

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY OF PFLUGERVILLE CODE OF ORDINANCES TITLE XV LAND USAGE, BY REPEALING THE EXISTING CHAPTER 157 (UNIFIED DEVELOPMENT CODE); CREATING A NEW CHAPTER 157; REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; PROVIDING A PENALTY NOT TO EXCEED \$2,000.00 AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Pflugerville, Texas, finds that the City has, by enactment of Ordinance No. 1015-09-09-08, passed and approved September 9, 2009, created a Unified Development Code which contains Zoning and Subdivision Rules, Standards and Procedures and Site Development Regulations; and

WHEREAS, the City Council finds that the revised proposed rules, standards and procedures of the Unified Development Code are now before the Council after notice to the public was published in local newspapers of general circulation, on the internet, broadcast on PflTV, and provided to all interested parties; and

WHEREAS, the City Council finds that public comment was requested and received during multiple public hearings before the Planning & Zoning Commission and the City Council prior to consideration and adoption by the Planning & Zoning Commission and the City Council; and,

WHEREAS, the City Council received a recommendation and report from the City Planning and Zoning Commission as required by state law and after all legal notices, requirements, conditions, and prerequisites were complied with; and

WHEREAS, the City Council finds the proposed amendments and revisions to the Unified Development Code are designed to provide property owners with more flexibility, clarity, updated nomenclature and updated terms within the Code, and to allow for expanded uses and better defined regulations within the zoning chapters of the Code to allow for greater consistency, ease of use and administration; and

WHEREAS, the City Council finds that the proposed amendments and revisions to the Unified Development Code zoning provisions have been implemented to ensure that there is no substantive impact on a property owner's comprehensive rights of use or future use of his or her property; and

WHEREAS, the City Council finds that there is a public necessity for the amendment and revision of the said Code; that the public interest clearly requires the adoption of Amended Code; that the Code, as amended, does not unreasonably invade the rights of those who bought or improved property with reference to the classification and development standards which existed at the time the investment was made; and

WHEREAS, the City Council finds that the adoption of the proposed amendments to the Unified Development Code promotes the health, safety, and general welfare; helps lessen the congestion in the streets; helps secure safety from fire, panic, and other dangers; provides adequate light and air; prevents the overcrowding of land and the undue concentration of population and facilitates the adequate provisions of transportation, water, sewage, schools, parks, and other public requirements;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS:

I. Amendment

The Code of Ordinances of the City of Pflugerville, Texas, Chapter 157 (entitled “Unified Development Code”), is hereby amended by replacing the existing language in its entirety by the language set out in **Exhibit “A”** attached hereto and incorporated by reference for all purposes.

II. Code Review

The City Manager shall cause Chapter 157 to be reviewed annually, and shall recommend such revisions as are necessary to allow for greater consistency, ease of use and administration of the Unified Development Code. For the first year after the passage of this Ordinance the City Manager is authorized to apply such provisions of the repealed Chapter 157, as approved by Ordinance No. 1015-09-09-08, as the City Manager finds necessary due to inadvertent omissions or errors in **Exhibit “A”**.

III. Severability

If any provision of this Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of this Ordinance will not be affected and, in lieu of each illegal, invalid, or unenforceable provision, a provision as similar in terms to the illegal, invalid, or unenforceable provision as is possible and is legal, valid, and enforceable will be added to this Ordinance.

IV. Repealer

Save and except as provide in Section II, herein, all ordinances, resolutions or minute orders of City Council approved prior to the effective date of this ordinance are repealed to the extent, and only to such extent as same is in conflict with this Ordinance.

V. Ongoing Projects

Any project for which a complete development application has been accepted by the City, before the effective date of this Ordinance, may proceed pursuant to Ordinance No. 1015-09-09-08 unless the applicant elects to subject the project to requirements of this Ordinance.

VI. Publication of Notice

The City Secretary is directed to publish notice of this enactment of the Unified Development Code in accordance with Section 11.02 of the City Charter.

VII. Publication of Unified Development Code

The publishers of the City Code of Pflugerville, Texas are authorized to publish this enactment of Chapter 157 of the City Code of Pflugerville, Texas and to correct typographical errors and to index, format and number paragraphs to conform to the existing City Code.

VIII. Effective Date.

This Ordinance will take effect upon its adoption by the City Council and publication as required by law.

PASSED AND APPROVED this 24th day of February, 2015.

CITY OF PFLUGERVILLE, TEXAS

By: _____
Jeff Coleman, Mayor

ATTEST:

Karen Thompson, City Secretary

APPROVED AS TO FORM:

City Attorney

EXHIBIT A