

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY OF PFLUGERVILLE CODE OF ORDINANCES TITLE XV LAND USAGE, CHAPTER 157 UNIFIED DEVELOPMENT CODE AMENDING SUBCHAPTER 2, SUBSECTION (A)(B) AND (D) BY REASSIGNING THE AUTHORITY OF THE ARCHITECTURAL REVIEW BOARD TO THE PLANNING AND ZONING COMMISSION AND REMOVING ANY REFERENCES OF THE ARCHITECTURAL REVIEW BOARD; AMENDING SUBCHAPTER 9, SUBSECTION (F)(5) AND (G)(5) BY REASSIGNING THE RESPONSIBILITIES OF THE ARCHITECTURAL REVIEW BOARD TO THE PLANNING AND ZONING COMMISSION; AND AMENDING SUBCHAPTER 20, SUBSECTION (C) TO REMOVE THE DEFINITION OF PRELIMINARY ARCHITECTURAL PLAN; REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council approved the Unified Development Code on September 8, 2009, which included provisions and authority of the Architectural Review Board; and

WHEREAS, the Planning and Zoning Commission has conducted a public hearing and recommended approval of this Ordinance; and,

WHEREAS, the City Council approves amending Subchapter 2 Administration of the Unified Development Code to reassign the authority of the Architectural Review Board to the Planning and Zoning Commission and removing any references of the Architectural Review Board; and

WHEREAS, the City Council approves amending Subchapter 9 Site Development Requirements, Subsection (F)(5) and (G)(5) by reassigning the responsibilities of the Architectural Review Board to the Planning and Zoning Commission; and

WHEREAS, the City Council approves amending Subchapter 20, Subsection (C) to remove the definition of Preliminary Architectural Plan; and

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

I.

THAT the Code of Ordinances of the City of Pflugerville, Texas, is hereby amended by amending Chapter 157 Subchapter 2, Subsections (A)(B) and (D), which said sections shall read as follows:

A. CITY COUNCIL.

- (1) General. The City Council will be responsible for final action regarding the text of this Chapter and the Official Zoning Map.
- (2) Powers and Duties. As provided and established within the City of Pflugerville Home Rule Charter, the City Council has the following powers and duties regarding this Chapter:
 - (a) Appointments. The City Council appoints and removes members of the Planning and Zoning Commission (P&Z), Board of Adjustment (BOA), Parks and Recreation Commission and Capital Improvement Advisory Committee.
 - (b) Final Action. The City Council hears and takes final action on the following procedures:
 - (i) Annexations
 - (ii) Comprehensive Plan Amendments
 - (iii) Unified Development Code Text and Zoning Map Amendments
 - (iv) Variances to the Sign Code in accordance with [Chapter 154](#)
 - (v) Specific Use Permits and Special Districts
 - (vi) Impact Fees
 - (vii) Capital Improvement Plan (CIP) priorities
 - (viii) Parkland dedication
 - (ix) Appeals to requests for waivers approved or denied by the Planning and Zoning Commission.

B. PLANNING AND ZONING COMMISSION.

- (1) Creation. The City Council appoints a Planning and Zoning Commission in accordance with the City Charter and the City Code.
- (2) Composition and Term. The Planning and Zoning Commission consists of seven members as provided by the City Charter, Section 8.08. Members must meet the requirements of Section 8.02 Membership Qualifications of the City Charter. Terms are for two years and subject to the provisions of [Section 31.40](#) of the City Code.

- (3) Rules of Procedure. As provided by City Charter, Section 8.08, the Commission establishes its own rules of procedure, which require that a quorum consists of at least four members of the commission and that an affirmative vote of a majority of those present is necessary to act on pending questions. The chairman is permitted to vote on any question. In the event that the minimum quorum is met, a unanimous affirmative action will be required to approve a request.
- (4) Powers and duties. The Commission shall exercise the following powers pursuant to Section 8.08 of the City Charter and this chapter:
- (a) Comprehensive Plan Amendments. The Planning and Zoning Commission makes, amends, extends and adds to the Comprehensive Plan for the physical development of the City and recommends the Comprehensive Plan to the City Council for approval in accordance with Subchapter 3 of this Chapter.
 - (b) The Comprehensive Plan for the City is intended to be a living document that is periodically revised in accordance with changing socioeconomic conditions and Development. In that regard, the Commission shall have the following duties and responsibilities:
 - (i) The Planning and Zoning Commission will recommend revisions, amendments, extensions and additions to the Comprehensive Plan for the Development of the City and make recommendations regarding the Comprehensive Plan to the City Council.
 - (ii) After the Comprehensive Plan, or a portion thereof, has been adopted or revised, in accordance with the terms and provisions of this Chapter, the Commission will:
 - 1. Receive, review, revise and make recommendations to the City Council on all proposals to adopt or amend City Development regulations related to, among other things, zoning, subdivision, Site Plans, building code, transportation, utilities, environmental concerns and other police powers regarding use or Development of land within the City; and
 - 2. Conform to the goals and intent of the Comprehensive Plan.
 - (iii) The Commission will submit annual comments to the City Council, not less than 120 days prior to the beginning of the budget year containing a list of recommended capital improvements, or any other such items desired or required to keep the Comprehensive Plan, or any individual element of the Comprehensive Plan, current over the course of time.

- (iv) The Commission will exercise control over platting, subdivision and Site Plan, as applicable, in order to ensure consistency with the Comprehensive Plan, or any individual element of the Comprehensive Plan.
- (v) At least every two years after the date of its adoption, the Commission will prepare a thorough review, analysis and evaluation of the Comprehensive Plan for the benefit of the City Council.
- (vi) The Commission shall perform its duties and obligations under this Chapter as an advisory body to the City Council.
- (c) Grants or denies or approves waivers greater than 20% of the minimum standards within the Suburban, Urban and Urban Center planned districts as related to site development standards and requirements.
- (d) Shall hear and decide variances concerning building articulation, exterior building wall standards and roof treatment for nonresidential structures, as specified in Subchapter 9 Site Development Standards.
- (e) Shall review and then issue, issue with conditions or deny an application for a major site Development permit or a referral by Administrator of a minor site Development permit, as specified in Chapter 155, Site Development Code, Subchapter B, Central Business District.
- (f) Approves or disapproves plats of proposed subdivisions submitted to the City in accordance with the Unified Development Code. In considering plats, the Commission requires the proposed subdivision to meet, so far as is practicable, all the standards of layout and street and sidewalk construction applicable to comparable property within the City's corporate limits. Further, the Commission requires restrictions on the use of the property consistent with the restrictions on comparable property within the City's corporate limits.
- (g) Drafts rules and regulations governing platting and subdividing of land that are consistent with the state constitution and laws and recommend them to the City council for adoption.
- (h) Annually recommends an annexation plan to the City Council.
- (i) Annually submits a five-year capital improvements plan to the City Council and City Manager, at least 120 days before the beginning of the budget year. The plan lists projects in order of preference with a recommendation for the year of construction for each project.
- (j) Meets at least once each month.

- (k) Performs other duties and is vested with other powers as the City Council shall from time to time prescribe.

D. (RESERVED)

II.

THAT the Code of Ordinances of the City of Pflugerville, Texas, is hereby amended by amending Chapter 157 Subchapter 9, Subsections (F)(5) and (G)(5), which said provisions shall read as follows:

SUBCHAPTER 9. SITE DEVELOPMENT REQUIREMENTS.

F. OFFICE, RETAIL, AND COMMERCIAL STRUCTURES

- (5) Corporate identities that conflict with the building design criteria and articulation standards shall be reviewed on a case-by-case basis and approved by the Planning and Zoning Commission.

G. INDUSTRIAL STRUCTURES.

- (5) Corporate identities that conflict with the building design criteria and articulation standards shall be reviewed on a case-by-case basis and approved by the Planning and Zoning Commission.

III.

THAT the Code of Ordinances of the City of Pflugerville, Texas, is hereby amended by amending Chapter 157 Subchapter 20, Subsections (C), which said provision shall read as follows:

SUBCHAPTER 20. DEFINITIONS

- (C) List of defined terms:

IV.

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.

V.

Effective Date.

This Ordinance will take effect upon its adoption by the City Council and publication of the caption hereof in accordance with Section 3.15(d) of the City Charter.

PASSED AND APPROVED this ___ day of February 8, 2011.

CITY OF PFLUGERVILLE, TEXAS

By: _____
Jeff Coleman, Mayor

ATTEST:

Karen Thompson, City Secretary

APPROVED AS TO FORM:

Floyd Akers, City Attorney