

Subchapter 3. PROCEDURES

<u>Section</u>	<u>Title</u>
3.1	Application Forms and Fees Forms Electronic Submittals Fees
3.2	Pre-Application Conference (PAC) Recommended conferences Optional conferences Submittal requirements
3.3	Comprehensive Plan Amendment Purpose Initiation Procedure
3.4	Zoning Amendment Considerations Application Requirements Criteria for consideration Procedure Planned Unit Development (PUD)
3.5	Special Use Permits Regulations Corridor Zoning District Regulations
3.6	Subdivision
3.7	Site Development Permit Applicability Submittal Requirements Completeness Check Process Permit Expiration Criteria for approval Revisions
3.8	Site Disturbance Permit

Applicability
Submittal Requirements

3.9 Appeals, Variances and Special Exceptions

General
Appeals
Variances
Special Exceptions
Procedures - Appeals, Variances and Special
Exceptions
Waivers
 Administrative
 Architectural

3.10 Administrative Interpretation

Applicability
Request for Interpretation
Interpretation by Administrator
Official Record
Appeal

3.11 Reserved

3.1. APPLICATION FORMS AND FEES.

The following regulations shall apply to all applications:

3.1.1 Forms

Applications required under this Code shall be submitted on forms, with the information and attachments requested, and in such numbers, as required by the City, including any checklists for submittals. The Planning Director shall have the authority to request any other pertinent information required to ensure compliance with this Chapter.

3.1.2 Electronic Submission Required

All plats and site plans shall be prepared and submitted upon request in an electronic form acceptable to the Planning Director and compatible with the City's Geographic Information System (GIS).

3.1.3 Fees

- (a) Filing fees shall be established from time-to-time by resolution of the City Council for the purpose of reimbursing the City the actual cost of processing the application.
- (b) All required fees shall be made payable to "The City of Pflugerville."
- (c) An applicant who has paid the appropriate fee for submission of an application, but who chooses to withdraw such application prior to any notification, review, or action taken, shall be entitled to a refund of 50 percent of the total amount paid upon filing written request to the City. The filing fee required for text or map amendments shall not be refundable.

3.1.4 Application Deadline

All applications shall be completed and submitted to the Planning Director in accordance with a schedule established annually by the City. An application shall not be considered officially submitted until it has been determined to be complete in accordance with **Subsection 3.1.5** of this section.

3.1.5 Application Completeness

An application shall be considered submitted only after the Planning Director has determined it is complete and provided that it is in the required form, includes all mandatory information, including all exhibits, and is accompanied by the applicable fee. A determination of application completeness shall be made by the Planning Director within 10 working days of turning in an application. If an application is determined to be incomplete, the Planning Director shall provide written notice to the applicant providing an explanation of the application's deficiencies in accordance with departmental policies.

3.2. PRE-APPLICATION CONFERENCE (PAC) PROCEDURE.

Prior to the submission of an application required by this Chapter, the Planning Director may require a pre-application conference with the Development Review Committee to discuss, in general, procedures, standards, or regulations relating to Development. The Pre-application Conference is not considered a “permit” and does not vest any right to a proposed project.

3.2.1 Mandatory Conference

The Planning Director shall require a Pre-application Conference with the Development Review Committee to initiate the processes listed below.

- (a) All subdivision plans
- (b) Overlay district site plans;
- (c) Rezoning and text amendments to this Chapter including amendments to create ~~an Alternative Land Use Regulations District~~ a Planned Unit Development; and,
- (d) Specific use permits.
- (e) Special exception and variance requests.

3.2.2 Optional Conference

A Pre-application Conference is optional for applications not listed in subsection (2) of this section. Applicants are encouraged to schedule and attend an optional Pre-application Conference with the Planning Department prior to submitting any application.

3.2.3 Submittal Requirements

The Administrator may require the applicant to submit information 10 working days prior to the Pre-application Conference to allow the Development Review Committee adequate time to review the proposal and provide direction and feedback.

3.3. COMPREHENSIVE PLAN AMENDMENT PROCEDURES.

3.3.1 Purpose

For the purpose of establishing and maintaining sound, stable, and desirable development within the territorial limits of the City, the Comprehensive Plan, including specifically, the Land Use Plan and the Thoroughfare Plan, shall be amended only based upon changed or changing conditions in a particular area or in the City.

3.3.2 Initiation of Amendment

An amendment may be initiated by:

- (a) City Council on its own motion;
- (b) The Planning and Zoning Commission;

- (c) The Administrator; or
- (d) The property owner(s).

3.3.3 Procedure

The procedure for the processing of a Comprehensive Plan Amendment shall conform to the procedures for a Unified Development Code Amendments except as provided herein.

~~(a) Before the Commission.~~

(ia) Amendment Application. A complete application for a Comprehensive Plan amendment shall be submitted to the Administrator as set forth in [Subchapter 3](#) with ~~the following additional submittal requirements:~~ a

~~(1) Letter of explanation for the request and any support information related to the request.~~

(b) Review and Report by Administrator

Once the application is complete, the Administrator shall review the proposed amendment in light of the remainder of the Comprehensive Plan and conditions in the City, and give a report to the [Planning and Zoning](#) Commission.

(c) [Review by the Planning and Zoning Commission](#)

The [Planning and Zoning](#) Commission shall review the amendment and recommend approving, approving with conditions, denying, or determine that the proposed development complies with the Comprehensive Plan and no amendment is required. If the Commission determines that no amendment is required, the applicant may proceed with the next step in the Development process. No further action by the City Council is required.

(d) [Review and Action by the](#) City Council

The Planning and Zoning Commission will advise the City Council as to the Comprehensive Plan or any element of the Comprehensive Plan. By ordinance, the City Council may then adopt all or a certain individual elements of the Comprehensive Plan. The City Council may also adopt additional elements it deems necessary to fulfill the goals and intent of the Comprehensive Plan. The City Council shall act on the Comprehensive Plan, or an element of the Comprehensive Plan, within 60 days following its submission to the City Council by the Commission. The City Council may: (i) adopt the plan as submitted by the Commission; (ii) adopt the Comprehensive Plan with changes or amendments; or (iii) direct the Commission to further study or review the Comprehensive Plan, or a portion thereof.

3.4 ZONING AMENDMENT PROCEDURE.

ADD POSTPONEMENT LANGUAGE

3.4.1 Considerations

The following actions shall follow the Zoning Amendment Procedure:

- (a) Consider an amendment to the Comprehensive Plan.
- (b) Consider an application for a zoning change that conforms to the Future Land Use element of the Comprehensive Plan.
- (c) Consider an application for a Specific Use Permit or Special District with an additional 21 day internal staff review after application date.
- (d) Consider an application for an Alternative Land Use Regulation (ALUR).

3.4.2 Application Requirements - Generally:

- (a) Complete application form and supplemental requirements included in the Unified Development Code Supplemental Schedule.
- (b) Filing fee
- (c) A legal description of the subject land

3.4.3 Criteria for ~~Approval~~ — Generally Consideration:

- (a) Complete application and fee submittal
- (b) The proposed rezoning conforms to the Future Land Use element of the Comprehensive Plan.
- (c) The proposed Specific Use Permit meets the criteria stated in Subchapter 3, and conforms to the purpose and intent of the Comprehensive Plan.
- (d) The proposed Special District meets the criteria stated in Subchapter 3 and the requirements stated in the SH 130 and SH 45 Corridor Overlay Districts Section .
- (e) The proposed ~~ALUR-PUD~~ District application meets the criteria stated in Subchapter 5 and conforms to the purpose and intent of the Comprehensive Plan and Unified Development Code.

3.4.4 Procedure:

- (a) Initiation of a Zoning Amendment procedure may be made by:
 1. Recommendation of the City Council.
 2. Recommendation of the Planning and Zoning Commission.
 3. Recommendation of the City Manager.

4. Recommendation of the Planning Director.
5. Application by the property owner or authorized agent.

(b) A public hearing shall be required before the Planning and Zoning Commission in accordance with state law.

(c) After the public hearing on the application, the Planning and Zoning Commission will make a recommendation to the City Council with respect to such application.

(d) After the Commission makes its recommendation the City Council will conduct a public hearing in accordance with state law. The public hearing shall be conducted within 60 days following the date of the Commission's recommendation.

(e) The City Council, **within 60 days of the public hearing before the City Council**, must either:

1. Approve by ordinance, the requested amendment as submitted;
2. Approve by ordinance, the amendment as recommended by the Commission;
3. Approve by ordinance, an amendment different than that which was submitted;
4. Deny the requested rezoning by record vote; or
5. Extend the 60-day period for a maximum of 30 days by a resolution of the Council; a maximum of two 30-day extensions may be granted in this manner.

(f) If the City Council fails to approve or deny the request within the required 60-day period or as extended, the request is deemed denied.

(g) An amendment to this Chapter requires the approval by a three-fourths vote of all members of the City Council if:

1. The Commission has recommended to deny the requested amendment; or
2. A written protest is received by the Administrator against such rezoning or creation of an **ALUR-PUD** District signed by the owners of 20 percent or more of either:
 - a. The area of the lots or land included in such proposed amendment, or
 - b. The area of the lots or land within 200 feet of the boundary of the subject area, excluding the land included in such proposed amendment. In computing the percentage of land area, the area of streets and alleys shall be included.

(h) Notification of proposed amendment is required as follows:

1. Before the 10th day before the scheduled public hearing date before the Planning and Zoning Commission, notice of the hearing must be published at least one time in the City's official newspaper or a paper of general circulation in the City, which includes the date of the public

- hearing, time of the public hearing, location, and a general description of the request before the Commission.
2. Before the 15th day before the scheduled public hearing date before City Council, notice of the hearing must be published at least one time in the City's official newspaper or a paper of general circulation in the City, which includes the date of the public hearing, time of the public hearing, location, and a general description of the request before the City Council.
 3. Placing signs, in the amount determined by the Administrator on every street right-of-way adjacent to the land under consideration, and
 4. Mailing letters to all owners of land within the boundary and within 500 feet of the boundary of the subject area at least 10 days before the date of the public hearing that must include the date of the public hearing, time of the public hearing, location, and a general description of the request before the Commission.
 5. Mailing letters to all Homeowner Associations or Neighborhood Associations whose jurisdiction is within 500 feet of the boundary of the subject area at least 10 days before the date of the public hearing that must include the same information required in subsection (b) above. Such Homeowner Associations or Neighborhood Associations must be registered with the City's Planning Department annually as prescribed in the Unified Development Code Supplemental Schedule.

3.4.5 Creating or Amending ~~an Alternative Land Use Regulations (ALUR)~~ Planned Unit Development (PUD) District.

(a) Application

1. An application shall be submitted with applicable fees and ~~requested~~ required information and any additional information requested by the Administrator.

a. The application shall specify the extent to which deviation from otherwise applicable Code requirements is justified by unique characteristics of the site or other exceptional circumstances

b. Statement of the purpose and intent of the PUD, and the merits of the proposed development relative to what might otherwise develop on the subject site under the existing applicable UDC districts and standards.

c. Describe steps taken to protect or preserve any natural resource features on the site, or to incorporate such features as focal points within the proposed development.

(b) Process

(Note: An application for a PUD will be scheduled for action once staff and the applicant have had the opportunity to review and finalize the requirements of the PUD. Dates for public hearings and action will be scheduled once review of the application is complete.

Sections (2) and (3) may be repeated until all comments are addressed or the applicant submits a written request for the proposal to be reviewed by the Commission.;

1. Pre-application conference. A pre-application conference is required to discuss the proposed development and to determine whether the property and proposal meet the minimum criteria for a Planned Unit Development is appropriate at the proposed location ~~and if so, what steps are needed to submit a PUD application.~~
2. The applicant submits a completed application in accordance with Section 3.4.2 and the provisions for a PUD outlined in Subchapter 4.
3. The Administrator will review the request and submit comments to the applicant not later than 14 calendar days following the date that the request was submitted,
4. If the ALUR-PUD District includes residential lots or units, the Administrator must request a recommendation from the Parks and Recreation Commission within 7 days of receipt of a Complete Application and notify the Parks and Recreation Commission of the required action date. An application for an ALUR-PUD District that includes residential lots or units is not deemed complete to proceed to the Planning and Zoning Commission without a recommendation of the Parks and Recreation Commission regarding parkland dedication.
5. The applicant can revise the proposal based on the Administrator's comments.
6. The application will be scheduled for hearing by the Planning and Zoning Commission once:
 - a. All comments from the Administrator have been addressed; or
 - b. ~~Sections (a) thru (c) can be repeated until the applicant submits a written request for the proposal to be reviewed by the Commission.~~
 - c. The applicant submits a written request for the proposal to be reviewed by the Planning and Zoning Commission. The request must be submitted to the Commission for a public hearing upon the written request of the applicant on forms provided by the Administrator.
7. The Planning and Zoning Commission shall consider the application following a public hearing, as prescribed in Section 3.4.4, and provide a recommendation with any associated conditions to City Council. The Commission shall determine if the application meets the requirements outlined in Subchapter 4.
8. The City Council must conduct public hearings and take action on the proposed creation of an ALUR-PUD District according to the procedure established in Section 3.4.4s (B) through (C).
9. If the request is for the establishment of a ALUR-PUD District, any associated development agreements shall be signed by the applicant prior to action by the City Council. If such agreement is not signed the

item will not proceed to the City Council, and such failure may result in the denial of the request.

10. If approved, the City staff must amend the Official Zoning Map to indicate the name of the district that has been approved and include the approved development standards form and accompanying map in the Unified Development Code Supplemental Schedule.
11. Land within the ALUR-PUD District can then be used or developed in conformance with the adopted standards.

(c) Standards.

1. The entire area proposed for ~~an Alternative Land Use Regulations~~ Planned Unit Development District must be given a unique name as approved by the Administrator, which will be used as a reference to the district if approved.
2. If proposed development standards will be different in separate locations within the entire area, sub-areas must be established via an adequate legal description and numbered.
3. A development standards form and accompanying map, included in the Unified Development Code Supplemental Schedule, must be included with the application.
4. All aspects of land development must be addressed in the development standards form.
 - a. The development standards form must propose permitted and/or prohibited uses, building restrictions, standards for public improvements and similar aspects for each sub-area.
 - b. Where the proposed standards are identical to standards already established by the City, reference to the City standards on the development standards form is necessary.
 - c. Any uses that are not addressed in the development standards form are not permitted within the district.
 - d. Any other aspect that is not addressed in the development or other applicable City Code provisions.

3.5 SPECIFIC USE PERMITS

The City Council by an affirmative vote may, after public hearing and proper notice to all parties affected, and after recommendations from the Commission that the uses are in general conformance with the Comprehensive Plan and general objectives of the City and containing such requirements and safe guards as are necessary to protect adjoining property, authorize application and shall be accompanied by a Site Plan drawn to scale and showing the general arrangement of the project, together with essential requirements such as off-street parking facilities; size, height, construction materials, and locations of buildings and the uses to be permitted; location and instruction of signs; means of ingress and egress to public streets; the

type of visual screening such as walls, plantings and fences; and the relationship of the intended use to all existing properties and land uses in all directions to a minimum distance of 200 feet. The Planning Commission or City Council may require additional information or drawings (such as building floor plans), operating data and expert evaluation or testimony concerning the location, function and characteristics of any building or use proposed.

(2) Specific Use Permit Regulations.

(a) In recommending that a Specific Use Permit for the premises under consideration be granted, the Commission shall determine that such uses are harmonious and adaptable to building structures and uses of abutting property and other property in the vicinity of the premises under consideration, and shall make recommendations as to requirements for the paving of streets, alleys and sidewalks, means of ingress and egress to public streets, provisions for drainage, adequate off-street parking, protective screening and open space, area or security lighting, heights of structures and compatibility of buildings. The Commission and City Council shall consider the following criteria in determining the validity of the Specific Use Permit request:

(i) Whether the use is harmonious and compatible with its surrounding existing uses or proposed uses;

(ii) Whether the activities requested by the applicant are normally associated with the requested use;

(iii) Whether the nature of the use is reasonable; and

(iv) Whether any impact on the surrounding area has been mitigated.

(b) In granting a Specific Use Permit, the City Council may impose conditions that the owner or grantee must comply with before the Building Official may issue a Certificate of Occupancy for use of the building on such property pursuant to such Specific Use Permit and such conditions precedent to the granting of the Certificate of Occupancy. Any special conditions shall be set forth in writing by the City Council prior to issuance of the Certificate of Occupancy.

(i) No Specific Use Permit shall be granted unless the applicant, owner and grantee of the Specific Use Permit shall be willing to accept and agree to be bound by and comply with the written requirements of the Specific Use Permit, as attached to the Site Plan drawing (or drawings) and approved by the Commission and City Council.

(ii) If required, a Building Permit shall be applied for and secured within six months from the time of granting the Specific Use Permit, provided however, that the City Council may authorize an extension of this time upon recommendation by the Commission. After six months from the date of approval has elapsed, the Commission and City Council may review the Site Plan for continued validity. If the Site Plan is determined invalid, the property owner(s) must submit a new or revised Site Plan for approval prior to any construction or application for Building Permit for the area designated for the Specific Use Permit.

(iii) A building, premises, or land used under a Specific Use Permit may be enlarged, modified, structurally altered, or otherwise changed provided the changes do not:

- (1) Increase the height of structures, including antenna support structures.
 - (2) Increase building square footage from its size at the time the original Specific Use Permit was granted by more 10 percent;
 - (3) Reduce the distance between a building or noise-generating activity on the property and an adjacent, off-site residential use. This provision shall not apply if the property and the residential use are separated by a major thoroughfare depicted on the City's Thoroughfare Plan; or
 - (4) Reduce the amount of open space as indicated in the approved Specific Use Permit.
 - (5) All other enlargements, modifications, structural alterations, or changes shall require the approval of a new Specific Use Permit. Antennas may be placed on a tower with an existing Specific Use Permit without approval of a separate Specific Use Permit subject to approval of a final plat and Site Plan for the property.
- (c) The Board shall not have jurisdiction to hear, review, reverse, or modify any decision, determination or ruling with respect to the specific land use designated by any Specific Use Permit.
- (d) When the City Council authorizes granting of a Specific Use Permit, the Official Zoning District Map shall be amended according to its legend to indicate that the affected area has conditional and limited uses, and said amendment is to indicate the appropriate zoning district for the approved use and prefixed by an "S" designation. Specific Use Permits granted shall be indicated by numerical designation on the Zoning District Map. Appendix A of this Chapter shall list by the numerical designate each SUP and the conditions of approval. Specific Use Permits are issued to run with the property and may not be transferred to the property.
- (e) Upon holding a properly notified public hearing, the City Council may amend, change or rescind a Specific Use Permit if:
- (i) There is a violation and conviction of any of the provisions of this Chapter or any provision of the City Code that occurs on the property for which the Specific Use Permit is granted;
 - (ii) The building, premises, or land used under a Specific Use Permit is enlarged, modified, structurally altered, or otherwise significantly changed without approval of a separate Specific Use Permit for such enlargement, modification, structural alteration or change;
 - (iii) Violation of any provision of the terms or conditions of a Specific Use Permit;
 - (iv) Ad valorem taxes on the property are delinquent by more than six months;
 - (v) The Specific Use Permit was obtained by fraud or with deception.

Additional criteria for specific use permit requests within corridor zoning districts

Special Districts may be approved in the SH 130 and SH 45 Corridor Districts if the requirements for the approval of a Specific Use Permit as stated in this subchapter have been met in addition to the following additional criteria:

- (1) The application is complete and the information contained within the application is sufficient and correct enough to allow adequate review and final action.
- (2) The application illustrates conformance with the four guiding principles for the SH 130 and SH 45 Corridor and consideration of the following desirable characteristics:
- (3) Retail activity is preferred to be clustered within proximity to the following major intersections:
 - (a) SH 130 and SH 45,
 - (b) SH 130 and Pecan Street,
 - (c) SH 45 and Heatherwilde Boulevard,
 - (d) SH 130 and Pflugerville Parkway, and
 - (e) FM 685 and Pflugerville Parkway.
- (4) Structures should orient to public streets and designated trails as noted on the Future Trails Map referenced in the Comprehensive Plan.
- (5) The extent of connectivity among proposed and existing right-of-ways is demonstrated.
- (6) The extent to which uses, such as freestanding pad sites, are clustered at focal points or key features within a development and relate to other components of the overall development. Such focal points or key features may include, but are not limited to retention systems, greenways, dedicated hike/bike facilities, or plazas, parks or other features that create a gathering place.
- (7) The application illustrates compliance with the requirements and guidelines of this Chapter.
- (8) The application exhibits compatibility of the design with surrounding properties and development patterns.
- (9) The application exhibits compatibility and coordination between the character of the streetscape and the planned surrounding built environment.
- (10) The application exhibits no substantial negative impacts on the historic, cultural or architectural nature of the site or surrounding area, or successfully mitigates such impacts.

3.6 SUBDIVISION

See Subchapter 15 for procedures

3.7 SITE DEVELOPMENT PERMIT

1. Applicability
 - a. The Site Development Permit review process assures any future Development will occur in a planned, orderly and attractive manner.
 - b. No construction or site improvement work may commence until the issuance of a Site Development Permit.
2. Submittal Requirements

The following items must be submitted for the initial review of all Site Development applications:

 - a. Filing fee.
 - b. Blue line or black line copies of the plan in the amount and to the specifications indicated in the Site Development Code Supplemental Schedule.
 - c. Complete application form including all information required by the currently approved application form and Site Development Code Supplemental Schedule.
 - d. Runoff computation for drainage areas in accordance with the City Drainage Criteria Manual including drainage calculations, drainage plan and other pertinent information.
 - e. If the proposed site is expected to generate 2,000 or greater vehicle trips on the peak day expected for the proposed uses, according to the latest edition of the Institute of Transportation Engineers' Trip Generation, a qualified, Administrator-approved professional with experience in traffic flow analysis must make, prepare and sign a traffic impact analysis and certify to its completeness and accuracy. The traffic impact analysis must include the information specified in the Site Development Code Supplemental Schedule. The independent variable used to calculate the number of expected trips is at the discretion of the Administrator.
 - f. If the proposed site requires Driveway access from a state highway, a Permit to Construct Driveway Facilities on Highway Right-of-Way and related permits issued by the Texas Department of Transportation is required.
 - g. A deed conveying any required parkland to the City, or payment of a fee in lieu of dedicating parkland, if applicable, in accordance with [Subchapter 14](#) of the City Code.
 - h. An Erosion and Sedimentation Control Plan (ESCP) identifying temporary and permanent erosion control measures per Chapter [\[Section\] 158.04](#), Stormwater Pollution Control Ordinance and in accordance with Section 7 of the Engineering Design Guidelines shall be included with the Site Development plan set.
 - i. Prior to issuance of a Site Development Permit, a copy of the permit issued by TCEQ for the Stormwater Pollution Prevention Plan (SWP3) shall be provided.
3. ~~Sufficiency-Completeness~~ Review.

- a. The Administrator shall determine whether an application is complete and satisfies the submittal requirements within five working days of the application being properly submitted and received by the city.
- b. A Person may not submit an application for a Site Development Permit may not be submitted for a determination of completeness until the pre-application conference has been held.
- c. If the application is determined incomplete, the Administrator shall notify the applicant in writing. The notification shall list all missing or incomplete items and provide a specific period of time (no fewer than five working days) for the applicant to resubmit the material. The applicant may request an additional meeting for explanation of the missing or incomplete items. If the application is not resubmitted within the period specified by the Administrator, the application shall be deemed rejected and shall not be accepted for filing. After an application has been rejected, a new application and fee shall be required.
- d. Determination that an application is complete does not preclude any negative final action and does not include any implied determination that the application successfully meets any review criteria.

4. Process.

- a. The applicant for a Site Development Permit shall submit legible copies of a complete application to the Administrator in the amount and to the specifications indicated in the Site Development Code Supplemental Schedule.
- b. Upon receipt of a complete application, the Administrator shall distribute the application to the proper reviewing authorities, and review the Site Plan for compliance with the provisions of this chapter.
- c. No later than 21 days following the submittal of a complete application for a Site Plan, the Administrator must either present the applicant with comments regarding the review of the Site Plan, if there are no comments, or approve the plan and issue a Site Development Permit.
- d. No later than 60 days following the receipt of the Administrator's comments requiring revisions to the application, the applicant must submit revised copies of the Site Plan, in the amount indicated in the Site Development Supplemental Schedule, along with any other required materials and additional information requested by the Administrator.
- e. The Administrator must review and submit comments to the applicant and the applicant must revise the Site Plan or submit additional information as required in continual cycles in accordance with subsections (C) and (D) above until all comments are addressed and the Site Plan is ready for approval.
- f. If the applicant submits revised copies of the Site Plan, in the amount indicated in the Site Development Code Supplemental Schedule, along with any other required materials, and additional information requested by the Administrator no later than 14 days following the receipt of the Administrator's comments, then no later than seven days following the resubmittal, the Administrator must either present the applicant with further comments regarding the review of the Site Plan, or if there are no comments, approve the Site Plan and issue a Site Development Permit.
- g. To receive a Site Development Permit, the applicant must provide a reproducible copy of the title sheet of the Site Plan for the Administrator's signature.

- h. After the Administrator signs the title sheet, the applicant must make six blue-line copies of the Site Plan and submit them to the Administrator.
 - i. After the six blue-line copies of the Site Plan are received, the Administrator will issue a Site Development Permit.
 - j. Site Development application shall expire after 180 days if not approved. If applicant wished to continue new plans shall be resubmitted and current fees shall be required.
5. Permit Expiration
- a. All Site Development Permits are valid for two years from the date the permit is issued.
 - b. A modification to an approved Site Development Permit replaces the previous Site Development Permit and is valid two years from the date the latest permit modification is approved.
 - c. A one-time, 180-day extension may be requested through an application and approved administratively by the Administrator if the site development permit remains valid under the existing codes and ordinances at the time of the request.
 - d. The Administrator reserves the right to deny any extension request. If denied, an appeal may be made to the City Council.
 - e. Any subsequent extension request will require a separate application and will be forwarded on to the City Council for consideration. At no time may an extension request be greater than 180-days.
6. Criteria for Approval.
- The Administrator shall determine whether to grant a Site Development Permit based on the following criteria:
- a. The application is complete and the information contained within the application is sufficient and correct enough to allow adequate review and final action.
 - b. The application illustrates compliance with the requirements and guidelines of this Chapter.
 - c. The application exhibits compatibility of the design with surrounding properties.
 - d. The application exhibits no substantial negative impacts on the historic, cultural or architectural nature of the site or surrounding area, or successfully mitigates such impacts.

3.8 SITE DISTURBANCE PERMIT

- A. A project will not be authorized to start construction until the formal issuance of subdivision or site development permit. The contractor must schedule a pre-construction meeting with the Engineering Department prior to the commencement of construction.

A site/subdivision may request a Site Disturbance Permit prior to the issuance of a subdivision or site development permit for early grading and clearing in accordance with the procedures outlined in subchapter 3 of the Unified Development Code.

- B. During construction of the project, if the contractor or design engineer desire to make formal changes to the approved subdivision or site plan, the design engineer of record must submit the proposed revisions to the Development Services Department for review and approval prior to the commencement of any revised work in accordance with the procedures outlined in subchapter 3 of the Unified Development Code.

3.9 APPEALS, VARIANCES, AND SPECIAL EXCEPTIONS.

- 1. General
All appeals of an Administrator's decision, request for variances or special exceptions shall be reviewed by the Board of Adjustment (Board).
- 2. Appeals
 - a. Appeals to the Board may be made by any person aggrieved or by any officer, department, board or bureau of the City affected by any decision of the Administrator. An appeal must be filed within a reasonable period of time as determined by the rules of the Board after the decision has been rendered. The appeal must be filed with the Administrator specifying the grounds thereof and paying a filing fee as prescribed by the Unified Development Code Supplemental Schedule. The Administrator will immediately transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
 - b. An appeal, properly filed as herein provided, will stay all proceedings in furtherance of the action appealed from, unless the Administrator certifies to the Board that by reason of facts stated in the certificate, a stay would, in his opinion, cause imminent peril to life or property, in which case the proceedings may continue, unless a restraining order is issued by the Board or by a court of record after notice to the Administrator and on due cause shown.
 - c. A person may not appeal the same or related matter before the expiration of 180 days from a previous ruling by the Board on such matter unless the Board or City Council has taken action on other land in the immediate vicinity in a matter that alters the facts and conditions upon which the previous Board action was based. Such change of circumstances will permit the rehearing of an appeal by the Board before the expiration of the 180-day period, but the changed conditions will in no way have any force in law to compel the Board, after a hearing, to grant a subsequent appeal. A subsequent appeal will be considered entirely on its merits and the peculiar and specific conditions related to the property about which the appeal is brought.
 - d. In exercising its powers, the Board may, in conformity with the provisions of the statutes of the State of Texas as existing or hereafter amended, reverse or affirm, wholly or partly, or modify the order, requirement, decision, or determination appealed from, make such order, requirement, decision, or determination as ought to be made, and have all the powers of the Administrator. The Board has the power to impose reasonable conditions upon any decision that the applicant must comply with.

3. Variances.
 - a. A request for a variance from the terms of this Chapter may be made by an owner of land for which Development is proposed.
 - b. Variances to any procedural requirement established by this Chapter or to allow a use in a District in which it is not permitted, conditionally permitted, or specially permitted are prohibited.
 - c. The Board must hear and consider variances according to the procedure established in Section (E).
 - d. The Board may grant the requested variance provided the variance complies with the following criteria:
 - i. The variance is not contrary to the public interest;
 - ii. Due to special conditions, a literal enforcement of the chapter would result in an unnecessary hardship; and,
 - iii. By granting the variance, the spirit of the ordinance is observed and substantial justice is done.

4. Special Exceptions.
 - a. A request for a special exception may be made by an owner of land for which the expansion of a nonconforming use, structure or site is proposed.
 - b. The Board must hear and consider requests for special exceptions according to the procedure established in Section (F).
 - c. The Board may grant the requested special exception provided the special exception complies with the following criteria:
 - i. The special exception is in harmony with the purpose and intent of this chapter and of the plan for the physical development of the surrounding area;
 - ii. The special exception prevents an unreasonable financial loss;
 - iii. The special exception is an improvement to nearby land; and,
 - iv. The special exception is not to be contrary to the spirit and intent of this Chapter.

TBD – Special Exception – Non-Conforming

5. Procedure
 - a. The Board will hold a public hearing on all requests for an appeal, variance, or special exception.
 - b. Before a public hearing may be scheduled regarding an appeal, variance, or special exception, a complete application, which includes the following items, must be submitted to the Administrator in accordance with the Unified Development Code Supplemental Schedule:
 - i. Complete application form included in the Unified Development Code Supplemental Schedule;
 - ii. Filing fee; and,
 - c. In addition to the above listed items, an application for a special exception must be accompanied by a Site Plan and elevations of the proposed site.
 - d. Not later than 15 days before the scheduled public hearing date, notice of the hearing must be published at least one time in the City's official newspaper or a paper of general circulation in the City, which includes the date of the public hearing, time of the public hearing, location, and a general description of the request before the Board.

- e. If the public hearing is related to a variance or special exception, notice must also include:
 - i. Placing signs, in the amount determined by the Administrator on every street right-of-way adjacent to the land under consideration.
 - ii. Mailing letters to all owners of land within the boundary and within 200 feet of the boundary of the subject area that include the date of the public hearing, time of the public hearing, location, and a general description of the request before the Board.
 - iii. Mailing letters to all Homeowner Associations or Neighborhood Associations whose jurisdiction is within 200 feet of the boundary of the subject area that include the same information in Subsection (b) above. Such Homeowner Association or Neighborhood Association must be registered with the city Planning Department annually as prescribed in the Unified Development Code Supplemental Schedule.
- f. The Board will make a determination on an appeal, variance or special exception within 45 days of the public hearing.
 - i. The Board must grant, deny or grant with conditions, the requested variance or special exception.
 - ii. For appeals, the Board must either uphold or overturn the action of the Administrator that is the subject of the appeal.
 - iii. In granting, or granting with conditions, a variance or special exception, the Board must make findings regarding how the granted variance or special exception, complies with the criteria listed in subsections (C)(4) or (D)(3), respectively.
 - iv. The Board must file an official written record of action specifying the action it took on an appeal, request for a variance, or special exception and the reasons therefore [therefor] with the Administrator within 10 days from the date of its action.

3.10 ADMINISTRATIVE WAIVER

- 1. **Applicability**
The Planning Director may grant an Architectural Waiver administratively for a reduction up to twenty percent (20%) for any numerical architectural standard required pre Subchapter 9. The Planning and Zoning Commission may grant an Architectural Waiver reducing the architectural standards above twenty percent (20%) and shall be considered fully discretionary.

3.11 ADMINISTRATIVE INTERPRETATION

- 1. **Applicability.**

The Administrator shall have authority to make all written interpretations concerning the provisions of this Code and other development related codes of the city.

2. Request for Interpretation.

A request for interpretation shall be submitted to the Administrator in a form established by the Administrator and made available to the public. Such request shall only be made during development review of a pending application or when a code enforcement requirement is in question.

3. Interpretation by Administrator.

The Administrator shall:

- a. Review and evaluate the request in light of the text of this Code, the Official Zoning District Map, the Comprehensive Plan, the Subdivision Code, and any other relevant information;
- b. Consult with other staff, as necessary; and
- c. Render an opinion.
- d. The interpretation shall be provided to the applicant in writing.

4. Official Record

The Administrator shall maintain an official record of interpretations. The record of interpretations shall be available for public inspection during normal business hours.

5. Appeal

Appeals of written interpretations made by the Administrator shall be filed only by a party affected by the written interpretation with the Commission for appeals of written interpretations of the Subdivision Code and with the Board for all other matters, within 30 days of the Administrator's decision in accordance with the procedures found in Section F of this Chapter. If no appeal is filed within 30 days, the written interpretation shall be final.