

City of Houston, Texas, Ordinance No. 2011- 55

AN ORDINANCE EXTENDING THE PROVISIONS OF SECTION 28-303 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, TO ALL SINGLE-FAMILY RESIDENTIAL PROPERTIES WITHIN SHARPSTOWN SUBDIVISION SECTIONS 1, 1A, 2 AND 2 REPLAT TO PROHIBIT THE PARKING OF VEHICLES IN THE FRONT OR SIDE YARDS OF SUCH RESIDENCES; MAKING FINDINGS AND CONTAINING OTHER PROVISIONS RELATED THERETO; AND DECLARING AN EMERGENCY.

* * * *

WHEREAS, on January 29, 2009, the City Council determined that the parking of vehicles in the front or side yards of single-family residences could, in certain cases, result in the diminution of property values in affected neighborhoods, degrade the aesthetic appearance of single-family residential areas where such practices are significant or common, damage underground infrastructure due to the weight of such parked vehicles leading to the loss of water, and result in other conditions detrimental to the health, safety and welfare of the residents of such areas: and

WHEREAS, to address the findings of the City Council set forth in the preceding recital, the City Council passed Ordinance No. 2009-59 (the "Ordinance"), amending Chapter 28 of the Code of Ordinances, Houston, Texas (the "Code"), to add a new Article X prescribing procedures designed to allow property owners within a single-family area detrimentally affected by the parking of vehicles in the front or side yards of single-family residences to petition the City Council to prohibit such parking practices; and

WHEREAS, the Ordinance also conferred upon the Director of the Planning and Development Department (the "Director") the responsibility for the administration of the procedures adopted in the Ordinance and the evaluation and determination of the necessity for a prohibition of such parking practices in response to a written application or petition filed by property owners of single-family residences claiming detrimental effects upon the neighborhood described in such written application or petition; and

WHEREAS, the procedures adopted by the Ordinance provide for review of an application or petition by the Director and, if at least one protest to the application or petition is received by the Director, a public hearing to be held by a hearing officer appointed by the Director to consider the application or petition and any protest against the prohibition of such parking practices; and

WHEREAS, the Director, having received an application filed by the Sharpstown Civic Association and given notice as required by Section 28-303(i) of the Code, subsequently received one or more protests of such application and caused notice of a public hearing to be given; on November 16, 2010, a public hearing was held to determine whether the prohibition against the parking of vehicles in the front or side yards of single-family residences set forth in Section 28-303 of the Code should be imposed; and

WHEREAS, the hearing officer, at the conclusion of the public hearing has published findings and recommended to the City Council that the provisions of Section 28-303 of the Code be imposed upon the single family residences located within the application area, as more particularly shown in Exhibit A to this ordinance; and

WHEREAS, the City Council has reviewed the application and the written recommendations of the hearing officer and has determined that all prerequisites to the consideration of the application made the subject of this ordinance have been performed and satisfied, as required by Chapter 28, Article X, of the Code; and

WHEREAS, the City Council has further determined that the parking practices described in the application have caused and or are likely to continue to cause the detrimental effects upon the residences described in Exhibit A unless the provisions of Section 28-303 of the Code, are made applicable to such residences and that such action is in the best interests of the residences and property owners described in such exhibit;
NOW, THEREFORE,

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

Section 1. That the findings and recitals contained in the preamble of this Ordinance are declared to be true and correct and are hereby adopted and made a part of this Ordinance.

Section 2. That the City Council finds that the application of Section 28-303 of the Code of Ordinances, Houston, Texas, should be imposed upon the residences described in Exhibit A attached to this ordinance. The City Council further finds that notice of the passage of this Ordinance should be recorded in the Real Property Records of Harris County, Texas, in such form as the City Attorney may determine in order to ensure the effective enforcement of subsection (r) of Section 28-303.

Section 3. That this Ordinance and the restrictions imposed by this Ordinance shall terminate on the 20th anniversary of the effective date of this Ordinance, unless earlier terminated by an ordinance adopted by the City Council.

Section 4. 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 of its passage and adoption, it shall take effect in accordance with Article VI, Section 6, Houston City Charter.

PASSED AND ADOPTED this 19th day of January, 2011.

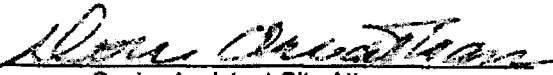
APPROVED this ____ day of _____, 2011.

Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of this foregoing Ordinance is JAN 25 2011



City Secretary

Prepared by Legal Dept. 

RDC:asw 01/07/2011

Senior Assistant City Attorney

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

L.D. File No. 0611100003001

| AYE | NO | |
|-------------------|---------------------|-----------------|
| | ABSENT | MAYOR PARKER |
| •••• | •••• | COUNCIL MEMBERS |
| ✓ | | STARDIG |
| ✓ | | JOHNSON |
| ✓ | | CLUTTERBUCK |
| ✓ | | ADAMS |
| | ABSENT | SULLIVAN |
| ABSENT | <i>on City Bus.</i> | HOANG |
| ✓ | | PENNINGTON |
| ✓ | | GONZALEZ |
| ✓ | | RODRIGUEZ |
| ✓ | | COSTELLO |
| ✓ | | LOVELL |
| ✓ | | NORIEGA |
| ✓ | | BRADFORD |
| ✓ | | JONES |
| CAPTION | ADOPTED | |