

City of Houston, Texas, Ordinance No. 2010-212

AN ORDINANCE AMENDING CHAPTER 42 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, RELATING TO SUBDIVISION AND DEVELOPMENT; CONTAINING FINDINGS AND OTHER PROVISIONS RELATING TO THE FOREGOING SUBJECT; PROVIDING FOR SEVERABILITY; CONTAINING A SAVINGS CLAUSE; AND DECLARING AN EMERGENCY.

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WHEREAS, the City of Houston 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 of Houston 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 subdivision plats and development 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, the City has adopted Chapter 42 of the Code of Ordinances, Houston, Texas, ("Chapter 42") pursuant to this authority; and

WHEREAS, Chapter 212 also requires the city to give notice of a public hearing for certain replats; and

WHEREAS, the City Council finds that it is appropriate and desirable to adopt certain amendments to Chapter 42 that enhance the current notification requirements in order to provide for greater public participation in public hearings over certain replats, variances, and special exceptions, and in order to promote the public health, safety, morals and general welfare of the City; and

WHEREAS, on June 11, 2009, the Planning Commission of the City of Houston held a public hearing on the proposed amendments to Chapter 42; and

WHEREAS, on July 8, 2009, the City Council held a public hearing on the proposed amendments to Chapter 42; and

WHEREAS, the City Council finds that all procedural requirements necessary for the adoption of amendments to Chapter 42 have been complied with and satisfied; **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 42-1 of the Code of Ordinances, Houston, Texas, is hereby amended by adding a definition of "private roadway" in the appropriate alphabetical location, which shall read as follows:

"Private roadway shall mean a privately owned and maintained vehicular accessway that provides access to a tract of land."

Section 3. That Section 42-47(c)(1) and Section 42-48(c)(1) of the Code of Ordinances, Houston, Texas, are each hereby amended to read as follows:

- “(1) A list identifying all owners of lots that are within 250 feet of the boundary of the plat as well as all lots or tracts that are along or across from a blockface that abuts any street or private roadway extending 500 feet from the plat as measured along the centerline of any street or private roadway that abuts the boundary of the plat, as shown on the most recently approved ad valorem tax rolls of the city.”

Section 4. That Section 42-49(a)(2) of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

- “(2) A list identifying all owners of lots that are within 250 feet of the lots to be replatted, as well as all lots or tracts that are along or across from a blockface that abuts any street or private roadway extending 500 feet from the plat as measured along the centerline of any street or private roadway that abuts the boundary of the plat, as shown on the most recently approved ad valorem tax rolls of either the city or, in the case of a replat in the city's extraterritorial jurisdiction, the county in which the property proposed to be replatted is located.”

Section 5. That Section 42-83(a)(1)a of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

- “a. Mailing a letter to the owners of all lots or tracts that are within 250 feet of the boundary of the general plan, subdivision plat or development plat as well as all lots or tracts that are along or across from a blockface that abuts any street or private roadway extending 500 feet from the plat as measured along the centerline of any street or private roadway that abuts the boundary of the plat as shown on the most recently approved ad valorem tax rolls of the city not less than the seventh day before the first meeting at which the commission will first consider the application; or”

Section 6. That Section 42-83(b) of the Code of Ordinances, Houston, Texas, is hereby amended by replacing the words “public right-of-way” with the words “street or private roadway” throughout the subsection, including the second, fourth, and fifth sentences.

Section 7. That Section 42-83(b)(2) of the Code of Ordinances, Houston, Texas, is hereby amended to read as follows:

- “(2) The date, time, and place of the meeting at which the commission will next consider the application, updated to reflect any changes in the date, time, and place of the meeting, including if the applicant’s plat is deferred by the commission, or if the public hearing is postponed for any reason;”

Section 8. That Section 42-83(b) of the Code of Ordinances, Houston, Texas, is hereby amended by renumbering items (3) and (4) to items (4) and (5), respectively, and by adding a new item (3) to read as follows:

- “(3) The proposed land uses of the property, if known.”

Section 9. That 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 or development plat that is filed with the Department of Planning and Development and pending approval by the Planning Commission prior to the effective date of this Ordinance;
2. 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; or

3. Any plat to be recorded based on a final plat approved by the Planning Commission prior to the effective date of this Ordinance.

Section 10. 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 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 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 11. 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 this date and shall take effect on the first Monday plat submittal date following the passage and approval of this Ordinance.

PASSED AND APPROVED this 10th day of March, 2010.



Mayor of the City of Houston

 DFL

Prepared by the Legal Dep't
(SOI February 11, 2010)

Assistant City Attorney

Requested by Marlene L. Gafrick, Director, Planning & Development Department
L.D. File No. 0619600037010

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AYE	NO	
✓		MAYOR PARKER
••••	••••	COUNCIL MEMBERS
✓		STARDIG
✓		JOHNSON
✓		CLUTTERBUCK
✓		ADAMS
✓		SULLIVAN
✓		HOANG
✓		PENNINGTON
✓		GONZALEZ
✓		RODRIGUEZ
✓		COSTELLO
✓		LOVELL
✓		NORIEGA
✓		BRADFORD
✓		JONES
CAPTION	ADOPTED	