

Subchapter 1. GENERAL PROVISIONS

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SUBCHAPTER 1. GENERAL PROVISIONS

1.1 SHORT TITLE

This Chapter 157 of the Code of Ordinances shall be known, and can be cited, as the Unified Development Code of the City of Pflugerville, Texas. References to “this Chapter”, “the Code” or “the UDC” within this Chapter shall be interpreted as references to the Unified Development Code of the City of Pflugerville, Texas, unless the context clearly indicates otherwise. All references to this Code and Chapter include all amendments hereto.

1.2 AUTHORITY

Under the authority of Texas Local Government Code Chapters 211 and 212, the City’s Charter and the Texas Constitution, the City adopts the regulations set out in this Code 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 Extra-Territorial Jurisdiction (ETJ). The site development standards located in Subchapter 9 in this Code, however, serve as a guide for development in the Extra-Territorial Jurisdiction. This Code is adopted pursuant to the powers granted the City and is subject to limitations imposed by the Texas Constitution, the laws of this State, the City Charter and other applicable law.

1.3 PURPOSE

The zoning and subdivision regulations and related standards are hereby established in accordance with the City’s Comprehensive Plan for the purposes of promoting the health, safety, and general welfare of the present and future residents and guests of the City and promoting safe, orderly, and healthful development of the community. This Code also regulates site development to achieve objectives of the City’s Comprehensive Plan and the “SH 45 and SH 130 Corridor Study” that:

- A. Create a series of unique places to shop, work, and live.
- B. Establish a diversified 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 City 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 Code apply uniformly to all districts, unless specifically exempted by this Code, State statute or other applicable law.
- B. An Administrator is designated in Subchapter 2 of this Code to administer the provisions of this Code.
- C. The Administrator, or any person duly authorized by him/her, has the right to enter upon any premises at all reasonable times necessary to carry out their duties in the implementation and enforcement of this Chapter.
 - 1. If such premises are occupied, the Administrator shall first present proper credentials and request entry. If entry is denied, Administrator shall proceed to initiate legal process to secure entry.
 - 2. If such premises are unoccupied, the Administrator shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If consent cannot be secured, Administrator shall proceed to initiate legal process to secure entry.
 - 3. If a development application has been submitted on behalf of the property owner, and property owner has signed the development application with the right of entry consent provision stated thereon, this shall permit City officials to enter upon the premises for which the development application has been submitted without further consent.
- D. Many of the standards established in this Code are dependent on the land adjacent to a designated district. For the purposes of determining the standards required by this Code, the City considers that:
 - 1. Unincorporated land or land within an adjacent municipality that is not zoned is considered Agriculture/Development Reserve, regardless of the existing land use.
 - 2. Land within another municipality's jurisdiction that is zoned is considered to have a zoning classification that most closely resembles the zoning that would apply to it if the land were in the City.
 - 3. For properties subject to a non-annexation development agreement pursuant to Chapters 212 and 43 of the Texas Local Government Code, new on-site improvements associated with the agriculture, timber, or wildlife uses shall be

governed by requirements of the Agricultural/ Development Reserve zoning district and any other on-site improvements shall be established in the non-annexation development agreement.

1.5 RESERVED

1.6 COMPLIANCE

- A. The general regulations described in this Code apply uniformly to all land, unless the land is specifically exempted by this Code, State statute or other applicable law.
- B. A person shall not use or occupy land, unless such activity conforms to all of the applicable regulations specified in this Code.
- C. A person shall not erect, convert, enlarge, construct, reconstruct, structurally alter or use a building, or move a building onto a lot or tract, unless such activity complies with all of the applicable development provisions and requirements of this Code.
- D. Within the corporate limits of the City, 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 as well as subdivision and site development regulations, as applicable.
- 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.

1.7 VIOLATIONS

Any act of commission or omission contrary to the commands or directives of this Code, any breach of any duty imposed by this Code, or any failure to otherwise comply with any provision of this Code shall constitute a violation hereof. An offense under this section is subject to general penalty provisions provided under Chapter 10, Section 10.99 of this Code of Ordinances as a Class C misdemeanor, unless specifically indicated otherwise.

1.8. ENFORCEMENT

- A. **Enforcement Actions.** In addition to criminal enforcement actions for violations of this Chapter, or in lieu thereof, the City or any authorized person may institute any appropriate civil action or proceedings to penalize, enjoin or prevent violations or threatened violations of this Chapter. In particular, but without limitation, in the event that any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Code, the City or any authorized person may institute any appropriate action or proceedings to penalize, enjoin or prevent: (1) such unlawful acts and to restrain, correct or abrogate such violation; (2) the occupancy of the building, structure or land; or (3) any illegal act, conduct, business

or use in or about such premises, including but not limited to all remedies provided in Chapters 54, 211 and 212 of the Texas Local Government Code. The imposition of any penalty hereunder shall not preclude the City or any authorized person from instituting any appropriate criminal or administrative action or proceedings to require compliance with the provisions of this Chapter and with administrative orders and determinations made hereunder.

B. Administrative Actions.

In addition to the remedies set forth above, the City may enforce compliance with the requirements of this Chapter by:

1. Refusing to issue street addresses;
2. Withholding building permits or certificates of occupancy;
3. Not allowing connection to or disconnection of utility service; or
4. Issuing a stop work order, a violation of which shall be considered a violation of this Chapter.

1.9 PRESERVING RIGHTS IN PENDING LITIGATION AND VIOLATIONS UNDER EXISTING ORDINANCES

By the adoption of this Code, no currently illegal use shall be deemed to have been made legal. Depending on the particular circumstances, uses not permitted by this Code may be legal nonconforming uses, when so recognized according to the provisions of Subchapter 8 of this Code, or illegal uses. Furthermore, it is the intent and declared purpose of this Code that no offense committed, and no liability, penalty, or forfeiture, whether civil or criminal, shall be discharged or affected by the adoption of this Code; but prosecutions and suits for such offenses, liabilities, penalties, or forfeitures may be instituted or proceeded with for causes presently pending.

1.10 INTERPRETATION AND CONFLICT

The provisions of this Code shall be held to be minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, and general welfare. These provisions shall be construed broadly to promote the purposes for which they were adopted.

The provisions of this Code are not intended to interfere with, abrogate, or annul any other ordinance, rule, regulation, statute, code, or other provision of law except as provided in this Code. Where any provision of this Chapter imposes restrictions different than those imposed by any other law, including another provision in this Code of Ordinances, the provision which is more restrictive or imposes higher standards shall control.

In addition, the provisions of this Code are not intended to interfere with, rescind, or invalidate any easements, covenants, or other agreements between parties. However, if this Code imposes a greater restriction or higher standards, this Code 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 the City that have accrued at the time of the effective date of this Code; and to such accrued violations, the City and the courts have all the powers that existed prior to the effective date of this Code; and all existing violations of previous zoning regulations which would otherwise become nonconforming uses under this Code shall not become legal nonconforming uses under this Chapter, but shall be violations of this Chapter in the same manner that they were violations of prior zoning regulations.

1.12 SEVERABILITY

If any provision, section, subsection, sentence, clause, or phrase of this Code (collectively "provision"), or the application of same to any person or set of circumstances, is for any reason held to be unconstitutional, void, or unenforceable, the validity of the remaining portions of this Code shall not be affected thereby. It being the intent of the City Council in adopting this Code that no portion thereof, or provisions or regulations contained herein, shall become inoperative or fail by reason of any unconstitutionality of any other portion hereof, and all provisions of this Code are declared to be severable for that purpose. Moreover, it is also the intention of the City Council that in lieu of each provision, section, subsection, sentence, clause, or phrase of this Chapter, collectively "provision", that is found to be illegal, invalid, or unenforceable, a provision be added to this Code which is legal, valid, and enforceability and is a similar in terms as possible to the provision found to be illegal, invalid or unenforceable.