

City of Houston, Texas, Ordinance No. 2019-540

**AN ORDINANCE AMENDING CHAPTER 26 OF THE CODE OF ORDINANCES OF THE CITY OF HOUSTON, TEXAS, BY AMENDING SECTIONS 26-471 AND 26-472 TO REMOVE THE DEFINITION OF CENTRAL BUSINESS DISTRICT AND ADDING A DEFINITION OF MARKET-BASED PARKING AREA; CONTAINING FINDINGS AND PROVISIONS RELATED TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.**

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**WHEREAS**, the City Council created the Central Business District parking area by Ordinance No. 89-712 passed and approved on May 17, 1989; and

**WHEREAS**, land development practices and ride-sharing, bicycle mobility, and other technology developments and transportation options have evolved in recent years, leading to more dense development patterns; and

**WHEREAS**, the Planning and Development Department (“Department”) completed a study on parking requirements in Midtown, outside of the original Central Business District parking area, and determined that the parking requirements for the projected land development patterns were excessive; and

**WHEREAS**, the Department held public meetings, consulted with the Midtown Management District and residents, to evaluate and recommend possible changes to parking requirements there; and

**WHEREAS**, the Department, based on public input, forwarded a recommendation to the Planning Commission to address the issue by enlarging the area designated for no parking minimums, and to rename this area as the Market-Based Parking Area and to include additional areas in East Downtown and Midtown and to remove a small portion of the Third Ward; and

**WHEREAS**, the Planning Commission, after holding a public hearing on the matter, has recommended the reduction in parking requirements through the expansion of the Market-Based Parking Area; **NOW, THEREFORE:**

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

**Section 1.** That the findings contained in the preamble of this Ordinance are determined to be true and correct and are hereby adopted as part of this Ordinance.

**Section 2.** That Section 26-471 of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

**“Sec. 26-471. Purpose and applicability.**

(a) This article establishes standards for sufficient off-street parking and loading facilities of newly developed or redeveloped buildings or tracts within the city during all times the buildings or tracts are in use or occupied. The director shall have the authority to enforce penalties for violations of this article.

(b) This article applies to:

- (1) The construction of a new building;
- (2) The alteration of an existing building or tract where the alteration results in an increase in the parking factor;
- (3) A change of use classification;
- (4) The modification of a parking facility that results in the elimination of any parking space, loading berth, or bicycle space otherwise required by this article;
- (5) An alteration of a shopping center (strip) or shopping center (neighborhood) that results in the addition or alteration of a class 6 or 7 use classification; and
- (6) Buildings or tracts within the market-based parking area except that division 2 of this article shall not apply to buildings or tracts within the market-based parking area.

(c) This article does not apply to the construction or alteration of a temporary classroom building for a public school if the director reviews the development plat and other relevant information and determines that:

- (1) There is a reasonable likelihood that the construction necessitating a temporary classroom building will not continue for more than five years; and
- (2) Construction or alteration of the temporary classroom building will enable the public school to comply with state law respecting student/teacher ratios.

(d) In the event of a conflict between the definitions or regulations of this article and any other provision of this Code, the

definitions or regulations of this article shall control; provided, however, that requirements to provide off-street parking contained in chapter 42 of this Code that are not mentioned in section 26-492 of this Code shall be considered additional requirements to provide off-street parking.”

**Section 3.** That Section 26-472 of the Code of Ordinances, Houston, Texas, is hereby amended by deleting the definition of the term *central business district* and by adding, in the appropriate alphabetical order positions, definitions of the new terms *block* and *market-based parking area* that read as follows:

“*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.”

“*Market-based parking area* means the area beginning at the intersection of I.H. 10 and U.S. 59, then in a southerly direction along U.S. 59 until its intersection with the Union Pacific railroad, then in a southerly direction along the railroad until its intersection with I.H. 45, then in a northerly direction along I.H. 45 until its intersection with U.S. 59, then in a southerly direction along U.S. 59 until its intersection with McGowen Street, then in a northerly direction along McGowen Street until its intersection with San Jacinto Street, then in a southerly direction along San Jacinto Street until its intersection with Holman Street, then in a easterly direction along Holman Street until its intersection with Crawford Street, then in a southerly direction along Crawford Street and continuing along Almeda Street until its intersection with Alabama Street, then in a westerly direction along Alabama Street until its intersection with San Jacinto Street, then in a southerly direction along San Jacinto Street until its intersection with U.S. 59, then in a westerly direction along U.S. 59 to Spur 527, then in a northerly direction along Spur 527 until its intersection with Bagby Street, then in a northerly direction along Bagby Street until its intersection with Heiner Street, then in a northerly direction along Heiner Street and continuing along Heiner Street as projected and extended to Sabine Street until its intersection with Memorial Drive, then in a easterly direction along Memorial Drive until its intersection with I.H. 45, then in a northerly along I.H. 45 until its intersection with I.H. 10, then in an easterly direction along I.H. 10 until its intersection with U.S. 59. A tract within a block that abuts McGowen Street, San Jacinto Street, Holman Street, Crawford Street, Almeda Street, Alabama Street, Bagby Street, Heiner Street, or Sabine Street are included within the area.”

**Section 4.** That the City Attorney is hereby authorized to direct the publisher of the Code to make such non-substantive changes to the Code as are necessary to conform to the provisions adopted in this Ordinance, and to make such changes to the provisions adopted in this Ordinance to conform them to the provisions and conventions of the published Code.

**Section 5.** 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 the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail by reason of any unconstitutionality, voidness or invalidity of any other portion hereof, and all provisions of this Ordinance are declared to be severable for that purpose.

**Section 6.** That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect immediately upon its passage and approval by the Mayor; however, in the event that the Mayor fails to sign this Ordinance within five days after its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

**PASSED AND ADOPTED this 17th day of July, 2019.**

**APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.**

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Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is July 23, 2019.

Pat J. Daniel  
Assistant City Secretary

Prepared by Legal Dept. \_\_\_\_\_  
KM/ems 8/6/2019      Senior Assistant City Attorney  
Requested by Margaret Wallace-Brown  
Interim Director - Department of Planning and Development  
L.D. File No. 0611900190001