

**ORDINANCE NO. O-2019-0361**

**AN ORDINANCE AMENDING ORDINANCE NO. Z-08-10-23-11B7, ADOPTED BY THE CITY COUNCIL OF ROUND ROCK, TEXAS, ON OCTOBER 23, 2008, BY AMENDING SECTION II.5.3 OF THE DEVELOPMENT PLAN OF PUD NO. 83 AS AMENDMENT NO. 8, APPROVED BY THE CITY COUNCIL IN SAID ORDINANCE; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES OR RESOLUTIONS.**

**WHEREAS**, on October 23, 2008, the City Council of the City of Round Rock, Texas, adopted Ordinance No. Z-08-10-23-11B7, which established PUD No. 83, and

**WHEREAS**, the City and SBB Holdings. ("Owner") agreed to an Administrative Amendment, as defined in Section 16.1 of PUD No. 83, such amendment filed as Document No. 2009085854 with the County Clerk of Williamson County, Texas, (Amendment No. 1), and

**WHEREAS**, on January 28, 2010, the City Council of the City of Round Rock, Texas, adopted Ordinance No. Z-10-01-28-9A3, which replaced the Development Plan in its entirety of PUD No. 83 (Amendment No. 2), and

**WHEREAS**, the City and Owner agreed to an Administrative Amendment, as defined in Section 16.1 of PUD No. 83, such amendment filed as Document No. 2010085709 with the County Clerk of Williamson County, Texas, (Amendment No. 3), and

**WHEREAS**, on November 10, 2011, the City Council of the City of Round Rock, Texas, adopted Ordinance No. Z-11-11-10-9A3, to amend Sections II.6.7, II.10.2, II.11.1, and the List of Exhibits, and to add new Section II.10.6 and Exhibits "I" and "J" of PUD No. 83 (Amendment No. 4), and

**WHEREAS**, on January 24, 2013, the City Council of the City of Round Rock, Texas, adopted Ordinance No. Z-13-01-24-L5, to amend Sections II.6.7 and II.10.6 and

the List of Exhibits, and to replace Exhibit “I” and to delete Exhibit “J” of PUD No. 83 (Amendment No. 5), and

**WHEREAS**, on November 13, 2014, the City Council of the City of Round Rock, Texas, adopted Ordinance No. O-2014-1953 to amend Section II.6.6, to add Exhibits “J” and “K”, and to replace the List of Exhibits to PUD No. 83 (Amendment No. 6), and

**WHEREAS**, the City and Owner agreed to an Administrative Amendment, as defined in Section 16.1 of PUD No. 83, such amendment filed as Document No. 2019019663 with the County Clerk of Williamson County, Texas, (Amendment No. 7), and

**WHEREAS**, an application has been made to the City Council of the City of Round Rock, Texas, to amend Section II.5.3 to PUD No. 83 as Amendment No. 8, and

**WHEREAS**, the Planning and Zoning Commission held a public hearing concerning the requested Amendment No. 8 to Ordinance No. Z-08-10-23-11B7 on the 7th day of August, 2019, 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-08-10-23-11B7 be amended, and

**WHEREAS**, on the 22nd day of August, 2019, after proper notification, the City Council held a public hearing on the requested amendment to Ordinance No. Z-08-10-23-11B7, and

**WHEREAS**, the City Council determined that the requested amendment to Ordinance No. Z-08-10-23-11B7 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 Zoning and Development Code, Chapter 10, Article I, Section 10-2 and Article IV, Section 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:**

**I.**

That the City Council hereby determines that the proposed Amendment No. 8 to Planned Unit Development (PUD) District #83 meets the following goals and objectives:

- (1) The amendment to P.U.D. #83 is equal to or superior to development that would occur under the standard ordinance requirements.
- (2) The amendment to P.U.D. #83 is in harmony with the general purposes, goals, objectives and standards of the General Plan.
- (3) The amendment to P.U.D. #83 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.5.3 of the Development Plan of PUD No. 83, as approved in Ordinance No. Z-08-10-23-11B7 and Ordinance No. Z-10-01-28-9A3, is hereby deleted in its entirety and replaced with a new Section II.5.3, which shall read as follows:

**5.3 Parcel 3 (±8.83 acres) – Office**

- (1) Permitted Uses:
  - (a) Day Care

- (b) Office
- (c) Place of Worship, with accessory uses limited to less than 20,000 square feet
- (d) Office, Medical
  - (i) Emergency medical services are not permitted. This shall not preclude an urgent care clinic which operates within the hours specified in paragraph (ii) below.
  - (ii) Regular service hours shall be limited to the hours between 7:00 a.m. and 9:00 p.m., with the exception of sleep clinics requiring an overnight stay.
- (e) Utilities, Minor
  - (i) Minor utilities shall be treated as ground-mounted mechanical equipment and shall comply with the district-specific standards and any required landscaping standards in Section 11.501 of the Code of Ordinances, as amended.
- (f) Utilities, Intermediate
  - (i) Intermediate utilities are required to provide an eight foot (8') high masonry fence (or alternate material approved in writing by the Zoning Administrator) with landscaping in compliance with Section 11.501 of the Code of Ordinances, as amended.
  - (ii) The facility shall be secured.
- (g) Wireless Transmission Facilities, Attached
  - (i) Wireless transmission facilities shall comply with the standards provided in Section 4.700 of the Code of Ordinances, as amended.
- (h) Wireless Transmission Facilities, Stealth
  - (i) Wireless transmission facilities shall comply with the standards provided in Section 4.700 of the Code of Ordinances, as amended.

### 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 \_\_\_\_ day of \_\_\_\_\_, 2019.

Alternative 2.

**READ and APPROVED** on first reading this the \_\_\_\_ day of \_\_\_\_\_, 2019.

**READ, APPROVED and ADOPTED** on second reading this the \_\_\_\_ day of \_\_\_\_\_, 2019.

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

ATTEST:

\_\_\_\_\_  
SARA L. WHITE, City Clerk