

PUBLIC COMMENT DRAFT  
NOT APPROVED BY THE CITY ATTORNEY  
1-2-15

**Delete the definition of zoning in section 33-4:**

**Sec. 33-4. Definitions.**

For the purposes of this chapter the following terms, phrases and words will have the following meanings:

*Commission* shall mean the city planning commission.

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

*Director* shall mean the director of the department of planning and development of the city.

*Neighborhood* shall mean a particular community, district or geographic area.

~~Zoning shall mean a system of land use regulation including, but not limited to, the designation of specific parcels or areas of land where the use, or the performance or development standards affecting such use, are or may be prescribed to achieve the goals of an approved comprehensive plan for the unique circumstances of the city.~~

**Amend Section 33-14 to read as follows:**

**Sec. 33-14. Created.**

There is hereby created a commission composed of 26 members. Five of the 26 members shall be nonvoting ex officio members. The director or, in his or her absence or inability to act, a deputy director or assistant director of the department shall serve as ex officio member and secretary to the commission. The four additional ex officio members shall be (1) the director or, in his or her absence or inability to act, a deputy director or assistant director of the department of public works and engineering; (2) a designee of the Board of Directors of the Metropolitan Transit Authority of Harris County, Texas; (3) the most recent former chair of the commission; and (4) the director of the convention and entertainment facilities department or his or her designee. In the event that the most recent former chair of the commission is unable or unwilling to serve as an ex officio member of the commission, any former member of the commission with five years experience on the commission may be appointed by the mayor, subject to confirmation by the city council, to serve in the former chair nonvoting ex officio position. ~~The members of the commission, as same may exist from time to time, shall hereafter serve both as the zoning commission and as the planning commission.~~ The director may request that directors of other city departments or their designees meet with the commission from time to time when the commission has business affecting their departments."

**Amend Section 33-22 to read as follows:**

**Sec. 33-22. General powers and duties.**

(a) The commission shall have ~~power and it shall be its duty:~~

~~(1) To exercise~~ all powers of a planning commission and a zoning commission as set forth in Chapters 211 and 212 of the Texas Local Government Code.

~~(2) To adopt a comprehensive plan in conformance with the provisions of the Texas Local Government Code, section 211.004, and as defined herein, and recommend it to city council for its approval.~~

(b) Additionally, ~~in order to achieve (a)(1) and (2) above,~~ the commission shall have the power:

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- ~~(1) To make plans and maps of the whole or any portion of the city and of any land outside the city which, in the opinion of the commission, bears a relation to the planning of the city, and to make changes in, additions to and extensions of such plans or maps when it deems same advisable. The commission may adopt a plan as a whole by a single resolution, or may, by successive resolutions, adopt successive parts of the plan, such parts corresponding to geographical sections of the city, as determined by the commission at any time or from time to time, or to functional divisions of the subject matter of the plan, as determined by the commission at any time or from time to time, and may adopt any amendment or extension thereof or addition thereto. Before the adoption of the plan or any such part, amendment, extension or addition, the commission shall hold at least one public hearing thereon after not less than 15 days' notice published in a daily newspaper of general circulation printed in the city. The adoption of the plan shall be by resolution carried by the affirmative votes of not less than a majority of the commission. The adoption of any part, amendment, extension or addition, shall be by resolution carried by the affirmative votes of not less than a majority of the commission members present and voting at any scheduled meeting. The resolution may refer expressly to the maps and descriptive and other materials intended by the commission to form the whole or part of the plan, and the action taken shall be recorded on the map or plan and descriptive matter by the identifying signatures of the chairman and the director. An attested copy of the plan or part thereof shall be presented to the council for its review. The council, by ordinance, may adopt a plan designated as a comprehensive plan or a portion of a comprehensive plan as proposed by the commission.~~
- (21) To make review and consider studies and project plans for the improvement of the city with a view to its future development and well-being and extension, and make recommendations for the adoption, amendment, or implementation of studies and plans.
- (32) To act with and assist all other municipal and governmental agencies and especially the city council in formulating and executing proper plans of municipal development.
- (43) To select and recommend to the city council routes of transportation corridors and particularly to investigate and recommend the opening, widening or abandoning of streets, or the changing thereof to conform with the city's system, present and future, of streets, avenues, parks and parkways.
- (54) To investigate, consider and report to the city council upon the layout or platting of new subdivisions of the city or of property adjacent to or near the city when requested by the city council to do so, and to perform all duties imposed upon planning and development commissions by chapter 42 of the Code of Ordinances, Houston, Texas and the statutes of the state.
- (65) To recommend plans to the city council in agreement with the director of the parks and recreation department for improving, developing, expanding and beautifying the parks, parkways, bayous and streams in or adjoining the city and to cooperate with the city council and the other agencies of the city in devising, establishing, locating, improving, selecting, expanding and maintaining the public parks, parkways, playgrounds and places for public recreation.
- ~~(7) To propose zoning to implement comprehensive plans or parts thereof pursuant to the provisions of state law and this chapter.~~
- ~~(8) To propose neighborhood zoning districts and a process for the mayor to appoint neighborhood advisory committees to be consulted in connection with zoning changes.~~
- (96) In conjunction with the traffic and transportation division of the department of public works and engineering, or a city department charged with that responsibility, to make recommendations to the city council concerning traffic regulation and control which directly affect the proper functioning of the planning and development programs adopted by the city council.
- (407) Generally to investigate, consider and recommend to the city council all matters for the development and advancement of the city's physical layout and appearance.

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- (148) To recommend to the city council such capital improvements or other programs as the commission shall consider necessary to accommodate the present or future parking needs of the city.
- (129) To conduct studies of the current or anticipated parking needs of the city or any locale as the commission shall deem necessary or advisable and to report its findings on such matters to the city council.
- (1310) To provide a forum for input on present and future parking needs and related issues for stakeholders and other interested parties.

**Amend Article III of Chapter 33 to read as follows:**

**ARTICLE III. GENERAL PLAN COMPREHENSIVE PLANNING AND ZONING**

**33-51. Scope.**

(a) The city shall adopt and maintain a general plan that describes an overall vision for the city that incorporates plans, policies, and regulations to implement a coordinated strategy to guide the future development and well-being of the city and its extraterritorial jurisdiction.

(b) The general plan shall include, but not be limited to:

- (1) A vision statement that provides an overview of the city's immediate and long term objectives for economic development, fiscal responsibility, infrastructure, public health, safety, welfare, and quality of life;
- (2) Implementation strategies; and
- (3) A digital interactive planning coordination tool that provides information on related plans, policies, regulations, and identified performance indicators.

**33-52. Duties and responsibilities of the director.**

(a) It shall be the responsibility of the director to oversee the maintenance and periodic updating of the general plan.

(b) The director shall coordinate with other city departments and offices, government agencies, stakeholder organizations, and the general public in formulating amendments to the general plan. The director shall periodically present recommendations for amendments to the general plan to the commission for consideration.

(c) The director shall make the general plan available to the public.

**33-53. Duties and responsibilities of the other city departments and offices.**

Each director of a city department or office shall appoint a liaison to periodically report to the department new or updated policies, regulations, and planning activities related to the scope of the general plan.

**33-54. Duties and responsibilities of the commission.**

The commission is authorized to recommend the adoption of the general plan or amendments to the general plan to city council after conducting a public hearing on the general plan. Upon the close of the public hearing, the commission shall consider whether the adoption of the proposed changes would further the objectives outlined in the vision statement of the general plan. The commission shall vote to either recommend the adoption of the proposed changes to city council, refer the general plan back to the director for further study, or defer consideration of the general plan to a future meeting.

**33-55. Duties and responsibilities of the city council.**

The city council is authorized to adopt a general plan after conducting a public hearing on the recommendation of the commission to adopt or amend the general plan. Upon close of the public hearing, the city council shall vote to approve, disapprove, or modify the recommendation of the commission. The city council is further authorized to take all necessary measures needed to facilitate the implementation of the general plan.

~~Sec. 33-51. Findings.~~

~~The city council finds and declares that:~~

- ~~(1) The continued growth and development of the city will require the establishment of a comprehensive planning process to guide the future development and redevelopment of the city.~~
- ~~(2) The creation of a comprehensive planning process will allow the city to establish a continuing process of defining the city's needs, establishing goals to meet those needs and the development of public policies and programs to meet those goals.~~
- ~~(3) The comprehensive planning process will establish a system for all the city's diverse ethnic and cultural communities to participate in the identification of the city's needs, and the establishment of goals and policies to promote quality growth, protection of the environment, community livability, revitalization and economic development.~~
- ~~(4) The comprehensive planning process will provide a means for enhancement and protection of aesthetic qualities of the city including design of civic structures, streets and public spaces, planning for preservation and development of bayous as aesthetic and recreation resources, preservation of historic places, encouragement of landscaping and reduction of visual blight.~~
- ~~(5) The comprehensive planning process will provide a means for county-wide and regional governmental entities to coordinate with the city the planning and implementation of improvement programs for infrastructure, mobility, land use, environmental quality, and social and governmental service programs in a more efficient, systematic, and cost-effective manner.~~
- ~~(6) The comprehensive planning process will provide an open, inclusive public policy-making process that will eliminate exclusion based upon race, color, creed or national origin.~~
- ~~(7) In order to accommodate, facilitate and encourage desirable growth and development, the comprehensive plan will analyze the city's existing and potential growth and development, evaluate desirable patterns and directions of growth and development and utilize such information as a foundation for capital improvements, transportation, utilities and community services planning.~~

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- ~~(8) The comprehensive plan's encouragement of private growth and development coordinated with public investment and services can substantially and materially increase the efficiency of government.~~
- ~~(9) In addition to guiding public investment and services, the comprehensive plan will serve as the basis for the adoption of a zoning ordinance to regulate land use so that growth and development is coordinated with public investment and the public provision of capital improvements, transportation, utilities and community services. Other implementation measures shall be used to enforce components of the comprehensive plan as adopted.~~
- ~~(10) The commission, in the development of a comprehensive plan and any recommended zoning ordinance, should:
  - ~~a. Provide protection for the city's residential neighborhoods by:
    - ~~1. Prohibiting future incompatible uses;~~
    - ~~2. Providing for amortization or "grandfathering" of existing nonconforming uses;~~
    - ~~3. Utilizing performance standards and use limitations within residential and adjoining neighborhoods; and~~
    - ~~4. Eliminating nuisances, as defined by law.~~~~
  - ~~b. Complement existing deed restrictions for residential areas.~~
  - ~~c. Allow landowners to use their land as desired but with consideration for its impact on neighboring areas and in conformity with the city's comprehensive plan.~~
  - ~~d. Establish a system for zoning administration that respects each individual's right of privacy.~~
  - ~~e. Provide a process which will encourage the involvement of residents and property owners in the determination of land use in their area.~~
  - ~~f. Provide for the reasonable notice to property owners and residents of any proposed changes in the comprehensive plan, or zoning classification or variances in their neighborhood, and an opportunity for participation in the process.~~
  - ~~g. Provide for clear, simple, fair, and apolitical zoning administration, establishing and maintaining streamlined procedures for the review and approval of development applications, with clearly stated time frames for processing and acting upon permit applications, and minimizing potential adverse effects on the costs of development. Zoning ordinances should be structured so that permit applications which comply with planning regulations and land use regulations will be entitled to expeditious approval.~~
  - ~~h. Recommend an adequate level of city staff supported by an adequate budget to administer the planning and zoning process.~~
  - ~~i. Provide procedures and policies which will not adversely affect the supply of affordable housing.~~
  - ~~j. Promote a vital and vibrant central business district as defined in chapter 42 of this Code and promote the revitalization of the inner city.~~
  - ~~k. Promote development quality and flexibility by designating, subject to council approval, districts for special purposes such as, but not limited to, planned development districts, urban villages and special districts for theatres, museums, historic preservation and scenic areas.~~~~
- ~~(11) The city council is authorized to adopt a comprehensive plan under the provisions of Chapters 211 and 212 of the Local Government Code to guide its regulation of future development and redevelopment.~~

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- ~~(12) In order for the city council to consider the adoption of a zoning ordinance, it must first appoint the commission to act as a zoning commission to prepare a preliminary report, conduct public hearings and then provide a final report to the city council.~~
- ~~(13) The most efficient means to establish a zoning commission is to appoint the existing planning commission to exercise the additional duties and responsibilities of a zoning commission.~~
- ~~(14) Under state law, the city council may appoint the planning commission to serve as the zoning commission, and may designate such body as the planning commission.~~
- ~~(15) The city council wishes to receive from the planning commission specific reports and recommendations on the most expeditious, efficient and advantageous way to create, implement and maintain a comprehensive plan, along with a zoning system unique to Houston's needs and other reasonable implementation measures for the city.~~

~~Sec. 33-52. Initial duties and responsibilities with regard to comprehensive planning and zoning of the planning commission.~~

~~The commission shall perform the following duties as specifically provided below or as soon as reasonably possible:~~

- ~~(1) On or before three months from January 9, 1991, the commission shall present to council for its approval a plan offering initiatives that can, within six months from January 9, 1991, materially support the maintenance of neighborhood integrity. The plan should include staff and funding requirements.~~
- ~~(2) On or before six months from January 9, 1991, the commission will submit to council for its approval a work plan for each of the elements of a comprehensive plan. Each work plan will be submitted to council as completed and will provide:
  - ~~a. If appropriate, a prioritized list of tasks integral to each element and an analysis of task dependency to determine task sequence.~~
  - ~~b. A suggested period of time appropriate to complete the element and each task necessary for its completion.~~
  - ~~c. An estimate of staff requirements to complete each element.~~
  - ~~d. The estimated cost to the city to complete each element (if outside consultants are recommended an estimate of cost should be included).~~~~

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~~(3) Pursuant to work plans as approved by council, the commission shall begin preparing the comprehensive plan. The elements of a comprehensive plan will include, but will not be limited to, the following:~~

~~a. A draft statement of community goals for Houston's future.~~

~~b. A detailed database including land use, population characteristics, demographics, employment information, local and regional economic growth trends, the needs for public facilities and services, and a program for the maintenance of this database.~~

~~c. A long-range planning process that continuously establishes a statement of needs, goals and planning alternatives for the next 30 years, to be updated every five years and revised every 15 years.~~

~~d. A statement of urban growth policies for the city including, but not limited to, policies related to transportation, the environment, growth patterns, safety, health, education, public utilities, finances and services, the preservation of historic resources, and the improvement of deteriorated areas. The plan should consider growth over the next 30 years, and should include any possible alternative growth patterns that take into account such general concepts as land uses and transportation systems.~~

~~e. A transportation plan and a land use plan in conjunction with State of Texas, County of Harris and the metropolitan transit authority that complements the goals statement, the urban growth policies and other elements of the comprehensive plan.~~

~~f. An economic development policy which should be designed to promote economic vitality and balanced growth for the city and region.~~

~~g. A community facility policy which should describe existing facilities (police, fire, emergency service, special services, library, health facilities, etc.) and indicate the size and appropriate location of future facilities.~~

~~h. Policies for utilities and infrastructure which will describe existing facilities, program improvements and strategies for improvement to be provided commensurate with development. Infrastructure policies should address water, wastewater, stormwater, electric and gas utilities, flood facilities, solid waste, recycling, hazardous waste, communication and transportation facilities.~~

~~i. An environmental analysis which should include a description of existing resources and policies and strategies for conservation and enhancement of environmental quality contemplating the city adoption of coordinated policies and standards, consistent with those of other governmental agencies, applicable to the region.~~

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~~j. Recommended zoning ordinances, regulations, and other measures to implement the comprehensive plan.~~

~~(4) Following the commencement of the comprehensive planning process and on or before January 9, 1993, the commission shall present to council for its preliminary approval:~~

~~a. Proposed zoning regulations providing strategies, controls and approaches, including buffering, for the protection of residential neighborhoods in accordance with the comprehensive plan as completed to date and as required by Chapter 211 of the Texas Local Government Code; and~~

~~b. A draft plan for the division of the city into geographically defined zoning districts, including but not limited to, residential and other zones.~~

~~(5) Within six months following approval of subsections (4)a. and (4)b. above, the commission shall present a recommended zoning ordinance, including a zoning map, for adoption by the city council under the provisions of Chapter 211 of the Texas Local Government Code.~~

~~(6) Plans, policies, and recommendations developed pursuant to the provisions of this chapter, when complete, may be implemented before completion of the comprehensive plan in its entirety.~~