



CITY OF HOUSTON

Executive Order

Subject: **Naming of City Facilities**

E.O. No.

1-47

Effective Date:

November 1, 2003

1. PURPOSE

- 1.1 To define the process, policies, procedures, and responsibilities associated with the naming or renaming of City facilities in honor of individuals or community organizations.

2. OBJECTIVE

- 2.1 To establish a systematic and consistent approach for the official naming of City facilities.
- 2.2 To establish a policy that considers community tradition and continuity of name, while utilizing established criteria that emphasize geography, local history, community values and character, civics and service to the City of Houston in the naming or renaming of municipal facilities.

3. SCOPE

- 3.1 All City of Houston property, with the exception of park facilities, which fall under Parks and Recreation Departmental Policy 1010.4 (Attachment A); library facilities, which fall under the Houston Public Library Board Policy (Attachment B) and streets which fall under Chapter 41 and 42 of the Houston Code of Ordinances (Attachment C).

4. DEFINITIONS

- 4.1 City facilities are those that house employees or are otherwise used to conduct city business or serve city function.
- 4.2 Owing department is the City department responsible for operation, maintenance and oversight of the facility.
- 4.3 Naming request proposal includes original request, supporting documentation, public comment, and owning department's evaluation and recommendation.
- 4.4 Park sites are City owned parks, open space and trail areas. Park sites include developed and undeveloped park areas and designated open space areas.

5. RESPONSIBILITIES

- 5.1 The requesting entity will submit in writing to the Mayor's Office the request with supporting information necessary to demonstrate that criteria outlined below have been met.
- 5.2 Those submitting a naming request should show how the proposed name is consistent with the criteria stated in this policy.

Approved:

Date Approved:

November 1, 2003

Page 1 of 4

- 5.3 When naming after a person or persons, the naming request will describe the contributions to the City.
- 5.4 The owning department will gather appropriate documentation and evaluate the request against the applicable criteria.
 - 5.4.1 City staff will review the proposal for adherence to the stated criteria and authentication of statements relative to contributions and/or service.
 - 5.4.2 If the request is incomplete, staff will contact the applicant, in writing, and provide them with the opportunity to resubmit a revised request.
 - 5.4.3 The owning department will offer the opportunity for public input on the proposed naming through public notice of at least 30 days and will notify the recognized Neighborhood Association of the proposal when complete request is received.
 - 5.4.4 Comments will be compiled by the owning department and included in the final request package to City Council.
- 5.5 The Mayor will review each naming request proposal, determine which, if any, Council Committee should review the proposal and make recommendations to full City Council.
- 5.6 The City Council is responsible for the final approval of the proposed name.

6. POLICY

- 6.1 Requests will not be considered when submitted by an individual or a group for self-nomination. The only exception to this policy is when a significant financial contribution is made and the naming is a condition of the gift.
- 6.2 The following criteria shall be used in determining the appropriateness of the naming designation:
 - 6.2.1 Geographic location (neighborhood, significant areas, etc.)
 - 6.2.2 Natural features
 - 6.2.3 A person (non-living) or place of historical or cultural significance
 - 6.2.4 A person (non-living), group, or feature particularly identified with the land or facility
- 6.3 Additionally, naming of City facilities may be considered if the individual, their family or a community organization has made exceptional contributions to the City, including one or more of the following: under the following conditions:
 - 6.3.1 Demonstrated excellence, courage or exceptional service to the citizens of the city of Houston (sustained, continuous public services over a period of 25 years or two-thirds of the person's life span);
 - 6.3.2 Worked to foster equality and reduce discrimination;
 - 6.3.3 Made an outstanding contribution to Houston;
 - 6.3.4 Made a significant financial contribution to City;
 - 6.3.5 Public service as an elected official;
 - 6.3.6 Public service as a community volunteer; and
 - 6.3.7 Risked or given his or her life to save others.

Subject: Naming of City Facilities	E.O. No.: 1-47	Page 2 of 4
	Effective Date: November 1, 2003	

- 6.4 There must be a well-defined connection associated with the contributions of the individual or community organization and the City facility.
- 6.5 The significance of the contribution from the individual/ organization needs to be evaluated in terms of the service impact of the City facility. Programs and projects must be described in specific quantifiable terms.
- 6.6 Individuals and organizations that have made contributions of regional or community wide significance may be considered for naming of facilities that serve the region or community.
- 6.7 Individuals and organizations that have made contributions of area or neighborhood wide significance may be considered for naming of facilities that serve areas or neighborhoods within the City.
- 6.8 Names that are similar to existing parks, properties or facilities in the City system (or other systems in the region) should not be considered in order to minimize confusion.
- 6.9 The City reserves the right to change the name to maintain consistency with these policies.
- 6.10 When City property is named for an individual/organization, this action in no way gives the individual, family members or organization naming rights over other features on the property. Features within the facility or on the property will remain eligible for naming without the consent of the individual or family members for which the property is currently named.

6.11 Existing Facilities

- 6.11.1 Requests to rename existing facilities will be received by the Mayor's Office and directed to the appropriate department for further investigation and evaluation against criteria.
- 6.11.2 Once all relevant documentation is compiled, the owning department will notify the appropriate neighborhood association and post notice of proposed naming changes, allowing 30 days for public comment. Public comment will be incorporated into the naming request proposal.
- 6.11.3 Following the review, the appropriate Commission or Board may require a review of the proposed name change, if necessary.
- 6.11.4 Once complete, a recommendation will be made to the full City Council.

6.12 New Facilities

- 6.12.1 At least 30 days prior to opening a new City facility, the owning department will propose a name to the Mayor for consideration.
- 6.12.2 If acceptable, the appropriate agency i.e. owning department, Board, or Commission will conduct a public hearing regarding the proposed name and provide a recommendation for consideration by the City Council.
- 6.12.3 The naming request proposal to include recommendations, relevant documentation and public comment will be summarized for consideration by the City Council.

6.13 Other Considerations

- 6.13.1 Costs - Evaluate fiscal impacts to the City and affected community, and consider which costs the applicant should bear.

Subject: Naming of City Facilities	E.O. No.: 1-47	Page 3 of 4
	Effective Date: November 1, 2003	

6.13.2 Precedent - Determine whether an action to rename a street might establish a desirable or undesirable precedent.

6.14 Parks facilities

6.14.1 The Park Naming Committee of the Houston Parks and Recreation Department (HPARD) has the authority to review proposals from community organizations to name new parks, buildings and other facilities, or when appropriate, to review proposals from community organizations to change the names of existing parks, buildings and facilities within the Department's inventory. If there is a deed restriction or the given name is of special historical or geographic significance, the property is not eligible for renaming. The Park Naming Committee will forward proposals, which meet the criteria outlined in Parks and Recreation Department's Policy 10.10.4 (Attachment A), to Houston City Council and Mayor for Approval. See Attachment A for process required.

6.15 Library Facilities

6.15.1 The Houston Public Library Board has the authority to review proposals from the community to name new, relocated or significantly remodeled library buildings, or when appropriate, to review proposals for the renaming of existing facilities. In all cases, neighborhood designation is given priority. Libraries that are named or renamed to recognize a donor or to honor or memorialize an individual will continue to carry the neighborhood name along with the name of the party being recognized. On all signage and documentation, the neighborhood name will be listed first, followed by the honoree's name. The Houston Public Library Board will review proposals, which meet the criteria, consult with the district Council Member, and forward proposals to Houston City Council and Mayor for approval. See Attachment B for process required.

6.16 Street renaming – Per Chapter 41 and 42 of the Code of Ordinances – see Attachment C for process required.

ATTACHMENT(S)

CITY OF HOUSTON

PARKS AND RECREATION DEPARTMENT

Policy and Procedure Directive

TITLE
POLICY FOR NAMING OF PARK PROPERTY

POLICY NUMBER
1010.4

1. Summary: The purpose of this policy is to establish a uniform procedure for the naming or renaming of park property.

2. Scope: The Park Naming Committee of the Houston Parks and Recreation Department (HPARD) has the authority to review proposals from community organizations to name new parks, buildings and other facilities, or when appropriate, to review proposals from community organizations to change the names of existing parks, buildings and facilities within the Department's inventory. If there is a deed restriction or the given name is of special historical or geographical significance, the property is not eligible for renaming. The Park Naming Committee will forward proposals meeting the criteria outlined below to Houston City Council and Mayor for approval. The Park Naming Committee is composed of the following members:

- Director, Houston Parks and Recreation Department
- Chairman, Houston City Council Neighborhood Protection and Quality of Life Committee
- Executive Director, Houston Parks Board, Inc.
- President, Houston Parks Board, Inc.
- Executive Director, The Park People
- President, The Park People
- One Park Advisory Council President selected from all PACs and rotated annually (*not eligible to vote on a park renaming if affiliated with the site that is being considered*)
- The Council Member representing the District where the park is located
- A representative from the Super neighborhood where the park is located.

This policy does not apply to park facilities of fair market value less than \$50,000. Those facilities of fair market value less than \$50,000 are named at the discretion of the HPARD Director.

3. General Criteria

The criteria set forth herein shall have no bearing on the present names of parks and recreation facilities.

- a. Park property may be named after streets, geographical locations, historical figures, events, concepts, or local, state or national leaders. Park property may also be named for an individual or group where major donations of land, funds or other exceptional contributions toward the development, maintenance and/or operation of a park or facility have been made by the nominated individual or group.

APPROVAL



ISSUE DATE

11-01-03

EFFECTIVE

11-01-03

PAGE 1 OF 6

- (1) Exceptional contributions include the following:
- (a) The park site or facility is donated; or
 - (b) An amount of money equal to the fair market value of the land or facility is donated, or
 - (c) An amount of money that would provide for 50% or more of the cost to develop the park or facility is donated, or
 - (d) Total donations made over a period of time equal the percentage values required in (a), (b), and (c) above. Only one park site and one facility shall be named for any individual or group or;
 - (e) Direct, significant, and lifelong services for the betterment of the community and the park system, e.g.:
 - (i) Sustained, continuous public services over a period of 25 years or two-thirds of the person's life span.
 - (ii) Programs and projects must be described in very specific, quantifiable terms, e.g. dates, places, times, people, amounts, costs, etc.
 - (iii) Impact statements must show how services rendered directly impacted the lives of over 50,000 citizens, e.g. (a) a healthy start in life, (b) learning marketable skills, (c) enhanced relationships, (d) decreasing gang violence, (e) building stronger schools, homes and churches, (f) protecting the environment, (g) reducing crime, (h) providing a safe place with structured activities during after school and non-school hours, and (i) contributions to the arts.
 - (iv) Must have established a positive relationship and rapport with the community at large and HPARD.
 - (f) Consideration may be given to an individual or group who has brought national or international prominence and historical significance to the City as a result of a major accomplishment or achievement.
 - (g) Consideration will also be given to an individual or group who donated funds to operate and maintain the park or facility for a period of 20 years or more.

Parks and Recreation Department

- (2) A park, recreation center, or other park facility shall not be named after or in honor of any individual, unless such individual has attained 70 years of age or has been deceased at least 18 months, or such naming is a condition of a gift or grant accepted by the City.
- (3) In the case of parks where only geographic, conceptual or other generic names exist or have been proposed, and when such names are not of special historical or geographical significance to the neighborhood; nominations may be made to name a park or park facility for a local or community leader:
 - (a) Who has been deceased at least 18 months or is 70 years of age or older (the application will not be considered by staff until the proposed honoree has been deceased for a period of six months, or no sooner than six months prior to his/her 70th birthday); or
 - (b) Who has made exceptional contributions to the Houston park system and/or the community as defined in (1) (e).
- (4) Nominations may be made to name neighborhood, community or regional parks for an individual who is a known state or national leader:
 - (a) Who has been deceased at least 18 months or is 70 years of age or older (the application will not be considered by staff until the proposed honoree has been deceased for a period of six months, or no sooner than six months prior to his/her 70th birthday) or,
 - (b) Who has made exceptional contributions to the Houston park system and/or community as defined in number (1) (e).
 - (c) The request represents a consensus of the neighborhood as addressed in section 4 of the Procedure for Naming or Renaming Park Property.
- (5) When park property is named for an individual, this action in no way gives the individual or family members naming rights over other features on the property. Features within the facility or on the property will remain eligible for naming without the consent of the individual or family members for which the property is currently named. This matter will be clearly outlined in the written agreement at the time of the naming.
- (6) Nominations will be accepted and considered only when received from community-based organizations which have been in existence a minimum of three years, e.g. advisory councils, neighborhood associations, youth service agencies, churches, etc. The nominating organization will be required to provide information about its history. A formal vote of the organization's executive board must be taken, and the honoree or family of the honoree must agree with the proposed recognition.

- (7) Nominations will not be accepted from any individual person including elected officials. The only exception to this policy is when a significant financial contribution is made and the naming is a condition of the gift as outlined in number (1) (a) through (d).
- (8) The sponsoring group shall make a commitment to assist HPARD three to six months in advance of the official name change dedication ceremony, in the following manner:
 - (a) If contributing funds, the funds will cover all costs by HPARD to implement the name changing; e.g. fabrication and installation of signs or additional enhancements to the facility, or,
 - (b) If providing volunteer services, the services will be provided to demonstrate commitment to the park system, e.g. installation and maintenance of landscaping or on-going maintenance.
 - (c) There must be a written agreement outlining the terms of the name change as identified by HPARD. Staff will monitor the hours and specific improvements prior to the name change.
- (9) Requests will not be considered when submitted by an individual or a group for self-nomination. The only exception to this policy is when a significant financial contribution is made and the naming is a condition of the gift as outlined in number (1) (a) through (d).
- (10) The Department will not consider a naming or renaming request if any of the following conditions are present:
 - (a) Duplicates the name of another park or park feature;
 - (b) Endorses or advocates religion or a specific religious belief;
 - (c) Has obscene connotations; or
 - (d) Demeans, intimidates or maliciously portrays any racial and ethnic group;
 - (e) The individual for whom the park or park feature is proposed to be named has been found guilty of a felony crime.
- (11) Policy Exception: Special facilities managed by contracts or supported by other entities are exempt from this policy upon request, in writing, to the Director of the Houston Park and Recreation Department. Those facilities may establish specific guidelines for naming and renaming using this policy as their framework. The guidelines must be approved by the Park Naming Committee.

TITLE POLICY FOR NAMING OF PARK PROPERTY	POLICY NUMBER 1010.4	PAGE 4 OF 6
---	-------------------------	-------------

- (12) When new park property is proposed, acquired or constructed, the property may be given a temporary, unofficial name until a formal petition is submitted by a community based group on the basis of the criteria and procedures outlined in this policy. The temporary name will be designated by HPARD for the purpose of administration and accounting.

4. Procedure for Naming or Renaming Park Property

- a. Citizens desiring to request a name change must contact the Director of the Houston Parks and Recreation Department in writing to request a copy of this policy and to request research on the history of the name of the property, e.g. historical data such as minutes documenting the official or initial naming, deed restrictions, historical designations, etc.
- b. If there are no restrictions on the park to prohibit a name change and the requestor determines that the proposed name change meets the criteria outlined in this policy, a written, community-based request shall be submitted to the Director, Houston Parks and Recreation Department, 2999 S. Wayside Dr., Houston, Texas 77023 or its then current address. The request should include the following information:
- (1) State the reasons for the proposed name change;
 - (2) Show community support for the proposed name change;
 - (3) The number of signatures required as follows unless population density is less than the number stated. Signatures must include the name, age (must be 18 or older), address, zip code and telephone number of each signer as proof of residency.
 - (a) Neighborhood and pocket parks will require 300 signatures with zip codes within a 2-mile radius of the park;
 - (b) Community parks will require 600 signatures with zip codes;
 - (c) Regional, Metro and Linear parks will require 1,000 signatures with zip codes.
- c. The Director and/or designated staff will review the petition in accordance with the nomination criteria as set forth in this policy. If the petition does not meet the policy criteria, the matter will be referred back to the nominator stating the reason for the rejection.

- d. If the name change request meets the criteria as outlined in this document, the Director will arrange a meeting, teleconference or electronic mail notification with the Park Naming Committee to vote on the acceptance or rejection of the new name. A two-thirds affirmative vote of the full committee is required to proceed with approval of the naming.
- e. If the Park Naming Committee approves the name change, **the nominator is responsible for the cost of producing and installing a sign** to solicit public comment from property owners and residents in the area. The sign(s) will remain in place for a minimum of 45 days or longer if HPARD deems it necessary. The sign will solicit comments, written and/or verbal, relative to the proposed name change through the posting of the HPARD mailing address and a phone number.
- f. At the end of the 45-day period, staff will collect all information received from property owners and residents in the area. The Naming Committee will evaluate public comments received by HPARD and make a recommendation to the Director for or against the name change.
- g. If the Park Naming Committee determines that public comments indicate property owners and residents in the area approve the name change, the Director of the Houston Parks and Recreation Department will request final approval from the Mayor and City Council via Request for Council Action (RCA). The RCA will include pertinent background information on the park or facility. HPARD staff will notify the requestor in writing of the final outcome of Council action.

5. Maintenance Responsibility: The Office of Development of the Director's Office of the Houston Parks and Recreation Department is responsible for maintaining this policy.

6. Policy Review Cycle: This policy shall be reviewed not less than biennially.

TITLE POLICY FOR NAMING OF PARK PROPERTY	POLICY NUMBER 1010.4	PAGE 6 OF 6
---	-------------------------	-------------

**Houston Library Board
Policy on Naming Library Buildings**

The following outlines the Houston Public Library's policy and procedure for the naming of library buildings.

POLICY

The purpose of this policy is to enable the Library Board to periodically recognize donors who have made significant gifts to the Library, to honor community leaders for significant contributions to the Houston community, or to honor or memorialize individuals whose contributions to society the Library Board believes are consistent with the nature and mission of the Library.

I. Naming Library Buildings

Library buildings that are new, relocated or significantly remodeled will be considered for naming or renaming by the Library Board.

The Board will honor a donor who wishes to have a library building named for them as recognition for a significant gift to the Library. The donor must contribute **50%** of the total cost of building construction or purchase of land, or in the case of significant remodeling, must contribute **50%** of the total cost of remodeling, to have a library building named or renamed in their honor. With such a contribution, the donor will have the right to have the library building named for them for a period of twenty-five (25) years. At any time after the end of this period, the Library Board reserves the right to consider renaming proposals from other donors. Before accepting a renaming proposal from another donor, the Library Board will give the initial donor the right to submit a competing proposal to continue to have the building named after the initial donor, but the Library Board shall have the right in its sole discretion to determine which proposal to accept. These rights extend only toward the library building. The Library Board reserves the right to name interior sections of the building, i.e. conference rooms, auditoriums, etc. for other donors. This gift may be paid up front or over a period of time on terms to be agreed upon by the donor and the Library Board. For all instances in which a library facility is named in recognition of a donor, a legal agreement between the donor and the Library will be drafted outlining the details of the naming agreement and must be signed by both parties. City Council approval is required for any naming or renaming of library buildings.

With the naming of libraries, neighborhood designation is given priority. Libraries that are named or renamed to recognize a donor or to honor or memorialize an individual will continue to carry the neighborhood name along with the name of the party being recognized. On all signage and documentation, the neighborhood name will be listed first followed by the donor's name.

Naming contributions may be accepted for libraries that are a part of the library's tax-supported construction schedule. When a donor wishes a building, space or facility to bear a desired name and tax dollars are available to fund the project, the donor may receive naming recognition based on the above criteria.

The Library Board will consider requests [from Mayor and City Council] for naming or renaming of library facilities to honor community leaders who have made significant contributions to the Houston Public Library system. These requests will be considered on a case-by-case basis taking the following details into consideration: service to neighborhood served by library, representative Council Member support and/or endorsement of naming, contributions to Houston community, and recommendations from community and business leaders.

II. Donor Recognition – Library Buildings

Following Library Board and City Council approval of a selected name, the Library will install appropriate signage to recognize the donor.

The Library will refer to the facility by the newly designated name in all library printed and electronic materials and signage.

III. Conditions of Acceptance

A standard legal agreement between the donor and the Library Board containing terms and conditions (including the conditions under which the naming recognition may be lost) must be reviewed and signed by both parties. The naming agreement will outline the amount of the gift, period of naming recognition, and any other information pertinent to the situation.

The Library Board, following the City of Houston's mandate, must decline donor naming proposals from political and religious organizations. The Library Board also reserves the right to decline any other naming proposals in the sole discretion of the Library Board. Decisions on naming of Library facilities and spaces will be recommended by the Library Board and approved by City Council.

IV. Procedure

The following is the procedure for submitting and considering the naming of Library buildings.

1. The proposed naming is submitted to the Library Director. The Director presents the request to the Library Board Executive Committee. After consideration by the Library Board Executive Committee, the Library Board considers the recommendation.

2. The Library Board consults with the relevant district Houston City Council member as proper protocol. The council member advises the Library Board.
3. A legal agreement outlining the terms of the naming agreement between the donor and the Library Board is reviewed and signed by both parties. The agreement is then brought before City Council for final approval.
4. The library building is named or renamed, and appropriate signage is installed at the library facility.

VII. General

The Library Board may make exceptions to the foregoing policies on a case-by-case basis upon a determination by at least two-thirds of the members of the Library Board that the exception is in the best interest of the Library.

The effective date of this policy is _____. If there are library buildings whose names on such date are not consistent with this policy, this policy does not require that such names be changed or any other action be taken to make them consistent.

Chapter 41

SUBDIVISIONS—GENERALLY*

Art. I.	In General, §§ 41-1—41-33
Art. II.	Naming Private Streets, §§ 41-34—41-49
Art. III.	Regulation of Towers, §§ 41-50—41-67

ARTICLE I. IN GENERAL

Sec. 41-1. Other provisions.

To the extent of any conflict between any of the terms and provisions of this chapter and any of the terms and provisions of chapter 42 of this Code, the terms and provisions of chapter 42 shall control.

Sec. 41-2. "Private street" defined.

(a) For the purposes of this chapter, the term "private street" shall mean and include any area, parcel, or strip of land whether or not the same is depicted or shown as such on any plan, map, or drawing, and which is not a duly dedicated and established public street of and in the city, which provides access from any public street in the city to any building or buildings designed or appropriate for occupancy by four (4) or more families, or for occupancy or use by two (2) or more businesses, industrial or commercial establishments, or for occupancy and use by one or more industrial, commercial or business establishments and two (2) or more families, and to which buildings there is no other access from such public street than over the area, strip, or parcel of land in question.

(b) The term "private street," as used in this chapter, shall also include any area, strip, or parcel of land whether or not the same is depicted or shown as such on any map, plan, or plat, which provides a connection between any two (2) public streets in the city, and which the general public is permitted to use for the purpose of traveling from one of such public streets to the other. Under this

definition, the public shall be considered as being permitted to so use such area, strip, or parcel of land if in fact it does so and its use is not obstructed by gates, chains, or watchmen. The mere facts that there may be posted signs prohibiting such use by the public shall not suffice to keep the area from being considered a private street under the terms of this chapter if in fact the owner thereof does not take and continue to take sufficient steps to actually prevent such use.

(c) Notwithstanding the foregoing definitions, the following shall not be considered "private streets" within the purview of this chapter:

- (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 private street under the terms of this chapter if it

*Cross references—Buildings, Ch. 10; flood-prone areas, Ch. 19; piers in or adjacent to unapproved subdivisions at Lake Houston, § 23-35; permit for private street work in subdivisions in advance of plat approval, § 40-67 (see also § 40-70); manufactured homes and recreational vehicles, Ch. 29; planning and development generally, Ch. 33; piers prohibited in unapproved subdivisions, § 23-35; subdivisions security organizations, § 34-151 et seq.; installation of street lights at expense of property owner, § 40-3.

has entrances upon two (2) 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.

(Code 1968, § 42-1)

Secs. 41-3—41-7. Reserved.

Editor's note—Ord. No. 99-262, § 7, adopted March 24, 1999, repealed §§ 41-3—41-7 in their entirety. Formerly, said sections pertained to direction of planning commission; compliance with rules; filing fees; withholding city improvements until platting approved; compliance prerequisite to city work on streets. See the Code Comparative Table.

Sec. 41-8. Compliance with chapter prerequisite to issuance of building permits and sewer and water connections.

In every instance in which application is made to the building official for a building permit for the construction of any building to which there does not appear to be reasonable access to a public street of the city except over a private street, he shall refuse the building permit until it is established to his satisfaction that the area or development in question is not subject to the provisions of this chapter or until he is furnished satisfactory proof that the provisions of this chapter have been complied with. Similarly, no permit shall be granted by him for any sewer installation or the connection of any sewers to any of the city's sanitary sewer lines or to lines discharging into any of the city's sanitary sewer lines, where it appears that the area or development is subject to the terms of this chapter, until he is satisfied that the provisions hereof have been complied with. Likewise the city's water division will permit no connection to the city's water lines for service to any improvements within any area or development which is subject to the terms of this chapter, until the provisions hereof have been complied with.

(Code 1968, § 42-7; Ord. No. 90-635, § 127, 5-23-90)

Secs. 41-9, 41-10. Reserved.

Editor's note—Ord. No. 94-1154, § 5, repealed former §§ 41-9 and 41-10, which pertained to the city as party to suit to enjoin or abate recorded restricts affecting subdivisions and limitations on the same, respectively.

Sec. 41-11. Notice of deed restrictions upon conveyance of property.

(a) In this section the following words and terms shall have the meanings herein ascribed:

(1) *Deed restrictions* shall have the meaning ascribed to the word "restriction" in Section 230.002 of the Local Government Code, as amended, provided that it shall not be deemed to include any restrictions that by their express provisions have terminated or any provisions contained within any restrictions to the extent and only to the extent that the provisions restrict the sale, rental, or use of property on the basis of race, color, religion, sex or national origin.

(2) *Sale or conveyance* means any transfer of any lot, tract or parcel of real property subject to deed restrictions that is situated in whole or in part within the corporate limits of the city, except:

- a. A conveyance by trustee's or substitute trustee's deed to the lienholder pursuant to a foreclosure sale;
- b. A conveyance by deed to the lienholder in full or partial satisfaction of a debt secured by the property conveyed;
- c. A deed of trust conveyed to secure a lien;
- d. An auction sale conducted by a public official pursuant to an order of a court of competent jurisdiction; or
- e. A conveyance in which the purchaser is a governmental entity.

Without limitation, the term shall include an executory contract of purchase and sale having a performance period of more than six months.

(3) *Purchaser* shall mean each person who constitutes a grantee, purchaser, buyer, or transferee in a sale or conveyance, regardless of the amount or nature of the consideration received.

(4) *Seller* shall mean each person who constitutes a seller, grantor or transferor in a

sale or conveyance, regardless of the amount or nature of the consideration received.

(b) It shall be the duty of each seller to ensure that each buyer receives, in connection with each sale or conveyance, notice issued in accordance with the terms of this section in the form of Exhibit A to Ordinance No. 89-1312 which exhibit is incorporated herein by reference. The following procedure shall be followed in the giving and recording of the notice:

- (1) The notice shall be given to each purchaser at the final closing of the sale and purchase; provided, however, seller may provide the notice prior to closing;
- (2) Each seller and each purchaser shall sign and acknowledge the notice; and
- (3) Following the execution, acknowledgment and closing of the sale and purchase, the notice shall be recorded in the real property records of the county in which the property is located.

(c) The failure of any seller to comply with this section shall constitute a misdemeanor punishable upon conviction by a fine of not more than \$500.00. Each person who constitutes a seller shall be criminally responsible and each sale or conveyance for which the seller has failed to comply with this section shall constitute a separate offense.

(Ord. No. 89-1312, § 2, 9-20-89)

Secs. 41-12—41-33. Reserved.

ARTICLE II. NAMING PRIVATE STREETS

Sec. 41-34. Approval by planning commission.

In those instances where subdivision plats or any other type of plat required to be submitted to and approved by the planning commission which may contain private streets, as that term is defined in section 41-1 of this Code, the planning commission is hereby authorized to approve the designation of street names upon private streets contained on such plats. Nothing herein shall be

construed to mean, however, that names shall be designated or required to be designated on such private streets by the planning commission. The naming of such private streets shall be in conformance with the duly adopted rules and policies of the planning commission pertaining to the naming of public streets and subject to such additional rules and standards as provided for herein.

(Code 1968, § 42-24; Ord. No. 77-652, § 1, 3-29-77; Ord. No. 95-104, § 1, 1-25-95)

Sec. 41-35. Approval by the city council.

(a) In those instances where the owners of property containing existing private streets desire to establish an official name for such existing private street or streets which are located within the confines of said property, such owners may submit a written petition to the director of the planning and development department requesting the city council to officially adopt an ordinance establishing such name on the subject private street or streets. Such written petitions shall be signed by not less than a majority (51 percent) of the property owners along the subject private street concurring in the proposed name to be established for such private street and shall be accompanied by:

- (1) A current title report, statement or opinion, title policy or certificate or letter from a title guaranty company or a licensed attorney certifying that the owners listed on the subject petition are in fact all the current owners of record having a legal interest in said private street (lienholders excluded) and represent not less than a majority (51 percent) of the property owners along the subject private street;
- (2) A written metes and bounds description of the property occupied by such private street; and
- (3) A boundary survey map of the property occupied by such private street, said survey map showing all engineering and survey data prepared by an engineer or surveyor and sufficient to accurately locate said private street on the ground. Such survey map must also be prepared in

conformance with the official survey system as provided for in division 2 of article III of chapter 33 of this Code.

(b) The director of the planning and development department shall review all such petitions and forward his written recommendations to the mayor and city council for their approval. The director of the planning and development department shall also maintain a permanent record of all such petitions and upon final passage of an appropriate ordinance by city council approving and establishing a name for a private street, such name shall be entered into all appropriate records of the city. No private street name shall be approved or established for an existing private street by action of the city council unless such name is in conformance with the duly adopted rules and policies of the planning commission pertaining to the naming of public streets and subject to such other additional rules and standards as provided for herein.

(Code 1968, § 42-25; Ord. No. 77-652, § 1, 3-29-77)

Sec. 41-36. Changes of existing private street names.

No private street name duly established under the terms and conditions of this article shall be changed, whether established by plat approved by the planning commission or by action of the city council, unless such change is approved by a majority (51 percent) of the property owners adjacent to such private street (lienholders excluded). The city council or the planning commission may approve a change in the name of any duly established private street if such change is in conformance with the provisions of this article.

(Code 1968, § 42-26; Ord. No. 77-652, § 1, 3-29-77)

Secs. 41-37, 41-38. Reserved.

Editor's note—Ord. No. 99-262, § 7, adopted March 24, 1999, repealed §§ 41-37, 41-38, in their entirety. Formerly, said sections pertained to private street naming standards; installation and maintenance of private street marker. See the Code Comparative Table.

Secs. 41-39—41-49. Reserved.

ARTICLE III. REGULATION OF TOWERS

Sec. 41-50. Definitions.

As used in this article, the following words and terms shall have the meanings ascribed below, unless the context of their usage clearly indicates another meaning:

Alteration means any modification, replacement, or reconstruction that increases the height or materially increases the dimension of a tower structure.

Chapter 42

SUBDIVISIONS, DEVELOPMENTS AND PLATTING*

- Art. I.** In General, §§ 42-1—42-19
- Art. II.** Requirements and Procedures, §§ 42-20—42-99
- Div. 1. Platting Requirements, §§ 42-20—42-39
- Div. 2. Application Requirements, §§ 42-40—42-69
- Div. 3. Review Procedures, § 42-70—42-99
- Art. III.** Planning Standards, §§ 42-100—42-249
- Div. 1. General, §§ 42-100—42-119
- Div. 2. Streets, §§ 42-120—42-149
- Div. 3. Building Lines, §§ 42-150—42-179
- Div. 4. Lots and Reserves, §§ 42-180—42-209
- Div. 5. Easements, §§ 42-210—42-229
- Div. 6. Multi-family Residential Developments, §§ 42-230—42-249

***Editor's note**—Section 2 of Ord. No. 99-262, enacted March 24, 1999, amended Ch. 42 to read as herein set forth. Prior to amendment by Ord. No. 99-262, Ch. 42 pertained to similar subject matter and derived from Ord. No. 85-1878 enacted 10-23-85.

Editor's note—Section 10 of Ord. No. 99-262 adopted March 24, 1999, states: That each of the following shall be processed and considered by the director of the planning and development department or the planning commission, as appropriate, pursuant to the provisions of chapter 42, Code of Ordinances, Houston, Texas, in effect prior to the effective date of this chapter, and the former provisions of chapter 42 are saved for that limited purpose:

1. Any complete application for a subdivision plat or development plat that is filed with the department of planning and development prior to the effective date of this chapter;
2. Any final plat and subsequent recorded plat that are based on a preliminary plat approved by the planning commission prior to the effective date of this chapter;
3. Any plat to be recorded based on a final plat approved by the planning commission prior to the effective date of this chapter; or
4. For a period of 90 days following the effective date of this chapter, any application for a subdivision plat or development plat whose applicant satisfactorily demonstrates to the director of the planning and development department that the development plat or subdivision plat reflects a project for which design or engineering work resulting in the application had commenced and was in process prior to the effective date of this chapter. The director of the planning and development department, with the advice of the city attorney, is hereby authorized to promulgate a form upon which an applicant can utilize the provisions of this paragraph.

Notwithstanding the foregoing, an applicant may withdraw any complete application for the approval of a subdivision plat or a development plat that has not been approved by the director of the planning and development department or the planning commission, as appropriate, before the effective date of this chapter and may resubmit the application after the effective date of this chapter without the requirement of paying any additional application fee. An applicant may withdraw any general plan, subdivision plat or development plat that would be subject to the provisions of this section at any time and submit a new application for a general plan, subdivision plat or development plat after the effective date of this chapter.

With respect to a subdivision plat, the applicability of the former provisions of chapter 42 as authorized by this section shall continue until the earlier of the recordation of the subdivision plat for which the application was made or four years after the effective date of this chapter. With respect to a development plat, the applicability of the former provisions of chapter 42 as authorized by this section shall continue until the earlier of the issuance of the last building permit required for the project or two years after the effective date of this chapter if no building permit is issued within the two-year period.

Cross references—Buildings, Ch. 10; flood hazard areas, Ch. 19; planning and development, Ch. 33; streets and sidewalks, Ch. 40; subdivisions generally, Ch. 41.

ARTICLE I. IN GENERAL

Sec. 42-1. Definitions.

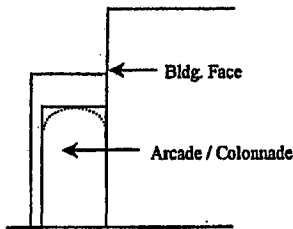
As used in this chapter, the following terms shall have the meanings ascribed in this section unless the context of their usage clearly indicates another meaning:

Alley shall mean a public or private right-of-way that is not used primarily for through traffic and that provides vehicular access to rear entrances to buildings or properties that front on an adjacent street.

Amending plat shall mean an amending subdivision plat prepared and approved under the applicable provisions of chapter 212 and this chapter.

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

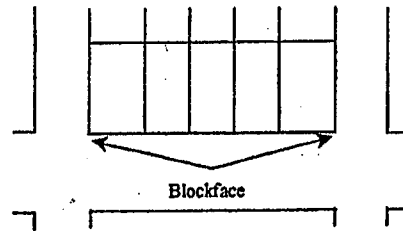
Arcade/colonnade shall mean a series of arches or columns with a roof attached to the face of a building creating an unenclosed covered pedestrian space.



Arcade/colonnade

Block shall mean one or more lots, tracts or parcels of land bounded by streets, easements, rights-of-way or other physical features or a combination thereof.

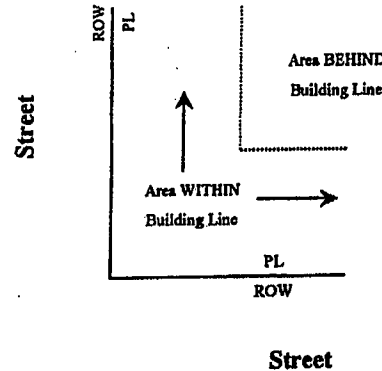
Blockface shall mean that portion of a block that abuts a street between two intersecting streets.



Blockface

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

Building line shall mean the line shown on a subdivision plat or development plat establishing the building line requirement. An area is within the building line if it lies between the building line and the property line adjacent to a street or private street and is behind the building line if it lies to the interior of the property from the building line.



Building line

Building line requirement shall mean the minimum required distance from an easement or a property line adjacent to a street or private street in which no improvements requiring a building permit can be constructed on the property.

Building permit shall mean an official document or certificate issued by the building official authorizing performance of a specified activity under the Construction Code.

Central business district shall mean the area beginning at the intersection of the centerline of U.S. 59 and the centerline of I.H. 45; thence in a

northwesterly and northerly direction along the centerline of I.H. 45 to its intersection with the centerline of I.H. 10; thence in an easterly direction along the centerline of I.H. 10 to its intersection with the centerline of U.S. 59; thence in a southwesterly direction along the centerline of U.S. 59 to its intersection with I.H. 45, the point of beginning.

Chapter 212 shall mean Chapter 212 of the Texas Local Government Code, as it may be amended from time to time.

Class I plat shall mean a subdivision plat that meets the applicable requirements of section 42-23 of this Code.

Class II plat shall mean a subdivision plat that meets the applicable requirements of section 42-23 of this Code.

Class III plat shall mean a subdivision plat that is not a Class I plat or a Class II plat.

Collector street shall mean a public street that is not a major thoroughfare or a local street, but that distributes traffic between major thoroughfares and other streets.

Commission shall mean the planning commission of the city.

Compensating open space shall mean one or more areas designated as common open space on a subdivision plat or a development plat that are used to reduce the minimum lot size requirements pursuant to the provisions of article III of this chapter.

Courtyard shall mean a space, open and unobstructed to the sky, located at or above grade level on a lot or parcel and bounded on two or more sides by walls of a building.

Cul-de-sac shall mean a street with only one outlet that terminates in a vehicular turnaround appropriate for the safe and convenient reversal of traffic movement.

Department shall mean the department of planning and development of the city.

Design manual shall mean the department of public works and engineering design manual for

wastewater collection systems, water lines, storm drainage and street paving, as it may be amended from time to time.*

Develop/development shall mean any activity for which a development plat is required by this chapter.

Development plat shall mean a site plan prepared and approved pursuant to section 42-22 of this Code.

Director shall mean the director of the department or the director's designees.

Dwelling unit shall mean a structure, or a portion of a structure, that has independent living facilities including provisions for nontransient sleeping, cooking and sanitation.

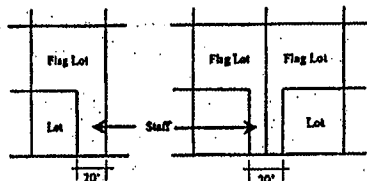
Extraterritorial jurisdiction shall mean the unincorporated territory extending beyond the corporate boundaries of the city established pursuant to chapter 42 of the Texas Local Government Code, as may be amended from time to time.

Filing date shall mean the date on which a subdivision plat is formally presented to the commission for its consideration as part of the commission's official meeting agenda, which shall be considered as the initial date of the statutory 30-day time period in which the commission is required to act upon a subdivision plat submitted to it under the provisions of chapter 212.

Final plat shall mean a map or drawing of a proposed subdivision prepared in a manner suitable for recording in the appropriate county map, plat or real property records and prepared in conformity with the requirements of article II of this chapter.

*Editor's note—Section 4 of Ord. No. 99-262, adopted March 24, 1999, states: That the design manual for wastewater collection systems, water lines, storm drainage and street paving (the "design manual") attached to and made a part of this Ordinance as Exhibit "A". Exhibit A is not set out in this chapter. Exhibit A is hereby approved and authorized as a regulation of the department of public works and engineering. The city engineer is hereby authorized to promulgate regulations amending the design manual from time to time as the city engineer deems appropriate.

Flag lot shall mean a lot whose frontage on and access to the street right-of-way is provided by a narrow driveway, access easement or other parcel of land referred to as the "staff" of the flag lot.



Flag lot

Frontage shall mean that portion of any lot or tract that abuts a street. A lot or tract abutting more than one street shall have frontage on only one street, which shall be deemed to be the side of the lot or tract with the shortest dimension unless otherwise indicated on the subdivision plat or development plat.

General plan shall mean a map illustrating the general design features and street layout of a proposed development of land that is to be subdivided and platted in sections.

Local street shall mean a type 1 permanent access easement and a public street that is not a major thoroughfare or collector street.

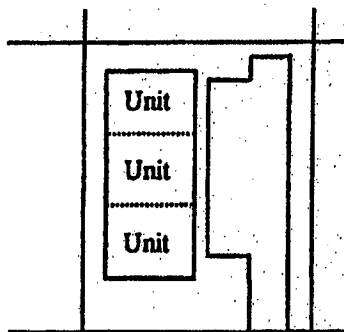
Lot shall mean: (1) in the context of a subdivision plat, an undivided tract of land intended for single-family residential use contained within a block and designated on a subdivision plat by numerical identification; or (2) in the context of a development plat, a parcel intended as an undivided unit for the purpose of development.

Major thoroughfare shall mean a public street designated as a principal thoroughfare or thoroughfare on the latest edition of the major thoroughfare and freeway plan.

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

Multi-family residential shall mean the use of property with one or more buildings on a parcel designed for and containing an aggregate of three

or more dwelling units. Multi-family residential includes apartments, condominiums, boarding-houses, triplexes and quadriplexes.



Multi-family residential

Nonresidential shall mean any use that is not multi-family residential or single-family residential.

Off-street parking shall mean vehicular parking that is provided in a location other than in a public right-of-way.

Open space amenities plan shall mean a plan submitted as part of a subdivision plat application that specifies how each area not otherwise eligible to be used as compensating open space will be improved and maintained with amenities such as parks, nature trails, picnic areas or other similar facilities that render the compensating open space accessible to and useable by the owners of lots in the subdivision.

Parcel shall mean 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. Parcel includes an easement supporting or related to a primary parcel, and a condominium unit.

Permanent access easement shall mean a privately maintained and owned street easement approved by the commission that provides for vehicular access to three or more single-family residential units and which shall be either a Type

1 permanent access easement or a Type 2 permanent access easement, each of which is defined in this section.

Permeable shall mean a surface that allows water to pass through it and penetrate into the ground.

Preliminary plat shall mean a map or drawing of a proposed subdivision that illustrates the proposed layout and features of the subdivision submitted to the commission for review and approval, but not suitable for recording in the county map, plat or real property records.

Private drive shall mean a privately owned way used for vehicular travel that is not a street or private street and that provides an unobstructed connection between one or more streets or private streets or to any portion of a parking lot, shopping center, institution, commercial area or industrial development. A private drive may provide for access by the general public, but the owner of the private drive shall maintain the right to restrict public access to the private drive.

Private street shall mean a privately maintained and owned vehicular accessway that provides access from a public street to one or more multi-family residential buildings.

Public street shall mean a public right-of-way, however designated, dedicated or acquired, that provides access to adjacent property.

Recorded map return agreement shall mean a written agreement authorizing the county clerk of the county in which a subdivision plat is filed to return the original recorded subdivision plat to the department.

Remainder tract shall mean the undivided acreage tract that remains when a portion of a tract that is comprised of all contiguous land under common ownership is subdivided pursuant to a subdivision plat.

Replat shall mean a subdivision plat prepared and approved under the applicable provisions of chapter 212 and this chapter.

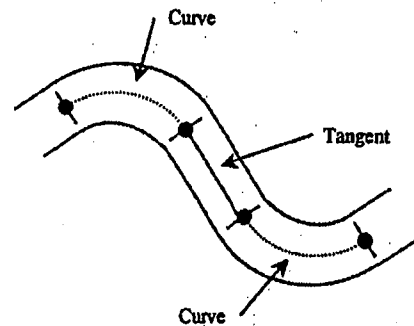
Reserve tract shall mean a parcel of land that is not a lot, but is created within a subdivision plat for other than single-family residential use and is

established to accommodate some purpose for which a division into lots is not suitable or appropriate.

Residential shall mean pertaining to the use of land for premises that contain habitable rooms for nontransient occupancy and that are designed primarily for living, sleeping, cooking and eating therein. A premises that is designed primarily for living, sleeping, cooking and eating therein will be deemed to be residential in character unless it is actually occupied and used exclusively for other purposes. Hotels, suites hotels, motels and day care centers shall not be considered to be residential.

Retail commercial center shall mean a group of 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.

Reverse curve shall mean a curve composed of two curves turning in opposite directions.



Reverse curve

Shared driveway shall mean: a private way that (1) is not an extension of any street or private street; (2) has a length not greater than 200 feet from its intersection with the right-of-way of a public street; and (3) provides access to two or more single-family residential lots through appropriate cross-access easements.

Single-family residential shall mean the use of a lot with one building designed for and contain-

ing not more than two separate units with facilities for living, sleeping, cooking and eating therein. A lot upon which is located a free-standing building containing one dwelling unit and a detached secondary dwelling unit of not more than 900 square feet also shall be considered single-family residential. A building that contains one dwelling unit on one lot that is connected by a party wall to another building containing one dwelling unit on an adjacent lot shall be single-family residential.

Special exception shall mean a commission-approved adjustment to a requirement of article III of this chapter that is issued under section 42-82 of this Code.

Street shall mean a public street or a permanent access easement.

Street dedication plat shall mean a plat that illustrates only the location and right-of-way of one or more public streets to be dedicated by the street dedication plat.

Street width exception area shall mean an area so designated by or pursuant to section 42-123 of this Code.

Subdivide shall mean the act or process of creating a subdivision.

Subdivision shall mean the division of a tract of land, including a lot, into two or more parts to lay out a subdivision of the tract, to lay out suburban, building or other lots, or to lay out streets, alleys, squares, parks or other parts of the tract intended to be dedicated to public use or for the use of purchasers or owners of lots fronting on or adjacent to the streets, alleys, squares, parks or other parts, regardless of whether the division is made by a metes and bounds description in a deed of conveyance or in a contract for deed, by using a contract of sale or other executory contract to convey or by using any other method. A subdivision does not include a division of land into parts greater than five acres, where each part has access to a public street and no public improvement is required to be dedicated. A subdivision includes a replat.

Subdivision plat shall mean (1) a map or plan prepared and approved pursuant to the applicable provisions of division II of this chapter show-

ing the proposed subdivision of land or (2) an instrument recorded in the map, plat or real property records of the appropriate county showing the previous subdivision of property. A subdivision plat includes a replat, an amending plat and a vacating plat.

Suburban area shall mean an area of the city or its extraterritorial jurisdiction that is not an urban area.

Title report shall mean a current report, commitment, opinion or title policy that: (1) is prepared and executed by a title company authorized and in good standing to do business in the State of Texas or by an attorney licensed in the State of Texas; (2) provides a legal description of the property proposed to be subdivided or developed; (3) identifies the owner and lienholder of the property subject to the subdivision plat or development plat and the recording information of each instrument by which each owner or lienholder acquired its respective interest; and (4) describes all encumbrances of record that affect the property and the recording information of each instrument by which each encumbrance was established. A title report shall be current if it certifies that the records were examined not more than 30 days from the date of the application to which it applies. For purposes of a replat, a title report shall also include information regarding any deed restrictions applicable to the property or reflect that no deed restrictions apply.

Tract shall mean a parcel.

Type 1 permanent access easement shall mean a permanent access easement at least 50 feet in width that is designed and constructed like a public street in accordance with the design manual and contains one or more public utilities in an unpaved portion of the easement.

Type 2 permanent access easement shall mean a permanent access easement at least 28 feet in width that is designed and constructed like a private street serving a development that has no public utilities other than a public water line connected only to one or more fire hydrants that provides no domestic water services.

Urban area shall mean the area included within and bounded by Interstate Highway 610 and any

other area within the city so designated by the city council pursuant to section 42-101 of this Code.

Utility district shall mean a conservation and reclamation district organized under Article III, Section 52, or Article XVI, Section 59, of the Texas Constitution, the creation or enlargement of which requires the consent of the city.

Vacating plat shall mean a vacating plat prepared and approved under the applicable provisions of chapter 212.

Variance shall mean a commission-approved deviation from the requirements of this chapter issued under section 42-81 of this Code.

(Ord. No. 99-262, § 2, 3-24-99; Ord. No. 00-860, § 1, 9-27-00; Ord. No. 02-399, § 87, 5-15-02)

Sec. 42-2. Scope.

This chapter shall apply to all development and subdivision of land within the city and its extraterritorial jurisdiction. This chapter estab-

lishes the general rules and regulations governing plats, subdivisions and development of land within the city and its extraterritorial jurisdiction to promote the health, safety, morals and general welfare of the city and the safe, orderly and healthful development of the city.
(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-3. Conflict with county regulations.

This chapter shall not be applied in such a manner as to amend or alter any rules, regulations, procedures or policies lawfully and officially adopted by the governing body of any county in which there exists territory contained within the city's extraterritorial jurisdiction. In the circumstance where any rule, regulation, procedure or policy lawfully and officially adopted by the governing body of any county is less restrictive than that contained herein, the standards of this chapter shall apply; provided, however, to the extent that this chapter conflicts with any provision of the Harris County Road Law (Special Laws of the 33rd Texas Legislature, Regular Session, 1913, Chapter 17, as amended), then the provisions of that law, to the extent of conflict, shall apply.
(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-4. Enforcement and penalties.

(a) It shall be unlawful for any person to lay out, subdivide or plat any land into lots, blocks, tracts or streets within the city, or sell property therein and thereby, if the land has not been laid out, subdivided and platted in accordance with the requirements of this chapter.

(b) The building official shall not issue a building permit:

- (1) For construction on property that was subdivided after March 15, 1963 unless the property is included in a subdivision plat approved and recorded in accordance with this chapter; or
- (2) For a development unless there is attached to the application a development plat approved by the director or the commission.

(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-5. Penal provisions applicable.

(a) The violation of any provision of this chapter within the corporate 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 chapter.

(b) The violation of any provision of this chapter outside the corporate limits of the city but within the city's extraterritorial jurisdiction shall not constitute an offense, and no fine shall be applicable to the violation.

(c) In addition criminal prosecution, where applicable, the city shall have the right to seek the judicial remedies provided in section 42-6 of this Code for any violation of this chapter within the city or its extraterritorial jurisdiction.
(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-6. Judicial provisions applicable.

The city, acting through the city attorney or any other attorney representing the city, may file an action in a court of competent jurisdiction to:

- (1) Enjoin the violation or threatened violation by the owner of land of a requirement of this chapter applicable to the land; or
- (2) Recover damages from the owner of a tract of land in an amount adequate for the city to undertake any construction or other activity necessary to bring about compliance with this chapter.

(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-7. Denial of utility connections.

(a) The building official shall not issue any building permit or other permits required for the installation of any utility, either public or private, to serve:

- (1) Lots or tracts within the city for which a subdivision plat has not been properly recorded as required by this chapter; or

(2) A development within the city that is subject to the provisions of this chapter, for which a development plat has not been properly approved as required by this chapter.

(b) The utility official shall not permit any tract of land to receive any service from the city water or wastewater collection systems unless, at the time of the application for service, the applicant provides to the utility official satisfactory evidence that the tract of land was subdivided or developed in compliance with this chapter.

(c) In those areas located within the city's extraterritorial jurisdiction, the utility official shall not approve any plans for the construction of any wastewater collection system or domestic water distribution system and the city engineer shall not approve any plans for the construction of storm drainage system within any utility district for which the city has granted its consent for creation or enlargement, unless and until the provisions of this chapter have been complied with for any tract of land served by utilities provided by the utility district.
(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-8. Forms authorized.

The director is authorized to promulgate forms to use in the implementation of this chapter, including forms for standardized language to be used on the face of subdivision plats and development plats. Prior to the use of any form, the city attorney or the city attorney's designee shall review the form for legal sufficiency and approve each form the city attorney or the city attorney's designee, in his sole professional judgment, determines to be legally sufficient.
(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-9. Cumulative effect.

This chapter is cumulative of other requirements imposed by ordinances and regulations of the city. To the extent of any inconsistency, the more restrictive provision shall govern.
(Ord. No. 99-262, § 2, 3-24-99)

Secs. 42-10—42-19. Reserved.

(b) Nothing in the intersection requirements established by sections 42-127 through 42-129 of this Code shall require the creation of a street that stubs into:

- (1) Publicly owned airport property;
- (2) Property owned or leased by the United States for use by the National Aeronautics and Space Administration for the Johnson Space Center;
- (3) Any grade-separated freeway that does not have a frontage road;
- (4) Property owned in fee by an electric utility and used or intended for use for electric transmission facilities; or
- (5) Any portion of Addicks Reservoir, Barker Reservoir, Sheldon Reservoir, the Houston Ship Channel or Lake Houston that is wider than 100 feet.

(Ord. No. 99-262, § 2, 3-24-99; Ord. No. 00-860, § 11, 9-27-00)

Sec. 42-131. Culs-de-sac.

(a) A cul-de-sac shall not serve a single-family residential development that will generate more than 350 vehicle trips a day at the intersection of the cul-de-sac with a through street. A cul-de-sac that exclusively serves a single-family residential development and that has a length of not more than 350 feet from the centerline of its intersection with the nearest street shall have a paving width of at least 24 feet and shall not be used to serve single-family residential development that will generate more than 350 vehicle trips a day at the intersection of the cul-de-sac with a through street. For purposes of the foregoing requirements, each dwelling unit type shall be deemed to generate the following trips per day:

Detached units	10 trips per unit
Attached units	8 trips per unit

(b) A cul-de-sac shall comply with the applicable terminus design as specified in the design manual.

(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-132. Curves.

(a) Curves for the right-of-way of a major thoroughfare shall have a centerline radius of at least 2000 feet. Reverse curves shall be separated by a tangent distance of not less than 100 feet.

(b) Reverse curves with a tangent distance of 100 feet or less along collector streets and local streets shall have a centerline radius of at least 300 feet. Reverse curves shall be separated by a tangent distance of not less than 50 feet.

(c) Curves along a type 2 permanent access easement or a private street may have any centerline radius except that the centerline radius of a reverse curve shall not be less than 65 feet. Reverse curves shall be separated by a tangent of not less than 25 feet.

(d) At the request of an applicant, the commission shall approve a lesser curve radius upon certification by the director of public works and engineering that the lesser radius meets nationally accepted standards set forth in either the "Guidelines for Urban Major Streets Design" of the Institute of Transportation Engineers or "A Policy on Geometric Design of Highways and Streets" of the American Association of State Highway and Transportation Officials.
(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-133. Public street names.

All public streets contained in any subdivision plat approved by the commission shall be named in conformance with the following policies and procedures:

- (1) The name of a new street that is not an extension of an existing street shall not duplicate the name of any existing street located within the city or the city's extra-territorial jurisdiction.
- (2) The name of a new street that is a direct extension of an existing street shall be the name of the existing street, except in those instances where the existing street name is a duplicate street name.
- (3) Street name prefixes such as "North", "South", "East", and "West" may be used to clarify the general location of the street,

provided that these prefixes must be consistent with the existing and established street naming and numbering system of the general area in which the street is located.

(4) Street name endings shall be used as follows:

- a. "Court," "Circle" and "Loop" shall be limited to streets that terminate at a cul-de-sac or are configured as a loop street.
- b. "Boulevard," "Speedway," "Parkway" and "Expressway" shall be limited to major thoroughfares 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. "Highway" and "Freeway" shall be used only to designate highways or freeways falling under the jurisdiction of the state department of transportation.

(5) Alphabetical and numerical street names must not be used to name any new street on any subdivision plat except in those instances where the street is a direct extension of an existing street with an alphabetical or numerical name that is not a duplicate street name.

(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-134. Private street and permanent access easement names and markers.

(a) Names proposed to be assigned to private streets or permanent access easements shall conform to the standards of section 42-133 of this Code and shall also be subject to the following criteria:

- (1) The suffix "PRIVATE" or "PVT" shall be a part of all names established for private streets and permanent access easements and shall be an integral part of any street

name marker installed. (Example of sign letter: LOG JAM LN. PRIVATE or LOG JAM LN. PVT.)

- (2) The street name markers erected on private streets shall conform to the standards and specifications approved by the director of public works and engineering. In no instance shall the color of the background of a street name marker to be installed on a private street or a permanent access easement be the same as the background color of street name markers used to identify public streets.
- (3) A private street or permanent access easement that is a direct extension of a local public street shall not have the same name as the local public street.

(b) Upon the establishment of the name of any private street or permanent access easement pursuant to this section, the owners of the property adjacent to the private street or permanent access easement shall be responsible for the installation, erection and continued maintenance of appropriate street name markers at the intersections of all streets, including public streets, private streets and permanent access easements. Installation of a private street or permanent access easement name marker shall not be authorized without the approval of the director of public works and engineering and shall conform with the standards of the public works and engineering department for street name markers. The director of public works and engineering may declare as a nuisance or a traffic hazard any private street or permanent access easement name marker indicating a name not established in conformance with this section and installed in the public right-of-way and may remove the marker from the right-of-way without notice upon determining that the marker is misleading, confusing or is located so as to create a traffic hazard.

(Ord. No. 99-262, § 2, 3-24-99)

Sec. 42-135. Street extension.

A public street that terminates at the boundary of a plat previously approved by the commission