

# 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

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this 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 administer the City's regulations governing the platting and recording of subdivisions, including matters pertaining to the dedication of public facilities, and 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;
- D. To undertake such actions as necessary to exercise its delegated powers, as indicated by adopted ordinance;
- E. To approve certain matters relating to platting and recording of subdivisions as dictated by the Code of Ordinances and this Code.
- F. To perform such other planning, zoning, and development related activities as the City Council may from time to time direct.
- G. 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 The Zoning Board of Adjustments and Appeals of the City of Grand Prairie shall be composed of nine (9) members, and up to four (4) alternate members, who shall be appointed to such Board 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 limitation for a specific appointment. The Zoning Board of Adjustments and Appeals shall have the power to adopt its own bylaws and to adopt its own procedures. The Zoning Board of Adjustments and Appeals shall elect from its members a Chairman, a Vice-Chairman and a Secretary in accordance with its own internal procedures. Seven (7) members of the Zoning Board of Adjustments 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 Adjustments and Appeals

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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 Adjustments and Appeals may deem appropriate.

- 2.5.2 The Zoning Board of Adjustments 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, as per the City Attorney;
  - 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;
  - 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; provided, however, 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

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### 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 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.