

City of Houston, Texas, Ordinance No. 2022-252

AN ORDINANCE AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO ON-STREET PARKING REGULATIONS INCLUDING CREATING A PARKING BENEFIT DISTRICT WITHIN MIDTOWN, DESIGNATING MIDTOWN AS A COMMUNITY PARKING PROGRAM AREA, AND UPDATING CERTAIN PROVISIONS REGARDING THE COMMUNITY PARKING PROGRAM; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Texas Transportation Code section 311.001, the City has exclusive control over the public highways, streets, and alleys within its corporate boundaries, and the City holds its streets and public ways in trust for public use; and

WHEREAS, the neighborhood of Midtown is a mixed-use environment with multiple stakeholders relying on the availability of public on-street parking; and

WHEREAS, implementation of a traditional residential parking permit program under Article VI, Chapter 26 of the Code of Ordinances would be disadvantageous to the community at large in the Midtown neighborhood; and

WHEREAS, after a study of the Midtown neighborhood, an evaluation of the existing community parking programs in the Museum Park and Museum Area Municipal Association neighborhoods, and multiple meetings to understand the concerns and needs of the residents and businesses of the area, ParkHouston of the Administration and Regulatory Affairs Department, in conjunction with the traffic engineer, has determined that the most effective tool for managing traffic and the limited number of on-street spaces would be the use of parking meters and time limits to encourage turnover and better use of existing parking inventory such as nearby parking garages; and

WHEREAS, ParkHouston has determined that, in conjunction with the placement of meters and time limits in the area, the creation of parking permits for specified residents in the area (to allow the permittee to park at a meter or on-street space regulated by time limits in their neighborhood without paying the meter or observing the time limits) will further facilitate use of the right-of-way and address quality of life and convenient parking issues for residents that do not have access to adequate off-street parking options; and

WHEREAS, limiting the number of permits issued to residential units is required due to limited curb space that is in high demand; and

WHEREAS, implementation of the Community Parking Program in the Midtown neighborhood will encourage turnover in curbside parking spaces and maximize use of curbside parking, a valuable City asset; and

WHEREAS, ParkHouston has also determined that the Midtown area would benefit from the creation of a parking benefit district whereby a portion of the revenue from additional parking meters and permit fees (less City expenses for administrative costs, signage, enforcement, installation, operation, and maintenance of parking meters) is dedicated to public safety and public amenities that enhance the quality of life in the area, such as installation and maintenance of sidewalks and pedestrian walkways, street maintenance, installation and repair of street lights, landscaping, acquisition of additional parking, and improvements that promote walking, cycling, and the use of public transportation in the area; and

WHEREAS, City Council finds that the Midtown area has sufficient on-street parking spaces, that if metered, would pay the expenses of enforcing, maintaining, and operating parking meters, administering parking restrictions in the area, and funding projects that enhance the quality of life in the area; and

WHEREAS, City Council finds that there is sufficient evidence of support by the residents and business owners for the creation of a parking benefit district in the Midtown area; and

WHEREAS, City Council finds that designating the Midtown area as a pilot parking benefit district until 180 days after the first anniversary of the effective date of this ordinance would be sufficient time to test the effectiveness of the parking benefit district in the Midtown area; and

WHEREAS, ParkHouston also identified various provisions of Article XII of Chapter 26 of the Code of Ordinances relating to the Community Parking Program that need revision, including the number of resident parking permits allowed annually for units of multi-family buildings constructed before May 23, 1989; **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 a part of this Ordinance.

Section 2. That Section 26-701 of the Code of Ordinances, Houston, Texas, is hereby amended by adding, in the appropriate alphabetical order positions, definitions of the new terms *Midtown* and *Midtown Management District* to read as follows:

“*Midtown* means all streets included and bounded by IH US 45 to the north, IH US 59 to the east and south, and 527 Spur to Elgin to Bagby to Tuam to Genesee to Boston to Gillette to Bailey to Cleveland to Heiner to Bagby to Pierce to the west, as further described in Exhibit B to Ordinance No. 2022 - 252.¹”

“*Midtown Management District* means the district created by Chapter 3809 of the Texas Special District Local Laws Code, as amended.”

Section 3. That Article XI of Chapter 26 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Division 6 that reads as set forth in Exhibit A, attached hereto and incorporated herein.

Section 4. That Section 26-761 of the Code of Ordinances, Houston, Texas, is hereby amended by amending the definition of the term *community parking program area* to read as follows:

“*Community parking program area* means the following areas designated pursuant to division 2 of this article:

- (1) *Zone 1*: all streets included and bounded by IH US 59 to the north, Montrose Street to the east, Bissonnet Street to the south and Graustark Street to the west, as further described in Exhibit D to Ordinance No. 2019-1015.
- (2) *Zone 2*: all streets included and bounded by IH US 59 to the north, SH 288 to the east, Hermann Drive to the south, and Main Street to the west, as further described in Exhibit E to Ordinance No. 2019-1015.
- (3) *Zone 3*: all streets included and bounded by IH US 45 to the north, IH US 59 to the east and south, and 527 Spur to Elgin to Bagby to Tuam to Genesee to Boston to Gillette to Bailey to Cleveland to Heiner to Bagby to Pierce to the west, as further described in Exhibit B to Ordinance No. 2022 - 252.²”

¹ City Secretary/Editor shall insert the number of this Ordinance.

² City Secretary/Editor shall insert the number of this Ordinance.

Section 5. That Section 26-772(a) of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

- “(a) City council hereby designates the following areas as community parking program areas:
- (1) Zone 1;
 - (2) Zone 2; and
 - (3) Zone 3.”

Section 6. That Section 26-781(a) of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

- “(a) Residents within a community parking program area are eligible for resident parking permits as follows:

Building	Number of Permits Allowed Annually
Residential buildings	3 permits per address/dwelling unit
Multi-family buildings constructed prior to the effective date of the city’s off-street parking ordinance (Ord. No. 1989-712) on May 23, 1989 that provide no off-street parking spaces	2 permits per dwelling unit
Multi-family buildings	1 permit per dwelling unit but total permits issued to residents in a given building cannot exceed .5 permits multiplied by the total number of dwelling units in the building

If a resident lives in a permit-restricted building and there are no permits available, the resident shall be added to a waiting list. Residents of multi-family buildings that are subject to the off-street parking standards under the transit-oriented development rules or receive parking variances under article VIII of chapter 26 of this Code are not eligible for resident parking permits.”

Section 7. That Subsections (a) and (b) of Section 26-782 of the Code of Ordinances, Houston, Texas, are hereby amended to read as follows:

- “(a) A business owner of a business located within a community parking program area designated as Zone 1 or Zone 2 under section 26-772(a) of this Code may obtain one business parking permit. Each person who is employed by or who is an agent of a business located within the community parking program area designated as Zone 1 or Zone 2 under section 26-772(a) of this Code may also obtain one business parking permit.
- (b) An owner, agent, or employee of a business within a community parking program area designated as Zone 1 or Zone 2 under section 26-772(a) of this Code may submit an application for a business parking permit to the parking official in a form promulgated by the director for that purpose, which shall include the following:
 - (1) The applicant's name, telephone number, and the applicant's business address located within the community parking program area;
 - (2) Proof that the applicant is an owner, agent, or employee of a business in the community parking program area in the form, as applicable, of:
 - a. A true and correct copy of a valid certificate of occupancy of the applicant's business within the community parking area; or
 - b. A recent utility bill acceptable to the director showing the applicant's business address within the community parking program area; or
 - c. Copy of payroll stub or statement on employer letterhead confirming employment and including physical address of employer located within the community parking program area; and
 - (3) Any other information reasonably required by the director to ensure compliance with the requirements of this article.”

Section 8. That the City Attorney is hereby authorized to direct the publisher of the Code of Ordinances, Houston, Texas, (the “Code”) to make such nonsubstantive changes to the Code as are necessary to conform to the provisions adopted in this

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

Section 9. 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 application to other persons or sets of circumstances shall not be affected thereby, it being the intent of 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 10. That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor.

PASSED AND APPROVED this 6th day of April, 2022.

Sylvester Turner

Mayor of the City of Houston

Prepared by Legal Dept. _____
AS:asw,kro 3/17/2022 Assistant City Attorney
Requested by Tina Paez, Director, Administrative and Regulatory Affairs
L.D. File No. 0372100039001

EXHIBIT A

DIVISION 6. DESIGNATION OF MIDTOWN AS A PARKING BENEFIT DISTRICT

Sec. 26-754. Designation of district; time limit; continuation, modification or termination of district.

- (a) City council hereby designates Midtown as a parking benefit district for a period ending on the 180th day following the first anniversary of the effective date of its designation (2022 - 252)³, provided that the parking benefit district shall continue after the expiration of this period unless city council takes action to terminate the district.
- (b) As soon as practicable after the time period provided in subsection (a) of this section:
 - (1) The director shall report to city council on the effectiveness of the parking benefit district and provide his recommendations for continuation, modification or termination of the district; and
 - (2) In consultation with the Midtown Advisory Committee, the Midtown Management District may make recommendations to the mayor and city council regarding modifications to the parking benefit district.
- (c) Upon recommendation from the traffic engineer, city council may modify or terminate the parking benefit district prior to or after the time period provided in subsection (a) of this section if the traffic engineer determines that termination or modification is necessary for public safety or mobility purposes.

Sec. 26-755. Disposition of revenue.

- (a) All fees and revenues generated from the use of parking meters located in the Midtown parking benefit district between the hours of 6:00 p.m. and 2:00 a.m. shall be allocated to the parking benefit district, beginning as soon as any such parking meter becomes operational. Additionally, all fees and revenues generated from the issuance of permits in the parking benefit district under article XII of this chapter shall be allocated to the parking benefit district. All fees and revenues generated from the issuance of parking citations in the Midtown parking benefit district shall be allocated to the ParkHouston special revenue fund.
- (b) All the total combined fees and revenue of the Midtown parking benefit district and the ParkHouston special revenue fund shall be first expended to defray the total administrative costs, signage, enforcement, debt service, and the installation, operation and maintenance of parking meters placed in service in the Midtown parking benefit district on or after the effective date of designation of the parking benefit district. The total administrative costs shall be shared and paid by the

³ City Secretary/Editor shall insert the effective date of this Ordinance.

Midtown parking benefit district and from the ParkHouston special revenue fund in proportion to the total combined fees and revenue generated by or deposited into each respectively for the previous year.

- (c) Sixty percent of fees and revenues in excess of the total administrative costs shall be allocated to projects for the sole benefit of the parking benefit district. The remaining funds shall be deposited in the ParkHouston special revenue fund.
- (d) The city may enter into agreements with the Midtown Management District, subject to city council approval, to manage projects to be funded with revenue generated by the parking benefit district.
- (e) Fees and revenue generated from the Midtown parking benefit district may be used in conjunction with other public funds or public-private partnership funds available for projects to benefit the district.
- (f) In the event that the Midtown parking benefit district is terminated, any fees and revenues generated from the use of parking meters and the issuance of permits in the parking benefit district that have not been expended shall be transferred to the ParkHouston special revenue fund.

Sec. 26-756. Midtown Advisory Committee

- (a) Prior to the city entering an agreement with the Midtown Management District pursuant to section 26-755(d) of this Code, the Midtown Management District shall create a Midtown Advisory Committee to make recommendations to the mayor and city council on issues relating to the parking benefit district, including: potential projects to be funded with revenue generated from the parking benefit district, the timing and order of such projects, changes to the parking meter and permit fees, and the allocation and management of permits.
- (b) The committee shall consist of no less than five and no more than nine regular members and five nonvoting ex officio members. The regular members shall be business owners or residents of Midtown who have an interest in the parking issues affecting Midtown and are at least 18 years of age. A majority of the regular members shall be business or commercial property owners in Midtown or their designees, with at least one member being a representative from the executive committee of the Midtown Super Neighborhood. The Midtown Management District shall provide a list of the committee members to the parking official.
- (c) The ex officio members shall be:
 - (1) The director of the department of administration and regulatory affairs or his designee;
 - (2) The director of Houston Public Works or his designee;

- (3) The director of the planning and development department or his designee;
 - (4) The chief of police or his designee; and
 - (5) A representative from the office of the mayor.
- (d) All meetings of the committee shall be conducted in accordance with the Texas Open Meetings Act.
 - (e) In the event that a Midtown Advisory Committee is not created by the Midtown Management District in accordance with this section, there shall be a Midtown Advisory Committee consisting of members as provided by this section, with the regular members appointed by the mayor and confirmed by city council. The committee shall comply with this section and the provisions of division 4 of this article as applicable.
 - (f) The provisions of this section shall terminate if the Midtown parking benefit district is terminated.

EXHIBIT B

