

ORDINANCE 581-W-2021

AN ORDINANCE AMENDING CERTAIN SECTIONS OF ORDINANCE 581, CHAPTER 4-5 ZONING RELATED TO PLANNED UNIT DEVELOPMENTS OF THE CODE OF ORDINANCES, REVISING CERTAIN SECTIONS AND PARAGRAPHS ACCORDINGLY, PROVIDING SEVERABILITY, AND SETTING AN EFFECTIVE DATE.

WHEREAS, the City of Universal City is empowered by Chapter 211 of the Texas Local Government Code to establish a zoning ordinance establishing zoning districts and permissible land uses within the incorporated limits of the City; and

WHEREAS, Texas Local Government Code Chapter 211 does not directly address the use of planned development zoning, but the concept of planned development zoning has been held valid by Texas courts, provided the specific methods of planned development zoning used by a city conform to the general requirements of state law pertaining to zoning; and

WHEREAS, the City of Universal City has given appropriate and reasonable consideration to the zoning regulations as most appropriate for the City and has determined that certain revisions to the City's zoning ordinance are necessary in order to more accurately reflect the will of the citizens of Universal City; and

WHEREAS, the City Council of the City of Universal City, Texas finds that the amendments to the Zoning District Purposes and Zoning Use Regulations as depicted in this Ordinance are compliant with the requisites of the state law, including Texas Local Government Code, and

WHEREAS, the Planning and Zoning Commission and City Council of the City of Universal City have duly held public hearings and given proper notice, as necessary, pertaining to the amendments of this zoning ordinance; and

WHEREAS, the City Council of the City of Universal City, Texas finds that the zoning ordinance, as amended herein, is necessary for the orderly development of this community.

WHEREAS, the City Council finds that the zoning ordinance, as amended herein, represents the best interest of all citizens of Universal City and promotes the aesthetics, health, safety, general welfare and convenience of the people. NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF UNIVERSAL CITY, TEXAS:

Section 1. Amendments. That Chapter 4-5 – Zoning, Article IV. – Zoning District Purpose Statements, Section 4-5-43. – Special Districts of the Universal City Code of Ordinances be amended by replacing the following subsection with the following:

- I. Amend Section 4-5-43. – Special districts by replacing the following subsection with the following:

Section 4-5-43 – Planned Unit Development.

(1) Planned Unit Development (PUD).

Planned Unit Development (PUD) zoning is intended to allow flexibility in planning and designing for unique or environmentally sensitive properties that are to be developed in accordance with a common development scheme of planned associations of uses. PUD zoning is designed to accommodate various types of development, such as single-family residential, multiple housing development, neighborhood and community shopping centers, professional and administrative areas, industrial and business parks, and other uses or a combination or mix of uses. A PUD may be used to permit new or innovative concepts in land use and standards not permitted by zoning or subdivision standards in this chapter or to permit development projects that existing zoning districts do not easily accommodate.

Section 2. Amendments. That Chapter 4-5 – Zoning, Article V. – Zoning Use Regulations, Section 4-5-56 – Reserved of the Universal City Code of Ordinances be amended to the identified sections or paragraphs as follows:

- I. Amend Section 4-5-56. – Reserved by replacing the Reserved section with the following:

Section 4-5-56 – Planned Unit Development.

(1) - Purpose.

Planned Unit Developments (PUD) are included in this zoning ordinance as a distinct zoning district. The PUD zoning process is intended to allow flexibility in planning and designing for unique or environmentally sensitive properties that are to be developed in accordance with a common development scheme of planned associations of uses. PUD zoning is designed to accommodate various types of development, such as single-family residential, multiple housing development, neighborhood and community shopping centers, professional and administrative areas, industrial and business parks, and other uses or a combination or mix of uses. A PUD may be used to permit new or innovative concepts in land use and standards not permitted by zoning or subdivision standards in this chapter or to permit development projects that existing zoning districts do not easily accommodate. Through the flexibility of the PUD technique, the City seeks to achieve the following specific objectives:

- A. Encourage flexibility in the development of land and in the design of structures.
- B. Encourage planned diversification in the location of structures.
- C. Encourage a creative approach to the use of land that results in better development and design than might otherwise be accomplished under the strict application of other sections of this Chapter.
- D. Provide for the efficient use of land to facilitate a more effective arrangement of land uses, buildings, circulation systems and utilities.
- E. Provide for more usable and suitably located open space and recreation areas than might otherwise be provided under the application of other chapters of this title.
- F. Encourage the construction of appropriate amenities and aesthetic appeal that will enhance the character of the site.
- G. Guarantee quality construction commensurate with other developments within the community, and compatible with the character of the surrounding area and adjoining properties.
- H. Facilitate the implementation of the City land use policies, particularly with respect to areas designated for potential development and redevelopment.
- I. Encourage quality construction and design through an efficient application procedure that is sensitive to the need for expeditious development review.

(2) - Initiation.

An application for a PUD may be filed by the owner of record, or any person(s) having a contractual interest in the property for which the PUD is proposed. However, all owners of record of such property must execute the application.

(3) - Authorization.

A PUD may be authorized and established as a free-standing PUD District. A PUD shall be granted in accordance with the procedures and standards of this chapter, and the zoning map amendment provisions of Section 4-5-24 (Zoning map amendment process).

(4) – Uses Permitted.

A PUD may be approved for any use or combination of uses allowed under the zoning ordinance, including specific use permits. The uses permitted in any specific PUD District shall be enumerated in the ordinance establishing such district.

(5) – Procedure for Establishing PUD District Standards.

In approving the development plan (preliminary and final plans) and the ordinance establishing the PUD District, the City Council shall, after recommendation of the Planning and Zoning Commission, specify such maximum height, floor area, density, and minimum off-street parking and loading standards within the limits of those specified in the district for the specified uses involved, as is appropriate for the development. The City

Council shall, after recommendation of the Planning and Zoning Commission, establish the standards for yards, signs, building spacing, site coverage, access, screening walls or landscaping, building area, open space, pedestrian ways, public or private streets, and existing alleys to be observed in the PUD District and such standards shall be specified in the ordinance establishing the specific PUD District.

(6) - General Standards for Planned Unit Developments.

A. The entire property proposed for the PUD shall be in single ownership or under such unified control as to ensure that the entire property will be developed as a unified whole. All owners of the property shall be included as joint applicants on all applications and all approvals shall bind all owners. The violation of any owner as to any tract shall be deemed a violation as to all owners of all tracts.

B. The applicant shall have the burden of establishing that the subject property is of sufficient size and shape to be planned and developed as a unified whole capable of meeting the objectives for which the PUD may be established pursuant to this section.

C. All covenants, deed restrictions, easements and similar restrictions to be recorded in connection with the PUD shall stipulate that they may not be modified, removed or released without the express consent of the City Council and that they must be enforced by future landowners within the proposed development.

D. The applicant may be required to submit a proposed Development Agreement as part of the PUD application. As part of the PUD approval, the City must approve the Development Agreement.

E. Any area of a PUD not used for structures, streets, or parking lots, shall be landscaped. The perimeter of the PUD shall be designed to ensure compatibility with uses surrounding the PUD by including uses within the PUD that are compatible with such surrounding uses, including setbacks, screening, or natural or man-made buffers within such perimeter.

F. Private streets are prohibited unless expressly approved by the City Council. If so approved, they shall meet all Universal City construction standards applicable to public streets. No such streets shall be approved except upon the condition that they shall be owned and maintained by a property owners' association meeting the requirements set forth in this section.

G. Whenever the City Council determines that development of a PUD will create a need for land for public purposes of the City within the proposed PUD, the City Council may require that such land be designated and dedicated to the City for such use. In addition, the City Council may require evidence that all requirements of City ordinances pertaining to the dedication of land or the contribution of cash in connection with subdivisions or developments of land have been met with respect to the proposed PUD.

H. Thirty percent of the area of a residential-only PUD is required to be set aside and maintained as common open space. This thirty percent shall be calculated based on the net area of the site, which is the total area of a site available for development, excluding street rights-of-way, floodplains, and other publicly dedicated improvements. The location of common open space shall be consistent with its intended function as set forth in the application and PUD plans. No such open space shall be used for the construction of any structure or improvement except such structures and improvements as may be approved in the final plan as appropriate to the intended leisure or recreational uses for which such open space is intended.

1. The following uses shall be considered common open space:

- a. Parks and playgrounds, including skate parks and dog parks.
- b. Indoor or outdoor active recreation facilities, including basketball courts, ball fields, swimming pools and tennis courts.
- c. Jogging trails, bike trails and fitness courses.
- d. Nature preserves, bird sanctuaries, natural water features and similar conservation areas.
- e. Detention/retention ponds may be counted toward common open space but must be accessible to the public via nature trails, boardwalks, and/or perimeter walkways, and they must be designed as natural water

features and landscaped with native vegetation. Detention/retention ponds may only count toward twelve percent of the common open space area requirement.

2. Adequate safeguards, including recorded covenants or dedication of development rights, shall be provided to prevent the subsequent use of common open space for any use, structure, improvement, or development other than that shown on the approved final plan. The safeguards must be perpetual and must run with the land. Such safeguards may be released, but only with the express written consent of the City Council, which shall occur at a public meeting.

3. The final plan shall include such provisions for the ownership and maintenance of such open space and improvements as are reasonably necessary to ensure their continuity, care, conservation, maintenance, and operation in accordance with predetermined standards.

4. When the requirements of this section are to be satisfied by the ownership or maintenance of such open space or improvements by a property owners' association, such association shall meet each of the following standards:

a. The by-laws and rules of the association and all declarations, covenants, and restrictions to be recorded must be included as part of the final plan prior to the final plan becoming effective. Each such document shall provide that it shall not be amended in any manner that would result in it being in violation of the requirements of this chapter.

b. The association must be established and all covenants and restrictions must be recorded prior to the sale or lease of any property within the area of the PUD designated to have the use of the proposed open space or improvements.

c. The association must be responsible for casualty and liability insurance, taxes, and the maintenance of the open space and improvements to be deeded to it.

d. Membership in the association must be mandatory for each property owner and any successive owner having a right to the use or enjoyment of such open space or improvements.

e. Every property owner having a right to the use or enjoyment of such open space or improvements must pay its pro rata share of the cost of the association by means of an assessment to be levied by the association that meets the requirements for becoming a lien on the property in accordance with state statutes.

f. The association must have the right to adjust the assessment to meet changed needs. The membership vote required to authorize such adjustment shall not be fixed at more than two-thirds of the members voting on the issue.

I. PUDs shall not adversely affect the natural environment of the community as a whole. Natural assets and features, such as existing trees and native vegetation, shall be protected and preserved to the greatest extent practical.

J. The site shall be accessible to public streets that are adequate to carry the traffic that will be generated by the proposed development. The streets and driveways within the proposed development shall be adequate to serve the uses within the development. The applicant shall be responsible for the cost and installation of additional traffic controls and regulating devices that are required.

K. The pedestrian circulation system and its related walkways shall be located to provide for separation of pedestrian and vehicular movement and for maximum pedestrian safety.

L. All PUDs shall provide for underground installation of utilities, including electricity, cable and telephone. Provisions shall be made for acceptable design and construction of storm sewer facilities and appropriate storm retention and detention devices. The construction and maintenance of all utilities, roadways, parking

facilities and other site improvements shall be in accordance with the requirements of this title and other regulations of the City.

(6) - Process.

Approval of a PUD is a four-step process that includes pre-application consultation, concept plan, preliminary plan, and final plan. No plats shall be recorded and no building permit shall be issued until a final plan has been approved.

A. Pre-Application Consultation. Prior to the filing of an application for a PUD, the applicant shall confer with the zoning administrator, as well as other City staff the zoning administrator deems appropriate to confer with, regarding the proposed development. At the pre-application meeting the applicant shall provide information as to the location of the proposed PUD, the proposed uses, proposed public and private improvements, and any other information necessary to clearly explain the PUD. The purpose of such pre-application presentation and conference is to make advice and assistance available to the applicant before preparation of the optional concept plan or required preliminary plan, so that the applicant may determine:

1. Whether the proposed PUD appears in general to be in compliance with the provisions of this title and other applicable regulations.
2. Whether the proposed PUD will be in conformity with the goals and policies of the City for development. The pre-application conference does not require formal application, fee or filing of a PUD application.

Any opinions or advice provided by the zoning administrator or other City staff shall be in no way binding with respect to any official action the Planning and Zoning Commission or City Council may take on the subsequent formal application.

B. Concept Plan.

1. Before submitting a formal application for a PUD, the applicant shall, at the discretion of the zoning administrator, present a concept plan before the City Council for the purpose of obtaining information and guidance prior to entering into binding commitments or incurring substantial expense. If a presentation to the City Council is not required, as determined by the zoning administrator, the applicant shall still be required to submit a concept plan to the zoning administrator for review. At minimum, the concept plan shall consist of the following:

- a. A map or maps in general form containing the proposed land uses, the natural features of the development site, the character and approximate location of all roadways and access drives proposed within the PUD, the location of all adjacent public streets, thoroughfares and public utilities, and schematic drawings showing the size, character and disposition of buildings on the site.
- b. A written statement containing a general explanation of the PUD, including a statement of the present ownership of all the land within said development and the expected schedule of construction.

2. The City Council shall review the concept plan at a meeting and provide such information and guidance as it deems appropriate. Members of the Planning and Zoning Commission shall be invited to the concept plan review meeting in order to offer input on the proposed PUD.

3. Any opinions or advice provided by the City Council shall be in no way binding with respect to any official action the Planning and Zoning Commission or City Council may take on the subsequent formal application. The review of the concept plan shall not be a public hearing and any failure to observe formal procedures shall not affect the ultimate validity of any enabling legislation.

C. Preliminary Plan. All applications for a PUD shall contain a preliminary plan that shall be filed with the zoning administrator, who shall forward a copy of the same to the Planning and Zoning Commission. When a subdivision of land subject to Chapter 4-2, Article II of the City Code is proposed in connection with a PUD, the applicant shall file an application for approval of a preliminary plat of the proposed subdivision simultaneously with the application for PUD preliminary plan approval.

1. Preliminary Plan Submittal. The preliminary plan shall include, depict, and describe the basic scope, character and nature of the entire proposed PUD, and shall include the following elements:

a. A written statement containing the following information:

i. A statistical tabulation of the acreage amounts of all land uses proposed.

ii. The type and number of dwelling units for any proposed residential land uses.

iii. The stages in which the project will be built and the approximate dates when construction of each phase is expected to begin and to end.

b. A site inventory analysis including a scale drawing showing existing vegetation, natural watercourses, creeks or bodies of water and analysis of planned changes in such natural features as a result of the development. This should include a delineation of any flood prone areas.

c. A scale drawing showing any proposed public or private streets and alleys; building sites or lots, and areas reserved as parks, parkways, playgrounds, utility easements, school sites, street widening and street changes; the points of ingress and egress from existing streets; general location and description of existing and proposed utility services, including size of water and sewer mains; the location and width of all curb cuts and the land area of all abutting sites and the zoning classification thereof on an accurate survey of the tract with the topographical contour interval of not more than five feet.

d. A site plan for proposed building complexes showing the location of separate buildings and the minimum distance between buildings, and between buildings and property lines, street lines and alley lines. The site plan shall also show the arrangement and provision of off-street parking.

e. A landscape plan showing screening walls, ornamental planting, wooded areas, and trees to be planted.

f. The general architectural style, the types of building materials, the colors, and the conceptual elevation drawings for all buildings, fences, signs and other structures.

g. A proposed utility plan which shall be drawn on a print of the proposed land use plan (site plan). The proposed utility plan shall show the location and dimensions of all existing and proposed sanitary sewer, storm sewer, and water lines, drainage ditches, culverts, water retention areas, utility easements, and overhead utility lines, on and adjacent to the subject property.

h. A traffic study, if requested by the City, indicating the volume of traffic to be generated by the PUD and proposing any special engineering design features and/or traffic regulation devices needed to ensure efficient and safe traffic circulation to, through, and around the PUD.

i. An economic impact study, if requested by the City, detailing the impact the PUD will have upon the taxing bodies within which the proposed PUD is located. In addition, the expected number of students to be generated by any residential portion of it shall also be quantified.

j. Market study, if requested by the City.

2. Preliminary Plan Procedure. The procedure for preliminary plan approval shall be:

a. Action by the Planning and Zoning Commission.

i. The Planning and Zoning Commission shall review the preliminary plan at a public hearing within sixty days of receipt of a complete application. If, in the Planning and Zoning Commission judgment, the application does not contain sufficient information to enable the Planning and Zoning Commission to properly discharge its responsibilities, the Planning and

Zoning Commission may request additional information from the applicant. In that event, the sixty-day period shall be suspended pending receipt of all requested information.

ii. Within sixty days of the close of the public hearing, the Planning and Zoning Commission shall either:

(a) Recommend approval or denial of the preliminary plan and submit its written recommendation to the City Council.

(b) Advise the applicant in writing of any recommended changes, additions or corrections to the preliminary plan. The applicant may, within thirty days, submit the revised preliminary plan for Planning and Zoning Commission consideration at a continuation of, or at a new, public hearing. The applicant may do so without paying an additional filing fee. The Planning and Zoning Commission shall then recommend approval or denial of the preliminary plan and submit its written recommendation to the City Council.

iii. Such recommendation shall include:

(a) Findings of fact.

(b) Specify the reason or reasons for such recommendation or decision.

(c) A conclusion or statement setting forth the recommendation.

(d) Any recommended limitations or conditions.

b. Action by the City Council. The City Council, after receipt of the recommendations from the Planning and Zoning Commission, shall approve, approve with conditions, table until the next meeting, or deny the preliminary plan within thirty days following the receipt of the recommendations of the Planning and Zoning Commission.

i. If the preliminary plan is denied, the City Council shall state in writing the reasons for the denial and such writing shall be filed with the zoning administrator and a copy shall be sent to the applicant.

ii. If the preliminary plan is approved, the applicant shall submit a final plan for the PUD.

3. Limitations.

a. No PUD that has been denied by the Planning and Zoning Commission or City Council shall be reconsidered for a period of six months from that date of denial.

b. The approval of a preliminary plan shall automatically expire and be rendered void and the zoning administrator shall, without further direction, initiate an appropriate application to revoke PUD ordinance for all portions of the PUD area that have not yet been completed, if:

i. An application for approval of a final plan has not been filed within two years, or such greater length of time as the City Council may approve, after the date the City Council grants preliminary plan approval.

ii. The applicant shall in any other manner fail to comply with any condition of this title or any approval granted pursuant to it.

D. Final Plan. Within two years following the approval of the preliminary plan, the applicant shall file with the zoning administrator a final plan containing in final form the information required for the preliminary plan. When a subdivision of land subject to Chapter 4-2, Article II of the City code is proposed in connection with a PUD, the applicant shall file an application for approval of a final plat of the proposed subdivision simultaneously with the application for PUD final plan approval. Note the PUD final plan is distinct from the PUD construction/engineering plans for the subject property and/or subdivision improvements; however, the PUD applicant may, at their risk, submit the PUD construction/engineering

plans concurrently with the PUD final plan, but shall be required to pay for costs incurred by the City's reviewing consultant, if applicable.

1. Final Plan Submittal.

a. A final site plan and final plat drawn to an appropriate scale shall include the following information:

i. Final designation of the location, ground area, height, bulk and exact dimensions of all existing and proposed buildings and structures within the planned development.

ii. A detailed tabulation of each separate land use area, including land and building areas, and where applicable, the total number of residential dwelling units, the number of bedrooms in each unit, and the residential density.

iii. The use or uses to be made of such existing and proposed buildings or structures.

iv. The dimensions of all perimeter setbacks and the distances between all buildings and structures.

v. The final location and dimensions of all pedestrian walkways, driveways, streets, parking and loading facilities, including the number of parking spaces serving each building or land use type and all parking related screening and landscaping.

vi. The exact location and dimensions of any areas to be conveyed, dedicated or reserved for parks, parkways, playgrounds, places of worship, school sites, public buildings, or for any other public or quasi-public use.

b. An accurate legal description of the entire zoning lot upon which the PUD is to be located, and a legal description of each separate subdivided parcel, including any areas to be conveyed, dedicated or reserved for public or quasi-public uses.

c. All covenants, easements, agreements, development agreements and other provisions required to govern the use, maintenance and continued protection of the PUD, along with an agreement assuring that the applicant, any subsequent owner or, where applicable, a homeowners' association shall be responsible for all street, utility and common open space maintenance within said development and refuse disposal.

d. All plats, certificates, seals and signatures required for the dedication or vacation of land and/or the recording of the final site plan.

e. If subdivision of the development site is included in the PUD, a plat of subdivision shall be prepared suitable for recording with the recorder of deeds. Such plat of subdivision shall be prepared in the same form and meet the same specifications required for a normal subdivision as prescribed in the City's subdivision regulations. In like manner, if a vacation or dedication of a public street or alley is included, a plat of vacation or dedication shall be prepared.

f. A detailed landscape and irrigation plan based on final architectural decisions indicating the specific location and character of all landscaping, including the size and species of all trees, shrubs, hedges and other groundcover, the location, size and type of all screening and fencing and the location, height, design and illumination characteristics of all external lighting fixtures within the development.

g. A detailed utilities and drainage plan based on final architectural decisions indicating the size and location of all water distribution lines, sanitary sewers, stormwater drainage facilities, main power lines, phone lines and other utilities, including all easements, required to serve the planned development. The drainage plan shall include the manner in which surface drainage will be controlled and managed consistent with all

applicable City regulations. The utilities and drainage plan will also be submitted to planning and the City engineer for review.

h. A development and construction schedule by phase.

i. Typical building elevations, including color and materials callouts, and schematic design presentations indicating the architectural character of all proposed buildings and structures based on final architectural decisions and prepared in detail.

j. Detailed drawings and design presentations of all signs to be erected within the PUD.

k. A description of the public benefits and amenities to be provided.

2. Final Plan Process.

a. Action by Planning and Zoning Commission.

i. Within sixty days after the filing of an application for approval of a final plan, the Planning and Zoning Commission shall review the final plan in a public hearing and transmit to the City Council its recommendation on the final plan. Such review shall consider:

(a) Whether the final plan is in substantial conformity with the approved preliminary plan.

(b) The merit or lack of merit of any departure of the final plan from substantial conformity with the approved preliminary plan.

(c) Whether the final plan complies with any and all conditions imposed by approval of the preliminary plan.

(d) Whether the final plan complies with the provisions of this zoning ordinance and all other applicable federal, state and City codes, ordinances, regulations, and other laws.

ii. Each recommendation, as described in item iii below, of the Planning and Zoning Commission shall include:

(a) Findings of fact.

(b) The reason or reasons for such recommendation or decision.

(c) Any recommended limitations or conditions.

(d) A conclusion or statement separate from the findings of fact setting forth the recommendation or decision.

iii. The Planning and Zoning Commission shall make one of the following types of recommendations to the City Council in regard to the final plan:

(a) Recommendation of approval based on substantial conformity, if the Planning and Zoning Commission finds:

(1) Substantial conformity between the final plan and the approved preliminary plan.

(2) That the final plan is in all other respects complete and in compliance with any and all conditions imposed by approval of the preliminary plan.

(3) That the final plan complies with the provisions of this zoning ordinance and all other applicable federal, state, and City codes, ordinances, regulations, and other laws.

The Planning and Zoning Commission shall transmit the final plan to the City Council with its recommendation that the City Council approve the final plan, with or without modifications and conditions to be accepted by the applicant as a condition of approval. However, in no event shall such conditions of approval impair the rights granted by the preliminary plan approval.

(b) Recommendation of approval without substantial conformity, if the Planning and Zoning Commission finds that the final plan lacks substantial conformity to the preliminary plan but merits approval notwithstanding such lack of conformity and otherwise conforms to the requirements of this zoning ordinance, it shall transmit the final plan to the City Council with its recommendation that the final plan be approved, with or without modifications and conditions to be accepted by the applicant as a condition of approval.

(c) Recommendation of denial, if the Planning and Zoning Commission finds that the final plan is not in substantial conformity with the approved preliminary plan and does not merit approval, or does not comply with the other conditions, laws, or criteria. The Planning and Zoning Commission shall transmit the final plan to the City Council together with its recommendation that the final plan not be approved.

b. Action by City Council.

i. Within thirty days after the receipt of the recommendation of the Planning and Zoning Commission, the City Council shall:

(a) Approve the final plan by a duly adopted ordinance.

(b) Reject the final plan by a duly adopted ordinance or resolution.

(c) Refer the final plan back to the Planning and Zoning Commission for further consideration of specified matters, with or without a new hearing, as may be required.

ii. The approval of any final plan may be granted with or without modifications and conditions to be accepted by the applicant as a condition of approval. However, in no event shall such conditions of approval impair the rights granted by the preliminary plan approval.

3. Approval. After final plan approval, the final plan, rather than any other provision of this zoning ordinance, shall constitute the parking, loading, sign, bulk and yard regulations applicable to the subject property. Thus, the property within the PUD shall be used and developed only in accordance with the final plan and the PUD District ordinance granted for the subject property.

F. Concurrent Preliminary and Final Plan Submittal. The applicant may submit an application for approval of a final plan simultaneously with the application for approval of a preliminary plan and, in such case, the preliminary plan and the final plan may be comprised of the same document or documents. In such case, the applicant shall comply with all provisions of this zoning ordinance applicable to submission of the preliminary plan and to submission of the final plan. The Planning and Zoning Commission and the City Council shall consider such plans simultaneously and shall grant or deny, or recommend granting or denying, as the case may be, final plan approval in accordance with the provisions of this chapter.

(7) - Adjustments to Approved Final Plans.

No adjustments may be made in the approved final plan, except upon application to the City, according to the following provisions:

A. During Construction. During the construction of the PUD, the procedure shall be as follows:

1. Minor Adjustments. During the development of a PUD, the zoning administrator may authorize minor adjustments to the final plan when such adjustments appear necessary in light of technical or engineering difficulties first discovered during actual development. Such minor adjustments shall be limited to the following:

a. Altering the location of any one structure or group of structures by not more than twenty feet or one-fourth of the distance shown on the approved final plan between such structure or structures and any other structure or any vehicular circulation element or any boundary of the PUD, whichever is less.

b. Altering the location of any circulation element by not more than twenty feet or one-fourth of the distance shown on the approved final plan between such circulation element and any structure, whichever is less.

c. Altering the location of any open space by not more than fifty feet.

d. Altering any final grade by not more than twenty percent of the originally planned grade.

e. Altering the location or type of landscaping elements.

Such minor adjustments shall be consistent with the intent and purpose of this zoning ordinance and the final plan, as approved, shall be the minimum necessary to overcome the particular difficulty, and shall not be approved if they would result in a violation of any standard or requirement of this zoning ordinance.

2. Major Adjustments. Any adjustment to the final plan not authorized by subsection A.1 above shall be considered to be a major adjustment and shall be granted only upon application to, and approval by, the City Council. The City Council, by ordinance duly adopted, may grant approval for a major adjustment without a hearing upon finding that any changes in the final plan as approved will be in substantial conformity with the final plan. If the City Council determines that a major adjustment is not in substantial conformity with the final plan as approved, then the City Council shall refer the request to the planning and zoning commission for public hearing and review.

B. After Construction. After the completion of construction of the PUD, all changes to the final plan must be made by the City Council as an amendment to the PUD ordinance at a public meeting. No changes may be made in the final plan unless they are required for the continued successful functioning of the PUD, or unless they are required by changes in conditions that have occurred since the final plan was approved or by changes in the development policy of the City .

(8) - Inspections During Development.

A. After approval of the final plan of a PUD or any stage thereof, the zoning administrator shall review all permits issued and construction undertaken and compare actual development with the approved plans for development and with the approved development schedule. Such review and comparison shall be conducted at least annually until completion of the PUD.

B. If the zoning administrator finds that development is not proceeding in accordance with the approved schedule, or that it fails in any other respect to comply with the final plan, then the zoning administrator shall notify the City Council of such fact and may, if necessary to protect the public health, safety, or welfare or to prevent further violation of this zoning ordinance and the final plan, issue an order stopping any and all work on the PUD until such time as any noncompliance is cured.

C. Within sixty days after notification by the zoning administrator, the City Council shall either:

1. Take such steps as it deems necessary to compel compliance with the final plan.

2. Require the owner or applicant to seek an adjustment to the final plan during development provided as in Subsection (7) (Adjustments to approved final plans).

D. Failure of the City Council to act within sixty days shall, unless the owner or applicant shall have cured the noncompliance within such period, render void the final plan approval as it relates to all uncompleted portions of the PUD, all prior plan approvals on which such final plan approval depends, and all permits based upon such approvals. The zoning administrator shall, without further direction, initiate an appropriate action to revoke the special permit for all portions of the PUD that have not yet been completed. Additionally, the zoning administrator shall take such other action as may be appropriate to abate the violation.

(9) - Revocations and Extensions.

If construction work on the proposed PUD has not begun within eighteen (18) months from the date of authorization by the City Council, the authorization shall become null and void

and all rights shall lapse. However, the applicant can request an extension, upon his/her written application, filed prior to the termination of the eighteen-month time limit. The City Council may authorize a single extension of not more than twelve months without a public notice.

(10) - Conditions and Guarantees.

A. The approval of either a preliminary plan or a final plan may be conditioned on such matters as may be necessary or desirable to prevent or minimize any possible adverse effects of the proposed PUD, or to ensure its compatibility with surrounding uses and development and its consistency with the general purposes, goals, and objectives of this zoning ordinance, Chapter 4-5 of the City Code of Universal City, and City land use policies. However, no such condition of final plan approval shall impair the rights granted by preliminary plan approval. Such conditions shall be expressly set forth in the ordinance granting the approval in question. Violation of any such condition or limitation shall be a violation of this zoning ordinance and shall constitute grounds for revocation of all approvals granted for the PUD.

B. Whenever any PUD approval granted pursuant to this section is made subject to conditions or limitations to be met by the applicant, the applicant shall file an affidavit with the zoning administrator stating that it has complied with such conditions or limitations within thirty days after compliance therewith.

Section 3. Unamended. That the remainder of Chapter 4-5 – Zoning of the Universal City Code of Ordinances not amended hereby remain in full force and effect.

Section 4. Severability. If any provision, clause, sentence or paragraph of this Chapter or the application thereof to any person or circumstances shall be held invalid, such invalidity shall not affect the other provisions of this Chapter which can be given effect without the invalid provision or application, and to this end the provisions of this Chapter are declared to be severable.

Section 5. This Ordinance shall be construed and enforced with the laws of the State of Texas and the United States of America.

Section 6. It is officially found, determined, and declared that the meeting at which this Ordinance is adopted was open to the public and public notice of the time, place, and subject matter of the public business to be considered at such meeting, including this Ordinance, was given, all as required by Chapter 551, as amended, Texas Government Code.

Section 5. Effective Date: This ordinance shall become effective on 20 January 2021.

PASSED on first reading on the 5th day of January 2021

PASSED AND ADOPTED on the 19th day of January 2021.

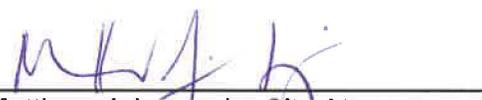



John Williams, Mayor

Attest:

Approved for legal sufficiency:


Kristin Mueller, City Clerk


Matthew J. Longoria, City Attorney