

## **SUBCHAPTER 1. GENERAL PROVISIONS**

### **1.1 SHORT TITLE.**

This Chapter shall be known, and can be cited, as the Unified Development Code of the City of Pflugerville, Texas. References to “this Chapter” or “the Chapter” shall be interpreted as references to the Unified Development Code.

### **1.2 AUTHORITY.**

Under the authority of Texas Local Government Code Chapter 211 and 212, the City of Pflugerville adopts the regulations set out in this Chapter to control the use of land within the corporate limits of the City and the subdivision of land within the corporate limits of the City and its ETJ. In the ETJ of the City, the ~~subdivision regulations and~~ site development standards in this Chapter shall serve as a guide for the expectation of development that occurs.

### **1.3 PURPOSE.**

These zoning and subdivision regulations are hereby established in accordance with the City’s Comprehensive Plan for the purpose of promoting the health, safety, morals and general welfare of the present and future residents and guests of Pflugerville and promoting safe, orderly and healthful development. This Unified Development Code also regulates development in order to achieve objectives of the Comprehensive Plan and the “SH 45 and SH 130 Corridor Study” that includes, but are not limited to, the following:

- (a) Create a series of unique places to shop, work and live.
- (b) Establish a diversified and leak-free tax base.
- (c) Establish an enhanced, long-term market capture.
- (d) Utilize smart, healthy and sensible design concepts.
- (e) Lessen congestion in the streets.
- (f) Secure safety from fire, panic and other dangers.
- (g) Ensure adequate light and air.
- (h) Prevent the overcrowding of land to avoid undue concentration of population.
- (i) Facilitate the adequate provision of transportation, water, sewerage, parks, open spaces and other public requirements.
- (j) Maintain property values and encourage the most appropriate use of land throughout the Corridor consistent with the Comprehensive Plan and the Corridor Plan.
- (k) Establish a process that effectively and fairly applies the regulations and standards of this Code.

### **1.4 ADMINISTRATION.**

- (a) The general regulations described in this Chapter apply uniformly to all Districts, except as provided in this section.
- (b) The Administrator is hereby designated to administer the provisions of this Chapter.
- (c) The Administrator, or any person duly authorized by him, has the right to enter upon any premises at all reasonable times necessary to carry out his duties in the enforcement of this Chapter.
  - If such premises are occupied, the Administrator must first present proper credentials and request entry.
  - If such premises are unoccupied, the Administrator must first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry.
- (d) Many of the standards established in this Chapter are dependent on the District assigned to adjacent land. For the purposes of determining the standards required by this Chapter, the City considers that unincorporated land or land within a municipality that is not zoned is to be considered Agriculture/Conservation, regardless of the existing land use. For the purposes of determining the standards required by this Chapter, the City considers that land within another municipalities' jurisdiction that is zoned, has a zoning classification that most closely resembles the zoning that would apply to it if the land were in the City.

## 1.5 SEQUENCE OF PERMITS

- (a) Land must be used or occupied in conformity with all of the regulations specified for the District in which it is located. [The appropriate zoning for which the Use is permitted shall be in place prior to the issuance of any Development permits.](#)
- (b) Prior to the issuance of a Site Development Permit or Building Permit, the Developer shall follow the procedures for the Subdivision process included within Subchapter 15 of this Code.
- (c) Prior to the issuance of a Site Development Permit, the Developer may apply for a Site Disturbance Permit in accordance with the procedures established in Subchapter 3.
- (d) No fill or spoil may be transported to or from a site without a Site Development Permit or Site Disturbance Permit.
- (e) The City shall not approve an application for a Site Development Permit unless [the subject Development is on a legally platted lot](#) and it conforms to the standards and guidelines established in this Chapter and by the City Codes that apply to the proposed Development Area.
- (f) The City shall not issue a permit for the construction of a building or buildings upon any tract or lot under [Chapter 150](#) or any other provision of the City Code until ~~a building site, building tract or building lot has been created by compliance with one of~~ the following conditions [have occurred](#):

- The lot or tract is part of a plat of record, properly approved by the City, and filed in the Official Plat Records of Travis and/ or Williamson Counties, Texas as applicable; and
- ~~The plat, tract or lot faces a dedicated street and was separately owned prior to annexation to the City, in which event, a building permit for only one main building conforming to all the requirements of this Chapter may be issued on each such original, separately owned parcel without first complying with paragraph 1 of this subsection; or~~
- The plat or ~~tract~~ lot is all or part of a Site Plan officially approved by the Administrator and complies with the provisions and improvements approved on such Site Plan for all utility and drainage easements, dedication of streets, alleys and other public improvements required to meet the standards established for the platting of land.

(g) No Construction Plan Permit, ~~Building Permit~~, Site Disturbance Permit, Site Development Permit, Building Permit, or Certificate of Occupancy will be issued, or any use of land, construction of structures, or similar action commenced unless such action conforms to the standards and procedures of this Chapter.

## **1.6 -COMPLIANCE.**

- (a) The general regulations described in this Chapter apply uniformly to all land, unless the land is specifically exempted by this Chapter or State statute.
- (b) A Person shall not use or occupy Land, unless such activity conforms to ~~with~~ all of the regulations specified in this Chapter.
- (c) A Person shall not erect, convert, enlarge, construct, reconstruct, move on to, structurally alter or use a building, unless such activity complies with all of the development provisions and requirements of this Chapter.
- (d) A Person shall not use or occupy a building constructed, converted or structurally altered after adoption of this Chapter until the Building Official issues a Certificate of Occupancy, which signifies compliance with the appropriate Zoning District regulations
- (e) All Construction and Development on Land shall comply with the site specific fire code requirements of Chapter 150 of the City Code as determined by the Fire Marshal.

## **~~E. ADMINISTRATION.~~**

- ~~(1) The general regulations described in this Chapter apply uniformly to all Districts, except as provided in this section.~~
- ~~(2) Land must be used or occupied in conformity with all of the regulations specified for the District in which it is located.~~

- ~~(3) No building may be erected, converted, enlarged, reconstructed, moved on to, structurally altered, or used, except for a Use permitted in the District in which such building is located or is proposed to be located.~~
- ~~(4) The Administrator is hereby designated to administer the provisions of this Chapter.~~
- ~~(5) The Administrator, or any person duly authorized by him, has the right to enter upon any premises at all reasonable times necessary to carry out his duties in the enforcement of this Chapter.
  - ~~(a) If such premises are occupied, the Administrator must first present proper credentials and request entry.~~
  - ~~(b) If such premises are unoccupied, the Administrator must first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry.~~~~
- ~~(6) No Building Permit, Site Development Permit, or Certificate of Occupancy will be issued, or any use of land, construction of structures, or similar action commenced unless such action conforms to the standards and procedures of this chapter.~~
- ~~(7) No fill or spoil may be transported to or from a site without a Site Development Permit.~~

## **1.7 VIOLATIONS.**

- (a) It is a violation of this Chapter to subdivide property within the City and ETJ without first complying with the requirements of Subchapter 15, Subdivision Process unless otherwise exempted by the Texas Local Government Code.
- (b) It is a violation of this Chapter to use any land within the corporate limit of the City without complying with the requirements of this Chapter.
- (c) It is a violation of this Chapter to use any land within the corporate limit of the City without complying with the requirements of the approved standards for an ~~Alternative Land Use Regulations~~ Planned Unit Development (PUD) District, if applicable.
- (d) It is a violation of this Chapter to use land or structures inconsistent with any conditions established by the Board for which a variance, special exception, or Special Use Permit was granted.
- (e) Refusing entry to the Administrator pursuant to this Subchapter.
- (f) If a corporation is found to be in violation of this Chapter, each of its officers, agents, and/or employees who were in any way responsible for such violation are individually and severally liable for penalties herein prescribed.

## **1.8 PENALTY.**

- (a) Any individual who **recklessly** violates any provision of this Chapter is guilty of a misdemeanor and upon conviction will be subject to a fine of not less than \$1 nor more than \$2,000. Each day of such violation may constitute a separate offense. Such penalty is cumulative and not exclusive of any other rights or remedies the City may exercise.
- (b) The owner or owners of any Building or premises, or part thereof, where anything in violation of this Chapter is placed, or exists, and any architect, engineer, builder, contractor, agent, person, or corporation employed in connection therewith, and who can have assisted in the commission of any such violation, is guilty of a separate offense and upon conviction thereof, will be fined as hereinbefore provided.
- (c) In addition to the remedies set forth above, the City can enforce compliance with the requirements of this chapter by:
- refusing to issue street addresses,
  - withholding Building Permits or Certificates of Occupancy,
  - not allowing connection to or disconnection of utility service, or
  - issuing a stop work order.
- (d) Nothing herein contained prevents the City from taking other lawful action as is necessary to prevent or remedy any violation of this chapter.

### **1.9 PRESERVING RIGHTS IN PENDING LITIGATION AND VIOLATIONS UNDER EXISTING ORDINANCES.**

By the passage of this Chapter, no presently illegal use will be deemed to have been made legal. Uses not permitted by this Chapter are Nonconforming Uses, when so recognized, or illegal uses, as the case may be. It is further the intent and declared purpose of this Chapter that no offense committed, and no liability, penalty, or forfeiture, whether civil or criminal, will be discharged or affected by the adoption or [of] this Chapter; but prosecutions and suits for such offenses, liabilities, penalties, or forfeitures can be instituted or proceeded with for causes presently pending.

### **1.10 INTERPRETATION, PURPOSE AND CONFLICT.**

The provisions of this Chapter will be held to be minimum requirements for the promotion of the public safety, health, convenience, comfort, morals, prosperity, and general welfare. This Chapter is not intended to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties, or any statute, local ordinance, or regulation, except that, if this chapter imposes a greater restriction or higher standards, this chapter controls.

### **1.11 SAVING OF CITY RIGHTS AND REMEDIES.**

All rights or remedies of the City are expressly saved as to any and all violations of previous zoning regulations or amendments thereto of said City that have accrued at

the time of the effective date of this chapter; and to such accrued violations, the City and the courts have all the powers that existed prior to the effective date of this chapter; and that all existing violations of previous zoning regulations which would otherwise become nonconforming uses under this chapter will not become legal nonconforming uses under this chapter, but will be violations of this chapter in the same manner that they were violations of prior zoning regulations.

#### **1.12 REPEAL OF CONFLICTING ORDINANCES.**

All ordinances, or parts of ordinances, in conflict or inconsistent with any of the provisions of this Chapter are hereby repealed insofar as the same are in conflict with the provisions hereto and insofar as necessary to give this chapter full force and effect.

#### **~~L. CONFLICTING PROVISIONS.~~**

~~In interpreting and applying the provisions of this Chapter, the provisions will be deemed to be minimum requirements for the promotion of the purpose of this Chapter as stated herein. This Chapter is not intended to interfere with, abrogate, or annul any easements, covenants, or other agreements between parties, or any statute. However, if this Chapter imposes a greater restriction or higher standards, the more restrictive provisions controls.~~

#### **1.13 SEVERABILITY.**

If any provision, section, subsection, sentence, clause, or phrase of this Chapter, 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 Chapter will not be affected thereby, it being the intent of the City Council in adopting this chapter that no portion thereof, or provisions or regulations contained herein, will become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this Chapter are declared to be severable for that purpose.