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N253886

CITY OF HOUSTON, TEXAS

041-19-0577

To the Honorable City Council of the City of Houston:

00708643 N253886 \$ 81.00

In accordance with the provisions of Article VII, Section 7 of the Charter of the City of Houston, I submit and introduce to you the ordinance set out below with the request that it be passed finally on the date of its introduction. There exists a public emergency requiring such action and I accordingly request that you pass the same if it meets with your approval.

Date: Oct 23, 1985 *Richard R. White*
Mayor of the City of Houston

City of Houston Ordinance No. 85-1878

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AN ORDINANCE AMENDING CHAPTER 42 OF THE CODE OF ORDINANCES OF THE CITY OF HOUSTON, TEXAS ESTABLISHING RULES, REGULATIONS, PROCEDURES AND DESIGN STANDARDS TO GOVERN THE DEVELOPMENT, REDEVELOPMENT, PLATTING AND REPLATTING OF REAL PROPERTY WITHIN THE CORPORATE LIMITS OF THE CITY OF HOUSTON, TEXAS AND WITHIN THE AREA OF EXTRATERRITORIAL JURISDICTION OF THE CITY OF HOUSTON, TEXAS; PROVIDING FOR THE ESTABLISHING OF BUILDING SETBACK LINES; MAKING OTHER PROVISIONS RELATED TO THE SUBJECT; CONTAINING A PENALTY; CONTAINING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.

* * * * *

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

SECTION 1. That Chapter 42 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

ARTICLE I
IN GENERAL

Section 42-1. Findings and Determinations.

It is hereby officially found and determined that:

- (a) The City is a municipal corporation organized under the Constitution, general and special laws of the State of Texas, and thereby exercises powers granted by its Charter and the provisions of Article XI, Section 5 of the Texas Constitution.
- (b) In the exercise of its lawful authority, the City may enact police power ordinances to promote and protect the public health, safety, welfare and general welfare.

Return to:
PRESTON COMPANY INC
9324 WestVIEW DRIVE
Houston TX 77055

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- (c) The City may, under the provisions of Articles 970a and 974a, Texas Revised Civil Statutes Annotated, (hereafter Articles 970a and 974a), establish by ordinance general rules and regulations governing plats and subdivisions of land within its corporate limits and area of extraterritorial jurisdiction, in order to promote the public health, safety and general welfare, and, in particular, to promote the safe, orderly, and healthful development of the City. 041-19-0578
- (d) The City may, under the provisions of Article XI, Section 5 of the Texas Constitution and the provisions of Articles 970a and 974a, require that all plans or plats conform to the:
- (1) general plan of the City, its streets, alleys and public utility facilities, including those which have been or may be laid out, and,
 - (2) the general plan for the extension of the City, its roads, streets, public highways, water and sewer mains and other instrumentalities of public utilities within the City and its area of extraterritorial jurisdiction.
- (e) The City Council finds that in order to promote the public health, safety, morals and general welfare it is necessary to adopt this chapter:
- (1) to establish general rules and regulations to govern plats and subdivisions of land within the corporate limits, and
 - (2) to extend the general rules and regulations to govern plats and subdivisions of land to the area of extraterritorial jurisdiction, and
 - (3) to establish procedures for the establishment, promulgation and annual revision of a general plan for the existing and planned extension of the City's roads, highways, streets, and alleys within the corporate limits of the City and the area of extraterritorial jurisdiction, and
 - (4) to establish plans and specifications governing extension of water and sewer mains and other instrumentalities of public utilities within the City and its area of extraterritorial jurisdiction, and
 - (5) to establish procedures for a review of development plats.
- (f) The City Council finds that this chapter, through its establishment of a general regulatory system for development and the subdivision of land will provide for the safe, orderly and healthful development of the City.
- (g) That beginning in March, 1963, the authority of the City of Houston, Texas over its area of extraterritorial jurisdiction was established by the provisions of the Texas Municipal Annexation Act (Tex. Rev. Civ. Stat. Ann. art. 970a).
- (h) That in March, 1963, the Commission established a substantially revised Major Thoroughfare Plan for the City and its area of extraterritorial jurisdiction.

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- (i) That the Commission since March, 1963, has been authorized to approve subdivision plats within the City and its area of extraterritorial jurisdiction taking into account the plan for the extension of the City's roads, highways, streets, and alleys as reflected in the Major Thoroughfare Plan within the City and its area of extraterritorial jurisdiction.
- (j) The City Council finds and determines that certain areas of the City have an adequate street system in place, the number and spacing of which is sufficient to forego a requirement of further widening in such Street Width Exception Areas.

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Section 42-2. Application.

This chapter shall apply to all development and all subdivision of land within the City of Houston, Texas and its area of extraterritorial jurisdiction under article 970a, of the Texas Revised Civil Statutes Annotated.

Section 42-3. Conflict with County Regulations.

This chapter shall not be applied in such a manner to amend or alter any rules, regulations, procedures or policies lawfully and officially adopted by the governing body of any county in which there exists territory contained within the area of extraterritorial jurisdiction of the City. In the circumstance where any rule, regulation, procedure or policy lawfully and officially adopted by the governing body of any county is less restrictive than those contained herein, then the standards of this chapter shall apply, provided, however, to the extent that this chapter conflicts with any provision of the Harris County Road Law, then the provisions of that law, to the extent of the conflict, shall apply.

Section 42-4. Purpose.

This chapter establishes the general rules and regulations for the filing of subdivision plats required by Article 974a and the procedures to establish a general plan for the extension of the City's roads, streets, highways and public utilities under the terms of Article 974a.

Section 42-5. Exceptions from the filing of subdivision plats.

No subdivision plat shall be required to be filed with the Commission under the provisions of this chapter if the procedures for filing a development plat required in Article VI are complied with and such development plat provides (1) for no new public or private streets, (2) that the tract of land included in the development plat has direct public street frontage on at least one public street having a right-of-way width which is conformance with the provisions of this chapter, (3) that the development of the property shown on the development plat would not result in a block length greater than one thousand four hundred (1,400) feet along any public local street and is less one thousand eight hundred (1,800) feet along any major thoroughfare (4) no major thoroughfare dedication is required to comply with the major thoroughfare plan and (5) for no more than three (3) single family residential attached or detached units that do not have direct access to a public street.

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Section 42-6. Building set-back.

Unless otherwise provided by this chapter, there is hereby established a minimum setback of all structures and improvements of ten (10) feet for all properties adjacent to a local or interior street and twenty-five (25) feet for all properties adjacent to a major thoroughfare except within the Central Business District. Where this chapter or other ordinances of the City require a greater setback than provided for in this section the greater requirement shall be imposed. The City Council finds and declares that the Central Business District has in place an adequate system of streets and major thoroughfares and building setbacks to provide light, air and traffic sight lines.

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Section 42-7. Definitions.

For the purposes of this chapter the following various terms, phrases and words, will have the meaning ascribed to them herein. When not inconsistent with the context, words used in the present tense include the future; words used in the singular include the plural; and words used in the plural number include the singular number. Any office referred to herein by title will include the person employed or appointed for that position or his duly authorized deputy or representative. Terms, phrases or words not expressly defined herein are to be considered in accordance with customary usage.

- (1) Access Street. Any public street within a subdivision or along the boundaries of a subdivision which would serve any properties outside the plat boundaries or provide a connection directly with a collector street.
- (2) Agricultural Use. Any activity related to the cultivation of the soil, the producing of crops to human food, animal feed or planting seed or for the production of fibers; floriculture, viticulture or horticulture, raising or keeping of livestock; and planting cover crops or leaving land idle for the purpose of participating in any governmental program or recognized, normal crop or livestock rotation procedure. A residential unit and related outbuildings located wholly on a tract of land used solely for one or more of the purposes described in the preceding sentence shall be deemed an agricultural use.
- (3) Alley. A public right-of-way which is used only for secondary access to individual properties which have their primary access from an adjacent public street or an approved common or compensating open space or courtyard which has direct access to a public street.
- (4) Amending plat. A plat, previously approved by the Commission and duly recorded, which is resubmitted to the Commission for reapproval and recording which contains dimensional or notational corrections of erroneous information contained on the originally approved and recorded plat. An amending plat is not to be considered as a replat or resubdivision and may not contain any changes or additions to the physical characteristics of the original subdivision, but is intended only to correct errors or miscalculations as allowed under the provisions of Art. 974a, Section 5(d).
- (5) Apartment buildings. A building which is designed to contain three (3) or more separate living units with facilities for living, sleeping, cooking, and eating.

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- (6) Article 970a. A general law of the State of Texas found at Acts 1963 General laws Ch. 160, as may be from time to time, amended.
- (7) Article 974a. A general law of the State of Texas found at Acts 1927 General Laws, Ch. 231, as may be from time to time amended.
- (8) Block. An identified tract or parcel of land surrounded by a street or a combination of streets and other physical features and which may be further subdivided into individual lots or reserves.
- (9) Building permit application. An application submitted to the Building Official under the provisions of the Building Code; save and except permits related to:
- (i) fences not adjacent to public street right-of-way;
 - (ii) the reroofing of any structures;
 - (iii) any interior remodeling;
 - (iv) exterior remodeling which does not materially enlarge the outside dimensions of the existing structure.
 - (v) interior improvements related to leased space.

The enclosing of an existing canopy or porte-cochere shall be considered an enlargement of the structure and shall not be exempt from the building permit application process or the plat review process under this Chapter. As used herein, improvement shall include the construction, enlargement, alteration, repair, removal, conversion or demolition of a building or structure.

- (10) Building setback restriction. An area designated as such on a plat in which no building or structure may be constructed and is located between the adjacent street, right-of-way line or other type of easement or right-of-way and the proposed face of a building.
- (11) Central Business District. The area included and bounded by Buffalo Bayou, Chartres Street, Texas Street, Dowling Street, Hadley Street, Hamilton Street, McGowen Street, Bagby Street and Heiner Street as projected and extended to Sabine Street. Properties abutting and fronting on such streets are included in the area.

Any area that has block lengths of three hundred (300) feet or less, a paved public street and right-of-way not less than eighty (80) feet wide and equivalent levels of vehicular traffic, as determined after a study by the Director of the Department of Traffic and Transportation may be added to the above-described area and may, after a public hearing, be designated by the Commission as a central business district.

- (12) Commission. The City Planning Commission of the City.
- (13) Collector street. A street which is not a designated major thoroughfare, but provides access and circulation between major thoroughfares and local, access and interior streets.

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- (14) Compensating open space. Those areas designated on a plat which are restricted from development, except for landscaping and recreational uses and which all owners of residential properties within the plat have a common legal interest or which are retained in private ownership and restricted from development, except for landscaping and recreational uses, for the exclusive use of all owners of residential property within the plat, and such designation shall remain in effect until the plat is vacated or the tract is replatted. The terms compensating open space and common open space may be used interchangeably and can be considered the same.
- (15) City Council. The City Council of the City.
- (16) Department. The Department of Planning and Development of the City.
- (17) Development Plat. A boundary survey prepared by a Registered Public Surveyor showing (1) all existing and proposed structures and (2) all easements and rights-of-way within or abutting the boundary of the survey.
- (18) Director. The Director of the Department of Planning and Development of the City.
- (19) District. A conservation and reclamation district organized under Art. XVI, Section 59 or Article III, Section 52 of the Constitution of Texas.
- (20) District Improvements. The physical systems and structures constructed by a District located in the area of extraterritorial jurisdiction.
- (21) Extraterritorial jurisdiction. Refers to the unincorporated territory extending five miles beyond the city limits of the City established by the authority of Article 970a and Article 974a.
- (22) Filing date. The date when a plat is formally presented to the Commission for its approval and registered as part of the Commission's official meeting agenda. This date is to be considered as the initial date of the statutory thirty (30) day time period in which the Commission is required to act upon a plat submitted to it under the provisions of Article 974a.
- (23) Final plat. A map or drawing of a proposed subdivision prepared in a manner suitable for recording in the appropriate County records and prepared in conformance with the conditions of preliminary approval previously granted by the Commission.
- (24) Frontage. That portion of any tract of land which abuts a public street right-of-way and where the primary access to said tract is derived.
- (25) General overall plan. A map or plat designed to illustrate the general design features and street layout of a proposed subdivision which is proposed to be developed and platted in sections. This plan, when approved by the Commission, constitutes a guide which the Commission will refer to in the subsequent review of sectional plats that cover portions of the land contained within the general overall plan and adjacent properties.

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- (26) Harris County Road Law. A special law of the State of Texas found at Acts 1933, Special Laws, Chapter 17, as may be from time to time amended.
- (27) Interior street. Any street within a subdivision designed to serve only those properties within the boundaries of the subdivision in which it is dedicated and established.
- (28) Local street. Any public street not designated as a major thoroughfare, freeway or highway.
- (29) Lot. An undivided tract or parcel of land contained within a block and designated on a subdivision plat by numerical identification.
- (30) Major thoroughfare. A public street designed for fast, heavy traffic and intended to serve as a traffic artery of considerable length and continuity throughout the community and so designated on the latest edition of the Major Thoroughfare Plan.
- (31) Major Thoroughfare Plan. The latest edition of the Major Thoroughfare and Freeway Plan adopted by the Commission and approved by the Council.
- (32) Preliminary plat. A map or drawing of a proposed subdivision illustrating the features of the development for review and preliminary approval by the Commission, but not suitable for recording in the County records.
- (33) Private street. A vehicular access way, under private ownership and maintenance, providing access to apartment building(s) any part of which building is located more than three hundred (300) feet from an approved public street right-of-way. A private street shall also include any vehicular access way under private ownership and maintenance which provides vehicular access to more than three (3) single family residential attached or detached units which do not have frontage on an improved public street. Parking lots and private driveways within shopping centers, institutions, commercial areas and industrial developments will not be considered as private streets.
- (34) Public street. A public right-of-way, however designated, dedicated or acquired, which provides access to adjacent properties.
- (35) Return Map Agreement. An agreement authorizing the County Clerk of the County in which a final plat or replat is filed to return the original recorded plat to the Director (See Appendix P).
- (36) Single-family residential unit (attached or detached). A building designed to contain one (1) or two (2) separate living units with facilities for living, sleeping, cooking, and eating.
- (37) Street dedication plat. A map or drawing illustrating only the location of a public street within a specific tract of land.
- (38) Street Width Exception Areas. Certain designated areas, which have an adequate system of streets in place, the number and spacing of which is sufficient to forego of a requirement a right-of-way width of greater than 50 feet.

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- (39) Stub street. A public street not terminated by a permanent circular turnaround, ending adjacent to undeveloped property or acreage and intended to be extended at such time as the adjacent undeveloped property or acreage is subdivided or developed.
- (40) Subdivider. Any owner, or authorized agent thereof, proposing to divide or dividing land so as to constitute a subdivision according to the terms and provisions of this chapter.
- (41) Submittal date. The date and time specified in this chapter when plats, related materials and fees must be received by the Department prior to the next regular meeting of the Commission in order to be considered at such meeting. The "submittal date" is not to be considered as the "filing date" as herein defined.
- (42) Subdivision. A division of any tract of land into two (2) or more parts for the purpose of laying out any subdivision of any tract of land or any addition to the City, or for laying out suburban lots or building lots, or any lots, and streets, alleys or parts or other portions intended for public use or the use of the purchasers or owners of lots fronting thereon or adjacent thereto. A subdivision includes re-subdivision (replat), but it does not include the division of land for agricultural purposes in parcels or tracts of five (5) acres or more and not involving any new streets, alleys or easements of access.
- (43) Title Certificate. A certificate prepared and executed by a title company authorized to do business in the State of Texas or an attorney licensed in the State of Texas describing all encumbrances of record which affect the property, together with all deeds recorded from and after the effective date of this ordinance record which include any part of the property included in the development plat which certificate shall not have been executed more than thirty (30) days prior to the time it is presented to the Department.
- (44) Utility District Resolution. City Resolution No. 71-8, passed and approved on February 17, 1971, as may be hereafter amended.

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Sections 42-8 through 42-20 are reserved.

ARTICLE II
GENERAL AND ADMINISTRATIVE PROCEDURES
AND THE REVIEW OF SUBDIVISION PLATS

Section 42-21. Commission Meetings and Public Hearings.

(a) Regular meeting schedule. The Commission may by rule designate such times and places for holding meetings as it deems proper. The Commission shall adopt a regular meeting schedule to implement the provisions of this chapter and shall give public notice of same by publication for three (3) consecutive days in a daily newspaper of general circulation within the City and the area of extraterritorial jurisdiction. The Commission may change its meeting schedule by the adoption of a new schedule, the effective date of which shall not be less than ten (10) days after publication of the new schedule for three (3) consecutive days in a daily newspaper having general circulation within the City and the area of extraterritorial jurisdiction.

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(b) Special meetings. The Commission may hold a special meeting for any purpose except for the filing of any plats or replats.

(c) Public hearings. The Commission shall hold at least one public hearing prior to the adoption of, or, any amendments to, the Major Thoroughfare Plan. The Commission may establish rules governing the circumstances under which it will call public hearings and the reservation of time for speaking. All such rules shall grant reasonable opportunity for the public to be heard on matters within the jurisdiction of the Commission.

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(d) Open Meetings Law. Notices of all meetings and hearings of the Commission shall comply with the Open Meetings Law, Article 6252-17, Tex. Rev. Civ. Stat. Ann. as it may hereafter from time to time be amended.

Section 42-22. Administrative Procedures and Plat Submittal Requirements

(a) Plat requirements. All persons filing a subdivision plat with the Commission under this chapter shall furnish to the Department the materials described in subsections (b) thru (f) of this section.

(b) Application Form. An application form provided by the Department, must be completed in full.

(c) Submittal date and time. All plats, maps, reproduction fees and related materials shall be submitted to the Director not later than eleven o'clock a.m., ten (10) days prior to the next regular Commission meeting. All plats, maps and reproduction fees received after eleven o'clock a.m. on the date herein specified shall be filed with the Commission at the regular meeting following the expiration of ten (10) days from the submittal date.

(d) Plat Reproductions. The applicant must provide fifteen (15) paper prints from the original drawing of the plat reproduced on white paper with blue or black lines and one (1) positive sepia transparency, each of which folded to 8-1/2 inches by 14 inches.

(e) Encumbrance Information. Initial plat submittals must be accompanied with a title opinion or a statement or certificate, either in separate writing or on the face of the plat, executed by the applicant or the person who prepared the plat, which certifies that all existing encumbrances, such as various types of easements, fee strips or significant topographical features, on the land being platted are fully shown and accurately identified on the face of the plat and further stating whether the plat being submitted includes all of the contiguous land which the subdivider owns directly or indirectly, or has a legal or beneficial interest in or whether the subdivider owns or has a legal interest in any adjacent property. If the subdivider owns or has a legal interest in any adjacent property, the extent of such ownership and a boundary description of the land involved must also be provided.

(f) Plat Submittal Requirements for Replats under Section 5(c) of Art. 974a. All proposed replats which are governed by the provisions of Section 5(c) of Article 974a must be submitted with the following items in addition to those required under subsections (b) through (e) of this Section.

- (1) A written statement indicating intent to seek Commission approval under the requirements of Article 974a, Section 5(c).

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- (b) A current (not more than 30 days old) title report, statement, opinion, title policy, certificate, or letter from a title company authorized to do business in the State of Texas or from an attorney licensed as such in the State of Texas which indicates the name of the record owner of fee simple title for every piece of property required to be given written notice of such replat under the provisions of Article 974a, Section 5(c).
 - (3) A certified list (not more than 30 days old) of all owners of property as such ownership appears on the last approved ad valorem tax rolls of either the city or county within which such property is located, which are required to be given written notice of such replat under the provisions of Article 974a, Section 5(c). Certification for the purposes of this subsection shall be made by a title company authorized to do business in the State of Texas or an attorney licensed as such in the State of Texas.
 - (4) One stamped envelope addressed to each landowner indicated on either the title report or the tax roll list as required above. Each envelope shall contain a copy of the required notice as shown in Appendix N.
 - (5) An affidavit in separate writing signed by all the owners of property within the proposed replat which attests that the proposed replat "does not attempt to alter, amend or remove any covenants or restrictions."
 - (6) The Director will authorize the publication of the required notification of public hearing after the Commission establishes a date for said public hearing. After this authorization is given, the applicant must provide for the publication of notification (See Appendix O) in a newspaper of general daily circulation throughout the Houston area and must provide the Department with a publication affidavit from said newspaper within one (1) week of authorization.

Section 42-23. Plat Recordation Procedures and Requirements.

The subdivider must furnish the original plat drawing and other materials and information stated below to the Director, for checking for compliance with the conditions of final approval granted by the Commission. The materials described in subsections (a) through (c) of this section must be submitted to initiate the recording of any plat or instrument given final approval by the Commission:

(a) Plat Drawing and Reproductions. The original plat drawing must be prepared on any suitable permanent translucent material that the Commission shall, by written rule, from time to time, designate, including, but not limited to, tracing linen, plastic film or positive photographic film with lines, lettering and signatures in black ink or image. The names of all persons signing any plat must also be lettered under the signature. Two (2) paper prints from the original plat drawing (white paper with blue or black lines) and one (1) sepia transparency must also be provided.

(b) Title Report. A current title report, statement or opinion, title policy or certificate or letter from a title company authorized to do business in the State of Texas or an attorney licensed as such in the State of Texas must be provided certifying that within the thirty (30) days prior to the time the plat is furnished to the Department a search of the appropriate records was performed covering the land proposed to be platted and providing the following information concerning the title to said land:

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- (1) The date of the examination of the records.
- (2) A legal description of the property lying within the proposed subdivision including a metes and bounds description of the boundaries of said land.
- (3) The name of the record owner of fee simple title as of the date of the examination of the records, together with the recording information of the instruments whereby such owner acquired fee simple title.
- (4) The names of all lienholders together with the recording information and date of the instruments by which such lienholders acquired their interests.
- (5) A description of the type and boundaries of all easements and fee strips not owned by the subdivider of the property in question together with the recording information and date of the instruments whereby the owner of such easements or fee strips acquired their title.
- (6) Certification stating that all current City, County, and School district taxes due and payable have been paid or a tax certificate from the City, the County and the school district in which the land being platted is located showing no delinquent city, county or school taxes are due on the property being platted.
- (7) An executed record map return agreement form must be executed and provided to the Department at the time of submission for recordation (Appendix P).

(c) Private easement holders' consent. A letter, statement or other instrument from the owner of any privately owned easement or fee strip within the plat boundaries must be provided where such easements or fee strips are proposed to be crossed by streets (either public or private), or public utility or drainage easements, stating that the owner of such easement or fee strip approves such crossings of his/her private easements or fee strips for the purposes intended and depicted upon the plat. In those instances where an instrument of record is submitted in lieu of a letter or statement from the owner of any such private easement or fee strip, the Department shall then refer such instrument to the City Attorney for his determination as to whether the conditions contained in such instrument are sufficient to adequately provide or accommodate the crossings of such private easements or fee strips by the proposed streets (either public or private) or public utility or drainage easements depicted on the plat.

Sections 42-24 through 42-30 are reserved.

ARTICLE III COMMISSION REVIEW PROCEDURE AND POWERS

Section 42-31. Types of Commission action and review sequence.

(a) Initial Review. The Commission shall review each plat submitted to it on a preliminary basis and upon a final basis. The Commission may consider a plat on a simultaneous preliminary and final basis under the provisions of this Section. The Commission shall approve any plat if it is in compliance with the provisions of this chapter. Upon the receipt of a plat, the the Commission's authorized actions are as follows:

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- (1) Grant preliminary approval or preliminary approval with conditions.
- (2) Defer preliminary action until the next regular meeting (not to exceed 30 days).
- (3) Grant final approval, if in conformance with the conditions of preliminary approval or final approval subject to additional conditions.
- (4) Defer final action until the next regular meeting (not to exceed 30 days).
- (5) Disapprove any plat, either preliminary or final, if the Commission determines that it fails to comply with the policies and standards contained in this chapter.
- (6) Grant simultaneous preliminary and final approval under any of the following conditions:
 - a. When previously granted approval has expired and when such resubmitted plat is prepared in final form in full compliance with the previous approval conditions and where no changes are proposed within the original plat boundary.
 - b. When the plat is prepared in final form and covers a single tract or unrestricted reserve contained within a general overall plan or street dedication plat previously approved by the Commission and where no new or additional streets or lots are proposed to be created and established.
 - c. When an application is received containing an instrument for the vacation of a subdivision designed to convert such subdivision to acreage rather than replat or resubdivide the property in question.
 - d. When the plat submitted is an amending plat.

(b) Reconsideration of plat approval conditions. A subdivider may request the Commission to reconsider any requirement or condition of approval imposed by the Commission at any time during the period the approval granted is valid. Such request must be in writing and submitted to the Department in conformance with the provisions of Section 42-22(c) of this chapter regarding the submittal of plats and must state the specific requirement or condition of approval to be reconsidered and the reasons for such reconsideration. No fees will be charged to the subdivider or his authorized agent for the reconsideration of requirements. The Commission may reaffirm its previous actions, may rescind its previous actions if the merits of the situation warrant or may grant a variance as herein provided. The Commission shall not be required to reconsider the same requirement or condition of approval once it has rendered a decision upon a request for reconsideration.

Section 42-32. Expiration of Plat Approval.

All plat approvals granted by the Commission and the conditions therein, if any, are valid for a period of twelve (12) months from the date on which the approval was granted. The Commission may, upon receipt of a written request from the subdivider or his authorized agent prior to the expiration date of the plat approval, extend this term of approval for any time period not to exceed an additional twelve (12) months. The maximum term for approval of any plat granted by the Commission which has not been duly recorded must not exceed a

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total of twenty-four (24) months from the date on which approval was granted by the Commission.

Section 42-33. Variances.

(a) In those instances where, in the opinion of the Commission, strict compliance with the specific terms, rules, conditions, policies and standards of the Commission provided in this chapter would create an undue hardship by depriving the applicant or subdivider of the reasonable use of the land or, where, in the opinion of the Commission, there are unusual physical characteristics which affect the property in question and which would make strict compliance with the terms and conditions of this chapter or any rule promulgated under this chapter not feasible, the Commission may grant the applicant or subdivider a variance as to one or more requirements so long as the general purpose of this chapter is maintained. Economic hardship shall not constitute the sole basis for granting a variance under this section.

(b) Any variances granted under the provisions of this chapter will apply only to the specific property upon which the Commission was requested to approve a plat and that such variance shall not constitute a change of this ordinance, or any part thereof, or establish any policy, rule or regulation contrary to the provisions of this chapter.

(c) Any variance on a recorded plat granted before June 22, 1982 is hereby recognized as continuing to be valid and compliance with the provisions of this Section shall not be required.

(d) Any person desiring to secure a variance as to the provisions of this chapter must submit a written request for the variance along with the other materials required by Section 42-22. Any request for a variance must cite the specific rule, policy or standard contained in this chapter from which a variance is desired. Additionally, the request must cite the extent of the variance sought and the specific facts or reasons why such a variance is needed.

(e) No variance may be granted by the Commission unless approved by a majority vote of the members present at the meeting of the Commission at which the variance request is presented and that the Commission affirmatively finds:

- (1) That the variance would not be contrary to the general purpose and goals stated in this chapter.
- (2) That the variance would not be detrimental to the public health, safety or welfare or be injurious to adjacent property or prevent the subdivision or development of other land in the area in accordance with the provisions of this chapter.

(f) Such finding 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 such variance was granted.

Sections 42-34 through 42-40 are reserved.

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ARTICLE IV
PLAT GRAPHIC AND LEGAL REQUIREMENTS

Section 42-41. Information required.

All plats, maps or drawings submitted to the Commission must be in the form and contain the information or language required by this chapter.

Section 42-42. Preliminary plats.

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- (a) The proposed name of the subdivision or development, which must not be a duplicate of any subdivision or development of record within the City or its extraterritorial jurisdiction.
 - (b) The legal description of the property proposed to be subdivided including the name of the County, Survey and abstract number, together with reference to the nearest corner or street right-of-way intersection in the same general area.
 - (c) The total acreage and total number of lots, blocks and reserves.
 - (d) The name of owner of the property or subdivider. If the subdivider is other than a natural person the name of the principal officer or owner of the entity responsible for the subdivision must be provided.
 - (e) The name of the person or firm who prepared the plat.
 - (f) The date on which the plat was drawn.
 - (g) The north point. The drawing of the subdivision must be oriented with north to the top of the drawing.
 - (h) The scale must be drawn numerically and a graphic scale must be provided. The scales acceptable for a preliminary plat shall be either one inch equal 100, 200, 300 or 400 feet, or for small projects (less than 10 acres) one inch equal 20, 30, 40, 50 or 60 feet.
 - (i) A scale vicinity map must be provided and made a part of the plat indicating the general location of the subdivision and its relationship with well known streets, railroads, water courses and similar features in all directions from the subdivision to a distance not less than one (1) mile. The scale of the vicinity may be one inch equal one (1) mile and should be oriented with north to the top of the drawing and in the same direction as the detailed subdivision drawing.
 - (j) The plat boundaries must be drawn with heavy lines to indicate the subdivided area with overall survey dimensions and bearings. Lines outside the plat boundary should be drawn as dashed lines.
 - (k) The adjacent areas outside the plat boundaries must be identified indicating the name of adjacent subdivisions, churches, schools, parks, bayous, and drainage ways, acreage, and all existing streets, easements, pipelines and other restricted uses.
 - (l) The location and approximate width of existing and proposed water courses, ravines, and drainage easements.

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- (m) The location and identification of all tracts not designated as lots within the boundaries of the plat.
- (n) The location of all streets, roads, alleys, and easements, either existing or proposed, within the plat boundaries or immediately adjacent thereto.
- (o) The names of all existing and proposed streets located within the plat boundaries or immediately adjacent thereto.
- (p) The location of all lots, blocks, building setback lines and other features within the plat boundaries with approximate dimensions.

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Section 42-43. Plats containing private streets.

Plats submitted to the Commission containing private streets must contain the following information:

- (a) The number of separate buildings which contain or are anticipated to contain residential dwelling units.
- (b) The total number of dwelling units.
- (c) The location of principal entrances to each building.
- (d) An itemized listing of dwelling units containing information as to the number of bedrooms proposed for each dwelling unit.
- (e) The number of off-street parking spaces required.
- (f) The number of off-street parking spaces provided.
- (g) Location of existing and proposed fire hydrants.

Section 42-44. Final plats.

All final plats shall incorporate all of the provisions relating to preliminary plats and private street plats provided in Sections 42-42 and 42-43 of this Code and, where appropriate, reflect the conditions and requirements of final approval previously imposed by the Commission, together with the following additional requirements:

- (a) The final plat must be drawn on linen tracing cloth or stable plastic film or positive photographic film with black lines and image and shall be suitable for the reproduction of direct positive prints and reproductions.
- (b) Scale for a final plat drawing may be any of the following: one inch equals 100, 60, 50, 40, 30 or 20 feet. Plat drawings with other scales may be accepted at the Director's discretion.
- (c) All engineering and surveying data must be shown on the final plat sufficient to locate all of the features of the plat on the ground. This data must include, but not be limited to, full dimensions along all boundaries of the plat, street and alley rights-of-way, easements and drainage ways, gullies, creeks, and bayous together with the location of the high bank of such drainage ways and water courses, lots, blocks, reserves, out tracts or any other tracts designated separately within the plat boundaries, fee strips, pipelines or any other physical or topographical

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feature necessary to be accurately located by surveying methods. Such information must include line dimensions, bearings of deflecting angles, radii, central angles and degree of curvature, length of curves and tangent distances, all of which are to be shown in feet and decimal fractions thereof.

- (d) The intended use of all lots and reserves within the plat boundaries must be identified and noted within the reserve. In those instances where the intended use has not been determined, such lots and reserves shall be identified as unrestricted and so noted within the lot, tract or reserve.
- (e) All dedication statements and certificates must be made a part of the final plat drawing and must include, but not limited to, the statements, the general form and content of which are provided as examples in the Appendices to this chapter which are incorporated herein and made a part hereof for all purposes. Forms for these dedication statements, certificates, and various other notations, are attached as Appendices. These Appendices are only forms intended to be used as guidelines in the preparation of these instruments. The attached Appendices are as follows:

Owners' acknowledgment (See Appendix A).

Execution of owners' acknowledgment (See Appendix B).

Lienholders' acknowledgment and subordination statement (See Appendix C).

Notary Public acknowledgment for all signatures (See Appendix D).

Certificate for engineer or surveyor (See Appendix E).

Certificate for Commission (See Appendix F).

Certificate for Harris County Engineer (See Appendix G).

Certificate for Harris County Flood Control District Engineer (See Appendix H).

Certificate for Harris County Commissioners' Court (See Appendix I).

County Clerk filing acknowledgment statement (See Appendix J).

Encumbrances Certificate (See Appendix K).

Vacation of Subdivision Plat (See Appendix L).

Certificate for amending plats (See Appendix M).

Replat Notice (See Appendix N)

Replat Publication Notice (See Appendix O).

Return Map Agreement (See Appendix P).

Sections 42-45 through 42-50 are reserved.

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ARTICLE V
PLANNING STANDARDS

Section 42-51. Generally.

The following standards are established and shall be utilized in the design and management of the following categories of improvements.

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Section 42-52. Public streets general arrangement and layout

(a) General criteria. The public street system pattern proposed within any subdivision plat or development must comply with design standards of this section and shall:

- (1) Provide for adequate vehicular access to all properties within the subdivision or development plat boundaries.
- (2) Provide adequate street connections to adjacent properties to insure adequate traffic circulation within the general area.
- (3) Provide a local street system serving properties to be developed for residential purposes which discourages through traffic while maintaining sufficient access and traffic movement for convenient circulation within the subdivision and access by firemen, police and other emergency services.
- (4) Provide a sufficient number of continuous streets and major thoroughfares, particularly in those areas designed for the development of high-density multi-family residential, commercial, and industrial land uses; to accommodate the increased traffic demands generated by these land uses.

(b) Major thoroughfares:

- (1) Location and alignment. The location and alignment of major thoroughfares must be in conformance with the Major Thoroughfare Plan. Proposals which constitute a change in the location or alignment of any major thoroughfare or freeway must be approved by the Commission and the Council after the holding of a public hearing.
- (2) Right-of-way, widening, transitions. The minimum width of the right-of-way to be dedicated for any designated major thoroughfare shall not be less than 100 feet. In those instances where the plat is located adjacent to an existing major thoroughfare having a right-of-way less than 100 feet, sufficient additional right-of-way must be dedicated to accommodate the development of the major thoroughfare in question on the basis of a total right-of-way width of 100 feet. Where the construction of concrete pavement with curbs, gutters and storm sewers is not feasible and open ditch drainage is planned, the minimum right-of-way width required for the development of a designated major thoroughfare must be more than 100 feet and of sufficient width to accommodate the approved roadway pavement and attendant drainage facilities. In those instances where it is proposed to extend an existing major thoroughfare having a right-of-way width of 80 feet, the right-of-way to be dedicated for the extension of this major thoroughfare should be increased through a transitional area from 80 feet in width to 100 feet in width over a distance of 200 feet.

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(3) Curves and intersections. Curves proposed for the right-of-way of designated major thoroughfares must have a center line radius of 2,000 feet or more. Reverse curves should be separated by a tangent distance of not less than 100 feet. The acute angle of any public street intersection shall be no less than 80°. Where acute angle intersections are approved, however, a radius of at least 25 feet in the right-of-way line at the acute corner must be provided.

(c) Local streets

(1) Location and alignment. The location and alignment of local public streets proposed to be dedicated and established within a subdivision or development plat shall be designed in conformance with the standards listed in subsection 42-52(a).

(2) Right-of-way width, widening, transitions. The width of the right-of-way to be dedicated for any local street must be at least 60 feet except as provided in Paragraph (c). In those instances where a subdivision plat is located adjacent to an existing public street, with a right-of-way width less than 60 feet, sufficient additional right-of-way must be dedicated within the subdivision plat boundary to accommodate the development of the street to a total right-of-way width of not less than 60 feet. In those instances where a transition from any given right-of-way width to a greater right-of-way width is proposed, that transition must conform to the Geometric Design Guidelines for Subdivision Streets promulgated by the Traffic and Transportation Department for such transitions.

(3) Right-of-way for certain interior streets. An interior street which:

- a. includes in its design storm sewers; and,
- b. is designed as either,
 - 1. a cul-de-sac of eight hundred (800) feet or less in length;
 - 3. as a loop having an internal block length of less than one thousand (1000) feet; or,
 - 4. a street which is not an access or collector street and is designed such that it will, from a practical standpoint, serve only those lots which have frontage upon it.

shall have the following right-of-way widths:

- (i) A minimum of fifty (50) feet where the width of the residential lots abutting the interior street are forty (40) feet or more at the right-of-way line.
- (ii) A minimum of fifty-five (55) feet where the width of the residential lots abutting the interior street are less than forty (40) feet at the right-of-way line.

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- (4) Curves and intersections. Curves along local streets may have any center line radius, except that the center line radius on a reverse curve may not be less than 300 feet. Reverse curves should be separated by a tangent distance of not less than 50 feet. The intersections of all public streets shall include either a fifteen (15') foot cut back or a twenty-five (25') foot radius, whichever is more appropriate, and which is in accordance with Geometric Design Guidelines for Subdivision Streets as promulgated by the Traffic and Transportation Department. The acute angle of any intersection shall be no less than 80°. Where acute angle intersections are approved, however, a radius of at least 25 feet in the right-of-way line at the acute corner must be provided. Intersections of local streets must line up center line to center line or be offset a minimum 125 feet from center line to center line.
- (5) Cul-de-sac right-of-way radii. The radii of the right-of-way at the end of local streets terminated with a circular cul-de-sac turnaround must be 50 feet except in those instances where a curbed type street section is to be constructed, and storm sewers are not planned to be installed, but storm drainage is proposed to be accommodated within the street right-of-way. Where the adjacent property is intended for uses other than single family residential detached units, a cul-de-sac radii of 60 feet must be provided.
- (6) Dead-end streets. Dead-end streets will not be approved except in those instances where the street is terminated by a circular cul-de-sac turnaround or where the street is designed to be extended into adjacent property.
- (7) Interior streets. An interior street must be designed to form a closed traffic circulation system. Cul-de-sacs and loop streets or similar streets beginning from streets within a subdivision are interior streets. A local street that allows access through the subdivision to other properties adjacent to the subdivision or which directly connects with streets outside the plat boundary shall not be designated as an interior street.

(d) Street names for public streets.

All public streets contained in any subdivision plat or development plat approved by the Commission must be named in conformance with the following considerations:

- (1) New street names, not extensions of existing names, must not be duplicates of any existing street name located within the City or its extraterritorial jurisdiction.
- (2) Existing street names must be used in those instances where a new street is a direct extension of an existing street or a logical extension (when the streets in question are not and cannot be physically continuous) thereof except in those instances where the existing street name is a duplicate street name.

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- (3) Street name suffixes such as Court, Circle and Loop should be designated on streets which are cul-de-sacs or in configuration of a loop street. Suffixes such as Boulevard, Speedway, Parkway, Expressway and Drive shall be confined to designated major thoroughfares or local streets designed to handle traffic volumes in excess of normal neighborhood traffic generation. Suffixes such as Highway or Freeway shall be used only to designated highways or freeways falling under the jurisdiction of the State Department of Highways and Public Transportation.
- (4) Street name prefixes such as North, South, East and West may be used to clarify the general location of the street, however, such prefixes must be consistent with the existing and established street naming and address numbering system of the general area in which the street is located.
- (5) Alphabetical and numerical street names must not be designated on any subdivision plat or development plat except in those instances where such street is a direct extension of an existing street with such a name and is not a duplicate street name.

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Section 42-53. Alleys

(a) General arrangement and layout. Alleys may be provided within any subdivision plat to provide secondary vehicular access to lots which otherwise have their primary access from an adjacent public street and where such public streets and alleys are to be served by storm sewers. Public alleys may not be used or designed to provide the principal access to any tract of land and may not provide any access to property outside the subdivision plat boundaries in which the alleys are dedicated.

(b) Right-of-way width, intersections, curves. Public alleys must have a right-of-way width of not less than 20 feet. Intersections with public alleys or public streets must be at right angles except in those instances where the subdivider requests and receives a variance as provided for herein. All corners at the intersection of alley right-of-way with public streets or other alleys must have at least a 25 foot radius or 15 foot angular cut-backs provided. Curves in alleys should be kept to a minimum and should have a center line radius of not less than 300 feet. Reverse curves in alleys should be separated by a tangent distance not less than 50 feet.

(c) Dead-end alleys. No dead-end or cul-de-sac alleys will be permitted.

Section 42-54. Public street and alley right-of-way widths.

(a) Major thoroughfares. All major thoroughfares shall have a minimum right-of-way of 100-feet.

(b) Interior streets. All interior streets shall have a minimum right-of-way of 50 feet.

(c) Access streets. All access streets shall have a minimum right-of-way of 60 feet.

(d) Alleys. All alleys shall have a minimum right-of-way of 20 feet.

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(e) Annual Major Thoroughfare Plan Review. Each year, on or before the first day of September, the Commission shall prepare and submit to the City Council a Major Thoroughfare Plan, which shall contain recommended setback lines, adopted with the concurrence of the Public Works and Traffic & Transportation Departments. The Commission may, from time to time, and, upon the petition of any interested property owner consider an amendment to any portion of the Major Thoroughfare Plan. Any amendment of a portion approved by the Commission must thereafter be approved by City Council.

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Section 42-55. Private streets.

(a) Purpose. Development plats containing private streets filed under the provisions of Article VI of this chapter must comply with the provisions of this Section and Section 42-58 of this Code. The purpose for the regulation of private streets and the standards established in this Section are:

- (1) To provide adequate vehicular access to all buildings and facilities by City police and fire vehicles and,
- (2) To provide for the safe movement of all vehicles from a private street to the public street system of the City.

(b) Curves, offsets, and transitions. Curves along private streets may have any center line radius, except that the center line radius on a reverse curve may not be less than 65 feet. Reverse curves should be separated by a tangent of not less than 25 feet. The intersections of private streets must line up center line to center line or be offset a minimum of 65 feet from center line to center line. Transitions from a given private street width to a greater width must conform to the Geometric Design Guidelines for Subdivision Streets promulgated by the Traffic and Transportation Department for such transitions.

(c) Width. The width of a private street shall be measured from edge to edge across the surface of the pavement. The right-of-way width and the pavement width of a private street are considered coterminous and the terms are used interchangeably. The minimum acceptable unobstructed width of any private street is 28 feet. If parallel parking is proposed along the private street, additional width may be required to accommodate such parking.

(d) Dead-ends, cul-de-sacs and T or L-type turnarounds. Dead-end private streets must be terminated by a circular cul-de-sac having a paving radius of not less than 50 feet or a T or L-type turnaround designed in conformance with the standards approved by the Fire Chief and the Director of the Department of Traffic and Transportation Departments.

(e) Length of cul-de-sac or dead-end private streets. A dead-end private street must not extend further than 300 feet from the nearest right-of-way line of the intersecting public or private street measured along the center line of said private street to the center of the cul-de-sac or the center in the T or L-type turnaround configuration.

(f) Intersections. In those instances where a private street intersects with a public street paved with dual roadways and esplanade, the private street shall be located at an esplanade opening or offset a sufficient distance as determined by the Traffic & Transportation Department. Private streets must not be direct (straight line) projections of any public street, except in those instances where (1) such extension is at an intersection with a public street paved with dual roadways and esplanade, or, (2) where the

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private street is two separate 20-foot (minimum) roadways separated by a minimum 20 foot curb section at the public street intersection and the private street is not a direct connection (straight line) between two public streets. In those instances where the private street is not a direct extension of a public street, then the private street must be offset a minimum distance of 125 feet center line to center line from any public street intersection. Intersections of all private streets must be at right angles, provided that the Commission may grant a variance from such requirement. Right angle intersections of private streets must have a 20 foot radii at all corners. Acute angle intersections must have 25 foot radii at the acute corner on both public and private streets.

(g) Multiple access points to public streets. All apartment projects containing private streets must have a private street system designed to provide adequate emergency vehicular access and the private street system must be designed to provide more than one point of access to the project from the public streets adjacent to the boundaries of the project. In those instances where the Fire Chief finds, that additional access points are necessary, additional access points will be required to insure the safety and general welfare of the public and occupants of the projects.

(h) Review by Fire Department. The Fire Chief shall review and approve all plats containing private streets which have been submitted to the Commission for approval and shall provide the Commission with his comments and recommendations regarding the adequacy of the design of the proposed private street system to provide sufficient emergency access to all buildings by firemen and fire-fighting equipment, considering the kinds of equipment and methods of fire-fighting in use by the Fire Department of the City of Houston, the location of buildings within the proposed project and their relationship to existing and proposed fire hydrants and other factors which may affect the safety and general welfare of the public and the occupants of the buildings to be constructed within the boundaries of the plat.

Section 42-56. Off-Street residential parking standards for subdivision and development plats.

(a) All plats or building sites established in any subdivision plat or any development plat containing private streets or driveways, intended for the construction of residential dwelling units must be so restricted as to provide space to accommodate the parking of vehicles outside of any public street right-of-way in conformance with the following schedule: (The size of off-street parking spaces must be same as specified in the Building Code and in conformance with the standards approved by the Director of the Traffic and Transportation Department.)

- (1) Efficiency - 1 1/4 (1.250) parking spaces
- (2) 1 bedroom - 1 1/3 (1.333) parking spaces
- (3) 2 bedroom - 1 2/3 (1.666) parking spaces
- (4) 3 or more bedrooms - 2 parking spaces
- (5) Single family residential (attached or detached) units - 2 parking spaces per unit (spaces must be on or adjacent to each lot).

(b) The total off-street parking spaces required may be determined by adding the total of the parking space requirements and any fraction of one-half (1/2) or less must be counted as the next smaller whole number and any fraction in excess of one-half (1/2) must be counted as the next higher whole number. The parking spaces required above for apartment buildings must not be in tandem and all parking spaces must be illustrated and dimensioned. Parking space arrangement, sizes of spaces and driveway openings must be in conformance with the standards adopted by the Traffic and Transportation Department and incorporated in the Building Code.

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(c) Notwithstanding the foregoing provisions of this section, a requirement of one (1) parking space per dwelling unit will apply to residential structures owned or contracted to be owned by a housing authority created under the provisions of Article 1269k, Texas Revised Civil Statutes Annotated. Provided, however, that such exception will not apply unless the plat shall restrict all lots and building sites and certified by the board of directors of the housing authority containing a covenant to the effect that leases will be made with all tenants of the residential structure that will include a provision that the occupancy of the dwelling unit may continue only so long as the family occupying the same owns or operates no more than one (1) motor vehicle. Provided, further, that in the case of residential structures sponsored or constructed by such housing authority under an arrangement between the authority and the United States Department of Housing and Urban Development, the occupancy of which structures is to be limited to low-income handicapped or elderly people, a requirement of one (1) parking space for each three (3) dwelling units shall apply.

041-19-0599

Section 42-57. Block lengths.

(a) Major thoroughfares. The maximum length for blocks adjacent to major thoroughfares must not be more than 1800 feet.

(b) Local streets. The maximum length of blocks adjacent to local streets must not be more than 1400 feet, except under the following circumstances:

- (1) Loop streets may have an internal block length of not more than 1000 feet.
- (2) Cul-de-sacs may have a block length of not more than 800 feet, measured from the intersection with the right-of-way of a cross street along the center line of the cul-de-sac street to the center of the circular turnaround at the end of the cul-de-sac.
- (3) Stub streets or dead-ends may have a block length of not more than 800 feet unless terminated with a circular turnaround suitably modified to accommodate future extension of the street into adjacent property.

Section 42-58. One foot wide reserves.

A one foot wide reserve shall be established within the street right-of-way in those instances outside the City limits where any public street is established in a plat submitted to the Commission and where such public street forms either a stub street into adjacent acreage or where such street lies along and parallel with the plat boundary and adjacent to acreage. Such reserve shall form a buffer strip dedicated to the public to prevent access to such public street unless and until the adjacent acreage is platted. The conditions associated with the establishment of a one foot reserve on a plat are contained in the following notation which must be placed upon the face of any plat where a one foot reserve is to be established:

"One foot reserve dedicated for buffer purposes to the public in fee as a buffer separation between the side or end of streets where such streets abut adjacent property, the condition of such dedication being that when the adjacent property is subdivided or re-subdivided in a recorded plat, the one-foot reserve shall thereupon become vested in the public for street right-of-way purposes and the fee title thereto shall revert to and re-vest in the dedicator, his heirs, assigns, or successors."

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A one-foot reserve shall be established adjacent to the public street right-of-way in those instances outside the city limits where an unrestricted reserve is to be established adjacent to a previously dedicated public street and the average depth of the reserve is more than 300 feet. (See Section 42-62(b)). In such cases, the following notation must be placed upon the face of the plat.

"One-foot reserve dedicated to the public in fee as a buffer separation between the public street and the adjacent unrestricted reserve, the condition of such dedication being that when the adjacent reserve is replatted and approved by the City Planning Commission, the one-foot reserve shall automatically be vacated and the fee title thereto shall revert to and revest in the dedicator, his heirs, assigns, or successors."

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Section 42-59. Partial or half streets.

Partial or half streets may be dedicated in those instances where the Commission finds that it is necessary for the proper development of the land and in the public interest to locate a public street right-of-way centered on a property line. A partial or half street dedication of less than a 50-foot right-of-way width on a designated major thoroughfare or less than a 30-foot right-of-way width on any other type public street shall not be approved. Appropriate notations and one-foot reserve must be placed upon any plat restricting access from any partial or half streets so dedicated to adjacent acreage tracts until the adjacent property is subdivided in a recorded plat and the additional adjacent right-of-way is dedicated providing the appropriate right-of-way widths as specified in this ordinance.

Section 42-60. Easements.

(a) Public Utility Easements:

- (1) Location. Public utility easements must be provided along the rear of all residential lots or in such other locations as determined to be necessary by the Director of the Public Works Department or required by private utility companies. Public utility easements located along the outer boundaries of a plat must contain the full width required for such easements except in those instances where the adjacent property is within a portion of a previously approved plat and under the same ownership as the property being platted or where additional easement width is dedicated by separate instrument by the owner of said adjacent tract. In such cases one-half of the required easement width may be dedicated within the plat boundary with the other half provided outside the plat boundary by separate instrument or through notation on the plat certifying the ownership and dedication of said easement.
- (2) Public utility easement widths, dead-ends. All public utility easements not adjacent to a public street right-of-way established within any subdivision plat must not be less than 10 feet in width. In those instances where underground electrical facilities are to be installed within the public utility easement and not adjacent to a public street right-of-way, said easement width must not be less than 16 feet in width. No dead-end public utility easements will be permitted.

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(b) Drainage and Storm Sewer easements. All drainage easements must be located and dedicated to accommodate the drainage requirements required for the proper development of the property within the subdivision boundaries and within its natural watershed and in conformance with the requirements of the Director of the Department of Public Works and other governmental agencies charged with the responsibility of storm drainage or flood control within the area the subdivision is located. A suitable note on the plat must restrict all properties within the subdivision insuring that drainage easements within the plat boundaries shall be kept clear of fences, buildings, planting and other obstructions to the operations and maintenance of the drainage facility and abutting property shall not be permitted to drain directly into this easement except by means of a drainage structure approved by the Director of Public Works or other authorized public drainage or flood control official. (See Appendix A, Owners' Acknowledgment).

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(c) Federal flood insurance program. Chapter 19 of the Code of Ordinances regulates the construction and development of property within flood prone areas located within the corporate limits of the City.

(d) Private easements, fee strips. All easements or fee strips created prior to the subdivision of any tract of land must be shown on the subdivision plat with appropriate notations indicating the name of the holder of such easement or fee strip, the purpose of the easement and generally the facilities contained therein, the dimensions of the easement or fee strip tied to all adjacent lot lines, street rights-of-way and plat boundary lines and the recording reference of the instruments creating and establishing said easement or fee strip. In those instances where easements have not been defined by accurate survey dimensions such as "over and across" type easements, the subdivider shall request the owner of such easement to accurately define the limits and location of his easement through the property within the plat boundaries. If the holder of such undefined easement does not define the easement involved and certifies his refusal to define such easement to the Director the subdivision plat must provide accurate information as to the center line location of all existing pipelines or other utility facilities placed in conformance with the easement owners' rights and building setback lines must be established 15 feet from and parallel with both sides of the center line of all underground pipelines or pole lines involved.

Section 42-61. Building setback restrictions.

The following building setback restrictions are required for the indicated design characteristics of the adjacent street, right-of-way width, and the use proposed for the land adjacent to such streets:

(a) Major thoroughfares. Properties adjacent to major thoroughfares which are divided into lots must have front, side, and rear building setback of not less than twenty-five (25) feet from the adjacent major thoroughfare right-of-way. However, properties adjacent to major thoroughfares which are divided into lots intended to be used for residential purposes, may have a rear building setback of not less than ten (10) feet right-of-way for a one-story uninhabited garage as the term 'garage' is defined in the City Building Code. A note restricting the use and size of such a structure to a one-story uninhabited garage must appear on the face of the plat.

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(b) Local streets:

(1) Properties adjacent to local streets which are divided into lots restricted for the construction of detached residential dwellings suitable for individual ownership must have a front building setback from the adjacent street right-of-way of not less than 25 feet. When such lots side on a local street, a side building setback of not less than 10 feet must be provided. When such lots back on a local street, a rear building setback of not less than 10 feet must be provided. Exceptions to these requirements are as follows:

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- a. When the average lot depth in the whole subdivision is 105 feet or less, the front building setback may be reduced to 20 feet.
 - b. When the lots face interior streets having a right-of-way width of 50 feet, the front building setback restriction may be waived subject to the following conditions: 1) that the applicant submit in writing a request to have the building setback lines waived and 2) that there be provided on the face of the plat a typical lot layout and notes restricting the placement of the garage and dwelling unit itself as follows:
 1. When the garage or carport faces the public street, it shall be set back a minimum of 20 feet from the public street right-of-way line and the dwelling unit shall be set back a minimum of 10 feet from the public street right-of-way line. (See Figure A attached hereto)
 2. When the garage or carport entrance is perpendicular to the public street, the garage or carport shall be set back a minimum of 10 feet from the public street right-of-way line. (See Figure B attached hereto)
 3. Building setback restrictions of 10 feet are required however, on the front and side of all corner lots.
 4. When vehicular access to a lot is from an approved public alley, then no front building setback lines shall be required, except for corner lots as provided for herein. (See Figure C attached hereto.)
 - c. When the lots face the circular portion of a cul-de-sac street, a front building setback of 20 feet shall be provided unless such requirements are waived under item 2 above.

(2) Properties adjacent to interior or local streets which are planned to be developed into residential apartments with multiple dwelling units under single ownership or management shall have a building setback of not less than 10 feet. Where such properties are adjacent to a major thoroughfare a building setback of not less than 25 feet shall be provided.

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- (3) All other properties not divided into lots or designed for the development of residential dwelling units which are adjacent to local streets must have a minimum of a 10-foot building setback restriction provided along all adjacent streets. If, however, such properties are located directly across a street from residential lots or properties having a building setback restriction on such properties in excess of 10 feet, the building setback restriction required on the non-residential property must be equal to or exceed the building setback restrictions established on the opposite residential properties. In no case shall the building setback restriction required on the nonresidential property exceed 25 feet.
- (4) All properties adjacent to an access street must contain building setback restrictions in conformance with the standards set out in this section as applicable.

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(c) Private streets. A building setback restriction of not less than 5 feet must be provided along each side of the outer edge of the pavement, where habitable structures side or face on any private street approved by the Commission.

(d) Building setback line off-sets and transitions. In those instances where the required building setback restriction line changes from one tract to another, a transitional building setback line must be provided having a minimum angle of 45 degrees. Such transitional building setback line must be located on the lot or tract having the lesser building setback restriction requirement.

(e) Pipelines, railroad rights-of-way. Where underground pipelines carrying flammable products under pressure through properties within a plat or where properties within the plat back or side along a railroad right-of-way, a 15-foot building setback restriction must be provided adjacent to such pipeline easement or fee strip (or the center line of the pipeline facility if no easement is defined) or railroad right-of-way line. The building setback restriction shall not be applicable to buildings within a development adjacent to railroad spurs.

Section 42-62. Reserve tracts.

(a) Definition. "Reserve tract" shall be the designation for those individual parcels of land created within a subdivision plat which are not divided into lots, but are established to accommodate some specific purpose such as a commercial center, industrial site, a golf course or other type of private recreational facility, schools or church site or site for utility facilities such as water wells and storage areas, wastewater treatment plants, electrical power stations, or other activities and land uses for which a division into lots is not suitable or appropriate. Since the use of reserve tracts may not be completely determined by the subdivider or developer at the time plats are prepared and submitted to the Commission, these reserve tracts may be established as "unrestricted reserves."

(b) Public street access. Reserves established on any subdivision plat must have frontage on, and be immediately adjacent to, at least one public street, with such frontage being not less than 60 feet in width. In those instances outside the city limits where the average depth of an unrestricted reserve is more than 300 feet, the access of the reserve to all adjacent public streets must be separated by a one-foot reserve placed within or adjacent to the abutting public street right-of-way as provided for in Section 42-58.

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(c) Identification and designation. All reserves must be labeled and identified on the plat and a description of the use intended for such reserve must be noted. If the use of the reserve is not restricted for any specific use, the reserve must then be identified and noted as being unrestricted. All reserves are to be identified and designated by alphabetical letters, not numbers, along with an indication as to the total acreage of such reserves must be shown within each reserve boundaries.

Section 42-63. General lot design standards.

(a) All Lots:

- (1) Each lot shall be of sufficient size and shape to allow the construction of a residential dwelling unit which can meet the requirements of established building or construction codes, housing and public health codes, and ordinances.
- (2) Each lot shall be of sufficient size and shape to accommodate an easement for all public and private utility services and facilities to adequately serve any residential dwelling unit constructed thereon.
- (3) Each lot shall be of sufficient size and shape and so located that direct vehicular access is provided from a public street or through an approved permanent access easement and that vehicles can be parked on the lot without encroachment on any adjacent public street or alley rights-of-way.

(b) Lot Shapes. Lots shall be designed, so far as possible, with side lot lines being at right angles or radial to any adjacent street right-of-way line. Where all lots are either perpendicular and at right angles or radial to adjacent street rights-of-way, a suitable notation may be placed upon the plat in lieu of lot line bearings.

(c) Key or flag lots. Key or flag lots may be permitted, however, the narrowest part of such a lot, being the staff portion of the flag lot, must not be less than 20 feet in width or have a length of more than 200 feet. Such lot must also be restricted to prevent the construction of any building, structure, wall or fence within the staff portion of such lot and that the staff portion of such lot will be restricted for access to such lot only. Such restrictions shall be shown on the face of the subdivision plat in the form of a notation or a part of the dedicatory language on the plat.

(d) Double-front lots. Double-fronted lots will not be approved except in those instances where lots are restricted to one (1) single family residential unit and where the lots back on an adjacent major thoroughfare or access street circumstances. In all of the above cases, vehicular access shall be denied to the street upon which the lot backs and such restriction must be so noted on the plat face.

(e) Street access limitations. Access shall not be permitted by rear and side vehicular driveways from residential lots to any adjacent major thoroughfares, freeways, highways or any other public street which carries vehicular traffic of such volume that such additional vehicular driveways would create a traffic hazard or impede the flow of traffic. Such access restriction must be noted directly upon the plat and adjacent to the lots in question. Residential lots shall not front on a major thoroughfare, and shall not have direct driveway access to the major thoroughfare.

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(f) Lots without sewer service. Lots established in any plat or subdivision not designed to be served by a public or off-site sanitary sewer system will not be permitted to be established in any flood hazard area (100 year flood plain) as determined under the Federal Flood Insurance Program and the minimum lot sizes must be determined in conformance with the regulation of the Texas Department of Health, adopted November 30, 1977, "Construction Standards for Private Sewage Facilities." The percolation test must be performed by an engineer licensed to practice the profession of engineering in the State of Texas and approved by the Director of Public Works. In platted subdivisions served by a Public Water Supply System, the lot size must be a minimum of 15,000 square feet. In a platted subdivision served by an individual water system, the lot size must be a minimum of 20,000 square feet.

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(g) Lot and Block identification. All blocks established in any subdivision shall be designated by number with said numbers being consecutive within the whole subdivision plat. Lots established within said blocks shall also be numbered with numbers being consecutive within the block. Lot numbering may be cumulative throughout the subdivision so long as the numbering system continues from block to block in a uniform manner.

(h) Minimum Lot Sizes - General Provisions.

(1) Non-residential uses.

Lots in any subdivision plat which are designed or intended for non-residential use or are intended to be unrestricted, must have a minimum lot area of not less than 5000 square feet and must have frontage along and adjacent to at least one public street having a right-of-way width of not less than 60 feet. If such lots or tracts proposed to be established have an average depth of more than 300 feet from the adjacent public street right-of-way, such tracts shall not be established and designated as lots, but must be established and designated as reserves and subject to those provisions of this ordinance pertaining to reserves.

(2) Residential uses.

(a) Radial lots (those lots adjacent to curved streets or circular cul-de-sacs) must have a width at the front property line equal to the minimum width for lots specified herein.

(b) The width of a corner lot of a block wherein the average lot width is less than sixty (60) feet shall be increased from the average lot width depending on the nature of the streets abutting the corner lot. The amount by which the width of the corner lot shall be increased is as follows:

| <u>Where the corner lot is adjacent to an intersection of</u> | <u>the additional lot width shall be</u> |
|---|--|
| 1. Two public streets, | 5 feet |
| 2. A major thoroughfare and a public street, | 20 feet |

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- (c) When lots are backing on a natural drainage way, bayou, creek, gully, an open drainage facility or other encumbrance, such lots must have a depth sufficient to provide at least 70 feet from the drainage easement line or encumbrances boundary to the front building setback line or front property line if no building setback restriction is required.
- (d) When lots are backing on a designated major thoroughfare such lots must have a depth of at least 10 feet deeper than the average depth of lots within the interior of the subdivision having frontage on local streets.
- (e) The minimum lot area for sewered lots must not be less than 5000 square feet. Under special conditions, as provided in Section 42-64, the lot area and street accessibility conditions herein provided may be modified.

041-19-0606

(i) Lot Sizes - Special Conditions.

- (1) Street access. All lots over three thousand five hundred (3500) square feet in area shall have frontage and be adjacent to at least one public street having a right-of-way of not less than 50 feet or direct access to an approved common courtyard that has direct access on a public street having a right-of-way of fifty (50) feet and vehicular access to each lot is from an approved public alley. Lots containing an area less than 3500 square feet may have frontage on a public street, may have frontage upon an approved common courtyard or common open space having frontage on a public or private street or may have frontage upon a private street which connects with a public street. In these instances where such special lot is to be established without direct frontage along an adjacent public street, such lots must be a part of a unified development scheme where the owners of all lots within the subdivision are legally bound together by deed restriction, contract or any other constituted and binding homeowners' association, corporation, or other organization with as one of its purposes the continued care and maintenance of all commonly owned properties within the subdivision, particularly the areas established as private streets. Proof of the establishment of such legally binding restrictions and obligations must be provided to the Department prior to the recording of any plat containing any lots not having frontage along an adjacent public street, and must provide that such designation shall remain in effect until the plat is vacated or the tract is replatted.
- (2). Reduced lot area, width. Lots proposed to be established under these special conditions must be sewered lots and may have a gross area of not less than 1400 square feet with a minimum width not less than 18 feet.
- (3) Compensating open space required. In those instances where the proposed lot has a gross area of less than 5000 square feet, compensating open space must be established and provided within the plat boundary and based upon the following schedule:

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Compensating Open Space Requirements
(Lots less than 5,000 square feet in area)

| Average Area of lots (square foot.) | Compensating Open Space Required per lot (square foot.) |
|--|---|
| 1400 - 2000 | 720 |
| 2001 - 2500 | 600 |
| 2501 - 3000 | 500 |
| 3001 - 3500 | 400 |
| 3501 - 4000 | 300 |
| 4001 - 4500 | 200 |
| 4501 - less than 5000 | 100 |

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In no instance will the compensating open space contained within any subdivision having special lots be less than 21,780 square feet (1/2 acre) or shall the compensating open space required be in excess of 25% of the gross area of the property within the plat boundary exclusive of any public street rights-of-way involved. This does not apply to subdivisions having special lots and containing less than 10 acres. Subdivisions having special lots and containing less than 10 acres must, however, provide compensating open space in accordance with the schedule. If a plat containing lots requiring compensating open space is less than 10 acres, but is a part of a larger tract being planned and developed as an overall design, the Commission may take into consideration the overall development scheme in the determination of compensating open space requirements provided for herein.

Section 42-64. Compensating open space.

- (a) Compensating open space is considered to be only in those areas not specifically designated or used as lots, building sites for dwelling units, building sites for utility or storage purposes, vehicular parking lots, carports or garages or driveways thereto or streets either public or private. These properties must be restricted for the exclusive use of owners within the subdivision and owned, managed and maintained under a suitable binding agreement among such property owners. Compensating open spaces may remain undeveloped or landscaped and may be developed for recreational purposes and can be used to provide courtyard access from groups or clusters of lots adjacent to public streets.
- (b) Compensating open spaces used as courtyards which are designed to provide primary access from groups or clusters of lots or building sites adjacent to public streets or private streets must have an average width between the fronts of such lots or buildings of 25 feet with a minimum width of such distance being not less than 20 feet. The length of such courtyards should not be more than 200 feet extending away from the public street or private street on to which such courtyards must open.
- (c) Compensating open space analysis when lots to be established on the plat are to have an area of less than 5000 square feet. This analysis is to include the following items:
 - (1) Total number of lots, hereafter referred to as "a".
 - (2) Total area of lots (in square feet and acres), hereafter referred to as "b".

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- (3) Average lot area (b / a) in square feet, hereinafter referred to as "c".
- (4) Typical lot size (length and width).
- (5) Total area of compensating open space within plat boundary (in square feet and acres), hereafter referred to as "e".
- (6) Average compensating open space per lot (e / a), hereafter referred to as "f".
- (7) Lots plus compensating open space (c + f).
- (8) Total area for: Public street rights-of-way, private street rights-of-way, and other areas not designated as lots in square feet and acres.
- (9) Dwelling unit density (a = total gross area of plat, exclusive of any unrestricted reserves).

011-19-0608

Section 42-65. Building layout; fire hydrant location.

All buildings proposed to be constructed within a plat containing private streets must be so arranged and located that fire fighting apparatus can park and reach any part of any building with a 200 foot long hose extending from such equipment. This 200 foot hose length must be measured as the hose is laid on the ground and may not be measured as an aerial radius from such parked equipment. In addition, fire hydrants must be so located and provided within the project boundaries so that 500 feet of fire hose, extending on the ground from the hydrant, can reach the furthestmost part of any building within the boundaries of the plat. The five hundred (500) feet includes the two hundred (200) feet of hose from the fire fighting apparatus to the building and three hundred (300) feet of hose from the fire hydrant to the apparatus along the private street. The distance between fire hydrants located along the private street shall not exceed six hundred (600) feet to insure adequate fire protection. Entrances to all buildings containing residential dwellings must be illustrated on the plat of any project containing private streets.

Section 42-66. Building design for residential use; fire walkways.

All buildings proposed to be constructed within any project containing private streets and which contain residential dwelling units and have an overall length of 300 feet or more, must be so designed to have one or more open, unobstructed walkways through the building at ground level, having a width of not less than five (5) feet. In those instances where buildings are to be constructed over and across any private street, the unobstructed overhead clearance must not be less than 14 feet, measured between the highest point of the private street paving under the structure and the lowest part of the building structure or associated parts thereof. Suitable restrictions as to this condition must be noted on the plat.

Sections 42-67 through 42-80 are reserved.

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ARTICLE VI
THE PROCEDURE FOR THE FILING OF DEVELOPMENT PLATS;
STANDARDS FOR REVIEW AND APPEAL TO THE PLANNING COMMISSION

Section 42-81. Purpose.

The purpose of this article is to establish the procedure for the enforcement of this chapter through a review of development plats for all construction, except as exempted herein.

Section 42-82. Development plat submittal requirements

The following items shall be submitted by an Applicant in connection with the development plat review process:

1. an application form;
2. two (2) copies of a survey sealed and certified by a registered surveyor showing all proposed structures and tied to a street intersection or landmark (this does not have to be a recent survey, but the survey must illustrate all contiguous property under one ownership or legal interest);
3. three (3) copies of the site plan illustrating all proposed and existing buildings (where applicable), stairways, fences, and adjacent roadways;
4. a copy of the title report dated not more than thirty (30) days before the submission of the application hereunder accompanied by a Title Certificate; and
5. the filing fee.

Section 42-83. Development plats and title certificates.

(a) It shall be a violation of this chapter for any person to construct upon any property within the territorial limits of the City or within its area of extraterritorial jurisdiction without (1) first submitting a development plat and title certificate to the Department, and (2) receiving the approval of the development plat by the Department under the provisions of this chapter; provided, however, that no such submission or approval of a development plat shall be required for the following:

- (1) Construction of buildings, structures, or improvements to be used solely for an agricultural use;
- (2) Construction of non-residential buildings, structures or improvements on lots, tracts or reserves contained in any recorded plat approved by the Commission, provided such plat was recorded after March 15, 1963;
- (3) Construction of apartment buildings, all of which are less than three hundred (300) feet from an improved public street and located on lots, tracts or reserves contained in a recorded plat approved by the Commission, provided such plat was recorded after March 15, 1963;
- (4) Construction of not more than three (3) single family residential units (attached or detached) which do not have frontage on an improved public street right-of-way and which are located on lots, tracts or reserves contained in a recorded plat approved by the Commission, provided such plat was recorded after March 15, 1963;

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- (5) Construction of a detached single family residential unit which has frontage on an improved public street and is located on a lot contained in a recorded plat approved by the Commission; or
- (6) Construction of a building or structure or improvement within the Central Business District;

(b) The application for a development plat shall include a statement by the applicant, under oath, setting forth all other property owned or controlled by the applicant, which adjoins the property included in the development plat.

041-19-0610

Section 42-84. Review of Development Plats

(a) The Director shall review and act upon a development plat within ten (10) working days from the date that the plat is filed in the office of the Director.

(b) If the development plat includes property that has been subdivided, as that term is defined by this chapter, and such property is neither excepted by the terms of this chapter, nor covered by a previously approved and recorded subdivision plat then the subdivided property must be platted in compliance with this chapter. If the development plat includes property that has not been subdivided as defined by this chapter then, nevertheless, a development plat complying with the provisions of Sections 42-83, 42-84, and 42-85 must be submitted and approved.

Section 42-85. Standards for Review

The Director shall review the development plat to determine if the proposed development complies with the following standards:

- (a) The development plat provides for the construction of no building, structure or improvement in location or locations that are inconsistent with the general major thoroughfare plans for the extension of the streets, roads, highways and alleys of the city.
- (b) The development plat provides for:
 - (1) the construction of no building less than twenty-five (25) feet from the right-of-way of any existing or proposed right-of-way of a major thoroughfare shown on the Major Thoroughfare Plan;
 - (2) the construction of no building structure or improvement not less than ten (10) feet from the right-of-way of all other streets;
 - (3) the development of the property included within the development plat, together with all other property owned or controlled by the applicant, directly or indirectly, will not result in a block length in excess of the following:

Block Length (in feet)

Major Thoroughfare 1800'
All Other Streets 1400'

- (4) the construction of no building, structure or improvement at a location that would prevent the extension of an existing stub street adjacent to the tract included in the development plat;

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- (5) off street residential parking in compliance with Section 42-56 of this chapter; and
 - (6) Access to a public street having a right-of-way width of not less than sixty (60) feet except in Street Width Exception Areas as described in Section 42-88 hereof.
- (c) In the event the development plat provides for the construction of an apartment-building any portion of which is located more than three hundred (300) feet from an improved public street right-of-way or for the construction of more than three (3) single family residential units (attached or detached), any of which does not have frontage on an improved public street right-of-way, then the development plat must comply with the provisions of Article V of this chapter, and must be approved by the Commission and filed of record in the Map Records of the County in which the tract is located.
- (d) In the event the development plat provides for the construction of a building structure or improvement on a lot, block or reserve in a subdivision platted before March 15, 1963, and does not meet the requirements of subsections (a) and (b) of this Section then a plat must be filed with the Commission and recorded in compliance with this chapter.
- (e) In those instances where a canopy is proposed to be constructed adjacent to a designated major thoroughfare, with sufficient right-of-way, and the supporting structure and accompanying island (if any) are in compliance with the 25-foot setback requirement, the canopy may cantilever into the 25-foot setback a maximum of 10 feet.

041-19-0611

Section 42-86. Review of development plats by the director.

- (a) The Director shall, within ten (10) working days of the receipt of the development plat, determine whether such plat complies with the standards set forth in Sections 42-5 and 42-85 of this chapter.
- (b) If the Director finds that the development plat complies with the provisions of this chapter he shall endorse his approval upon the development plat.
- (c) If the Director finds that the development plat does not comply with the provision of this chapter he shall inform, in writing, the persons submitting the development plat of the reason or reasons for disapproval.
- (d) Any disapproval of a development plat may be appealed to the Commission within sixty (60) days of the mailing of a written notice of disapproval.
- (e) If widening of a local public street is required, the applicant must record the proposed dedication by separate instrument in the deed records of the appropriate county. The development plat and proposed dedication must be approved by the Director under this Section or by the Commission under 42-87 prior to recording the separate instrument. However, a copy of that executed separate instrument, certified by the county clerk of the appropriate county, must be submitted to the Director as evidence of dedication prior to obtaining a development plat approval letter.

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Section 42-87. Procedure for the appeal of a disapproval of a development plat to the commission.

- (a) A person may appeal the disapproval of a development plat to the Commission by filing the following materials:
- (1) A copy of the Director's letter disapproving the development plat.
 - (2) A copy of all materials submitted to the Director in connection with the development, including four copies of the development plat.
 - (3) A brief statement of the basis of the appeal.
- (b) The deadline for the filing of an appeal under this section shall be eleven o'clock on the Monday of the week immediately preceding the week in which the next meeting of the Commission is scheduled to occur.
- (c) At the appeal hearing an applicant may:
- (1) Be represented by counsel
 - (2) Produce relevant written or oral testimony in support of his appeal.
- (d) The Commission shall act to sustain or deny an appeal within twenty (20) days of the date of the hearing. A tie vote by the Commission shall result in a failed motion but shall constitute action for purposes of this Section. The decision of the Commission shall be final.

DATE 19-06-12

Section 42-88. Street width exception areas.

- (a) Street Width Exception Areas are those areas which have been found to have 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 fifty (50) feet except for specific streets. Any area that has block lengths which are generally 600 feet or less, a paved public street and right-of-way of not less than fifty (50) feet wide with equivalent levels of vehicular traffic, as determined after a study by the Director of the Traffic and Transportation Department, may, after a public hearing, be eligible to be designated by the Commission as a Street Width Exception Area under this Section. (See Figure D attached hereto).
- (b) In addition to such areas as may be designated by the Commission in accordance with subsection (a), the following areas are hereby designated as Street Width Exception Areas with the exception of certain streets as noted:
- (1) The area included and bounded by North Loop West I.H. 610, Yale Street, W. 20 Street, Oxford Street, West I.H. 10 Frwy., Sawyer Street, Buffalo Bayou, and North I.H. 45 Frwy. with the exception of:

Michaux Street
 E. 14th Street
 Enid Street
 Link Street
 E. 23th Road
 West Patton
 Watson Street.

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- (2) The area included and bounded by MKT. R.R., S.P.R.R., North Entrance to I.H. 10 as projected and extended to east Memorial Loop, Crestwood Street, Memorial Drive, Wescott Street, Buffalo Bayou, Heights Blvd., West I.H. 10 Frwy. and N. Shepherd Drive with the exception of:

Feagan Street
Patterson Street
Birdsall Street.

- (3) The area included and bounded by Buffalo Bayou, Shepherd Drive, San Felipe Street, Kirby Drive, W. Holcombe Blvd., Main Street, McGowen Street, Bagby Street, and Heiner Street with the exception of:

Hazard Street
Stanford Street
Fairview Street
Taft Street
West Clay
Garrot Street.

- (4) The area included and bounded by Main Street, Hermann Street, Alameda Road, N. MacGregor Parkway, H.B. & T.R.R., Elgin Street, Dietz Street, Gulf Frwy. (45) (75), Dowling Street, Hadley Street, St. Emanuel, and McGowen Street with the exception of:

Sampson Street
Tuam Street.

Sections 42-89 through 42-100. Reserved.

ARTICLE VII
ENFORCEMENT - CRIMINAL AND CIVIL

Section 42-101. Civil Enforcement.

- (a) The Building Official, as that term is defined in the City Building Code, shall not grant a building permit application unless there is attached to the application, a development plat which has been approved by the Director or unless the applicant certifies that he is building on a lot, tract or reserved contained in a recorded, final plat approved by the Commission after March 15, 1963.
- (b) The Director of the Department of Public Works shall not permit any tract of land to receive any service from the City water or sanitary sewer systems unless at the time of the application for service the applicant provides the Director of the Department of Public Works satisfactory evidence that the tract of land was developed in compliance with this chapter.
- (c) Pursuant to the provisions of Paragraph b of Appendix A of the Water District Resolution, the Director of the Department of Public Works shall approve plans and specifications of District improvements to serve any tract of land, located within or without the boundaries of the District only if all of the tract of land has been included in a development plat approved by the Director and where appropriate in the plat described in Paragraph d of the Water District Resolution.

04119-0613

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Section 42-102. Penal provisions applicable.

Any person violating any provision of this chapter within the corporate limits of the City of Houston, Texas, shall be guilty of a misdemeanor, and upon conviction shall be fined an amount not exceeding two hundred dollars (\$200.00). Each day that such violation continues shall constitute a separate offense. Prosecution or conviction under this provision shall never be a bar to any other remedy or relief for violations of this chapter.

Section 42-103. Judicial provisions applicable.

Any person violating any provision of this chapter outside the corporate limits of the City of Houston, Texas, but within the exclusive extraterritorial jurisdiction of the City of Houston, Texas, shall not constitute a misdemeanor under this chapter and no fine shall be applicable to such violation, however, the City of Houston shall have the right to institute an action in the district court to enjoin any person in violation of any provision of this chapter and the district court has the authority to grant any or all types of injunctive relief in such cases.

04119-061A

Section 42-104. Denial of plat approval.

(a) The Commission is hereby authorized to deny final approval of any plat if:

- (1) the subdivider has proceeded with the improvement of the land in question prior to the final approval of the plat; or,
- (2) the subdivider has proceeded to sell lots or tracts of land within a subdivision which is not properly recorded or not in compliance with the provisions of this ordinance.

(b) This section shall not be construed to authorize the construction of any improvements within the territorial limits of the city within a subdivision plat, unless such plat has been finally approved and recorded.

Section 42-105. Denial of utility connections.

In those areas located within the corporate limits of the City of Houston, Texas, the public works engineer shall not issue any building permit or other permits required for the installation of any utility, either public or private, to serve lots or tracts established in a subdivision or development falling under the provisions of this chapter and which has not been properly recorded. In those areas located outside the corporate limits of the City of Houston, but within the exclusive extraterritorial jurisdiction of the City of Houston, the public works engineer shall not approve any plans for the construction of any sanitary sewer systems, domestic water distribution systems and storm drainage systems within any district which the city has granted its consent for creation unless and until the provisions of this chapter have been complied with for any tract of land served by utilities provided by the utility district.

Section 42-106. Conflicts With Other Ordinances

Whenever the standards, specifications and provisions of this chapter conflict with those contained in this code or in other ordinances of the City of Houston, the most stringent or restrictive provision shall govern."

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SECTION 2. Severability Clause

Should any portion or part of this ordinance be held for any reason to be invalid or unenforceable, the same shall not be construed to affect any other valid portion hereof, but all valid portions hereof shall remain in full force and effect and to this end all provisions of this ordinance are hereby declared to be severable.

SECTION 3. Open Meetings

The City Council officially finds, determines, recites and declares that a sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Article 6252-17, Texas Revised Civil Statutes Annotated; and that this meeting has been open to the public as required by law at all times during which this ordinance and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

041E1970615

SECTION 4. Emergency

There exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor.

PASSED this 23rd day of October, 1985.
APPROVED this 23rd day of October, 1985.

William Whitmire
Mayor of the City of Houston

10
NO
W

HH (Prepared by Legal Dept. Dawn Ulrich SW)
(CMW:DU:pas 10/15/85) Executive Assistant City Attorney
(L.D. File No. _____)

CAPTION PUBLISHED IN DAILY COURT
REVIEW
DATE: OCT 29 1985

| VOTE | | |
|------|------------|-----------------|
| AYE | NO | |
| / | | MAYOR WHITMIRE |
| / | | COUNCIL MEMBERS |
| / | | McKASKLE |
| | ABSENT | McGOWEN |
| / | | GREANIAS |
| | ABSENT | ELLIS |
| / | | MANCUSO |
| / | | GOODNER |
| / | | HARTUNG |
| / | | GORCZYNSKI |
| / | | REYES |
| | ABSENT | WESTMORELAND |
| | ABSENT | TINSLEY |
| / | | GREENWOOD |
| / | | HALL |
| | ABSENT-ILL | ROBINSON |

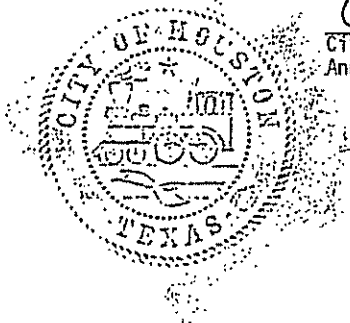
CAPTION ADOPTED

9190-613140

I, ANNA RUSSELL, City Secretary of the City of Houston, Texas, do hereby certify that the within and foregoing is a true and correct copy of Ordinance No. 85-1878, passed and adopted by the City Council of said City on the 23rd day of October, 1985, as the same appears in the records in my office.

WITNESS my hand and the Seal of said City this 31st day of July, A. D. 1991.

Anna Russell
City Secretary of the City of Houston
Anna Russell



RECORDERS MEMORANDUM
ALL BLACKOUTS, ADDITIONS AND CHANGES
HERE PRESENT AT THE TIME THE INSTRUMENT
WAS FILED AND RECORDED.

ANY PROVISION HEREON WHICH RESTRICTS THE SALE, RENTAL, OR USE OF THE RECORDED REAL PROPERTY BECAUSE OF COLOR OR RACE IS HEREBY AND LEGALLY DECLARED UNLAWFUL UNDER THE LAWS OF THE STATE OF TEXAS.
COUNTY OF HARRIS }
I hereby certify that this instrument was FILED in file number _____ Sequence on the date and at the time stamped hereon by me and was duly RECORDED in the Official Public Records of Harris County, Texas on

AUG 1 1991



Quita Redden
COUNTY CLERK,
HARRIS COUNTY, TEXAS

FILED

91 AUG -1 PM 3:01

Quita Redden
COUNTY CLERK
HARRIS COUNTY, TEXAS

041-19-0617.

CERTIFICATE OF LEGALITY AND AUTHENTICITY
FOR MICROFILM RECORDS

OFFICIAL PUBLIC RECORDS OF REAL PROPERTY
HARRIS COUNTY, TEXAS

041-19-0618

FILM TITLE PAGE
FOR
OFFICIAL PUBLIC RECORDS OF REAL PROPERTY
HARRIS COUNTY, TEXAS