

Subchapter 2. ADMINISTRATION

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Subchapter 2. ADMINISTRATION

2.1 CITY COUNCIL

2.1.1 General

The City Council shall be responsible for final action regarding the text of this Code and the Official Zoning District Map.

2.1.2 Powers and Duties

The City Council has the following powers and duties regarding this Code:

A. Appointments

The City Council appoints and removes members of the Planning and Zoning Commission, Board of Adjustment, Parks and Recreation Advisory Board, and Capital Improvement Advisory Committee.

B. Fees

The City Council shall determine the Fee Schedule for development services. The Fee Schedule, as may be amended from time to time, is incorporated by reference into this Code as Appendix A and shall be contained in the Unified Development Code Supplemental Schedule.

C. Final Action. The City Council hears and takes final action on the following matters:

1. Annexations
2. Comprehensive Plan amendments
3. Unified Development Code text and Official Zoning District Map Amendments
4. Variances to the Sign Code in accordance with Chapter 154 of the City Code
5. Specific Use Permits
6. Impact fees
7. Fee Schedule
8. Capital Improvement Plan (CIP) priorities
9. Acceptance of Parkland Conveyance Dedications
10. Appeals to requests for waivers denied by the Planning and Zoning Commission
11. Heritage Tree removal

2.2 PLANNING AND ZONING COMMISSION

Regular meetings of the Planning and Zoning Commission shall be held once a month, unless there is a lack of agenda items to justify a meeting. Special meetings may be called at the request of the chairperson or at the request of the Mayor, City Council, or the Administrator. The

Administrator shall prepare the Planning and Zoning Commission annual meeting schedule and include it in the Unified Development Code Supplemental Schedule.

2.2.1 Creation

The City Council appoints a Planning and Zoning Commission in accordance with Section 8.08 of the City Charter and Chapter 31 of the City Code.

2.2.2 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 of the City Charter, entitled "Membership Qualifications." Terms are for two years and subject to the provisions of Section 31.40 of the City Code.

2.2.3 Rules of Procedure

As provided by Section 8.08 of the City Charter, the Planning and Zoning Commission shall require a quorum consisting of at least four (4) members of the Planning and Zoning Commission. An affirmative vote of a majority of those present is necessary to act on pending questions or matters. The chairperson is permitted to vote on any question or matter.

2.2.4 Powers and Duties

The Planning and Zoning Commission exercises the following powers and duties regarding this Code:

- A. The Planning and Zoning Commission shall recommend a Comprehensive Plan for the physical development of the City to the City Council for approval.
- B. The Planning and Zoning Commission shall make recommendations for the amendment, extension, and addition to the approved Comprehensive Plan periodically to address changing socioeconomic conditions and development within the City.
- C. In order to implement the Comprehensive Plan, the Planning and Zoning Commission shall have the following duties and responsibilities:
 1. Receive, review, revise and make recommendations to the City Council on all proposals to adopt or amend City development regulations including zoning, subdivision, site development, building code, transportation, utilities, environmental concerns and other police powers regarding use or development of land within the City; and
 2. Ensure that all such proposals conform to the goals and intent of the Comprehensive Plan.
- D. The Planning and Zoning Commission shall annually submit a five-year Capital Improvements Plan (CIP) regarding parks, transportation, and utilities to the City Council, at least one hundred twenty (120) days before the beginning of the budget year. The CIP shall list projects in order of preference with a recommendation for the year of construction for each project.

- E. The Planning and Zoning Commission shall exercise control over platting, subdivision and site plan review procedures, as applicable, to ensure consistency with the Comprehensive Plan, or any individual element of the Comprehensive Plan.
- F. At least every two years after the date of the adoption of the Comprehensive Plan, the Planning and Zoning Commission shall prepare a thorough review, analysis, and evaluation of the Comprehensive Plan for the City Council.
- G. The Planning and Zoning Commission shall perform its duties and obligations under this Code, including:
 - 1. Consider proposed waivers greater than 20% from the minimum site development standards and requirements within Subchapters 9, 10 and 11 within all zoning districts.
 - 2. Consider proposed waivers concerning architecture for all structures, including but not limited to building articulation, exterior building wall standards and roof treatment, as specified throughout this Chapter.
 - 3. Consider an application for a major site development permit or a referral by the Planning Director of a minor site development permit, as specified in Chapter 155, Site Development Code, Subchapter B, Central Business District, also known as the Downtown District Overlay.
 - 4. Consider proposed subdivisions submitted to the City in accordance with the Unified Development Code.
 - 5. Consider development regulations governing platting and subdividing of land that are consistent with the state constitution and laws and recommending them to the City Council for adoption.
 - 6. Consider requests for alternative compliance related to parkland standards per Subchapter 14.
 - 7. Consider and recommend an annual annexation plan to the City Council, as applicable.
 - 8. Exercise such other powers and perform such other duties as the City Council shall from time to time prescribe.

2.3 BOARD OF ADJUSTMENT

2.3.1 Creation

The City Council appoints the Board of Adjustment in accordance with Section 8.09 of the City Charter and Chapter 31 of the City Code.

2.3.2 Composition and Term

The Board of Adjustment consists of five (5) regular members and two (2) alternate members who serve two-year terms as provided by Section 8.09 of the City Charter, and who are subject to the provisions of Section 31.50 of the City Code. Members must meet the requirements of Section 8.02 of the City Charter, entitled "Membership Qualifications." Alternate members may participate in meetings and vote on matters in the absence of regular members when requested to do so by the City Manager. The City Council may remove a member for cause set out in a written charge and as determined by the City Council after a public hearing on the charge.

2.3.3 Rules of Procedure

The presiding officer shall call meetings at least quarterly and may administer oaths to witnesses and compel attendance of witnesses. Cases shall be heard in an open meeting by at least four (4) members and not more than five (5) members. The minutes of meetings are public records of the Board of Adjustment's examinations, official actions, and other proceedings and shall reflect each member's vote, absence or failure to vote on each question.

2.3.4 Powers and Duties

The Board of Adjustment exercises the following powers and duties regarding this Code:

- A. Hears and decides any appeal that alleges error in an order, requirement, decision or determination made by the Administrator in enforcing zoning regulations of this Code.
- B. Hears and decides special exceptions to terms of zoning regulations within this Code when this Code so requires, provided that exceptions granted are consistent with the general purpose and intent of the Code and in accordance with any applicable rules contained in the Code.
- C. In specific cases, hears and decides requested variances from the terms of zoning regulations of this Code, provided that the variances are not contrary to the public interest and that, due to special conditions, literal enforcement of zoning regulations of this Code would result in unnecessary hardship on the applicant requesting the variance. In authorizing variances, the Board ensures that the spirit of this Code is observed and substantial justice is done.
- D. Hears and decides other matters authorized by this Code.

2.4 CAPITAL IMPROVEMENT ADVISORY COMMITTEE

2.4.1 Creation

The City Council may appoint a Capital Improvement Advisory Committee. All regulations and restrictions adopted by the Capital Improvement Advisory Committee shall be pursuant to applicable statutory provisions of the State of Texas for the purpose of providing recommendations and analysis of impact fees administered by the City.

2.4.2 Composition and Term

The Capital Improvement Advisory Committee shall consist of the Planning and Zoning Commission. Should no member of the Planning and Zoning Commission be a representative of the real estate, development, or building industry, City Council shall also appoint a representative from either the real estate, development, or building industry to serve as an ad hoc voting member of the Capital Improvement Advisory Committee. Should such ad hoc member not be from the extraterritorial jurisdiction, City Council shall also appoint a representative from the extraterritorial jurisdiction to serve as a voting member.

2.4.3 Rules of Procedure

The Capital Improvements Advisory Committee shall follow the rules of procedure established by the City Council.

2.5 PARKS AND RECREATION ADVISORY BOARD

2.5.1 Creation

The City Council appoints the Parks and Recreation Advisory Board in accordance with Section 8.10 of the City Charter and Chapter 95 of the City Code.

2.5.2 Powers and Duties

The Parks and Recreation Advisory Board exercises the following powers and duties regarding this Code:

- A. Responsible for making recommendations to the City Manager specific to the project in which they were appointed.
- B. Any other matters designated by City Council.
- C. Authority as provided in Subchapter 14 of this Code.

2.6 CITY MANAGER

2.6.1 Designation

The City Council shall designate a City Manager.

2.6.2 Delegation of Authority

Where this Code assigns a responsibility, power, or duty to the City Manager, the City Manager may, to the extent allowed by the City Charter, delegate that responsibility, power, or duty to any other agent or employee of the City whom the City Manager may reasonably determine. Upon such delegation, the term "City Manager" shall be deemed to include the City Manager's designee.

2.6.3 Power and Duties

The City Manager shall have the following powers and duties, in addition to other powers and duties established under this Code of Ordinances and the City Charter:

The City Manager may accept easements by separate instrument, where such easements are required in conjunction with the development review process (e.g., subdivisions, platting, site development, etc.) or in other circumstances outside this process when deemed administratively necessary. No such easement shall be considered accepted by the City unless the granting instrument recorded in the public records of the County Clerk includes a signed acknowledgement by the City Manager accepting the same on behalf of the City.

2.7 ADMINISTRATOR

2.7.1 Designation

The City Manager shall designate an Assistant City Manager for the City as the “Administrator” of this Code.

2.7.2 Delegation of Authority

Where this Code assigns a responsibility, power, or duty to the Administrator, the Administrator may delegate that responsibility, power, or duty to any other agent or employee of the City whom the Administrator may reasonably determine. Upon such delegation, the term “Administrator” shall be deemed to include the Administrator’s designee.

2.7.3 Power and Duties

The Administrator shall have the following powers and duties:

- A. The Administrator shall administer and enforce the provisions of this Code.
- B. The Administrator is responsible for interpreting the provisions of Chapter 155, Subsection B (Site Development Code for the Central Business District, also known as the Downtown District Overlay), and this Code. The Administrator shall make written interpretations of the provisions in this Code when requested, setting forth the reasons and explanation for such interpretations.
- C. The Administrator may consider requests to shift, realign, or otherwise move a thoroughfare alignment established on the City’s official Master Transportation Plan map by up to one thousand (1,000) feet, provided the Administrator determines that the shift, realignment, or move will not adversely affect adjacent property owners.
- D. The Administrator shall prepare, and update as needed, the Unified Development Code Supplemental Schedule.

2.8 PLANNING DIRECTOR

2.8.1 Designation

The Administrator shall designate and supervise the Planning Director for the City.

2.8.2 Delegation of Authority

Where this Code assigns a responsibility, power, or duty to the Planning Director, the Planning Director may delegate that responsibility, power, or duty to any other agent or employee of the City whom the Planning Director may reasonably determine. Upon such delegation, the term “Planning Director” shall be deemed to include the Planning Director’s designee.

2.8.3 Powers and Duties

The Planning Director shall ensure conformance with all provisions under this Code, act and serve as staff for each review body provided for within this Code, review and certify that the proposed alteration or use of land, or the proposed construction or moving of structures, complies with the provisions of this Code prior to the issuance of a site development permit or final approval of a subdivision plat.

The Planning Director also shall review and report or make recommendations to the City Council, the Planning and Zoning Commission, and the Board of Adjustment regarding the following items, subject to the conditions as outlined within this Code:

- A. Rezoning (Zoning map amendment);
- B. Development agreements;
- C. Comprehensive Plan amendments;
- D. Specific Use Permits;
- E. Special Exceptions;
- F. Text Amendments to the Code;
- G. Variances;
- H. Preliminary Plans; and
- I. Final Plats.

2.8.4 Final Action

The Planning Director shall review and take final action on the following:

- A. Site development permit applications not located in the Central Business District (also known as the Downtown District Overlay).
- B. Minor permits in the Central Business District.
- C. Waivers as prescribed in Subchapter 3.
- D. Minor and amended subdivision plats.
- E. Enforcement of the City's the Tree Technical Manual in the development review process.

2.9 BUILDING OFFICIAL

2.9.1 Designation

The Administrator shall designate and supervise the Building Official for the City.

2.9.2 Delegation of Authority

Where this Code assigns a responsibility, power, or duty to the Building Official, the Building Official may delegate that responsibility, power, or duty to any other agent or employee of the City whom the Building Official may reasonably determine. Upon such delegation, the term "Building Official" shall be deemed to include the Building Official's designee.

2.9.3 Powers and Duties

The Building Official shall implement, administer, and oversee the provisions, terms, and conditions of all building and related codes.

2.9.4 Final Action

The Building Official shall review and take final action on the following:

- A. Building inspections

- B. Building permits
- C. Sign permits in accordance with Chapter 154 of the City Code
- D. Certificates of Occupancy
- E. Irrigation permits

2.10 CITY ENGINEER AND DEVELOPMENT ENGINEERING DIRECTOR

2.10.1 Designation

The City Manager shall designate the City Engineer and the Development Engineering Director for the City.

2.10.2 Delegation of Authority

Where this Code assigns a responsibility, power, or duty to the City Engineer or Development Engineering Director, the City Engineer or Development Engineering Director, as applicable, may delegate that responsibility, power, or duty to any other agent or employee of the City whom the City Engineer or the Development Engineering Director may reasonably determine. Upon such delegation, the terms "City Engineer" or "Development Engineering Director," as applicable, shall be deemed to include the City Engineer's or Development Engineering Director's designee.

2.10.3 Powers and Duties

The City Engineer and the Development Engineering Director shall implement, administer, and oversee the provisions, terms, and conditions of this Code involving engineering standards or considerations, the City's Engineering Design Manual and Construction Standards, and engineering related elements within the City's Comprehensive Plan.

The City Engineer shall have the following powers and duties:

- A. Maintain and hold open for public inspection all records pertaining to the City's Engineering Design Manual and Construction Standards, water and wastewater master plans, transportation and public infrastructure elements of the City's Comprehensive Plan.
- B. Ensure adequate inspection of construction permitted under the terms and conditions of this Code to confirm that such construction is carried out in accordance with the approved construction plans.
- C. Review and utilize any acceptable new flood study data in accordance with the City's Engineering Design Manual and Construction Standards.
- D. Review and make recommendations to the City Council concerning proposed new or amended development agreements.
- E. Determine and enforce dedication requirements for rights-of-way and easements.
- F. Determine and enforce requirements for off-site utility extension and for utility over-sizing.

The Development Engineering Director shall have the following powers and duties:

- A. Review and approve, approve with conditions, or deny driveway and median break applications.

- B. Review and approve Traffic Impact Analyses scoping and reports.
- C. Review and approve, approve with conditions, or deny applications for site disturbance, right-of-way, and construction plan permits.
- D. For private development, ensure adequate inspection of construction permitted under the terms and conditions of this Code to confirm that such construction is carried out in accordance with the approved construction plans.
- E. Floodplain Administration.
- F. Review, approve and utilize any acceptable new flood study data in accordance with the City's Engineering Design Manual and Construction Standards.
- G. Ensure land development is consistent with applicable components of the water and wastewater master plans, public infrastructure elements of the City's Comprehensive Plan, and with future City capital improvement projects.

2.10.4 Qualifications

The City Engineer and the Development Engineering Director must be professional engineers licensed by the State of Texas.

2.11 CITY FORESTER

2.11.1 Designation

The Administrator shall designate and supervise the City Forester for the City.

2.11.2 Delegation of Authority

Where this Code, or the Tree Technical Manual, assigns a responsibility, power, or duty to the City Forester, the Planning Director may delegate that responsibility, power, or duty to any other agent or employee of the City whom the Planning Director may reasonably determine. Upon such delegation, the term "City Forester" shall be deemed to include such designee.

2.11.3 Powers and Duties

The City Forester shall oversee the City's urban forestry program and serve as an advisor to Development Services. The City Forester shall implement, administer, and oversee the provisions, terms, and conditions of public tree planting, the Public Tree Care Ordinance, and relevant provisions and procedures for tree preservation and landscaping throughout the development process.

2.12 PARKS AND RECREATION DIRECTOR

2.12.1 Designation

The Administrator shall designate and supervise the Parks and Recreation Director for the City.

2.12.2 Responsibilities

The Parks and Recreation Director shall oversee the City's parkland program and serve as an advisor to Development Services. The Parks and Recreation Director shall implement, administer,

and oversee the provisions, terms, and conditions of public parkland, relevant provisions and procedures related to parkland dedication, and conveyance of parkland to the City throughout the development process.

2.12.3 Powers and Duties

The Parks and Recreation Director shall have the following powers and duties:

- A. Review and make recommendations to the Parks and Recreation Advisory Board and the Planning and Zoning Commission, as applicable, regarding proposed alternative compliance of parkland dedication and development standards related to development applications pursuant to Subchapter 14.
- B. Enforce the City's parkland requirements in the development review process.
- C. Enforce the City's Park Development Manual in the development review process.

2.13 DEVELOPMENT REVIEW COMMITTEE

2.13.1 Designation

The Administrator shall designate the Development Review Committee for the City.

2.13.2 Responsibilities

The Development Review Committee shall conduct pre-application conferences and review pre-applications, commercial site plans, subdivision applications, zoning applications, and other development applications.

2.13.3 Powers and Duties

The Development Review Committee shall have the following powers and duties:

- A. Review site development and site disturbance permits.
- B. Review subdivision applications, including preliminary plans, final plats, replats, amended plats, minor plats, and vacation plats.
- C. Other duties as assigned by the Administrator, including reviewing and making recommendations related to requests for annexation, change of zoning, specific use permits, and Comprehensive Plan amendments.

2.14 OFFICIAL ZONING DISTRICT MAP

2.14.1 The boundaries of zoning districts set out in this Code are delineated upon the Official Zoning District Map of the City, which the City Council adopts as part of this Code as fully as if the same were set forth in this Code in detail.

2.14.2 The Official Zoning District Map shall reflect all changes in zoning district boundaries and all changes in zoning designations for properties as approved by the City Council. The Official Zoning District Map may include an ordinance reference to the most recent

zoning amendment. The Official Zoning District Map shall be maintained by the City's GIS Division.

2.14.3 The following rules shall be used to determine the location of any zoning district boundary line shown on the Official Zoning District Map. Where a physical feature on the ground differs from the representation of such feature on the Official Zoning District Map, the physical feature on the ground shall control.

- A. Where district boundaries are generally shown to follow streets or alleys, the boundary is considered to follow the centerline of the street or alley.
- B. Where district boundaries are generally shown to follow platted lot lines, the boundary is considered to be the platted lot lines.
- C. Where district boundaries are generally shown to follow lines dividing land ownership, the boundary is considered to be the surveyed line dividing land ownership.
- D. Where district boundaries are generally shown to follow City limit lines, the boundary is considered to be the City limit line.
- E. Where district boundaries are generally shown to follow railroad lines, waterways, utility lines or similar features, the boundary is considered to be the centerline of the feature.
- F. Where district boundaries are shown as separated from but generally parallel to a street, platted lot line, the surveyed line dividing land ownership, political boundary, physical feature or other feature, the boundary is considered to be parallel to the feature and separated by the distance on the map indicated by the scale of the map.

2.15 UNIFIED DEVELOPMENT CODE SUPPLEMENTAL SCHEDULE; FEE SCHEDULE; APPLICATION REQUIREMENTS; AND TECHNICAL MANUALS

2.15.1 General. The Administrator shall prepare and update the Unified Development Code Supplemental Schedule to provide guidance as to the administration of this Code. The Unified Development Code Supplemental Schedule shall include the following: meeting schedule for the Planning and Zoning Commission and Board of Adjustment, and information pertaining to the review of development applications and application content requirements, as required by the Code. The Administrator may amend the contents of the UDC Supplemental Schedule as determined necessary or beneficial to facilitate the administration of this Code.

2.15.2 UDC Appendix A and B.

Of the elements included within the UDC Supplemental Schedule, City Council shall adopt the following by ordinance:

- A. Fee Schedule. A fee schedule establishing the fees to be charged for the processing of permit applications and other services authorized under this Chapter shall be established by ordinance. The fee schedule shall be incorporated into this Chapter as Appendix A and may be amended as part of the City's annual fiscal budget or at such other times as found warranted by City Council.
- B. Application Submittal and Content Requirements. The application submittal and content requirements shall be incorporated into this Chapter as Appendix B.

2.15.3 Establishment by Ordinance. The City Council shall adopt and update, by ordinance, technical manuals which provide specific design guidelines and standards for development within the City and ETJ. Examples of such technical manuals include, but are not limited to:

- A. Engineering Design Manual and Construction Standards;
- B. Parks Development Manual; and
- C. Tree Technical Manual.