of section 42-~~198-197~~ of this Code, the director shall consider the application to be complete for an application for a special minimum lot size block or initially complete pending completion of the additional procedures of section 42-201 of this Code for an application for a special minimum lot size area.
- (~~b~~c) If an application does not satisfy the eligibility requirements of section 42-~~198-197~~ of this Code, the director shall either:
- (1) ~~consider~~ Consider the application incomplete, return the application to the applicant for revision, and advise the applicant of the specific deficiencies within the application ~~;~~ or

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- (e2) ~~If an application does not satisfy the requirements of subsection (b) or (c) of section 42-197 of this Code, the director may modify~~ Modify the boundaries of the proposed area by removing a blockface from a special minimum lot size block or one or more blockfaces from a special minimum lot size area so that the boundaries as amended satisfy the requirements, after which the director shall consider the application for a minimum lot size block to be complete or an application for a minimum lot size area to be initially complete.

**Amend Sections 42-200(a) and (e) to read as follows:**

**Sec. 42-200. Additional procedures for a special minimum lot size block application.**

- (a) For an application for a special minimum lot size block, the director shall, within 15 business days of the receipt of a complete application, give notice of the application by first class mail to the owners of lots included in the application as shown on the current appraisal district records.
- (e) For an application signed by the owners of 51 percent or more of the area within the proposed block, if no timely written protest by an owner of a lot within the proposed block is received by the department, and the director finds that the application meets the approval criteria of section 42-204 of this chapter, the director shall approve the application and refer the application directly to city council for consideration.

**Amend Sections 42-201(a) and (f) to read as follows:**

**Sec. 42-201. Additional procedures for a special minimum lot size area application.**

- (a) For an application for a special minimum lot size area, the director, within 30-60 days of receipt of an initially complete application, shall establish a date for a community meeting on the application which shall be not later than 60-90 days after determination that the application is initially complete. The director shall give notice of the meeting by first class mail to all owners of lots within the proposed area as indicated on the current appraisal district records not later than 15 days prior to the date of the community meeting. The notice shall include the date, time, and location of the community meeting, and the procedures for consideration of an application.
- (f) After the deadline for returning response forms mailed in accordance with subsection (e) has passed, the director will determine if owners of 55 percent of the ~~lots in the~~ proposed area support the designation of the special minimum lot size area. For purposes of determining whether 55 percent of the proposed area supports the designation, the director shall not count land that is owned by a governmental entity or a utility that does not return a response form. If the director finds that 55 percent of the proposed area supports the designation, the application will be considered complete. If the director is unable to make the determination, the director shall:
- (1) Modify the boundaries of the proposed area by removing one or more blockfaces if the modification will result in boundaries where the owners of 55 percent of the lots support designation of the proposed area. If the director modifies the boundaries in a way that achieves 55 percent support, the application will be considered complete; or
  - (2) Determine that the application fails and that no further action will be taken by the department or the commission. The director shall give notice by first class mail to the owners of all lots within the proposed area as shown on the current appraisal district records that the application has failed to meet the criteria of this subdivision and that there will be no public hearing before the commission.

**Amend Section 42-202 to read as follows:**

**Sec. 42-202. Determination of special minimum lot size requirement.**

The following formula shall be used to determine the special minimum lot size requirement:

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- (1) List all of the lots within the proposed special minimum lot size block or area that are not owned by a governmental entity or utility in descending order of lot sizes.
- (2) Express each lot's area as a percentage of the total area of all lots within the proposed special minimum lot size block or area by dividing the square footage of each lot with the sum of the square footage of all lots within the entire special minimum lot size block or area.
- (3) Add the areas expressed as a percentage in the order of the list until the cumulative sum of the percentages reaches 70 percent or greater, or in the case of a special minimum lot size block or area within a historic district designated by city council, 60 percent or greater.
- (4) The square footage of the lot at which the cumulative sum reaches the percentage required by item (3) of this section is the special minimum lot size requirement.

~~The minimum lot size requirement shall be the smallest lot size of the largest 70 percent of the lots in the proposed block or area. If the proposed area is within an historic district designated pursuant to article VII of chapter 33 of this Code, the minimum lot size requirement shall be the smallest lot size of the largest 60 percent of the lots in the proposed block or area.~~

**Amend Sec. 42-204(b)(3) to read as follows:**

**Sec. 42-204. Commission review and consideration.**

- (3) Modify the boundaries of the proposed block or area by removing one or more blockfaces if the modification will result in boundaries of a block or area that the commission determines to satisfy the criteria of subsection (a) of this section.

**Amend Section 42-207 to read as follows:**

**Sec. 42-207. Term and expiration; application to rescind; application to renew.**

(a) ~~\_\_\_ A special minimum lot size block or special minimum lot size area requirement established pursuant to an application that the director determines to be complete by city council after ~~[insert effective date of this ordinance]~~ May 24, 2013 shall be effective for 40 years after the effective date of the ordinance establishing the requirement area unless ~~earlier~~ earlier terminated by an ordinance adopted by city council ~~or an application to rescind is approved by city council in accordance with this section.~~ A special minimum lot size requirement established pursuant to an application that the director determines to be complete before May 24, 2013 shall be effective for 20 years after the effective date of the ordinance establishing the minimum lot size requirement unless terminated earlier by an ordinance adopted by city council.~~

(b) ~~\_\_\_ An application to rescind a special minimum lot size requirement shall comply with the application requirements of section 42-198 of this Code for establishing a special minimum lot size requirement except that items (2) and (5) of subsection (a) of section 42-198 of this Code shall not be required. The application to rescind and shall ~~only~~ be accepted by the director no earlier than five years after the effective date of the ordinance establishing the special minimum lot size requirement and no earlier than five years after the final action on the most recent application to rescind the special minimum lot size requirement. The application to rescind shall be accepted by the director no earlier than five years after the effective date of the ordinance establishing the special minimum building line block, and no earlier than five years after the final action on the most recent application to rescind the special minimum building line block. Notwithstanding the foregoing, an application may be accepted by the director if the applicant provides new information regarding changed circumstances that the director determines warrants the acceptance of the application during the two year period prior to the twentieth year after the effective date of the ordinance establishing the block or area. The application shall be reviewed in accordance with the provisions of this subdivision for a new application for designation of a special minimum lot size block or special minimum lot size area, as applicable, except as provided by subsection (c) of this section.~~

- (c) ~~After return of the response forms pursuant to section 42-201 of this Code, or after consideration by~~

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~~the commission pursuant to section 42-204 of this Code, In addition to the criteria for reviewing an application to establish a special minimum lot size requirement in this subdivision, an application to rescind a special minimum lot size requirement shall be evaluated in accordance with the following area shall be reviewed and acted upon as follows:~~

- (1) For an application to rescind a special minimum lot size block:
  - a. If the application is not signed by the property owners of 67 percent of the area within the special minimum lot size block, the application fails and no further action shall be taken;
  - b. If the application is signed by the property owners of 67 percent of the area within the special minimum lot size block and no timely written protest is received by the department, the director shall approve the application and refer the application directly to city council for consideration; and
  - c. If the application is signed by property owners of 67 percent of the area within the special minimum lot size block and a timely written protest is received by the department, the director shall refer the application to the commission. The commission shall approve the application and refer the application to city council for consideration if the special minimum lot size block no longer satisfies the criteria of section 42-204 of this Code.
  
- (2) For an application to rescind a special minimum lot size area:
  - a. If the application does not receive the support of the property owners of 55 percent of the area after return of the response forms required by section 42-201 of this Code, the application fails and no further action shall be taken;
  - b. If the application receives the support of the property owners of 67 percent of the area within the special minimum lot size area after return of the response forms required by section 42-201 of this Code, the commission shall approve the application and refer the application to city council if it finds the special minimum lot size area no longer satisfies the requirements of section 42-204 of this Code; and
  - c. If the application receives the support of the property owners of less than 67 percent but more than 55 percent of the area within the special minimum lot size area after return of the response forms required by section 42-201 of this Code, the commission may modify the boundaries of the proposed area by removing one or more blockfaces if the modification will result in boundaries of the area that the commission determines to continue to satisfy the criteria of section 42-204 of this Code. The commission shall consider written opposition of the application to rescind or the failure to submit a response form signed by the property owner as continued sufficient support of the special minimum lot size designation. If the commission modifies the boundaries of the special minimum lot size area in accordance with this section, the application shall be forwarded to city council for consideration.

~~If the owners of 60 percent of the lots do not support the continued designation of the special minimum lot size area, the application to rescind shall be forwarded to city council for consideration;~~

- (2) ~~If the owners of 40 percent of the lots do not support continued designation of the special minimum lot size area, the boundaries of the area may be modified in accordance with the provisions of this subdivision to achieve an area with 60 percent support for the designation of the area, and the application to rescind the special minimum lot size requirement outside the boundaries as modified shall be forwarded to city council for consideration. The special minimum lot size requirement for the area as modified shall be effective for the duration of the 20-year extension; and~~



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~~(3) If less than 40 percent of the lots do not support continued designation of the special minimum lot size area, the application to rescind fails and the special minimum lot size requirement shall be effective for the duration of the 20-year extension unless otherwise terminated by city council.~~

~~(d) An application to renew a special minimum lot size requirement shall comply with the application requirements of section 42-198 of this Code except that items (2), (3), and (5) of subsection (a) of section 42-198 shall not be required. The application to renew shall be accepted by the director no earlier than two years before the expiration of the ordinance establishing the special minimum lot size requirement. The application shall be reviewed in accordance with the provisions of this subdivision for a new application for designation of a special minimum lot size block or special minimum lot size area, as applicable, except as provided by subsection (e) of this section.~~

~~(e) In addition to the criteria for reviewing an application to establish a special minimum lot size requirement in this subdivision, an application to renew a special minimum lot size requirement shall be evaluated in accordance with the following:~~

~~(1) For an application to renew a special minimum lot size block that does not receive a timely protest by an owner of a lot within the proposed special minimum lot size block, and the director finds that the application meets the approval criteria of 42-204 of this chapter, the director shall approve the application and refer the application directly to city council for consideration;~~

~~(2) For a special minimum lot size area, the application to renew shall be administratively approved by the director and forwarded to city council for consideration if the owners of less than 10 percent of the special minimum lot size area oppose the renewal of the special minimum lot size requirement after return of the response forms required by section 42-201 of this Code, and the director finds that the application meets the approval criteria of 42-204 of this chapter; and~~

~~(3) Applications that cannot be administratively approved by the director shall be evaluated in accordance with the procedures for applications to establish a special minimum lot size requirement.~~

**Amend Section 42-208(a) to read as follows:**

~~(a) A complete, valid subdivision plat or development plat application filed with the department shall be subject to the special minimum lot size requirement only if it is filed after the time an application for a special minimum lot size block or special minimum lot size area is determined-accepted by the director pursuant to section 42-199(a) of this Code. to be complete or an application for a special minimum lot size area is determined to be initially complete.~~

**Amend Section 42-47(c) to read as follows:**

**Sec. 42-47. Applications requesting variance.**

~~(c) The applicant for a variance shall pay all costs and shall provide information in the form prescribed by the director associated with the notice provisions of section 42-83 of this Code.~~

~~(e) The application for a general plan, subdivision plat or development plat requiring notification pursuant to part a. of section 42-83(a)(1) of this Code shall provide the following:-~~

~~(1) A list identifying all owners of lots that are within 250 feet of the boundary of the plat as well as all lots or tracts that are along or across from a blockface that abuts any street or private roadway extending 500 feet from the plat as measured along the centerline of any street or private roadway that abuts the boundary of the plat, as shown on the most current appraisal district records.~~

~~(2) One stamped envelope addressed to each landowner indicated on the tax roll list as provided above containing a copy of the notice in the form specified by the director and approved by the city attorney.~~

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Amend Section 42-48(c) to read as follows:

**Sec. 42-48. Applications requesting special exception.**

- (c) The applicant for a special exception shall pay all costs and shall provide information in the form prescribed by the director associated with the notice provisions of section 42-83 of this Code.
- ~~(c) The application for a general plan, subdivision plat or development plat requiring notification pursuant to part a. of section 42-83(a)(1) of this Code shall provide the following:-~~
- ~~(1) A list identifying all owners of lots that are within 250 feet of the boundary of the plat as well as all lots or tracts that are along or across from a blockface that abuts any street or private roadway extending 500 feet from the plat as measured along the centerline of any street or private roadway that abuts the boundary of the plat, as shown on the most current appraisal district records.-~~
  - ~~(2) One stamped envelope addressed to each landowner indicated on the tax roll list as provided above containing a copy of the notice in the form specified by the director and approved by the city attorney.-~~

Amend Sections 42-49(a), (d), and (e) to read as follows:

**Sec. 42-49. Replats requiring notification of adjacent property owners.**

(a) A subdivision plat that is a replat subject to the provisions of section 212.015 of chapter 212 shall provide the following:

- (1) A written statement indicating the applicant's intention to seek commission approval under the requirements of section 212.015 of chapter 212.
- ~~(2) A list identifying all owners of lots that are within 250 feet of the lots to be replatted, as well as all lots or tracts that are along or across from a blockface that abuts any street or private roadway extending 500 feet from the plat as measured along the centerline of any street or private roadway that abuts the boundary of the plat, as shown on the most recently approved ad valorem tax rolls of either the city or, in the case of a replat in the city's extraterritorial jurisdiction, the county in which the property proposed to be replatted is located. The information required in the form specified by the director to provide notification in accordance with this section.-~~
- ~~(3) One stamped envelope addressed to each landowner indicated on the tax roll list as provided above containing a copy of the notice in the form specified by the director and approved by the city attorney. All costs associated with the notice provisions of this section.~~

(d) The director shall give notice of a public hearing by mailing a letter, first class, postage paid, to the owners of all lots or tracts that are within 250 feet of the boundary of the subdivision plat as well as all lots or tracts that are along or across from a blockface that abuts any street or private roadway extending 500 feet from the plat as measured along the centerline of any street or private roadway that abuts the boundary of the plat as shown on the most current appraisal district records before the 15th day before the first meeting at which the commission will first consider the application;

(e) The director shall give notice of a public hearing by mailing a letter by first class, postage paid, or by electronic mail message to each neighborhood association registered with defined boundaries with the department in whose area the subdivision plat is located as soon as reasonably possible before the first meeting at which the commission will consider the application.

Amend Section 42-80(a) to read as follows:

**Sec. 42-80. Expiration of subdivision plat and development plat approval; extension of approval.**

(a) Approval of a preliminary or final class III plat or a class II plat shall be valid for a period of 12+ months from the date on which the commission approved the preliminary or final subdivision plat. The commission shall extend the period of validity of an unrecorded class II plat or class III plat for not more than 12 months from the

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original expiration date upon the written request of the owner of the land subject to the subdivision plat.

**Remove Section 42-81(e) and renumber the subsequent subsections of 42-81:**

~~(e) — The commission shall grant a variance from the building line requirement of division 3 of article III of this Code to an applicant who presents a certificate of appropriateness issued pursuant to article VII, chapter 33, of this Code, relating to historic preservation, evidencing approval of a building line other than the setback required by division 3 of article III of this chapter. In addition, the commission shall grant the applicant a variance from one or more requirements of this chapter when the commission determines that the granting of the variance is consistent with a certificate of appropriateness issued pursuant to article VII, chapter 33, of this Code, relating to historic preservation.~~

**Amend Section 42-54 to read as follows:**

**Sec. 42-54. Application fees.**

(a) The director may, from time to time, with the assistance of the department of finance, pursuant to Administrative procedure 4-9, prepare and submit for approval by motion of the city council revisions to the ~~schedule of fees~~city fee schedule that shall be paid by an applicant for services performed by the department in accordance with the provisions of this chapter for a subdivision plat, development plat, general plan and street dedication plat. The fees approved under this provision shall be included in the city fee schedule. Payment of any applicable fees when due is a condition of the processing of any application under this article.

(b) Unless otherwise specified in the city fee schedule, application fees shall be doubled for work performed without prior authorization or approval required by this chapter.

**Amend 42-129(a) to read as follows:**

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

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

**Amend 42-132(c) to read as follows:**

**Sec. 42-132. Curves.**

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

**Renumber Section 42-135 as Section 42-134 and amend corresponding references to Section 42-135 in Section 42-81(g)(1) and Section 42-163.**

**Amend Section 40-13 to read as follows:**

**Sec. 40-13. Group mailboxes or cluster box units.**

For purposes of this section, a cluster box unit means a pedestal-mounted or wall-mounted centralized mail receptacle containing multiple mailboxes. A group mailbox or cluster box unit may only be constructed in the public right-of-way if the group mailbox or cluster box unit does not obstruct:

- (1) A sidewalk, street, or other paved improvement in the public right-of-way;
- (2) Visibility at the intersection of a street with a private driveway or another street; and
- (3) Access to utilities, fire hydrants, or other objects lawfully placed within the public right-of-way.

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Amend Section 42-46(3) to read as follows:

**Sec. 42-46. Development plat submittal requirements.**

- (3) Include three copies 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; ~~and~~
  - d. 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; and