

BOERNE UNIFIED DEVELOPMENT CODE

CHAPTER 1: GENERAL PROVISIONS

Table of Contents

1.1. TITLE	2
1.2. PURPOSE OF THE UNIFIED DEVELOPMENT CODE	2
1.3. APPLICABILITY	2
A. APPLICABILITY OF THIS CHAPTER	2
B. APPLICABILITY OF THE UNIFIED DEVELOPMENT CODE	2
1.4. ENABLING LEGISLATION	2
1.5. CONSISTENCY WITH THE MASTER PLAN	3
1.6. INTERNAL CONSISTENCY	3
1.7. CONSISTENCY WITH OTHER REGULATING DOCUMENTS	3
A. BETWEEN PRIVATE PARTIES	3
B. OTHER STATUTES	3
1.8. AUTHORITY	3
1.9. CONSTRUCTION AND INTERPRETATION	3
A. INTERPRETATION	3
B. REFERENCES TO LAWS AND STATUTES	3
C. DEFINITIONS	3
D. ILLUSTRATIONS	3
E. CROSS REFERENCES	4
F. TERMINOLOGY	4
G. TENSES AND NUMBERS	4
H. GENDER	4
I. TIME	4
1.10. DECISION AGENTS AND RULES GOVERNING DECISION-MAKING	4
A. CITY MANAGER	4
B. CITY COUNCIL	4
C. PLANNING AND ZONING COMMISSION	4
D. BOARD OF ADJUSTMENT	7
E. HISTORIC LANDMARK COMMISSION	9
F. DESIGN REVIEW COMMITTEE	11
1.11. SEVERABILITY	13
1.12. SAVINGS	13
1.13. INDEBTEDNESS	13
1.14. REPRESENTATION OF FACTS	14

1.1. TITLE

This Chapter shall be known and may be cited as “the General Provisions of the Unified Development Code of the City of Boerne”, or as “the General Provisions of the UDC,” or as the “General Provisions.”

1.2. PURPOSE OF THE UNIFIED DEVELOPMENT CODE

The purpose of the Unified Development Code (UDC) is to:

- Promote the health, safety, morals and general welfare of the City;
- Implement the Master Plan, as it relates to land use and development;
- Consolidate the regulations pertaining to land use and development in a logical and orderly manner;
- Make the City’s regulations and requirements more convenient to access, use, distribute and read;
- Preserve the urban form, historic architecture and culture of the City;
- Ensure continued stewardship of the natural resources of the City; and
- Coordinate infrastructure planning and design with site planning and design so that public infrastructure services are adequate and aligned with private development

1.3. APPLICABILITY

A. APPLICABILITY OF THIS CHAPTER

The provisions of this Chapter shall apply whenever and wherever any of the other chapters of the Unified Development Code are applicable, unless otherwise specified herein.

B. APPLICABILITY OF THE UNIFIED DEVELOPMENT CODE

1. Conformity Required

No building or structure shall be used or occupied, no land shall be subdivided, and no building, structure, land or part thereof shall be developed which does not conform to the Unified Development Code.

2. Corporate limits

The Unified Development Code shall apply in its entirety to all land, buildings, structures and uses, except as otherwise stated, within the corporate limits of the City, as those limits may from time to time be adjusted through annexation, disannexation or otherwise.

3. Extraterritorial Jurisdiction

The following chapters of the Unified Development Code shall apply, except as otherwise stated, within the extraterritorial jurisdiction of the City, as that area may from time to time be adjusted:

- Chapter Two: Procedures, except for any procedures related to the use of land or buildings
- Chapter Six: Subdivision Design
- Chapter Seven: Infrastructure Design
- Chapter Eight: Environmental Design
- Chapter Nine: Signage

1.4. ENABLING LEGISLATION

The regulations within this Unified Development Code (UDC) are authorized under the authority of the Constitution and other laws of the State of Texas, including Chapters 211 and 212 of the Texas Local Government Code, and the City's home rule authority as provided in the City Charter.

1.5. CONSISTENCY WITH THE MASTER PLAN

The UDC is consistent with the Boerne Master Plan. An amendment to the text of the UDC is considered consistent and in accordance with the Master Plan if it complies with the goals, objectives, policies and strategies contained therein, as the Plan may be amended from time to time. Rezoning, platting and development shall be in a manner consistent with the Master Plan.

1.6. INTERNAL CONSISTENCY

Whenever one or more provisions of this UDC are in apparent conflict, the provisions shall be construed, if possible, so that effect is given to each provision. The Planning Director shall be responsible for resolving any internal conflicts or inconsistencies. Appeals to such interpretations may be made to the Planning and Zoning Commission, and further appealed to City Council if necessary, except for interpretations pertaining to zoning regulations, which shall be made to the Board of Adjustment. Appeals shall be made in accordance with the procedure for appeals in Chapter Two: Procedures.

1.7. CONSISTENCY WITH OTHER REGULATING DOCUMENTS

A. BETWEEN PRIVATE PARTIES

The UDC does not abrogate or affect any easements, covenants, deed restrictions, property owner association rules or agreements between private parties. Where the UDC is more restrictive than such regulations or agreements, the UDC shall govern.

B. OTHER STATUTES

The use of buildings and land within the City is subject to all other governing regulations as well as the UDC, regardless of whether such other regulations are specifically referenced in the UDC.

1.8. AUTHORITY

Authority under this UDC is vested in and delegated to the officials and decision-makers designated in this Chapter, in the other chapters of the UDC, in the City Code, Charter and constitution, and in the laws of the State of Texas. The omission of a citation in the UDC to any authority conferred upon the officials and decision-makers under the Charter, Constitution or laws of the State of Texas, of the City Code, or the failure to identify in this Chapter authority conferred by other provisions of the UDC shall not be construed as limiting the actions of such officials and decision-makers taken in accordance with and in reliance upon such authority.

1.9. CONSTRUCTION AND INTERPRETATION

A. INTERPRETATION

The UDC shall be liberally interpreted in order to further its underlying purposes.

B. REFERENCES TO LAWS AND STATUTES

Any reference to federal or state laws or any other official code or regulation shall be construed to be a reference to the most recent enactment of the particular law, and shall include any amendments to it, as may be adopted from time to time.

C. DEFINITIONS

The meaning of any and all words, terms, or phrases in the UDC shall be construed in accordance with Appendix A, Definitions. Any word, term or phrase that is not defined in Appendix A shall be interpreted in accordance with common usage and with the context of the use.

D. ILLUSTRATIONS

The UDC contains numerous graphics, pictures, illustrations, and drawings in order to assist the reader in understanding and applying the code. To the extent that there is any inconsistency between the text of the UDC and any such graphic, picture, illustration, or drawing, the text controls, unless otherwise provided in the specific section.

E. CROSS REFERENCES

References to other regulations or provisions are for the convenience of the reader. Lack of a cross-reference does not exempt a land, building, structure or use from other regulations.

F. TERMINOLOGY

1. "Shall" is always mandatory and is not permissive.
2. "May" is permissive.
3. "Should" is advisory and is intended to inform applicants of preferred development forms and activity in the City.

G. TENSES AND NUMBERS

Unless the context clearly indicates to the contrary, words used in the present tense include the future, words used in the singular include the plural, and words used in the plural include the singular.

H. GENDER

Use of the masculine gender includes the feminine gender and the use of the feminine gender includes the masculine.

I. TIME

The time within which an action is to be completed shall be computed by excluding the first and including the last day, except that if the last day is a Saturday, Sunday or legal holiday, that day shall be excluded. Any references to days shall mean calendar days.

1.10. DECISION AGENTS AND RULES GOVERNING DECISION-MAKING

A. CITY MANAGER

The City Manager or his designee is hereby authorized and directed to enforce all the provisions of the UDC. Wherever authority is granted to the City Manager, such authority is likewise granted to the City department or staff person which the City Manager designates.

B. CITY COUNCIL

City Council:

1. receives and acts upon reports and recommendations by the City Manager, the Planning and Zoning Commission and the Historic Landmark Commission;
2. adopts amendments to the zoning maps and the text of the UDC;
3. acts to amend the City's Master Plan;
4. designates historic districts and landmarks; and
5. grants ad valorem tax exemptions to historically significant sites in need of tax relief to encourage their preservation.

C. PLANNING AND ZONING COMMISSION

1. Role and Responsibilities

- a. The Planning and Zoning Commission recommends a comprehensive plan for the development of the City, recommends amendments to the zoning maps and the text of

this ordinance, and conducts studies and makes recommendations on other matters relating to the planning and development of the City.

- b. The Planning and Zoning Commission decides all plats.

2. Establishment of the Planning and Zoning Commission

a. Appointment and Removal of Members

- i. Pursuant to Texas Local Government Code, Sec. 211.007 et. seq. there is hereby established a Planning and Zoning Commission which shall consist of seven (7) members appointed by the City Council for overlapping three-year terms.
- ii. The Commission members may be removed by the City Council for cause after a public hearing before the City Council and with reasonable notice of the charges.
- iii. Vacancies in the Commission membership shall be filled by City Council appointment for the unexpired term of the vacancy.

b. Term of Office

- i. The term of office of Commission members shall be three (3) years.
 - ii. Each term shall begin on June 1 following the appointment and expire May 31.
 - iii. Eligible members must reside within the City limits or within the extraterritorial jurisdiction of the City of Boerne. Members are subject to the City of Boerne's Ethics Ordinance. Each of the seven positions on the Commission shall be assigned a numbered place.
- c. The members of the Planning and Zoning Commission shall be identified by place numbers one through seven.
 - d. Upon adoption of this ordinance, places one, four and seven existing appointments shall run through 6/30/2020 and places two, three, five and six existing appointments shall run through 6/30/2021. After these initial terms expire, all terms shall be for three years.

3. Powers and Duties of the Commission

The Commission shall exercise all powers vested in such bodies by Texas Local Government Code, Chapter 211. In addition, in order to effectuate and carry out the purposes of this ordinance, the Planning and Zoning Commission is also vested with the following powers and/or duties:

- a. To prepare and recommend to City Council for adoption a comprehensive plan for the City.
- b. To prepare and recommend to City Council for adoption subdivision regulations and to approve or disapprove subdivision plats.
- c. To prepare and recommend to City Council for adoption zoning regulations and to recommend zoning district boundaries, including the power to hold public hearings, enforce the regulations, and recommend changes in the regulations and district boundaries.
- d. To prepare and recommend adoption of urban conservation, rehabilitation and redevelopment programs allowed by state law.
- e. To report on planning and zoning problems that are referred to it for review by the City Manager or the City Council.
- f. To prepare such surveys, reports and studies as are required for the above and other authorized purposes.

4. Rules and Procedures of the Commission

a. Selection of Officers

- i. The officers of the Planning and Zoning Commission shall be a Chair, a Vice Chair, and a Secretary.
- ii. The Chair shall be designated by the City Council.
- iii. The Vice Chair and the Secretary shall be elected by the Commission members and begin serving during the Commission's regular meeting in June of each year, and they shall serve until the next election of officers.

b. Presiding Officer and Secretary.

- i. The Chair shall preside over all meetings of the Commission.
- ii. The Vice Chair shall preside in the absence of the Chair, and the Secretary shall preside in the absence of both the Chair and the Vice Chair.
- iii. In the absence of the Secretary, a Secretary pro tem shall be appointed by the Chair or Vice Chair as appropriate.

c. Quorum

A quorum shall consist of four members of the Commission. In no case shall less than three votes in favor of a motion constitute a majority.

d. Commission Meetings

- i. Regular meetings shall be held in the Municipal Court Complex, except as otherwise provided herein, when called by the Chair; provided, however, that the Commission shall have at least one meeting each quarter.
- ii. Special meetings may be called by the Chair, Vice Chair or the City Manager (if the Chair or Vice Chair is not available) provided that written notice thereof is provided to each member 72 hours prior to the time of the meeting.
- iii. No approval, disposal or final action shall be taken on any zoning application unless all notice requirements mandated by state statute, this ordinance or any other ordinance pertaining to the application or notice requirements have been met.
- iv. Regular and consistent attendance at monthly Planning and Zoning meetings, the first Monday of each month at 6:00 PM, and any special meetings that may be called.
- v. Members missing three or more consecutive meetings or attending less than 75% of the posted meetings on a 12-month rolling average, are subject to removal by the City Council.

e. Motions and Discussion

- i. Any motion by a member shall require a second.
- ii. After a motion has been made and duly seconded, discussion of the motion may be had for a reasonable time.
- iii. Discussion by members or by opponents or proponents of a question before the Commission shall terminate whenever the Chair shall so rule.

f. Questions of Procedure or Qualification

Whenever any question of procedure or qualification is raised at a Commission meeting, the Chair shall rule thereon.

g. Voting on Motions

Voting on zoning applications shall be by record vote. Voting on all other questions may be by voice, provided that a roll-call vote shall be taken upon demand of any member.

h. Conflict of Interest

The Planning and Zoning Commission shall follow the same conflict of interest statement as outlined in the City Charter.

i. Staff Reports Required

The Commission shall take no final action on any matter before it without first obtaining reports from the City departments concerned.

j. Public Statements by the Commission

Releases and statements to the public and press in the name of the Commission shall be made only by the Chair or the Chair's designated representative.

k. Use of Robert's Rules

Any question of order or procedure not covered by this ordinance shall be decided according to the latest edition of Robert's Rules of Order, where it may be applicable.

l. Commission Records

Minutes and records shall be kept of all proceedings of the Commission as a matter of public record.

D. BOARD OF ADJUSTMENT

1. Establishment of the Board

There is hereby established a Zoning Board of Adjustment consisting of five members and four alternate members to be appointed by the **City Council**. The Board shall be controlled by and have all powers vested by Texas Local Government Code, Sec. 211.008 et. seq.

2. Powers of the Board

a. The Board shall have the following powers:

- i. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the administration or enforcement of the UDC.
- ii. To hear and decide special exceptions to the terms of the UDC in those specific instances, if any, where allowed by the UDC.
- iii. To authorize variances from the terms of the UDC as will not be contrary to the public interest, where, owing to special conditions, a literal enforcement of the provisions of the UDC will result in unnecessary hardship, and so that the spirit of the UDC shall be observed and substantial justice done.

b. In exercising these powers the Board may, in conformity with the provisions of the UDC, reverse or affirm, wholly or partly, or may modify the order, requirement, decision or determination appealed from and make such order, requirement, decision or

determination as ought to be made, and to that end the Board shall have all the powers of the officer from whom the appeal is taken.

3. Board Bylaws and Rules of Proceeding

- a. The Board of Adjustment may adopt their own bylaws and rules of procedure for hearing cases, provided that such bylaws and rules are not in conflict with applicable laws or any provisions of the City Charter.
- b. All bylaws and procedures adopted by the Board of Adjustment shall be reviewed and approved by the City Council.

4. Terms and Removal of Members

All members of the Board, both regular and alternate, shall be appointed by the City Council and serve for a term of two (2) years. The term of office begins at the first meeting in June following the appointment. They shall be removable for cause by the City Council upon written charges and after a public hearing before the City Council following reasonable notice of the charges. Eligible members must reside within the City limits. Members are subject to the City of Boerne's Ethics Ordinance.

5. Vacancies

Vacancies in the regular or alternate memberships of the Board shall be filled by the Mayor for the unexpired term of the vacancy.

6. Appointment and Powers of Chair

The Mayor shall appoint from among the members of the Board a Chair and an Acting Chair, who shall serve in the absence of the Chair. The Chair, or in the Chair's absence the Acting Chair, may administer oaths and compel the attendance of witnesses.

7. Minimum of Four Members

All cases heard by the Board shall be heard by a minimum of four members. One or more of the alternate members of the Board shall serve in the absence of one or more regular members when requested to do so by the Mayor or the Mayor's duly authorized representative.

8. Board Meetings

- a. The Board may meet monthly or at the call of the Chair, or in the Chair's absence the Acting Chair, or at such other times as the Board may determine.
- b. Alternates shall only vote on cases brought before the Board. They shall not vote on board matters.
- c. Members missing three or more consecutive meetings or attending less than 75% of the posted meetings on a 12-month rolling average, are subject to removal by the City Council.
- d. All Board meetings shall be conducted in accordance with the Texas Open Meetings Act.

9. Minutes and Records

The Board shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating such fact, and it shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the City Manager and shall be a public record.

10. Conflict of Interest

- a. Each member shall vote on all agenda items, except on matters involving a conflict of interest, substantial financial interest or substantial economic interest under state law. Restrictions on participation of members with a conflict of interest shall be in keeping with Chapter 171 of the Texas Local Government Code, Vote Required to Act.
- b. The concurring vote of 75 percent of the members or alternate members of the Board present and voting, at a meeting for which a quorum has been established, shall be necessary to reverse any order, requirement, decision or determination of an administrative official, or to decide in favor of the applicant on any matter upon which the Board is required to pass under the UDC, or to effect any variation in the UDC. A simple majority shall be required for board business matters.

11. Findings of Fact Required

- a. Every decision of the Board shall be based upon findings of fact and every finding of fact shall be supported in the record of the Board's proceedings.
- b. The enumerated conditions required to exist on any matter upon which the Board is required to pass under this Article or to affect any exception or variance to the UDC shall be construed as limitations on the power of the Board to act.
- c. A mere finding or recitation of the enumerated conditions unaccompanied by findings of specific facts shall not be deemed findings of fact and shall not be deemed to constitute compliance with this Article.
- d. The findings of fact and associated decisions of the Board shall be reported within 30 days to the City Council and the Planning and Zoning Commission.

12. Limitations

- a. All administrative remedies shall have been exhausted prior to hearing by the Board of Adjustment.
- b. The powers of the Board shall be so construed that the UDC and the official zoning map are strictly enforced.
- c. The Board of Adjustment shall not grant a variance for a use that is not permitted for a property, according to the zoning designation for said property.
- d. The Board of Adjustment shall not grant a variance for any parcel of property or portion thereof upon which a site plan, devilment plan, preliminary plat or final plat (where required) is pending before the Planning and Zoning Commission or City Council.

E. HISTORIC LANDMARK COMMISSION

1. Establishment of the Commission

There is hereby established a Commission to be known as the "Historic Landmark Commission" of the City of Boerne, Texas, hereinafter referred to in this Article as the "Landmark Commission".

2. Role and Responsibilities

The Historic Landmark Commission recommends the designation of historic districts and landmarks, recommends the granting of tax exemptions to historically significant sites in need of tax relief, approves the issuance of building permits and certificates of appropriateness for work involving landmarks and structures in historic districts, and works in general to preserve the City's historic heritage.

3. Qualifications of Commission Members

To the extent possible, the City Council shall appoint members to the Landmark Commission who have a background in architecture, urban design, history, or similar professions, or have an interest in historic preservation.

4. Terms of Office

The term of office shall be for four (4) years. The Commission consists of nine (9) members appointed by the Mayor. The Mayor shall appoint the Chairman and Vice Chairman. The term of office begins at the first meeting in June following the appointment. Eligible members must live within the City limits. Commission members are subject to the City of Boerne's Ethics Ordinance. Any vacancy occurring shall be filled by appointment only for the unexpired portion of the term. Any member may be removed by the City Council for cause after a public hearing before the City Council and with reasonable notice of the charges. Members missing three or more consecutive meetings or attending less than 75% of the posted meetings on a 12-month rolling average, are subject to removal by the City Council.

5. Commission Meetings

The Historic Landmark Commission shall meet on a monthly basis, the first Tuesday of each month at 5:30 PM, as necessary and at any special meetings as called.

a. Regular Meetings

Regular meetings shall be held at the call of the Chair or at the request of any five Landmark Commission members. All Landmark Commission members shall have seven working days prior notice of the meeting.

b. Special Meetings

The Chair shall call a special meeting within five working days of receiving notice from the City Manager to consider the issuance of a certificate of appropriateness.

6. Voting and Quorum

Five members present shall constitute a quorum. All issues shall be decided by a majority vote of those members present and voting, except that in those instances where only a quorum of five members is present at a meeting, all issues shall be decided by at least four affirmative votes.

7. Conduct of Business

The Landmark Commission shall adopt rules for the conduct of its business and election of officers other than the Chair and Vice-Chair. Minutes shall be kept of all meetings and shall be available for public inspection.

8. Hearing and Notice Requirements

The Landmark Commission shall not act upon any request for historic landmark designation or upon any application for a building permit or certificate of appropriateness without having first given the applicant for the designation, permit or certificate adequate notice of the Commission meeting and his/her right to be present and to be heard if so desired. All meetings, regular or special, shall be conducted in accordance with the Texas Open Meetings Act. Notice of meetings shall be posted on the appropriate bulletin board in City Hall prior to

the meeting date in compliance with current State Laws. Notice shall be sufficient if either: (a) the party to be affected receives actual notice by any means; (b) notice is sent to the address shown on any application or permit filed by the applicant, by United States Mail, certified, return receipt requested; or (c) in the absence of any address provided by an applicant, notice is sent to the address for the registered owner as shown by the tax rolls of the Kendall County Appraisal District.

9. Investigation and Reports

The Landmark Commission may make such investigations and studies of matters relating to the protection, enhancement, perpetuation or use of historic landmarks, historic districts and included structures, and to the restoration of historic landmarks as the Commission may from time to time deem necessary or appropriate to effect the purposes of this ordinance. The Landmark Commission may submit reports and recommendations as to such matters to the Mayor and other agencies of the City. In making such investigations and studies, the Landmark Commission may hold such public hearings as it may deem necessary or appropriate.

F. DESIGN REVIEW COMMITTEE NEW COMMITTEE...ALL NEW TEXT

1. Establishment of the Committee

There is hereby established the Design Review Committee of the City of Boerne, Texas.

2. Role and Responsibilities

a. The Design Review Committee:

- i. Administers the design review process for properties within the overlay districts of the City.
- ii. Issues Certificates of Approval for properties and structures located within the overlay districts of the City.
- iii. Comments upon and provides recommendations on actions proposed to other City boards, committees and commissions for any plat or permit for a property located at least partially within any of the overlay districts of the City.

- b. The Design Review Committee does not review or provide approval for historic landmarks or for properties in the historic district.

3. Membership

- a. The Design Review Committee shall consist of seven members, whom the Mayor shall appoint with the consent and approval of the City Council.
- b. To the extent possible, the City Council shall appoint members to the Design Review Committee who have a background in architecture, landscape architecture, engineering, construction, land development, ecology and/or similar professions.
- c. Members shall be residents of the City of Boerne.
- d. At least one member shall have previously served on the Master Plan Advisory Committee.
- e. At least one member shall be a registered architect or landscape architect.
- f. At least one member shall be a licensed civil engineer.
- g. At least one member shall also be a member of the Historic Landmark Commission.

4. Compensation

The members of the Design Review Committee shall serve without compensation.

5. Officers

- a. The Design Review Committee shall elect a Chairperson and a Vice Chairperson, each of whom shall serve for one year or until his/her successor takes office.
- b. Both the Chairperson and Vice Chairperson shall be eligible for re-election.
- c. The Chairperson shall preside over all Design review Committee meetings.
- d. In the absence of the Chairperson, the Vice Chairperson shall preside.

6. Terms of Office

- a. The term of office shall be two years, or until a successor is appointed.
- b. No member shall serve more than three consecutive terms. Time served while fulfilling a partial term due to vacancy shall not count toward the three-term limit.
- c. Members who have served three consecutive terms may be reappointed after having rotated off of the Committee for at least one term.
- d. The term of office begins at the first meeting in June following the appointment.
- e. Committee members are subject to the City of Boerne's Ethics Ordinance.
- f. Any vacancy occurring shall be filled by appointment only for the unexpired portion of the term.
- g. Any member may be removed by the Mayor with consent and approval of Council for cause after a public hearing before the City Council and with reasonable notice of the charges.
- h. Members missing three or more consecutive meetings or attending less than 75% of the posted meetings on a 12-month rolling average are subject to removal by the City Council.

7. Committee Meetings

- a. The Design Review Committee shall meet on a monthly basis as necessary, and at any special meetings as called.
- b. Regular meetings shall be held at the call of the Chair or at the request of any five Design Review Committee members.
- c. All Design Review Committee members shall have ten working days prior notice of the meeting.
- d. The Chair shall call a special meeting within ten working days of receiving notice from the City Manager to consider the issuance of a Certificate of Approval.
- e. The Chairperson, or Vice Chairperson in the absence of the Chairperson, shall preside over the meeting, administer oaths and may request the attendance of witnesses.

8. Voting and Quorum

- a. Five members present shall constitute a quorum.
- b. All issues shall be decided by a majority vote of those members present and voting, except that in those instances where only a quorum of five members is present at a meeting, all issues shall be decided by at least four affirmative votes.

9. Conduct of Business

- a. The Design Review Committee shall adopt rules for the conduct of its business and election of officers other than the Chair and Vice-Chair.
- b. Minutes shall be kept of all meetings and shall be available for public inspection.

10. Hearing and Notice Requirements

- a. The Design Review Committee shall not act upon any request for a Certificate of Approval without having first given the applicant adequate notice of the Committee meeting and his/her right to be present and to be heard if so desired.
- b. All meetings, regular or special, shall be conducted in accordance with the Texas Open Meetings Act.
- c. Notice of meetings shall be posted on the appropriate bulletin board in City Hall prior to the meeting date in compliance with current State Laws.
- d. Notice shall be sufficient if either:
 - i. the party to be affected receives actual notice by any means;
 - ii. notice is sent to the address shown on any application or permit filed by the applicant, by United States Mail, certified, return receipt requested; or
 - iii. in the absence of any address provided by an applicant, notice is sent to the address for the registered owner as shown by the tax rolls of the Kendall County Appraisal District.

11. Investigation and Reports

- a. The Design Review Committee may make such investigations and studies of matters relating to the protection, enhancement, perpetuation or use of structures, or to environmental or landscape preservation of sites, as the Committee may from time to time deem necessary or appropriate to effect the purpose and intent of this Chapter.
- b. The Design Review Committee may submit reports and recommendations as to such matters to the Mayor, City Council, staff, and other agencies, boards, commissions and committees of the City. In making such investigations and studies, the Design Review Committee may hold such public hearings as it may deem necessary or appropriate.

1.11. SEVERABILITY

If any section, paragraph, subdivision, clause, phrase, or provision of the UDC shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of the UDC as a whole, or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

1.12. SAVINGS

Adoption of the UDC shall neither:

- terminate, dismiss or abate any action now pending under, or by virtue of, prior existing regulations;
- discontinue, abate, modify or alter any penalty accruing or about to accrue;
- affect the liability of any person, firm or corporation at the time of the effective date of the UDC;
- waive any right of the City under any section or provision existing at the time of the effective date of the UDC; nor
- vacate or annul any rights obtained by any person, firm or corporation by lawful action of the City, except as expressly provided in this UDC.

1.13. INDEBTEDNESS

All outstanding taxes, fees, assessments and obligations associated with the property that are owed to the City shall be paid to the City before approval is granted to any application associated with the delinquent property. No approvals shall be granted for an application for any development activity where delinquent taxes, fees or assessments stand. Tax certificates shall be provided by the applicant as required by Section 12.002 of the Texas Property Code.

1.14. REPRESENTATION OF FACTS

It is a violation of the UDC for any person to knowingly or willfully misrepresent or, with intent to deceive, to knowingly or willingly fail to include, any information required by the UDC in any zoning, platting, or development application, or during any public hearing or meeting of the Planning and Zoning Commission, City Council, Board of Adjustment or other City decision-making body. Such a violation shall constitute grounds for denial of the application or revocation of a previously granted approval.

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