

City of Houston, Texas, Ordinance No. 2013 - _____

AN ORDINANCE AMENDING CHAPTERS 10, 28, 40, 41, AND 42 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO LAND USE REGULATIONS; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; CONTAINING A REPEALER; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

* * * * *

WHEREAS, the City of Houston ("City") is a municipal corporation organized under the Constitution and the general and special laws of the State of Texas and exercises powers granted by the City's Charter and the provisions of Article XI, Section 5 of the Texas Constitution; and

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

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

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

WHEREAS, the City heretofore established rules and regulations governing (1) plats and subdivisions of land and (2) development plats within its corporate limits and area of

extraterritorial jurisdiction that are codified in Chapter 42 of the Code of Ordinances, Houston, Texas (“Chapter 42”); and

WHEREAS, the City heretofore established rules and regulations regarding subdivisions of land and the naming of private streets that are codified in Chapter 41 of the Code of Ordinances, Houston, Texas (“Chapter 41”) and rules and regulations regarding the naming of public streets and permanent access easements that are codified in Chapter 42; and

WHEREAS, street numbers and other components of property addresses in the City historically were assigned primarily by local electric utilities who no longer perform this function and who have requested that the City assume this responsibility; and

WHEREAS, the development of sophisticated multi-jurisdictional public safety response communications systems requires a uniform system of addressing that is applicable to a broad geographic area; and

WHEREAS, the City Council finds that it is necessary and appropriate for every building, structure, lot or tract of land to have a unique name and number so as to facilitate public safety response, and the City Council further finds that the lack of a unique name and number can compromise public safety response; and

WHEREAS, the City Council finds that it is necessary and appropriate to coordinate, centralize, and manage the naming of streets within the City and its extraterritorial jurisdiction and to uniformly assign site addresses within the City to facilitate the provision

of emergency services, to promote the safe, orderly and healthful development of the City and its environs, and to promote the health, safety, and welfare of the City; and

WHEREAS, the City Council finds that it is necessary and appropriate to require the naming of public streets and non-public streets, including private drives, private streets, and permanent access easements, in order to promote public safety by facilitating emergency vehicle access across the City; and

WHEREAS, the City Council finds that it is necessary and appropriate to codify this street naming and site addressing program in Chapter 41 in order to promote the public health, safety, morals and general welfare of the City pursuant to the City's police power and its authority under Chapter 212; and

WHEREAS, the City Council finds that it is necessary and appropriate to reorganize Chapter 41 by moving existing sections that do not relate to street naming and site addressing to other chapters in the Code of Ordinances; and

WHEREAS, on _____, 2013, the Planning Commission held a public hearing on the proposed amendments to Chapter 42; and

WHEREAS, on _____, 2013, the City Council held a public hearing on the proposed amendments to Chapter 42; and

WHEREAS, the City Council finds that all procedural requirements necessary for the adoption of amendments to Chapter 42 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 Section 41-11 of the Code of Ordinances, Houston, Texas, is hereby redesignated as Section 10-556.

Section 3. That Article III of Chapter 41 of the Code of Ordinances, Houston, Texas, entitled "**REGULATION OF TOWERS**," consisting of Sections 41-50 through 41-67, is hereby redesignated as Article XI of Chapter 28, with the same title, consisting of renumbered Sections 28-311 through 28-334, respectively, as shown in the table that is attached to and made part of this Ordinance as Exhibit A.

Section 4. That the Code of Ordinances, Houston, Texas, is hereby further amended by amending all references and citations to Article III of Chapter 41, and to each Section therein, to conform to the new renumbering scheme set forth in Section 3 of this Ordinance.

Section 5. That the text of the newly renumbered Section 28-330 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

"Sec. 28-330. Enforcement and penalties.

Violation of this article is unlawful. Failure of any person to comply with any provision of this article shall be punishable upon conviction by a fine of not less than \$100.00 or more than \$500.00. Each day the violation continues shall constitute a separate offense. All authority granted to the city attorney and the director and their designees under this article shall be exercised uniformly on behalf of and against all citizens and property of the city. Prior to the issuance of a citation under this article, the director shall furnish notice to the last known address of the tower owner of the alleged violation and shall afford the owner a reasonable opportunity to cure the

violation, consistent with the risks posed by the violation and the efforts that would be required to cure it.”

Section 6. That the text of the newly renumbered Section 28-333 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“Sec. 28-333. Transitional provision.

- (a) Sections 28-311, 28-312, 28-313, 28-314, 28-317, 28-318, 28-320, 28-321, 28-322, 28-323, 28-324, 28-325, 28-327, 28-328, 28-330, 28-332, and 28-333 apply to towers constructed, placed, or altered after December 11, 1991.
- (b) Sections 28-315, 28-319, 28-326, 28-329, and 28-331 apply to towers constructed, placed, or altered after April 8, 1998.
- (c) Section 28-316 applies to all towers subject to this article.”

Section 7. That Section 41-12 of the Code of Ordinances, Houston, Texas, is hereby redesignated as Section 40-7.

Section 8. That the title of Chapter 41 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“CHAPTER 41 – STREET NAMES AND SITE ADDRESSES”

Section 9. That Section 41-2 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

“Sec. 41-2. Definitions.

In this article:

Building means any structure used or intended for supporting or sheltering any use or occupancy.

Building identifier means an alphabetical or numerical identification of a building on a parcel containing more than one building.

Development plat has the meaning assigned to that term by section 42-1 of this Code.

Directional prefix means any of the four cardinal compass directions (north, south, east or west) preceding a street name.

Directional suffix means any of the cardinal compass directions (north, south, east or west) or inter-cardinal compass directions (northwest, southwest, northeast or southeast) following a street name.

Director means the director of the department of planning and development or the director's designees.

Non-public street means:

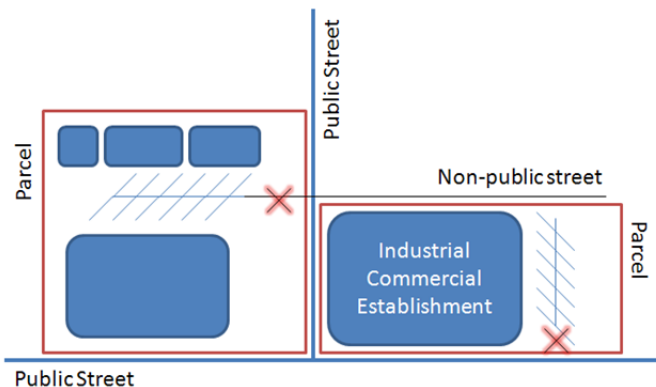
- (1) Any area, parcel, or strip of land to which there is no other access from a public street than over the area, parcel, or strip of land in question and that:
 - a. Is not a public street; and
 - b. Provides access from any public street in the city to any building or buildings designed or appropriate for occupancy by:
 - [1] Two or more dwelling units;
 - [2] Two or more business, industrial or commercial establishments; or
 - [3] One or more industrial, commercial or business establishments and two or more dwelling units; or
- (2) Any area, strip, or parcel of land that:
 - a. Provides a connection between any two public streets; and

- b. Is used by the general public for the purpose of traveling from one public street to the other; or
- (3) A private drive, a private street, or a permanent access easement, as these terms are defined in chapter 42 of this Code.

The public may use a non-public street if its use is not physically obstructed. A posted sign prohibiting use of non-public street does not constitute sufficient notice that the owner of a non-public street has prohibited use by the public, unless the owner has taken affirmative steps to prohibit such use.

A non-public street does not include:

- (1) Any driveway designed principally to provide access to the outbuildings appurtenant to any principal building, or to provide access to delivery platforms or the entrances of a building appropriate for the delivery thereto of goods or merchandise.



- (2) An area appurtenant to a store or a group of stores, a theater, a church or any similar establishment, designed primarily to be used as a parking space by customers or patrons of the establishment or group of establishments in question.

- (3) An entranceway or roadway designed to provide entrance to or communication or passage between the several units of a single industrial establishment or of a group of such establishments which are under common control or management; provided such industrial entranceway or roadway shall be considered a non-public street under the terms of this chapter if it has entrances upon two or more public streets, unless there are, at each of such entrances, gates, chains, or watchmen by which all persons are prevented from using the same except those employed by or having business to conduct or such industrial plants or establishments in question.
- (4) A shared driveway, as that term is defined in chapter 42 of this Code.

Parcel means any quantity of land capable of being described with such definiteness that its location and boundaries can be established that is designated by its owner as land to be used or developed as a unit or that has been used or developed as a unit.

Public street means a public street right-of-way.

Primary address number means the combination of numerals assigned to a building or parcel.

Site address means the series of ordered components required to provide a unique identifier of location to a building or parcel, consisting of a primary address number, a street name and a street name suffix.

Subdivision plat has the meaning assigned to that term by section 42-1 of this Code.

Street means a public street or a non-public street.

Street name means the combination of words used to form the proper title of a street.

Street name suffix means a descriptive road type, such as 'street,' 'road' or 'highway.'

Unit number means an alphabetical or numerical identification of a unit within a multi-unit building.”

Section 10. That Article I of Chapter 41 of the Code of Ordinances, Houston, Texas, is hereby amended by adding Section 41-3 to read as follows:

“Sec. 41-3. Fees.

The director may, from time to time, with the assistance of the department of finance, pursuant to Administrative procedure [4-9](#), prepare and submit for approval by motion of the city council revisions to the fees that shall be paid by an applicant in conjunction with the submittal of an application, petition or other request pursuant to this article. The fees approved under this provision shall be included in the city fee schedule. Payment of any applicable fees when due is a condition of the processing of any application, petition or other request under this article.”

Section 11. That Chapter 41 of the Code of Ordinances, Houston, Texas, is hereby amended by amending Article II to read as follows:

“ARTICLE II. STREETS

DIVISION 1. STREET NAMING AND SITE ADDRESSING

Sec. 41-21. Program established.

- (a) The director shall administer a program for the following purposes:
- (1) Approving street names within the city and its extraterritorial jurisdiction;
 - (2) Assigning and changing site addresses within the city; and
 - (3) Assigning and changing site addresses within any other jurisdiction that has entered into an agreement with the city for assignment of site addresses within that jurisdiction.
- (b) The director may establish an electronic system for the temporary reservation of street names. The director may promulgate

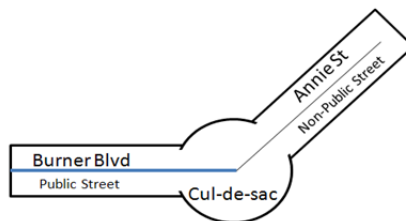
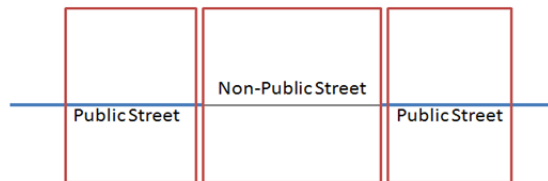
regulations consistent with the policies of this article in the administration of the program described in subsection (a), subject to review and approval by the commission.

(c) The provisions of this article shall apply to all responsibilities assigned to other city departments that relate to the program described in subsection (a), including the change of a primary address number or a site address by the building official.

Sec. 41-22. Street names.

(a) Streets shall be named in conformance with the following parameters:

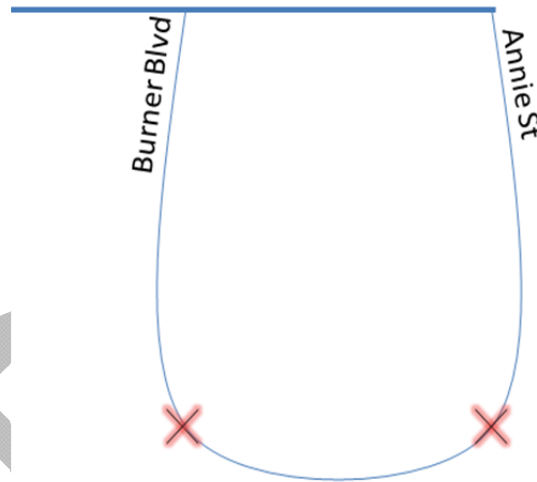
- (1) A new street that is a direct extension of an existing street shall have the same name as the existing street, unless the existing street name is a duplicate street name.
- (2) A non-public street that is a direct extension of a public street or a cul-de-sac shall not have the same name as the public street.



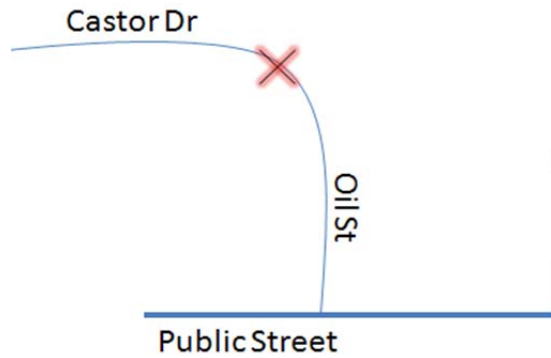
- (3) A directional prefix or directional suffix may be used to clarify the general location of a street, provided that the use of the directional prefix or directional suffix is consistent with existing naming and numbering patterns within the area in which the street is located.

- (4) Street name suffixes shall be limited to the following uses:
- a. 'Circle,' 'Court' and 'Loop' shall be used only to designate streets that terminate at a cul-de-sac or are configured as a loop street.
 - b. 'Boulevard,' 'Crossing,' 'Crossroad,' 'Expressway,' 'Motorway,' 'Parkway,' 'Speedway' and 'Throughway' shall be used only to designate major thoroughfares, major collector streets, collector streets or other streets designed to handle traffic volumes in excess of normal neighborhood traffic generation or that are divided streets with at least two lanes of traffic in each direction separated by a median.
 - c. 'Bypass,' 'Expressway,' 'Freeway' and 'Highway' shall be used only to designate highways or freeways subject to the jurisdiction of the state department of transportation.
 - d. 'Avenue,' 'Drive,' 'Road' and 'Street' shall be used only to designate major thoroughfares, major collector streets, collector streets or local streets.
 - e. 'Bridge,' 'Fork,' 'Lane,' 'Oval,' 'Passage,' 'Path,' 'Place,' 'Trail' and 'Way' shall be used only to designate collector streets or local streets.
 - f. 'Tunnel' shall be used only to designate streets that provide underground or underwater passage.
 - g. A street name suffix shall not be used as part of the street name.
 - h. The abbreviation of a street name suffix shall be consistent with United States Postal Service postal addressing standards.
- (6) A street name shall not include any typographic characters or symbols.

- (7) An alphabetical or numerical street name shall not be used to name a new street unless the street is a direct extension of an existing street with an alphabetical or numerical name that is not duplicative of an existing street name.
- (8) A street shall not intersect with another street more than one time without an intervening name change.



- (9) When a street changes direction by approximately 90 degrees, the street name shall change.



- (10) The proper name of a deceased national figure may be used as a street name for a major thoroughfare, a major collector street, a collector street or a local street.
- (11) The proper name of a deceased locally elected figure may be used as a street name for a major collector street, a collector street or a local street.
- (b) If a street is served by a local or inter-local 9-1-1 emergency dispatch system, the director may deny use of a proposed street name if the street name:
- (1) Is currently in use;
 - (2) Is duplicative of or so similar in name or sound to an existing street name that the use could be misleading to emergency communicators or responders; or
 - (3) Is temporarily reserved in an electronic system established under section 41-21.
- (c) For purposes of this section, the terms 'cul-de-sac,' 'loop street,' 'major thoroughfare,' 'major collector street,' 'collector street,' and

'local street' shall have the meanings assigned to those terms by chapter 42 of this code.

Sec. 41-23. Site addressing.

(a) The director shall assign site addresses in accordance with the following parameters:

- (1) A site address shall include the name of a street to which the parcel is adjacent or has direct vehicular access.
- (2) A site address shall be numbered in a consecutive, uniform manner.
- (3) A site address shall not be utilized for more than one building.
- (4) For any property composed of more than one lot or parcel, each lot or parcel shall have a primary address number. A large parcel containing more than one building may be assigned more than one primary address number, depending on the existing numbering sequence of the surrounding area.
- (5) Unit numbers and building identifiers shall be assigned to a site address based on the number of units, the number of buildings, the number of floors within the buildings on a parcel and the range of numbers available for assignment.
- (6) Odd and even primary address numbers shall be assigned to opposite sides of the street, with even numbers assigned to the right side of the street and odd numbers assigned to the left side of the street in the direction of increasing numbers, unless existing numbering patterns within the area differ.
- (7) Fractional numbers shall not be used unless required for:
 - a. Consistency with existing numbering patterns; or
 - b. The assignment of site addresses for utility purposes, including but not limited to traffic signals, billboard meters, check meters, guard lights, cable meters and cell towers.

(8) Primary address numbers shall follow a pattern in which the street block numbers increase in correlation to the increase in distance from downtown.

(b) The director may assign a site address to a parcel that does not have a site address if a property owner or the property owner's authorized agent submits to the director a written request for each site address to be assigned.

(c) In assigning a site address pursuant to this section, the director may request that a property owner or the property owner's authorized agent prepare an addressing plan and may consider an addressing plan submitted by a property owner or the property owner's authorized agent, provided that the addressing plan meets the parameters of this section.

(d) A site address shall be assigned to a parcel before any of the following actions may occur:

- (1) The issuance of a building permit;
- (2) The processing of an application for a building permit or development plat; or
- (3) The recordation of a subdivision plat.

Sec. 41-24. Site address changes.

(a) Prior to the recordation of a subdivision plat, the director may change a site address that has previously been assigned pursuant to section 41-23(d)(3) if a property owner or the property owner's agent submits to the director a written request and payment of the applicable administrative fee for each site address to be changed.

(b) After the recordation of a subdivision plat, the director may change a site address if a property owner or the property owner's agent submits to the director a written request and payment of the applicable administrative fee for each site address to be changed.

Secs. 41-25--41-30. Reserved.

DIVISION 2. ADDITIONAL REQUIREMENTS FOR NON-PUBLIC
STREETS

Sec. 41-31. Street name markers for non-public streets; regulation by director of public works and engineering.

(a) A street name marker erected on a non-public street shall conform to standards and specifications established by the director of public works and engineering and shall not be installed without the approval of the director of public works and engineering.

(b) The designation 'PRIVATE' or 'PVT' shall follow the street name suffix of a non-public street and shall be indicated on a street name marker erected pursuant to this section.

(c) Upon the establishment of the name of any non-public street pursuant to this division, the property owners abutting the non-public street shall be responsible for the installation, erection and continued maintenance of appropriate street name markers at the intersection of the non-public street with any other street. The color of the background of a street name marker to be installed on a non-public street shall not be the same color as a street name marker used to identify a public street.

(d) The director of public works and engineering may declare as a nuisance or a traffic hazard any street name marker for a non-public street that contains a name not established in conformance with this article and that is installed in a public street.

(e) Upon determining that a street name marker for a non-public street is misleading, confusing, deteriorated or is located so as to create a traffic hazard, the director of public works and engineering may remove the marker from a public street without providing notice.

(f) The property owners abutting a non-public street shall be responsible for the replacement of a street name marker removed by the director of public works and engineering pursuant to this section.

Secs. 41-32--41-35.Reserved.

DIVISION 3. NAMING NON-PUBLIC STREETS

Sec. 41-36. Use of terminology.

For purposes of this division and division 4 of this article, the term 'majority' means 51 percent, and the term 'property owner' does not include a lienholder.

Sec. 41-37. Generally.

No street name for a non-public street shall be established or changed by action of the city council, unless such name conforms to the requirements of division 2 of this article.

Sec. 41-38. Approval by the city council.

(a) The property owner abutting an existing or proposed non-public street may submit a written petition to the director requesting that the city council adopt an ordinance establishing the name of the non-public street. A written petition submitted pursuant to this section shall be signed by not less than a majority of the property owners along the non-public street concurring in the proposed street name to be established for such non-public street and shall be accompanied by the applicable administrative fee and:

- (1) A title report certifying that all of the property owners listed on the petition are current owners of record having a legal interest in the non-public street and that the list of owners represents not less than a majority of the owners abutting the non-public street;
- (2) A written metes and bounds description of the property occupied by the non-public street or a copy of a recorded plat depicting the non-public street; and
- (3) A boundary survey map of the property occupied by the non-public street that:
 - a. Has been prepared by an engineer or surveyor;
 - b. Shows all engineering and survey data and accurately depicts the location of the non-public street;

- c. Is prepared in conformance with the official survey system described in division 2 of article III of chapter 33 of this Code.

(b) The director shall review all written petitions submitted pursuant to this section and forward written recommendations to the mayor and city council for their consideration. The director shall maintain a permanent record of all written petitions submitted pursuant to this section, and upon final passage of an appropriate ordinance by the city council approving and establishing a name for a non-public street, the director shall enter the name into all appropriate records of the city.

Sec. 41-39. Change of existing street name of non-public street.

Notwithstanding any other provision of this division, the director may change the street name of a non-public street if the director finds that the change is necessary for the preservation of public safety.

Secs. 41-40--41-45. Reserved.

DIVISION 4. STREET NAME CHANGES

Sec. 41-46. Application; process for consideration.

(a) The property owner abutting a street may submit a written petition to the director requesting that the city council adopt an ordinance changing the street name. The written petition shall be accompanied by the applicable application fee. A written petition submitted pursuant to this section shall be signed by not less than 75% of the property owners abutting the entire length of a public street or a majority of the property owners abutting the entire length of a non-public street and shall be accompanied by a title report certifying that all of the property owners listed on the petition are current owners of record abutting the street and that the list of property owners represents not less than 75% of the property owners abutting the entire length of a public street or a majority of the property owners abutting the entire length of a non-public street.

(b) Upon receipt of a written petition that meets the requirements of subsection (a), the director shall:

- (1) Verify that the proposed street name conforms to the parameters of this article;

- (2) Prepare a map depicting the boundaries of the area in which the street name is to be changed; and
 - (3) Cause notice to be provided to all property owners abutting the street and to all affected public agencies.
- (c) The department shall accept comments regarding a written petition to change a street name for a period of not less than 30 days after providing notice pursuant to subsection (b).
- (d) All costs associated with the notice provisions of this section and section 41-47 shall be paid by the applicant submitting the written petition.

Sec. 41-47. Approval by city council; subsequent actions.

- (a) Upon completion of the administrative street name change process described in section 41-46, the director shall submit to city council an ordinance to approve the street name change. If city council approves the ordinance, the street name change shall take effect 90 days after the date of approval.
- (b) Upon approval by city council of a street name change under this section, the director shall:
- (1) Cause notice to be provided to all property owners abutting the street and to all utility or service providers; and
 - (2) Request the department of public works and engineering to erect new street signs on the affected street.”

Section 12. That Section 42-133 of the Code of Ordinances, Houston,

Texas, is hereby amended to read as follows:

“Sec. 42-133. Street names.

All public streets, permanent access easements and private streets contained in any subdivision plat approved by the commission shall be named in conformance with the requirements of section 41-22 of this Code.”

Section 15. That Sections 41-8 and 42-134 of the Code of Ordinances, Houston, Texas, are hereby repealed.

Section 16. That the City Council hereby approves the initial schedule of fees that is attached to and made part of this Ordinance as Exhibit B.

Section 17. 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 18. 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; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this ____ day of _____, 2013.

APPROVED this _____ day of _____, 2013.

Mayor of the City of Houston

10/30/13
DRAFT NOT YET APPROVED
BY THE CITY ATTORNEY

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is _____.

City Secretary

Prepared by the Legal Department _____

MFB:mfb

November 7, 2013 ~~November 4, 2013~~

Assistant City Attorney

Requested by Marlene L. Gafrick, Director, Planning & Development Department

L.D. File No. 0610900027001

G:REALESTATE\BUZAK\ORD\PLANNING\STREET NAMING REDLINE 10-22-13

DRAFT

EXHIBIT A

RENUMBERING OF "REGULATION OF TOWERS"

Original Numbering	Numbering as Amended
41-50	28-311
41-51	28-312
41-52	28-313
41-53	28-314
41-53.1	28-315
41-54	28-316
41-55	28-317
41-56	28-318
41-56.1	28-319
41-57	28-320
41-58	28-321
41-59	28-322
41-60	28-323
41-61	28-324
41-62	28-325
41-62.1	28-326
41-63	28-327
41-64	28-328
41-64.1	28-329
41-65	28-330
41-65.1	28-331
41-66	28-332
41-67	28-333

EXHIBIT B

SCHEDULE OF FEES

Code Section	Description of Fee	Fee Amount
Sec. 41-24(a)	Administrative Fee (request for change of site address by property owner/agent prior to recordation of subdivision plat)	\$5.00 per address
Sec. 41-24(b)	Administrative Fee (request for change of site address by property owner/agent after recordation of subdivision plat)	\$95.00 per address
Sec. 41-38(a)	Application Fee (establishment of street name for a non-public street)	\$1,000.00 per street
Sec. 41-46(a)	Application Fee (request for change in street name)	\$1,000.00 per street