

**ORDINANCE NO. O-2023-194**

**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 REZONE 0.34 ACRES OF LAND, OUT OF THE WILEY HARRIS SURVEY, ABSTRACT NO. 298, IN ROUND ROCK, WILLIAMSON COUNTY, TEXAS, FROM MU-2 (MIXED-USE DOWNTOWN MEDIUM DENSITY) ZONING DISTRICT TO PUD (PLANNED UNIT DEVELOPMENT) NO. 151 ZONING DISTRICT; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.**

**WHEREAS**, an application has been made to the City Council of the City of Round Rock, Texas to amend the Official Zoning Map to rezone 0.34 acres of land, out of the Wiley Harris Survey, Abstract No. 298, in Round Rock, Williamson County, Texas, being more fully described in Exhibit "A" attached hereto, from MU-2 (Mixed-Use Downtown Medium Density) zoning district to PUD (Planned Unit Development) No. 151 zoning district, and

**WHEREAS**, the City Council has submitted the requested change in the Official Zoning Map to the Planning and Zoning Commission for its recommendation and report, and

**WHEREAS**, the Planning and Zoning Commission held a public hearing concerning the requested change on the 17th day of May, 2023, 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 zoning classification of the property described in Exhibit "A" be changed to PUD No. 151, and

**WHEREAS**, on the 22nd day of June, 2023, after proper notification, the City Council held a public hearing on the requested amendment, 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 2, Article I, Section 2-2 and Chapter 10, Article I, Section 10-2 and, 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:**

I.

That the City Council has hereby determined the Planned Unit Development (PUD) No. 151 meets the following goals and objectives:

- (1) The development in PUD No. 151 is equal to or superior to development that would occur under the standard ordinance requirements.
- (2) P.U.D. No. 151 is in harmony with the general purposes, goals, objectives and standards of the Round Rock Comprehensive Plan.
- (3) P.U.D. No. 151 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. 151 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. 151 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 PUD (Planned Unit Development) No. 151, and that the Mayor is hereby authorized and directed to enter into the Development Plan for PUD No. 151 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 Resolution was adopted was posted and that such meeting was open to the public as required by law at all times during which this Resolution 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.

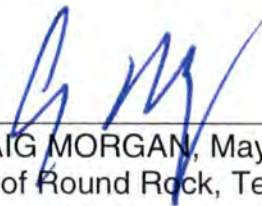
By motion duly made, seconded and passed with an affirmative vote of all the Council members present, the requirement for reading this ordinance on two separate days was dispensed with.

**READ, PASSED, and ADOPTED** on first reading this 22<sup>nd</sup> day of JUNE, 2023.

Alternative 2.

**READ** and **APPROVED** on first reading this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**READ, APPROVED and ADOPTED** on second reading this the \_\_\_\_\_ day of \_\_\_\_\_, 2023.

  
\_\_\_\_\_  
CRAIG MORGAN, Mayor  
City of Round Rock, Texas

ATTEST:

  
\_\_\_\_\_  
MEAGAN SPINKS, City Clerk

## **Exhibit "A"**

### **Tract 1:**

Being the west half of Lot 6 and all of Lot 7, Block 31, City of Round Rock, Williamson County, Texas, according to the map or plat thereof recorded in Volume 25, Pages 315-316, Deed Records, Williamson County, Texas, and as transcribed in Cabinet A, Slides 190-191, Plat Records, Williamson County, Texas.

### **Tract 2:**

Being a portion of a certain alleyway located on Lot 7 and Lot 12, and the west one-half of Lot 6 and of 13, Block 31, City of Round Rock, Williamson County, Texas, according to the map thereof recorded in Volume 1634, Pages 511-514, Deed Records, Williamson County, Texas and as transcribed in Cabinet A, Slides 190-191, Plat Records, Williamson County, Texas.

### **Tract 3:**

Being all of Lot 12 and the west half of Lot 13, Block 31, City of Round Rock, Williamson County, Texas, according to the map or plat thereof recorded in Volume 25, Pages 315-316, Deed Records, Williamson County, Texas, and as transcribed in Cabinet A, Slides 190-191, Plat Records, Williamson County, Texas.



**EXHIBIT  
"B"**

**I.  
GENERAL PROVISIONS**

1. **CONFORMITY WITH DEVELOPMENT STANDARDS**

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

2. **CHANGES AND MODIFICATIONS**

No changes or modifications will be made to this plan unless all provisions pertaining to changes or modifications as stated in section 8.1.

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 III, Article II, Code of Ordinances, City of Round Rock, Texas, as amended.

4. **MISCELLANEOUS PROVISIONS**

**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 STANDARDS**

**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 0.34 acres of land, located within the City of Round Rock, Texas, and more particularly described in Exhibit "A", hereinafter referred to as "the Property."

**3. PURPOSE**

The purpose of this Plan is to ensure a PUD that 1) is equal to, superior to, 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 as to not interfere with the use of the immediate neighboring properties.

**4. APPLICABILITY OF CITY ORDINANCES**

**4.1 Zoning and Subdivision Ordinances**

All aspects not specifically covered by this Plan shall be regulated by MU-2 (Mixed Use – Medium Density) zoning district and the City of Round Rock Zoning and Development Code, 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 Concept Plan**

This plan, as depicted in Exhibit "B", shall serve as the concept plan required by Part III, Section 10-26 of the Code, as amended.

**4.3 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.

A) The Code is defined herein as the City of Round Rock, Texas, Code of Ordinances ("Code").



- B) The Future Land Use Map of the Round Rock 2030 Comprehensive Plan land use designation for this tract is Downtown Mixed Use.

**5. PERMITTED USES**

- 5.1** All uses in the MU-2 (Mixed-use downtown medium density) zoning district, in addition to:
  - 1) Wine tasting room, subject to the following:
    - a) Wine tasting room shall be defined as an establishment for the sale and consumption of wine on the premises and the sale of wine by the bottle for consumption off of the premises as defined by the Texas Alcoholic Beverage Commission (TABC) Winery Permit (G).
- 5.2** Mobile Food Establishments (MFEs) shall be permitted in accordance with City of Round Rock Code of Ordinances Part III, Chapter 2, Article VIII, Section 2-93, as amended.
- 5.3** Unless otherwise described below, the definitions of all terms used to describe uses in this document shall be those found in the Zoning Code of the City of Round Rock, as amended.
- 5.4** Compatibility Wall
  - A) Outdoor rear or side dining areas shall be required to install and maintain a natural stone, simulated stone, or brick wall that is six (6) feet in height as depicted in Exhibit B.
  - B) The zoning administrator may waive the above requirement based upon a finding of any of the following:
    - 1) The zoning administrator determines that due to the site plan layout and/or existing conditions, potential impacts will be negligible;
    - 2) The zoning administrator receives a letter from the adjacent residential property owner(s) requesting that the fence not be installed; or
    - 3) The zoning administrator determines that existing and/or proposed vegetation will serve as an adequate screen.

**6. CHANGES TO DEVELOPMENT PLAN**

- 6.1** All changes to the development plan shall be subject to Part III, Chapter 10, Article IV, Section 10-22(i), Amendments, of the Code of Ordinances of the City of Round Rock, Texas, as amended.



7. **LIST OF EXHIBITS**

Exhibit "A" Legal Description

Exhibit "B" Concept Plan

## **Exhibit "A"**

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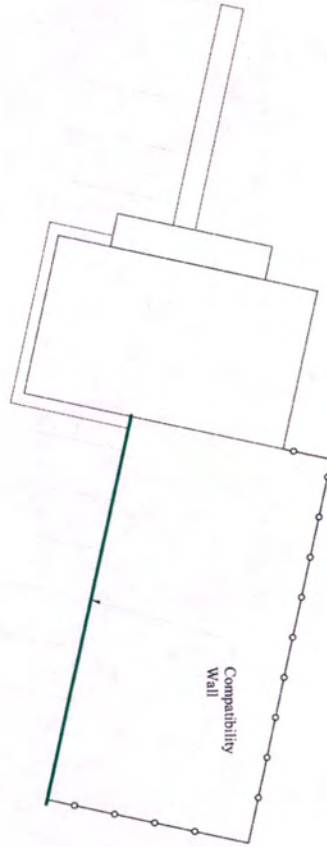
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# EXHIBIT B

Round Rock Ave



W Liberty Ave

### GENERAL NOTES:

- 1. DRIVEWAYS ARE SHOWN AS EXISTING AND WILL NOT BE ALTERED
- 2. SEE PLAN FOR APPROXIMATE SCREEN FENCE LOCATION AND STONE COMPATIBILITY WALL

1 SITE PLAN - CONCEPT  
Scale: 1" = 80'

 Swallow Group Design & Engineering Professional Engineer 10000 N. MOORE AVE ROUND ROCK, TX 78664 TEL: 512.261.1111 WWW.SWALLOWGROUP.COM	DATE: _____ SCALE: _____	PROJECT: _____ SHEET: _____	OWNER: _____ ADDRESS: _____ CITY: _____ STATE: _____ ZIP: _____	DESIGNER: _____ DATE: _____	DRAWN BY: _____ DATE: _____	CHECKED BY: _____ DATE: _____	APPROVED BY: _____ DATE: _____	PROJECT NO.: 1002645	SHEET NO.: A-101	GABE DALLS 407 ROUND ROCK AVE. ROUND ROCK, TX 78664 TEL: 512.261.1111	SWALLOW WINES 407 ROUND ROCK AVE. ROUND ROCK, TX 78664



