City of Houston, Texas, Ordinance No. 2007-1141

AN ORDINANCE AMENDING CHAPTER 42 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO THE PROVISION OF PARKS AND OPEN SPACES; ADDING A NEW DIVISION 7 TO ARTICLE III; ESTABLISHING THE PARK AND RECREATION DEDICATION FUND; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; CONTAIN A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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

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

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

WHEREAS, this Ordinance is adopted to provide sufficient and varied park and recreational areas, recreational amenities and improvements, and open space to serve the residents of new and infill residential development within the City. This Ordinance is enacted in accordance with the home rule powers of the City of Houston, granted under

the Texas Constitution, the City Charter, and the statutes of the State of Texas, including, but not by way of limitation, Texas Local Government Code Chapters 51 and 212; and

WHEREAS, it is hereby declared by the City Council that adequate and varied recreational areas in the form of different sized parks, recreational areas and amenities such as easements for access to park facilities, hike and bike trails and open space are necessary and serve the public health, safety, and general welfare, and that the only adequate procedure to provide for a sufficient amount and variety is by integrating a requirement for the provision of such facilities into the procedure for planning and developing property or subdivisions in the City, whether such development occurs through subdivision plat or development plat, as those terms are defined in Chapter 42 of the Code of Ordinances, Houston, Texas; and

WHEREAS, Section 42-236 of the Code of Ordinances, Houston, Texas, currently establishes requirements for the provision of open space within certain multifamily residential developments within the City and its extraterritorial jurisdiction; and

WHEREAS, the City Council finds that this Ordinance requires the dedication of parks and open space or fees in lieu of dedication for multifamily developments within the City that would render the requirements of Section 42-236 of the Code of Ordinances, Houston, Texas, unnecessary, and that the provisions of Section 42-236 should be continued within the City's extraterritorial jurisdiction where this Ordinance does not apply; and

WHEREAS, the City Council finds that some land that may be proposed to be dedicated to the public for parks is not appropriate due to its size, location, physical characteristics, or environmental condition, and that the City will not accept any land to be dedicated for parks unless the land is approved by Director of the Parks and Recreation Department pursuant to the standards established by this Ordinance and any rules implementing these standards promulgated by the Director; and

WHEREAS, the City has a Parks Master Plan adopted in 2001 (the "Master Plan"), and is in the process of revising and updating it, which describes sectors of the City for purposes of the recreational parks and open space needs of different areas of the City, and that document, as it may be amended and updated, is intended to be implemented by this Ordinance; and

WHEREAS, the Master Plan's park needs assessment identifies the need for 79 new parks sites in five categories - pocket, neighborhood, community, regional and metro - and the expansion of 20 existing parks in five park categories - neighborhood, community, regional, linear and metro - distributed through seven geographic divisions of the City; and

WHEREAS, the Master Plan's park needs assessment also identifies the need to expand the linear park system along major drainageways and former railroad lines; and

WHEREAS, the City Council finds that a portion of the cost of parks, recreational amenities and open space should be borne ultimately by assessing a portion of the costs of these improvements when the property is subdivided or developed; and

WHEREAS, the City Council finds that it is appropriate to expend the funds within a reasonable distance from new residential development for the benefit of the new residents who, by reason of the proximity of their property, increase the need for recreational amenities and open space and who shall be the primary beneficiaries; and

WHEREAS, the City Council finds that dedication of land or the expenditure of fees in lieu of dedication within the park sector established by this Ordinance in which the property generating the dedication or fee in lieu of dedication requirement is located is reasonably proximate to the new residential development; and

WHEREAS, on September 19, 2007, the City Council held a public hearing on the proposed amendments to Chapter 42 of the Code of Ordinances, Houston, Texas; and

WHEREAS, nothing herein is designed to lessen any other requirement of Chapter 42 of the Code of Ordinances of the City of Houston; **NOW**, **THEREFORE,**

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

Section 1. 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. This Ordinance is adopted in recognition of the need to provide adequate parks, recreational amenities, and open space in residential areas in the City of Houston, in order to measurably increase the quality of life in Houston's developing and redeveloping neighborhoods by ensuring that the residents of such developments can access parks and open spaces in a safe and reasonably convenient manner, and to provide reasonable options and incentives for residential developers.

Section 3. That Section 42-1 of the Code of Ordinances, Houston, Texas, is hereby amended by adding the following definitions in the appropriate alphabetical location:

"*Park* shall mean an area owned or to be owned by the city that may be used for passive or active recreational use or otherwise left in an unimproved state, and that, if specifically noted as a type of public park, shall conform to the designations in the City of Houston Parks Master Plan."

"*Private park* shall mean a privately owned area that may be used for passive or active recreational use or otherwise left in an undeveloped state and, in a single family residential development, that is subject to restrictive covenants filed of record in the appropriate county providing for the creation and operation of a homeowners association to maintain and improve the private park. Compensating open space as defined by this section can also be private park land to the extent it meets the requirements of section 42-254(b)(2)a of this Code."

"*Parks board* shall mean the board created pursuant to section 33-201 of this Code."

"*Parks director* shall mean the director of the city's Parks and Recreation Department, or the director's designee."

"*Sector* shall mean one of 17 geographic areas within the city for designation of new park needs or additional park improvements."

Section 4. That Section 42-236 of the Code of Ordinances, Houston, Texas is hereby amended to read as follows:

"**Sec. 42-236. Open space.**

(a) Except as otherwise provided in this section, each multi-family residential development in the extraterritorial jurisdiction shall provide open space in accordance with the following schedule:

DWELLING UNIT SIZE	SQUARE FEET OF OPEN SPACE REQUIRED PER DWELLING UNIT
Efficiency	200

1 Bedroom	240
2 Bedrooms	320
3 Bedrooms	440
4 Bedrooms	500

For purposes of this section, 'open space' shall mean land within the multi-family residential development that is not covered by buildings, covered walkways, parking spaces, private streets or driveways.

(b) In lieu of the requirements of subsection (a) of this section, a multi-family residential development in the extraterritorial jurisdiction may provide for open space by complying with each of the following conditions:

(1) At least ten percent of the total land area in the multi-family residential development, exclusive of land within the building line requirement area, shall be provided as open space;

(2) Enclosed amenities, such as an exercise or game room, shall constitute no more than 10 percent of the open space provided;

(3) Each area provided as open space is at least 20 feet wide by 60 feet long;

(4) Any street trees required to be planted to comply with this Code are located in the street right-of-way; and

(5) The development plat or subdivision plat provides for the construction of sidewalks that are a minimum of five feet in width within the right-of-way of each street that is adjacent to the development.

(c) The aggregate open space requirement of subsection (a) of this section may be reduced by 15 percent if the development meets each of the following conditions:

(1) At least 25 percent of the dwelling units have individual enclosed garages within the buildings where the dwelling units are located; and

(2) Areas within the building line requirement are not used for parking.

(d) The aggregate open space requirement of subsection (a) of this section may be reduced according to the following schedule if the development meets each of the following conditions:

(1) Any street trees required to be planted to comply with city ordinance are located in the street right-of-way; and

(2) The development plat or subdivision plat provides for the construction of sidewalks that are a minimum of five feet in width within the right-of-way of each street that is adjacent to the development.

Development Density	Reduction in Aggregate Open Space
30--39 units per acre	15%
40--49 units per acre	30%
50--59 units per acre	45%
60 units per acre or more	60%

(e) A multi-family residential development in the extraterritorial jurisdiction with five or more stories shall not be required to provide open space."

Section 5. That Article III of Chapter 42 of the Code of Ordinances, Houston, Texas, is amended by adding a new Division 7 which shall read as follows:

"DIVISION 7. PARKS AND PRIVATE PARKS

Sec. 42-251. Applicability.

(a) The regulations contained in this division shall be applicable to all property within the city limits of the city proposed to be developed in whole or in part for single family residential or multifamily residential purposes for which a subdivision plat or development plat is required, unless otherwise noted herein.

(b) These regulations do not apply to replats of land owned by a governmental unit.

Sec. 42-252. Park dedication required.

(a) Each single family residential subdivision and multifamily residential development shall provide one or a combination of the following for park or open space purposes:

(1) Fee simple dedication of land suitable in type and location for development of parks within the park sector in which the subdivision or development is located, which land may be, but is not required to be, located within the subdivision or development creating the dedication requirement; or

(2) Payment of fees in lieu of the dedication of land for parks in the amount established in section 42-253 of this Code.

(b) The amount of land required to be dedicated for parks shall be proportionate to the development calculated on the basis of the following formula:

$$\frac{10 \text{ ac. X No. of DU X PPDU}}{1000}$$

Where:

DU = the number of dwelling units in the development;

PPDU = 1.8, the number of persons per dwelling unit for each dwelling unit; and

1000 = the number of residents per 10 acres of park land.

(c) Recordation of a subdivision plat subject to the requirements of this section shall require one or a combination of the following necessary to satisfy the requirements of subsection (a) of this section taking into account any credits authorized pursuant to section 42-254 of this Code:

(1) For land dedicated to parks within the subdivision, a fee simple dedication on the subdivision plat of the required park land as approved by the parks director;

(2) For land dedicated to parks outside the subdivision, evidence of recording in the appropriate real property records of a deed of the required park land as approved by the parks director;

(3) For land established as private park, identification of the required amount of private park as one or more restricted reserves with the following notation on each private park reserve within the subdivision:

'RESERVE RESTRICTED TO PRIVATE PARK PURSUANT TO CHAPTER 42 OF THE CODE OF ORDINANCES, CITY OF HOUSTON, TEXAS. THIS PRIVATE PARK DESIGNATION MAY NOT BE CHANGED WITHOUT APPROVAL OF THE PLANNING COMMISSION OF THE CITY OF HOUSTON, TEXAS.'

Land established as a private park for the purposes of this section may not be replatted to change this designation pursuant to section 212.0146 of Chapter 212 without the approval of the commission. The commission shall not approve a replat that would change the private park designation unless it determines that alternative private park space that satisfies the requirements of this subsection is available within the original subdivision generating the dedication requirement;

(4) Confirmation of deposit into the park and recreation dedication fund of the fee in lieu of dedication in the amount established pursuant to section 42-253 of this Code; or

(5) A statement on the plat that payment of a required fee in lieu of dedication has been deferred and shall be paid at the then-current fee prior to the issuance of a building permit for each single family dwelling unit within the subdivision.

(d) Issuance of a building permit for a single family dwelling unit in a subdivision subject to the requirements of this section for which the payment of fees in lieu of dedication has been deferred pursuant to item (5) above shall require confirmation of deposit into the park and recreation dedication fund of the fee in lieu of dedication in the amount per dwelling unit then required by section 42-253 of this Code.

(e) Issuance of a building permit for a multifamily residential development subject to the requirements of this section shall require one or a combination of the following necessary to satisfy the requirements of subsection (a) of this section taking into account any credits authorized pursuant to section 42-254:

(1) For land dedicated for park purposes, evidence of recording in the appropriate real property records of a general warranty deed of the required park land as approved by the parks director;

(2) Identification of the required amount of private park on an approved development plat; or

(3) Confirmation of deposit into the park and recreation dedication fund of the fee in lieu of dedication in the amount established pursuant to section 42-253 of this Code.

(f) If the calculation in subsection (b) of this section results in a requirement of less than one-half acre for property located in the urban area or one acre for property located in the suburban area, the parks director may require the developer to pay the fee in lieu of land dedication as provided in section 42-253 of this Code. The parks director may approve the dedication of less than one-half acre of property in the urban area or one acre of property in the suburban area if the proposed park is a pocket park the need for which is identified in the Parks Master Plan, is adjacent to an existing

park or other public space, provides access to a park, or otherwise presents an opportunity to enhance the city parks system consistent with the Parks Master Plan. This limitation, however, shall not apply to limit the size of compensating open space, which shall be governed by section 42-185 of this Code.

(g) Notwithstanding any other provision of this section, the owner of property for which dedication is required may pay a fee in lieu of dedication in the amount determined pursuant to section 42-253 of this Code, and the parks director shall not refuse any payment of a fee in lieu of dedication.

Sec. 42-253. Fees in lieu of land dedication.

(a) In some instances, the parks director may require the developer to pay fees in lieu of dedicating land. In making this determination, the parks director shall consider the following factors:

(1) Whether sufficient parkland and open space exists in the area of the proposed development; and

(2) Whether recreation potential for an area would be better served by expanding or improving existing parks, by adding land or additional recreational amenities.

The parks director shall notify the developer in writing of the park director's decision to require a fee in lieu of dedication and the reason for the decision. The developer shall be entitled to appeal the park director's decision to the commission.

(b) The dedication requirement shall be met by a payment in lieu of land dedication at a specified dollar amount per dwelling unit determined annually pursuant to this section. Cash payments may be used only for acquisition or improvement of park land and facilities located within the same park sector as the development. Fees may be applied to any type of park site or improvement within the sector in accordance with park department prioritization.

(c) The initial fee in lieu of dedication shall be $700 per dwelling unit. Each year following certification of the city's tax roll, the director and the parks director shall report to the commission on the amount of fees in lieu of dedication received, expended or encumbered during the preceding 12 months. The report shall also include an analysis of changes in the taxable

value of land within the city as certified by each respective county appraisal district. The director and the parks director may recommend an increase in the fee in lieu of dedication based on increases in appraised value. The commission shall review the report, conduct a public hearing on any recommended increase in the fee in lieu of dedication, and issue a final report. The commission shall file its report, which shall advise of any need to increase the fee in lieu of dedication, with the city council.

Sec. 42-254. Calculations; deductions and credits.

(a) *Initial calculations.* The parks director shall determine the amount of land required to be dedicated or fees in lieu of dedication to be paid in accordance with sections 42-252 and 42-253 of this Code and as further provided in this section.

(1) The parks director shall first calculate the amount of park dedication required using the formula contained in subsection (b) of section 42-252 of this Code;

(2) If the owner of the subdivision or development elects to pay a fee in lieu of dedication, or the parks director requires the payment of a fee in lieu of dedication pursuant to section 42-253 of this Code, the parks director shall calculate the fee by multiplying the number of dwelling units in the subdivision or development by the then-current fee established pursuant to section 42-253 of this Code;

(3) If the owner of the subdivision or development elects to satisfy the requirements of this division by a combination of dedication of land and payment of a fee in lieu of dedication, the parks director shall:

a. First, calculate the total park dedication requirement;

b. Second, subtract from the total park dedication requirement the amount of land for parks to be dedicated;

c. Third, calculate a percentage as follows: (remaining park dedication requirement ÷ total park dedication requirement) X 100; and

d. Fourth, apply the resulting percentage to the total fee in lieu of dedication to determine the amount of fee in lieu of dedication that has to be paid. This percentage shall be applied to the then-current fee in lieu of dedication per lot when payment of the fee in lieu of dedication is deferred pursuant to subsection (c) of section 52-252 of this Code to determine the fee per dwelling unit.

(b) *Deductions and credits.*

(1) The number of dwelling units shall be based on an incremental increase in dwelling units. The parks director shall deduct from the initial calculation pursuant to subsection (b) of section 42-252 of this Code the number of dwelling units that the applicant demonstrates to the satisfaction of the parks director existed prior to the application for the subdivision plat or development plat generating the dedication requirement;

(2) The parks director shall reduce the dedication requirement of section 42-254(a)(1) or the fee in lieu of dedication of section 42-254(a)(2), as applicable, by one or more of the following credits:

a. Up to a maximum of 100 percent of the total requirement credit shall be given for each acre or portion thereof of private park land provided within the subdivision or development generating the dedication requirement that meets the requirement of this part. For example, if the total dedication requirement is 5 acres and the applicant proposes to include 2.1 acres of private park within the subdivision, 2.1 acres will be deducted from the total requirement. Private park land eligible for credit must be centrally located within the development, designed so that it cannot easily be joined into one or more adjacent lots with a fence, legally and practically accessible to all residents of the development, and of a size, shape and configuration so that it is likely to be used by residents of the development as determined in comparison to city park standards. Equipment in a private park shall comply with city standards applicable to the type of equipment. When private park land is also compensating open

space, these requirements prevail over any contrary requirements of section 42-185 of this Code.

b. Up to a maximum of 100 percent of the total requirement credit shall be given for each acre or portion thereof of private park land provided within the subdivision generating the dedication requirement attributable to lots that are for the provision of low and moderate income single family housing as determined pursuant to section 47-319(2) of this Code. If credit is given on a subdivision plat for low and moderate income single family housing, the property owner shall certify prior to the issuance of a building permit for the house that the initial purchase price does not exceed the latest available 12-month listing for median price single family housing in the city as published by the Real Estate Center at Texas A&M University. In the event the initial purchase price exceeds this amount, the property owner making the certification shall pay to the city the then-current fee in lieu of dedication for a single family dwelling unit. If publication of the median price for single family housing is discontinued by the Real Estate Center at the Texas A&M University, the mayor is authorized to select another publication that lists the median price of single family houses in the city.

c. Up to a maximum of 100 percent of the total requirement credit shall be given for each acre or portion thereof of park land provided as a greenbelt along a creek bed or around the perimeter of the subdivision or development generating the dedication requirement, including improvements to a hike or bike trail that meet city standards.

d. Up to a maximum of 100 percent of the total requirement credit shall be given for each acre or portion thereof of park land that links one or more parks.

(c) Credits are cumulative, but in no case other than as provided in subitems b and d above shall credits given under this section exceed 100 percent.

Sec. 42-255. Park and recreation dedication fund.

(a) There is hereby established a special fund for the deposit of all sums paid in lieu of land dedication under this division, which fund shall be known as the 'Park and Recreation Dedication Fund.' Funds shall only be released from the Park and Recreation Dedication Fund upon approval by the city council of a plan to utilize the funds to build or enhance a park within the park sector from which the funds originated.

(b) The city shall account for all sums paid in lieu of land dedication under this division with reference to the individual subdivisions or developments that generate the dedication requirement. Any funds paid for such purpose must be obligated by the city within three years after the completion of the contributing subdivision or development, or the completion of the final phase or section of the respective subdivision or development. If the funds cannot be encumbered within the initial three year time period, the parks director may request from the city council a time extension for a period not to exceed an additional one year for the expenditure of the funds. If the extension request is granted and the funds cannot be expended within the one-year extension, the parks director may request from the city council an additional one year extension. Each extension request shall be submitted in writing by the parks director 60 days prior to the expiration period for the funds to be committed by the city, and shall include a detailed justification for the extension request. The owners of the property on the last day of the initial three year period, or any extension thereof, shall be entitled to a pro rata refund of the sum, computed on a dwelling unit basis. The city shall give notice to the owner of the property as shown on the most recent certified tax roll of the county in which the property is located of the right to a refund and the procedure to claim a refund. Notice shall be given by letter deposited into the United States postal service, postage paid, and shall be deemed given on the date of deposit into the United States postal service. The owners of the property must request a refund within one year of notice entitlement. Such request must be made in writing to the parks director, or such right shall be barred.

(c) Where funds have been paid or a dedication for a phased development has been made in accordance with section 42-254 of this Code, and the original developer does not complete all phases of the entire development, credit for any prior dedication or payment shall be applied to subsequent subdivision plats or development plats for the same land on a pro-rata basis by dwelling unit. Increased density shall require the dedication of additional parkland or payment of additional fees.

(d) Moneys in the park dedication fund shall be used for the acquisition and improvement of parks and shall not be used for park maintenance or city staff overhead expenses. Indirect costs reasonably incurred in connection with park acquisition and improvement, such as appraisal fees, environmental assessment costs, legal expenses, engineering and design costs, shall be limited to not more than five percent of total acquisition or improvement cost.

Sec. 42-256. Park location standards.

A goal of this article is to ensure that parks are easy to access, can be linked with nearby park and recreational facilities, and are generally open to public view or accessible by easement so as to benefit area development, enhance the visual character of the city, protect public safety and minimize conflict with adjacent land uses. Land proposed to be dedicated for parks shall meet the following location standards:

(1) Where physically feasible, parks should be bound by streets or by other public uses (e.g., school, library, recreation center) to facilitate access and possible joint use.

(2) Where residential lots directly abut a park, consideration should be given to future owners' access to the facility and protection from future park uses, such as lighting and noise.

(3) Street or pedestrian connections to existing and future adjoining subdivisions, private parks or park amenities are desirable to provide reasonable access to parks and private parks.

(4) Where a proposed subdivision would block or limit access to a park, access ways of not less than 10 feet in width may be required through the private development to provide public access to the park. Any easement or private park provided for this purpose will be credited toward any land dedication requirement.

(5) The land must comply with the Parks Master Plan.

Sec. 42-257. Park land acceptance standards.

(a) The city council reserves the right to accept or reject an offer of dedication, after consideration of the recommendation of the parks director, and to require the payment of fees in lieu of dedication as provided herein in section 42-254 of this Code.

(b) Land dedicated for park and recreational areas shall be of such size, dimensions, topography and general character as is reasonably required by the city for the type of use necessary to meet the requirements of park facilities as identified for that geographic sector in the city's most current Parks Master Plan.

(c) Land proposed to be dedicated for parks generally shall meet the following requirements. The parks director may recommend the acceptance of the dedication of property that does not meet these criteria if the property is adjacent to an existing park or other public space, provides access to a park, or otherwise presents an opportunity to enhance the city parks system consistent with the Parks Master Plan.

(1) *Minimum size and configuration standards*

a. Unless determined otherwise by the parks director pursuant to subsection (f) of section 252 of this Code, the minimum size of land dedicated for a park in the urban area shall be one acre.

b. Unless determined otherwise by the parks director pursuant to subsection (f) of section 252 of this Code, the minimum size of land dedicated for a park in the suburban area shall be two acres.

c. Land dedicated for a park shall constitute a contiguous piece of property of such dimensions that it can physically accommodate the types of improvements associated with the park type in the Parks Master Plan.

(2) *Location and access standards.*

a. The land shall meet the applicable location requirements of section 42-256 of this Code.

b. The land shall have connectivity to a public street appropriate for the size and use of the park.

(3) *Physical characteristics standards*

a. The land shall be vacant and cleared of nonvegetative material and shall contain no conditions that could constitute a violation of chapter 10 of this Code.

b. The land shall not have severe slopes or unusual topography that would not allow the park to be used for its intended purpose without recontouring the property.

(4) *Minimum environmental conditions standards*

Unless provided otherwise in rules promulgated by the parks director, the land shall be reasonably free of recognized environmental conditions. If land is proposed to be dedicated by subdivision plat, prior to submittal of an application for final subdivision plat approval the applicant shall submit either a phase I environmental assessment that shows no environmental conditions exist on the property or a phase II environmental assessment that shows no remediation is required.

(d) Land in a federally designated floodplain or floodway may be dedicated as park land if the land otherwise meets the acceptance standards for park land of this section and any rules promulgated by the parks director.

Sec. 42-258. Minimum park improvement standards.

Prior to acceptance by the city and prior to the filing of the final subdivision plat, any park land dedicated to the city or developed as a private park for credit against park land dedication under this division shall meet the standards developed by the parks department. Any improvements provided by the developer to park land shall comply with applicable regulations and codes set forth for such improvements.

Sec. 42-259. Administration.

(a) This article shall be administered by the planning department as part of the subdivision process within the city limits, in cooperation with the

parks department. The parks board shall have the authority to manage and expend funds in accordance with the city's adopted parks master plan, the capital improvements plan for parks, and related official documents to the extent authorized by the city council for that purpose.

(b) The parks director is authorized to promulgate guidelines for the administration of this article that are consistent with the requirements of this article."

Section 6. 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 Ordinance, and the former provisions of Chapter 42 are saved for that limited purpose:

1. Any complete application for a subdivision plat that conforms to the details of a general plan which contains the information provided for in Subsection 42-24(c) of the Code of Ordinances, Houston, Texas, and which general plan was approved by the Planning Commission prior to the effective date of this Ordinance;
2. 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 Ordinance;
3. 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 Ordinance;
4. Any plat to be recorded based on a final plat approved by the Planning Commission prior to the effective date of this Ordinance.

5. Any complete application for a development plat for a development for which a waste water capacity reservation or stormwater capacity reservation letter was in effect on the effective date of this Ordinance and which letter has not expired or been amended.

Section 6A. In one year a report to show the average number of occupants for (a) areas inside the Loop; (b) areas outside the Loop; and (c) areas outside the Loop with high density be provided to City Council.

Section 7. That the 17 sectors shown on the map attached hereto as Exhibit "A" are hereby adopted as the 17 park sectors as provided in the definition of "sector" in

Section 42-1 of the Code of Ordinances, Houston, Texas, as amended by this Ordinance, and Exhibit "A" is hereby adopted for the purpose of establishing the sectors. The City Council may amend the map from time to time as part of, or incidental to, the approval of a Parks Master Plan.

Section 8. 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 of their applicability to other persons or sets of circumstances shall not be affected thereby, it being the intent of the City Council in adopting this Ordinance that no portion hereof or provision or regulation contained herein shall become inoperative or fail be 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 9. 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 that date and shall take effect at 12:01 a.m. on November 1, 2007.

PASSED AND APPROVED ON this 10th **day of** October**, 2007.**

Bill White

Mayor of the City of Houston

CAPTION PUBLISHED IN DAILY COURT REVIEW
DATE: OCT 16 2007

(Prepared by the Legal Dep't _____)
(DFM:dfm October 2, 2007 Senior Assistant City Attorney)
(Requested by Marlene L. Gafrick, Director, Planning and Development Department)
(L.D. No. 0610700113001)
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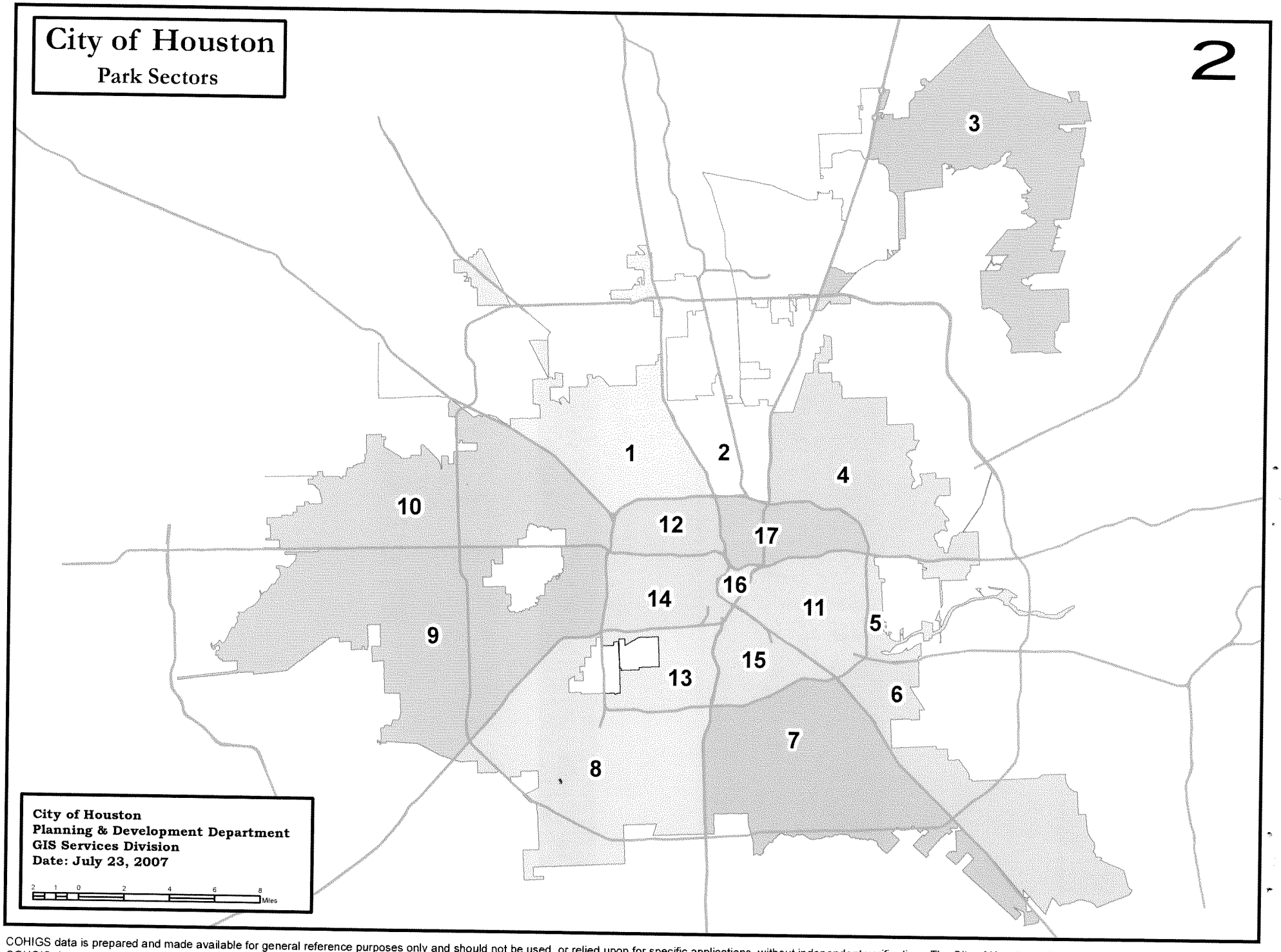
AYE	NO	
✓		MAYOR WHITE
••••	••••	COUNCIL MEMBERS
✓		LAWRENCE
✓		JOHNSON
✓		CLUTTERBUCK
✓		EDWARDS
	ABSENT DUE TO BEING ILL	WISEMAN
✓		KHAN
✓		HOLM
✓		GARCIA
✓		ALVARADO
✓		BROWN
✓		LOVELL
✓		NORIEGA
✓		GREEN
	ABSENT	BERRY
CAPTION	ADOPTED	

MAY 017 Rev.1/04

Exhibit “A”

City of Houston
Park Sectors

2



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