#### **ORDINANCE NO. 0-2021-290**

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF ROUND ROCK, TEXAS ADOPTED IN ZONING AND DEVELOPMENT CODE, CHAPTER 2, ARTICLE I, SECTION 2-2(b)(1), CODE OF ORDINANCES (2018 EDITION), CITY OF ROUND ROCK, TEXAS, AND MAKING THIS AMENDMENT A PART OF THE SAID OFFICIAL ZONING MAP, TO WIT: TO ORIGINALLY ZONE 9.24 ACRES OF LAND OUT OF THE M. HUNT SURVEY, ABSTRACT NO. 314 AND IN THE W. BARKER SURVEY NO. 74, ABSTRACT NO. 107, IN ROUND ROCK, WILLIAMSON COUNTY, TEXAS, AS PLANNED UNIT DEVELOPMENT (PUD) NO. 133; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

WHEREAS, the City of Round Rock, Texas has recently annexed 9.24 acres of land out of the M. Hunt Survey, Abstract No. 314 and in the W. Barker Survey No. 74, Abstract No. 107, in Round Rock, Williamson County, Texas, being more fully described in Exhibit "A" (the "Property"), attached hereto and incorporated herein, and

**WHEREAS**, the Planning and Zoning Commission held a public hearing concerning the original zoning of the Property on the 15th day of September, 2021, following lawful publication of the notice of said public hearing, and

WHEREAS, after considering the public testimony received at such hearing, the Planning and Zoning Commission has recommended that the Official Zoning Map be amended so that the Property in Exhibit "A" be originally zoned as Planned Unit Development (PUD) No. 133, and

WHEREAS, on the 28th day of October, 2021, after proper notification, the City Council held a public hearing on the proposed original zoning, and

WHEREAS, the City Council determines that the zoning provided for herein promotes the health, safety, morals and protects and preserves the general welfare of the community, and WHEREAS, each and every requirement set forth in Chapter 211, Sub-Chapter A., Texas Local Government Code, and Zoning and Development Code, Chapter 10, Article I, Section 10-2 and Article IV, Sections 10-20 and 10-22, Code of Ordinances (2018 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:

١.

That the City Council has hereby determined the Planned Unit Development

(PUD) No. 133 meets the following goals and objectives:

- (1) The development in PUD No. 133 is equal to or superior to development that would occur under the standard ordinance requirements.
- (2) P.U.D. No. 133 is in harmony with the general purposes, goals, objectives and standards of the General Plan.
- (3) P.U.D. No. 133 does not have an undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utilities or any other matters affecting the public health, safety and general welfare.
- (4) P.U.D. No. 133 will be adequately provisioned by essential public facilities and services including streets, parking, drainage, water, wastewater facilities, and other necessary utilities.
- (5) P.U.D. No. 133 will be constructed, arranged and maintained so as not to dominate, by scale and massing of structures, the immediate neighboring properties or interfere with their development or use in accordance with any existing zoning district.

II.

That the Official Zoning Map adopted in Zoning and Development Code, Chapter

2, Article I, Section 2-2(b)(1), Code of Ordinances (2018 Edition), City of Round Rock,

Texas, is hereby amended so that the zoning classification of the property described in

Exhibit "A", attached hereto and incorporated herein shall be, and is hereafter

designated as, Planned Unit Development (PUD) No. 133, and that the Mayor is hereby authorized and directed to enter into the Development Plan for PUD No. 133 attached hereto as Exhibit "B", which agreement shall govern the development and use of said property.

III.

**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 <u>28</u><sup>th</sup> day of <u>MoBUR</u>, 2021.

Alternative 2.

**READ** and **APPROVED** on first reading this the \_\_\_\_\_ day of , 2021.

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READ, APPROVED and ADOPTED on second reading this the \_\_\_\_\_ day of

\_\_\_\_\_, 2021.

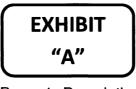
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CRAIG MORGAN, Mayor City of Round Rock, Texas

ATTEST:

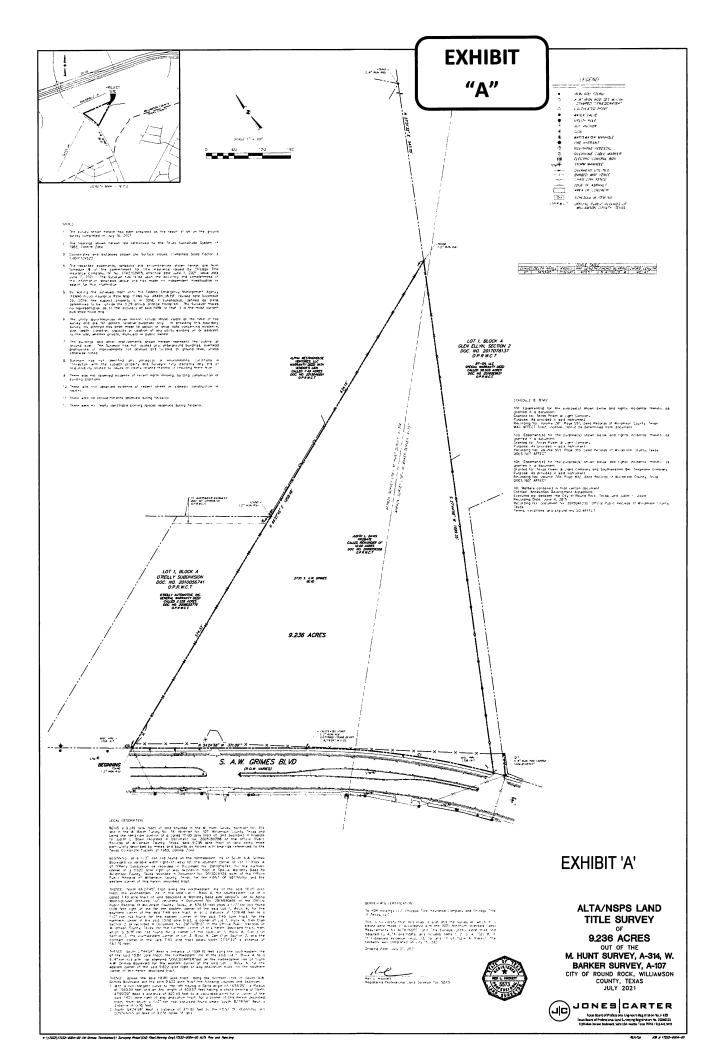
SARA L. WHITE, City Clerk



**Property Description** 

A 9.24-acre tract of land in the M. Hunt Survey, Abstract No. 314 and in the W. Barker Survey No. 74, Abstract No. 107, Williamson County, Texas, recorded as Document No. 2008059288 and a 0.84 acre-portion of the South AW Grimes Boulevard.

[See attached map.]





# A.W. GRIMES TOWHHOMES PLANNED UNIT DEVELOPMENT NO. 133

# THE STATE OF TEXAS §

## COUNTY OF WILLIAMSON §

**THIS DEVELOPMENT PLAN** (this "**Plan**") is adopted and approved by the CITY OF ROUND ROCK, TEXAS (hereinafter referred to as the "**City**"). For purposes of this Plan, the term **Owner** shall mean 2735 SAW GRIMES LLC; as its respective interests may appear in the respective portions of the hereinafter described property; and its respective successors and designated assigns. Upon sale, transfer or conveyance of portions of the hereinafter described property by a respective Owner to a designated third party owner/developer, the duties and obligations of the respective Owner, as it relates to the respective property being sold, shall be assigned to and assumed by the new owner/developer, and upon such sale and assignments of the duties and obligations hereunder, the respective Owner shall have no further liability relating to the respective property so sold and conveyed.

WHEREAS, the Owner is the owner of certain real property consisting of 9.24 acres, as more particularly described in Exhibit "A" (Legal Description), (herein after referred to as the "Property") attached hereto and made a part hereof; and

WHEREAS, the Owner has submitted a request to the City to zone the Property as a Planned Unit Development (the "PUD"); and

WHEREAS, pursuant to Part III, Section 10-22 of the Code of Ordinances of the City of Round Rock, Texas, the Owner has submitted Development Standards setting forth the development conditions and requirements within the PUD, which Development Standards are contained in Section II of this Plan; and

WHEREAS, the City has held two public hearings required by law to solicit input from all interested citizens and affected parties; and

WHEREAS, on September 15, 2021, the City's Planning and Zoning Commission recommended approval of the Owner's application for PUD zoning; and

WHEREAS, the City Council has reviewed the proposed Plan and determined that it promotes the health, safety, and general welfare of the citizens of Round Rock and that it complies with the intent of the Planned Unit Development Ordinance of the City;

### **NOW THEREFORE:**

#### **GENERAL PROVISIONS**

#### 1. <u>CONFORMITY WITH DEVELOPMENT STANDARDS</u>

That all uses and development within the Property shall conform to the Development Standards included in Section II herein.

### 2. <u>CHANGES AND MODIFICATIONS</u>

No changes or modifications will be made to this Plan unless all provisions pertaining to changes or modifications as stated in Section II.9.

### 3. ZONING VIOLATION

Owner understands that any person, firm, corporation or other entity violating any conditions or terms of the Plan shall be subject to any and all penalties for the violation of any zoning ordinance provisions as stated in Part II, Section 1-9, Code of Ordinances, City of Round Rock, Texas, as amended.

#### 4. <u>MISCELLANEOUS PROVISIONS</u>

#### 4.1. Severability

In case one or more provisions contained of this Plan are deemed invalid, illegal or unenforceable in any respect such invalidity, illegality or unenforceability shall not affect any other provisions of this Plan and in such event, this Plan shall be construed as if such invalid, illegal or unenforceable provision had never been contained in this Plan.

#### 4.2. Venue

All obligations of the Plan are performable in Williamson County, Texas, and venue for any action shall be in Williamson County.

#### 4.3. Effective Date

This Plan shall be effective from and after the date of approval by the City Council

### II. DEVELOPMENT PLAN

### 1. **DEFINITIONS**

Words and terms used herein shall have their usual force and meaning, or as defined in the City of Round Rock Code of Ordinances, as amended, hereinafter referred to as "the Code."

#### 2. PROPERTY

This Plan covers approximately 9.24 acres of land, located within the City of Round Rock, Texas, and more particularly described in **Exhibit "A"**.

#### 3. PURPOSE

The purpose of this Plan is to ensure a PUD that: 1) is equal to, superior than and/or more consistent than that which would occur under the standard ordinance requirements, 2) is in harmony with the General Plan, as amended, 3) does not have an undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utilities or any other matters affecting the public health, safety and welfare, 4) is adequately provisioned by essential public facilities and services, and 5) will be developed and maintained so as not to dominate, by scale or massing of structures, the immediate neighboring properties or interfere with their development or use.

## 4. APPLICABILITY OF CITY ORDINANCES

## 4.1. Zoning Ordinance

All aspects not specifically covered by this Plan shall be regulated by the **TH** (**Townhouse**) zoning district, as amended. If there is a conflict between this Plan and the Code, this Plan shall supersede the specific conflicting provisions of the Code.

#### 4.2. Other Ordinances

All other Ordinances within the Code, as applicable and as amended, shall apply to the Property, except as clearly modified by this Plan. In the event of a conflict, the terms of this Plan shall control.

#### 5. CONCEPT PLAN

**Exhibit "B"** shall serve as the Concept Plan for the project, according to Section 10-26 of the Code.

### 6. <u>COMPREHENSIVE PLAN</u>

Approval of this Development Plan amends the Future Land Use Map of the comprehensive plan for land uses.

#### 7. PERMITTED USES

- **7.1.**Single Family Attached, Common Lot: one or more single family attached residential dwellings located on a single ownership lot, with each dwelling unit having a private external entrance, private parking, and a private yard area.
  - (1) Access shall be provided via private drive aisles.

- (2) All dwelling units shall be established as condominium units, pursuant to the Texas Uniform Condominium Act, Section 82.001 et. seq., Texas Property Code.
- (3) A maximum of 108 dwelling units shall be permitted.

### 8. DEVELOPMENT STANDARDS

### 8.1. Design Features

- (1) On two story homes with a rear side facing any property boundary, the following shall be required on the second-floor elevation:
  - (a) All windows to have one window enhancement from the following list:
    - i. Shutters
    - ii. Awnings or shed roofs
    - iii. Arch windows
  - (b) One design feature from the following list:
    - i. Board and batten siding
    - ii. Balcony
    - iii. Building offset
    - iv. Box window
  - (c) Garage Door Treatment
    - i. An upgraded garage door, defined as a metal door with the addition of window panels, a faux wood garage door with decorative hardware, or a wood clad garage door, shall be required.

#### 8.2. Yard Fencing

- (1) Single family unit fencing shall be constructed of the following materials: brick, stone, reinforced concrete, decorative masonry, wrought iron, tubular steel, redwood or cedar with a picket size of 1" x 6" with metal posts and treated rails, or other equivalent materials approved by the Zoning Administrator.
- (2) No fences permitted between the front of the house and the drive aisle.
- (3) All fences shall provide a finished face to abutting drive aisles.
- (4) Fences shall not conflict with sight visibility triangles at drive aisle intersections or obstruct views from adjacent driveways.
- (5) Fence posts for all new fences shall be constructed of rust-resistant metal parts, concrete based masonry, or concrete pillars of sound structural integrity.
- (6) Fence posts and fence panels for non-wood fences shall be capped.
- (7) Maximum fence height: six (6) feet.

### 8.3. Perimeter Fencing & Landscaping

- (1) A subdivision wall, in compliance with Section 4-30 of the Code, shall be constructed along the AW Grimes Blvd frontage of the property and a wood fence, as described in Section 6.3 (1) above, will be constructed along the remaining perimeter, as indicated on **Exhibit "B"**.
- (2) Landscaping along the portion of the wall facing AW Grimes Blvd. shall contain the following minimum landscaping:

(a) One large shrub, small shrub, or ornamental grass per four (4) linear feet, or fraction thereof. Any combination of large shrubs, small shrubs, and ornamental grasses is acceptable.

## 8.4. Building Setbacks & Separation

- (1) Individual condominium lot building setbacks shall be according to Exhibit "C". Building separation shall be a minimum of 10 feet, measured from roof eave to roof eave, or a minimum of 5 feet, measured from the assumed lot line to the roof eave, unless the eaves are one hour fire-rated and the decking is fire retardant for the length of the roof, or as otherwise approved by the building official.
- (2) The minimum building setback from any property boundary shall be 16 feet.

## 8.5. Private Drive Aisles

- (1) Each private drive aisle shall be a minimum of 26-feet in width measured from 'face of curb' to 'face of curb', with a four foot (4') wide sidewalk on one side of the drive.
- (2) Private drive aisles may be gated, subject to the access requirements established by the Fire Marshal and the Code.
- (3) Private drive aisles shall be designed and constructed according to the currently adopted City of Round Rock Transportation Criteria Manual for the purposes of pavement design including but not limited to, geotechnical reports, asphalt thickness, flexible base type and thickness, and subgrade preparation and thickness.

## 8.6. Parking

- (1) A total of four (4) resident parking spaces per unit are required:
  - (a) 2 garage enclosed parking spaces; and
  - (a) 2 parking spaces located in front of the garage and outside of the private access drive and sidewalk.
- (4) Guest parking shall be provided as required:
  - (a) A minimum of one (1) guest parking space must be provided for every four (4) residential buildings.
    - i. The maximum distance from the required guest parking to the unit(s) is four hundred feet (400'), measured along the drive lanes.
    - ii. Parking spaces shall be adjacent to the drive aisles and aligned 90degrees and shall be designed in accordance with City Transportation Design and Construction Standards.

## 8.7. Landscaping

- (1) The landscape development standards outlined in Section 46-195,
  - Landscaping, shall apply, with the following modifications:
    - (a) All development areas, including residential, which include turf shall utilize Drought Tolerant Turf Grasses, as defined by the Code.
    - (b) Plant material shall be of a native and/or adapted species, including those selected from *Native and Adapted Landscape Plants, an Earth*-

*Wish Guide for Central Texas*, created by the Texas Cooperative Extension, Grow Green and the Lady Bird Johnson Wildflower Center.

(c) Large species trees totaling six caliper inches shall be provided for each single-family dwelling unit. This may be achieved through the preservation of existing protected trees within the Property or the planting of two (2) three-inch (3") caliper container-grown trees.

## 8.8. Amenities

A total of four (4) amenities accessible to all residents shall be provided. Amenities shall be chosen from the list contained in Section 2-20 (f) of the Code.

#### 8.9. Parkland Requirement

The TH (Townhouse) zoning district shall be used for the purpose of applying Chapter 4, Article V of the Code to determine the parkland requirement.

#### 8.10. Protected Tree Size

Trees having a diameter of 20 inches, or more are protected trees for the purpose of applying Chapter 8, Article III – Tree Protection and Preservation.

#### 8.11. Maintenance

A private home-owner's association shall be established for the maintenance of private drive aisles, private utility lines, landscape areas, signage, walls, medians, common open spaces, stormwater detention areas and any other non-public infrastructure.

### 9. CHANGES TO DEVELOPMENT PLAN

#### 9.1. Minor Changes

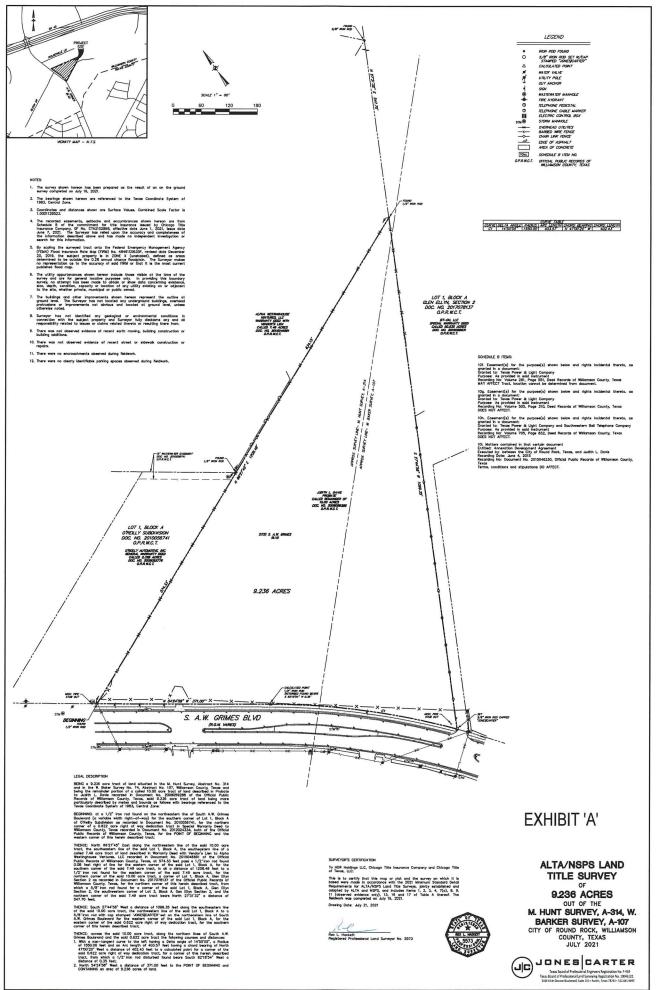
Minor changes to this Plan which do not substantially and adversely change this Plan may be approved administratively, if approved in writing by the Director of Planning and Development Services and the City Attorney.

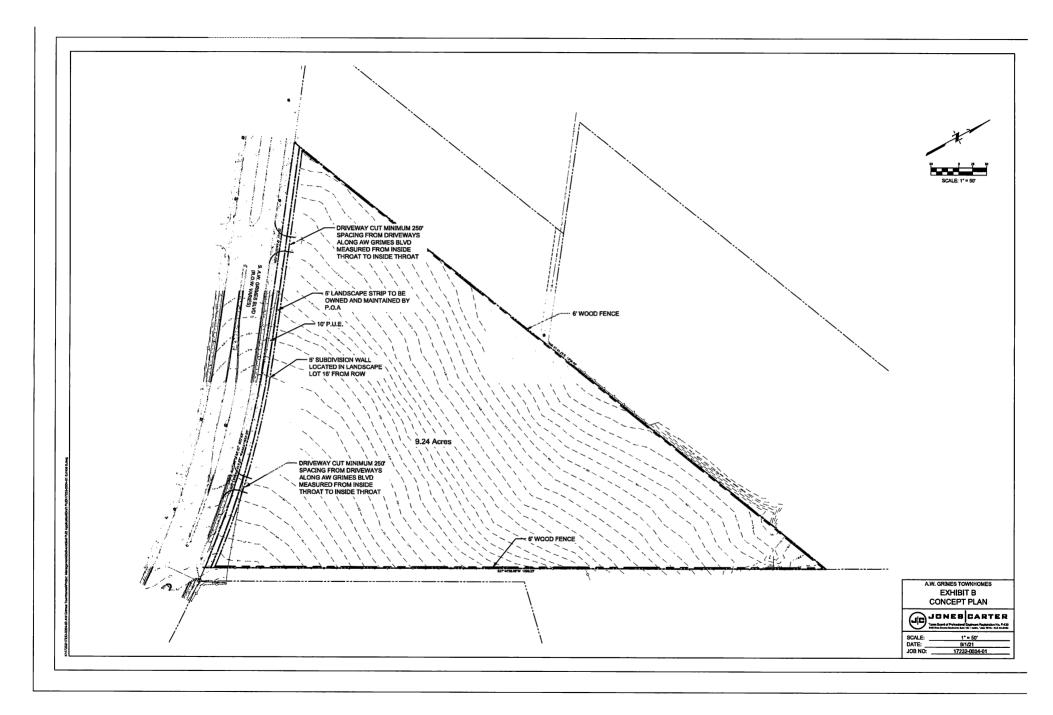
#### 9.2. Major Changes

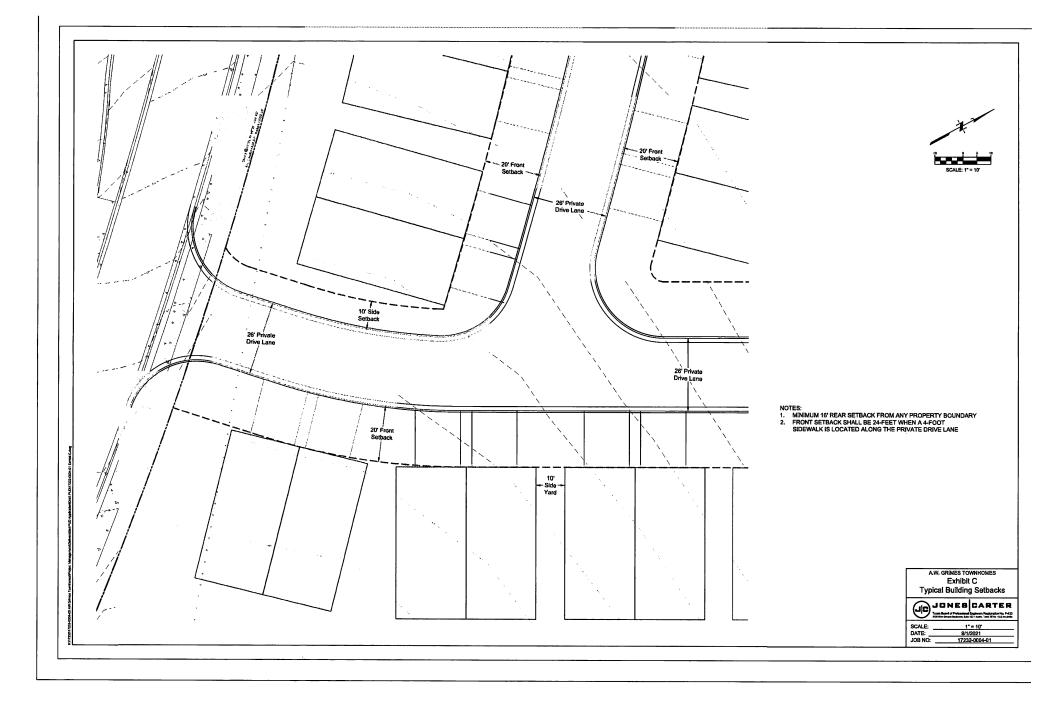
All changes not permitted above shall be resubmitted following the same procedure required by the original PUD application.

### **LIST OF EXHIBITS**

Exhibit "A"	Survey
Exhibit "B"	Concept Plan
Exhibit "C"	Home site setbacks







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