

City of Houston, Texas, Ordinance No. 2017- 208

AN ORDINANCE AMENDING CHAPTER 33 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS; ADDING ARTICLE IX RELATING TO MAJOR CITY PLANS, INCLUDING THE MAJOR THOROUGHFARE AND FREEWAY PLAN; PROVIDING FOR THE ADOPTION OF THE BICYCLE MASTER PLAN AND CREATION OF THE BICYCLE ADVISORY COMMITTEE; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; CONTAINING A REPEALER; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

\* \* \* \* \*

**WHEREAS**, the City of Houston Major Thoroughfare and Freeway Plan (the "MTFP") is a plan to preserve and enhance mobility in the City and its extraterritorial jurisdiction; and

**WHEREAS**, the MTFP identifies transportation corridor alignments and establishes the required rights-of-way for major roadways in the City and its extraterritorial jurisdiction; and

**WHEREAS**, Section 33-25 of the Code of Ordinances (the "Code") requires that the Planning Commission prepare and submit the MTFP annually to the City Council; and

**WHEREAS**, the City Council finds that it is desirable to adopt a bicycle master plan to support bicycling as a safe mode of transportation in the City, consistent with the general plan as provided in article III, Chapter 33 of the Code; and

**WHEREAS**, on August 18, 2016, the Planning Commission held a public hearing on the proposed amendments to Chapter 33 and voted on September 1, 2016, to recommend the proposed amendments to the City Council for consideration and approval; **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**Section 2.** That Section 33-25 of the Code of Ordinances, Houston, Texas, is hereby repealed.

**Section 3.** That Chapter 33 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a new Article IX that reads as set forth in Exhibit A, attached hereto and incorporated herein.

**Section 4.** That the City Council hereby approves the new notice fee established by this Ordinance in the Code of Ordinances, Houston, Texas, in the amount of \$2.94 and hereby authorizes the Director of the Department of Planning and Development to charge the notice fee. The Director of Finance shall incorporate the new fees into the City Fee Schedule.


**Section 5.** That the City Attorney is hereby authorized to direct the publisher of the Code of Ordinances, Houston, Texas, (the "Code") to make such non-substantive 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 6.** 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 7.** 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 22<sup>nd</sup> day of March, 2017.

APPROVED this 22<sup>nd</sup> day of March, 2017.

  
\_\_\_\_\_  
Mayor of the City of Houston

Pursuant to Article VI, Section 6, Houston City Charter, the effective date of the foregoing Ordinance is \_\_\_\_\_.

\_\_\_\_\_  
City Secretary

Prepared by Legal Dept. Donna Altman *awd*  
DLA:dla 3/6/2017 Senior Assistant City Attorney  
Requested by Patrick Walsh, P.E., Director, Department of Planning & Development  
L.D. File No. 0611600335001  
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OPTION PUBLISHED IN DAILY COURT  
REVIEW  
DATE: MAR 28 2017

AYE	NO	
✓		MAYOR TURNER
••••	••••	COUNCIL MEMBERS
ABSENT ON PERSONAL BUSINESS		STARDIG
✓		DAVIS
ABSBNT		COHEN
✓		BOYKINS
✓		MARTIN
	✓	LE
	✓	TRAVIS
✓		CISNEROS
✓		GALLEGOS
✓		LASTER
✓		GREEN
	✓	KNOX
✓		ROBINSON
	✓	KUBOSH
✓		EDWARDS
✓		CHRISTIE
CAPTION	ADOPTED	

# **EXHIBIT A**

## ARTICLE IX. MAJOR PLANS

### DIVISION 1. IN GENERAL

#### Sec. 33-351. Definitions.

The following definitions shall apply to this article:

*Applicant* means any of the following that requests an amendment to the MTFP pursuant to this article: a property owner or the owner's authorized agent, a governmental entity, a political subdivision, a transit authority, a local government corporation, or an entity that represents property owners within the entity's boundaries.

*Bicycle* means a vehicle propelled by human power that has two tandem wheels at least one of which is more than 14 inches in diameter.

*Bicycle master plan* or *BMP* means the plan, and any amendments thereto, that is adopted by city council to provide for developing and enabling the use of bicycling as a mode of transportation in the city, and enhance bicycle safety.

*Committee* means the bicycle advisory committee.

*Director* means the director of the planning and development department of the city or the director's designee.

*Director of parks and recreation* means the director of the department of parks and recreation of the city or the director's designee.

*Director of public works and engineering* means the director of the department of public works and engineering of the city or the director's designee.

*Extraterritorial jurisdiction* or *ETJ* has the meaning ascribed in section 42-1 of this Code.

*Major thoroughfare and freeway plan* or *MTFP* means the plan, and any amendments thereto, that is adopted by city council to preserve and enhance mobility within the city and the city's extraterritorial jurisdiction.

*Street* means the area within the boundary of an existing or proposed public right-of-way that provides access to adjacent property.

*Super neighborhood council* has the meaning ascribed in section 33-301 of this Code.

**Secs. 33-352 – 33-370. Reserved.**

DIVISION 2. MAJOR THOROUGHFARE AND FREEWAY PLAN

**Sec. 33-371. Scope.**

The city shall adopt and maintain a major thoroughfare and freeway plan to preserve and enhance mobility within the city and the city's extraterritorial jurisdiction. The MTFP must be consistent with the general plan described in article III of this chapter, the bicycle master plan, and other applicable plans, policies, and regulations.

**Sec. 33-372. Duties and responsibilities of the director.**

(a) The director shall make the MTFP adopted by city council and any policies adopted by the commission available to the public on the department website.

(b) The director shall establish a process for the public to submit written comments to the department regarding the MTFP. The director shall submit the comments to the commission during the annual MTFP process.

(c) The director shall, in collaboration with the director of public works and engineering, annually prepare and submit to the commission a proposed MTFP. The director, in developing the MTFP, shall consider all probable modes of transportation within the streets, including but not limited to automobile, transit, bicycle, and pedestrian traffic.

(d) For an application requesting an amendment to the MTFP, the director shall present to the commission a recommendation made in collaboration with the director of public works and engineering and any of the following with jurisdiction over the streets included in the application: governmental entities, political subdivisions, transit authorities, or local government corporations.

(e) The director shall, in accordance with section 33-377 of this Code, ensure that notification requirements have been met prior to commission consideration of a MTFP.

**Sec. 33-373. Duties and responsibilities of the director of public works and engineering.**

The director of public works and engineering shall collaborate with the director in the preparation of an annual MTFP and, when applicable, review the proposed plan and make recommendations to the director on a MTFP amendment prior to commission consideration.

**Sec. 33-374. Duties and responsibilities of the commission.**

(a) The commission shall establish an annual schedule to consider amendments to the MTFP related to deleting, realigning, or reclassifying a street designated on the MTFP or adding a street to the MTFP. The commission is authorized to adopt policies related to the administration, implementation, and interpretation of the MTFP.

(b) Each year, on or before the last day of September, the commission shall consider the annual MTFP prepared by the director and any applications to amend the MTFP.

(c) The commission shall hold at least one public hearing on the MTFP and any proposed amendment to the MTFP. Upon the close of the public hearing, the commission shall consider whether the MTFP will further the objectives stated in section 33-371 of this Code. The commission shall vote to recommend the MTFP to city council, refer the MTFP back to the director for further evaluation, defer consideration of the MTFP to a future meeting, or disapprove the MTFP. A MTFP approved by the commission under this section shall not be effective until approved by city council.

**Sec. 33-375. Duties and responsibilities of city council.**

City council is authorized to consider the MTFP as recommended by the commission and each year shall vote to approve the recommendation of the commission, disapprove the recommendation of the commission, or refer the MTFP back to the commission for further consideration.

**Sec. 33-376. Application to amend the MTFP.**

(a) An applicant may submit a written application to the department to delete, realign, or reclassify a street designated on the MTFP or to add a street to the MTFP. An application for an amendment shall include a completed application form in the form prescribed by the director and be accompanied by the non-refundable application fee set forth for this provision in the city fee schedule.

(b) Prior to filing an application with the department, the prospective applicant shall meet with the director. The director shall conduct a preliminary review of the application during such meeting and advise the prospective applicant on possible alternative street alignments, if any, related to the MTFP.

(c) If, following a pre-submittal meeting, an applicant submits an application, the director shall review the application for completeness. If the director determines that the application is complete, the director shall present the amendment to the commission for consideration at the next meeting at which the commission is scheduled to consider amendments to the MTFP. If the director determines that an application is not complete, the application shall be returned to the applicant. An incomplete application that is not corrected and resubmitted within the time period prescribed by the director or by formal commission policy shall not be considered by the commission.

(d) If the commission votes to disapprove an application to amend the MTFP filed under this section or if the commission approves an alternative street alignment, any street included in the application is ineligible for inclusion in a new application for a period of two years from the date of the approval or disapproval by the commission.

**Sec. 33-377. Notification requirements.**

(a) The director shall give notice by mail to property owners identified on the appraisal district records whose properties are adjacent to the projected street alignments in the MTFP application or related alternative street alignments. Notice shall be given no later than 20 days before the date of the public hearing required by section 33-374(c) of this Code. The applicant shall be assessed a fee for notice given under this section.



(b) Prior to the public hearing, notice by electronic or regular mail shall be given to:

- (1) Each district council member in whose district any portion of the proposed amendment to the MTFP or related alternative street alignment is located; and
- (2) Each neighborhood association with defined boundaries registered with the department of neighborhoods in which any portion of the proposed amendment to the MTFP or related alternative street alignment is located.

(c) Notice of the public hearing shall be given no later than 20 days before the public hearing by publication.

(d) The notification provisions of subsection (a) shall not apply to an application to amend the MTFP filed by the city, a governmental entity, or a transit authority, if the proposed amendment was previously presented to the general public at no fewer than two public meetings held with civic clubs, super neighborhood councils, or other groups representing property owners within the area.

**Secs. 33-378 – 33-390. Reserved.**

### DIVISION 3. BICYCLE MASTER PLAN

#### *Subdivision A. In General*

**Sec. 33-391. Scope.**

The city shall adopt and maintain a bicycle master plan for supporting bicycling as a mode of transportation and enhancing bicycle safety in the city. The BMP must be consistent with the general plan described in article III of this chapter and other applicable plans, policies, and regulations.

**Sec. 33-392. Duties and responsibilities of the director.**

(a) The director shall develop and oversee the maintenance and coordination of the BMP and make the BMP adopted by city council and any policies adopted by the commission available to the public on the department website.

(b) The director shall establish a process for the public to submit written comments to the department regarding the BMP. The director shall review and consider the comments received and provide a summary of the comments to the commission prior to any public hearing and the biennial review of the BMP required in section 33-394 of this Code.

(c) The director shall present to the commission a recommendation made in collaboration with city departments and any of the following with jurisdiction related to streets or property included within the BMP: governmental entities, political subdivisions, transit authorities, or local government corporations.

(d) Following the adoption of the BMP by city council, the director shall coordinate with city departments and any of the following with jurisdiction related to the streets or property

included within the BMP: governmental entities, political subdivisions, transit authorities, or local government corporations to implement the BMP.

(e) The director shall document and report to the commission concerning the implementation of the BMP biennially.

**Sec. 33-393. Duties and responsibilities of city departments and offices.**

The directors of city departments, including but not limited to public works and engineering, parks and recreation, health, police, and fire, shall each designate a liaison to coordinate with the director regarding implementation and maintenance of the BMP and, when applicable, review and make recommendations to the director on proposed amendments to the BMP prior to commission consideration.

**Sec. 33-394. Duties and responsibilities of the commission.**

(a) The commission shall hold at least one public hearing on the BMP. Upon the close of the public hearing, the commission shall consider whether the BMP will further the objectives outlined in section 33-391 of this Code. The commission shall vote to recommend the adoption of the BMP to city council, refer the BMP back to the director for further evaluation, defer consideration of the BMP to a future meeting, or disapprove the BMP. A BMP approved by the commission under this section shall not be effective until approved by city council.

(b) The commission shall, upon adoption of the BMP by city council, establish a biennial schedule to review and consider the need for amendments to the BMP. Upon completion of the biennial review and following a public hearing, the commission shall report its findings to the mayor and the city council.

(c) Following the adoption of the BMP by city council, the commission is authorized to adopt formal policies related to the administration, implementation, and interpretation of the BMP.

**Sec. 33-395. Duties and responsibilities of city council.**

Upon consideration of the recommendation of the commission and other relevant information, city council shall vote to approve the recommendation of the commission, disapprove the recommendation of the commission, or refer the BMP back to the commission for further consideration.

**Sec. 33-396 – 33-400. Reserved.**

*Subdivision B. The Bicycle Advisory Committee*

**Sec. 33-401. Created.**

There is hereby created a bicycle advisory committee to advise and make recommendations to the commission and the director on issues related to bicycling in the city including, but not limited to, amendments to the BMP, bicycle safety and education,

implementation of the BMP, development of strategies for funding projects related to bicycling, and promoting public participation in bicycling.

**Sec. 33-402. Members; chair.**

(a) The committee shall consist of twenty voting members and three nonvoting ex officio members.

(b) The voting members shall be individuals who: (1) have knowledge or expertise on issues related to bicycling, bicycle safety and education, plan implementation, funding strategies, public participation, or other subjects relevant to the BMP; (2) are at least 18 years of age; and (3) are residents of or business owners within the city.

(c) The ex officio members shall be:

- (1) The director, who shall serve as secretary to the committee.
- (2) The director of public works and engineering; and
- (3) The director of parks and recreation.

**Sec. 33-403. Qualifications, appointment and terms of members.**

(a) The members of the committee, other than the ex officio members, shall be appointed by the mayor and confirmed by city council. The mayor shall designate the committee chair from among the committee members. The members shall elect a vice chair who shall perform all duties of the chair when the chair is absent or unable to perform such duties.

(b) Except as modified hereafter in this subsection, all appointments will be for two-year staggered terms. The initial terms of office for members serving in even numbered positions shall expire on January 1, 2018, and on the same date on each second successive year thereafter. The initial terms of office for members serving in odd numbered positions shall expire on January 1, 2019, and on the same date on each second successive year thereafter. Any subsequent appointments or reappointments shall be made by the Mayor in a manner consistent with the appointment and confirmation process prescribed in this section. Each committee member shall continue to act after the end of his or her term until a successor is appointed and confirmed.

**Sec. 33-404. Compensation.**

The members of the committee, in the performance of their duties as such, shall serve without compensation, provided that any member who is a city employee shall continue to receive his or her regular compensation while serving on the committee.

**Sec. 33-405. Quorum.**

A majority of the committee members shall constitute a quorum for the transaction of business; however, in the event of a vacancy on the committee, a majority of the remaining members of the committee shall constitute a quorum for the transaction of business.

**Sec. 33-406. Committees.**

The committee may form sub-committees to assist in the discharge of its responsibilities. The sub-committees shall make recommendations to the committee and the committee shall make final recommendations to the commission.

**Sec. 33-407. Meetings.**

(a) The committee shall meet from time to time at the call of the committee chair, provided that the committee shall meet at least once per quarter during a calendar year.

(b) All meetings of the committee shall be conducted in accordance with the Texas Open Meetings Act, as amended.

**Sec. 33-408. Rules, regulations and bylaws.**

The committee shall adopt administrative procedures applicable to its own governance of the committee, and may designate such times and places for holding meetings as necessary to accomplish the purposes set out in this subdivision.