

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. AZ-05-05-26-11D2, ADOPTED BY THE CITY COUNCIL OF ROUND ROCK, TEXAS, ON MAY 26, 2005, BY AMENDING SECTIONS II.5, AND II.6, APPROVED BY THE CITY COUNCIL IN SAID ORDINANCE, PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.

WHEREAS, on May 26, 2005, the City Council of the City of Round Rock, Texas, adopted Ordinance No. AZ-05-05-26-11D2, which established PUD No. 61, and

WHEREAS, an application has been made to the City Council of the City of Round Rock, Texas, to amend Sections II.5 and II.6 of PUD No. 61, and

WHEREAS, the Planning and Zoning Commission held a public hearing concerning the requested amendment to Ordinance No. AZ-05-05-26-11D2 on the 6th day of November 2013, 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. AZ-05-05-26-11D2 be amended, and

WHEREAS, on the 14th day of November 2013, after proper notification, the City Council held a public hearing on the requested amendment to Ordinance No. AZ-05-05-26-11D2, and

WHEREAS, the City Council determined that the requested amendment to Ordinance No. AZ-05-05-26-11D2 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 Sections 46-92 and 46-106, Code of Ordinances, 2010 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 #61 meets the following goals and objectives:

- (1) The amendment to P.U.D. #61 is equal to or superior to development that would occur under the standard ordinance requirements.
- (2) The amendment to P.U.D. #61 is in harmony with the general purposes, goals, objectives and standards of the General Plan.
- (3) The amendment to P.U.D. #61 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.5 of the Development Plan of PUD No. 61, as approved in Ordinance No. AZ-05-05-26-11D2 is hereby deleted in its entirety, and replaced with a new Section II.5, which shall read as follows:

5. PERMITTED USES ON PARCEL 1

The following principal uses are permitted on the portion of the Property identified as Parcel 1 on **PUD No. 61 Exhibit "C"** and further described by metes and bounds in **PUD No. 61 Exhibit "C-1"**:

- Retail Sales, including the following uses as secondary uses:
 - Boat Sales and Service
 - Camper Sales and Service
 - All-Terrain Vehicle (ATV) Sales and Service
 - An all-terrain vehicle (ATV), also known as a quad, quad bike, three-wheeler, or four-wheeler, is a motorized vehicle designed to handle a wide variety of terrain. It travels on low-pressure tires, with a seat that

is straddled by the operator, along with handlebars for steering control.

- Indoor Shooting Ranges
- Retail Services, which shall be limited to the following:
 - Florist
 - Cleaners (drop-off and pick-up only)
 - Hair Salon
 - Alteration Shop (Tailor)
 - Copy Business Center
 - Athletic or health club
- Theater/Cinema
- Indoor Entertainment Activities
- Eating Establishments
- Bars/Pubs/Taverns, which is the use of a site for the retail sale of alcoholic beverages for consumption on premises
- Hotel
- Conference Center
- Bank or Financial Services, which is the use of a site for the provision of financial and banking services. This includes banks, stocks and bonds brokers, loan and lending activities, off-site cash machines, and other similar services.
- Office
- Office, Medical
- Day Care, as an accessory use
- Fire or Police Station
- Visitor Center, which is the use of a site for the provision of information to the public regarding a development, project, or the surrounding community, as well as related activities, events, programs and tourist locations.
- Wireless Transmission Facility, Stealth
- Wireless Transmission Facility, Attached
- Park, Private
- Park, Linear/Linkage
- Park, Community
- Park, Neighborhood
- Park, Regional/Metropolitan

III.

That Section II.6 of the Development Plan of PUD No. 61, as approved in Ordinance No., AZ-05-05-26-11D2 is hereby deleted in its entirety, and replaced with a new Section II.6, which shall read as follows:

6. **PROHIBITED USES ON PARCEL 1**

The following uses are prohibited:

- Gasoline & fuel sales
- Outdoor Entertainment
- Automotive & machinery repair
- Automotive & machinery services
- Automotive parts
- Automotive sales
- Automotive rental
- Automotive & machinery washes
- Wrecking yards
- Sale of used goods
- Sexually oriented businesses
- Trucking terminals
- Truck service or repair
- Truck stops
- Bulk distribution centers
- Flea markets
- Portable building sales
- Manufactured home sales
- Boat sales (as a primary use)
- Camper sales (as a primary use)
- Industrial building sales
- Amusement parks or carnivals
- Campgrounds
- Outdoor shooting ranges
- Kennels
- Video arcades (as a primary use)
- Billiard parlors & pool halls (as a primary use)
- Tattoo parlors
- Donation centers
- Recycling centers
- Wholesale nurseries
- Recreational vehicle parks

- Pawn shops
- Heavy equipment sales, rental & leasing
- Wireless Transmission Facility, Self-Standing

IV.

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 _____ day of _____, 2013.

Alternative 2.

READ and APPROVED on first reading this the _____ day of _____, 2013.

READ, APPROVED and **ADOPTED** on second reading this the _____ day of _____, 2013.

ALAN MCGRAW, Mayor
City of Round Rock, Texas

ATTEST:

SARA L. WHITE, City Clerk