

**Walkable Places Code Amendments  
Planning Commission Draft 05/14/2020**

**Draft for Discussion Purposes Only  
Not Yet Approved by the Houston Planning Commission, City Attorney, or City Council**

**CHAPTER 1 - GENERAL PROVISIONS**

**Amend the definition of “Major Thoroughfare and Freeway Plan” in section 1-2 (*Rules of construction and definitions*) as follows:**

*Major thoroughfare and freeway plan* or MTFP shall mean the latest edition of the major thoroughfare and freeway plan adopted by the planning commission and approved by the city council.

**Add the following definitions to section 1-2 (*Rules of construction and definitions*):**

*Design manual* means the Houston Public Works Infrastructure Design Manual, as it may be amended from time to time.

*Transit-oriented development plan* or *TODP* means the latest edition of the transit-oriented development plan adopted by the planning commission.

*Transit-oriented development street* or *TOD street* means a public street designated as a primary TOD street or secondary TOD street on the transit-oriented development plan.

*Walkable places plan* or *WPP* means the latest edition of the walkable places plan adopted by the planning commission and approved by the city council.<sup>1</sup>

*Walkable places street* or *WP street* means a public street designated as a primary WP street or secondary WP street on the walkable places plan.

**CHAPTER 10 – BUILDINGS AND NEIGHBORHOOD PROTECTION**

**Amend section 10-2 (*Code compliance review*) as follows:**

The building official shall forward each application for the issuance or amendment of a building permit to the director of the department of planning and development or the director's designee to determine compliance with this Code and those provisions of the Construction Code that relate to driveways, sidewalks, parking lots, and alleys, if the scope of the work involves one or more of the following:

- (1) The construction of any new structure or building;
- (2) An addition to any structure or building;
- (3) A change in occupancy designation of a structure or building or portion thereof;

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<sup>1</sup> Review for proper placement of definitions of Transit-oriented development street and Walkable places street may be relocated to a different chapter.

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- 45
- 46 (4) The construction of any driveway or curb cut;
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- 48 (5) The construction or expansion of any parking lot;
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- 50 (6) The construction of any fence over eight feet high;
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- 52 (7) The construction of any retaining wall; ~~or~~
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- 54 (8) The construction of any masonry wall; or
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- 56 (9) The exterior modification to the ground floor façade, as the term is defined
- 57 in section 42-1, to any structure or building located on a tract adjacent to a
- 58 walkable place street or transit-oriented development street.
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60 There is hereby imposed the fee stated for this provision in the city fee schedule for the  
61 review under this section. The building official shall collect this fee from the applicant at  
62 the time of the issuance of the building permit or amendment. The fee shall not be  
63 refundable and shall be in addition to any other fee imposed by law.

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65 **CHAPTER 26 - PARKING**

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67 **Amend subsection (b) in section 26-471 (*Purpose and applicability*) as follows:**

- 68 (b) This article applies to:
- 69
- 70 (1) The construction of a new building;
- 71
- 72 (2) The alteration of an existing building or tract where the alteration results in an
- 73 increase in the parking factor;
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- 75 (3) A change of use classification;
- 76
- 77 (4) The modification of a parking facility that results in the elimination of any parking
- 78 space, loading berth, or bicycle space otherwise required by this article;
- 79
- 80 (5) An alteration of a shopping center (strip) or shopping center (neighborhood) that
- 81 results in the addition or alteration of a class 6 or 7 use classification; ~~and~~
- 82
- 83 (6) Buildings or tracts within the market-based parking area, except that division 2 of
- 84 this article shall not apply to buildings or tracts within the market-based parking
- 85 area; and
- 86
- 87 (7) Buildings or tracts along a primary TOD street, except that division 2 of this article
- 88 shall not apply to buildings or tracts for which a valid building permit or certificate
- 89 of occupancy has been issued.
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**Add subsection (e) in section 26-471 (*Purpose and applicability*) as follows:**

- (e) The planning official is authorized to promulgate rules and procedures for the efficient administration of this article.

**Remove the definition of “Major Thoroughfare” from section 26-472 (*Definitions*).**

[Editor’s Note: The definition of “Major Thoroughfare” for the Code is in Chapter 1, section 1-2 and is applicable to this chapter.]

**Amend the definition of “Special Parking Area” in section 26-472 (*Definitions*) as follows:**

*Special parking area or SPA* means an area designated by city council and managed by a management entity that may have alternative parking requirements to those required by this article.

**Add the following definition to section 26-472 (*Definitions*):**

*Micro-mobility device* means a scooter, skateboard, or other compact device designed for personal mobility, either privately-owned or part of a shared service. It does not include “electronic personal assistive mobility” devices under the Texas Transportation Code, section 551.201, or medical devices.

**Amend section 26-503 (*Reduced parking space requirement for transit-oriented developments*) as follows:**

- (a) The total number of parking spaces required by this article for a use classification on a secondary TOD street shall be reduced by ~~20~~ 50 percent if:
  - (1) The building or tract complies with the requirements of optional performance standards provided in article IV of chapter 42 of this Code; and
  - ~~(2) In addition to the minimum number of bicycle spaces required by section 26-496 of this Code, the applicant provides enough bicycle parking spaces to qualify for a five percent reduction in the number of required parking spaces under section 26-497 of this Code; and~~
  - (~~2~~3) The applicant does not receive an additional reduction in the total number of required parking spaces as provided for by section 26-497 or 26-498 of this Code.

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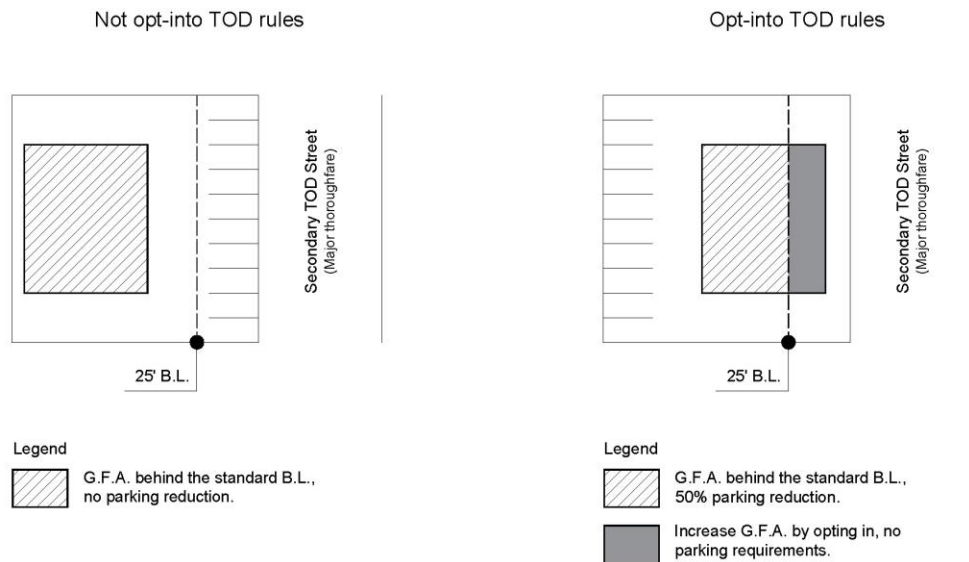
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138 (b) For a use classification that meets the criteria of subsection (a), no parking spaces  
139 shall be required for the portion of the use classification within the standard building line  
140 requirement, as the term is defined in section 42-1 of this Code, of:

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142 (1) 25 feet when the secondary TOD street is designated a major thoroughfare; or

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144 (2) 10 feet when the secondary TOD street is not designated as a major thoroughfare.

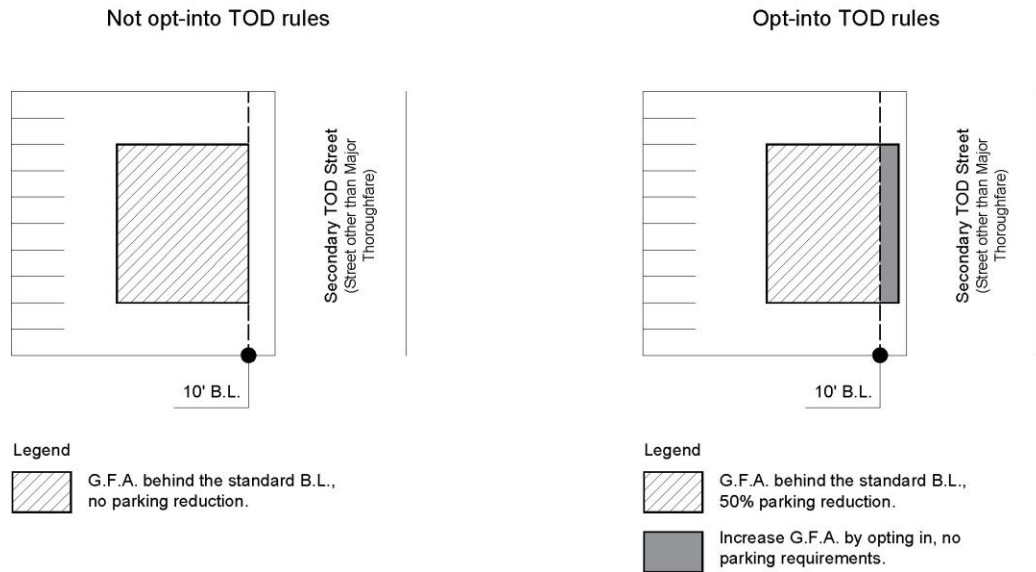
145  
146 Exhibit 1 – secondary TOD street designated as a major thoroughfare



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148 Exhibit 2 – secondary TOD street designated as a street other than a major thoroughfare

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## Amend Division 3 (SPECIAL PARKING AREAS) in Article VII as follows:

### Sec. 26-510. Special parking areas.

The city council may designate special parking areas to accommodate the unique parking needs in certain areas of the city upon consideration of an application filed in accordance with this division or in conjunction with an amendment to the walkable places plan. The department planning official shall maintain a list of current special parking areas, maps and written descriptions of their boundaries, and their approved parking management plans on its the department website.

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### Sec. 26-511. ~~Application requirements~~ Requirements for designation of a special parking area.

(a) An application for designation of a special parking area may be filed with the department by a management entity that represents the holders of legal interests within the proposed special parking area SPA and has a demonstrated perpetual commitment to the proposed special parking area SPA. The application shall be in the form prescribed by the director planning official and shall include the following:

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(1) The non-refundable fee set forth for this provision in the city fee schedule;

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(2) Payment for all costs, as set out in the city fee schedule, associated with the notice provisions of this division;

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(3) A proposed parking management plan in accordance with section 26-512 of this Code; and

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(4) A map illustrating the boundaries of the proposed SPA.

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~~(3) A proposed parking management plan that describes the following:~~

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~~a. The current parking requirements for each building and tract as required by this article within the proposed special parking area as well as the anticipated parking requirements of proposed development and redevelopment within the special parking area;~~

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~~b. Existing parking restrictions such as hours of permitted parking and restrictions relating to use;~~

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~~c. Existing and proposed public and private parking facilities;~~

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~~d. Existing and proposed transit facilities or other alternative modes of transportation, including, but not limited to:~~

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~~{1} Existing and proposed METRO rail stations and fixed-route bus stops;~~

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~~{2} Existing and proposed bicycle lanes, bicycle routes, shared-use paths, and pedestrian trails;~~

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~~{3} Existing and proposed bicycle spaces and bicycle facilities;~~

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~~{4} Existing and proposed taxi-cab stands;~~

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~~{5} Existing and proposed services for shuttle, trolley, park and ride, jitney, and similar services; and~~

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~~{6} A transit ridership summary that details the extent of usage of the existing transit facilities or modes, the number of vehicles that proposed transit facilities or modes will replace, and other information or evidence that current and future parking facilities will satisfy demand for parking within the boundaries of the proposed special parking area on a permanent basis;~~

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- 213
- 214 e. ~~The approximate number of vehicular trips generated by the existing use~~
- 215 ~~classifications within the proposed special parking area and the average~~
- 216 ~~vehicle occupancy;~~
- 217
- 218 f. ~~An analysis of the parking supply and demand within the proposed special~~
- 219 ~~parking area, including peak demand hours;~~
- 220
- 221 g. ~~The approximate number of people employed within the proposed special~~
- 222 ~~parking area;~~
- 223
- 224 h. ~~The approximate number of people who reside within the proposed special~~
- 225 ~~parking area;~~
- 226
- 227 i. ~~Proposed and existing mitigation measures designed to prevent spillover~~
- 228 ~~parking into adjacent properties and residential neighborhoods; and~~
- 229
- 230 j. ~~The proposed shared parking plan, alternative parking regulations, and~~
- 231 ~~substituted requirements for the number of parking spaces, bicycle spaces,~~
- 232 ~~or loading berths, as applicable, for the special parking area with a~~
- 233 ~~justification for each; and~~
- 234
- 235 (4) ~~A map illustrating the boundaries of the proposed special parking area and~~
- 236 ~~showing the boundaries of each individual property within the proposed special~~
- 237 ~~parking area.~~
- 238

239 (b) For a SPA designated in conjunction with an amendment to the walkable

240 places plan for an area where there is no management entity, the planning official shall

241 oversee the submittal for the parking management plan developed in accordance with

242 section 26-512 of this Code and a map illustrating the boundaries of the proposed SPA.

243

244 **Sec. 26-512. – Parking management plan.**

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246 (a) The parking management plan for a special parking area, for the initial plan

247 and any modifications, shall include, but not be limited to:

248

249 (1) The proposed alternative standards of this article or substituted

250 requirements for the number of parking spaces, bicycle spaces, or loading

251 berths, as applicable, for the SPA with a corresponding justification for each

252 alternative standard or substituted requirement; and

253

254 (2) A summary of proposed and existing mitigation measures, if applicable,

255 designed to prevent or discourage spillover parking into adjacent properties

256 and residential neighborhoods.

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258 (b) The initial parking management plan for a special parking area shall also

259 include:

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- (1) A summary of existing use classifications within the proposed SPA and any known proposal for development or redevelopment within the proposed SPA;
  - (2) Existing and proposed parking facilities with more than 40 parking spaces available for use by the general public;
  - (3) Existing and proposed transit facilities and other alternative modes of transportation, including, but not limited to:
    - a. A transit ridership summary that details the extent of usage of the existing transit facilities within the boundaries of the proposed SPA; and
    - b. Existing and proposed services for shuttle, trolley, park and ride, bicycle or micro-mobility device rental, jitney, and similar services; and
  - (4) An analysis of the parking supply and demand within the proposed SPA, including anticipated peak demand hours.

281 **Sec. 26-542513. – Procedures for designation of a special parking area by**  
282 **application.**

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- (a) ~~The director-planning official~~ shall review each application filed under section 26-511 of this Code for completeness. Upon determining that an application is complete, ~~the director-planning official~~ shall forward the application to the Director of Houston Public Works for review. ~~The director-planning official~~ shall give notice of a public hearing before the commission to:
    - (1) Each owner of property within the proposed special parking area and within 500 feet of the boundary of the proposed special parking area as shown on the most current appraisal district records;
    - (2) Each neighborhood association with defined boundaries registered with the department in which any portion of the proposed special parking area is located;
    - (3) Each district council member in whose district any portion of the proposed special parking area is located;
    - (4) The chief of the city police department; and
    - (5) The parking official of the city as defined in this chapter.

304 Notice shall be given by first class mail no later than ~~15-20~~ days before the date  
305 of the public hearing, except that notice may be given by electronic mail to the people  
306 and entities listed in items (2), (3), (4), and (5) of this subsection.



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(b) The commission shall hold at least one public hearing upon the designation of the area as a special parking area and on the management entity's proposed parking management plan. The ~~director~~planning official shall submit recommendations to the commission regarding the designation of the special parking area and the proposed parking management plan.

**Sec. 26-~~513~~514. – Commission action on an application for designation of a special parking area.**

(a) After the close of the public hearing and upon receipt of the ~~director's~~ planning official's recommendations pursuant to subsection (b) of section 26-~~512~~513 of this Code, the commission shall consider the application and recommend the designation of the special parking area and the approval of the parking management plan if the commission finds that the application meets the following criteria:

- (1) The special parking area has a clearly defined boundary;
- (2) The management entity responsible for the special parking area has a demonstrated capacity to manage parking needs and parking facilities, including an understanding of the parking supply and demand within the proposed special parking area;
- (3) The proposed parking management plan will not result in significant parking or mobility deficiencies from reduced parking standards, incompatible or competing use classifications, or inadequate enforcement and regulation;
- (4) The proposed parking management plan will mitigate the impact of spillover parking onto adjacent properties and residential neighborhoods; and
- (5) The proposed parking management plan ~~will provide~~ demonstrates reasonable and sufficient access to parking facilities or transportation services within the special parking area.

(b) The commission may impose any conditions reasonably related to the designation of the special parking area that furthers the intent and purpose of this article.

(c) If the commission is unable to make the findings necessary for the designation of the special parking area and the approval of the parking management plan, the commission shall:

- (1) Defer the application to a later commission meeting; or
- (2) Deny the application.

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- 352 (d) ~~The director~~planning official shall submit an affirmative recommendation of the  
353 commission to city council.  
354

355 **Sec. 26-515. - Commission action on the designation of a special parking area in**  
356 **conjunction with an amendment to the walkable places plan.**  
357

- 358 (a) If a proposed SPA is requested as part of an amendment to the WPP, the planning  
359 official shall submit recommendations to the commission on both the amendment to  
360 the WPP and the proposed SPA designation with the parking management plan  
361 simultaneously.  
362

- 363 (b) After the close of the public hearing required under section 33-423 of this Code and  
364 upon receipt of the planning official's recommendations pursuant to subsection (a) of  
365 this section, the commission shall consider the proposal and recommend the  
366 designation of the SPA and the approval of the parking management plan if the  
367 commission finds that the proposal meets the following criteria:  
368

369 (1) The SPA has a clearly defined boundary within the limits of the WPP amendment;  
370

371 (2) The proposed SPA is consistent with the purpose and objectives of the WPP as  
372 described in section 33-421 of this Code;  
373

374 (3) The proposed parking management plan will not result in significant parking or  
375 mobility deficiencies from reduced parking standards, incompatible or competing  
376 use classifications, or inadequate enforcement and regulation;  
377

378 (4) The proposed parking management plan will mitigate the impact of spillover  
379 parking onto adjacent properties and residential neighborhoods; and  
380

381 (5) The proposed parking management plan demonstrates reasonable access to  
382 parking facilities or transportation services within the SPA.  
383

- 384 (c) The commission may modify or amend the proposed SPA or parking management  
385 plan to meet the intent and purpose of this article.  
386

- 387 (d) If the commission is unable to make the findings necessary for the designation of  
388 the SPA and the approval of the parking management plan, the commission shall:  
389

390 (1) Defer the application to a later commission meeting;  
391

392 (2) Refer the application back to planning official for further study; or  
393

394 (3) Remove the SPA designation from further consideration with the amendment to  
395 the WPP.  
396

- 397 (e) The planning official shall submit an affirmative recommendation of the commission  
398 to city council.

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**Sec. 26-514516. City council action on designation of a special parking area.**

~~The city council shall consider the recommendation of the commission and, consistent with the criteria of subsection (a) of section 26-513 of this Code, shall approve or deny the proposed designation. City council may consider the designation of a SPA as recommended by the commission and shall vote to approve the recommendation of the commission, disapprove the recommendation of the commission, or refer the SPA back to the commission for further consideration.~~

**Sec. 26-515517. Modification of a special parking area.**

~~A management entity may request that additional tracts be added to or deleted from a special parking area at any time by following the application requirements for the designation of a special parking area. The application for modifying a special parking area shall be subject to the same procedures and criteria as the original application. Additional tracts may be added to or deleted from a SPA at any time in accordance with the application designation procedures and criteria of this division.~~

**Sec. 26-516518. Duties and responsibilities.**

(a) ~~It shall be the responsibility of the management entity to implement the provisions of the parking management plan within the special parking area. The management entity shall submit a review of the parking management plan to the commission every two years after the designation of the special parking area. The review of the parking management plan must:~~

~~(1) Be accompanied by the non-refundable fee set forth for this provision in the city fee schedule; and~~

~~(2) Include documentation of any changed circumstances from the information provided to the commission in the application for designation of the special parking area or from the most recent review of the parking management plan.~~

~~(b) If the management entity fails to submit a review of the parking management plan within three years of the designation of the special parking area or the last review of the parking management plan, the provisions of the parking management plan shall not apply within the special parking area, and the building official shall issue a building permit or a certificate of occupancy for buildings or tracts that comply with the provisions of this article without reference to the parking management plan.~~

(b) Following the designation of the SPA by city council, the planning official shall coordinate the implementation of the parking management plan with the city departments and entities with jurisdictions related to the streets or property included within the SPA, including other governmental entities, political subdivisions, transit authorities, or local government corporations.

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- 445 (c) The planning official shall, from time to time, evaluate each SPA to determine if  
446 circumstances related to the designation or subsequent parking management plan  
447 implementation have changed and may warrant a revision to the parking  
448 management plan or modification to the SPA designation. If such a determination is  
449 made, the planning official shall document the change in circumstances then report  
450 to the commission the findings of the evaluation and any corresponding  
451 recommendations.

452  
453 **Sec. 26-519. Review of parking management plan.**

- 454  
455 (a) ~~The~~ Within 60 days of receiving the report from the planning official outlined in  
456 subsection (c) of section 26-518 of this Code, the commission shall ~~hold a public hearing~~  
457 ~~on the~~ review of the parking management plan submitted by the management entity  
458 ~~pursuant to section 26-516 of this Code and circumstances related to the SPA designation.~~  
459 ~~After the close of the public hearing-~~ Upon review, the commission shall:

- 460  
461 (1) Take no action if the commission finds that no changes should be made to the  
462 parking management plan; or  
463  
464 (2) Instruct the management entity or planning official, as applicable, to submit for  
465 commission review a revised parking management plan by following the  
466 application requirements of section 26-511 of this Code if the commission finds  
467 that evidence of changed circumstances within the special parking area may  
468 warrant a revision of to the parking management plan.  
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- 470  
471 (b) If the commission requires ~~the management entity to submit~~ a revised parking  
472 management plan pursuant to item (2) of subsection (a) of this section, the ~~director~~  
473 planning official shall give notice of a public hearing on the review of the revised parking  
474 management plan in accordance with the provisions of section ~~26-512~~513 of this Code.  
475 The commission shall hold a public hearing and review the revised parking management  
476 plan. After the close of the public hearing, the commission shall:

- 477  
478 (1) Take no action if the commission finds that no changes should be made to the  
479 parking management plan;  
480  
481 (2) Recommend to city council that the revised parking management plan should  
482 be adopted to accommodate any changed circumstances outlined in the  
483 commission review of the revised parking management plan; or  
484  
485 (3) Recommend to city council that the designation of the special parking area  
486 should be terminated.  
487

- 488 (c) If the parking management plan is revised or the designation of the special parking  
489 area is terminated by city council as a result of the procedures outlined in this section, all  
490 use classifications that have been permitted on or before the date of council action shall  
491 be permitted to continue to exist except as otherwise provided in this article. All use

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492 classifications permitted after that date shall comply with the revised parking management  
493 plan or the parking requirements of this article.  
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**Chapter 33 – PLANNING AND DEVELOPMENT**

**Add the following definitions to section 33-351 (*Definitions*):**

*Back-of-curb* means the lateral line of a roadway measured from the back of the roadway's curb nearest the property line.

*Frontage* means the part of a parcel that shares a common property line with a street.

*METRO* means the Metropolitan Transit Authority of Harris County.

*Roadway* has the meaning ascribed in section 42-1 of this Code.

*Street segment* means the street between two intersecting streets, or between an intersecting street and the termination of the roadway at a well-defined physical barrier.

*Transit station* means a passenger loading or unloading facility of a route for a guided rapid transit or fixed guideway transit system owned or operated by METRO along a transit corridor street. The term does not include the stops or stations of the local or park and ride bus systems.

*Transit corridor street* means a major thoroughfare designated on the MTFP that METRO has proposed or maintains as a route for a guided rapid transit or fixed guideway transit system.

*Walking distance* means the distance identified by this article, as applicable, from the edge of a transit station platform along a continuous path measured along the centerline of a street or sidewalk easement, as the term is defined in section 40-551 of this Code.

**Amend the definitions of “Applicant” and “Director of Houston Public Works” in section 33-351 (*Definitions*) as follows:**

*Applicant* means any of the following that requests an amendment to ~~the MTFP~~ a plan pursuant to this article: a property owner or the owner's authorized agent, a governmental entity, a political subdivision, a transit authority, a local government corporation, or an entity that represents property owners within the entity's boundaries.

*Director of Houston Public Works* means the ~~Director~~director of Houston Public Works or the director's designee.

**Remove the definition of “Director” from section 33-351 (*Definitions*).**

[Editor’s Note: The definition of “Director” is the same as “Planning Official” found in Chapter 1, section 1-2 and is applicable to this chapter. The Legal Department will include a clause for a universal replacement of the term “Director” with “Planning Official” throughout the article, where applicable.]

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544  
545 **Remove the definition of “Major Thoroughfare” from section 33-351 (*Definitions*).**  
546 [Editor’s Note: The definition of “Major Thoroughfare” for the Code is in Chapter 1, section 1-2  
547 and is applicable to this article.]  
548

549  
550 **Add two new divisions (Division 4 and Division 5) to Article IX (MAJOR PLANS) to read as**  
551 **follows:**

552  
553 [Editor’s Note: Secs. 33-409—33-420. Reserved.]

554  
555 **Division 4. – WALKABLE PLACES PLAN**

556  
557 **Sec. 33-421. – Scope.**

- 558  
559 (a) The city shall adopt and maintain a walkable places plan to preserve and enhance the  
560 pedestrian-friendly design and development along certain designated streets within  
561 the city. The WPP shall include, but is not limited to, the identification and classification  
562 of street segments where modifications to plans, programs, policies, and regulations  
563 are necessary or available to enable improvements to the pedestrian experience and  
564 the built environment along the identified street segment(s) and a corresponding map.  
565  
566 (b) The WPP must be consistent with the general plan described in article II of this  
567 chapter, the MTFP, and other related plans, programs, policies, laws, and regulations.  
568

569 **Sec. 33-422. – Administrative responsibilities.**

- 570  
571 (a) It shall be the responsibility of the planning official to:  
572  
573 (1) Oversee the development, amendment, and maintenance of the WPP in  
574 accordance with this division;  
575  
576 (2) Make the WPP available to the public on the department website;  
577  
578 (3) Report annually to the commission concerning the implementation of the WPP;  
579  
580 (4) Review and consider the comments received and provide a summary of the  
581 comments to the commission prior to any public hearing on the WPP or with the  
582 annual report to the commission;  
583  
584 (5) Present to the commission a recommendation on proposed amendments to the  
585 WPP made in collaboration with city departments and any of the following with  
586 jurisdiction related to streets or property included within the WPP: governmental  
587 entities, political subdivisions, transit authorities, or local government  
588 corporations; and  
589

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- 590           (6) Coordinate with city departments and any of the following with jurisdiction related  
591           to the streets or property included within the WPP: governmental entities, political  
592           subdivisions, transit authorities, or local government corporations to implement  
593           the WPP.  
594  
595           (b) Upon the request of the planning official, directors of city departments and offices  
596           shall designate a liaison to coordinate with the planning official regarding  
597           implementation and maintenance of the WPP and, when applicable, review and make  
598           recommendations to the planning official on amendments to the WPP prior to  
599           commission consideration.  
600  
601           (c) The planning official is authorized to promulgate rules and procedures for the efficient  
602           administration of the WPP and this division.  
603

**Sec. 33-423. – Amending the walkable places plan.**

- 604  
605  
606           (a) An amendment to add, reclassify, or remove a street segment in the WPP shall be  
607           made in accordance with the requirements of this division and related policies  
608           adopted by the commission, and may only be initiated by:  
609  
610           (1) The planning official on behalf of the city; or  
611  
612           (2) A signed petition in the form prescribed by the planning official of property owners  
613           representing at least fifty percent of the total frontage along each street segment  
614           included in the proposed amendment.  
615  
616           (b) Prior to filing a petition to amend the WPP under subsection (a)(2), a representative  
617           of the petitioners shall meet with the planning official. The planning official shall  
618           conduct a preliminary review of the proposed amendment, advise the representative  
619           of the amendment process, and give preliminary comments on the merits of the  
620           proposed amendment or potential alternative amendments. The planning official shall  
621           also advise the representative of deficiencies that would prevent the petition from  
622           moving forward for consideration.  
623  
624           (c) Except as provided in subsection (d) below, the planning official shall hold at least one  
625           informational meeting prior to consideration by the commission of an amendment to  
626           the WPP to inform the community about the proposed amendment to the WPP and  
627           the amendment process, as well as provide an opportunity for public comments on the  
628           proposed amendment for the planning official to review and consider prior to making  
629           a recommendation on the proposed amendment to the commission. The informational  
630           meeting shall be open to the public and held within the vicinity of the street segment  
631           under consideration with the proposed amendment, subject to the availability of an  
632           appropriate venue. If the planning official determines no appropriate venue can be  
633           secured, the planning official may establish an alternate reasonably accessible venue.  
634



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- 635 (d) Unless requested by the petitioners, an informational meeting shall not be required for  
636 a petition by property owners representing 100% of the total frontage along the street  
637 segment(s) included in the proposed amendment.  
638
- 639 (e) The commission shall hold at least one public hearing on the proposed WPP  
640 amendment. Upon the close of the public hearing, the commission shall consider  
641 public comments, support from property owners along the proposed WP street, and  
642 the recommendation of the planning official and determine whether the proposed WPP  
643 furtheres the objectives and intent of this division. The commission shall vote to  
644 recommend the adoption of the proposed WPP to city council with or without  
645 modifications, refer the proposed WPP back to the planning official for further study  
646 and evaluation, defer consideration of the proposed WPP to a future meeting, or  
647 disapprove the proposed WPP.  
648
- 649 (f) If the commission votes not to recommend a petition amendment to city council, or if  
650 the city council votes to deny a petition amendment, any street segment included  
651 within the petition amendment will be ineligible for inclusion in a new petition for a  
652 period of five years from the dates of the final action. The planning official may allow  
653 an ineligible street segment to be included in a new petition upon receipt of new  
654 information unknown at the time of the prior petition or substantially changed  
655 circumstances that the planning official determines warrants the inclusion of the street  
656 segment in a new petition amendment.  
657
- 658 (g) The affirmative recommendation of the commission on the WPP will be forwarded to  
659 city council.  
660
- 661 (h) Following placement of the commission's recommended WPP on an agenda, city  
662 council may consider the commission's recommendation and shall vote to approve the  
663 recommendation of the commission, disapprove the recommendation of the  
664 commission, or refer the WPP back to the commission for further consideration.  
665

666  
667  
668 **Sec. 33-424. – Street classification.**  
669

- 670 (a) Classification of each street segment in the WPP shall be made in accordance with  
671 this section and will reflect existing, planned, or desired conditions along the street  
672 segment based upon, but not limited to, community input, adopted plans or policies,  
673 pedestrian-related infrastructure projects, best practices and sound public policy,  
674 surrounding development context, and the enhancement of pedestrian comfort.  
675
- 676 (b) Each street segment in the WPP shall be designated as either a primary WP street or  
677 a secondary WP street; provided, however, a secondary WP street may only be  
678 designated if the street segment connects to a primary WP street directly or indirectly  
679 via one or more secondary WP street or designated transit-oriented development  
680 street.  
681

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682 (c) The WPP shall establish the minimum pedestrian realm width for each WP street from  
683 the alternatives listed in the table below.  
684

Measured from:	Minimum Width
The property line	0, 5, 10, 15, or 20 feet
The back-of-curb or edge of roadway	10, 12, 15, 18, or 20 feet

685  
686 (d) The WPP shall establish a minimum unobstructed sidewalk width requirement of six  
687 (6) feet, eight (8) feet, or ten (10) feet for each WP street.  
688

689 (e) The WPP establishes the minimum right-of-way width required for each WP street.  
690 When a WP street is also a major thoroughfare, the minimum right-of-way width  
691 established by the MTFP shall prevail.  
692

**Sec. 33-425. – Notification requirements.**

693  
694  
695 (a) The planning official shall give notice, by regular mail, to all owners of real property as  
696 identified in current appraisal district records for all properties having frontage on the  
697 street segment under consideration for addition, reclassification, or removal in the  
698 WPP. Notice shall be mailed no later than 30 days before the date of:  
699

700 (1) An informational meeting required by section 33-423 of this Code; and

701  
702 (2) The public hearing required by section 33-423 of this Code.  
703

704 (b) Prior to a meeting where notice is required under subsection (a), the planning official  
705 shall give notice by electronic or regular mail to:  
706

707 (1) Each district council member in whose district any portion of the proposed  
708 amendment to the WPP is located; and

709  
710 (2) Each neighborhood association with defined boundaries, registered with the  
711 department of neighborhoods, in which any portion of the proposed  
712 amendment to the WPP is located.  
713

714 (c) The planning official shall give notice of any informational meeting and public hearing  
715 requiring notice in subsection (a) by the placement of at least two notification signs on  
716 each street segment of the WPP under consideration by the commission no later than  
717 15 days before date of the meeting or hearing. The planning official is authorized to  
718 approve an alternative to the number and location of signs required by this subsection  
719 upon determining that the alternative proposal will provide sufficient visibility of the  
720 signs and accomplishes the objectives of this section.  
721

722 (d) The planning official shall publish the current draft of the proposed amendment and  
723 corresponding WPP street classification for each street segment on the department  
724 website no later than 30 days before an informational meeting or public hearing that  
725 requires notice under this section.

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**Sec. 33-426 – 33-440. – Reserved**

**Division 5. – TRANSIT-ORIENTED DEVELOPMENT PLAN**

**Sec. 33-441. – Purpose and scope.**

- (a) The city shall adopt and maintain a transit-oriented development plan to preserve and enhance the pedestrian-friendly design and development near transit stations within the city. The TODP shall include, but not be limited to, the identification and classification of each street segment designated as a TOD street in accordance with this division and a corresponding map.
- (b) The TODP must be consistent with the general plan described in article II of this chapter, the MTFP, the WPP, and other applicable plans, programs, policies, and regulations.
- (c) When a street segment on the WPP is eligible for TOD Street designation under this division, the designation and development standards under the WPP shall prevail.

**Sec. 33-442. – Administrative responsibilities.**

- (a) It shall be the responsibility of the planning official to:
  - (1) Oversee the development, amendment, and maintenance of the TODP in accordance with this division;
  - (2) Make the TODP available to the public on the department website; and
  - (3) Coordinate with city departments and any of the following with jurisdiction related to the streets or property included within the TODP: governmental entities, political subdivisions, transit authorities, or local government corporations to implement the TODP.
- (b) Upon the request of the planning official, directors of city departments and offices shall designate a liaison to coordinate with the planning official regarding implementation and maintenance of the TODP and, when applicable, review and make recommendations to the planning official on amendments to the TODP prior to commission consideration.
- (c) The planning official is authorized to promulgate rules and procedures for the efficient administration of the TODP and this division.

**Sec. 33-443. – Amending the transit-oriented development plan.**

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- 771 (a) The planning official is authorized and directed to periodically revise the TODP  
772 consistent with the requirements and standards of this division and in collaboration  
773 with the city engineer, the traffic engineer, and METRO.  
774  
775 (b) ~~The commission shall hold at least one public hearing on the proposed TODP~~  
776 ~~amendment. Upon the close of the public hearing, Prior to voting on a proposed TODP~~  
777 ~~amendment,~~ the commission shall consider relevant public ~~testimony comments,~~ the  
778 recommendation of the planning official, and whether the proposed TODP meets  
779 requirements and standards of this division. The commission shall vote to adopt the  
780 proposed TODP if it meets the requirements and standards of this division, refer the  
781 proposed TODP back to the planning official for further study and evaluation, defer  
782 consideration of the proposed TODP to a future meeting, or disapprove the proposed  
783 TODP.

**Sec. 33-444. – Process to determine transit-oriented development streets.**

- 784  
785  
786 (a) The planning official shall identify all street segments within a one-half mile walking  
787 distance from an existing or proposed transit station on a designed transit corridor  
788 street. Street segments identified in this subsection shall be considered a “potentially  
789 eligible street” segment for the purposes of this section.  
790  
791 (b) A potentially eligible street segment that meets one or more of the following criteria is  
792 not eligible for designation as a TOD street:  
793  
794 (1) More than 75% of the linear length of the street segment abuts property in use  
795 for or otherwise restricted to single-family residential use ~~residential on a lot~~  
796 ~~greater than or equal to 3,500 square feet in area,~~ and the street segment is  
797 not a major thoroughfare;  
798  
799 (2) More than 50% of the linear length of the street segment abuts property in use  
800 for or otherwise restricted to single-family residential on a lot greater than or  
801 equal to 3,500 square feet in area, and the street segment is not a major  
802 thoroughfare;  
803  
804 (3) Included in a special minimum lot size or special minimum building line block,  
805 or within the boundaries of a special minimum lot size area, as those terms  
806 are defined in section 42-1 of this Code;  
807  
808 (4) Grade-separated or limited access roadway;  
809  
810 (5) Frontage road, except where the corresponding freeway is below-grade and  
811 covered by an at-grade cap structure; or  
812  
813 ~~(6) An open-ditch drainage system runs along the roadway; or~~  
814  
815 (7) Existing roadway does not meet the applicable infrastructure design manual  
816 standards ~~for roadway width~~ or have plans approved by the city engineer  
817

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818 showing the location of the back-of-curb or edge of roadway after roadway  
819 reconstruction.

820  
821 Following the evaluation above, any potentially eligible street that is not connected to  
822 the corresponding transit station via one or more transit corridor street, TOD street,  
823 WP street, or other potentially eligible street that remains eligible for designation as a  
824 TOD street shall not be eligible for designation on the TODP.

825  
826 (c) Except when designated as a primary TOD street in accordance with section 33-445  
827 of this Code, a potentially eligible street segment that is not excluded for designation  
828 following the evaluation in subsection (b) shall be a secondary TOD street.

829  
830 **Sec. 33-445. – Process to determine Primary TOD Streets.**

831  
832 (a) A TOD Street that is within 1,000 feet walking distance from an existing transit station  
833 or proposed transit station with a contract for construction approved by METRO is a  
834 primary TOD street if the planning official determines the corresponding station is  
835 within:

836  
837 (1) A designated major activity center as defined in section 42-1 of this Code;

838  
839 (2) A census tract where car ownership is estimated to be 80-percent or less;

840  
841 (3) A census tract with a high activity population density greater than or equal to  
842 7,200 activity population per square mile as identified by the most recent data  
843 published by the Houston-Galveston Area Council;

844  
845 (4) A census tract with an intersection density greater than or equal to 76  
846 intersections per square mile; or

847  
848 (5) 1,000 feet walking distance from a college or university with a campus  
849 enrollment greater than or equal to 1,000 students.

850  
851 (b) A TOD street that is 300 feet or less in length and connects two or more primary TOD  
852 streets or primary WP streets will be designated as a primary TOD street.

853  
854 (c) A TOD street shall not be a primary TOD street if:

855  
856 (1) The street segment is more than one-quarter mile in length; or

857  
858 (2) More than 50% of the linear length of the street segment abuts property in use  
859 for or otherwise restricted to heavy manufacturing and industrial or truck  
860 terminal, as those terms are defined in section 26-472 of this Code.

861  
862 **Sec. 33-446. – Notification requirements.**

863

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- 864 (a) The planning official shall give notice, by regular mail, to all owners of real property as  
865 identified in current appraisal district records for all properties having frontage on the  
866 street segment under consideration for addition, reclassification, or removal as a  
867 primary TOD street in the TODP. Notice shall be mailed no later than 30 days before  
868 the date of the ~~public hearing required by first meeting where the commission~~  
869 considers the TODP amendment as described in section 33-443 of this Code.  
870  
871 (b) Prior to a meeting where notice is required under subsection (a), the planning official  
872 shall give notice by electronic or regular mail to:  
873  
874 (1) Each district council member in whose district any portion of the proposed  
875 amendment to the TODP is located; and  
876  
877 (2) Each neighborhood association with defined boundaries, registered with the  
878 department of neighborhoods, in which any portion of the proposed amendment to  
879 the TODP is located.  
880  
881 (c) The planning official shall publish the current draft of the proposed amendment and  
882 corresponding TOD street classification for each street segment on the department  
883 website no later than 30 days before a public hearing that requires notice under this  
884 section.  
885

886 **Sec. 33-447 – 33-600. – Reserved.**  
887

888  
889 **Chapter 40 – STREETS AND SIDEWALKS**

890  
891 **Add a new section (Sec. 40-32) to Article I to read as follows:**  
892

893 **Sec. 40-32. Pedestrian safety and visibility buffer.**  
894

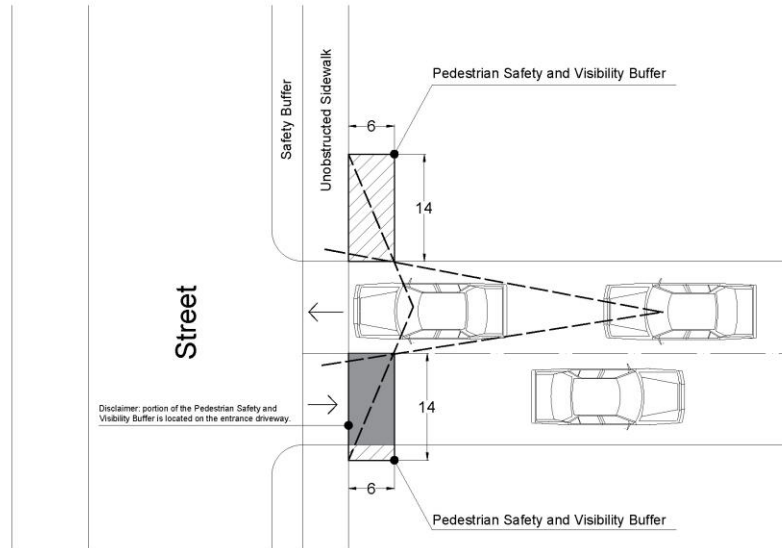
- 895 (a) It shall be unlawful for any person to build, construct, plant, place, or otherwise  
896 cause a visual obstruction within the pedestrian safety and visibility buffer adjacent to  
897 a driveway where vehicular traffic exits onto a public street and crosses a sidewalk  
898 required by article XXII of this chapter. Objects or improvements below 24 inches or  
899 above eight feet as measured from the sidewalk surface shall not be considered a  
900 visual obstruction.  
901  
902 (b) The pedestrian safety and visibility buffer shall encompass a rectangular area  
903 extending from edges of the exit driveway in both directions along the sidewalk. The  
904 two primary dimensions of this triangular area, as measured from intersection of the  
905 exit driveway edge and the point of the required sidewalk farthest from public street,  
906 shall be:  
907  
908 (1) 14 feet along the length of the sidewalk, and  
909  
910 (2) 6 feet along the edge of the exit driveway perpendicular to the sidewalk.

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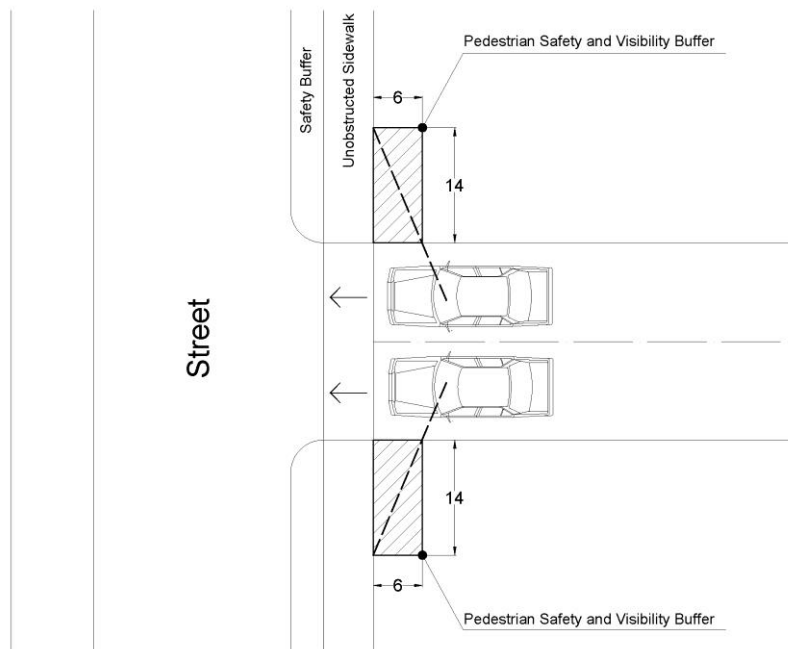
911

Exhibit 1 -- Two-way Driveway



912  
913

Exhibit 2 -- One-way Driveway



914  
915  
916

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917           (c) The city engineer is authorized to modify the pedestrian safety and visibility  
918 buffer area required by this section or improve encroachments when, upon review of  
919 written documentation provided by the individual or entity requesting the modification,  
920 the city engineer concludes that the standards of this section are technically or  
921 otherwise infeasible due to the presence of existing lawfully permitted physical  
922 conditions.

923  
924           (d) A lawfully permitted object or improvement that would otherwise be  
925 considered a visual obstruction under subsection (a) that existed prior to [insert  
926 ordinance effective date] shall not be considered a violation of this section.

927  
928  
929 **Add a new article (Article XXII) to Chapter 40:**

930  
931 **Article XXII. – SIDEWALKS**

932  
933 **Sec. 40-551. Definitions.**

934 As used in this article, the following terms and phrases shall have the meanings ascribed  
935 in this section unless the context of their usage clearly indicated another meaning:

936  
937  
938           *Applicant* means a property owner or his or her designated agent, landlord, or  
939 tenant, holder of certificate of occupancy, or other person or entity to which this  
940 article applies, that is seeking compliance with a provision of this article.

941  
942           *Back-of-curb* has the meaning ascribed in section 33-351 of this Code.

943  
944           *Business day* means any day of the week except for Saturday, Sunday, or any  
945 other day on which department offices are closed.

946  
947           *Central business district* has the meaning ascribed in section 42-1 of this Code.

948  
949           *Department* means the department of planning and development of the city.

950  
951           *Lot* has the meaning ascribed in section 42-1 of this Code.

952  
953           *MOD official* means the person designated by the Mayor to lead the Mayor's Office  
954 on Disabilities, as established in section 2-388 of this Code, or such person's  
955 designee.

956  
957  
958           *Public street* means a public right-of-way, however designated, dedicated or  
959 acquired, that provides access to adjacent property. An alley, as the term is defined  
960 in section 42-1 of this Code, shall not be considered a public street.

961  
962           Roadway has the meaning ascribed in section 42-1 of this Code.  
963



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964 Safety buffer is the area between the back-of-curb or the roadway, and the edge  
965 of the unobstructed sidewalk nearest the back-of-curb or the roadway.

966  
967 Sidewalk means a publicly accessible hard-surfaced path that is improved and  
968 designed for or is ordinarily used for pedestrians.

969  
970 Sidewalk easement means a recorded easement in the form approved by the city  
971 attorney that grants to the public a perpetual, non-exclusive easement on, over,  
972 and across private land for the construction, maintenance, and use of a sidewalk.  
973 The minimum height of a sidewalk easement shall be 8 feet as measured vertically  
974 from the surface of the corresponding sidewalk.

975  
976 Subdivision plat has the meaning ascribed in section 42-1 of this Code.

**Sec. 40-552. Applicability and administration.**

977  
978  
979  
980 (a) It shall be the responsibility of the planning official to administer this article in  
981 coordination with the city engineer and MOD official.

982  
983 (b) This article applies to:

984  
985 (1) Construction of a new sidewalk within a public street or sidewalk easement;

986  
987 (2) Reconstruction or replacement of 20 linear feet or more of an existing  
988 sidewalk within a public street or sidewalk easement;

989  
990 (3) Construction of a new single-family residential dwelling unit, as defined in  
991 section 42-1 of this Code, other than a secondary dwelling unit of not more  
992 than 900 square feet;

993  
994 (4) Development of property for non-single-family residential use that requires  
995 a development plat under to section 42-22 of this Code;

996  
997 (5) Construction of a new parking lot;

998  
999 (6) Construction of a parking lot addition greater than 10 parking spaces to an  
1000 existing parking facility, as those terms are defined in section 26-472 of this  
1001 Code;

1002  
1003 (7) Reconstruction of more than 10 parking spaces or 25% of the total area,  
1004 whichever is greater, of an existing lawfully permitted parking lot. Restriping  
1005 parking spaces, asphalt resurfacing and other cosmetic, decorative or  
1006 surface level enhancements shall not be considered reconstruction;

1007  
1008 (8) The pedestrian route for off-site parking facilities subject to the  
1009 requirements of section 26-499 of this Code;

1010

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1011                   (9) Alterations to any non-single-family residential building or improvement  
1012                   within 15 feet of the minimum pedestrian realm, as the term is defined in  
1013                   section 33-601 of this Code, along a TOD Street or WP Street that  
1014                   increases the building or improvement by 250 square feet or more; and  
1015

1016                   (10)       Alterations to any non-single-family residential building or  
1017                   improvement that increases the exterior square footage of the building or  
1018                   the footprint of the improvement by more than 25%.  
1019

1020                   (c) The planning official is authorized to promulgate rules and procedures for the  
1021                   efficient administration of this article.  
1022

1023                   (d) Except as expressly provided, the provisions of this article are cumulative of  
1024                   the other provisions of this Code.  
1025

**Sec. 40-553. Violations.**

1026  
1027  
1028  
1029                   (a) The violation of any provision of this article within the corporate limits of the city,  
1030                   including the failure to do any act or perform any duty that is required herein, shall  
1031                   be punishable as provided by section 1-6 of this Code. Each day a violation  
1032                   continues constitutes a separate offense. Prosecution or conviction under this  
1033                   provision shall never be a bar to any other remedy or relief for violation of this  
1034                   Code.  
1035

1036                   (b) The planning official and city engineer shall have the authority to enforce violations  
1037                   of this article.  
1038

**Sec. 40-554. Sidewalk required, exceptions.**

1039  
1040  
1041                   (a) Except as provided in subsection (c), an applicant shall construct a sidewalk  
1042                   along all public streets within the city, adjacent to the project. If the planning  
1043                   official authorizes an artificial lot in accordance with section 33-124 of this Code,  
1044                   then the applicant shall only be required to construct a sidewalk along the public  
1045                   street abutting the boundaries of the artificial lot.  
1046

1047                   (b) This article shall not apply to repair and rehabilitation work performed by  
1048                   governmental entities, political subdivisions, transit authorities, or local  
1049                   government corporations with jurisdiction over the public street where a sidewalk  
1050                   is located if:  
1051

1052                   (1) Following the repair or maintenance of public infrastructure, any sidewalk  
1053                   that is disturbed is replaced as it existed before the repair or maintenance  
1054                   work; or

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1055                    (2) The width and location of a sidewalk is not fundamentally altered after  
1056                    rehabilitation improvements to extend the life and effectiveness of existing  
1057                    public infrastructure. Rehabilitation improvements may include, but are  
1058                    not be limited to: pavement overlays, street panel replacements, resizing  
1059                    stormwater inlets, replacing or reestablishing curbs, regrading ditches, or  
1060                    the restoration of erosion or flood damage.

1061                    (c) No sidewalk shall be required when, upon review of written documentation  
1062                    provided by the applicant, the planning official finds that one or more of the  
1063                    following circumstances apply:

1064  
1065                    (1) There is an existing sidewalk in good repair that was built to the minimum  
1066                    width required by this article;

1067  
1068                    (2) The public street is within a planned community with an approved plan on  
1069                    file with the department in which alternative publicly accessible pedestrian  
1070                    trails or pathways are provided in lieu of sidewalks;

1071  
1072                    (3) The sidewalk is constructed, or will be constructed in accordance with this  
1073                    article, within a sidewalk easement that provides a reasonable alternative  
1074                    alignment for pedestrian accessibility along the general route of the public  
1075                    street;

1076  
1077                    (4) The public street is a grade-separated freeway that does not have an at-  
1078                    grade frontage road;

1079  
1080                    (5) The public street is a grade-separated freeway or other limited access  
1081                    roadway, and the planning official, after consultation with the city engineer  
1082                    and MOD official, determines one or more of the following conditions exist:

1083  
1084                    a. The construction of a sidewalk is technically or otherwise infeasible due  
1085                    to the presence of existing, lawfully permitted physical conditions, or

1086                    b. The characteristics of existing lawfully permitted development, land  
1087                    uses, or other physical conditions within the immediate vicinity of the  
1088                    grade-separated or limited access roadway create unsafe conditions  
1089                    related to the practical use of a sidewalk.

1090                    (6) There is no roadway constructed within the public street and the city  
1091                    engineer confirms:

1092  
1093                    a. The construction of a roadway is not required as part of the action  
1094                    prompting the applicability of this article under section 40-552 of  
1095                    the Code; or

1096  
1097                    b. There are no approved plans or plans pending approval for the  
1098                    construction of the roadway.

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- 1100 (7) The cost to meet the standard sidewalk requirement is more than 50% of  
1101 the total cost of the action prompting the applicability of this article. The  
1102 city engineer shall review the cost estimate provided by the applicant and  
1103 make a recommendation to the planning official on their reasonableness.  
1104 The following shall not qualify for a waiver under this subsection:  
1105  
1106 a. Items (1), (2), and (8) under section 40-522 of this Code;  
1107  
1108 b. The requirement to construct a sidewalk within the central  
1109 business district; or  
1110  
1111 c. The requirement to construct a sidewalk along a WP street or TOD  
1112 street;  
1113  
1114 (8) The street is located within the boundaries of the Fourth Ward Street  
1115 Streets in Place Ordinance, Ordinance No. 99-1344; or  
1116  
1117 (9) The applicant is not required to provide a sidewalk under section 40-556  
1118 of this Code.  
1119

1120 **Sec. 40-555. Sidewalk standards.**

- 1121 (a) The minimum unobstructed width of a sidewalk required by this article shall be as  
1122 prescribed by the design manual.<sup>2</sup> The planning official, after consultation with the  
1123 city engineer, may authorize a reduction in the width requirement of this subsection  
1124 along no more than 10-percent of the linear length of the sidewalk when, upon  
1125 review of written documentation provided by the applicant, the city engineer  
1126 concludes that the minimum width required by this subsection is technically or  
1127 otherwise infeasible due to the presence of existing, lawfully permitted physical  
1128 conditions.  
1129  
1130 (b) The minimum width of the safety buffer required by this article shall be as  
1131 prescribed by the design manual.<sup>3</sup> The planning official, after consultation with the  
1132 city engineer, may authorize a reduction in the requirement of this subsection along  
1133 a specific section, upon review of written documentation provided by the applicant,  
1134 the city engineer concludes that the minimum width required by this subsection is  
1135 technically or otherwise infeasible due to the presence of existing, lawfully  
1136 permitted physical conditions.  
1137  
1138 (c) The minimum unobstructed vertical clearance required by this article shall be eight  
1139 feet as measured from the surface of the sidewalk.  
1140

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<sup>2</sup> A copy of this is attached as an exhibit for you to review but will not be included in the Code.

<sup>3</sup> Will be a minimum of four feet, as stated in the prior draft.

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1141 (d) All sidewalks shall be constructed in a manner consistent with technical standards  
1142 and design requirements of the design manual and applicable state and federal  
1143 disability rights laws.  
1144  
1145

**Sec. 40-556. Modification of standards, process.**

1146  
1147  
1148 (a) The planning official, in collaboration with the city engineer and the MOD official,  
1149 may approve a modification to the standards of section 40-455 of this Code in  
1150 accordance with this section. **Granting a modification under this section does not**  
1151 set a precedent, and each case shall be reviewed on its own merits.  
1152

1153 (b) To qualify for approval under this section, an applicant shall:  
1154

1155 (1) File an application in the form prescribed by the planning official;  
1156

1157 (2) Pay the non-refundable fee set forth for this provision in the city fee  
1158 schedule and all costs associated with the notice provisions of this section;  
1159 and  
1160

1161 (3) Provide documentation to support the required findings in subsection (d).  
1162

1163 (c) Upon receipt of a complete application filed under this section, the planning official  
1164 shall give notice of the application by electronic mail to:  
1165

1166 (1) The district council member in whose district the sidewalk is located;  
1167

1168 (2) Each neighborhood association registered with the department in whose  
1169 boundaries the sidewalk is located;  
1170

1171 (3) The city engineer and MOD official; and  
1172

1173 (4) Any governmental entities, political subdivisions, transit authorities, or local  
1174 government corporations with jurisdiction over the public street where the  
1175 sidewalk subject to the application is located.  
1176

1177 (d) In collaboration with the city engineer and the MOD official, the planning official  
1178 shall approve the application, with or without conditions, if all of the following  
1179 conditions exist:  
1180

1181 (1) One or more of the following:  
1182

1183 a. Pedestrian pathways or sidewalks exist within the immediate vicinity  
1184 of the public street that provide reasonably sufficient access and  
1185 connectivity for public pedestrian use;  
1186

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- 1187                                    b. The characteristics of existing lawfully permitted development, land  
1188                                    uses, or other physical conditions within the immediate vicinity of the  
1189                                    public street create unsafe conditions related to the practical use of  
1190                                    the sidewalk that is otherwise contrary to sound public policy; or  
1191  
1192                                    c. The cost of the standard sidewalk requirement is disproportionate  
1193                                    to the total cost of the action prompting the applicability of this  
1194                                    article under section 40-522 of this Code and the development will  
1195                                    not contribute to an increase in pedestrian traffic or otherwise  
1196                                    create an adverse impact to existing pedestrian accessibility within  
1197                                    the immediate vicinity;  
1198  
1199                                    (2) The circumstances supporting the approval are not the result of hardship  
1200                                    created or imposed by the applicant;  
1201  
1202                                    (3) The granting of the approval would create an alternative that furthers the  
1203                                    intent and purposes of this article.  
1204  
1205                                    (e) The planning official shall conduct their review and advise the applicant of a  
1206                                    decision or request more information within 30 days.  
1207  
1208                                    (f) The planning official shall maintain a list of approved modifications on the  
1209                                    department website.

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**Secs. 40-557 – 40-600. – Reserved.**

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1214 **Chapter 42 – SUBDIVISIONS, DEVELOPMENTS AND PLATTING**

1215

1216 **Add the following definitions to section 42-1 (*Definitions*):**

1217

1218

1219

*Bicycle space* has the meaning ascribed in section 26-472 of this Code.

1220

1221

*Gross floor area* or *GFA* has the meaning ascribed in section 26-472 of this Code.

1222

1223

1224

*Ground floor façade* means the façade of a building along a TOD street or WP street, as applicable, between the finished floor height of the ground floor and a vertical height of eight (8) feet.

1225

1226

1227

*Occupiable space* has the meaning ascribed in the construction code.

1228

1229

*Sidewalk* has the meaning ascribed in section 40-551 of this Code.

1230

1231

*Transit corridor street* has the meaning ascribed in section 33-351 of this Code.

1232

1233

1234

**Amend the definitions of “Design manual”, “Retail commercial center” “Transit corridor street” in section 42-1 (*Definitions*) as follows:**

1235

1236

1237

*Applicant* shall mean the owner of property or the owner’s authorized agent who applies for a subdivision plat, development plat, general plan or street dedication plat approval pursuant to this chapter.

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*Pedestrian realm* means the area from the back-of-curb that is within a public street or other public easement and that includes hardscape, publicly accessible sidewalks, clear pedestrian spaces, pedestrian amenities, softscape and utilities, constructed in accordance with the design manual and/or this chapter, or roadway on a street without curbs, to the front of a building on the lot or tract, that may be within either a dedicated public street or an easement allowing public use of pedestrian areas on private property filed of record in the County real property records, and that may extend beyond the minimum distance required by this article. This area may include hardscape, publicly accessible and unobstructed sidewalks, pedestrian amenities, softscape and utilities, constructed in accordance with the city infrastructure design manual, this article and other applicable regulations.

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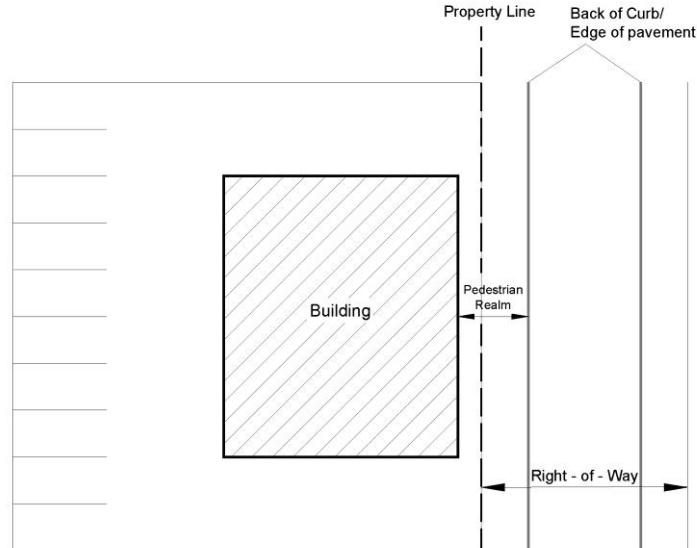
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Exhibit 1 – Pedestrian Realm

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**Pedestrian Realm**



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~~Retail commercial center shall mean a group of~~ means one or more commercial establishments contained or to be contained in a building or buildings encompassing a total building area of not more than 100,000 square feet developed as an integrated unit under common ownership or operating as an integrated unit under reciprocal agreements governing all external, nonbuilding space.

~~Transit corridor street has the meaning ascribed in section 33-351 of this Code. means a right-of-way or easement that METRO has proposed as a route for a guided rapid transit or fixed guideway transit system and that is included on the city's major thoroughfare and freeway plan (MTFP). Except for purposes of sections 42-153 and 42-154 of this chapter, a transit corridor street shall be a major thoroughfare street.~~

**Remove the following definitions from section 42- 1 (Definitions):**

~~Clear Pedestrian Space or Clear Space; Design Manual; Director; Major Thoroughfare; Major Thoroughfare and Freeway Plan; Transit Station; and Type A Street.~~

**Editor's Notes:**

- 1) The definitions of "Major Thoroughfare" and "Major Thoroughfare and Freeway Plan" for the Code is in Chapter 1, section 1-2 and are applicable to this chapter.
- 2) The definition of "Director" is the same as "Planning Official" found in Chapter 1, section 1-2 and is applicable to this chapter. The Legal Department will add a section to universally change the term "Director" with "Planning Official" throughout the chapter, where applicable.

**Amend section 42-81 (Variances) as follows:**



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1284 (g) The variance provisions of this section shall not apply to the requirements of article  
1285 IV of this chapter.  
1286

1287 **Amend section 42-122 (*Right-of-way widths*) as follows:**  
1288

1289 The minimum right-of-way required for each of the following types of streets or public  
1290 alleys shall be as follows, subject only to the street width exception areas established  
1291 pursuant to section 42-123 of this Code:  
1292

Major thoroughfares	(1) The lesser of 100 feet or the right-of-way specified by the street hierarchy classification established by the major thoroughfare and freeway plan; or
	(2) 100 feet for streets designated on the major thoroughfare and freeway plan for which a street hierarchy classification is not established
Collector streets designated on the major thoroughfare and freeway plan	The right-of-way width established by the major thoroughfare and freeway plan
Other collector streets	(1) 60 feet; or
	(2) 50 feet if all properties on both sides of the collector street consist of single-family residential lots that do not have driveway access to the collector street.
Local streets	(1) 50 feet if adjacent to exclusively single-family residential lots; or
	(2) 60 feet if adjacent to any other development
<u>Transit-oriented development street not designated as a major thoroughfare or collector street on the MTFP</u>	<u>60 feet</u>
<u>Walkable places street</u>	<u>The right-of-way width established by the walkable places plan</u>
	<u>The right-of-way width otherwise required by this division for street segments designated on the WPP for which a substitute right-of-way width is not established</u>
Public alleys	20 feet
Type 1 permanent access easement	The width required if the permanent access easement were a public street

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Type 2 permanent access easement	28 feet
The right-of-way width of a type 2 permanent access easement is coterminous with the pavement width and the terms are used interchangeably. The width shall be measured from edge to edge across the surface of the pavement	

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**Amend the table in section 42-150 (*Building line requirement*) as follows:**

<b>Summary of Minimum Building Line Requirements</b>		
Type of Street or Private Roadway	Tract Description	Minimum Building Line Requirement
All Public Streets	Within the central business district	No requirement
Major Thoroughfares	In general	25 feet
	Single-family residential backing on a major thoroughfare	10 feet, if the lot meets the standards of section 42-152(b)
	Not single-family residential and abutting a major thoroughfare with a planned right-of-way width of 80 feet or less	15 feet, if the reserve meets the standards of section 42-153
	Retail commercial center abutting a major thoroughfare with a planned right-of-way width of 80 feet or less	5 feet, if the reserve meets the standards of section 42-154(a)
		zero feet, if the reserve meets the standards of section 42-154(b)
Transit Corridor Streets	All tracts	25 feet
		<del>Reduced building line if the tract meets the standards of article IV of this chapter</del>
Type A Streets	All tracts	<del>See applicable public street classification</del>

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		<del>Reduced building line if the tract meets the standards of article IV of this chapter</del>
<u>Primary Streets</u>	<u>All tracts</u>	<u>Zero feet and subject to the standards of section 42-164</u>
<u>Secondary Streets</u>	<u>All tracts</u>	<u>See applicable public street classification</u>
		<u>Zero feet, if the lot or reserve meets the standards of section 42-164</u>
Collector Streets	Not single-family residential and across the street from a single-family residential lot with a platted building line of 10 feet or more	Lesser of 25 feet or the greatest building line on the single-family residential lots
	Single-family residential	25 feet, if the lot meets the standards the standards of section 42-156(a)
		10 feet, if the lot meets the standards of section 42-157(b)
		5 feet, if the lot meets the standards of section 42-157(c)
		zero feet, if the lot meets the standards of section 42-157(d)
	All others	10 feet
Local streets	Not single-family residential and across the street from a single-family residential lot with a platted building line of 10 feet or more	Lesser of 25 feet or the greatest platted building line on the single-family residential
	Single-family residential	20 feet, if the lot meets the standards of section 42-156(b)
		10 feet, if the lot meets the standards of section

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		42-156(b) or section 42-157(b)
		5 feet, if the lot meets the standards of section 42-157(c)
		zero feet, if the lot meets the standards of section 42-157(d)
	All others	10 feet
Private Streets	All tracts	5 feet for habitable structures
Type 2 Permanent Access Easements	All tracts	5 feet
Shared Driveways	All tracts	3 feet, if the lot meets the standards of section 42-159(a)
		zero feet, if the lot meets the standards of section 42-159(b)

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**Amend section 42-153 (Optional performance standards for a major thoroughfare within the city with a planned right-of-way of 80 feet or less – in general) as follows:**

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

- (1) The subdivision plat or development plat does not provide for single-family residential use adjacent to the major thoroughfare;
- (2) Any private street or private drive crossing the building line is substantially perpendicular to the adjacent major thoroughfare and the building line;
- (3) The area within the building line is not used for parking, driveways or any other auto-related uses such as access to a drive-through window;

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- 1319 (4) A clearly-defined pedestrian walkway that is separate from any private street or  
1320 private drive is established across the building line perpendicular to the sidewalk  
1321 providing a connection from the public sidewalk along the major thoroughfare to  
1322 an entrance to a building or the development;  
1323
- 1324 (5) ~~Provision is made for a sidewalk that is at least five feet wide to be constructed~~  
1325 ~~by the applicant within the right-of-way of the major thoroughfare. The sidewalk~~  
1326 and safety buffer standards of article XXII of chapter 40 of this Code;  
1327
- 1328 (6) The height of any building within 15 feet behind the building line is restricted to  
1329 not more than 75 feet, as measured in accordance with the Building Code;  
1330
- 1331 (7) Trees that are within 25 feet of the property line adjacent to the major thoroughfare  
1332 are protected as corridor trees pursuant to article V of chapter 33 of this Code;  
1333
- 1334 (8) The building line conforms to the visibility triangle required by section 42-161 of  
1335 this Code at the intersection of a major thoroughfare and any other street;  
1336
- 1337 (9) For any property used for nonresidential purposes, the maximum height of any  
1338 fence, wall, berm or combination thereof within the building line is 36 inches in  
1339 height measured from mean grade;  
1340
- 1341 (10) For multi-family residential uses, any fence, wall, berm or combination thereof  
1342 within the building line that is more than 36 inches high, but less than eight feet  
1343 high, measured from mean grade is at least two feet from the property line  
1344 adjacent to the major thoroughfare and the space created thereby is used and  
1345 maintained for landscape plantings; and  
1346
- 1347 (11) For purposes of section 33-127(b) of this Code, the number of required shrubs  
1348 shall be equal to the number of required street trees multiplied by five, which  
1349 required shrubs shall be distributed along the street frontage of the property in  
1350 the landscape strip.

1351  
1352  
1353 **Amend section 42-154 (*Optional performance standards for a major thoroughfare within***  
1354 ***the city with a planned right-of-way of 80 feet or less – Retail commercial center*) as follows:**  
1355

- 1356  
1357 (a) Except for along a ~~transit corridor street, type A street, WP street, TOD street,~~ or as  
1358 provided in subsection (c), a building line requirement of five feet is authorized for a  
1359 tract in the city used for a retail commercial center with frontage on a major  
1360 thoroughfare with a planned right-of-way of 80 feet or less if an applicant submits a  
1361 subdivision plat that includes plat notations that require compliance with the following  
1362 performance standards or a development plat that demonstrates compliance with  
1363 each of the following performance standards:  
1364

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- (1) The subdivision plat or development plat incorporates a five-foot area within the building line that the applicant will improve with a sidewalk or landscaping if the sidewalk is provided in the right-of-way;
  - (2) All off-street parking is provided to the rear or side of any improvements on the property;
  - (3) If any driveway is provided from the major thoroughfare to the side of any improvements on the property, the driveway shall meet one of the following standards:
    - a. Not more than one driveway with two bays of parking comprising a maximum of 62 feet in width is placed to the side of any improvements, provided that the combination of parking and driveway does not exceed 1/3 of the total frontage of the retail commercial center; or
    - b. Not more than one two-way driveway of not more than 24 feet in width is provided from the major thoroughfare to parking at the rear of the improvements; or
    - c. Not more than two one-way driveways of 15 feet each is provided from the major thoroughfare to parking at the rear of the improvements;
  - (4) ~~If the applicant proposes to locate the sidewalk within the building line, the applicant presents evidence that the Director of Houston Public Works has waived the requirement for a sidewalk within the right-of-way in exchange for the commitment of the owner of the adjacent property to install and maintain landscaping in a ten-foot strip within the right-of-way adjacent to the property. The sidewalk and safety buffer standards of article XXII of chapter 40 of this Code;~~
  - (5) The improvement that will be located along the reduced building line contains 90 percent of the gross floor area of all improvements located on the parcel;
  - (6) Trees that are within 25 feet of the property line adjacent to the major thoroughfare are protected as corridor trees pursuant to article V of chapter 33 of this Code; and
  - (7) For purposes of section 33-127(b) of this Code, the number of required shrubs shall be equal to the number of required street trees multiplied by five, which required shrubs shall be distributed along the street frontage of the property in the landscape strip.
- (b) Except for along a ~~transit corridor street, type A street, WP street, TOD street,~~ or as provided in subsection (c), a building line requirement of zero feet is authorized for a tract in the city used for a retail commercial center with frontage on a major thoroughfare with a planned right-of-way of 80 feet or less if an applicant submits a subdivision plat that includes plat notations that require compliance with the following

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1412 performance standards or a development plat that demonstrates compliance with  
1413 each of the following performance standards:

1414  
1415 (1) The subdivision plat or development plat provides for an arcade or colonnade  
1416 at least six feet wide along the full face of the retail commercial center parallel to  
1417 the major thoroughfare;

1418  
1419 (2) All off-street parking is to the rear or side of any improvements on the property;

1420  
1421 (3) Any driveway from the major thoroughfare to the side of any improvements on  
1422 the property shall meet one of the following standards:

1423  
1424 a. Not more than one driveway with two bays of parking comprising a maximum  
1425 of 62 feet in width is placed to the side of any improvements, provided that  
1426 the combination of parking and driveway does not exceed 1/3 of the total  
1427 frontage of the retail commercial center;

1428  
1429 b. Not more than one two-way driveway of not more than 24 feet in width is  
1430 provided from the major thoroughfare to parking at the rear of the  
1431 improvements; or

1432  
1433 c. Not more than two one-way driveways of 15 feet each is provided from the  
1434 major thoroughfare to parking at the rear of the improvements;

1435  
1436 (4) ~~The applicant presents evidence that the Director of Houston Public Works has~~  
1437 ~~waived the requirement for a sidewalk within the right-of-way in exchange for the~~  
1438 ~~commitment of the owner of the adjacent property to install and maintain~~  
1439 ~~landscaping in a ten-foot strip within the right-of-way adjacent to the property.~~  
1440 ~~The plantings in the ten-foot landscaping strip shall comply with the requirements~~  
1441 ~~of article V of chapter 33 of this Code. The sidewalk and safety buffer standards~~  
1442 ~~of article XXII of chapter 40 of this Code;~~

1443  
1444 (5) The improvement that will be located along the reduced building line contains  
1445 90 percent of the gross floor area of all improvements located on the parcel; and

1446  
1447 (6) Trees that are within 25 feet of the property line adjacent to the major  
1448 thoroughfare are protected as corridor trees pursuant to article V of chapter 33  
1449 of this Code.

1450  
1451 (c) Subsections (a) and (b) do not apply to any retail commercial center that is located  
1452 on a tract that has been created from a larger parcel or reserve, either by subdivision  
1453 or lease agreement, if the remaining portion of the original tract or reserve is used for  
1454 nonresidential purposes.

1455  
1456

1457 **Add a new section (Sec. 42-164) to Article III, Division 3 to read as follows:**

1458

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**Sec. 42-164. Transit-oriented development streets and walkable place streets.**

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

**Add a new subsection to section 42-188 (*Lot access to streets*) to read as follows:**

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

**Remove Article IV (TRANSIT CORRIDOR DEVELOPMENT) in its entirety.**

**Add new article (Article IV) to CHAPTER 42 to read as follows:**

**ARTICLE IV. – ENHANCED PEDESTRIAN REALM STANDARDS.**

**Division 1. – IN GENERAL**

**Sec. 42-601. – Purpose and applicability.**

- (a) This article establishes standards to facilitate how people interact with the built environment and to implement successful context-sensitive, pedestrian- and bike-friendly development that also accommodates automobiles.



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1506  
1507       (b) This article establishes standards to encourage the development of safe  
1508 pedestrian and multi-modal transportation routes for new development and certain redevelopment  
1509 or alterations to structures fronting on all TOD and WP streets.

1510  
1511       (c) These standards are to establish consistent public realm design and reinforce safe,  
1512 pleasant walking experiences for pedestrians of all ages and abilities. At a minimum, these  
1513 standards provide a pedestrian-scale buffer area from vertical surfaces or walls and allows people  
1514 to interact with or enter/exit buildings with minimal interference with vehicular traffic.

1515  
1516       **Sec. 42-602. – Cumulative effect.**

1517  
1518       Except as expressly provided, the provisions of this article are cumulative of all other  
1519 provisions of this Code, and other regulations of the city, including without limitation, the  
1520 Construction Code, the Fire Code and the design manual, and all applicable state and federal  
1521 laws and regulations.

1522  
1523       **Sec. 42-603. – Pedestrian realm plan.**

1524  
1525       (a) An applicant shall submit a pedestrian realm plan to the department prior to  
1526 obtaining a certificate of occupancy or a building permit, or in conjunction with a  
1527 development plat required by chapter 42 of this Code. This plan shall:

1528  
1529           (1) Be accompanied by the non-refundable fee set forth for this provision in the  
1530 city fee schedule when the plan is not submitted in conjunction with a  
1531 development plat;

1532  
1533           (2) Be in the form prescribed by the planning official; and

1534  
1535           (3) Describe the proposed pedestrian realm, including the locations of existing and  
1536 proposed sidewalks, pedestrian amenities and improvements, obstructions,  
1537 utility lines (both above and below ground), roadways, street lights, required  
1538 street trees, landscape elements, hardscape, softscape, construction details,  
1539 and other information required by the planning official or the city engineer to  
1540 determine compliance with this article.

1541  
1542       (b) Upon receipt of a complete pedestrian realm plan, the planning official shall review the  
1543 plan to verify compliance with this article. The planning official shall deny in writing any  
1544 plan that does not comply with the requirements of this article.

1545  
1546       (c) The building official shall not issue a building permit for the construction of a building  
1547 or alteration to a building or tract within the city unless the planning official approves  
1548 the pedestrian realm plan verifying compliance with this article.

1549  
1550       **Sec. 42-604. Modification of standards, process.**

1551

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- 1552 (a) The planning official, in collaboration with the city engineer, may approve a  
1553 modification to the standards of sections 42-621, 42-651, or 42-653.  
1554  
1555 (b) To request approval for a modification, an applicant shall:  
1556  
1557 (1) File an application in the form prescribed by the planning official;  
1558  
1559 (2) Pay the non-refundable fee set forth for this provision in the city fee  
1560 schedule and all costs associated with the notice provisions of this section;  
1561 and  
1562  
1563 (3) Provide documentation to support the required findings in subsection (c).  
1564  
1565 (c) In collaboration with the city engineer, the planning official shall approve the  
1566 application, with or without conditions, if the following conditions exist:  
1567  
1568 (1) Either:  
1569  
1570 a. The characteristics of existing lawfully permitted development, land  
1571 uses, or other physical conditions within the immediate vicinity of the  
1572 pedestrian realm create unsafe conditions related to the practical use  
1573 of the property; or  
1574 b. The standard creates an impractical design or a development that is  
1575 otherwise contrary to sound public policy. A modification to the  
1576 standard would, in the sole professional judgement of the planning  
1577 official and city engineer, create a more practical or technically  
1578 feasible alternative.  
1579  
1580 (2) The circumstances supporting the approval are not the result of hardship  
1581 created or imposed by the applicant; and  
1582  
1583 (3) Approval creates an alternative that furthers the intent and purposes of this  
1584 article.  
1585  
1586 (d) The planning official shall conduct their review and advise the applicant of a  
1587 decision or request more information within 30 days from the date a complete  
1588 application is submitted to the planning official.  
1589

1590  
1591 **Sec. 42-605 – 42-620. – Reserved.**  
1592

1593 **Division 2. – PEDESTRIAN REALM**  
1594

1595 **Sec. 42-621. – Pedestrian realm standards.**  
1596

- 1597 (a) The pedestrian realm shall comply with all the following standards, unless a  
1598 modification is granted under section 42-604:

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- (1) Meet the minimum width standards shown below:

<u>Classification</u>	<u>Street Type</u>	<u>Minimum Width</u>
<u>WP Street</u>	<u>All</u>	<u>As established by the WPP</u>
<u>Transit Corridor Street</u>	<u>Only one vehicular through traffic lane in each direction</u>	<u>15 feet</u>
	<u>All others</u>	<u>20 feet</u>
<u>TOD Street</u>	<u>Major thoroughfare with a right-of-way width of 80 feet or less as designated by the MTFP</u>	<u>15 feet</u>
	<u>All other major thoroughfares</u>	<u>20 feet</u>
	<u>Any street with an open ditch drainage design</u>	<u>10 feet measured from the high bank of the ditch furthest from the roadway, as approved by the city engineer</u>
	<u>All others</u>	<u>15 feet</u>

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- (2) Any building constructed within the pedestrian realm above-grade shall be prohibited from having support columns within the minimum width requirement of the pedestrian realm and must maintain an unobstructed vertical clearance of at least:

- a. 8 feet for any uninhabitable shade structure or unenclosed balcony; and
- b. 10 feet for all other buildings or structural elements built over the pedestrian realm.

This vertical clearance is measured from the top of the highest point of the ground or sidewalk of the pedestrian realm under the building or structure to the lowest point of the building or structure over the pedestrian realm;

- (3) Meet the landscaping requirements of article V of this chapter, except that the minimum caliper of each required street tree, as the terms are defined in section 33-101 of this Code, shall be:

- a. Three (3) inches along each transit corridor street or major thoroughfare; and
- b. Two (2) inches along all other streets.

- (4) The maximum softscape area in the pedestrian realm shall be 35% of the surface area of the pedestrian realm excluding any driveways. This requirement shall not apply to single-family residential; and

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- 1631 (b) Any fence, wall, or barrier within the pedestrian realm shall be 48-inches or less in  
1632 height and non-opaque.  
1633  
1634 (c) Any sidewalk and safety buffer within the pedestrian realm shall conform with the  
1635 requirements of article XXII of chapter 40 of this Code.  
1636  
1637 (d) Any bulk container, as the term is section 39-1 of this Code, and related screening for  
1638 compliance with article IV of chapter 39 of this Code shall be located outside of the  
1639 pedestrian realm.  
1640  
1641 (e) The area in the pedestrian realm outside the unobstructed sidewalk may  
1642 accommodate activities such as outdoor seating or merchant displays associated with  
1643 adjacent uses provided, however, that such activities within the public right-of-way  
1644 shall comply with the applicable requirements of this Code.  
1645  
1646

**Sec. 42-622. – Automobile-related uses.**

Automobile-related uses are prohibited within the pedestrian realm, except for:

- 1649  
1650  
1651 (1) A driveway through the pedestrian realm that is perpendicular to the street;  
1652  
1653 (2) A pedestrian drop-off and loading area along a secondary street that is beyond  
1654 the minimum pedestrian realm width required by this division and approved by  
1655 the traffic engineer;  
1656  
1657 (3) A pedestrian drop-off and loading area along a primary street that is beyond  
1658 the minimum pedestrian realm width required by this division when, in the  
1659 professional judgement of the planning official made in coordination with the  
1660 traffic engineer, unique traffic circulation conditions exist in the area that make  
1661 it impractical to have a pedestrian drop-off and loading area along a secondary  
1662 street;  
1663  
1664 (4) On-street cutback parking or on-street pedestrian drop-off and loading area  
1665 approved by the traffic engineer where a minimum pedestrian realm width of  
1666 10 feet is maintained behind the back-of-curb adjacent to the cutback parking  
1667 or pedestrian drop-off and loading area; and  
1668  
1669 (5) Parking or other related uses constructed below-grade or sidewalk of the  
1670 pedestrian realm.  
1671

**Sec. 42-623 – 42-650. – Reserved.**

**Division 3. – ADDITIONAL BUILDING AND SITE DESIGN STANDARDS**

**Sec. 42-651. – Ground floor façade.**

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1678  
1679 The ground floor façade of buildings for other than single family residential occupancy  
1680 shall comply with the following standards, unless a modification is granted under  
1681 section 42-604:

1682  
1683 (a) A minimum of ~~30~~ 50% of the ground floor façade along a primary street shall be  
1684 ~~decorative features, with no less than 15% being~~ transparent openings such as  
1685 windows or doors into ~~habitable~~ occupiable space.

1686  
1687 (b) A minimum of ~~20~~ 40% of the ground floor façade along a secondary street shall be  
1688 ~~decorative features, with no less than 10% being~~ transparent openings such as  
1689 windows or doors into ~~habitable~~ occupiable space.

1690  
1691 (c) When a building fronts three or more streets designated as a TOD street or WP street,  
1692 the applicant may designate, in writing to the planning official, one secondary street  
1693 frontage to be exempted from the requirements of this section.

1694  
1695 **Sec. 42-652. – Public entrances and doors.**

1696  
1697 (a) A non-single-family residential building constructed adjacent to the pedestrian realm  
1698 of a WP street or TOD street subject to this article shall provide and maintain at least  
1699 one public entrance to the pedestrian realm.

1700  
1701 (b) No door to a building or structure, other than a door used only for emergency access,  
1702 shall swing into the minimum unobstructed sidewalk within the pedestrian realm.

1703  
1704 **Sec. 42-653. - Driveway locations and dimensions.**

1705  
1706 The following standards apply to driveway locations and dimensions unless a  
1707 modification is granted under section 42-604:

1708  
1709 (a) The minimum distance between driveways along a WP street or TOD Street shall be  
1710 300 feet for each development under one ownership, legal interest, or common control,  
1711 except that:

1712  
1713 (1) When a development has frontage along more than one street, no new  
1714 driveway shall be permitted along a primary street. If two or more streets are  
1715 designated as a primary WP or TOD street, then the applicant may select one  
1716 street where the driveway standards otherwise required by the section may  
1717 apply; and

1718  
1719 (2) A development that has frontage along three or more WP streets or TOD  
1720 streets may have one non-primary street that is exempt for the driveway  
1721 standards of this section.

1722  
1723 (b) The maximum width of a driveway shall be 30 feet for a two-way driveway or 15 feet  
1724 wide for two one-way driveways.

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- (c) When there is an existing driveway along a primary street, the applicant may modify or relocate the driveway(s) and have one driveway from the primary street in accordance with the distance and width requirements of this section.

**Sec. 42-654. Bicycle parking.**

- (a) For all classifications listed under classes 1 - office, 6 – recreation and entertainment, 7 – food and beverage, and 8 – retail services in section 26-492 of this Code, two bicycle spaces shall be required for each 10,000 square feet of gross floor area up to 150,000 square feet of GFA.
- (b) One bicycle space shall be required for every 20 dwelling units in an apartment development, as those terms are defined in section 26-472 of this Code.
- (c) Bicycle spaces required by this section shall conform to the design criteria of section 26-583 of this Code.
- (d) This section shall prevail over the minimum number of bicycle spaces otherwise required by this Code.

**Sec. 42-655 – 42-700. – Reserved.**