

**CHAPTER 33 ARTICLE XI - PUBLIC COMMENT DRAFT**

NOT YET APPROVED BY THE CITY ATTORNEY

08.04.2016

*The City of Houston is proposing amendments to Chapter 33 of the Code of Ordinances related to the **Major Thoroughfare and Freeway Plan** and the **Bicycle Master Plan**. These changes will be considered by the Planning Commission on Thursday, August 18, 2016. Comments on the proposed amendments should be submitted to Brian Crimmins with the Planning & Development Department at (832) 393-6533 or via email at [brian.crimmins@houstontx.gov](mailto:brian.crimmins@houstontx.gov).*

Remove **Sec. 33-25. – Annual major thoroughfare and freeway plan review.** from ARTICLE II and renumber reserved sections accordingly.

~~Sec. 33-25. – Annual major thoroughfare and freeway plan review:~~

~~————— Each year, on or before the first day of September, the commission shall prepare and submit to the city council a major thoroughfare and freeway plan adopted with the concurrence of the public works and engineering department. The commission may, from time to time, and shall upon the petition of any interested property owner, consider an amendment to any portion of the major thoroughfare and freeway plan relating to deleting, realigning or reclassifying streets designated on the major thoroughfare and freeway plan or adding one or more streets to the plan. An amendment approved by the commission shall not be effective unless and until approved by the city council.~~

~~Secs. 33-26 25-33-50. – Reserved.~~

Add a new article, **ARTICLE IX. - MAJOR PLANS** to read as follows:

**ARTICLE IX. - MAJOR PLANS**

**DIVISION 1. – IN GENERAL**

**Sec. 33-350. – Definitions.**

The following definitions shall apply to this article:

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

*Bicycle facilities* shall mean infrastructure designed or intended for the use of bicycles including, but not limited to, designated bicycle routes, on-street bicycle lanes, off-street paths or trails, and bicycle share system stations.

*Director* shall mean the director of the planning and development department or the director's designee(s).

*Director of parks and recreation* shall mean the director of the parks and recreation department or the director's designee(s).

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*Director of public works and engineering* shall mean the director of the department of public works and engineering or the director's designee(s).

*MTFP* shall mean the major thoroughfare and freeway plan.

*Street* shall mean an existing or proposed public right-of-way, however designated, that provides access to adjacent property.

*Secs. 33-351 – 33-369. – Reserved.*

**DIVISION 2. – MAJOR THOROUGHFARE AND FREEWAY PLAN**

**Sec. 33-370. – Scope.**

The city shall adopt a major thoroughfare and freeway plan to preserve and enhance regional multi-modal mobility consistent with the general plan and other applicable plans, policies, and regulations.

**Sec. 33-371 – Duties and responsibilities of the director.**

(a) It shall be the responsibility of the director to oversee the maintenance of the MTFP and make the MTFP adopted by city council and any policies adopted by the commission available to the public.

(b) The director shall, with concurrence from the director of public works and engineering, annually prepare and submit to the commission a proposed MTFP.

(c) The director shall present and, in consultation with the director of public works and engineering, make a recommendation to the commission on requests to amend the MTFP.

(d) The director shall, in accordance with section 33-376 of this Code, ensure that proper notification is given prior to commission consideration of an amendment to the MTFP.

**Sec. 33-372 – Duties and responsibilities of the director of public works and engineering.**

The director of public works and engineering shall participate in the preparation of an annual MTFP and, when applicable, review and make recommendations to the director on proposed amendments to the MTFP prior to commission consideration.

**Sec. 33-373 - Duties and responsibilities of the commission.**

(a) Each year, on or before the first day of September, the commission shall consider the annual MTFP prepared by the director and submit the recommended MTFP to city council.

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(b) The commission may, from time to time, and shall upon the application of any interested property owner, consider an amendment to any portion of the MTFP relating to deleting, realigning, or reclassifying streets designated on the MTFP or adding one or more streets to the MTFP.

(c) The commission shall hold a public hearing on the proposed MTFP or any proposed amendments to the MTFP. Upon the close of the public hearing, the commission shall consider whether the proposed MTFP or the proposed amendments further the objectives of the scope outlined in section 33-370 of this Code. The commission shall vote to recommend the adoption of the proposed MTFP or the proposed amendments to city council, refer the proposed MTFP or the proposed amendments back to the director for further study and evaluation, defer consideration of the proposed MTFP or the proposed amendments to a future meeting, or disapprove the proposed MTFP or the proposed amendments. Any amendment or MTFP approved by the commission under this section shall not be effective until approved by the city council.

(d) Following a public hearing, the commission is authorized to, by majority vote of its members, adopt formal policies related to the administration, implementation, and interpretation of the MTFP.

### **Sec. 33-374 - Duties and responsibilities of the city council.**

Each year city council is authorized to adopt the MTFP on the recommendation of the commission and shall vote to approve the recommendation of the commission or disapprove the recommendation of the commission and refer the MTFP back to the commission for further consideration.

### **Sec. 33-375. Application to amend the plan by an interested property owner.**

(a) An interested property owner or the owner's designee may make written application to the department to delete, realign, or reclassify one or more streets designated on the MTFP or to add one or more streets to the MTFP. An application for such an amendment shall include a completed application in the form prescribed by the director and be accompanied by the non-refundable fee set forth for this provision in the city fee schedule.

(b) Prior to the filing of an application with the department, the applicant shall meet with the director. The director shall conduct a preliminary review of the application during the pre-submittal meeting and advise the applicant on possible alternatives, if any, related to the proposed amendment.

(c) The director shall review the application for completeness. If the director determines the application is complete, the director shall present the proposed amendment for commission consideration at the next meeting where 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 made

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complete within a timely manner as prescribed by the director or by formal commission policy shall not be considered by the commission.

(d) If the commission votes to disapprove the application to amend the MTFP filed under this section or if the commission approves a related alternative to the requested amendment, any street included within the application is ineligible for inclusion in a new application for a period of five years from the date of the final action by the commission. The director may allow an ineligible street to be included in a new application upon receipt of new information not known to the applicant at the time of the prior application regarding changed circumstances that the director determines warrants the inclusion of the street in a new application.

**Sec. 33-376. Notification requirements**

(a) Except as provided in subsection (d), notice shall be given by first class mail to property owners identified on the most current appraisal district records that will be directly impacted by the proposed amendments to the MTFP or related alternatives, as determined by the director. Notice shall be given no later than 15 days before the date of the public hearing. All costs associated with the notice requirements of this subsection shall be paid by the applicant.

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

- (1) Each district council member in whose district any portion of the proposed amendment or related alternative is located;
- (2) Each neighborhood association with defined boundaries registered with the department in which any portion of the proposed amendment or related alternative is located; and
- (3) The director of public works and engineering.

(c) Notice shall be given no later than 10 days before the public hearing by publication for three consecutive days in a daily newspaper of general circulation within the city and the area of extraterritorial jurisdiction.

(d) When significant public engagement has occurred related to the proposed amendment that meets the adopted policies established by the commission, the notification provisions of subsections (b) and (c) of this section shall be considered sufficient to allow for the commission consideration of the amendment.

*Secs. 33-377 – 33-389. Reserved.*

**DIVISION 3. Bicycle Master Plan**

**Sec. 33-390. Scope.**

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(a) The city shall adopt and maintain a bicycle master plan that describes an overall vision for supporting bicycling in the city that incorporates projects, policies, and programs, and coordinates bicycle-related strategies for the betterment of public health, safety, and welfare of the city.

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

(1) A vision and goals statement that describes the city's immediate and long-term objectives for bicycling;

(2) Implementation and coordination strategies to achieve the objectives of the vision statement and goals; and

(3) A digital map of existing and proposed bicycle facilities within the city limits.

**Sec. 33-391. Duties and responsibilities of the director.**

(a) The director shall oversee the maintenance and coordination of the bicycle master plan, inclusive of evaluating the need for updates to the plan, and make the bicycle master plan available to the public.

(b) The director shall, with the concurrence from the director of public works and engineering and the director of parks and recreation, formulate necessary amendments to the bicycle master plan and present the amendments to the commission for consideration.

(c) The director shall establish an open, inclusive, public process for engaging the city's diverse ethnic and cultural communities to participate in the development of the bicycle master plan and any proposed amendments to the bicycle master plan.

(d) Following the adoption of the bicycle master plan by city council, the director shall coordinate with other city departments, government agencies, and related stakeholder organizations to document and periodically report to the commission the implementation of the bicycle master plan.

(e) The director shall, on an annual basis, consider whether amendments to the digital map described in section 33-390 (b) (3) of this Code are necessary in order to incorporate changes in existing or proposed bicycle facilities. If changes to the digital map are necessary, the director shall amend the digital map and present the map, as amended, to the commission in a report.

**Sec. 33-392. Duties and responsibilities of city departments and offices.**

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The directors of departments that are related to the scope of the bicycle master plan, including but not limited to public works and engineering, parks and recreation, health, and police, shall each designate a liaison to coordinate with the director regarding implementation and amendments to the bicycle master plan.

**Sec. 33-393. Duties and responsibilities of the commission.**

The commission shall hold a public hearing on the proposed bicycle master plan or any proposed amendments to the bicycle master plan. For the purposes of this section, the annual amendment to the digital map described in section 33-390 (b)(3) of this Code shall not constitute an amendment to the bicycle master plan. Upon the close of the public hearing, the commission shall consider whether the proposed bicycle master plan or the proposed amendments further the objectives outlined in section 33-390 of this Code. The commission shall vote to recommend the adoption of the proposed bicycle master plan or the proposed amendments to city council, refer the bicycle master plan or the proposed amendments back to the director for further study and evaluation, defer consideration of the proposed bicycle master plan or the proposed amendments to a future meeting, or disapprove the proposed bicycle master plan or the proposed amendments.

**Sec. 33-394. Duties and responsibilities of the city council.**

The city council is authorized to adopt the bicycle master plan after conducting a public hearing on the recommendation of the commission to adopt or amend the bicycle master plan. Upon close of the public hearing, the city council shall vote to approve, disapprove, or modify the recommendation of the commission made pursuant to section 33-393 of this Code.

*Secs. 33-395 – 33-500. – Reserved.*