

**Sec. 42-1. Definitions.**

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As used in this chapter, the following terms shall have the meanings ascribed in this section unless the context of their usage clearly indicates another meaning:

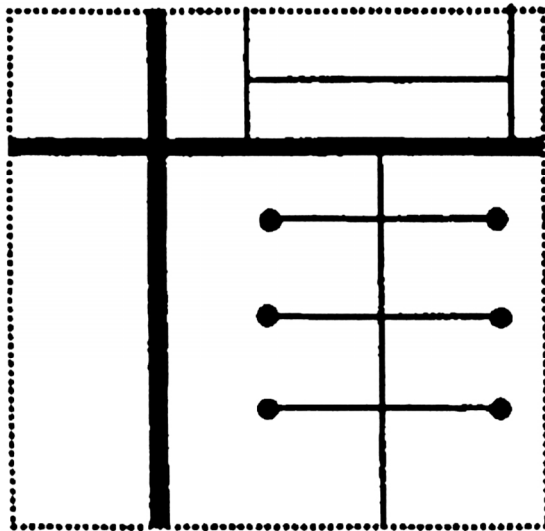
*Replat* shall mean a subdivision plat prepared, ~~and approved, and recorded~~ under the applicable provisions of ~~chapter 212 and this chapter~~ that is controlling over the previous plat or a portion of the previous plat without vacation of that plat.

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**Sec. 42-24. General plan.**

- (a) When property is proposed to be subdivided in sections, a general plan illustrating all contiguous property under one ownership, legal interest or common control shall be submitted prior to or simultaneously with the application for the subdivision plat for the first section.



- (b) The general plan shall show:
- (1) The alignment of any major thoroughfares within or adjacent to the property in accordance with the major thoroughfare and freeway plan and all collector streets that are necessary to demonstrate an overall circulation system for the property that will meet the requirements of article III of this chapter;
  - (2) Recorded easements; and
  - (3) All the floodways and the 100- and 500-year floodplains per current FEMA (Federal Emergency Management Agency) map as may be approved by

the flood plain administrator that was effective at the time of the general plan approval; and

- (34) At the option of the applicant, one or more local streets, which shall extend into and connect with existing local streets and be consistent with local streets shown on any general plans for abutting property.
- (c) The general plan also may identify the number of sections anticipated to be platted pursuant to the general plan and proposed land uses including single-family residential, multi-family residential, restricted and unrestricted reserves, utility plant sites, drainage and detention facilities and proposed easements affecting the subdivision of the property.
- (d) Commission approval of a general plan shall be noted on the face of the plan and shall be applicable only to the major thoroughfare, collector street pattern and any local street shown on the general plan.
- (e) The general plan may be amended in the same manner required for approval of the initial general plan.
- (f) A general plan shall remain in effect for four years from the date of commission approval, subject to extension as provided herein. Any amendment of the general plan shall not result in an extension of the effective period. Recordation of a subdivision plat for a section within the general plan during the effective period of the general plan shall renew the general plan for an additional four years from the expiration date of the general plan if the recorded subdivision plat meets the following requirements:
- (1) The subdivision plat is consistent with the general plan; and
  - (2) The subdivision plat represents the lesser of 20 percent of the total acreage in the general plan or 25 acres.

Recordation of a street dedication plat shall not extend the effective period of a general plan; provided, however, that a street dedication plat that dedicates a major thoroughfare or a collector to its points of connection with adjacent properties as shown on the general plan shall extend the general plan for four years. Nothing shall prohibit an applicant from filing an application for a general plan for the same property that was included in an expired general plan.

- (g) As long as the general plan remains in effect, the street system approved in the general plan shall form the basis for street system extensions into adjacent properties to be platted, unless the subdivider of such properties demonstrates that the requirements of article III of this chapter can be met without the street extensions.

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**Sec. 42-41. Additional requirements—All subdivision plats.**

Each preliminary or final subdivision plat submittal, regardless of class, shall:

- (1) State the proposed name of the subdivision, which shall ~~conform to the following requirements:~~
  - a. ~~The name shall not be a duplicate of any subdivision or development of record within the city or its extraterritorial jurisdiction and conform to the current subdivision naming standards promulgated by the director and located on the planning department website; and~~
  - b. ~~The name of a subdivision plat subject to the provisions of section 42-49 of this Code that is a partial replat of a preceding subdivision plat where all of the lots in the preceding plat are subject to the same separately filed deed restrictions shall be the name of the prior subdivision plat followed by "partial replat no. X", where "X" represents the next sequential number of partial replats of the prior subdivision. To illustrate, the first partial replat of "Sunny Land Subdivision" would be named "Sunny Land Subdivision partial replat no 1," the second partial replat would be named "Sunny Land Subdivision partial replat no 2," and so on;~~
- (2) Provide the legal description of the property proposed to be subdivided, including the name of the previous subdivision as applicable, the name of the county, survey and abstract number;
- ~~(3)~~ and a Provide reference to the nearest corner or street right-of-way intersection in the general area;
- ~~(34)~~ Show the location of all streets, shared driveways, alleys and easements within the subdivision plat boundaries;
- ~~(45)~~ Show the location of all building lines required by this chapter;
- ~~(56)~~ State the total acreage within the subdivision and the total number of lots, blocks and reserves;
- ~~(67)~~ Identify the owner of the property. If the owner of the property is not a natural person, state the name of the entity along with the name of the individual authorized to execute the subdivision plat on behalf of the entity;
- ~~(78)~~ Identify the person or firm who prepared the plat;
- ~~(89)~~ Indicate the date on which the plat was drawn;
- ~~(910)~~ Provide a north arrow;
- ~~(4011)~~ Orient the layout of the subdivision with north to the top of the drawing;
- ~~(4412)~~ Provide the numeric and graphic scale for the subdivision;
- ~~(4213)~~ Orient the subdivision within the larger area by providing a vicinity map;
- ~~(4314)~~ Draw plat boundaries with heavy lines to indicate the subdivided area;

- (4415) Identify adjacent areas outside the plat boundaries indicating the name of the adjacent subdivisions, churches, schools, parks, bayous and drainage ways, acreage and all existing streets, easements, pipelines and other restricted uses;
- (4516) Identify blocks and lots within a subdivision by consecutive numbers; lot numbering may be cumulative throughout the subdivision so long as the numbering system continues from block to block in a uniform manner; and
- (4617) Identify reserves by alphabetical letter.

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

- (a) A subdivision plat that is a replat must provide notification to adjacent property owners pursuant to this section if any lot in any preceding plat was limited by deed restrictions, separately filed restrictions, or plat restrictions to single family residential use or restricted to residential use for not more than two single family residential units per lot, subject to the provisions of section 212.015 of chapter 212. The commission shall establish the public hearing date for replats requiring notification at the next meeting for which proper notice can be met on a complete application.
- (b) Notification to adjacent property owners on a replat is not required if the subdivision that created the single family plat restriction was replatted in its entirety for any other use permitted by law, and the plat restrictions were removed by that replat.
- (c) A replat filed under this section 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. An affidavit of owner or an authorized agent in the form specified by the director requesting commission approval and affirming:
    - a. that the submitted replat does not amend, remove, or violate, or have the effect of amending, removing, or violating, any covenants or restrictions that are contained or referenced in a dedicatory instrument recorded in the real property records separately from the preceding plat or replat, or a deed restriction, and
    - b. that it further does not attempt to amend, remove, or violate, or have the effect of amending, removing or violating, any existing public utility easements without the consent of the affected utility companies;
  - (2) The information required in the form specified by the director to provide notification in accordance with this section, and-
  - (3) All costs for notice as set forth in the city fee schedule, associated with the notice provisions of this section

- (bd) The applicant shall cause notice of the required public hearing to be published ~~before the 15th day~~ a minimum of 20 days before the date of the public hearing in a newspaper of general circulation in Harris, Fort Bend and Montgomery Counties upon authorization by the director, which shall be given after the commission establishes the date for the public hearing. Prior to commission consideration of the ~~subdivision~~ replat, the applicant shall provide an affidavit of publication to the department.
- (ce) ~~The applicant shall post at least one sign on the property that is the subject of the replat before the 15th day before the date of the public hearing. A sign shall face each public right-of-way bordering the site and the lettering on the sign shall be legible from the public right-of-way. Each sign shall be a minimum of four by eight feet in size and shall be posted no more than 15 feet from the public right-of-way. The applicant shall use reasonable efforts to maintain each required sign on the site before the close of the public hearing. Each replat filed under this section shall require additional notification in compliance with section 42-83 of this Code.~~
- (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.~~
- (f) If a replat under this section requires a variance or special exception, the requirements of section 42-84 of this Code also apply.

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**Sec. 42-50. General plan submittal requirements.**

An application for the approval of a general plan shall be filed with the department, and shall:

- (1) Be made on an application form provided by the department;
- (2) Provide all required materials, in the quantity and manner prescribed by the director, on paper, on a computer disc or on electronic media;
- (3) Be accompanied by an affidavit of the owner, or the owner's authorized agent with duty to inquire, identifying all encumbrances on the property inside the general plan boundary;

- (4) State the proposed name of the general plan, which shall not be a duplicate of any subdivision or development of record within the city or its extraterritorial jurisdiction;
- (5) Provide the legal description of the property in the general plan, including the name of the county, survey and abstract number and a reference to the nearest corner or street right-of-way intersection in the general area;
- (6) Show the location of all collector streets and major thoroughfares, and at the option of the applicant, all local streets, within the general plan boundaries;
- (7) State the total acreage within the general plan;
- (8) Identify the owner of the property; if the owner of the property is not a natural person, state the name of the entity along with the individual authorized to execute the general plan on behalf of the entity;
- (9) Identify the person or firm who prepared the general plan;
- (10) Indicate the date on which the general plan was drawn;
- (11) Provide a north arrow;
- (12) Orient the layout of the general plan with north to the top of the drawing;
- (13) Provide a numeric and graphic scale, which shall be a minimum of 1" = 600' and no greater than 1" = 100';
- (14) Orient the general plan within the larger area by providing a vicinity map;
- (15) Have boundaries drawn with heavy lines to indicate the area included in the general plan;
- (16) Identify adjacent areas outside the general plan boundaries, indicating the name of the adjacent subdivisions, and show the location and approximate width of existing and proposed water courses, ravines, drainage easements, floodways, 100-and 500-year floodplains per current FEMA (Federal Emergency Management Agency) map as approved by the flood plain administrator that was effective at the time of the general plan approval, streets and pipelines within and adjacent to the general plan boundaries;
- (17) Provide survey dimensions and bearings for the boundaries of the general plan, with lines outside the general plan boundaries, if any, drawn as dashed lines; and
- (18) Be accompanied by the applicable filing fee.

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**Sec. 42-53. Time for submittal.**

- (a) Complete applications that require approval by the commission and that are submitted to the department by 11:00 a.m. on the ~~Monday of the week before the next regularly scheduled meeting of the commission~~ submittal due date as per the annual calendar available on the department website shall be placed on the agenda for consideration by the commission at that meeting. ~~If the Monday of the week preceding a regularly scheduled commission meeting is a city holiday, complete applications that are submitted to the department on the first city business day following the Monday holiday shall be placed on the agenda for consideration by the commission at that meeting.~~
- (b) The director shall maintain at the department's office and on the department website an annual calendar approved by the commission that details the submittal period for all plat applications that require approval by the commission. The calendar shall include:
  - (1) The submittal period, including the date and time by which an applicant must file a complete application with the department; and
  - (2) The corresponding date of the regularly scheduled meeting of the commission where a complete application will first be considered by the commission following the submittal period, as applicable.
- (c) Each year, on or before the first regularly scheduled meeting of the commission in December, the commission shall adopt a schedule for the next calendar year that meets the following criteria:
  - (1) The schedule outlined in the calendar ensures the timely and expeditious consideration of a complete application submitted by an applicant;
  - (2) The schedule outlined in the calendar creates regular and predictable periods of time during which an applicant may file a complete application with the department; and
  - (3) The schedule outlined in the calendar establishes a reasonable time period for the director to perform the administrative procedures, consider and review the application, and fulfill the notification requirements of this article, as applicable.
- (bd) Complete applications for a class I plat or a development plat shall be reviewed and approved, where appropriate, or referred to the commission by the director not later than ten days from the date the complete application was submitted. Applications referred to the commission under this subsection shall be placed on the commission agenda for consideration at the next meeting for which proper notice can be given.
- (ee) Replats that require notice to property owners pursuant to ~~chapter 212~~ section 42-49 of this Code shall be placed on the commission agenda for consideration on the date established for the public hearing. ~~required by chapter 212.~~

- (f) Plats that require notice to property owners pursuant to sections 42-81 or 42-82 of this Code shall be placed on the commission agenda for consideration at the next meeting for which proper notice can be given.

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**Sec. 42-81. Variances.**

- (a) The commission is authorized to consider and grant variances from the requirements of this chapter by majority vote of those members present and voting, except as required by subsection (d), for any subdivision plat or development plat when the commission finds that each of the following conditions exist: except for variance requests submitted under subsection (e):

- (1) Either:
  - a. The imposition of the terms, rules, conditions, policies and standards of this chapter would create an undue hardship by depriving the applicant of the reasonable use of the land; or
  - b. Strict application of the requirements of this chapter would make a project infeasible due to the existence of unusual physical characteristics that affect the property in question, or would create an impractical development or one otherwise contrary to sound public policy;
- (2) The circumstances supporting the granting of the variance are not the result of a hardship created or imposed by the applicant;
- (3) The intent and general purposes of this chapter will be preserved and maintained;
- (4) The granting of the variance will not be injurious to the public health, safety or welfare; and
- (5) Economic hardship is not the sole justification for the variance.

In granting a variance, the commission is authorized to impose any condition on the subdivision plat or the development plat for which the variance is requested that the commission determines is reasonably related to the variance requested and that furthers the intent and purpose of this chapter. The findings of the commission, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the commission meeting at which a variance was granted. The commission shall not consider or grant a variance from the performance standards or definitions of this chapter or from any provision of state law.

- (b) Any variance granted under the provisions of this chapter shall apply only to the specific property for which the commission approved the variance, and shall not



constitute a change of this chapter, or any part hereof, or establish any policy, rule or regulation contrary to the provisions of this chapter.

- (c) The commission shall not grant or deny any request for a variance on which a public hearing is required by the applicable provisions of ~~chapter 212~~ section 42-49 of this Code until after the hearing has been conducted.
- (d) Approval of a variance requested for a replat pursuant to section 42-49 of this Code that is subject to the protest provisions of ~~chapter 212~~ section 42-84 of this Code shall be by the affirmative vote of ~~3/4s~~ three-fourths (3/4) of the commission members present, or such other number as may be established by state law.
- (e) The commission shall grant a variance to an owner of a lot that is subject to a special minimum building line requirement or a special minimum lot size requirement established under the provisions of article III of this chapter upon determining that the owner has established a vested right to the building line or lot size otherwise applicable under article III of this chapter. The commission shall determine that the owner has established a vested right upon the owner's demonstration that:
  - (1) The owner, in good faith and in material reliance on the building line or lot size otherwise applicable under article III of this chapter, expended a substantial sum of money prior to the effective date of the establishment of the special minimum building line requirement or special minimum lot size requirement for the lot that cannot be recovered; or
  - (2) That the applicant, in good faith and in material reliance on building line or lot size otherwise applicable under article III of this chapter, has irreversibly changed position prior to the effective date of the establishment of a special minimum building line requirement or special minimum lot size requirement for the lot that will require the expenditure of substantial sums of money in the future.

It shall be a rebuttable presumption that the existence of a contract to purchase, or option contract on, property subject to a special minimum building line requirement or special minimum lot size requirement does not constitute the expenditure of a substantial sum of money.

- (f) Each application for a general plan, subdivision plat or development plat for property all or part of which is located within the city that requests or requires a variance from the provisions of this chapter shall require notification in compliance with section 42-83 of this Code unless one or more of the following conditions is applicable:
  - (1) The application is for a general plan that does not request or require a variance from section 42-135 of this Code;
  - (2) The only variance requested or required is from the requirements of section 42-132 of this Code;

- (3) The only variance requested or required is from the provisions of section 42-131 of this Code for a cul-de-sac that intersects with a street that does not form any part of the boundary of the subdivision plat; or
  - (4) The only variance requested or required is from a building line requirement of division 3 of article III of this Code for property adjacent to a street that does not form any part of the boundary of the plat adjacent to platted or developed property.
- (g) The variance provisions of this section shall not apply to the requirements of article IV of this chapter.

**Sec. 42-82. Special exceptions.**

- (a) The commission is authorized to consider and grant special exceptions to the provisions of article III of this chapter other than those specified in subsection (e), by majority vote of those members present and voting, except as required by subsection (d), when the commission finds that each of the following conditions exist:
- (1) Special circumstances exist that are unique to the land or the proposed subdivision or development and that are not generally applicable to all other land, subdivisions or developments in the city or its extraterritorial jurisdiction that justify modification of the standards that otherwise would apply;
  - (2) The proposed special exception will achieve a result contemplated by the standards in article III of this chapter;
  - (3) The modification of the standard requested is not disproportionate to the requirement of the standard, provided however that the commission shall not be authorized to grant a special exception if the modification of the standard is 33 percent or greater. A modification of a measurable standard by 10 percent or less shall be presumed to be not disproportionate;
  - (4) The intent and general purposes of this chapter will be preserved and maintained; and
  - (5) The granting of the special exception will not be injurious to the public health, safety or welfare.

If a provision of article III of this chapter requires more specific findings with respect to the consideration and granting of a special exception, the more specific findings shall control. In granting a special exception, the commission is authorized to impose any condition on the subdivision plat or the development plat for which the special exception is requested that the commission determines is reasonably related to the special exception requested and that furthers the intent and purpose of this chapter. The findings of the commission, together with the specific facts upon which such findings are based, shall be incorporated into the official minutes of the commission meeting at which a special exception was granted.

- (b) Any special exception granted under the provisions of this chapter shall apply only to the specific property for which the commission approved the special exception

and shall not constitute a change of this chapter, or any part hereof, or establish any policy, rule or regulation contrary to the provisions of this chapter.

- (c) ~~Seley for the purpose of complying with the notice and hearing requirements of chapter 212 with respect to replats, a special exception shall be deemed a "variance" as that term is used in chapter 212, and all notice and hearing provisions applicable to the granting of a variance pursuant to the preceding section shall apply to the consideration and granting of a special exception. The commission shall not grant or deny any request for a special exception on which a public hearing is deemed required under chapter 212 section 42-49 of this Code until after the hearing has been conducted.~~
- (d) Approval of a special exception requested for a replat that is ~~deemed~~ subject to the protest provisions of ~~chapter 212~~ section 42-84 of this Code shall be by the affirmative vote of ~~¾s three-fourths (3/4)~~ of the commission members present, or such other number as may be established by state law.
- (e) The commission shall not grant a special exception to any of the following:
  - (1) Lot size requirements;
  - (2) Compensating open space requirements;
  - (3) Building line requirements; or
  - (4) Performance standards of this chapter.
- (f) Each application for a general plan, subdivision plat or development plat for property all or part of which is located within the city that requests or requires a special exception from the provisions of this chapter shall require notification in compliance with section 42-83 of this Code unless one or more of the following conditions is applicable:
  - (1) The only special exception requested or required is from the requirements of section 42-132 of this Code; or
  - (2) The only special exception requested or required is from the provisions of section 42-131 of this Code for a cul-de-sac that intersects with a street that does not form any part of the boundary of the subdivision plat.

**Sec. 42-83. Notification of applications for ~~variance or special exception.~~**

- (a) The director shall give the notice required by subsections 42-49(e), 42-81(gf) and 42-82(f) of this Code by:
  - (1) Either:
    - a. Mailing a letter to the owners of all lots or tracts that are within 250 feet of the boundary of the general plan, subdivision plat or development 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 not less than the seventh~~

- day a minimum of 20 days before the date of the public hearing or the first meeting at which the commission will first consider the application; or
- b. By causing the information to be readily available to the public in an electronic format; and
- (2) By letter mailed first class mail, postage paid, or by electronic mail message to each the following as soon as reasonably possible before the first meeting at which the commission will consider the application:
- a. Each neighborhood association with defined boundaries registered with defined boundaries with the department in whose area the general plan, subdivision plat, replat or development plat is located; as soon as reasonably possible before the first meeting at which the commission will consider the application.
  - b. The office of the council member in whose district the general plan, subdivision plat, replat or development plat is located;
  - c. All at-large councilmember offices;
  - d. The Super-Neighborhood Alliance;
  - e. All management districts and tax increment reinvestment zones in which the general plan, subdivision plat, replat or development plat is located; and
  - f. Super neighborhood in which the general plan, subdivision plat, replat or development plat is located.
- (b) The applicant shall give the notice required by subsections 42-49(e), 42-81(fg) and 42-82(f) of this Code by posting at least one sign on the property that is the subject of the general plan, subdivision plat, replat or development plat before the tenth day a minimum of 20 days before the date of the meeting at which the commission will first consider the application. A sign shall face each public street or private roadway bordering the site, provided, however, that if more than four signs would be required to be posted, the applicant may request the director to approve an alternative number and location of signs. The director ~~shall~~ may approve an alternative to the number and location of signs required by this subsection in excess of four upon determining that the alternative will provide maximum visibility and obtain the objectives of this section without unduly burdening the applicant. Each sign shall be a minimum of four by eight feet in size and shall be posted no more than 15 feet from the public street or private roadway. The lettering on the sign shall be legible from the public street or private roadway. The applicant shall use reasonable efforts to maintain each required sign on the site until the close of the meeting at which the commission acts on the application.
- (c) Required signs shall provide the following information:
- (1) The application address or name and number of the general plan, subdivision plat, replat; or previous plat when applicable and a summary of the variance or special exception being requested, if any;

- (2) The date, time, and place of the meeting at which the commission will next consider the application, updated to reflect any changes in the date, time, and place of the meeting, including if the applicant's plat is deferred by the commission, or if the public hearing is postponed for any reason. If the application is deferred or the hearing date is otherwise postponed, the applicant shall amend all signs to reflect the correct date and information for the new hearing date, and shall provide proof of such change to staff;
  - (3) The proposed land uses of the property, if known;
  - (4) A telephone number of the applicant to call for additional information; and
  - (5) A department telephone number to call for additional information.
- (d) The applicant shall remove the signs within 60 days after the application being acted upon by the commission, withdrawn by the applicant, or otherwise deemed inactive by the director.

**Sec. 42-84. Replats requiring notification with a variance/special exception—  
Protest procedure, required vote.**

- (a) If the proposed replat pursuant to 42-49 requires a variance or special exception and is protested in accordance with this subsection, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths (3/4) of the members present at the commission meeting.
- (b) To constitute a legal protest, written instruments signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area, but within the original subdivision plat limited by the deed or plat restrictions to single family residential use, must be filed with the commission prior to the close of the public hearing.
- (c) In computing the percentage of land area under subsection (b), the area of streets and alleys shall be included.
- (d) Compliance with this section is not required for approval of a replat or part of a preceding plat if the area to be replatted was designated or reserved for other than single family residential use by notation on the last legally recorded plat or in the legally recorded restrictions applicable to the plat.

**Secs. ~~42-84~~ 42-85—42-99. Reserved.**

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**Sec. 42-123. Street width exception areas.**

- (a) Except as provided in this section, subdivision plats and development plats for subdivisions and developments within a street width exception area shall not be required to dedicate additional right-of-way for an existing public local street that does not meet the standards of the preceding section.

- (b) The following are street width exception areas for which additional widening is not required unless the existing right-of-way is less than 50 feet:
- (1) The central business district;
  - (2) The area beginning at the intersection of I.H. 610 (North Loop West) and Yale Street, then south along Yale Street to its intersection with W. 20th Street; thence east along W. 20th Street to its intersection with Oxford Street, thence south along Oxford Street to its intersection with West I.H. 10 Frwy.; thence west along West I.H. 10 Frwy. to its intersection with N. Shepherd Drive; thence north along N. Shepherd Drive to its intersection with the MKT R.R.; thence northwest along the MKT R.R. to its intersection with Washington Avenue; then southeast along Washington Avenue to its intersection with a line projected and extended from E. Memorial Loop Drive; thence westerly, southwesterly and easterly following the curve of E. Memorial Loop Drive to its intersection with Crestwood Street; thence south along Crestwood Street to its intersection with Memorial Drive; thence east along Memorial Drive to its intersection with Westcott Street; thence south along Westcott Street to its intersection with Buffalo Bayou; thence east along Buffalo Bayou to its intersection with Shepherd Drive; thence south along Shepherd Drive to its intersection with San Felipe Street; thence west along San Felipe Street to its intersection with Kirby Drive; thence south along Kirby Drive to its intersection with W. Holcombe Boulevard; thence east along W. Holcombe Boulevard to its intersection with Main Street; thence south along Main Street to its intersection with Hermann Drive; thence east along Hermann Drive to its intersection with Alameda Road; thence south along Alameda Road to its intersection with N. MacGregor Parkway; thence east along N. MacGregor Parkway to its intersection with the H.B. & T.R.R.; thence northeast along the H.B. & T.R.R. to its intersection with Elgin Street; thence east along Elgin Street to its intersection with Dietz Street; thence north along Dietz Street and in a line projected to its intersection with I.H. 45 Frwy.; thence northwest along I.H. 45 Frwy. to its intersection with West I.H. 610 (North Loop West); thence west along West I.H. 610 to the point of beginning; with the exception of the portions of the following streets within this area:
    - a. Bayland from Studewood to Houston Avenue;
    - b. Birdsall Street from Maxie to Memorial Drive;
    - c. Cleburne from San Jacinto to Jackson;
    - d. W. Clay Street from McDuffie to Taft;
    - e. Enid Street from IH 610 (North Loop West) to North Main;
    - f. Fairview Street from Shepherd to Tuam;
    - g. Feagan Street from Westcott to Waugh;
    - h. E. 14th Street from Oxford to North Main;
    - i. Garrot Street from Hawthorne to Milam;

- j. Gibbs from W. 23rd Street to Link;
  - k. Hawthorne from Woodhead to Spur 527;
  - l. Hazard Street from Peden to Rice;
  - m. Link Street from Airline to IH 45;
  - n. Mandell from Fairview to Sunset;
  - o. McGowen from W. Gray to Scott;
  - p. Michaux Street from E. 23rd Street to Usener;
  - q. Patterson Street from IH 10 to Washington;
  - r. Sampson Street from Leeland to Holman;
  - s. Stanford Street from Allen Parkway to US 59 South;
  - t. Taft Street from Allen Parkway to Hawthorne;
  - u. Tuam Street from Fairview to Sauer;
  - v. E. 23th Street from Rutland to Gibbes;
  - w. Usener from Studemont to Sawyer;
  - x. Watson Street from Pecore to Usener;
  - y. Woodhead from W. Clay to Bissonet; and
  - z. The area described in subsection (c) of this section.
- (c) The area bounded by western right-of-way line of Heiner Street on the east, the northern right-of-way line of West Gray Street on the south, ~~the western right-of-way line of Mason Street on the west, the northern right-of-way line of Andrews Street on the northwest,~~ the western right-of-way line of Genessee Street on the ~~northwest~~, and the southern right-of-way line of West Dallas Street on the north, including the right-of-way of Genessee Street but excluding the right-of-way of Heiner, West Gray and West Dallas Streets, is a street width exception area for which dedication of right-of-way in excess of that described in City Ordinance No. 1999-1344 is not required.
- (d) The commission is authorized to designate additional areas as street width exception areas as provided in this subsection. An area that has block lengths that are generally 600 feet or less measured centerline to centerline and paved public streets with rights-of-way of not less than 50 feet wide with equivalent levels of vehicular traffic, as determined after a study by the Director of Houston Public Works, is eligible for designation as a street width exception area. The commission, after a public hearing on the study of the Director of Houston Public Works, shall designate an eligible area as a street width exception area upon finding that the area has an adequate system of streets in place, the number and spacing of which is sufficient to forego requirements of a right-of-way width of greater than 50 feet. In designating a street width exception area, the commission shall exclude any street within the area that it determines does not have an adequate right-of-way.

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**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.
- (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:

<b>TYPE OF RESERVE</b>	<b>MINIMUM SIZE</b>	<b>TYPE OF STREET OR SHARED DRIVEWAY</b>	<b>MINIMUM STREET OR SHARED DRIVEWAY WIDTH</b>	<b>MINIMUM STREET OR SHARED DRIVEWAY FRONTAGE</b>
Unrestricted reserve	5,000 sq. ft.	public street	60 feet (50 feet in a street width exception area)	60 feet
Restricted reserve—Lift station	Minimum size required by the design manual	public street or type 1 permanent access easement	50 feet	20 feet
		<u>Temporary access easement if the reserve meets the standards of section 42-190(d)</u>	<u>Temporary access easement if the reserve meets the standards of section 42-190(d)</u>	
Restricted reserve—Compensating open space	240 sq. ft.	public street or type 1 permanent access easement	50 feet	12 feet



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		type permanent access easement	2 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 permanent access easement	1 50 feet	50 feet
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
		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 permanent access easement	1 50 feet	50 feet

		<u>Temporary access easement if the reserve meets the standards of section 42-190(d)</u>	<u>Temporary access easement if the reserve meets the standards of section 42-190(d)</u>	
		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.~~

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**Sec. 42-193. Rules governing partial replats of certain property.**

- (a) The rules in this section govern partial replats of subdivision plats recorded in the real property records and shall apply to each subsequent replat as though it were the first replat of the original subdivision plat. These rules do not apply to a replat of all the property in the original subdivision plat by all of the current owners thereof. For purposes of this section, "original subdivision plat" means the first recorded subdivision plat in which a plat restriction was included, and a "partial replat" means a replat of part of a recorded subdivision plat.
- (b) Property within a subdivision plat that does not contain lots restricted to single-family residential or residential use may be replatted to amend any plat restriction contained on the preceding subdivision plat.
- (c) Property within a subdivision plat that contains lots restricted to single-family residential or residential use may be replatted to amend a plat restriction only as provided below:
  - (1) A plat restriction limiting the use of property to residential or single-family residential use may be amended to permit the use of that property only for landscape, park, recreation, drainage, or open space uses.
  - (2) A plat restriction limiting the use of property specifically to "nonresidential" use:
    - a. May not be amended to permit multi-family residential use of that property unless the applicant demonstrates that the property was actually improved and used for multi-family residential purposes prior to April 3, 1999;

- b. May be amended to permit single-family residential use of that property only if:
    - [1] The typical lot size in the replat is not less than the typical lot size of lots in the preceding plat; or
    - [2] The property abuts a major thoroughfare.
  - c. May be amended to any more specific "nonresidential" use of that property.
- (3) A plat restriction limiting the use of property specifically to 'commercial' use:
- a. May not be amended to permit multi-family residential use of that property unless the applicant demonstrates that the property was actually improved and used for multifamily residential purposes prior to April 3, 1999;
  - b. May be amended to permit single-family residential use of that property only if:
    - [1] The typical lot size in the replat is not less than the typical lot size of lots in the preceding plat; or
    - [2] The property abuts a major thoroughfare.
  - c. May be amended to any more specific "commercial" use of that property.
- (4) A plat restriction limiting the use of property to drainage, water plant, wastewater treatment, lift station or similar public utility use may be amended only to permit:
- a. Landscape, park, recreation, drainage, open space or similar amenity uses of that property, or
  - b. Single-family residential use of that property only if the typical lot size in the replat is not less than the typical lot size of lots in the preceding plat.