

TOP TEN LIST OF COMMUNITY CONCERNS REGARDING PROPOSED AMENDMENTS TO CHAPTER 42

1. **Extend the “urban” area to Beltway 8 in stages**, over say a three-year period, prioritizing development in transit and declining commercial corridors, brown fields, obsolete multi-family tracts, and larger vacant areas.
2. **Improve Drainage** by making storm water management and adequate infrastructure an integral part of every project, and by phasing out the “grandfathering” of detention exemptions, that shifts flooding burdens to taxpayers and adjacent property owners.
3. **Adopt modern urban street standards**, or “complete streets,” designed for all users—motor vehicles, pedestrians, bicyclists, persons with disabilities and car parking – unimpeded by obstructions such as utility poles, fire hydrants, redundant poles and random signs. Attractive, well-designed streets can be strong incentives for new investment in the city.
4. **Keep Public Rights-of-Way Public, Walkable and “Green”** by protecting trees, landscaping and adequate sidewalks. Private uses such as utility meter boards, gang mailboxes, staging of trash receptacles, and excessive curb cuts should be prohibited. Wider, attractive sidewalks should be a priority to facilitate walking and public transit in urban areas.
5. **Manage Solid Waste Responsibly** by requiring sufficient space for garbage bins and re-cycling pick-up, without compromising street, drainage and sidewalk functions.
6. **Limit Lot Size Averaging** to entire blocks or to larger tracts, to preserve neighborhood character, on-street parking, and vegetation, and to mitigate the cumulative impact of numerous small-scale development projects.
7. **Require Adequate Setbacks** by setting minimum safe distances between buildings and lot lines. Allow reduced front setbacks in exchange for wide, landscaped sidewalks. encourage attractive architectural projections such as roof overhangs, balconies, window bays, and porches.
8. **Share Driveways Safely** by setting maximum lengths and minimum widths for private streets serving multiple dwellings, to insure safe emergency access and vehicular circulation.
9. **Use Parking Regulations as a Development Tool**, by maximizing the number of on-street spaces, limiting unnecessary curb cuts, and requiring on-site guest parking. Reward with reduced on-site parking requirements, the use of rear alleys, development within walking distance of transit stations, provision of bike racks, shared parking garages, and multi-destination “park-once” projects.
10. **Allow for Creation of Special Purpose Urban Districts (SPUDs)** with customized development standards for well-planned areas, such as transit corridors in recognition of the fact that cities grow and change based on coherent districts of differing character, not on fragmented individual projects reflecting one-size-fits-all regulations.

Overriding Concern: Balance the ability to create high density, urban development with the need to provide a diversity of housing choices that keep taxes reasonable and allow not just wealthy but also allow low to moderate income residents and the disabled the ability to live in the urban area.

Annotations

1. **Extend the “urban” area to Beltway 8 in stages**, over say a three-year period, prioritizing development in transit and declining commercial corridors, brown fields, obsolete multi-family tracts, and larger vacant areas.

This goal can be accomplished by exempting from application of the “urban” standards, blocks in the area to which the “urban” standards will otherwise be extended on which 70% of the lots are developed as single family residences (SFR).

2. **Improve Drainage** by making storm water management and adequate infrastructure an integral part of every project, and by phasing out the “grandfathering” of detention exemptions, that shifts flooding burdens to taxpayers and adjacent property owners.

This goal could be accomplished by amending the City of Houston Public Works and Engineering Infrastructure Design Manual (IDM) as follow:

- (a) Amend Section 9.04.D to combine the definitions of “in-fill” and “redevelopment” to provide for two, instead of three types of development, i.e., development that is either (1) “new” because the storm drain infrastructure has not been constructed, or (2) “in-fill”/“redevelopment” because the storm drain infrastructure is already in place and takes advantage of the existing infrastructure in place as a drainage outlet.
- (b) Amend Section 9.05.H.2 to eliminate subsection d which now provides “If Redevelopment occurs without increasing the overall impervious character of the site, then no detention will be required by the city.”

This amendment would not adversely impact single family residential (SFR) development because Section 9.05.H.3.b provides the following exemption from detention requirements for SFR:

Single family residential (SFR) lots of 15,000 square feet in area or less: SFR Lots are exempt from detention if proposed impervious cover is less than or equal to 75.0%. Detention volume of 0.20 acre feet per acre required for impervious cover of 75.0%.

Existing SFR Lots of 15,000 square feet or less may be further subdivided and exempt from detention provided the proposed impervious cover remains less than or equal to 75.0%..

Alternatively, Section 9.05.C.1.a and b of the IDM could to require storm sewer and detention facilities be designed for 5-year, 10-year, or 100-year events instead of for 2-year events as is currently done.

3. **Adopt modern urban street standards**, or “complete streets,” designed for all users—motor vehicles, pedestrians, bicyclists, persons with disabilities and car parking – unimpeded by obstructions such as utility poles, fire hydrants, redundant poles and random signs. Attractive, well-designed streets can be strong incentives for new investment in the city.

This goal could be accomplished by:

(a) Amending the City of Houston Public Works and Engineering Infrastructure Design Manual (IDM) as follows:

Amending Sections 10.03 (Definitions) and 10.06.A.2 (Street Hierarchy) to adopt and implement in the “urban” urban street classifications and standards described in Appendix 2 to Chapter 10.

Section 10.06.A.3 provides that “[t]he street classifications and design criteria included in Appendix 2 to Chapter 10 are currently available “where existing conditions or proposed adjacent development warrant the consideration of alternatives to serve specific needs such as enhanced pedestrian environments, on-street parking, and bicycle traffic, optional design sections are available in the CMP [City Mobility Plan].”

(b) Amending the Definitions section of Chapter, i.e., Section 42-1, and other applicable sections of Chapter 42, e.g., 42-...., to reflect the amendments to the IDM suggested above. The IDM is incorporated into Chapter 42 via the following definition of “Design Manual” and footnote 169 in Section 42-1:

Design manual shall mean the department of public works and engineering design manual for wastewater collection systems, water lines, storm drainage and street paving, as it may be amended from time to time. ^[169]

⁽¹⁶⁹⁾ Editor's note—Section 4 of Ord. No. 99-262, adopted March 24, 1999, states: That the design manual for wastewater collection systems, water lines, storm drainage and street paving (the "design manual") attached to and made a part of this Ordinance as Exhibit "A". Exhibit A is not set out in this chapter. Exhibit A is hereby approved and authorized as a regulation of the department of public works and engineering. The city engineer is hereby authorized to promulgate regulations amending the design manual from time to time as the city engineer deems appropriate.

(c) Amending the Major Thoroughfare and Freeway Plan (MTFP), and the City Mobility Plan (CMP) to reflect the amendments to the IDM suggested above.

4. **Keep Public Rights-of-Way Public, Walkable and “Green”** by protecting trees, landscaping and adequate sidewalks. Private uses such as utility meter boards, gang mailboxes, staging of trash receptacles, and excessive curb cuts should be prohibited. Wider, attractive sidewalks should be a priority to facilitate walking and public transit in urban areas.

This goal could be accomplished by:

(a) Amending the City of Houston Public Works and Engineering Infrastructure Design Manual Sections 10.03 (Definitions) and 10.06.A.2 (Street Hierarchy) to adopt and implement in the “urban” urban street classifications and sidewalk standards described in Appendix 2 to Chapter 10 as stated above; and by

(b) Amending City policy and practice to include in final inspection requirements for new and redeveloped properties compliance with the street and sidewalk standards provided in Chapter 40, Section 362 of the City Code, i.e.:

(a) It shall be unlawful for any person to place, cause, or allow any impairment or obstruction of a sidewalk or roadway, except as authorized by a permit.

(b) It is a defense to prosecution under this section that the impairment or obstruction is or consists of:

...

(6) Trees, grass, shrubbery, and landscaping that is placed and maintained in a manner conforming to applicable requirements of chapters 32 and 45 of this Code and regulations issued thereunder.

(7) ...

(8) A sidewalk cafe authorized under section 40-10.1 of this Code, street function authorized under section 40-27 of this Code, or newsrack placed as authorized under article XX of chapter 40 of this Code. **[This section should be eliminated or amended to provide that newsracks must be placed in manner that does not obstruct the roadway or impair pedestrian use of the sidewalk.]**

(9) A valet zone as authorized under section 26-445 of this Code. **[This section should be eliminated or amended to provide that valet zones must be operated in manner that does not obstruct the roadway or impair pedestrian use of the sidewalk.]**

(10) ...

(11) Solid waste containers and heavy trash items of the type and size authorized for residential service of the nature provided by the city and city contractors under chapter 39 of this Code **that are placed for collection in a manner that does not obstruct the roadway or impair pedestrian use of the sidewalk**; however, this defense does not extend to bulk containers of the "dumpster" or "roll-off" type that are typically used to

service multifamily residential properties, commercial properties, and construction sites.

(12) Poles, distribution boxes, and related structures of utilities, **provided that they are not placed in such a manner as to obstruct or impair vehicular or pedestrian use of the roadway or sidewalk.**

(13) Postal deposit and delivery boxes, **provided that they are not placed in such a manner as to obstruct or impair vehicular or pedestrian use of the roadway or sidewalk.**

...

(c) Under the authority granted in section 40-366 of this Code, the mobility official may issue rules and regulations regarding the application of the defenses set forth in subsection (b), above. It is a required element of any defense asserted under subsection (b) that the actor is in compliance with any applicable rules and regulations.

(c) Amending Subsection (3) of City Code of Ordinances Chapter 42-46, Development Plat Submittal Requirements to add the language in bold:

- (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. **Storage of Solid Waste Equipment that meets the
applicable requirements of chapter 39 of this
Code;**
 - e. **Sidewalks that meet the applicable requirements of
this chapter and any other provision governing
sidewalk construction and maintenance; and**

5. **Manage Solid Waste Responsibly** by requiring sufficient space for garbage bins and re-cycling pick-up, without compromising street, drainage and sidewalk functions.

This goal could be accomplished by:

- (a) Amending Subsection (g) of the City Code of Ordinances Chapter 39-62 to add the language in bold:
 - (g) It shall also be the duty of each person who receives automated service container and other equipment to store the equipment in a secure place **located on the property where the equipment is used and not in the city right-of-way** where it will not be visible to a person standing in the right-of-way or any public street adjacent to the property where the equipment is used except while place for collection in accordance with this chapter. It is a defense to prosecution under this subsection **that the single family residential unit on the property was built before 2013 and** that the ~~person's~~ property is so configured that no location exists for storage of the equipment **on the property where the equipment is used and not in the city right-of-way and** in a place where it is not visible to a person standing in the right-of-way of a public street adjacent to the property.
- (b) Amending Subsection (3) of City Code of Ordinances Chapter 42-46, Development Plat Submittal Requirements to add the language in bold:
 - (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. **Storage of Solid Waste Equipment that meets the applicable requirements of chapter 39 of this Code;**
 - e. **Sidewalks that meet the applicable requirements of this chapter and any other provision governing sidewalk construction and maintenance; and**
- (c) Amending City policy and practice to include in final inspection requirements for new and redeveloped properties to insure compliance with the street and sidewalk standards provided in Chapter 39, Section 62.(g), set forth above, i.e., to require space for storage of solid-waste equipment that is located on the property where the equipment is used and not on the city right-of-way.

6. **Limit Lot Size Averaging** to entire blocks or to larger tracts, to preserve neighborhood character, on-street parking, and vegetation, and to mitigate the cumulative impact of numerous small-scale development projects.

Proposed amendment to Section 42-183 replaces the current provision establishing a minimum lot size in the “urban” area of 1,400 square feet to allow as follows (underlined language reflects administration’s proposed amendments):

A subdivision in an urban area may provide for a single-family lot size of less than 3,500 square feet, but not less than an average of 1,400 square feet for all lots in each blockface of the subdivision, if the subdivision plat meets the following development standards: . .

Proposed amendments to Section 42-186 would reduce the minimum lot width from 20 feet to 15 feet as long as the average lot width is 18 feet.

Members of the development community seek to reduce the proposed minimum lot sizes and lot widths even further than the administration proposes. Community members do not support the ability to create lots smaller than 1,400 square feet or narrower than 20 feet. Community members also believe that lot size averaging should only be available for developments that encompass entire square blocks and not merely block faces.

7. **Require Adequate Setbacks** by setting minimum safe distances between buildings and lot lines. Allow reduced front setbacks in exchange for wide, landscaped sidewalks. Encourage attractive architectural projections such as roof overhangs, balconies, window bays, and porches.

Front Setbacks: The proposed amendments to Chapter 42 address this issue at 42-151.1 which would allow for building line encroachments for the purpose of encouraging attractive architectural projections.

Side Setbacks: The proposed amendments to Chapter 42 do not address side setbacks required to provide safe distances between buildings to insure that side walls can be maintained and that emergency responders such as fire fighters can respond to emergencies and stage equipment safely, efficiently, and effectively. However, the Frequently Asked Questions about the Proposed Amendments provided by the Planning Department state that the package of proposed amendments includes a “Construction/Maintenance Easement Agreement: a change to Chapter 10 of the Code of Ordinances which would require a construction and perpetual maintenance agreement with abutting property owners when construction occurs within three feet of the side or back property line adjacent to single-family residential properties. If the property owners do not agree, a minimum three-foot setback must be adhered to.”

Community members support such an amendment to Chapter 10 of the City Code, but believe that amendments to Chapter 10 and, possibly, to the Building Code should be made that would require a minimum distance of at least three (3) feet between buildings, including any decorative architectural features such as roof overhangs, balconies, window bays, and porches.

8. **Share Driveways Safely** by setting maximum lengths and minimum widths for private streets serving multiple dwellings, to insure safe emergency access and vehicular circulation.

Many of the proposed amendments are intended to make the construction and use of shared driveways safe, e.g.: 42-1 (definition of “shared driveway”); 42-129.1 (Intersections and Shared Driveways); 42-132(c) (Streets and Shared Driveways); 42-136 (Shared Driveways); 42-189 (Lot Access for Streets). The standards expressed in the proposed amendments were developed to address issues of public safety and emergency response that have arisen from increased use of shared driveways in recent years.

Members of the development community seek to reduce the proposed standards for aesthetic reasons. Community members do not support changes to the proposed standards that would compromise public safety and safety of emergency responders for aesthetic reasons.

9. **Use Parking Regulations as a Development Tool**, by maximizing the number of on-street spaces, limiting unnecessary curb cuts, and requiring on-site guest parking. Reward with reduced on-site parking requirements, the use of rear alleys, development within walking distance of transit stations, provision of bike racks, shared parking garages, and multi-destination “park-once” projects. Community members are particularly concerned about the provision of guest parking for SFRs. The proposed amendments are as follows; the community suggests omitting the language stricken in subsection (b) below and adding the language in bold type (underlined language represents administration’s proposed amendments):

Section 42-187 Parking for Single Family Residential Uses:

- (a) Each subdivision plat providing for single-family residential uses shall provide at least two off-street parking spaces per dwelling unit on each lot except that, those instances where a secondary dwelling unit of not more than 900 gross square is provided, only one additional off-street parking space shall be required for the secondary dwelling unit.
- (b) Each subdivision plat providing for single-family residential use that contains a shared driveway or a type 2 permanent access easement with six or more dwelling units shall provide one guest parking space for every six dwelling units. Dwelling units on a lot that includes a parking space in excess of the parking requirements of subsection (a) of this section shall not be counted in determining the required number of guest parking spaces required by this subsection. Each guest parking space shall conform to the following standards:
- (1) The size and dimensions of a guest parking space shall be in conformance with the requirements of the Building Code.
- (2) Guest parking spaces **shall** ~~may~~ be placed within the boundaries of the subdivision plat, unless:

~~a. the guest parking space abuts continuous curb along a public street that is adjacent to or within the plat boundary and that is not a major thoroughfare and access to the dwelling units is provided by a rear entry shared driveway or alley;~~
~~or~~

~~b. the guest parking space abuts culverts installed in accordance with the requirements of the design manual along an open ditch street adjacent to or within the plat boundary.~~

~~(3) For subdivisions where residential lots abut a type 2 permanent access easement and take access only from alleys, guest parking spaces may be included within the type 2 permanent access easement.~~

~~(4) Guest parking spaces shall not be placed within a shared driveway or within a lot.~~

~~(5) Guest parking spaces shall not be placed where parking is prohibited by law.~~

~~(6) Guest parking spaces shall be accessible to all residents of the subdivision.~~

10. **Allow for Creation of Special Purpose Urban Districts (SPUDs)** with customized development standards for well-planned areas, such as transit corridors in recognition of the fact that cities grow and change based on coherent districts of differing character, not on fragmented individual projects reflecting one-size-fits-all regulations.