

ORDINANCE NO. Z-10-07-22-9A1

AN ORDINANCE AMENDING ORDINANCE NO. Z-08-11-13-11C13, ADOPTED BY THE CITY COUNCIL OF ROUND ROCK, TEXAS, ON NOVEMBER 13, 2008, BY AMENDING SECTIONS II.6.1(5)(a), II.8.1(1), II.8.1(2)(c)(ii), II.8.1(3)(c), II.8.1(4)(c), II.8.1(5)(c), II.8.1(6)(c), II.8.1(7)(c), AND II.8.1(16)(c), OF THE DEVELOPMENT PLAN OF PUD NO. 84, APPROVED BY THE CITY COUNCIL IN SAID ORDINANCE, PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

WHEREAS, on November 13, 2008, the City Council of the City of Round Rock, Texas, adopted Ordinance No. Z-08-11-13-11C13, which established PUD No. 84, and

WHEREAS, an application has been made to the City Council of the City of Round Rock, Texas, to amend Sections II.6.1(5)(a), II.8.1(1), II.8.1(2)(c)(ii), II.8.1(3)(c), II.8.1(4)(c), II.8.1(5)(c), II.8.1(6)(c), II.8.1(7)(c), and II.8.1(16)(c) of the Development Plan of PUD No. 84, and

WHEREAS, the Planning and Zoning Commission held a public hearing concerning the requested amendment to Ordinance No. Z-08-11-13-11C13 on the 23rd day of June, 2010, following lawful publication of said public hearing, and

WHEREAS, after considering the public testimony received at such hearing, the Planning and Zoning Commission has recommended that Ordinance No. Z-08-11-13-11C13 be amended, and

WHEREAS, on the 22nd day of July, 2010, after proper notification, the City Council held a public hearing on the requested amendment to Ordinance No. Z-08-11-13-11C13, and

WHEREAS, the City Council determined that the requested amendment to Ordinance No. Z-08-11-13-11C13 promotes the health, safety, morals and general welfare of the community, and

WHEREAS, each and every requirement set forth in Chapter 211, Sub-Chapter A., Texas Local Government Code, and Section 11.300, Code of Ordinances, 1990 Edition, City of

Round Rock, Texas concerning public notices, hearings, and other procedural matters has been fully complied with, Now Therefore

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK,
TEXAS:**

I.

That the City Council hereby determines that the proposed amendment to Planned Unit Development (PUD) District #84 meets the following goals and objectives:

- (1) The amendment to P.U.D. #84 is equal to or superior to development that would occur under the standard ordinance requirements.
- (2) The amendment to P.U.D. #84 is in harmony with the general purposes, goals, objectives and standards of the General Plan.
- (3) The amendment to P.U.D. #84 does not have an undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, utilities or any other matters affecting the public health, safety and general welfare.

II.

That Section II.6.1(5)(a) of the Development Plan of PUD No. 84, as approved in Ordinance No. Z-08-11-13-11C13, is hereby amended to read as follows:

6. PERMITTED USES

6.1 Conditional Uses

- (5) Places of Worship
 - (a) Parking facilities must be effectively screened from view from public rights-of-way with the exception of a drop off areas or access drives.

III.

That Section II.8.1(1) of the Development Plan of PUD No. 84, as approved in Ordinance

No. Z-08-11-13-11C13, is hereby amended to read as follows:

8. DEVELOPMENT USE STANDARDS

8.1 MU (Mixed Use)

(1) Development Standards Table – MU (Mixed Use)

	Non-Residential	Multi-Family Residential	Single Family Detached (Less Than 15,000 sq.ft.)	Single Family Detached (15,000 sq.ft. and larger)	Townhouse Residential	Nursing Home, Assisted Living, Office Medical, Places of Worship
Minimum Lot Area	-	1 acre	4,000 sq.ft.(a)	15,000 sq.ft.	2,000 s.f.	1 ac.
Minimum Lot Width	-	50 ft.	40 ft.(a)	80 ft.	20 ft. (b)	-
Minimum Width of Principal Building	-	-	20 ft.	40 ft.	-	-
Minimum/Maximum Build To Line from Street (R.O.W.)	4 / 15 ft. (c)	4 / 15 ft. (c)	15/20 ft.	Min. 30 ft.	5 / 15 ft.	15 ft. Min. / No Max.
Minimum Garage Door Setback from Street (R.O.W.)	-	-	20/25 ft.(d)	-	10 ft.(d)	-
Minimum Rear Setback	5 ft.	10 ft.	20/10 ft. (e)	25 ft.	10 ft.	10 ft.
Minimum Rear Setback abutting SF & TF Lots	30 ft.	30 ft.	-	-	20 ft.	30 ft.
Minimum Side Setback	0/5 ft. (f)	10 ft.	5 ft.	10 ft.	0/5 ft. (f)	10 ft.
Minimum Side Setback abutting SF & TF Lots	30 ft.	30 ft.	-	-	20 ft.	30 ft.
Minimum Setback for Accessory Building	5 ft.(g)	10 ft. (g)	5 ft. (g)	5 ft. (g)	10 ft. (g)	5 ft.
Minimum Side Setback Zero Lot Line	-	-	0/10 ft. (h)	-	-	-
Maximum Height of Principle Building	5 stories (i)	5 stories (i)	2.5 stories	3 stories	3 stories	5 stories (i)
Maximum Height of Accessory Building	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.	15 ft.
Maximum Height of Fence within Street Yard	6/8 ft. (j)	6/8 ft. (j)	6/8 ft. (j)	6/8 ft. (j)	6/8 ft. (j)	6/8 ft. (j)
Maximum Height of Fence outside of Street Yard	8 ft.	8 ft.	8 ft.	8 ft.	8 ft.	8 ft.
Maximum Building	-	50% (k)	60%	50%	80%	-

Coverage						
Maximum Density	-	40 Dwelling Units/Acre (l)	-	-	15 Dwelling Units/Acre	-

IV.

That Section II.8.1(2)(c)(ii) of the Development Plan of PUD No. 84, as approved in Ordinance No. Z-08-11-13-11C13, is hereby amended to read as follows:

8.1 MU (Mixed Use)

(2) MU Use District No. 1

(c) Development Standards

(ii) Parking

1. Parking is not allowed in street yard except in the following conditions;
 - a. Drop off areas shall be allowed within the street yard for the following uses: Nursing Home, Assisted Living, Office Medical, and Places of Worship.
 - b. Parking is allowed in the front street yard if it is located behind the plane of the building which is closest to the right of way; a total number of parking spaces not to exceed 10% of the number of required parking spaces shall be allowed in this area.
 - c. On lots with frontage on more than one street, one street yard shall be identified as the front street yard and the remaining street(s) identified as the side street yard(s). Parking shall be allowed in the side street yard(s); however, a total number of parking spaces not to exceed 25% of the number of required parking spaces shall be allowed in these side street yard(s), between the plane of the building closest to the street and the street right of way.
 - d. The combined number of parking spaces within the front street yard, as described in section “b” above and within the side street yard(s), as described in section “c” above, shall not exceed 25% of the number of required parking spaces.

V.

That Section II.8.1(3)(c) of the Development Plan of PUD No. 84, as approved in Ordinance No. Z-08-11-13-11C13, is hereby amended to read as follows:

8.1 MU (Mixed Use)

(3) MU Use District No. 2

(c) Development Standards

(i) Parking

1. Parking is not allowed in street yard except for the following conditions;

a. Drop off areas shall be allowed within the street yard for the following uses: Office Medical and Places of Worship.

b. Parking is allowed in the front street yard if it is located behind the plane of the building which is closest to the right of way; a total number of parking spaces not to exceed 10% of the number of required parking spaces shall be allowed in this area.

c. On lots with frontage on more than one street, one street yard shall be identified as the front street yard and the remaining street(s) identified as the side street yard(s). Parking shall be allowed in the side street yard(s); however, a total number of parking spaces not to exceed 25% of the number of required parking spaces shall be allowed in these side street yard(s), between the plane of the building closest to the street and the street right of way.

d. The combined number of parking spaces within the front street yard, as described in section "b" above and within the side street yard(s), as described in section "c" above, shall not exceed 25% of the number of required parking spaces.

VI.

That Section II.8.1(4)(c) of the Development Plan of PUD No. 84, as approved in Ordinance No. Z-08-11-13-11C13, is hereby amended to read as follows:

8.1 MU (Mixed Use)

(4) MU Use District No. 3

(c) Building Development Standards

(i) Parking

1. Parking is not allowed in street yard except for the following conditions;
 - a. Drop off areas shall be allowed within the streetyard for the following uses: Nursing Home, Assisted Living, Office Medical, and Places of Worship.
 - b. Parking is allowed in the front street yard if it is located behind the plane of the building which is closest to the right of way; a total number of parking spaces not to exceed 10% of the number of required parking spaces shall be allowed in this area.
 - c. On lots with frontage on more than one street, one street yard shall be identified as the front street yard and the remaining street(s) identified as the side street yard(s). Parking shall be allowed in the side street yard(s); however, a total number of parking spaces not to exceed 25% of the number of required parking spaces shall be allowed in these side street yard(s), between the plane of the building closest to the street and the street right of way.
 - d. The combined number of parking spaces within the front street yard, as described in section “b” above and within the side street yard(s), as described in section “c” above, shall not exceed 25% of the number of required parking spaces.
2. Townhome Residential Parking shall be rear access.

VII.

That Section II.8.1(5)(c) of the Development Plan of PUD No. 84, as approved in Ordinance No. Z-08-11-13-11C13, is hereby amended to read as follows:

8.1 MU (Mixed Use)

(5) MU Use District No. 6

(c) Development Standards

(i) Parking

1. Parking is not allowed in street yard except for the following conditions;
 - a. Drop off areas shall be allowed within the streetyard for the following uses: Nursing Home, Assisted Living, Office Medical, and Places of Worship.
 - b. Parking is allowed in the front street yard if it is located behind the plane of the building which is closest to the right of way; a total number of parking spaces not to exceed 10% of the number of required parking spaces shall be allowed in this area.
 - c. On lots with frontage on more than one street, one street yard shall be identified as the front street yard and the remaining street(s) identified as the side street yard(s). Parking shall be allowed in the side street yard(s); however, a total number of parking spaces not to exceed 25% of the number of required parking spaces shall be allowed in these side street yard(s), between the plane of the building closest to the street and the street right of way.
 - d. The combined number of parking spaces within the front street yard, as described in section "b" above and within the side street yard(s), as described in section "c" above, shall not exceed 25% of the number of required parking spaces.
2. Townhome Residential Parking shall be rear access.

VIII.

That Section II.8.1(6)(c) of the Development Plan of PUD No. 84, as approved in Ordinance No. Z-08-11-13-11C13, is hereby amended to read as follows:

8.1 MU (Mixed Use)

(6) MU Use District No. 7

(c) Development Standards

(i) Parking

1. Parking is not allowed in street yard except for the following conditions;
 - a. Drop off areas shall be allowed within the streetyard for the following uses: Office Medical, and Places of Worship.
 - b. Parking is allowed in the front street yard if it is located behind the plane of the building which is closest to the right of way; a total number of parking spaces not to exceed 10% of the number of required parking spaces shall be allowed in this area.
 - c. On lots with frontage on more than one street, one street yard shall be identified as the front street yard and the remaining street(s) identified as the side street yard(s). Parking shall be allowed in the side street yard(s); however, a total number of parking spaces not to exceed 25% of the number of required parking spaces shall be allowed in these side street yard(s), between the plane of the building closest to the street and the street right of way.
 - d. The combined number of parking spaces within the front street yard, as described in section “b” above and within the side street yard(s), as described in section “c” above, shall not exceed 25% of the number of required parking spaces.

IX.

That Section II.8.1(7)(c) of the Development Plan of PUD No. 84, as approved in Ordinance No. Z-08-11-13-11C13, is hereby amended to read as follows:

8.1 MU (Mixed Use)

(7) MU Use District No. 9

(c) Development Standards

(i) Parking

1. Parking is not allowed in street yard except for the following conditions;
 - a. Drop off areas shall be allowed within the streetyard for the following uses: Nursing Home, Assisted Living, and Places of Worship.
 - b. Parking is allowed in the front street yard if it is located behind the plane of the building which is closest to the right of way; a total number of parking spaces not to exceed 10% of the number of required parking spaces shall be allowed in this area.
 - c. On lots with frontage on more than one street, one street yard shall be identified as the front street yard and the remaining street(s) identified as the side street yard(s). Parking shall be allowed in the side street yard(s); however, a total number of parking spaces not to exceed 25% of the number of required parking spaces shall be allowed in these side street yard(s), between the plane of the building closest to the street and the street right of way.
 - d. The combined number of parking spaces within the front street yard, as described in section “b” above and within the side street yard(s), as described in section “c” above, shall not exceed 25% of the number of required parking spaces.
2. Townhome Residential parking shall be rear access.

X.

That Section II.8.1(16)(c) of the Development Plan of PUD No. 84, as approved in Ordinance No. Z-08-11-13-11C13, is hereby amended to read as follows:

8.1 MU (Mixed Use)

(16) Windows

- (c) For unique security or display purposes, including but not limited to art galleries, jewelry stores, nursing homes, assisting living facilities, and places of worship ground floor glazing requirements may be reduced by the Zoning Administrator.

XI.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

Alternative 1.

By motion duly made, seconded and passed with an affirmative vote of all the Council members present, the requirement for reading this ordinance on two separate days was dispensed with.

READ, PASSED, and ADOPTED on first reading this 22nd day of July, 2010.

Alternative 2.

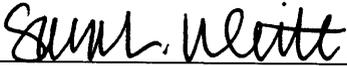
READ and **APPROVED** on first reading this the _____ day of _____,
2010.

READ, APPROVED and **ADOPTED** on second reading this the _____ day of
_____, 2010.



ALAN MCGRAW, Mayor
City of Round Rock, Texas

ATTEST:



SARA L. WHITE, City Secretary



City Council Agenda Summary Sheet

Agenda Item No.	9A1.
Agenda Caption:	Consider an ordinance approving Amendment No. 1 to Planned Unit Development (PUD) No. 84 zoning district (Avery Centre). (First Reading)
Meeting Date:	July 22, 2010
Department:	Planning and Community Development
Staff Person making presentation:	Jim Stendebach
	Planning and Community Development Director

Item Summary:

The PUD designates two sets of development standards – one for the MU (Mixed Use) district and one for the RES (Residential) district. The MU district’s design standards require non-residential and multi-family residential buildings to be built between 4 feet and 15 feet from the street. The purpose of this build-to requirement, in which no parking or vehicular use areas are allowed, is to create an urbanized, pedestrian-oriented design. In establishing this design, however, the applicant did not anticipate that some uses would need vehicle passenger drop off areas in front of the building.

The proposed amendment would provide for four specific uses: medical offices, nursing homes, assisted living centers and places of worship, to be built 15 feet or more from the street. In addition, it would allow for vehicular drop off areas to be located between the building and the street for these uses. A maximum of 10% of the required parking would be allowed in front of the building, but it must be located behind the plane of the building closest to the street. If the site fronts on more than one street, additional parking would be allowed between the building and the secondary street, a maximum of 30% of the number of required parking spaces, however, no more than 30% of the required parking can be located between the building and all of the surrounding streets.

Strategic Plan Relevance:

Improve the aesthetics, development and redevelopment quality, and sustainability of the City.

Cost:	N/A
Source of Funds:	N/A
Date of Public Hearing (if required):	July 22, 2010
Recommended Action:	The Planning and Zoning Commission recommended approval of the proposed zoning change at their meeting on June 23, 2010.