

# Article 2

## AUTHORITY

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# ARTICLE 2: AUTHORITY

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### SECTION 1 - GOVERNING BODY

- 2.1.1 The City Council, as the governing body of the City, shall have such authority as is consistent with State law, the charter of the City and the Code of Ordinances, to initiate, undertake, and decide all legislative matters pertaining to the regulation of the use and development of land, which is the subject of the Unified Development Code, including but not limited to enactment or amendment of Code provisions; approval, disapproval or modification of amendments to the zoning map; and authorization of planned developments and specific use permits.
- 2.1.2 If authorized in the Code, the City Council shall also have authority to review and decide appeals from decisions of the Commissions, boards, and administrative officers, or exceptions to the Code otherwise authorized by these regulations in accordance with the procedures established herein.

### SECTION 2 - SEQUENCE OF REVIEW

- 2.2.1 Where recommendations from boards or commissions are required by this Code or otherwise by law, prior to action by the Council, no application for development approval shall be placed on the Council's agenda for decision until such recommendations are available for consideration by the Council. Such recommendations are not binding on the City Council and the Council may decide a matter contrary to the recommendations of such boards or commissions.
- 2.2.2 Where an applicant requests a variance from a provision of this Code in conjunction with an application for amendment of the Official Zoning Map, the variance shall not be considered by the Zoning Board of Adjustments and Appeals until the Council acts upon the request for the zoning change.

### SECTION 3 - BOARDS, COMMISSIONS, AGENCIES / APPOINTMENT, TERM, AND PROCEDURES

- 2.3.1 Each Board, Commission or Agency shall keep accurate minutes of each meeting, which shall be forwarded to the City Secretary within ten (10) days following each meeting. Such Board, Commission or Agency shall keep an accurate record of the names of the members who are present and absent from their meetings.
- 2.3.2 Each Board, Commission, or Agency shall establish its own attendance rules, regulations and method of enforcement which may include automatic removal from office unless in conflict with State law, City Charter or this Section. In addition to such rules and regulations, any member who is absent from three (3) consecutive regularly scheduled meetings whether excused or unexcused shall be automatically removed from office and shall be replaced by the City Council.

### SECTION 4 - PLANNING AND ZONING COMMISSION

- 2.4.1 The Planning and Zoning Commission of the City of Grand Prairie shall be composed of nine (9) members who shall be appointed to such Commission by the City Council in such a manner as the City Council may choose no more than two (2) consecutive three (3) year terms nor more than six (6) years unless the City Council by a three-fourths (3/4) vote of all Council members shall waive this

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limitation for a specific appointment. The Planning and Zoning Commission shall have the power to adopt its own bylaws and to adopt its own internal procedures. The Planning and Zoning Commission shall elect from its members a Chairman, a Vice-Chairman and a Secretary in accordance with its own internal procedures. A majority of all Planning and Zoning Commission members shall constitute a quorum. An affirmative vote of a majority of the members voting shall be required to pass any motion or recommendation. A tie vote shall be considered a denial of a motion. The Planning and Zoning Commission shall meet at such times as it may be directed to meet by the City Council and at such other times as the Commission may deem appropriate.

2.4.2 The Planning and Zoning Commission shall have the following powers and duties:

- A. To serve as an advisory body to the City Council concerning adoption of or amendments to the zoning regulations and zoning map and to make recommendations thereon;
- B. To advise the Council and make recommendations concerning adoption of, or amendments to the City's Comprehensive Plan and implementation thereof;
- C. To hear appeals of the Director's decisions to approve with conditions or disapprove a plat in accordance with Article 12, "Subdivision and Utilities" of this Code;
- D. To administer the City's regulations governing the platting and recording of subdivisions, including matters pertaining to the dedication of public facilities, when the Director has elected to present said matters to the Planning and Zoning Commission, when a subdivision plan or preliminary plat has been filed with a Planned Development applications in accordance with Section 7.1.5 of this Code, and when a preliminary plat has been filed in lieu of a site plan in accordance with Section 16.2.1(J) of this Code;
- E. To advise the Council on matters pertaining to public improvements, traffic, utility extensions and the provision of public facilities and services, in order to implement the City's Comprehensive Plan;
- F. To undertake such actions as necessary to exercise its delegated powers, as indicated by adopted ordinance;
- G. To approve certain matters relating to platting and recording of subdivisions as dictated by the Code of Ordinances and this Code.
- H. To perform such other planning, zoning, and development related activities as the City Council may from time to time direct.
- I. Members of the Planning and Zoning Commission shall also serve as the Citizen Advisory Committee for Photographic Traffic Signal Enforcement.

### SECTION 5 - ZONING BOARD OF ADJUSTMENTS AND APPEALS

2.5.1 Creation; function.

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There is hereby created a Zoning Board of Adjustment and Appeals, which shall have the authority and jurisdiction and shall operate under the procedures established by Article 1011g Vernon's Ann. Civ. St. and by the Zoning Ordinance No. 2299 as amended cited in Chapter 28 of this Code.

(Ord. No. 3359, § 3, 7-6-1982)

### 2.5.2 Composition; Alternates; Appointment of Officers; Quorum.

The Zoning Board of Adjustment and Appeals of the City of Grand Prairie shall be composed of nine (9) members, each to be appointed by the City Council for a term of two (2) years in such manner as the City Council may choose. No member may be appointed for more than three (3) consecutive two (2) year terms nor more than six (6) years unless the City Council, by a three-fourths (3/4) vote of all Council members, shall waive this limitation for a specific appointment. The City Council may appoint up to four (4) alternate members of the Board, who shall serve in the absence of one or more regular members. The alternate members, when appointed, shall serve for the same period as the regular members, and any vacancy shall be filled in the same manner as for regular members. Alternate members shall be subject to removal under the same provisions as regular members. The Zoning Board of Adjustment and Appeals shall have the power to adopt its own bylaws and to adopt its own procedures, consistent with state law. The Zoning Board of Adjustment and Appeals shall elect from its members a Chairman and a Vice-Chairman in accordance with its own internal procedures. The Secretary of the Board shall be such person as may be designated by the City Manager or designee. The Secretary, subject to the provisions of the Unified Development Code and the Code of Ordinances, these rules, and the direction of the Board and its Chairperson, shall conduct all correspondence of the Board; shall send out all notices required by these rules and the order of the Board shall attend all meetings of the Board; shall scrutinize all applications to determine compliance with Board rules and the Unified Development Code; shall keep the dockets and the minutes of the Board's proceedings; shall compile all required records; shall maintain the necessary files and indexes and generally supervise all clerical work of the Board. Seven (7) members of the Zoning Board of Adjustment and Appeals shall constitute a quorum. A vote of seven (7) members sitting in judgment of any action or controversy shall be required to pass any motion or recommendation. The Zoning Board of Adjustment and Appeals shall meet at such times as it may be directed to meet by the City Council and at such other times as the Zoning Board of Adjustment and Appeals may deem appropriate.

### 2.5.3 Powers and Duties.

The Zoning Board of Adjustment and Appeals shall have the following powers and duties:

- A. To hear and decide appeals from decisions of the Building Official;
- B. To grant variances from zoning regulations, pursuant to the standards and procedures established by this Code;
- C. To hear and decide special exceptions expressly provided by this Code;
- D. To bring about the discontinuance or amortization of a non-conforming use;
- E. To hear and decide requests for construction, reconstruction, extension, or enlargement of a building on a lot or tract occupied by a non-conforming use, pursuant to the standards and procedures established in Article 19, "Non-Conforming Development" of this Code;

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- F. To undertake such actions as may be necessary to exercise its delegated powers;
- G. To permit the construction, reconstruction, enlargement or addition of a structure occupied by or for a use normally ancillary to a single-family residential use, when such single-family residential use or structure, including non-conforming uses; provided, however, that such construction, reconstruction, enlargement, or addition does not prevent the return of such property to a conforming use. The Board is not authorized to permit or approve any request that would be in violation of any other ordinances or City regulation that would prohibit such improvement or construction to be made.”

### SECTION 6 - DEPARTMENT OF PLANNING

2.6.1 The Department, through its Director, shall have the following powers and duties:

- A. To make recommendations and provide assistance to the Council, Commission and Board concerning exercise of their responsibilities under the Unified Development Code;
- B. To develop and recommend to the City Manager, Planning and Zoning Commission, and the City Council, a Comprehensive Plan for the City and to propose actions to implement the plan;
- C. To coordinate all planning relating to the City's Comprehensive Plan;
- D. To render administrative decisions on the following development applications, subject to appeal, pursuant to procedures and standards established in **Article 1, “General Procedures”** of this Code;
- E. To perform such other duties as may be prescribed by ordinance or directed by the City Manager.

### SECTION 7 - CHIEF BUILDING OFFICIAL

2.7.1 The Chief Building Official shall have the following powers and duties:

- A. To issue, or revoke, permits in accordance with this Code;
- B. To issue, or revoke, Certificates of Occupancy in accordance with this Code;
- C. To enforce the provisions of this Code;
- D. Such other powers and duties as may be lawfully delegated.

### SECTION 8 - AIRPORT BOARDS

2.8.1 The Joint Airport Zoning Board for the Grand Prairie Municipal Airport shall have such powers and duties within the Airport Hazard Area defined for the Grand Prairie Municipal Airport, in accordance

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with the provisions of Chapter 6 - Aviation, Airports, Article V of the Code of Ordinances, and this Code.

- 2.8.2 The Airport Board of Adjustments for the Dallas-Fort Worth International Airport shall have such powers and duties as are conferred under State law and shall exercise such powers and duties, within the Airport Hazard Area defined for the Dallas-Fort Worth International Airport, in accordance with the provisions of this Code.

### SECTION 9 – DIRECTOR OF PLANNING AND DEVELOPMENT

- 2.9.1 The Director, and designee, shall have the following powers and duties:
- A. To administer the City’s regulations governing the platting and recording of subdivisions, including matters pertaining to the dedication of public facilities, except in the cases when a subdivision plat or preliminary plat has been filed with Planned Development applications in accordance with Section 7.1.5 of this Code, and when preliminary plats have been filed in lieu of a site plan in accordance with Section 16.2.1(J) of this Code;
  - B. To approve, approve with conditions, or disapprove any plat in accordance with Article 12, “Subdivision and Utilities of this Code (except when a subdivision plat or preliminary plat has been filed with a Planned Development applications pursuant to Section 7.1.5 of this Code and when preliminary plats have been filed in lieu of a site plan in accordance with Section 16.2.1(J) of this Code; and
  - C. To elect to present any plat application to the Planning and Zoning Commission in accordance with Article 12, “Subdivision and Utilities” of this Code.