

CITY OF CROWLEY, TEXAS: CHAPTER 106 - ZONING ORDINANCE

ARTICLE 2: PROCEDURES AND ADMINISTRATION

TABLE OF CONTENTS

106.31	PURPOSE & ORGANIZATION	10
A.	PURPOSE.....	10
B.	SUMMARY OF ARTICLE’S ORGANIZATION	10
106.32	REVIEW AUTHORITIES.....	10
A.	CITY COUNCIL OF THE CITY OF CROWLEY.....	10
B.	PLANNING AND ZONING COMMISSION.....	11
C.	ZONING BOARD OF ADJUSTMENT	13
D.	ADMINISTRATOR	15
106.33	COMMON ZONING PROCEDURES.....	16
A.	SUMMARY OF COMMON ZONING REVIEW PROCEDURES.....	16
B.	APPLICABILITY.....	16
C.	COMPLIANCE WITH STATE AND FEDERAL LAW	17
D.	PRE-APPLICATION MEETING.....	17
E.	APPLICATION SUBMITTAL AND COMPLETENESS DETERMINATION	18
F.	APPLICATION REVIEW	19
G.	PUBLIC NOTICE	19
H.	PUBLIC HEARING AND APPROVAL PROCEDURES	20
I.	WITHDRAWAL AND REAPPLICATION	22
J.	MODIFICATIONS	22
K.	EXPIRATIONS	23
106.34	SPECIFIC ZONING PROCEDURES.....	24
A.	ZONING CHANGE AND ZONING TEXT AMENDMENT PROCEDURES	24
B.	CONCEPT PLAN PROCEDURES.....	26
C.	SPECIFIC USE PERMIT (SUP) PROCEDURES	33
D.	TYPE I DEVELOPMENT PLAN OR TYPE I SITE PLAN PROCEDURES.....	36
E.	TYPE II DEVELOPMENT PLAN AND TYPE II SITE PLAN PROCEDURES	39
F.	ZONING VARIANCES AND APPEALS	41
G.	ADMINISTRATIVE MODIFICATIONS.....	43
106.35	ENFORCEMENT AND PENALTIES	45
A.	PURPOSE.....	45
B.	VIOLATIONS	45
C.	RESPONSIBLE PERSONS.....	45
D.	RESPONSIBILITY FOR ENFORCEMENT	46
E.	ENFORCEMENT PROCEDURES	46
F.	CUMULATIVE REMEDIES.....	47
G.	PENALTIES FOR VIOLATIONS	47
106.36 – 106.44:	RESERVED	47

CITY OF CROWLEY, TEXAS: CHAPTER 106 - ZONING ORDINANCE

ARTICLE 2: PROCEDURES AND ADMINISTRATION

106.31 PURPOSE & ORGANIZATION

A. PURPOSE

This Article describes the procedures for review of applications for all zoning ordinance-related development activity in the City of Crowley. This Article is intended to ensure consistency and efficiency in the administration of Chapter 106 in its entirety.

B. SUMMARY OF ARTICLE'S ORGANIZATION

- (1) Section 106.32, Review Authorities, describes the duties and membership of the boards, commissions, and any other bodies that may have review and decision-making authority under this Chapter.
- (2) Section 106.33, Common Zoning Procedures, summarizes and describes standard procedures that are applicable to most types of applications.
- (3) Section 106.34, Specific Zoning Procedures, describes additional procedures unique to specific policy related application types including amendments to the zoning map or this Chapter, and approval of Planned Development Districts (PD Districts) and Mixed-Use Districts (MU Districts).
- (4) Section 106.35, Enforcement and Penalties, describes procedures through which the city will ensure compliance with the provisions of this Chapter and sets forth the remedies and penalties that apply to violations.

106.32 REVIEW AUTHORITIES

A. CITY COUNCIL OF THE CITY OF CROWLEY

- (1) Powers and Duties: In addition to any authority granted to the City Council (Council) by State law, City Charter, or other city ordinances (Part I, Home Rule Charter, Article III, Section 3.04), the City Council of the City of Crowley may:
 - a. Adopt, make modifications to, and implement the comprehensive plan and supporting studies;
 - b. Amend, supplement, or change the regulations established in this Chapter;
 - c. Amend, supplement, or change the zoning district boundaries;
 - d. Establish fees for processing development applications, zoning verification letters, zoning maps, or other applications required by this Chapter;
 - e. Grant, deny, or impose conditions for a Specific Use Permit consistent with the purposes stated in this Article, and
 - f. Appoint and remove members of the Planning and Zoning Commission, Zoning Board of Adjustment, Parks and Recreation Board, and any other Board or Commission of the city.

B. PLANNING AND ZONING COMMISSION

- (1) Powers and Duties: The Planning and Zoning Commission shall have all powers, discretion, and duties established by the Texas Local Government Code (TXLGC) Chapters 211 and 212. The Planning and Zoning Commission shall have the powers and duties set forth in Table 106.33-1, Summary of Common Zoning Review Procedures, to be carried out in accordance with the terms of this Chapter. In addition, the Planning and Zoning Commission shall have the following responsibilities, also to be carried out in accordance with the terms of this Chapter:
- a. To review and recommend administrative procedures to the City Council in regards to inspection of property and premises where required in the discharge of responsibilities under the laws of the state and of the city.
 - b. To recommend to the City Council approval or disapproval of proposed changes in the zoning district map.
 - c. To formulate and recommend to the City Council for its adoption of a city comprehensive plan for the orderly growth and development of the city and its environs, and from time to time recommend such changes in the plan as it finds will facilitate the movement of people and goods, and the health, recreation, safety, and general welfare of the citizens of the city.
 - d. To formulate a zoning district map as may be deemed best to carry out the goals of the city plan; hold public hearings and make recommendations to the City Council relating to the creation, amendment, and implementation of zoning regulations and districts as provided in Local Government Code § 211, as amended, authorizing cities to pass regulations; all powers granted under said Statute are specifically adopted and made a part hereof.
 - e. To exercise all the powers of a Planning and Zoning Commission as to approval or disapproval of plans, plats, or replats and vacations of plans, plats, or replats set out in Local Government Code § 212 as amended.
 - f. Under City Council direction, and with coordination with the city staff, to study and make recommendations on the location, extension, and planning of public rights-of-way, parks, or other public places, and on the vacating or closing of same.
 - g. To consider city-initiated proposals with public hearings for:
 - 1. The opening of public rights-of-way, parks, or other public places;
 - 2. The original zoning of annexed areas;
 - 3. The change of zoning district boundaries; and
 - 4. A textual amendment to Chapter 106, City of Crowley Zoning Ordinance.
 No fee shall be required for the filing of any such proposal on behalf of the city.
 - h. To formulate, analyze, and recommend to the City Council for its adoption policies and regulations consistent with any adopted city plan(s) governing the location and/or operation of utilities and public facilities.
 - i. To keep itself informed with reference to the progress of city planning in the United States and Texas to recommend improvements in the adopted plans.

- j. To submit a periodic progress report to the City Council summarizing its activities and major accomplishments for an agreed upon period of time and a proposed work program for the coming year(s). The report shall contain the attendance record of all members for the time period.
 - k. The Planning and Zoning Commission, at the direction of the City Council, shall study, hold public hearings, and submit reports on any topics pertaining to planning and zoning matters that the City Council deems appropriate.
 - l. With the city staff, review and provide input on recommendations for a multi-year capital improvement plan to City Council.
- (2) Organization and Membership:
- a. The Planning and Zoning Commission shall consist of seven members. The members shall be residents of the city and qualified voters. They shall be appointed by a majority vote of the members of the City Council at a regular or specially-called meeting thereof.
 - b. The terms of four of the members shall expire on the first Monday in June of each odd-numbered year, and the terms of three of the members shall expire on the first Monday in June of each even-numbered year. The members of the Planning and Zoning Commission shall be identified by place numbers one through seven. The odd-numbered places shall expire in the odd-numbered years; the even-numbered places shall expire in the even-numbered years. Planning and Zoning Commission members may be appointed to succeed themselves.
 - c. Vacancies shall be filled for unexpired terms by the City Council in the same manner as the original appointment was made. Newly appointed members shall be installed at the first regular Planning and Zoning Commission meeting after their appointment. The City Council may remove a Planning and Zoning Commission member by majority vote of the members of the City Council.
 - d. The Planning and Zoning Commission shall hold an organizational meeting on the fourth Monday in July of each year and shall elect a Chairperson and Vice-Chairperson from among its members before proceeding to any other matters of business. Upon City Council confirmation, the Chairperson and Vice-Chairperson will serve for a term of one year. The Planning and Zoning Commission shall adopt its own rules of procedure and keep a record of its proceedings consistent with the provisions of this Chapter and state law.
 - e. The appointments of existing members to the Planning and Zoning Commission are hereby ratified, and such terms shall continue until a successor lawfully takes office, until the expiration of the terms ratified by this subsection, or until the member resigns or is removed.

(3) Meetings, Hearings, and Procedures:

- a. All meetings and hearings of the Planning and Zoning Commission are subject to State laws governing open meetings.
- b. Any action calling for a formal vote shall take place only at a public meeting with a quorum.
- c. A quorum of the Planning and Zoning Commission shall be four members.
- d. Executive sessions shall not be open to the public and shall be conducted in accordance with the procedures consistent with the statutes of the State of Texas.
- e. All meetings and hearings of the Planning and Zoning Commission shall be conducted in accordance with the procedures set forth in these regulations and rules of procedure.
- f. The Planning and Zoning Commission shall keep a written record of all its proceedings. The City Secretary or a representative designated by the Commission shall serve ex officio as secretary of the commission, but shall have no vote.
- g. The Planning and Zoning Commission shall hold regular meetings and shall designate the time and place of the meetings. The Planning and Zoning Commission may hold special meetings as provided in its rules of procedure.
- h. The members of the Planning and Zoning Commission shall serve without compensation.
- i. Three consecutive unexcused absences or absence from three meetings in any six-month period shall be grounds for dismissal.

C. ZONING BOARD OF ADJUSTMENT

- (1) Powers and Duties: The Zoning Board of Adjustment has the powers assigned in Texas Local Government Code §211.009 and in Section 106.34(F), Zoning Variances and Appeals, Section 106.106, Loss of Legal Nonconformity Status, and Section 106.107, Amortization of Nonconforming Uses, Structures, or Sites of this Chapter.
- (2) Organization and Membership:
 - a. A Zoning Board of Adjustment is hereby established, which shall consist of five regular members and two alternate members (as Place 1 through 7), each to be appointed for a term of two years by the City Council. Alternate members shall serve in the absence of regular members in keeping with rules and procedures adopted by the Zoning Board of Adjustment.
 - b. The standard expiration date for terms shall be the first Monday in June of each calendar year. All odd numbered places shall expire in odd years and even numbered places shall expire in even years.
 - c. Members of the Zoning Board of Adjustment may be removed from office by the City Council by majority vote of the members of the City Council. Vacancies shall be filled by appointment of the City Council for the unexpired term of the member affected. The appointment procedure for vacancies is the same as for an original appointment.

- d. The Zoning Board of Adjustment shall hold an organizational meeting on the first Monday in July of each year and shall elect a Chairperson and Vice-Chairperson from among its members before proceeding to any other matters of business. Officers will serve for a term of one year.
 - e. Duties of the officers shall be as follows:
 - 1. *Chairperson.* The chairperson shall preside at all meetings and may administer oaths and compel the attendance of witnesses, and shall have the same subpoena powers as the municipal court.
 - 2. *Vice-chairperson.* The vice-chairperson shall assist the chairperson in directing the affairs of the Zoning Board of Adjustment and act in the absence of the chairperson.
 - f. The appointments of existing members and alternates to the Zoning Board of Adjustment are hereby ratified, and such terms shall continue until a successor lawfully takes office, until the expiration of the terms ratified by this subsection, or until the member resigns or is removed.
- (3) Meetings, Hearings, and Procedures
- a. All meetings, hearings, and procedures of the Zoning Board of Adjustment are subject to Texas Local Government Code Chapter 211, the Board's rules of procedure, and this section.
 - b. Any case before the Zoning Board of Adjustment must be heard by at least four members.
 - c. The Zoning Board of Adjustment shall adopt rules governing its proceedings, consistent with this section and the TXLGC.
 - d. Meetings shall be held at the call of the Chairperson and at such other times as the Zoning Board of Adjustment may determine.
 - e. The members of the Zoning Board of Adjustment shall regularly attend meetings and public hearings of the Board and shall serve without compensation. Three consecutive unexcused absences shall constitute grounds for dismissal.
 - f. All meetings and hearings of the Zoning Board of Adjustment shall be open to the public.
 - g. The Zoning Board of Adjustment shall keep minutes of its proceedings that indicate the vote of each member on each question or the fact that a member is absent or fails to vote. The Zoning Board of Adjustment shall keep records of its examinations and other official actions. The City Secretary or a representative designated by the Zoning Board of Adjustment shall serve ex officio as Secretary of the Zoning Board of Adjustment, but shall have no vote. The minutes shall be filed immediately in the Zoning Board of Adjustment Secretary's office and are public records.

D. ADMINISTRATOR

(1) Powers and Duties

- a. The Administrator or Designee refers to the job duties and titles as assigned and ascribed by the City Manager and/or City Council authorized to administer and enforce the terms of this Chapter.
- b. The Administrator shall maintain and have the duty of care, custody, and control of the records of the Planning and Zoning Commission and the Zoning Board of Adjustment.
- c. The Administrator shall attend meetings and make recommendations on all matters pertaining to planning, zoning, and land development.
- d. The Administrator may approve minor modifications to development standards and to minor changes to approved plans or PD Development Plans when indicated in Section 106.34, Specific Zoning Procedures.
- e. The Administrator shall determine whether an application substantially complies with this Chapter or conditions of approval, where authorized by Section 106.33, Common Review Procedures and Section 106.34, Specific Zoning Procedures.
- f. The Administrator shall interpret this Chapter and the Official Zoning Map, unless the authority to interpret a provision of this Chapter is assigned to another agency. All interpretations by the Administrator are subject to appeal to the Zoning Board of Adjustment.

106.33 COMMON ZONING PROCEDURES

A. SUMMARY OF COMMON ZONING REVIEW PROCEDURES

The following Table 106.33-1 summarizes the major procedures for review of applications for land use and development activity. Not all procedures addressed in this Article are summarized in this table; see the subsequent sections of this section for additional details on each procedure.

Table 106.33-1: Summary of Common Zoning Procedures (Shaded row = Public Hearing required)						
Major Application Types	Pre-Application Meeting X= Mandatory O = Optional	Administrator	Planning and Zoning Commission	Zoning Board of Adjustment	City Council	Section Reference
POLICY & DEVELOPMENT RELATED APPLICATIONS						
Amendment to the Zoning Ordinance Text	X	R	R		F	Sec. 106.34(A)
Zoning Map Amendment (Rezoning)*	O	R	R		F	Sec. 106.34(A)
Concept Plan	X	R	R		F	Sec. 106.34(B)
Specific Use Permit	O	R	R		F	Sec. 106.34(C)
Type II Development Plan or Site Plan	X	R	R		F	Sec. 106.34(E)
Type I Development Plan or Site Plan*	O	R/F	A		A	Sec. 106.34(D)
FLEXIBILITY AND RELIEF PROCEDURES						
Zoning Variance and Appeals	O	R		F		Sec. 106.34(F)
Administrative Modifications	O	R/F	A		A	Sec. 106.34(G)

* Pre-application meeting required for Rezoning to PD and MU Zoning Districts and Type I Development and Site Plans in the PD and Mixed-Use zoning districts.

B. APPLICABILITY

This section describes the procedural elements common to all applications (see Table 106.33-1). Additional procedures that apply to specific applications are provided in Section 106.34, Specific Zoning Procedures. Generally, the procedures for all applications have six common elements:

- (1) Pre-application meeting (as required or optional in Table 106.33-1);
- (2) Submitting all information required for a complete application, including required fee payments;
- (3) Determination of completeness;
- (4) Review of the application by appropriate staff, agencies, and boards;
- (5) Notice (if required);
- (6) Action to approve, approve with conditions, or deny the application;
- (7) Appeals, if any; and
- (8) Actions authorized by the permit and the time period for exercising rights under the order or permit.

C. COMPLIANCE WITH STATE AND FEDERAL LAW

All procedures and requirements for approvals under this Chapter shall comply with the Texas Local Government Code and other applicable state or federal laws, rules, or regulations. If these requirements conflict with the Texas Local Government Code, the Texas Local Government Code requirements control.

D. PRE-APPLICATION MEETING

- (1) Purpose: The purpose of the pre-application meeting is to provide an opportunity for an informal evaluation of an applicant's proposal and for the applicant to become familiar with the City of Crowley's submittal requirements, development standards, and approval criteria. The Administrator or designee may provide recommendations and/or inform the applicant of any potential issues that might be presented to the applicable decision-making body. This provides an opportunity to address any major issues before the applicant and the city spend substantial time and expense on the application.
- (2) Applicability: A pre-application meeting is required prior to certain types of applications, as listed in Table 106.33-1 and Section 106.34, Specific Zoning Procedures. Applications for these types of approvals may not be accepted until a pre-application meeting is completed.
- (3) Meeting Process: City staff shall coordinate with the applicant and facilitate the meeting, including scheduling the time and location of the meeting. At the meeting, city staff may:
 - a. Determine the required application(s) and the timing of multiple application submittals (i.e., whether they may be processed concurrently or must be processed sequentially);
 - b. Provide the applicant with application materials and inform the applicant of submittal requirements and procedures;
 - c. Provide the applicant with an estimated time frame for the review process;
 - d. Based on a conceptual plan of the proposal (if required), generally discuss compliance with the Chapter's zoning, use, density, and design and development standards, and attempt to identify any potentially significant issues regarding compliance;
 - e. Refer the applicant to other departments or agencies to discuss any potential significant issues prior to application submittal; and
 - f. Consider or answer questions by the applicant relating to the application process, the standards established in this Chapter, required documents, fees, and any other inquiries relating to the application.
 - g. Applicants are advised that the meeting should take place prior to any substantial investment in time or resources, such as a land acquisition for a proposed development, site and engineering design, or the preparation of other data.
 - h. The informal evaluation and recommendations provided by the staff during a pre-application meeting shall not be considered binding upon the applicant or the city.

E. APPLICATION SUBMITTAL AND COMPLETENESS DETERMINATION

- (1) Applicability: This section applies to any application that is subject to this Chapter.
- (2) Application Materials: The applicant shall submit to the Administrator all the information required in the application packet, along with any information identified in any pre-application meeting and all required information stated elsewhere in this Chapter for the type of application.
 - a. No application is complete unless all the information required by Section 106.34 Specific Zoning Procedures and any application materials required by the Administrator are included. An application is not considered filed until it is complete. The Administrator may allow the applicant to submit any required information later in the review process to complete final action on the application.
 - b. All required application fees as established in the city's latest adopted schedule of fees shall be paid at the time of submittal.
 - c. The applicant shall file an application in advance of any required public hearing or public meeting where the application is considered. The Administrator may establish a schedule for filing and reviewing any application that requires action by the City Council, Planning and Zoning Commission, Zoning Board of Adjustment, or Administrator. The schedule shall provide adequate time for review, notice, and/or publication consistent with the applicable Statutes and this Chapter. Completed applications shall be filed according to any published schedule.
- (3) Completeness Determination:
 - a. The Administrator shall make a determination of application completeness within 10 business days of application filing. If the application is determined to be complete, the application shall then be processed according to the procedures set forth in this Chapter.
 - b. An application will be considered complete if it is submitted in the required form, includes all mandatory information and supporting materials specified in the application packet, in this Chapter, and by the Administrator, and is accompanied by the applicable fee.
 - c. If the application is determined to be incomplete, the Administrator shall provide notice to the applicant that includes an explanation of the application deficiencies. No further processing of an incomplete application shall occur until the deficiencies are corrected. An incomplete application shall be deemed to expire on the 45th day after the application is submitted to city staff for processing if the applicant fails to provide documents or other information necessary to meet the requirements of this Chapter as specified in the determination provided to the applicant. Upon expiration, the application will be returned to the applicant together with any accompanying documents. Fees paid for an expired application will not be refunded. Thereafter, a new application must be submitted. All subsequent re-filings will be subject to fees per the city's fee schedule.

- d. If any false or misleading information is submitted or supplied by an applicant on an application, that application will be deemed void, and a new application must be submitted together with payment of applicable development review fees.
- e. Whenever this Chapter establishes a time period for processing an application, the time period does not begin until the Administrator has reviewed the application for completeness and, if necessary, the applicant has corrected all deficiencies in the application.

F. APPLICATION REVIEW

- (1) Following a determination that an application is complete; the Administrator shall circulate the application to staff and appropriate city departments and other entities for review.
- (2) In addition to the reviews summarized in Table 106.33-1, the Administrator may also refer applications to other boards, commissions, government agencies, and non-governmental agencies not referenced in this Article.
- (3) The Administrator may request a meeting with the applicant to discuss the application and any written comments. Based on the written comments, the applicant shall have an opportunity to revise the application prior to further processing. Additional submittals and reviews may be subject to additional fees as determined by the Administrator.
- (4) On rezoning requests to a Planned Development or Mixed-Use District, the Administrator may require the applicant to schedule a work session with the Planning and Zoning Commission and/or City Council to preview the details of the associated concept plans of the request. At such a work session, the Planning and Zoning Commission or City Council may only provide input on the application's concept plan's compliance with the approval criteria in Section 106.34(B) and/or the city's adopted Comprehensive Plan recommendations.
- (5) If a public hearing is required for an application, the Administrator shall prepare a staff report on whether written comments have been adequately addressed or if adequate justification has been provided for comments not addressed. The staff report shall be made available to the applicant and to the public prior to the scheduled public hearing on the application.

G. PUBLIC NOTICE

- (1) Types of Notices Required: All public hearings before the City Council, Planning and Zoning Commission, or Zoning Board of Adjustment shall be preceded by the following notices and as required by Table 106.33-2:
 - a. *Written Notice*: The Administrator shall send written notice by prepaid first-class mail postage, before the 10th day prior to the hearing, to the applicant and to all owners of real property within 200 feet (measured from property boundaries) of the subject property in the most recently approved tax roll of the city.
 - b. *Published Notice*: When published notice is required, the Administrator shall prepare the content of the notice and publish the notice in an official newspaper

or a newspaper of general circulation in the city, before the 15th day prior to the hearing. The content and form of the published notice shall be consistent with Chapter 211, Texas Local Government Code.

Table 106.33-2: Summary of Notice Requirements		
Application	Published	Written
Amendment to the Zoning Ordinance Text	✓	
Zoning Map Amendment (rezoning)	✓	✓
Concept Plan Amendment	✓	✓
Specific Use Permit	✓	✓
Type II Development Plan	✓	✓
Type II Site Plan	✓	✓
Variance	✓	✓
Appeal of Administrative Decision	✓	✓

- (2) Content of the Notice: Notices, whether by publication or mail (written notice), shall state, at a minimum:
- The time, date, and place of the hearing;
 - The address or description of the property involved (if any);
 - The purpose of the hearing, including the nature and scope of the proposed action;
 - The name of the board or commission to hold the hearing; and
 - Where additional information on the matter may be obtained.

H. PUBLIC HEARING AND APPROVAL PROCEDURES

This section identifies public hearing and approval procedures for applications that are subject to this Chapter. Additional procedures and criteria for specific types of applications are located in Section 106.34, Specific Zoning Procedures. All approval procedures shall comply with the Texas Local Government Code and this Chapter. If these requirements conflict with the Texas Local Government Code, the Texas Local Government Code requirements control.

(1) Public Hearings:

- Public Comment:* Any person may appear at a public hearing and give comment (Planning and Zoning Commission), give testimony (Zoning Board of Adjustment), or submit written materials, either individually or as a representative of an organization.
- Staff Report:* The Administrator shall submit a written report to the recommending or decision-making authority. The Administrator's report shall include the reports and recommendations of other city departments, as applicable.
- Postponement:* An applicant may request, but is not entitled to receive, a postponement of the scheduled public hearing. If any publication or notice is

provided by the city, the applicant is responsible for any costs or fees associated with the postponement.

- d. *Continuance*: The decision-making body may continue a hearing to a specified date, time, and place. Such a date shall be made part of the motion and publicly announced at the public hearing. Publication or property owner notification of the continued date is not required, unless required by state law or recommended by the decision-making body or the Administrator.
- e. *Tabling a Decision*: A decision-making body may close a public hearing and table the decision. The decision to table shall appear on each subsequent agenda unless the decision is deferred to a specific date.
- f. *Decision*: After consideration of the application, the staff report, and the comment or evidence from the public hearing (as applicable), the decision-making body shall approve, approve with conditions, or deny the application based on the applicable approval criteria. Written notification (US Mail and/or email, if agreed to by the applicant) of the decision shall be provided by the Administrator to the applicant within 15 business days following the decision.

(2) Approval Criteria

- a. All applications shall comply with all applicable standards in this Chapter and other adopted city ordinances and conform to design requirements and construction standards as set forth in the most current version of the city's Subdivision Regulations, adopted infrastructure standards, or area-specific Planned Development or Mixed-Use District standards as applicable.
- b. The proposed provision and configuration of public improvements shall be adequate to serve the development and conform to the city's adopted master plans.
- c. All applications shall comply with any applicable Federal or State relevant jurisdictions' regulations. This includes, but is not limited to, Texas Department of Transportation (TxDOT), Texas Commission on Environmental Quality (TCEQ), US Environmental Protection Agency (EPA), Federal Emergency Management Agency (FEMA), or other entities with purview over wetlands, water quality, erosion control, and wastewater regulations.
- d. All applications shall comply with any applicable adopted or approved interlocal agreements with Tarrant County or other affected public entities.
- e. The decision-making body may impose conditions reasonably calculated to achieve or maintain compliance with all applicable criteria.
- f. At the public hearing, with approval from the applicant, the Planning and Zoning Commission may recommend to City Council a rezoning to a more restrictive zoning category than was originally requested.
- g. The decision-making body may deny a zoning application if the applicant or representative fails to appear at one or more hearings before the respective body.
- h. The decision-making body may incorporate or require, as part of a condition of approval, a written agreement between the applicant and the city that enforces

the conditions.

- i. The application shall also be generally consistent with the Comprehensive Plan and any adopted policy document.

I. WITHDRAWAL AND REAPPLICATION

(1) Generally

a. *Prior to a Public Hearing:*

1. An applicant may withdraw an application, without prejudice, at any time before it is placed on the agenda of a public hearing or meeting or before the public hearing or meeting even after the meeting agenda is posted.
2. The applicant shall submit a written withdrawal request to the Administrator.
3. After it is withdrawn, the city shall not take further action on the application.
4. To re-initiate review, the applicant shall submit a new application and fee.

b. *During or after a Public Hearing:*

1. An applicant may withdraw an application, with prejudice, during and after a public hearing.
2. The applicant may either do so in writing or in person at the public hearing.
3. After it is withdrawn, the city shall not take further action on the application.
4. An application for materially the same project may not be submitted for a time period of at least six months from the date of withdrawal. The Administrator may make the determination as to whether a project is materially different from a prior submittal based on the layout, density, arrangement of streets, blocks, open space, etc. Minor changes in street/lot layout and density changes within 10 percent of the original application shall not be considered as meeting the standard for a materially different project.
5. If the applicant does materially change the application, it may be submitted any time after the original application withdrawal.
6. A reapplication shall be considered as a new application.

(2) Reapplication

- a. When an application submitted pursuant to this Chapter is denied, no new application for the same or substantially the same request, as determined by the Administrator, shall be submitted or accepted within one year of the date of the denial unless:
 1. The Administrator determines that the resubmitted application corrects any deficiencies identified in the original application, and
 2. Resubmittal of the application complies with applicable Texas law.
- b. Resubmittals are subject to all processing fees, submittal requirements, and review standards in effect at the time the resubmittal is accepted by the Administrator.

J. MODIFICATIONS

Unless permitted under Administrative Modifications in Section 106.34(G) of this Article,

any modifications of approved plans, permits, or conditions of approval shall require a new application that is submitted and reviewed in accordance with the full procedure and fee requirements applicable to the particular type of the original application. Refer to Section 106.34(G) for specific procedures applicable to Administrative and other modifications.

K. EXPIRATIONS

- (1) Where applicable, the lapse of approval time frames established by this Article, due to inactivity on the project may be extended no more than twice in one-year increments by the Administrator and only when all the following conditions exist:
 - a. An extension request shall be filed prior to the applicable lapse-of-approval deadline;
 - b. The extension request must be in writing and include reasonable justification evidencing extraordinary circumstances; and
 - c. No requirements or standards of this Chapter have been significantly altered as to affect the original approval.
- (2) Any extension beyond the two increments of one-year each may only be granted by the decision-making body that granted the original approval.

106.34 SPECIFIC ZONING PROCEDURES

A. ZONING CHANGE AND ZONING TEXT AMENDMENT PROCEDURES

All zoning changes and text amendments require a public review process that includes public hearings at the Planning and Zoning Commission and City Council. The City Council shall be the final authority for approval of these applications after a recommendation from the Planning and Zoning Commission.

The procedures for all zoning change amendment applications shall be as follows (see Figure 106.34-1):

- (1) Pre-application meeting shall be as established in Table 106.33-1 and Section 106.33(D) (required for all Chapter 106 text amendments and zoning change requests to PD or MU Districts). Any of the following parties may initiate a zoning change or text amendment request:
 - a. The City Council on its own motion, or on petition of an interested property owner or representative;
 - b. The Planning and Zoning Commission; or
 - c. The Administrator.
- (2) Application Submittal and Completeness Determination shall meet the standards in Section 106.33(E).
- (3) Application Review shall meet the standards in Section 106.33(F).
- (4) Notice procedures for the type of policy application shall meet the standards in Section 106.33(G) (see Table 106.33-2).
- (5) Public Hearing and Approval Procedure: Shall meet standards in Section 106.33(H) and the following:
 - a. *Planning and Zoning Commission Action:* The Planning and Zoning and Commission shall hold a public hearing on any zoning change or zoning text amendment application. The Planning and Zoning Commission shall forward a report that may include recommendation for approval, approval with conditions, or denial of the application to the City Council.
 - b. *Action by City Council:* The City Council shall hold a public hearing on any zoning change or zoning text amendment application and has final authority to approve, approve with conditions, or deny any proposed zoning change or policy-related application request.
- (6) Additional Review and Approval Criteria: In addition to the Approval Criteria in Section 106.33(H), Table 106.34-1 shall establish additional review and approval criteria for the

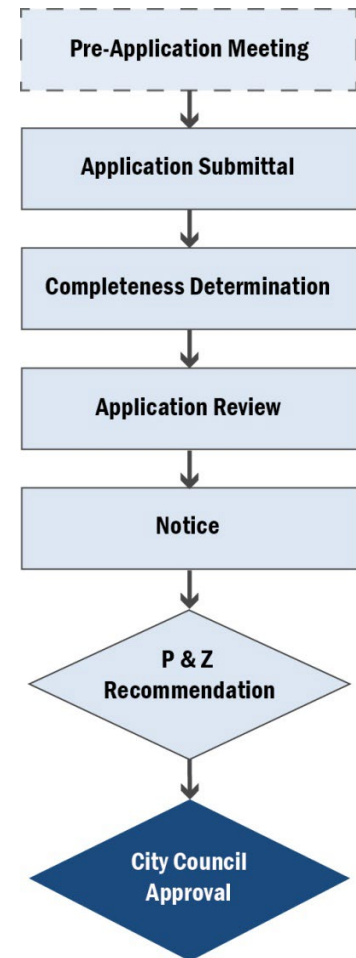


Figure 106.34-1 Zoning Change and Text Amendment Process

Administrator, the Planning and Zoning Commission, and the City Council for different policy-related applications.

Table 106.34-1: Additional Standards and Criteria for Policy Related Applications	
Application	Additional Review Standards & Approval Criteria
Zoning Text Amendment	<p>1. Planning and Zoning Commission and City Council Criteria (any of the following may apply):</p> <ul style="list-style-type: none"> i. Any of the general criteria in Section 106.33(H). ii. Whether the proposed amendment is supported by sound planning principles. iii. Whether the amendment promotes the public health, safety, and welfare. iv. Whether the amendment is appropriate for any of the following reasons: <ul style="list-style-type: none"> a. A material change in circumstance; b. The amendment would avoid an unnecessary hardship to the applicant or affected property owners; or c. The amendment corrects an error or omission made when this Chapter was adopted or last amended. v. Whether the amendment is otherwise in the best interest of the city. vi. Any other factors required or allowed by Texas law.
Zoning Change	<p>2. Planning and Zoning Commission and City Council Criteria (any of the following may apply)</p> <ul style="list-style-type: none"> i. As a legislative decision, the decision of a zoning change is subject to the City Council's discretion. The Planning and Zoning Commission and City Council may consider any or all of the following factors, along with any other relevant facts or circumstances: <ul style="list-style-type: none"> a. The Comprehensive Plan and other adopted plans; b. The character of the surrounding neighborhood; and c. Any other factors required or allowed by Texas law and case law. ii. <i>Protest Petition</i>: In the case of a valid protest petition (as established in TXLGC 211), the rules covering protest petitions in the Texas Local Government Code Chapter 211 shall apply. A $\frac{3}{4}$ vote (super majority) by City Council shall be required in case of a valid protest petition. The Administrator may prescribe the forms to be used for protest petitions. iii. A Concept Plan shall be required with any zoning change request to either the Mixed-Use District or Planned Development Districts.

B. CONCEPT PLAN PROCEDURES

(1) **Purpose and Intent:** The purpose of a Concept Plan is to allow opportunity for the Planning and Zoning Commission and City Council to preview various development-related aspects of a project, including, but not limited to: proposed major street patterns; land use and development patterns and trends; environmental issues and constraints; development character and design standards; conformance to the Comprehensive Plan and other adopted plans, this Chapter, the Subdivision Ordinance, and other applicable plans and guidelines; and the property's relationship to adjoining areas. Review of a Concept Plan also assists the city in evaluating the possible impacts of the proposed development in terms of provision of essential public facilities and services, respecting and preserving important natural features and the environment, provision of open space and recreational opportunities, and protecting the general health, safety, and welfare of the community.

(2) **Applicability:** Submission and approval of a Concept Plan shall be required as the first step in the approval process for all development within the PD-Planned Development and Mixed-Use Districts. An applicant may submit a Type II Development Plan meeting the standards in Section 106.34(E) in lieu of a Concept Plan.

(3) **Application Requirements:**

- a. For Concept Plans, there is no minimum acreage requirement, but it shall be prepared at sufficient scale to show how the proposed project will fit into the surrounding context in terms of connectivity, adjacent uses, infrastructure, etc.
- b. Any amendments to Concept Plans beyond Minor Modifications as established in Table 106.34-2 shall be brought back through the public process for the entire acreage included in the originally-approved Concept Plan.
- c. Any additions to previously approved Concept Plans shall be contiguous with the originally approved Concept Plans.

(4) **Review Procedures:** All Concept Plans shall follow a public review process that includes public hearings at the Planning and Zoning Commission and City Council. The City Council shall be the final authority for approval of these applications after a recommendation by the Planning and Zoning Commission. The procedures for all Concept Plan applications shall be as follows (see Figure 106.34-2):

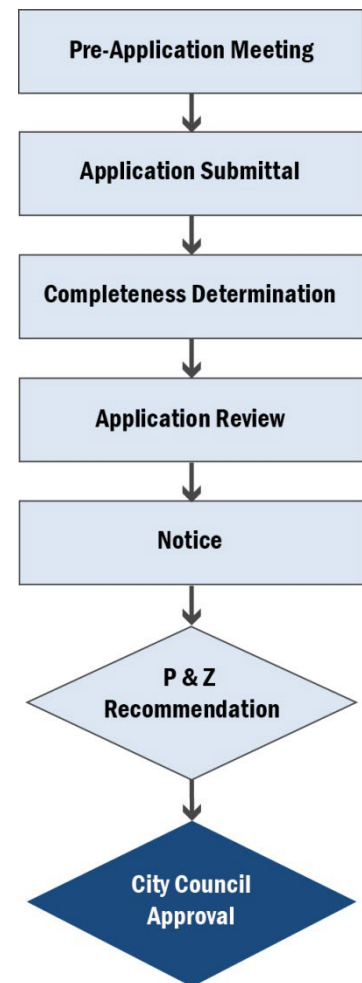


Figure 106.34-2: Concept Plan Procedures

- a. *Pre-application Meeting:* In addition to the procedures established in Section 106.33(D), at a pre-application meeting with staff, the potential applicant shall provide a preliminary conceptual plan, which shall include, at a minimum:
 - 1. Proposed uses within the district (based on the zoning district standards) and their location;
 - 2. Number and type of dwelling units, as applicable;
 - 3. Square footage and heights of proposed nonresidential uses, as applicable;
 - 4. Proposed parking capacity and configuration;
 - 5. Conceptual drawings of proposed structures, internal circulation systems, street and block layout of the development, and other such site information as may be required by the city; and
 - 6. An assessment of the compatibility of the uses, building configuration, and design of the proposed project with the surrounding neighborhood and future uses in the Comprehensive Plan. Include specific discussion on how land use transitions between existing and proposed development will be addressed (transition uses, buffers, screening, etc.)
- b. *Application Submittal:* A Concept Plan application may run concurrently with a zoning change application and shall include the following:
 - 1. A statement indicating the ownership of all interest in the property included in the Concept Plan, with the written, notarized consent of all owners and evidence of title;
 - 2. A series of plan exhibits, graphics, and analysis indicating the broad concept of the proposed development, its conformance to the zoning district standards (as proposed or established), any sub-districts, the location of different land uses, and the location of major streets, blocks, or other area devoted to each use. The plan(s) may show the area proposed to be subdivided and platted as allowed for in this Chapter. The plan(s) shall indicate:
 - i. Generally, where each type of use will be located in the development and the total acreage devoted to each use. Label proposed uses on the plan appropriately.
 - ii. Major internal circulation systems, locations of roadways, locations of trails, trail amenities, bicycle paths, etc.
 - iii. Areas designated for residential uses shall indicate the maximum number of dwelling units per gross acre to be permitted for each residential area proposed, including sizes of building lots and types of dwelling units anticipated.
 - iv. Acreage and location of any open space, civic spaces, and school sites including whether each open/civic space will be privately owned (common area for residents only) or dedicated to public use.
 - v. A parking demand analysis for the mix of uses proposed to support the on-street and off-street parking proposed in the development.

- vi. Illustrations depicting the general development character of the project including architectural renderings and elevations.
 - vii. Provision for public (water, sewer, stormwater) and private utilities (telecommunications, natural gas, electric) as required by other articles in this Chapter, Subdivision Ordinance, adopted master plans, and the most current version of the city's adopted Design Criteria Manual.
3. In the case of Concept Plan for a PD, if the applicant is proposing to create different development standards than the ones specified in this Chapter, in addition to the above standards, the application shall include:
- i. Development standards and other restrictions being proposed by the applicant to be applied to each sub-district or proposed use or specific area similar to standards in the zoning districts contained in this Chapter, including: building setbacks, height limits, access requirements and grade or slope restrictions, special provisions addressing sensitive areas, parking requirements, landscape requirements, architectural design standards, street design and streetscape standards, impervious surface limitations, and floor area ratios.
 - ii. A written explanation and graphic material demonstrating how the character of the development as a result of the modified standards will be superior in terms of mix of uses, walkability, and landscape quality to that produced by the existing standards. Graphic material shall include building elevations, renderings, and sketches to illustrate development character and quality.
 - iii. Graphic illustrations and written explanations of how the proposed PD addresses the specific constraints and opportunities of the site and surrounding area in a superior manner to what might be accomplished without the PD standards.
 - iv. A regional location map showing the relationship of the site to connecting roadways, public utilities, and adjoining land uses.
 - v. A site map illustrating site boundaries, acreage, any existing structures, and existing zoning.
 - vi. A site topographic map showing any steep slopes (slopes over 10 percent grade at an appropriate scale), major vegetation elements, streams, rivers, ditches, and areas subject to one hundred-year flooding.
 - vii. A non-binding development schedule indicating the improvements included in each phase and the approximate dates when construction of the various stages of the development is anticipated to begin and be completed.
 - viii. Copies of any special private covenants, conditions, and restrictions which will govern any use or occupancy within the development. The applicant may also impose additional covenants, conditions, and restrictions on any particular area during the subdivision process.

- ix. Evidence that the development has been designed with consideration of the site's natural environment and the surrounding area and does not unreasonably impact wildlife, natural vegetation, or unique natural or historic features.
 - x. A daily and peak hour trip generation and directional distribution report (traffic impact analysis) by use unless the City Engineer finds that the traffic to be generated by the proposed district does not warrant the preparation and submission of a study or agrees to an alternative methodology or as established in Chapter 98 of the City of Crowley Code of Ordinances.
 - xi. Any other information or exhibits pertinent to the evaluation of the proposed Concept Plan that the applicant would like to submit.
4. In the case of a Concept Plan for a Mixed-Use District, the applicant may be required to provide information required for a PD above in addition to information that illustrates compliance with the Mixed-Use District Standards in Section 106.60.
- c. *Completeness Determination:* A Concept Plan application shall meet the requirements in Section 106.34(B)(4)(b) above, information outlined in Section 106.33(E), and a completed application form provided by the Administrator. The Administrator shall make a completeness determination within 10 business days of the date of the Submittal.
 - d. *Application Review:* Application review shall meet the standards in Sections 106.33(F), 106.34(B)(4)(b) above and shall be based on the extent to which the application meets the recommendations in the Comprehensive Plan and the specific zoning district purpose and standards.
 - e. *Notice:* Notice procedures for Concept Plan applications must be completed as described in Section 106.33(G) (see Table 106.33-2).
 - f. *Approval Procedures:*
 - 1. Action by the Planning and Zoning Commission: The Planning and Zoning Commission shall hold a public hearing on any Concept Plan. The Planning and Zoning Commission shall approve, approve with conditions, or deny the application and forward its report and recommendation to the City Council. If the Concept Plan is submitted with a zoning change application, the public hearing for the Concept Plan may be combined with the public hearing for the zoning change.
 - 2. Action by the City Council: The City Council shall hold a public hearing on any Concept Plan. If a Concept Plan is submitted with a zoning change application, the public hearing for the Concept Plan may be combined with the public hearing for the zoning change. The City Council has final authority to approve, approve with conditions, or deny any Concept Plan applications.
 - g. *Review and Approval Criteria:* General criteria in Section 106.33(H) and this Section shall establish the review and approval criteria for the Administrator, the

Planning and Zoning Commission, and City Council for Concept Plan applications. The Concept Plan shall meet as many of the following criteria as practicable given the specific context and development goals:

1. The Concept Plan addresses a unique situation, confers a substantial benefit to the city, or incorporates creative site design such that it achieves the purposes of this Chapter and represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable district or development standards. Such improvements in quality may include, but are not limited to: improvements in open space and trail provisions and access; environmental protection; tree/vegetation preservation; efficient provision of streets, roads, and other utilities and services; and/or mix of uses or innovative housing types.
 2. The development shall have appropriate transitions to the surrounding area, with adequate standards to mitigate any potentially negative impacts.
 3. Streets within the development shall provide adequate internal circulation for a variety of modes of transportation as well as connect to the city's overall system to provide a seamless, multi-modal network.
 4. Streets shall be designed to create a pleasant walking and biking environment with on-street parking where appropriate and streetscape enhancements.
 5. Cul-de-sacs shall be discouraged unless natural features such as topography or stream corridors prevent a connection as determined by the Administrator.
 6. Stub streets may be required where a street is likely to be extended into adjoining undeveloped property.
 7. The Concept Plan shall provide common open space per the requirements of the zoning district standards and adequate in terms of location, accessibility and usability, area, and type of the common open space, and in terms of the uses permitted in the development. The development shall ensure optimum preservation of the natural features of the terrain.
- h. *Concept Plan Approval:* The approved Concept Plan with all the associated exhibits shall be tied to the zoning application to the PD or Mixed-Use Districts. The approved PD, or Mixed-Use zoning district, the approved Concept Plan, all exhibits, and any associated development agreements together establish all the development standards including the uses permitted, character of the development, and any modifications to the applicable zoning regulations.
- i. *Amendments to Approved Concept Plans:* Amendments to previously-approved concepts plans may be classified as Major or Minor amendments. Table 106.34-2 classifies major and minor amendments.
1. Major Amendments: Major amendments to approved Concept Plans shall be reviewed, processed, and approved in the same manner as required for the originally-approved Concept Plan, including all notice and citizen participation requirements and recommendation by the Planning and Zoning Commission

and consideration by City Council.

2. Minor Amendments: Minor amendments to an approved Concept Plan are administrative requests and may be approved, approved with conditions, or denied by the Administrator. A minor amendment may be approved administratively so long as the amendment does not constitute, as determined by the Administrator, a substantial alteration of the fundamental nature and character of the approved Concept Plan. Minor amendments may not alter the terms of applicable development agreements or be contrary to any applicable ordinance. If the Administrator denies the amendment, the applicant may appeal the denial, and the amendment shall be treated as a major amendment.

Table 106.34-2: Major and Minor Amendments for Concept Plans

Type of Concept Plan Amendment	Scale of Amendment	Major	Minor	Comments
LAND USES				
Addition of new principal land use currently not allowed in the development	Any request	■		
Change to permitted land uses in any location	Any change that affects overall PD density or intensity	■		Section 106.34(G); and Shall not change the overall mix of nonresidential and residential uses in the originally-approved concept plan.
	Any change that does not affect overall PD density or intensity		■	
Change to use-specific standards for permitted uses	Any change	■		
Shift or relocation of residential dwelling units from one phase, parcel, or development unit of the project to another phase, parcel, or development unit, with no net increase in the total number of residential dwelling units permitted under the approved Concept Plan	>20% shift in dwelling units	■		Considered a minor amendment only if the Administrator finds, in writing, that the proposed transfer will have no material impact on the services and infrastructure proposed, provided for, and necessary to accommodate and serve the transferred units.
	0% - 20% shift in dwelling units		■	
DEVELOPMENT STANDARDS				
Any change to the alignment of any streets shown on the Concept Plan	≥200 feet in any direction	■		Section 106.34(G).; and Any change in street alignment shall still maintain the connectivity to the existing street network and adjoining properties as intended in the originally-approved Concept Plan.
	<200 feet in any direction		■	
Any change that results in a decrease of planned or identified parks, trails, and/or major open space (including any natural areas or undisturbed open space)	≥5%	■		Section 106.34(G)
	<5%		■	
Any change to parking, landscape buffer, setbacks, or building design standards	More than 5% reduction of any numerical standard for these elements.	■		Section 106.34(G)
	No more than 5% reduction of any numerical standard for these elements.		■	
GENERAL				
Any other amendment that does not meet a minor amendment threshold as listed above or any amendment that is deemed by the Administrator to make such a significant or fundamental change to the originally-approved Concept Plan, which in the Administrator's judgment, should be deemed to be a major amendment.	All	■		

C. SPECIFIC USE PERMIT (SUP) PROCEDURES

(1) Purpose and Intent: The Specific Use Permit (SUP) provides a means to develop certain uses in a manner that is compatible with adjacent property and consistent with the character of the neighborhood or district.

(2) Applicability: The City Council may grant, repeal, or amend Specific Use Permits (SUP's) for certain uses, but only where specified in **Article 5: Use Regulations** of this Chapter. Approval of an SUP occurs by ordinance.

(3) Review Procedures: All SUP applications shall follow a public review process that includes public hearings at the Planning and Zoning Commission and City Council. The City Council shall be the final authority for approval of these applications after a recommendation by the Planning and Zoning Commission. The procedures for all SUP applications shall be as follows (see Figure 106.34-3):

- a. *Initiation*: May be initiated by a property owner or tenant (including potential tenant) with written approval by the property owner.
- b. *Pre-Application Meeting*: In addition to the procedures established in Section 106.33(D), at a pre-application meeting with staff, the applicant shall provide a preliminary Site Plan, which shall include, at a minimum:
 1. Details of the SUP request;
 2. Location of buildings and other site improvements that include parking, landscaping, lighting, fencing, and any other elements on the site;
 3. Justification or narrative on how the SUP application meets the review and approval criteria for SUPs; and
 4. Any other information that is relevant to the application or that may be requested by the Administrator, including elevations and architectural drawings of the buildings, site improvements, and related studies or analysis.
- c. *Application Submittal*: In addition to the standards in Section 106.33(E), the following shall apply:
 1. Site plan information as required in Section 106.34(D) or 106.34(E).
 2. Additional information if deemed appropriate by staff, Planning and Zoning Commission, or City Council:
 - i. Copies of studies or analyses upon which projections for need or demand for the proposed facility have been based;
 - ii. Description of the present use, assessed value, and actual value of the

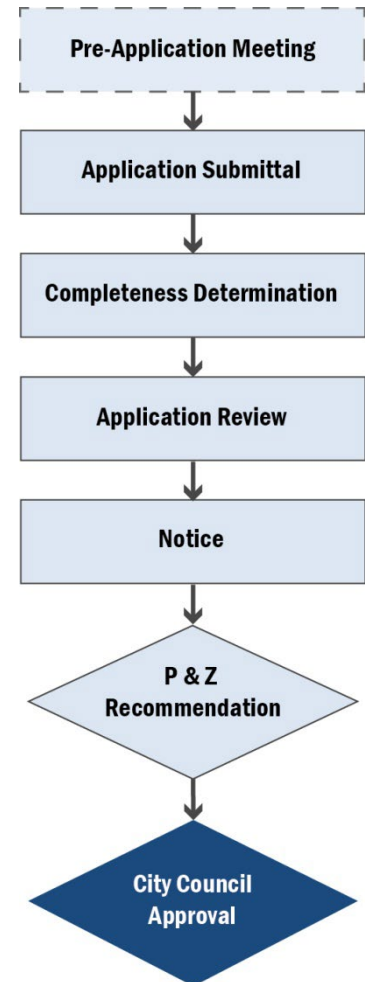


Figure 106.34-3: Specific Use Permit Review Procedures

- land affected by the proposed facility;
 - iii. Description of the proposed use, anticipated assessed value, and supporting documentation;
 - iv. A description of any long-term plans or master plan for the future use or development of the property;
 - v. A description of the applicant's ability to obtain needed easements to serve the proposed use;
 - vi. A description of any special construction requirements that may be necessary for any construction or development on the subject property;
 - vii. A traffic impact analysis prepared by a qualified professional in the field of traffic evaluation and forecasting may be required.
 - d. Completeness Determination: Standards in Section 106.33(E) shall apply.
 - e. Application Review: Standards in Section 106.33(F) and criteria in this Section shall apply.
 - f. Notice: Published and written notice required. Standards in Section 106.33(G) and Table 106.33-2 shall apply.
- (4) Approval Procedures:
- a. Planning and Zoning Commission Action: The Planning and Zoning Commission shall hold a public hearing and make a recommendation to the City Council. The Planning and Zoning Commission shall forward its recommendation to approve, approve with conditions, or deny the application to the City Council. In authorizing a Specific Use Permit, Planning and Zoning Commission or City Council may impose additional reasonable conditions necessary to protect the public interest and welfare of the community.
 - b. *City Council Action:*
 - 1. The City Council shall hold a public hearing and approve, approve with conditions, deny, or remand the application.
 - 2. The granting of an SUP has no effect on the uses permitted as of right and does not waive the regulations of the underlying zoning district.
 - 3. The City Council shall approve an SUP by ordinance. The ordinance may approve more than one specific use. The City Council may approve or deny all or part of the uses requested in the SUP application.
- (5) Review and Approval Criteria: In addition to the general criteria in Section 106.33(H), the Planning and Zoning Commission and City Council shall base their decision on their findings of the extent to which the proposed use:
- a. Meets the purpose of the zoning district in which it will be located and all the criteria and regulations specified for such use in that zoning district, including but not limited to height, setbacks, and lot coverage;
 - b. Complements or is compatible with the surrounding uses, character, and community facilities;
 - c. Adequately mitigates traffic impacts;

- d. Contributes to, enhances, and promotes the welfare of the area and adjacent properties;
 - e. Is in scale with the existing neighborhood or will be in scale with the neighborhood as it develops in the immediate future;
 - f. Mitigates any adverse impacts due to access, parking, service areas, and traffic on adjoining properties and the street network in an adequate manner; and
 - g. An ordinance approving an SUP may impose development standards and safeguards over and above those contained in the corresponding zoning district regulations. The City Council may, in the interest of the public welfare and to ensure compliance with this Chapter, establish reasonable conditions on the operation, location, arrangement, type, character, and manner of construction of any use for which an SUP is authorized. Consideration is given based on the existing and planned conditions and location with regard to the welfare and protection of adjacent property from noise, vibration, dust, dirt, smoke, fumes, gas, odor, explosion, glare, offensive view, traffic, or other undesirable or hazardous conditions.
- (6) Revocation of SUP: A specific use permit may be revoked or modified, after notice and hearing, for either of the following reasons:
- a. The permit was obtained or extended by fraud or deception.
 - b. One or more of the conditions imposed by the permit has not been met or has been violated.
- (7) Amendments to Approved SUPs: The procedure for amending a Specific Use Permit shall be the same as for a new application, provided the Administrator may approve minor variations from the original permit which do not increase density, change traffic patterns, or result in an increase in external impacts on adjacent properties or neighborhoods.

D. TYPE I DEVELOPMENT PLAN OR TYPE I SITE PLAN PROCEDURES

- (1) Purpose and Applicability: The purpose of the Development Plan and Site Plan is to ensure compliance with the development and design standards of this Chapter, and with approved PDs, Concept Plans, and SUPs prior to the issuance of required permits, and to encourage quality development that reflects the goals and objectives of the comprehensive plan. Development Plans and Site Plans illustrate intended development at different scales and levels of detail. Type I Plans may be approved by the Administrator as provided in this section.

- a. *Type I Development Plans:* A Development Plan shall provide more detail than a Concept Plan in terms of blocks, lots, building and street layout, open and civic spaces and trails, treatment of transition areas to adjacent uses, and similar information for more than one lot or building. A Development Plan shall illustrate the major elements of the site with dimensional standards that provide substantial certainty about the development outcomes, intensity, and phasing of the proposed development. Typically, Development Plans shall include less detail than Site Plans and include a larger area than one lot.

1. For all development in the PD or Mixed-Use Districts, an approved Development Plan shall be required prior to a Site Plan application.
2. Development Plans may include a portion of a property included in an approved Concept Plan by City Council. The minimum acreage required for a Development Plan shall be either the entire area circumscribed by existing or future streets or within one sub-district or sub-zone of the approved Concept Plan per the standards for the district in **Article 4: Special District Standards**. A Development Plan may include the entire portion of the property within the zoning district when approved in lieu of a Concept Plan with the zoning change to the corresponding PD or Mixed-Use District.
3. Type I Development Plans may be approved by the Administrator when they meet all adopted PD or MU Ordinances including any City Council approved Concept Plan.

- b. *Type I Site Plans:* Site Plans shall be the lot and building level plans and shall be required for individual lots and/or buildings prior to Building Permit approval for all uses in all zoning districts except for single family detached residential uses. Type I Site Plans may be approved by the Administrator when they meet the applicable zoning district standards in this Chapter or any applicable PD or MU Ordinances, including any previously-approved Type I or II Development Plans.

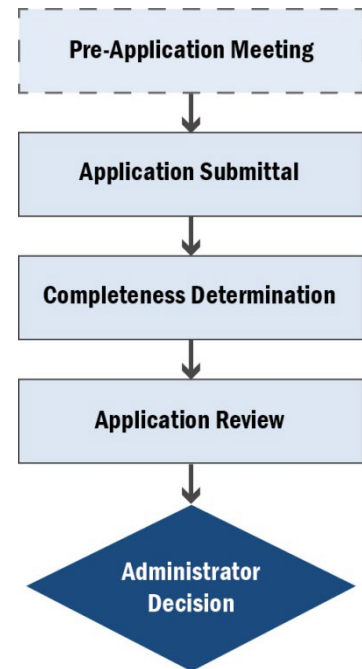


Figure 106.34-4: Type I Development Plan and Type I Site Plan Procedures

- (2) Pre-Application Meeting: Table 106.33-1 shall establish whether pre-application meetings are required or optional. Standards in Section 106.33(D) shall apply to pre-application meetings.
- (3) Application Submittal: In addition to the submittal requirements in Section 106.33(E), the following shall apply:
 - a. *Development Plans*: The applicant shall submit to the Administrator all of the information required in the application packet, along with any information identified in the pre-application meeting (if applicable) and all required information stated elsewhere in this Chapter for Development Plan review. At a minimum, the application shall include plans and supporting documents that include the following:
 1. A location map showing the property's relative regional location;
 2. Details of the site location and dimensions;
 3. Existing adjoining land uses, building footprints (if any), and ownership;
 4. General layout of the development including proposed street network, connectivity to the city's thoroughfare system, and general location of buildings, parking, sidewalks, trails, open/civic space, drainage facilities, and other elements of the built environment;
 5. Compliance with any approved Concept Plan for the property;
 6. Conceptual elevations showing intended architectural and urban character of different uses and building types;
 7. Concepts for public and private landscaping, buffering, and screening (if any); and
 8. Any other information that may be required by the Administrator to help with the decision-making process.
 - b. *Site Plans*: The applicant shall submit to the Administrator all of the information required in the application packet, along with any information identified in the pre-application meeting (if applicable) and all required information stated elsewhere in this Chapter for an administrative Site Plan review. At minimum, the application shall include plans, exhibits, and supporting documents that include the following:
 1. Location and dimensions of the site relative to adjoining properties and any approved Concept or Development Plans;
 2. Location of adjoining streets, alleys, and other public improvements;
 3. Location of all existing and proposed buildings and structures, parking areas, driveways, trails, sidewalks, and exterior signs;
 4. Location of all proposed landscaping, fencing, buffering, and walls;
 5. Location of all existing and proposed drainage and other public and private utilities (water, sewer, telecommunications, etc.) including new and proposed easements;
 6. Location of service functions such as garbage collection, loading/unloading facilities, and other utility meters and equipment;

7. Building elevations showing compliance with any building design standards (orientation, fenestration, entrances, architectural details, articulation, etc.) in this Chapter or any approved Concept and Development Plans;
 8. Documentation/exhibits illustrating how the proposed Site Plan meets the requirements of the approved Concept Plan or Development Plan, including any administrative modifications with corresponding justifications requested; and
 9. Site data summary including:
 - i. Total square footage of development by proposed use or number, type, and sizes of dwelling units;
 - ii. Lot size and dimensions;
 - iii. Setbacks or build-to zone/lines and building frontage requirements (if any);
 - iv. Required parking, loading/unloading, and landscaping calculations; and
 - v. Calculations of any required open space/sidewalks/trails, lot coverage, or impervious coverage ratios
- (4) Completeness Determination: In addition to requirements in Section 106.33(E), the application for an administrative Development or Site Plan shall meet the requirements of this Chapter or any approved Concept Plan requirements.
- (5) Application Review: All complete applications for Development Plans and Site Plans shall be reviewed by the Administrator based on the requirements in this Chapter and/or any approved Concept or Development Plans as applicable.
- (6) Administrator Decision: All Development and Site Plans that meet the requirements of this Chapter and/or any applicable Concept or Development Plans may either be approved or approved with conditions or denied by the Administrator. Any applications for Development Plans or Site Plans that do not meet this Chapter and/or any approved plans may be considered for processing as a Type II Plan only if the Administrator determines that an alternative set of standards allows for development that is equal to or superior to the development that would result from meeting the applicable PD or MU district standards. In no case shall a Type II approval process be used to approve development with less restrictive standards than permitted under a Type I application.

E. TYPE II DEVELOPMENT PLAN AND TYPE II SITE PLAN PROCEDURES

- (1) Purpose and Applicability: The purpose of the Type II Development Plan and Type II Site Plan process is to allow for applications that do not strictly comply with the development and design standards of this Chapter, approved PDs and Concept or Development Plans. These applications may have specific issues or opportunities that require an alternative set of standards and criteria that must be approved through a change to the underlying zoning district standards. In all cases, the resulting development must be equal to or superior to the development that would have otherwise met the development and design standards of this Chapter as determined by the Administrator. The Type II approval process shall not be used to approve development with less restrictive standards than permitted under a Type I application. This process shall also apply to all site plans that are required to have an SUP as established in Table 106.65-2 in **Article 5: Use Regulations**.

- a. *Type II Development Plan*: A Type II Development Plan application shall provide the same information as a Type I Development Plan application in addition to a revised Concept Plan application. The revised Concept Plan application shall illustrate how the Type II Development Plan impacts the different elements of the originally approved Concept Plan, including any changes to the street network, adjoining sub-districts, and other elements of the approved Concept Plan.
- b. *Type II Site Plan*: A Type II Site Plan application shall provide the same information as a Type I Site Plan application in addition to a revised Development Plan application, if applicable. The revised Development Plan application shall illustrate how the Type II Site Plan impacts the different elements of the originally-approved Development Plan, including any changes to the lot and block layout, street alignment, and other elements of the approved Development Plan.

- (2) Pre-Application Meeting: A pre-application meeting shall be required for Type II Development Plans and Type II Site Plans. Standards for pre-application meetings in Section 106.33(D) and Table 106.33-1 shall apply to pre-application meetings.
- (3) Application Submittal: In addition to submittal requirements in Section 106.33(E), the application submittal requirements for the corresponding Type I plan shall apply per Section 106.34(D)(3). In addition, the applicant shall also provide the detailed reason(s)

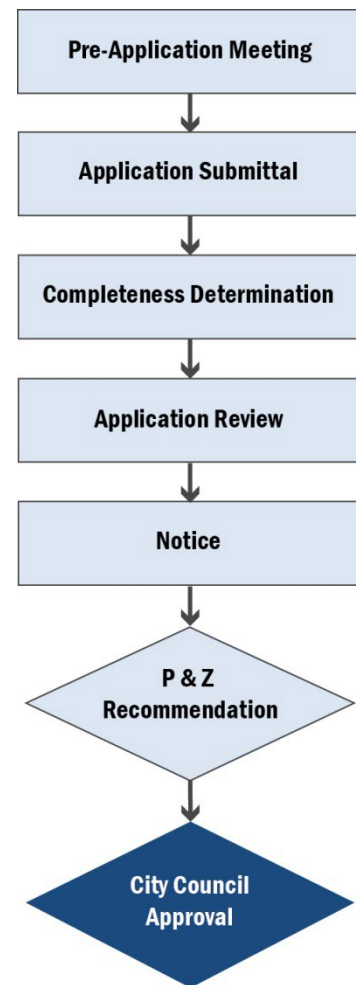


Figure 106.34-5: Type II Development and Type II Site Plan Procedures

for the request to modify any Concept, Development, or Site Plan and how the modification impacts adjoining land uses and street network, especially if the request is for a portion of a previously approved Concept Plan or Development Plan.

- (4) Completeness Determination: Requirements in Section 106.33(E) shall apply.
- (5) Application Review: All complete applications for Type II Development Plans and Type II Site Plans shall be reviewed by the Administrator based on the requirements in this Chapter [Section 106.33(F)], justification for modification of any standards, and modifications to any previously approved Concept or Development Plans as applicable.
- (6) Notice: Published and written notice required. See Section 106.33(G) and Table 106.33-2.
- (7) Approval Procedures:
 - a. Action by the Planning and Zoning Commission: The Planning and Zoning Commission shall hold a public hearing on any Type II Development Plan or Type II Site Plan. The Commission shall approve, approve with conditions, or deny the application and forward its report and recommendation to the City Council.
 - b. Action by the City Council: The City Council has final authority to approve, approve with conditions, or deny any Type II Development Plan or Type II Site Plan applications.
- (8) Review and Approval Criteria: General criteria in Section 106.33(H) and approval criteria for Concept Plans [Section 106.34(B)(4)] shall establish the review and approval criteria for the Administrator, the Planning and Zoning Commission, and the City Council for Type II Development Plans and Type II Site Plans.

F. ZONING VARIANCES AND APPEALS

(1) Purpose: This section provides a process to gain relief from the strict application of the zoning provisions of this Chapter where it is alleged the property cannot reasonably be developed or to appeal a decision of the Administrator.

(2) Applicability:

- a. The Zoning Board of Adjustment may approve a variance to any provision of this Chapter in accordance with Section 106.34(F)(7) below.
- b. The Zoning Board of Adjustment may consider an appeal of any decision of the Administrator under this Chapter.
- c. The Zoning Board of Adjustment may consider appeals to the loss of legal nonconformity status for uses per **Article 9: Nonconformities** of this Chapter.
- d. Any other authority conferred under **Article 9: Nonconformities** of this Chapter.

(3) Application:

- a. Time limit on appeals from decision of Administrator:
 1. An appeal must be filed with the Zoning Board of Adjustment (via the City Secretary) and the official from whom the appeal is sought no later than the 20th day after the date the decision is made.
 2. It shall be filed by submitting a notice of appeal that specifies the grounds for the appeal.
- b. Initiation: Applications for a variance or appeal shall be submitted to the Administrator by the following parties, unless otherwise indicated by this Article:
 1. Any owner of the property subject to the application;
 2. An agent, representative, lessee, or contract purchaser specifically authorized by the owner to file the application; or
 3. Any person aggrieved by the decision.

(4) Completeness Determination: Requirements in Section 106.33(E) shall apply.

(5) Notice: Standards in Section 106.33(G) and Table 106.33-2 apply.

(6) Hearing Procedures

- a. The Zoning Board of Adjustment shall review the application and the recommendation of the Administrator and shall conduct a public hearing.
- b. The testimony of witnesses shall be sworn, and cross-examination of witnesses is permitted.

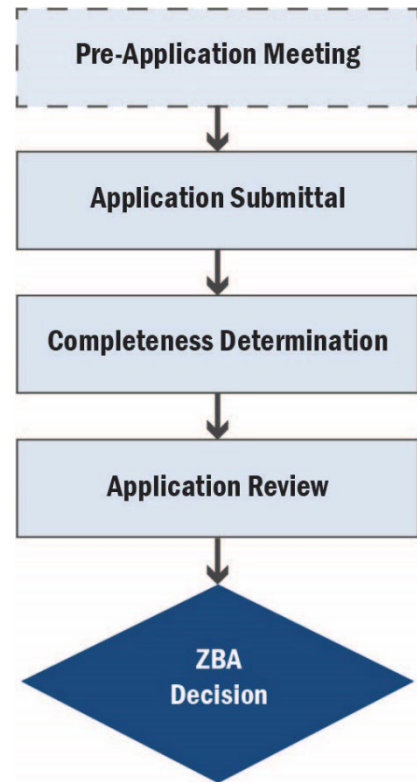


Figure 106.34-6 Zoning Variances and Appeals Procedures

- c. The public hearing shall comply with Texas Local Government Code §211.008 and any rules of procedure adopted by the Zoning Board of Adjustment.
 - d. After the hearing is closed, the Zoning Board of Adjustment shall approve, approve with conditions, or deny the application.
 - e. The minutes and records shall be filed immediately in the Board's office and be available as public record.
- (7) Review and Approval Criteria: The Zoning Board of Adjustment shall not approve a variance unless it finds that the criteria in Texas Local Government Code §211.009 are met. In addition to the authority granted by §211.009, the Zoning Board of Adjustment may:
- a. Authorize upon appeal in specific cases, and subject to appropriate conditions and safeguards, such variances from any numerical zoning standard beyond what is allowed through Administrative Modifications, where the literal enforcement of the provisions of this Chapter would result in an unnecessary hardship, and so that the spirit of the code shall be observed and substantial justice done. The variance must be necessary to permit development of a specific parcel of land which differs from other parcels of land by being of such a restrictive area, shape, or slope that it cannot be developed in a manner commensurate with the development of other parcels of land in districts with the same zoning. A variance may not be granted to relieve a self-created or personal hardship, nor for financial reasons only other than permitted by TXLGC Chapter 211, nor may a variance be granted to permit a person a privilege in developing a parcel of land not permitted by this Chapter to other parcels of land in districts with the same zoning district or to be developed in a manner inconsistent with the rights of properties similarly zoned.
 - b. Initiate, on its own motion or otherwise, action to bring about the discontinuance of a nonconforming use in accordance with **Article 9: Nonconformities**.
 - c. Require the discontinuance of a nonconforming use under any plan whereby the full value of the structure or use can be amortized within a definite period of time, taking into consideration the general character of the neighborhood and the necessity for all property to conform to the regulations of this Chapter.
 - d. Hear and decide appeals where it is alleged there is an error in any order, requirement, decision, or determination made by the Administrator in the enforcement of this Chapter.
- (8) Appeals from Zoning Board of Adjustment: Any appeal of a Zoning Board of Adjustment decision must be made to a court of record in Tarrant County, Texas, as applicable, within 10 days after the date the decision is filed in the Zoning Board of Adjustment's office or as specified in the TXLGC.

G. ADMINISTRATIVE MODIFICATIONS

- (1) Purpose: This section provides a process to allow for minor adjustments to the numerical zoning standards of this Chapter based on a set of criteria by the Administrator only after first reviewing the development for compliance with the applicable zoning district standards and applying the smallest modification(s) to the standards that would allow the project to still meet the purpose and intent of the corresponding zoning district.
- (2) Applicability: Only the standards specified in Table 106.34-3 may be adjusted based on the extent to which they meet the criteria and extent of allowed modification. All other amendments shall either be through the Zoning Board of Adjustment or, in the case of PD and Mixed-Use Districts, through the Concept Plan process or rezoning process.
- (3) Application Submittal: All applications for an administrative modification shall be submitted to the Administrator by the following parties, unless otherwise indicated by this Article:
 - a. Any owner of the property subject to the application, or
 - b. An agent, lessee, or contract purchaser specifically authorized by the owner to file the application.
- (4) Completeness Determination: Requirements in Section 106.33(E) shall apply.
- (5) Application Review: All complete applications for an Administrative Modification shall be reviewed by the Administrator based on the requirements in this Chapter or any approved Concept, Development, or Site Plans as applicable.
- (6) Administrator Decision: All Administrative Modifications may be approved, approved with conditions, or denied by the Administrator based on the criteria established in this section. Any applications that are denied by the Administrator or that do not meet these established criteria may be referred to the Zoning Board of Adjustment as a variance application if the applicant requests it and shall meet the standards in Section 106.34(F).
- (7) Review and Approval Criteria: Table 106.34-3 shall establish the criteria for permitted Administrative Modifications. All Administrative Modifications shall meet one or more of the criteria for approval by the Administrator. In no circumstance shall the Administrator approve an administrative modification that results in:
 - a. An increase in overall project intensity or density;
 - b. A change in permitted uses or mix of uses;
 - c. A change in the relationship between the buildings and the street (i.e., any request for parking or drive aisles between the building and the street if not permitted in the underlying district standards); or
 - d. A change in any standards of any Chapter 106, PD, or MU Ordinance standards beyond the limits permitted in Chapter 106.

Table 106.34-3: Administrative Modification Standards and Criteria		
Regulation	Modification Permitted	Criteria
1. Setbacks and build-to zones/lines (except in PD and MU districts where the specific PD and MU ordinance may establish alternative modification standards)	25% maximum or 5 feet; whichever is less	a) Changes to the build-to zones and setbacks may only occur when they are caused by one or more of the following: <ul style="list-style-type: none"> i. A change to the street cross-sections established in any ordinance, Concept Plan, or Development Plan; or ii. Need to accommodate existing buildings and structures on the lot that meet the overall intent and vision for the particular zoning district; or iii. Need to accommodate other required modes of transportation (transit, bike, pedestrian), storm water drainage, water quality, or low impact development (LID) elements on the site; or iv. Need to accommodate overhead or underground utilities and/or easements; or v. Need to preserve existing trees on the property in accordance with the requirements in Chapter 106.
2. Lot Width and Lot Depth	Lot may be 10% narrower than the minimum width required.	a) Adjustment in lot width or depth does not increase the overall project density as allowed by the specific district regulations and shall only be allowed on no more than 10% of lots within a platted subdivision of 10 lots or greater. b) The adjustment is needed for one or more of the following reasons: <ul style="list-style-type: none"> i. To accommodate any required easements while preserving trees or other physical constraints such as steep grades, etc. ii. To meet the block perimeter and street layout standards while accommodating an efficient lot layout.
3. Lot Area	Lot may be a maximum of 10% smaller than required	Decrease in area is due to a change in lot width or depth per allowance number 2 above.
4. Building Height	May be 10% more than the allowed height	Shall be only to accommodate HVAC, parapets, towers, and other building appurtenances. Modifications shall improve the appearance of the building's character.
5. Building frontage requirements within the MU and Downtown Districts	Reduced by no more than 15%	Any reduction in the required building frontage shall be to address one or more of the following: <ul style="list-style-type: none"> i. To accommodate porte-cocheres for drop-off and pick-up, or ii. To accommodate existing buildings and site elements such as parking, landscaping, etc., or iii. To accommodate other sidewalks, trails, or required storm water drainage, or low impact development (LID) elements on the site.
6. Any other numerical standard in the Chapter	A modification up to 5% (increase or decrease)	a. A modification of a numerical standard is needed to accommodate any remaining existing conditions. b. The proposed development still meets the intent of the zoning district or PD or MU ordinance.
7. Phased Developments	Deferment of development standards based on a phasing plan	a. Phased developments may defer some of the development standards if based on a phasing agreement, which shall be part of an approved Concept or Development Plan.

106.35 ENFORCEMENT AND PENALTIES

A. PURPOSE

This Article establishes procedures through which the city seeks to ensure compliance with the provisions of this Chapter and obtains corrections for violations. It also sets forth the remedies and penalties that apply to violations of this Chapter.

B. VIOLATIONS

Any of the following shall be a violation of this Chapter and shall be subject to the remedies and penalties provided for in this Chapter.

- (1) Establishment of Any Use or Structure Without Permit or Approval: To establish or place any use or structure upon land that is subject to this Chapter without all the approvals required by this Chapter.
- (2) Development Without Permit or Approval: To engage in any development, construction, remodeling, or other activity of any nature upon land that is subject to this Chapter without all the approvals required by this Chapter.
- (3) Development or Use Inconsistent with a Permit: To engage in any development, use, construction, remodeling, or other activity of any nature in any way inconsistent with the terms and conditions of any permit, approval, certificate, or other form of authorization provided for such activity.
- (4) Development or Use Inconsistent with Conditions of Approval: To violate, by act or omission, any term, condition, or qualification placed by a decision-making authority upon any permit or other form of authorization.
- (5) Development Inconsistent With this Chapter: To erect, construct, reconstruct, remodel, alter, maintain, move, or use any building, structure, or to engage in development or subdivision of any land in violation of any zoning, subdivision, or other regulation within this Chapter.
- (6) Making Lots or Setbacks Nonconforming: To reduce or diminish any lot area so that the lot size, setbacks, or open spaces shall be smaller than required, unless in accordance with any exceptions provided under this Chapter.
- (7) Increasing Intensity or Density of Use: To increase the intensity or density of use of any land or structure, except in accordance with the requirements and standards of this Chapter.
- (8) Removing or Defacing Required Notice: To remove, deface, obscure, or otherwise interfere with any notice required by this Chapter.

C. RESPONSIBLE PERSONS

Any person who violates this Chapter shall be subject to the remedies and penalties set forth in this Article.

D. RESPONSIBILITY FOR ENFORCEMENT

The Administrator shall have primary responsibility for enforcing all provisions of this Chapter. Other officers of the city, as designated by the Administrator, may share responsibility for enforcing provisions of this Chapter.

E. ENFORCEMENT PROCEDURES

(1) Remedies and Enforcement Powers: The city shall have the remedies and enforcement powers in this section.

(2) Withhold Permit:

- a. The city may deny or withhold all permits, certificates, or other forms of authorization on any land, structure, use, or improvements upon a determination that there is an uncorrected violation of a provision of this Chapter or of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the city. This enforcement provision shall apply regardless of whether the current or previous owner, lessee, or applicant is responsible for the violation in question.
- b. The city may deny or withhold all permits, certificates, or other forms of authorization on any land, structure, use, or improvements owned or being developed by a person who owns, developed, or otherwise caused an uncorrected violation of a provision of this Chapter or of a condition or qualification of a permit, certificate, approval, or other authorization previously granted by the city. This provision shall apply regardless of whether the property for which the permit or other approval is sought is the property with the violation.

(3) Permits Approved with Conditions: Instead of withholding or denying a permit or other authorization, the city may grant such authorization subject to the condition that the violation be corrected.

(4) Revocation of Permits or Authorization:

- a. Any permit or other form of authorization required under this Chapter may be revoked, after notice to the applicant, when the Administrator determines that:
 1. There is a departure from the approved plans, specifications, limitations, or conditions as required under the approved permit or authorization;
 2. The permit or authorization was procured by false representation;
 3. The permit or authorization was issued in error; or
 4. There is a violation of any provision of this Chapter or condition of approval.
- b. Written notice of revocation shall be sent to the property owner, agent, applicant, or other person to whom the permit or authorization was issued. No work or construction shall proceed after revocation notice has been sent.

(5) Stop Work Order:

- a. With or without revoking permits, the city may stop work on any building or structure on any land on which there is an uncorrected violation of a provision of this Chapter or Adopted Code or of a permit or other form of authorization issued, in accordance with the City's power to stop work under its building codes.

- b. The stop work order shall be in writing and directed to the person doing the work, and shall specify the provisions of this Chapter or permit or authorization that is in violation. After any such order has been sent, no work shall proceed on any building, structure, or land covered by such order, except to correct such violation or comply with the order.
 - c. Once the violations of the Chapter, permit, authorization, or conditions have been remedied or met, the Administrator shall rescind the stop work order.
- (6) Injunctive Relief: The city may seek an injunction or other equitable relief in an appropriate court in Tarrant or Johnson County, Texas to stop any violation of this Chapter or of a permit, approval, or other form of authorization granted under this Chapter.
 - (7) Withhold Public Services: The city may withhold any public services until all violations have been remedied and all the requirements of this Chapter have been met.
 - (8) Other Remedies: The city shall have such other remedies as are and as may be from time-to-time provided by law for the violation of zoning, subdivision, sign, or related ordinance provisions.
 - (9) Other Powers: In addition to the enforcement powers specified in this Article, the city may exercise all enforcement powers granted by law.
 - (10) Continuation: Nothing in this Chapter shall prohibit the continuation of previous enforcement actions undertaken by the city pursuant to previous and valid ordinances and laws.

F. CUMULATIVE REMEDIES

The remedies and enforcement powers established in this Article shall be cumulative, and the city may exercise them in any order or combination at any time.

G. PENALTIES FOR VIOLATIONS

- (1) Any person or corporation who violates any of the provisions of this Chapter or fails to comply with any of the requirements thereof, or who builds or alters any building, structure, sign, or use or who develops, constructs, remodels, or any other activity of any nature upon land in violation of any permit or authorization shall be guilty of a misdemeanor punishable under this section.
- (2) The owner or owners or tenant of any building or premises or part thereof, where anything in violation of this Chapter is placed or exists, and any architect, builder, contractor, agent, person, or corporation employed by the owner or tenant who may have assisted in the commission of any such violation shall be guilty of a separate offense punishable under this section.
- (3) Any person or corporation violating any of the provisions of this Chapter shall, upon conviction, be fined any sum not exceeding two thousand dollars (\$2,000.00), and every day that the provisions of this Chapter are violated shall constitute a separate and distinct offense.

106.36 – 106.44: RESERVED