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AGENDA

Heather N. Cook April 4, 2024

- 1. Brief History
- 2. Authority
- 3. Process
- 4. Opportunities and Considerations



UT Law 2024 Land Use Conference

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BRIEF HISTORY

The City of Houston

- 4th largest city in nation by population
- 665 square miles
- Unzoned (mostly)

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Statutory Authority:

Texas Local Government Code Section 212.151

Who Can Use It?

A municipality with:

- Population of 1.5MM or more, OR
- No zoning

AND that enacts an ordinance requiring uniform enforcement

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Types of Deed Restrictions That Can Be Enforced

"Restriction" means a land use regulation that:

- (1) affects the character of the **use** to which real property, including residential and rental property, may be put;
- (2) fixes the distance that a structure must be **set back** from property lines, street lines, or lot lines:
- (3) affects the **size of a lot** or the **size, type, and number of structures** that may be built on the lot:
- (4) regulates or restricts the type of activities that may take place on the property, including commercial activities, sweepstakes activities, keeping of animals, use of fire, nuisance activities, vehicle storage, and parking;
- (5) regulates architectural features of a structure, construction of garbage disposal, or noise levels; or
- (6) specifies the **type of maintenance** that must be performed on a lot or structure, including maintenance of a yard or fence.

Tex. Local Gov't Code Section 212.152

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Title search: Cities Don't Enforce Private Restrictive Covenants or Do They?: The City of Houston's Unique Land Use Scheme

Also available as part of the eCourse 2024 Land Use eConference

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