

City of Houston, Texas, Ordinance No. 2015- 892

AN ORDINANCE ESTABLISHING THE LINDALE PARK SUBDIVISION SECTIONS 5, 6 AND 7, WITHIN THE CITY OF HOUSTON AS A SPECIAL MINIMUM LOT SIZE AREA PURSUANT TO CHAPTER 42 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS; MAKING FINDINGS AND CONTAINING OTHER PROVISIONS RELATED THERETO; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, Section 42-197 of the Code of Ordinances, Houston, Texas (the "Code"), authorizes the establishment of a special minimum lot size area to preserve the lot size character of existing residential neighborhoods in the City that do not have a minimum lot size established by deed restrictions; and

WHEREAS, an application was filed with the Department of Planning and Development (the "Department") requesting the establishment of a special minimum lot size area for the Lindale Park Subdivision, Sections 5, 6 and 7, which area is within the City (the "Area"); and

WHEREAS, the Director of the Department determined that the application was properly filed in accordance with the provisions of Section 42-198 of the Code; and

WHEREAS, the Director of the Department caused notice of the application to be duly given as provided in Section 42-201 of the Code; and

WHEREAS, the Director of the Department conducted a community meeting within or near the proposed area as provided in Section 42-201 of the Code; and

WHEREAS, the Director has determined that the owners of 55 percent or more of the lots within the Area support the designation of the Area as a special minimum lot size area; and

WHEREAS, the Director of the Department referred the application to the Houston Planning Commission, which conducted a public hearing on the application on February 5, 2015 and reviewed the application pursuant to the criteria of Section 42-204 of the Code; and

WHEREAS, the Houston Planning Commission has recommended that the City Council establish a special minimum lot size requirement for the Area; **NOW, THEREFORE,**

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

Section 1. That the findings and recitals contained in the preamble of this Ordinance are declared to be true and correct and are hereby adopted and made a part of this Ordinance.

Section 2. That all terms not defined in this Ordinance shall have the meanings ascribed to them in Chapter 42 of the Code.

Section 3. That the City Council finds that the application for the establishment of a special minimum lot size area for the Area satisfies the criteria of Section 42-204(a) of the Code. The City Council further finds that the minimum lot size in the Area is 5,300 square feet.

Section 4. That the City Council hereby establishes a special minimum lot size area along the Lindale Park Subdivision, Sections 5, 6 and 7, said area also being approximately described by the property description in Exhibit "A" and the map attached as Exhibit "B."

Section 5. The minimum lot size of 5,300 square feet shall be the lot size requirement for the special minimum lot size area. The Director of the Department is hereby directed to cause a copy of this Ordinance to be filed for recordation in the real property records of Harris County, the county in which the Area is located, as soon as practicable after the effective date of this Ordinance.

Section 6. That the Director of the Department of Planning and Development may assign a sequential number to this special minimum lot size area for purposes of identification.

Section 7. That this Ordinance and the special minimum lot size area established by this Ordinance shall terminate on the 40th anniversary of the effective date of this Ordinance, unless earlier terminated by an ordinance adopted by the City Council.

Section 8. That there exists a public emergency 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 such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days of its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this 23rd day of September 2015.


APPROVED this _____ day of _____ 2015.

Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of this foregoing Ordinance is SEP 29 2015, 2015.



City Secretary



Assistant City Attorney

(Prepared by Legal Dept.
SOI/fg 8/28/15

Requested by Patrick Walsh, Director, Planning and Development Department
L.D. File No. 0611500913001)

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CAPTION PUBLISHED IN DAILY COURT
REVIEW
DATE: SEP 29 2015

AYE	NO	
✓		MAYOR PARKER
••••	••••	COUNCIL MEMBERS
✓		STARDIG
✓		DAVIS
	ABSENT ON PERSONAL BUSINESS	COHEN
✓		BOYKINS
✓		MARTIN
✓		NGUYEN
✓		PENNINGTON
✓		GONZALEZ
✓		GALLEGOS
✓		LASTER
✓		GREEN
	ABSENT DUE TO BEING ILL	COSTELLO
✓		ROBINSON
✓		KUBOSH
✓		BRADFORD
✓		CHRISTIE
CAPTION	ADOPTED	

EXHIBIT A

PROPERTY DESCRIPTION

All or a portion of the following:

Lots 1 through 24, Block 32, and Lots 26 through 50, Block 33, Lindale Park, Section 5, a subdivision in the John Austin Survey, Harris County, Texas according to the map or plat thereof, as recorded in Volume 998, Page 724, of the Deed Records of Harris County, Texas; and

Lots 1 through 25, Block 33, all of Blocks 34 through 37, and Lots 26 through 50, Block 38, Lindale Park, Section 6, a subdivision in the John Austin Survey, Harris County, Texas according to the map or plat thereof, as recorded in Volume 21, Page 19 of the Deed Records of Harris County, Texas; and

Lots 1 through 25, Block 38, Lindale Park, Section 7, an unrecorded subdivision out of the John Austin Survey, Harris County, Texas; and

Lots 26 through 50, Block 39, Lindale Park, Section 7, an unrecorded subdivision out of the John Austin Survey, Harris County, Texas.


EXHIBIT B



Lindale Park Sections 5, 6, and 7 Special Minimum Lot Size Area Designation

Source: Harris County Appraisal District
Date: October 10, 2014
Reference: MLSA 427

This map is made available for reference purposes only and should not be substituted for a survey product. The City of Houston will not accept liability of any kind in conjunction with its use.

 Area of Consideration



**PLANNING &
DEVELOPMENT
DEPARTMENT**