

City of Houston, Texas, Ordinance No. 2020 - 684

AN ORDINANCE AMENDING CHAPTER 1, CHAPTER 10, CHAPTER 26, CHAPTER 33, CHAPTER 40, AND CHAPTER 42 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO ESTABLISHING STANDARDS FOR WALKABLE PLACES IN THE CITY AND AMENDING RELATED PROVISIONS FOR TRANSIT ORIENTED DEVELOPMENT; ESTABLISHING FEES; PROVIDING FOR SEVERABILITY; ESTABLISHING AN EFFECTIVE DATE; CONTAINING FINDINGS AND OTHER PROVISIONS RELATED TO THE FOREGOING SUBJECT; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, the City of Houston, Texas, (the “City”) in the exercise of its lawful authority may enact police power ordinances to promote and protect the health, safety, and welfare of the public; and

WHEREAS, the City is a municipal corporation and home rule city organized under the Constitution and the general and special laws of the State of Texas, and thereby exercises powers granted by the City’s Charter and the provisions of Article XI, Section 5 of the Texas Constitution; and

WHEREAS, the City, under the provisions of Chapter 212 of the Texas Local Government Code (“Chapter 212”), may establish by ordinance general rules and regulations governing subdivision plats and development of land within its corporate limits and area of extraterritorial jurisdiction in order to promote health, safety, morals or general welfare of the City, and to promote the safe, orderly and healthful development of the City; and

WHEREAS, on February 20, 2020, the Planning Commission of the City of Houston held a public hearing on the Walkable Places Project and proposed amendments ; and

WHEREAS, on July 22, 2020, the City Council held a public hearing on the proposed amendments; and

WHEREAS, the City Council finds that all procedural requirement necessary for the adoption of all amendments contained herein have been complied with and satisfied; **NOW THEREFORE**;

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

Section 1. That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as part of this ordinance.

Section 2. That the Code of Ordinances, Houston, Texas, is hereby amended as described in Exhibit A, attached hereto and incorporated herein.to read as follows:

Section 3. That the City Council hereby approves the new - - - - -
- - - - - modification application fees established in Sections 40-556(c) and 42-604(b) of the Code of Ordinances, Houston, Texas, in the amounts shown below:

Description	Statutory Authority	Amount
Standard modification of sidewalks	40-556(c)	\$1144.00
Standard modification for pedestrian realm	42-604(b)	\$1144.00

The Director of the Planning and Development Department shall ensure that a copy of this Ordinance is provided to the Director of Finance, who shall incorporate the new fees in the City Fee Schedule.

Section 4. That the City Attorney is hereby authorized to direct the publisher of the Code of Ordinances, Houston, Texas, (the “Code”) to make such nonsubstantive

changes to the Code as are necessary to conform to the provisions adopted in this Ordinance, and also to make such changes to the provisions adopted in this Ordinance to conform them to the provisions and conventions of the published Code.

Section 5. That if any provision, section, subsection, sentence, clause or phrase of this Ordinance, or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void or invalid, the validity of the remaining portions of this Ordinance or their applicability to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

Section 6. That a public emergency exists requiring that this ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this ordinance shall be passed finally on that day and shall take effect at 12:01 a.m. on the 1st day of October, 2020.

PASSED AND APPROVED this 5th day of August, 2020.

Sylvester Turner

Mayor of the City of Houston

Prepared by Legal Dept. _____
KM/sec 8/4/208/21/20 Senior Assistant City Attorney
Requested by Margaret Wallace Brown, Director, Planning and Development Department
L.D. File Nos. 0611900342001 (Chapter 33), 0611900343001 (Chapter 26), 061190034001 (Chapter 40)

EXHIBIT A

CHAPTER 1 – GENERAL PROVISIONS

Amend the definition of “major thoroughfare and freeway plan” in Section 1-2 (*Rules of construction and definitions*) to read as follows:

Major thoroughfare and freeway plan or MTFP means 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, each in appropriate alphabetical order position, to Section 1-2 (*Rules of construction and definitions*):

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.

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*) to read as follows:

Sec. 10-2. Code compliance review.

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 chapters 26, 33, and 42 of 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;
- (4) The construction of any driveway or curb cut;
- (5) The construction or expansion of any parking lot;
- (6) The construction of any fence over eight feet high;
- (7) The construction of any retaining wall;
- (8) The construction of any masonry wall;

- (9) The exterior modification to the ground floor façade, as the term is defined in section 42-1 of this Code, to any structure or building located on a tract adjacent to a walkable places street or transit-oriented development street; or
- (10) The construction, removal, or alteration of a sidewalk.

There is hereby imposed the fee stated for this provision in the city fee schedule for the review under this section. The building official shall collect this fee from the applicant at the time of the issuance of the building permit or amendment. The fee shall not be refundable and shall be in addition to any other fee imposed by law.

CHAPTER 26 – PARKING

Amend Subsection (b) in Section 26-471 (*Purpose and applicability*) to read as follows:

- (b) This article applies to:
 - (1) The construction of a new building;
 - (2) The alteration of an existing building or tract where the alteration results in an increase in the parking factor;
 - (3) A change of use classification;
 - (4) The modification of a parking facility that results in the elimination of any parking space, loading berth, or bicycle space otherwise required by this article;
 - (5) An alteration of a shopping center (strip) or shopping center (neighborhood) that results in the addition or alteration of a class 6 or 7 use classification;
 - (6) Buildings or tracts within the market-based parking area, except that division 2 of this article shall not apply to buildings or tracts within the market-based parking area; and
 - (7) Buildings or tracts along a primary transit-oriented development street, except that division 2 of this article shall not apply.

Add new Subsection (e) to Section 26-471 (*Purpose and applicability*) to read 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*) to read as follows:

Special parking area or *SPA* means an area designated by city council that is approved to have alternative parking requirements to those required by this article.

Add the following definition, in appropriate alphabetical order position, 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 an “electronic personal assistive mobility” device under the Texas Transportation Code, section 551.201.

Amend Section 26-503 (*Reduced parking space requirement for transit-oriented developments*) to read, with new exhibits, as follows:

Sec. 26-503. Reduced parking space requirement for transit-oriented developments.

- (a) The total number of parking spaces required by this article for a use classification on a secondary transit-oriented development street shall be reduced by 50 percent if:
 - (1) The building or tract complies with the requirements of article IV of chapter 42 of this Code; and
 - (2) 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.
- (b) For a use classification that meets the criteria of subsection (a) of this section, no parking spaces shall be required for the portion of the use classification within the standard building line requirement, as the term is defined in section 42-1 of this Code, of:
 - (1) 25 feet when the secondary transit-oriented development street is designated a major thoroughfare, as shown below in Exhibit 26-503-1; or
 - (2) 10 feet when the secondary transit-oriented development street is not designated as a major thoroughfare, as shown below in Exhibit 26-503-2.

Exhibit 26-503-1 – Secondary TOD street designated as a major thoroughfare

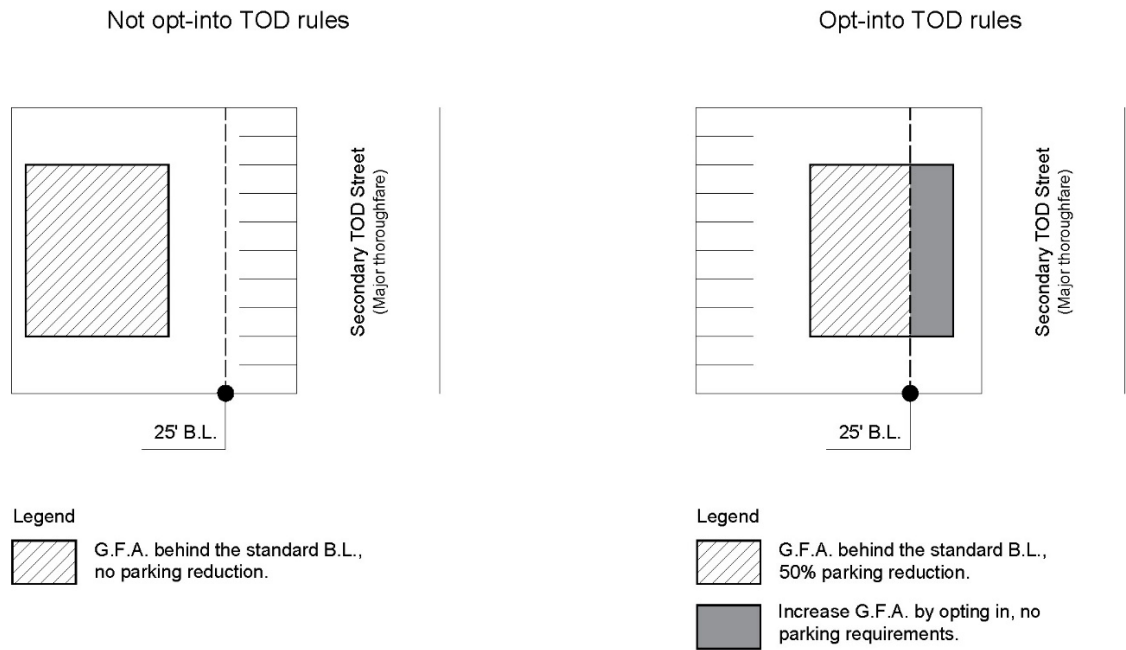
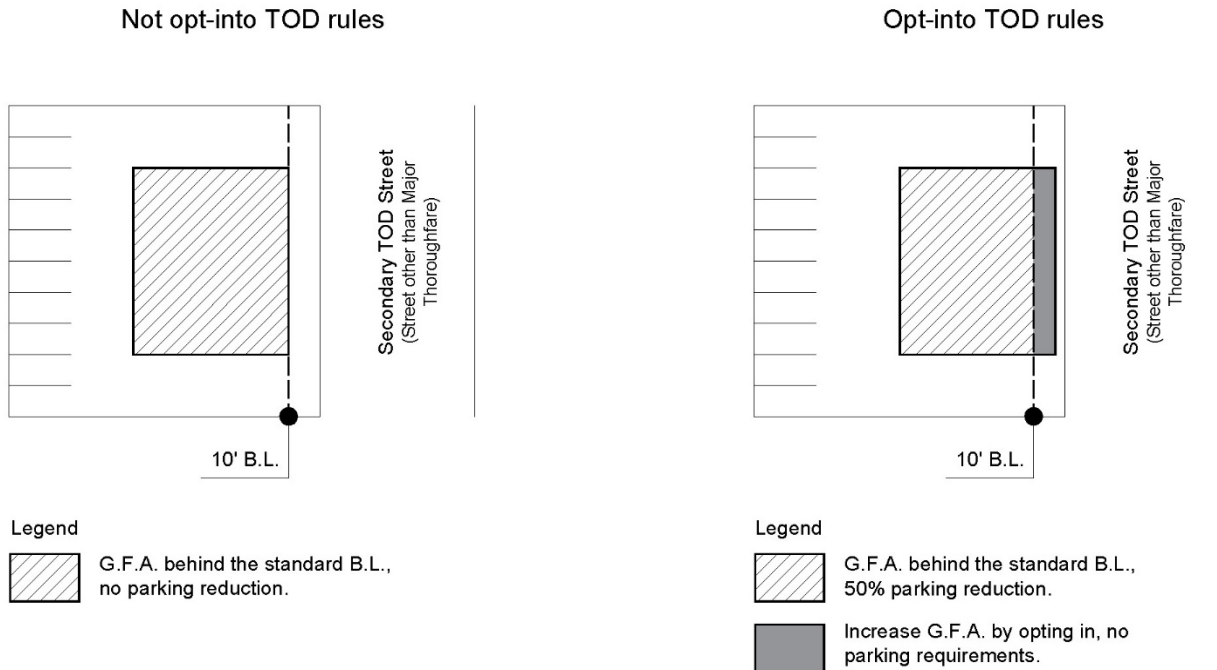


Exhibit 26-503-2 – Secondary TOD street designated as a street other than a major thoroughfare



Amend Division 3 (SPECIAL PARKING AREAS) in Article VIII to read as follows:

DIVISION 3. SPECIAL PARKING AREAS

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 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 the department website.

Sec. 26-511. Requirements for designation or revision of a special parking area.

- (a) An application for designation or revision 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 and has a demonstrated perpetual commitment to the proposed special parking area. The application shall be in the form prescribed by the planning official and shall include the following:
 - (1) The non-refundable fee set forth for this provision in the city fee schedule;
 - (2) Payment for all costs, as set out in the city fee schedule, associated with the notice provisions of this division;
 - (3) A proposed parking management plan in accordance with section 26-512 of this Code; and
 - (4) A map illustrating the boundaries of the proposed special parking area.
- (b) For a special parking area designated in conjunction with an amendment to the walkable places plan for an area where there is no management entity participating, the planning official shall oversee the submittal for the parking management plan developed in accordance with section 26-512 of this Code and a map illustrating the boundaries of the proposed special parking area. Any revisions to a designation under this subsection shall be processed in the same manner in which the designation was granted.

Sec. 26-512. Parking management plan.

- (a) The parking management plan for a special parking area, for the initial plan and any modifications, shall include, but not be limited to:
 - (1) The proposed alternative standards of this article or substituted requirements for the number of parking spaces, bicycle spaces, or loading berths, as applicable, for the special parking area with a corresponding justification for each alternative standard or substituted requirement; and
 - (2) A summary of proposed and existing mitigation measures, if applicable, designed to prevent or discourage spillover parking into adjacent properties and residential neighborhoods.
- (b) The initial parking management plan for a special parking area shall also include:

- (1) A summary of existing use classifications within the proposed special parking area and any known proposal for development or redevelopment within the proposed special parking area;
- (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 special parking area; 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 special parking area, including anticipated peak demand hours.

Sec. 26-513. Procedures for designation of a special parking area by application.

- (a) The planning official shall review each application filed under section 26-511 of this Code for completeness. Upon determining that an application is complete, the planning official shall forward the application to the Director of Houston Public Works for review. The 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.

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

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

Sec. 26-514. 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 planning official's recommendations pursuant to subsection (b) of section 26-513 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) If submitted by a management entity, 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 is designed to prevent or discourage spillover parking onto adjacent properties and residential neighborhoods; and
 - (5) The proposed parking management plan 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.
- (d) The planning official shall submit an affirmative recommendation of the commission and recommend placement of the request on the city council agenda.

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

- (a) If a proposed special parking area is requested as part of an amendment to the walkable places plan, the planning official shall submit recommendations to the commission on both the amendment to the walkable places plan and the proposed special parking area designation with the parking management plan simultaneously.
- (b) After the close of the public hearing required under section 33-423 of this Code and upon receipt of the planning official's recommendations pursuant to subsection (a) of this section, the commission shall consider the proposal and recommend the designation of the special parking area and the approval of the parking management plan if the commission finds that the proposal meets the following criteria:

- (1) The special parking area has a clearly defined boundary within the limits of the walkable places plan amendment;
 - (2) The proposed special parking area is consistent with the purpose and objectives of the walkable places plan as described in section 33-421 of this Code;
 - (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 is designed to prevent or discourage spillover parking onto adjacent properties and residential neighborhoods; and
 - (5) The proposed parking management plan demonstrates reasonable access to parking facilities or transportation services within the special parking area.
- (c) The commission may modify or amend the proposed special parking area or parking management plan to meet the intent and purpose of this article.
- (d) 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 request to a later commission meeting;
 - (2) Refer the request back to planning official for further study;
 - (3) Remove the special parking area designation from further consideration with the amendment to the walkable places plan; or
 - (4) Deny the request.
- (e) If the commission approves the special parking area or parking management plan, the planning official shall recommend placement of the request on the city council agenda.

Sec. 26-516. City council action on designation of a special parking area.

City council may consider the designation of a special parking area as recommended by the commission and shall vote to approve the recommendation of the commission, disapprove the recommendation of the commission, refer the special parking area back to the commission or administration, for further consideration, or deny the designation.

Sec. 26-517. Modification of a special parking area.

Additional tracts may be added to or deleted from a special parking area at any time in accordance with the designation procedures and criteria of this division.

Sec. 26-518. 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.
- (b) Following the designation of the special parking area by city council, the planning official shall coordinate the implementation of the parking management plan with the city departments and other entities with an interest in planning and development within the

right of way, including other governmental entities, political subdivisions, transit authorities, or local government corporations and any other entity as determined by the planning official.

- (c) The planning official shall, from time to time, evaluate each special parking area to determine if circumstances related to the designation or subsequent parking management plan implementation have changed and may warrant a revision to the parking management plan pursuant to section 26-519 of this Code or modification to the special parking area designation pursuant to section 26-517 of this Code. If such a determination is made, the planning official shall document the change in circumstances then report to the commission the findings of the evaluation and any corresponding recommendations.

Sec. 26-519. Review of parking management plan.

- (a) Within 60 days of receiving the report from the planning official outlined in subsection (c) of section 26-518 of this Code, the commission shall review the parking management plan and circumstances related to the special parking area designation. Upon review, the commission shall:
 - (1) Take no action if the commission finds that no changes should be made to the parking management plan; or
 - (2) Instruct the management entity or planning official, as applicable, to submit for commission review a revised parking management plan in accordance with this division if the commission finds that evidence of changed circumstances within the special parking area may warrant a revision to the parking management plan.
- (b) If the commission requires a revised parking management plan pursuant to item (2) of subsection (a) of this section, the planning official shall give notice of a public hearing on the review of the revised ~~OBJ~~ management plan in accordance with the provisions of section 26-513 of this Code. The commission shall hold a public hearing and review the revised parking management plan. After the close of the public hearing, the commission shall:
 - (1) Take no action if the commission finds that no changes should be made to the parking management plan;
 - (2) Recommend to city council that the revised parking management plan should be adopted to accommodate any changed circumstances outlined in the commission review of the revised parking management plan; or
 - (3) Recommend to city council that the designation of the special parking area should be terminated.
- (c) If city council revises a parking management plan or terminates a special parking area in accordance with the procedures outlined in this section, all uses classifications permitted on or before the date of the council action to revise or terminate shall be allowed to continue except as otherwise provided in this article. All uses for which a permit is granted after the date of termination, shall be in compliance with the revised parking management plan or parking requirements of this article.

Chapter 33 – PLANNING AND DEVELOPMENT

Amend the definition of “Remove or removal” in section 33-151 (*Definitions*) as follows:

Remove or removal means to take a tree away from its existing position and includes such actions that may be reasonably expected to damage a tree sufficiently to cause it to die, including but not limited to, uprooting, severing the main trunk, damaging the root system, and excessive pruning or topping.

Add the following definitions to Sec. 33-151 (*Definitions*):

Pedestrian realm has the meaning as ascribed in section 42-1 of this Code.

Tree canopy means the total area of the tree where the leaves and outermost branches or limbs extend, also known as the “dripline.”

Amend Section 33-152 (*Removal of a tree*) to read as follows:

Sec. 33-152. Removal of a tree.

Except as may otherwise be provided in this article, it shall be unlawful for any person to remove any tree or to cause, permit or suffer the removal of any tree that is situated in whole or in substantial part within a street or the minimum pedestrian realm required by section 42-621 of this Code, as applicable, to perform any construction activity, including, without limitation, construction or repair of buildings or other structures, installation or repair of utilities, or installation or repair of streets or sidewalks within the dripline circle area of any tree that is situated in whole or in substantial part within a street or pedestrian realm. The determination of whether the tree is situated in whole or in substantial part in the street or pedestrian realm shall be based upon the location of the trunk of the tree at ground level. For purposes of the foregoing requirements, a tree shall be considered to be in substantial part within a street or pedestrian realm if one-half or more of the area of the trunk of the tree is situated in the street or pedestrian realm as determined at the point where the trunk intersects the ground.

Add new Section 33-161 to Article VI to read as follows:

Sec. 33-161. Preservation of the existing tree canopy along a walkable places street or transit-oriented development street.

- (a) Except as otherwise provided in this section, it shall be unlawful for any person to remove any portion of a tree canopy or to cause, permit or suffer the removal of any tree canopy, for any tree of a size 10 caliper inches or more that is within:
 - (1) The right-of-way of a walkable places street or transit-oriented development street; or
 - (2) Ten feet from the edge of the right-of-way of a walkable places street or transit-oriented development street that is not designated a major thoroughfare; or
 - (3) Twenty-five feet from the edge of the right-of-way of a walkable places street or transit-oriented development street that is also designated as a major thoroughfare.
- (b) This section shall not apply to:

- (1) The removal of any dead, damaged, or diseased tree canopy or limbs that constitutes an immediate hazard to life or property;
- (2) Maintenance or pruning authorized by the director upon written request for permission in the form approved by the director. In considering whether to grant the authorization, the director shall consider the age and condition of the tree canopy, the size of the limb(s) to be pruned or removed, and the extent of the pruning. The director shall consult with the planning official and consider whether the requested action is reasonably required, considering other alternatives that may exist; or
- (3) The removal of a tree canopy, in part or in whole, authorized by the granting of a variance under the procedure outlined in section 33-135 of this Code.

Add the following definitions, each in appropriate alphabetical order position, 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.

Design manual has the meaning ascribed in section 42-1 of this Code.

Linear street 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.

Pedestrian realm has the meaning ascribed in section 42-1 of this Code.

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 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.

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.

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) to read as follows:

Applicant means any of the following that requests an amendment to 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.

Add new Divisions 4 and 5 to Article IX (MAJOR PLANS) to read as follows:

DIVISION 4. WALKABLE PLACES PLAN

Sec. 33-421. Scope.

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

Sec. 33-422. Administrative responsibilities.

- (a) It shall be the responsibility of the planning official to:
 - (1) Oversee the development, amendment, and maintenance of the walkable places plan in accordance with this division;
 - (2) Make the WPP available to the public on the department website;
 - (3) Report annually to the commission concerning the implementation of the WPP;
 - (4) Review and consider the comments received and provide a summary of the comments to the commission prior to any public hearing on the WPP or with the annual report to the commission;
 - (5) Present to the commission a recommendation on proposed amendments to the WPP made in collaboration with city departments and entities with an interest in planning and development within the right of way such as governmental entities, political subdivisions, transit authorities, or local government corporations and any other entity as determined by the planning official; and
 - (6) Coordinate with other entities with an interest in planning and development within the right of way such as city directors, governmental entities, political subdivisions, transit authorities, or local government corporations and any other entity as determined by the planning official.
- (b) The planning official is authorized to promulgate rules and procedures for the efficient administration of the walkable places plan and this division.

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

- (a) An amendment to add, reclassify, or remove a street segment in the walkable places plan shall be made in accordance with the requirements of this division and related policies adopted by the commission, and may only be initiated by:
 - (1) The planning official on behalf of the city; or

- (2) A signed petition, in the form prescribed by the planning official, of property owners representing at least fifty percent of the total linear street frontage along each street segment included in the proposed amendment.
- (b) Prior to filing a petition to amend the walkable places plan under subsection (a)(2) of this section, a representative of the petitioners shall meet with the planning official. The planning official shall conduct a preliminary review of the proposed amendment, advise the representative of the amendment process, and may give preliminary comments on the merits of the proposed amendment or potential alternative amendments. The planning official may also advise the representative of deficiencies that would prevent the petition from moving forward for consideration.
- (c) Except as provided in subsection (d) below, the planning official shall hold at least one informational meeting prior to consideration by the commission of an amendment to the walkable places plan to inform the community about the proposed amendment to the WPP and the amendment process, as well as provide an opportunity for public comments on the proposed amendment for the planning official to review and consider prior to making a recommendation on the proposed amendment to the commission. The informational meeting shall be open to the public and held within the vicinity of the street segment under consideration with the proposed amendment, subject to the availability of an appropriate venue. If the planning official determines no appropriate venue can be secured, the planning official may establish an alternate reasonably accessible venue.
- (d) Unless requested by the petitioners, an informational meeting shall not be required for a petition by property owners representing 100% of the total linear street frontage along the street segment(s) included in the proposed amendment.
- (e) The commission shall hold at least one public hearing on the proposed walkable places plan amendment. Upon the close of the public hearing, the commission shall consider public comments, support and opposition from property owners along the proposed walkable places street, and the recommendation of the planning official and determine whether the proposed WPP furthers the objectives and intent of this division. The commission shall vote to recommend the adoption of the proposed WPP to city council with or without modifications, refer the proposed WPP back to the planning official for further study and evaluation, defer consideration of the proposed WPP to a future meeting, or disapprove the proposed WPP.
- (f) The affirmative recommendation of the commission on the walkable places plan will be forwarded to city council.
- (g) Following placement of the commission's recommended walkable places plan on an agenda, city council may consider the commission's recommendation and shall vote to approve the recommendation of the commission, defer the recommendation to another meeting, disapprove the recommendation of the commission, refer the WPP back to the administration or commission for further consideration, or deny the amendment.
- (h) If the commission votes to disapprove a petition amendment and not forward it to city council, or if the city council votes to deny a petition amendment, any street segment included within the petition amendment will be ineligible for inclusion in a new petition for a period of five years from the date of the final action by commission or city council as applicable. The planning official may allow an ineligible street segment to be included in a new petition upon receipt of new information unknown at the time of the prior petition or substantially changed circumstances that the planning official determines warrants the inclusion of the street segment in a new petition amendment.

Sec. 33-424. Street classification.

- (a) Classification of each street segment in the walkable places plan shall be made in accordance with this section and will reflect existing, planned, or desired conditions along the street segment based upon, but not limited to, community input, adopted plans or policies, pedestrian-related infrastructure projects, best practices and sound public policy, surrounding development context, and the enhancement of pedestrian comfort.
- (b) Each street segment in the walkable places plan shall be designated as either a primary walkable places street or a secondary walkable places street; provided, however, a secondary WP street may only be designated if the street segment connects to a primary WP street directly or indirectly via one or more secondary WP street or designated transit-oriented development street.
- (c) The walkable places plan shall establish the minimum pedestrian realm width for each walkable places street from the alternatives listed in the table below.

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

- (d) The walkable places plan shall establish a minimum unobstructed sidewalk width requirement of six (6) feet, eight (8) feet, or ten (10) feet for each walkable places street.
- (e) The walkable places plan establishes the minimum right-of-way width required for each walkable places street. When a WP street is also a major thoroughfare, the minimum right-of-way width established by the major thoroughfare and freeway plan shall prevail.

Sec. 33-425. Notification requirements.

- (a) The planning official shall give notice, by regular mail, to all owners of real property as identified in current appraisal district records for all properties having linear street frontage on the street segment under consideration for addition, reclassification, or removal in the walkable places plan. Notice shall be mailed no later than 30 days before the date of:
 - (1) An informational meeting required by section 33-423 of this Code; and
 - (2) The public hearing required by section 33-423 of this Code.
- (b) Prior to a meeting where notice is required under subsection (a) of this section, the planning official shall give notice by electronic or regular mail to:
 - (1) Each district council member in whose district any portion of the proposed amendment to the walkable places plan is located; and
 - (2) Each neighborhood association with defined boundaries, registered with the department of neighborhoods, in which any portion of the proposed amendment to the walkable places plan is located.
- (c) The planning official shall give notice of any informational meeting and public hearing requiring notice in subsection (a) of this section by the placement of at least two notification signs on each street segment of the walkable places plan under consideration by the commission no later than 15 days before date of the meeting or hearing. The planning official is authorized to approve an alternative to the number and location of

signs required by this subsection upon determining that the alternative proposal will provide sufficient visibility of the signs and accomplishes the objectives of this section.

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

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 transit-oriented development plan shall include, but not be limited to, the identification and classification of each street segment designated as a transit-oriented development street in accordance with this division and a corresponding map.
- (b) The transit-oriented development plan must be consistent with the general plan described in article II of this chapter, the major thoroughfare and freeway plan, the walkable places plan, and other applicable plans, programs, policies, and regulations.
- (c) When a street segment on the walkable places plan is eligible for transit-oriented development 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 transit-oriented development plan in accordance with this division;
 - (2) Make the transit-oriented development plan available to the public on the department website; and
 - (3) Coordinate with other entities with an interest in planning and development within the right of way such as city departments, governmental entities, political subdivisions, transit authorities, or local government corporations, and any other entity as determined by the planning official to implement the TODP.
- (b) The planning official is authorized to promulgate rules and procedures for the efficient administration of the transit-oriented development plan and this division.

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

- (a) Except when prohibited by subsection (c) of this section, the planning official is authorized and directed to periodically revise the transit-oriented development plan consistent with the requirements and standards of this division and in collaboration with the city engineer, the traffic engineer, and a representative acting on behalf of METRO.
- (b) Prior to voting on a proposed transit-oriented development plan amendment, the commission shall consider relevant public comments, the recommendation of the

planning official, and whether the proposed TODP meets requirements and standards of this division. The commission shall vote to adopt the proposed TODP if it meets the requirements and standards of this division, refer the proposed TODP back to the planning official for further study and evaluation, defer consideration of the proposed TODP to a future meeting, or disapprove the proposed TODP.

- (c) A “potentially eligible street” under section 33-444 of this Code shall not be added, removed, or reclassified in the transit-oriented development plan until after one year from the date of the last approved TODP amendment that evaluated the street segment, except when:
 - (1) A transit station is added to or removed from the transit-oriented development plan within one-half mile walking distance from the street segment; or
 - (2) The planning official determines an error was made in the process to determine the transit-oriented development street designation for a transit station within one-half mile walking distance from to the street segment.

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

- (a) The planning official shall identify all street segments within a one-half mile walking distance from an existing or proposed transit station on a designed transit corridor street. Street segments identified in this subsection shall be considered a “potentially eligible street” segment for the purposes of this section.
- (b) A potentially eligible street segment that meets one or more of the following criteria is not eligible for designation as a transit-oriented development street:
 - (1) More than 75% of the linear length of the street segment abuts property in use for or otherwise restricted to single-family residential use, and the street segment is not a major thoroughfare;
 - (2) More than 50% of the linear length of the street segment abuts property in use for or otherwise restricted to single-family residential on a lot greater than or equal to 3,500 square feet in area, and the street segment is not a major thoroughfare;
 - (3) Included in a special minimum lot size or special minimum building line block, or within the boundaries of a special minimum lot size area, as those terms are defined in section 42-1 of this Code;
 - (4) Grade-separated or limited access roadway;
 - (5) Included within the central business district, as the term is defined in section 42-1 of this Code;
 - (6) Frontage road, except where the corresponding freeway is below-grade and covered by an at-grade cap structure; or
 - (7) Existing roadway does not meet the applicable infrastructure design manual standards for roadway width or have plans approved by the city engineer showing the location of the back-of-curb or edge of roadway after roadway reconstruction.

Following the evaluation conducted by the planning official, any potentially eligible street that is not connected to the corresponding transit station via one or more transit corridor street, transit-oriented development street, walkable places street, or other potentially eligible street that remains eligible for designation as a TOD street shall not be eligible for designation on the transit-oriented development plan.

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

Sec. 33-445. Process to determine Primary TOD Streets.

- (a) A transit-oriented development street that is within 1,000 feet walking distance from an existing transit station or proposed transit station with a contract for construction approved by METRO is a primary TOD street if the planning official determines the corresponding station is within:
 - (1) A designated major activity center as defined in section 42-1 of this Code;
 - (2) A census tract where car ownership is estimated to be 80-percent or less;
 - (3) A census tract with a high activity population density greater than or equal to 7,200 activity population per square mile as identified by the most recent data published by the Houston-Galveston Area Council;
 - (4) A census tract with an intersection density greater than or equal to 76 intersections per square mile; or
 - (5) 1,000 feet walking distance from a college or university with a campus enrollment greater than or equal to 1,000 students.
- (b) A transit-oriented development street that is 300 feet or less in length and connects two or more primary TOD streets or primary walkable places streets will be designated as a primary TOD street.
- (c) A transit-oriented development street shall not be a primary TOD street if:
 - (1) The street segment is more than one-quarter mile in length; or
 - (2) More than 50% of the linear length of the street segment abuts property in use for or otherwise restricted to heavy manufacturing and industrial or truck terminal, as those terms are defined in section 26-472 of this Code.

Sec. 33-446. Notification requirements.

- (a) The planning official shall give notice, by regular mail, to all owners of real property as identified in current appraisal district records for all properties having linear street frontage on the street segment under consideration for addition, reclassification, or removal as a transit-oriented development street in the transit-oriented development plan. Notice shall be mailed no later than 30 days before the date of the first meeting where the commission considers the TODP amendment as described in section 33-443 of this Code.

- (b) Prior to a meeting where notice is required under subsection (a) of this section, the planning official shall give notice by electronic or regular mail to:
 - (1) Each district council member in whose district any portion of the proposed amendment to the transit-oriented development plan is located; and
 - (2) Each neighborhood association with defined boundaries, registered with the department of neighborhoods, in which any portion of the proposed amendment to the transit-oriented development plan is located.
- (c) The planning official shall publish the current draft of the proposed amendment and corresponding transit-oriented development street classification for each street segment on the department website no later than 30 days before a public hearing that requires notice under this section.

Sec. 33-447—33-600. Reserved.

Chapter 40 – STREETS AND SIDEWALKS

Add new Section 40-32 to Article I to read as follows:

Sec. 40-32. Pedestrian safety and visibility buffer.

- (a) It shall be unlawful for any person without an approved application to build, construct, plant, place, or otherwise cause a visual obstruction within the pedestrian safety and visibility buffer adjacent to a driveway where vehicular traffic exits onto a public street and crosses a sidewalk required by article XXII of this chapter. Objects or improvements below 24 inches or above eight feet as measured from the sidewalk surface shall not be considered a visual obstruction.
- (b) The pedestrian safety and visibility buffer shall encompass a rectangular area extending from edges of the exit driveway in both directions along the sidewalk. The two primary dimensions of this triangular area, as measured from intersection of the exit driveway edge and the point of the required sidewalk farthest from public street, shall be:
 - (1) 14 feet along the length of the sidewalk, and
 - (2) 6 feet along the edge of the exit driveway perpendicular to the sidewalk.

Exhibits 40-32-1 and 40-32-2 depict the pedestrian safety and visibility buffer on streets with two-way and one-way traffic, respectively.

Exhibit 40-32-1 -- Two-way Driveway

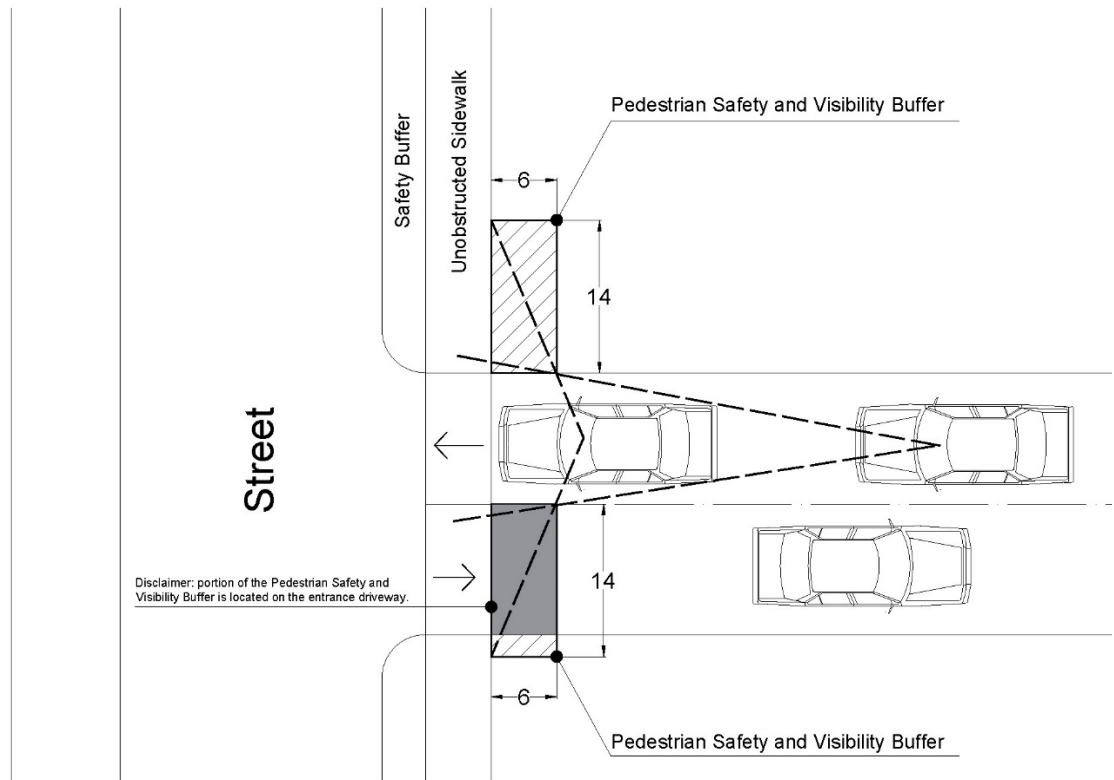
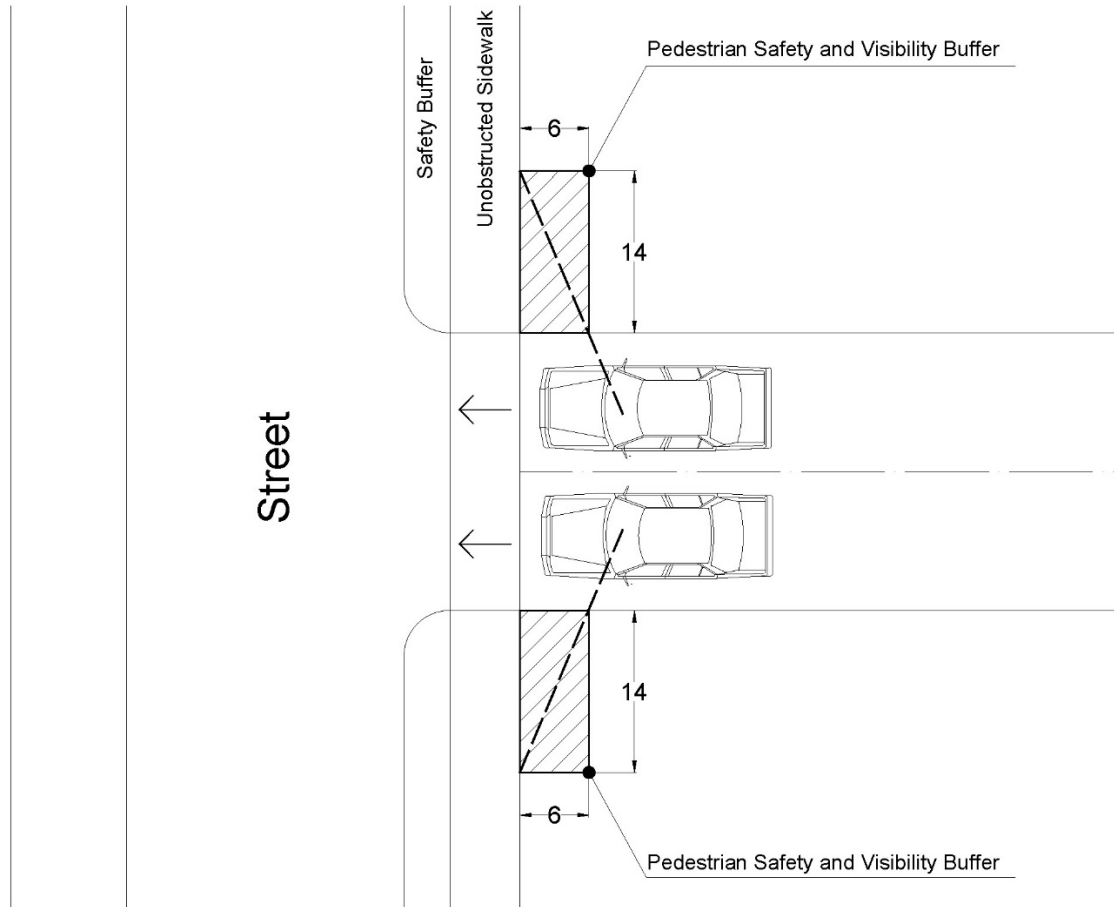


Exhibit 40-32-2 -- One-way Driveway



- (c) The city engineer is authorized to modify the pedestrian safety and visibility buffer area required by this section when, upon review of written documentation provided by the individual or entity requesting the modification, the city engineer concludes that the standards of this section are technically or otherwise infeasible due to the presence of existing permitted physical conditions.
- (d) A permitted object or improvement that would otherwise be considered a visual obstruction under subsection (a) of this section that existed prior to _____¹ shall not be considered a violation of this section.

¹ City Secretary shall insert effective date of this Ordinance.

Add new Article XXII to read as follows:

ARTICLE XXII. SIDEWALKS

Sec. 40-551. Definitions.

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

Applicant means a property owner or the property owner's designated agent, landlord, or tenant, holder of certificate of occupancy, or other person or entity who is applying for an approval required by this article.

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

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

Central business district has the meaning ascribed in section 40-361 of this Code.

Design manual has the meaning ascribed in section 42-1 of this Code.

Department means the department of planning and development of the city.

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

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

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

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

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

Sidewalk means a publicly accessible firm-and-stable-surfaced path that is improved and designed for or is ordinarily used by pedestrians.

Sidewalk easement means a recorded easement that grants to the public a perpetual, non-exclusive easement on, over, and across private land for the construction, maintenance, and use of a sidewalk. The minimum height of a sidewalk easement shall be 8 feet as measured vertically from the surface of the corresponding sidewalk.

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

Sec. 40-552. Applicability and administration.

- (a) It shall be the responsibility of the planning official to administer this article in coordination with the city engineer and the Mayor's Office of Disabilities.

- (b) No person or entity may seek approval for a building permit, certificate of occupancy, or other construction permit or approval required by this Code for any of the following activities without first obtaining approval of a sidewalk plan in accordance with the requirements of section 40-553 of this Code:
- (1) Construction of a new sidewalk within a public street or sidewalk easement;
 - (2) Repair, reconstruction or replacement of 20 linear feet or more of an existing sidewalk within a public street or sidewalk easement;
 - (3) Construction of a new single-family residential use, as defined in section 42-1 of this Code, other than a secondary dwelling unit of not more than 900 square feet;
 - (4) Development of property for non-single-family residential use that requires a development plat under to section 42-22 of this Code;
 - (5) Construction of a new parking lot;
 - (6) Construction of a parking lot addition greater than 10 parking spaces to an existing parking facility, as those terms are defined in section 26-472 of this Code;
 - (7) Reconstruction of more than 10 parking spaces or 25% of the total area, whichever is greater, of an existing permitted parking lot. Restriping parking spaces, asphalt resurfacing and other cosmetic, decorative or surface level enhancements shall not be considered reconstruction;
 - (8) To establish the pedestrian route for off-site parking facilities as required by section 26-499 of this Code;
 - (9) Alterations to any non-single-family residential building or improvement within 15 feet of the minimum pedestrian realm along a transit-oriented development street or walkable places street that increases the building or improvement by 250 square feet or more; and
 - (10) Alterations to any non-single-family residential building or improvement that increases the exterior square footage of the building or the footprint of the improvement by more than 25%.
- (c) The planning official is authorized to promulgate rules and procedures for the efficient administration of this article.
- (d) Except as expressly provided, the provisions of this article are cumulative of the other provisions of this Code.

Sec. 40-553. Sidewalk plan and approval required.

- (a) A person or entity shall submit a sidewalk plan to the department for review and approval in conjunction with a development plat required by chapter 42 of this Code, or prior to obtaining a building permit, certificate of occupancy, or other construction permit, or for approval of a sidewalk plan required to perform an activity listed under section 40-552 of this Code. The sidewalk plan shall:
- (1) Be in the form prescribed by the planning official.

- (2) Be to scale, provide a north arrow, and contain dimensions and boundaries of any public street and sidewalk easement; and
- (3) Show:
 - a. The location and dimension of each existing and proposed sidewalk and safety buffer;
 - b. The location of above-ground existing and planned physical features within the public street or sidewalk easement such as utility poles and equipment, signposts, traffic signal equipment, parking meters, guywires, fire hydrants, bollards, bus or transit shelters, bicycle racks, planters, stairs or steps, street furniture, and fences or barriers;
 - c. The location and dimension of each driveway that crosses the sidewalk and safety buffer;
 - d. The location and dimension of each pedestrian safety and visibility buffer required by section 40-32 of this Code.
 - e. The location and dimension of each curb ramp, as the term is used in chapter 17 of the design manual;
 - f. The location, dimension, and vertical clearance of any building or structure constructed over the sidewalk or safety buffer;
 - g. Existing and proposed trees, shrubs, and screening fences required by article V of chapter 33 of this Code that are within the public street or sidewalk easement; and
 - h. The functional edge furthest from the roadway of an adequate drainage facility, as approved by the city engineer, along any street that is not curb and gutter.
- (b) Upon receipt of a sidewalk plan containing all the information required by subsection (a), the planning official shall review the sidewalk plan to verify compliance with this article. This review shall be completed within 15 business days from the date a complete application is submitted to the planning official. The planning official shall deny in writing all sidewalk plans that do not comply with the requirements of this article.
- (c) The building official or city engineer, as applicable, shall not issue a building permit, certificate of occupancy, or other construction permit unless the planning official approves the sidewalk plan.
- (d) The building official or city engineer, as applicable, shall not issue a certificate of occupancy or otherwise certify satisfactory completion of a construction permit or approval unless the applicant constructs or provides for the sidewalk and related information shown on the approved sidewalk plan.

Sec. 40-554. Sidewalk required, exceptions.

- (a) Except as provided in subsection (c) of this section, an applicant shall submit a sidewalk plan pursuant to section 40-553 of this Code, and shall construct a sidewalk along all public streets within the city adjacent to the project site for which a permit is sought

pursuant to section 40-552 of this Code. If the planning official authorizes an artificial lot in accordance with section 33-124 of this Code, then the applicant shall only be required to construct a sidewalk along the public street abutting the boundaries of the artificial lot.

- (b) This article shall not apply to repair and rehabilitation work performed by other governmental entities, political subdivisions, transit authorities, or local government corporations if:
 - (1) Following the repair or maintenance of public infrastructure, any sidewalk that is disturbed is replaced in the same or better condition than existed before the repair or maintenance work; or
 - (2) The width and location of a sidewalk is not fundamentally altered after rehabilitation improvements to extend the life and effectiveness of existing public infrastructure. Rehabilitation improvements may include, but are not be limited to: pavement overlays, street panel replacements, resizing stormwater inlets, replacing or reestablishing curbs, regrading ditches, or the restoration of erosion or flood damage.
- (c) No sidewalk shall be required adjacent to any street when, upon review of written documentation provided by the applicant, the planning official finds that one or more of the following circumstances apply:
 - (1) There is an existing sidewalk in good repair that was built to the minimum width required by this article;
 - (2) The public street is within a planned community with an approved pedestrian plan on file with the department in which alternative publicly accessible pedestrian trails or pathways are provided in lieu of sidewalks;
 - (3) The sidewalk is constructed, or will be constructed in accordance with this article, within a sidewalk easement that provides a reasonable alternative alignment for pedestrian accessibility along the general route of the public street;
 - (4) The public street is a grade-separated freeway that does not have an at-grade frontage road;
 - (5) The public street is a grade-separated freeway or other limited access roadway, and the planning official, after consultation with the city engineer and MOD official, determines one or more of the following conditions exist:
 - a. The construction of a sidewalk is technically or otherwise infeasible due to the presence of existing, permitted physical conditions, or
 - b. The characteristics of existing permitted development, land uses, or other physical conditions within the immediate vicinity of the grade-separated or limited access roadway create unsafe conditions related to the practical use of a sidewalk.
 - (6) There is no roadway constructed within the public street and the city engineer confirms:
 - a. The construction of a roadway is not required as part of the action prompting the applicability of this article under section 40-552 of the Code; or

- b. There are no approved capital improvement plans or plans pending approval by an entity with an interest in planning and development within the right of way such as governmental entities, political subdivisions, transit authorities, or local government corporations or any other entity as determined by the planning official for improvements or construction of the roadway.
- (7) The cost to meet the standard sidewalk requirement is more than 50% of the total cost of the action prompting the applicability of this article. The city engineer shall review the cost estimate provided by the applicant and make a recommendation to the planning official on their reasonableness. The following shall not qualify for a waiver under this subsection:
 - a. Items (1), (2), and (8) under section 40-522 of this Code;
 - b. The requirement to construct a sidewalk within the central business district; or
 - c. The requirement to construct a sidewalk along a walkable places street or transit-oriented development street;
- (8) The street is located within the boundaries of the Fourth Ward Street Streets in Place Ordinance, Ordinance No. 99-1344; or
- (9) The applicant is not required to provide a sidewalk under section 40-556 of this Code.

Sec. 40-555. Sidewalk standards.

- (a) The minimum unobstructed width of a sidewalk required by this article shall be as prescribed by the design manual.
- (b) The minimum width of the safety buffer required by this article shall be as prescribed by the design manual.
- (c) The minimum unobstructed vertical clearance required by this article shall be eight feet as measured from the surface of the sidewalk.
- (d) All sidewalks shall be constructed in a manner consistent with technical standards and design requirements of the design manual and applicable state and federal disability rights laws.

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

- (a) The planning official, in collaboration with the city engineer and the MOD official, may approve a modification to the standards of section 40-555 of this Code in accordance with this section. Granting a modification under this section does not set a precedent, and each case shall be reviewed on its own merits.
- (b) The planning official, in collaboration with the city engineer and the MOD official, is authorized to modify the sidewalk width or safety buffer width along streets other than walkable places streets and transit-oriented development streets required by subsections (a) and (b) in section 40-555 when, upon review of written documentation provided by the individual or entity requesting the modification, the planning official concludes that the standards of section 40-555 are technically or otherwise infeasible due to the presence of

existing permitted physical conditions. The planning official shall conduct their review and advise the applicant of a decision within ten business days from the date written documentation is submitted to the planning official.

- (c) When an individual or entity requests modification of the sidewalk width or the safety buffer width along walkable places streets or transit-oriented development streets, or requests an exemption to the sidewalk or the safety buffer required by section 40-555, to qualify for approval under this section, an applicant shall:
 - (1) File an application in the form prescribed by the planning official;
 - (2) Pay the non-refundable fee set forth for this provision in the city fee schedule and all costs associated with the notice provisions of this section; and
 - (3) Provide documentation to support the required findings in subsection (e) of this section.
- (d) Upon receipt of a complete application filed in accordance with subsection (c) of this section, the planning official shall give notice of the application by electronic mail to:
 - (1) The district council member in whose district the sidewalk is located;
 - (2) Each neighborhood association registered with the department of neighborhoods in whose boundaries the sidewalk is located;
 - (3) The city engineer and MOD official; and
 - (4) Coordinate with other entities with an interest in planning and development within the right of way such as governmental entities, political subdivisions, transit authorities, or local government corporations, and any other entity as determined by the planning official.
- (e) In collaboration with the city engineer and the MOD official, the planning official shall approve the application submitted in accordance with subsection (c) of this section, with or without conditions, if all of the following conditions exist:
 - (1) One or more of the following:
 - a. Pedestrian pathways or sidewalks exist within the immediate vicinity of the public street that provide reasonably sufficient access and connectivity for public pedestrian use;
 - b. The characteristics of existing permitted development, land uses, or other physical conditions within the immediate vicinity of the public street create unsafe conditions related to the practical use of the sidewalk that is otherwise contrary to sound public policy; or
 - c. The cost of the standard sidewalk requirement is disproportionate to the total cost of the action prompting the applicability of this article under section 40-522 of this Code and the development is unlikely to contribute to an increase in pedestrian traffic or otherwise create an adverse impact to existing pedestrian accessibility within the immediate vicinity;

- (2) The circumstances supporting the approval are not the result of hardship created or imposed by the applicant;
- (3) The granting of the approval would create an alternative that furthers the intent and purposes of this article.
- (f) The planning official shall conduct a review of the application submitted under subsection (c) of this section and advise the applicant of a decision within 15 business days from the date a complete application is submitted to the planning official.
- (g) The planning official shall maintain a list of approved sidewalk modifications on the department website.

Sec. 40-557. Violations.

- (a) It shall be unlawful for any person or entity to undertake any of the activities described in section 40-552 unless a sidewalk plan has been approved by the planning official as required by this article.
- (b) The violation of any provision of this article within the territorial limits of the city, including the failure to do any act or perform any duty that is required herein, shall be punishable as provided by section 1-6 of this Code. Each day a violation continues constitutes a separate offense. Prosecution or conviction under this provision shall never be a bar to any other remedy or relief for violation of this Code.
- (c) The planning official and city engineer shall have the authority to administratively enforce violations of this article.

Secs. 40-558—40-600. Reserved.

chapter 42 – SUBDIVISIONS, DEVELOPMENTS AND PLATTING

Add the following definitions, each in appropriate alphabetical order position, to Section 42-1 (*Definitions*):

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

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

Ground floor façade means the façade of a building along a transit-oriented development street or walkable places street, as applicable, between the finished floor height of the ground floor and a vertical height of eight (8) feet.

Occupiable space has the meaning ascribed in the construction code.

Primary street means a street designated as a primary walkable places street on the walkable places plan or a primary transit-oriented development street on the transit-oriented development plan.

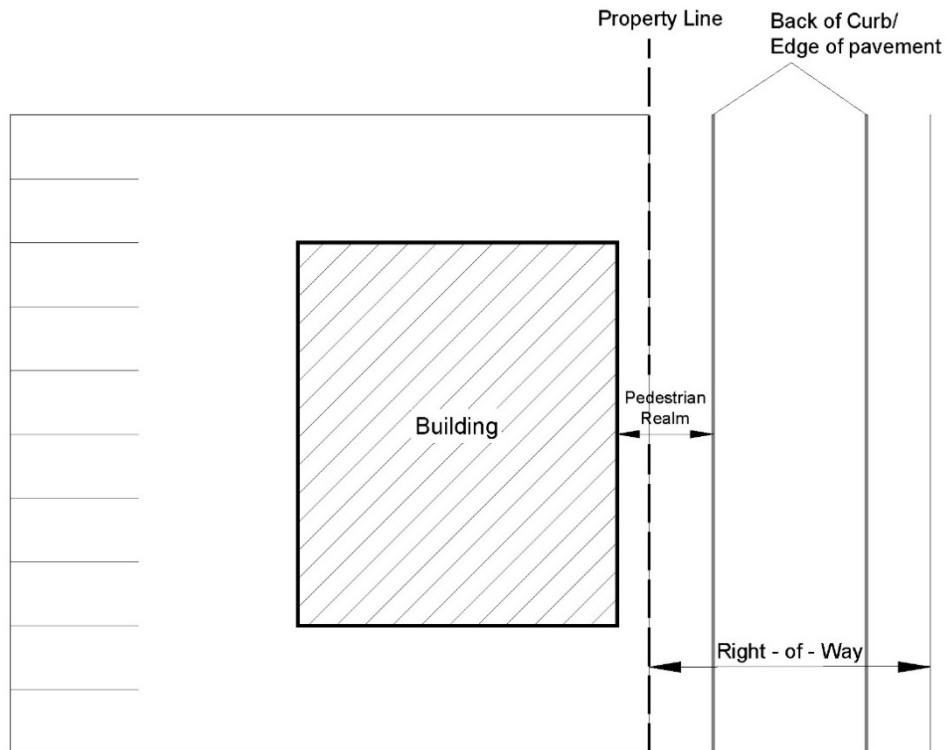
Secondary street means a street designated as a secondary walkable places street on the walkable places plan or a secondary transit-oriented development street on the transit-oriented development plan.

Amend the definitions of “design manual”, “retail commercial center”, “sidewalk”, “transit corridor street” in Section 42-1 (*Definitions*) to read as follows:

Applicant means the owner of property or the owner’s authorized agent who applies for approval of a plat or plan as required by this chapter.

Pedestrian realm means the area from the back-of-curb or the edge of the roadway on a street without curbs, to the front of a building on the lot or tract. This pedestrian realm area may be within either a dedicated public right-of-way or within designated pedestrian areas on private property, for which an easement granting public use has been filed of record in the County real property records. This pedestrian realm area may include hardscape, publicly accessible and unobstructed sidewalks, pedestrian amenities, softscape and utilities, all constructed in accordance with the city infrastructure design manual, this article and other applicable regulations.

Pedestrian Realm



Retail commercial center 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.

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

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

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

Add new Subsection (g) to Section 42-81 (*Variances*) to read as follows:

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

Amend Section 42-122 (*Right-of-way widths*) to read as follows:

Sec. 42-122. Right-of-way widths.

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

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
Transit-oriented development street not designated as a major thoroughfare or collector street on the MTFP	60 feet
Walkable places street	The right-of-way width established by the walkable places plan
	The right-of-way width otherwise required by this division for street segments designated on the walkable places plan for which a substitute right-of-way width is not established
Public alleys	20 feet
Type 1 permanent access easement	The width required if the permanent access easement were a public street
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 interchanged. The width shall be measured from edge to edge across the surface of the pavement	

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

Summary of Minimum Building Line Requirements		
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)
Primary Streets	All tracts	Zero feet and subject to the standards of section 42-164
Secondary Streets	All tracts	See applicable public street classification
		Zero feet, if the lot or reserve meets the standards of section 42-164
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 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)

Leaving the drawings as they exist where they exist, amend the text portions of Section 42-153 to read as follows:

Sec. 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.

Except for along a walkable places street or transit-oriented development 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;
- (4) A clearly-defined pedestrian walkway that is separate from any private street or private drive is established across the building line perpendicular to the sidewalk providing a connection from the public sidewalk along the major thoroughfare to an entrance to a building or the development;
- (5) The sidewalk and safety buffer standards of article XXII of chapter 40 of this Code;
- (6) The height of any building within 15 feet behind the building line is restricted to not more than 75 feet, as measured in accordance with the Building Code;

- (7) 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;
- (8) The building line conforms to the visibility triangle required by section 42-161 of this Code at the intersection of a major thoroughfare and any other street;
- (9) For any property used for nonresidential purposes, the maximum height of any fence, wall, berm or combination thereof within the building line is 36 inches in height measured from mean grade;
- (10) For multi-family residential uses, any fence, wall, berm or combination thereof within the building line that is more than 36 inches high, but less than eight feet high, measured from mean grade is at least two feet from the property line adjacent to the major thoroughfare and the space created thereby is used and maintained for landscape plantings; and
- (11) 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.

Leaving the drawings as they exist where they exist, amend the text portions of Section 42-154 (*Optional performance standards for a major thoroughfare within the city with a planned right-of-way of 80 feet or less – Retail commercial center*) to read as follows:

Sec. 42-154. Optional performance standards for a major thoroughfare within the city with a planned right-of-way of 80 feet or less—Retail commercial center.

- (a) Except for along a walkable places street, transit-oriented development street, or as provided in subsection (c) of this section, a building line requirement of five 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 performance standards or a development plat that demonstrates compliance with each of the following performance standards:
 - (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) 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 walkable places street, transit-oriented development street, or as provided in subsection (c) of this section, 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 performance standards or a development plat that demonstrates compliance with each of the following performance standards:
- (1) The subdivision plat or development plat provides for an arcade or colonnade at least six feet wide along the full face of the retail commercial center parallel to the major thoroughfare;
 - (2) All off-street parking is to the rear or side of any improvements on the property;
 - (3) Any driveway from the major thoroughfare to the side of any improvements on the property 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;
 - 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) 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; and
- (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.
- (c) Subsections (a) and (b) of this section do not apply to any retail commercial center that is located on a tract that has been created from a larger parcel or reserve, either by subdivision or lease agreement, if the remaining portion of the original tract or reserve is used for nonresidential purposes.

Add new Section 42-164 to Article III, Division 3 to read as follows:

Sec. 42-164. Transit-oriented development streets and walkable places streets

- (a) This section shall apply to any improvement requiring a building permit or development within a lot on a walkable places street or transit-oriented development street.
- (b) 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.
- (c) 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 be in compliance with the standard building line requirement otherwise required by this article for the corresponding type of street and tract description.
- (d) 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 new Subsection (d) to Section 42-188 (*Lot access to streets*) to read as follows:

- (d) When a tract along a transit-oriented development street or walkable places street is subdivided, a single-family residential lot within this new subdivision shall not be designed to have 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 transit-oriented development street or walkable places street, and requiring the turnaround to be located wholly outside the pedestrian realm.

Remove Article IV (TRANSIT CORRIDOR DEVELOPMENT) in its entirety and replace with new Article IV to read as follows:

ARTICLE IV. ENHANCED PEDESTRIAN REALM STANDARDS.

DIVISION 1. IN GENERAL

Sec. 42-601. Purpose and applicability.

- (a) This article applies to any person or entity seeking approval for a building permit, certificate of occupancy, or other construction permit or approval required by this Code along a walkable places street or transit-oriented development street when one or more of the following is filed:
 - (1) A development plat;
 - (2) A building permit subject to the code compliance review in section 10-2 of this Code;
 - (3) A sidewalk plan required under article XXII of Chapter 40 of this Code;
 - (4) A landscape plan required under section 33-122 of this Code;
 - (5) A site plan required under section 26-473 of this Code; or
 - (6) A driveway permit.
- (b) 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.
- (c) This article establishes standards to encourage the development of safe pedestrian and multi-modal transportation routes for new development and certain redevelopment or alterations to structures fronting on all transit-oriented development and walkable places streets.
- (d) These standards are to establish consistent public realm design and reinforce safe, pleasant walking experiences for pedestrians of all ages and abilities. At a minimum, these standards provide a pedestrian-scale buffer area from vertical surfaces or walls and allows people to interact with or enter/exit buildings with minimal interference with vehicular traffic.

Sec. 42-602. Cumulative effect.

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

Sec. 42-603. Pedestrian realm plan.

- (a) An applicant shall submit a pedestrian realm plan to the department prior to obtaining a certificate of occupancy or a building permit, or in conjunction with a development plat required by chapter 42 of this Code. This plan shall:
 - (1) Be accompanied by the non-refundable fee set forth for this provision in the city fee schedule when the plan is not submitted in conjunction with a development plat;

- (2) Be in the form prescribed by the planning official; and
 - (3) Describe the proposed pedestrian realm, including the locations of existing and proposed sidewalks, pedestrian amenities and improvements, obstructions, utility lines (both above and below ground), roadways, street lights, required street trees, landscape elements, hardscape, softscape, construction details, and other information required by the planning official or the city engineer to determine compliance with this article.
- (b) Upon receipt of a complete pedestrian realm plan, the planning official shall review the plan to verify compliance with this article. The planning official shall deny in writing any plan that does not comply with the requirements of this article.
 - (c) The building official shall not issue a building permit for the construction of a building or alteration to a building or tract within the city unless the planning official approves the pedestrian realm plan verifying compliance with this article.

Sec. 42-604. Modification of standards, process.

- (a) The planning official, in collaboration with the city engineer, may approve a modification to the standards of section 42-621, 42-651, or 42-653 of this Code.
- (b) To request approval for a modification, an applicant shall:
 - (1) File an application in the form prescribed by the planning official;
 - (2) Pay the non-refundable fee set forth for this provision in the city fee schedule and all costs associated with the notice provisions of this section; and
 - (3) Provide documentation to support the required findings in subsection (c) of this section.
- (c) In collaboration with the city engineer, the planning official shall approve the application, with or without conditions, if the following conditions exist:
 - (1) Either:
 - a. The characteristics of existing permitted development, land uses, or other physical conditions within the immediate vicinity of the pedestrian realm create unsafe conditions related to the practical use of the property; or
 - b. The standard creates an impractical design or a development that is otherwise contrary to sound public policy. A modification to the standard would, in the sole professional judgement of the planning official and city engineer, create a more practical or technically feasible alternative.
 - (2) The circumstances supporting the approval are not the result of hardship created or imposed by the applicant; and
 - (3) Approval creates an alternative that furthers the intent and purposes of this article.

- (d) The planning official shall conduct their review and advise the applicant of a decision or request more information within 30 days from the date a complete application is submitted to the planning official.

Sec. 42-605—42-620. Reserved.

DIVISION 2. PEDESTRIAN REALM

Sec. 42-621. Pedestrian realm standards.

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

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

Classification	Street Type	Minimum Width of the Pedestrian Realm
WP Street	All	As established by the walkable places plan
Transit Corridor Street	Only one vehicular through traffic lane in each direction	15 feet
	All others	20 feet
TOD Street	Major thoroughfare with a right-of-way width of 80 feet or less as designated by the MTFP	15 feet
	All other major thoroughfares	20 feet
	Any street that is not curb and gutter.	10 feet measured from the functional edge furthest from the roadway of an adequate drainage facility, as approved by the city engineer
	All others	15 feet

- (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 articles V and VI of chapter 33 of this Code, except that the minimum caliber 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 uses; and
- (b) Any fence, wall, or barrier within the pedestrian realm shall be 48 inches or less in height and non-opaque.
- (c) Any sidewalk and safety buffer within the pedestrian realm shall conform with the requirements of article XXII of chapter 40 of this Code.
- (d) Any bulk container, as the term is section 39-1 of this Code, and related screening for compliance with article VI of chapter 39 of this Code shall be located outside of the pedestrian realm.
- (e) The area in the pedestrian realm outside the unobstructed sidewalk may accommodate activities such as outdoor seating or merchant displays associated with adjacent uses provided, however, that such activities within the public right-of-way shall comply with the applicable requirements of this Code.

Sec. 42-622. Automobile-related uses.

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

- (1) A driveway through the pedestrian realm that is perpendicular to the street;
- (2) A pedestrian drop-off and loading area along a secondary street that is beyond the minimum pedestrian realm width required by this division and approved by the traffic engineer;
- (3) A pedestrian drop-off and loading area along a primary street that is beyond the minimum pedestrian realm width required by this division when, in the professional judgement of the planning official made in coordination with the traffic engineer, unique traffic circulation conditions exist in the area that make it impractical to have a pedestrian drop-off and loading area along a secondary street;
- (4) On-street cutback parking or on-street pedestrian drop-off and loading area approved by the traffic engineer where a minimum pedestrian realm width of 10 feet is maintained behind the back-of-curb adjacent to the cutback parking or pedestrian drop-off and loading area; and
- (5) Parking or other related uses constructed below-grade or sidewalk of the pedestrian realm.

Sec. 42-623—42-650. Reserved.

DIVISION 3. ADDITIONAL BUILDING AND SITE DESIGN STANDARDS

Sec. 42-651. Ground floor façade.

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

- (1) A minimum of 50% of the ground floor façade of a building with linear street frontage along a primary street shall be transparent openings such as windows or doors into occupiable space.
- (2) A minimum of 40% of the ground floor façade along a secondary street shall be transparent openings such as windows or doors into occupiable space.
- (3) When a building has facades on three or more streets designated as a transit-oriented development street or walkable places street, the applicant may designate, in writing to the planning official, one secondary street frontage to be exempted from the requirements of this section.

Sec. 42-652. Public entrances and doors.

- (a) A non-single-family residential building constructed adjacent to the pedestrian realm of a walkable places street or transit-oriented development street subject to this article shall provide and maintain at least one public entrance to the pedestrian realm.
- (b) No door to a building or structure, other than a door used only for emergency access, shall swing into the minimum unobstructed sidewalk within the pedestrian realm.

Sec. 42-653. Driveway locations and dimensions.

The following standards apply to driveway locations and dimensions unless a modification is granted under section 42-604 of this Code:

- (1) The minimum distance between driveways along a walkable places street or transit-oriented development street shall be 300 feet where one or more lots on the same street are under one ownership, legal interest, or common control, except that:
 - a. When a lot has linear street frontage along more than one street, no new driveway shall be permitted along a primary street. If two or more streets are designated as a primary walkable places or transit-oriented street, then the applicant may select one street where the driveway standards otherwise required by the section may apply; and
 - b. A lot that has linear street frontage along three or more walkable places streets or transit-oriented development streets may have one non-primary street that is exempt for the driveway standards of this section.
- (2) The maximum width of a driveway shall be 30 feet for a two-way driveway or 15 feet wide for two one-way driveways.
- (3) 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, 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.