

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS AMENDING ORDINANCE NO. 974-07-04-10 OF THE CITY OF PFLUGERVILLE, TEXAS, AS AMENDED, BY APPROVING A SPECIAL DISTRICT FOR AN OUTDOOR COMMERCIAL AMUSEMENT USE FOR APPROXIMATELY 25 ACRES OUT OF THE JOHN DAVIS SURVEY NO. 13, ABSTRACT NO. 23, PFLUGERVILLE, TEXAS, GENERALLY LOCATED AT THE SOUTHEAST CORNER OF FM 685 AND TOWN CENTER DRIVE, TO BE KNOWN AS THE HAWAIIAN FALLS WATER PARK SPECIAL DISTRICT (SD1308-01), AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, under the authority of Texas Local Government Code Chapter 211, the City of Pflugerville adopts regulations and establishes zoning to control the use of land within the corporate limits of the City; and

WHEREAS, a petition for a Special District has been made by the property owner in conformance with Specific Use Permit procedures according to the Unified Development Code; and

WHEREAS, the Planning and Zoning Commission held a public hearing on October 7, 2013 and approved the Special District for a Commercial Amusement, Outdoor use on the subject tract; and

WHEREAS, the City Council finds that, the zoning amendment is in accordance with the City's Comprehensive Plan for the purpose of promoting the health, safety, morals and general welfare of the City, and is in accordance with the purposes as follows:

- 1) lessen congestion in the street;
- 2) secure safety from fire, panic and other dangers;
- 3) promote the general health and welfare;
- 4) provide adequate air and light;
- 5) prevent undue overcrowding of land;
- 6) avoid undue concentration of population; and
- 7) facilitate the adequate provision of transportation, water, sewer, schools, parks and other public requirements..

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PFLUGERVILLE, TEXAS:

I.

Official Zoning Map Amended.

THAT, the Official Zoning Map of the City of Pflugerville, Texas adopted in Ordinance No. 1015-09-09-08, as amended, to apply the Special District to the Corridor Urban Center Level 5 base zoning district of the property described as approximately 25.00 acres out of the John

Davis Survey No. 13, Abstract No. 23, Pflugerville, TX as shown in **Exhibit "A"**, which is incorporated herein by reference for all purposes.

II.

Site Layout and Conditions.

The property described above may only be developed and used in accordance with regulations established by this Special District, as set out in **Exhibit "B"**, "Site Layout", and **Exhibit "C"**, "Conditions", which are incorporated herein by reference for all purposes; and, all other applicable ordinances of the City of Pflugerville, Texas; and the applicant, owner and grantee's have accepted of the terms thereof, all of which are required by Chapter 157, subchapter 3. D.2.b., of the Unified Development Code.

III.

Cumulative Clause.

This ordinance shall be cumulative of all provisions of the City of Pflugerville, Texas, except where the provisions of this Ordinance are in direct conflict with the provisions of such Ordinance, in which event the conflicting provisions of such Ordinance are hereby repealed.

IV.

Severability.

If any provision of the Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of the Ordinance will not be affected and, in lieu of each illegal, invalid, or unenforceable provision, a provision as similar in terms to the illegal, invalid, or unenforceable provision as is possible and is legal, valid, and enforceable will be added to this Ordinance.

V.

Effective Date.

This Ordinance will take effect upon its adoption by the City Council and publication of the caption hereof in accordance with Section 3.15(d) of the City Charter.

PASSED AND APPROVED this _____ day of _____, 2013.

CITY OF PFLUGERVILLE, TEXAS

by: _____
JEFF COLEMAN, Mayor

ATTEST:

KAREN THOMPSON, City Secretary

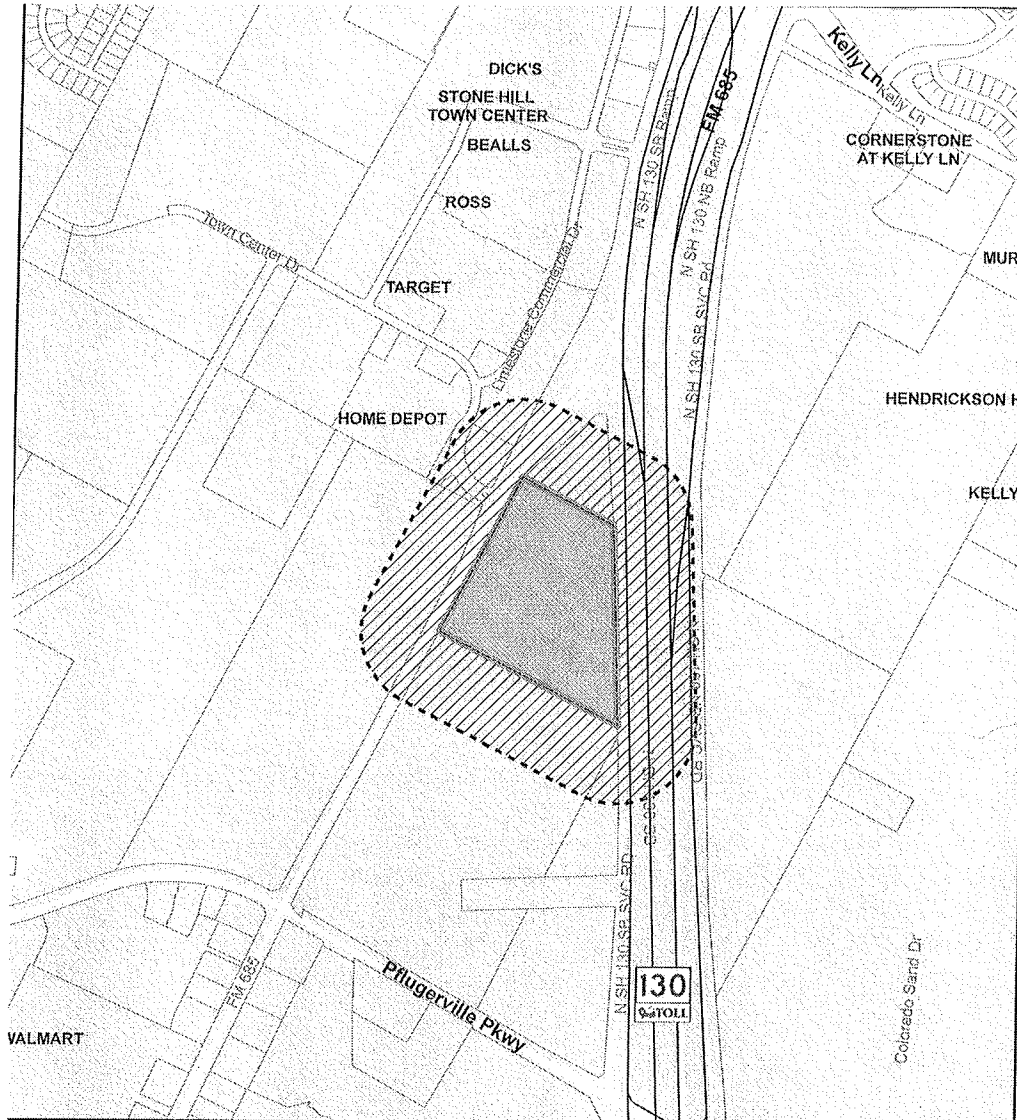
APPROVED AS TO FORM:

City Attorney

EXHIBIT "A"

LEGAL DESCRIPTION:

APPROXIMATELY 25 ACRES OUT OF JOHN DAVIS SURVEY NO 13, ABSTRACT NO 23, PFLUGERVILLE, TX.







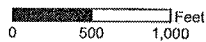
**Hawaiian Falls
Water Park - Rezone**

**Case Number:
SD1308-01**

08/12/2013

Legend

-  Subject Property
-  Notification Area
-  ETJ
-  City Limits



When required the City of Pflugerville complies with Texas Local Government Code for public notifications. All notification notices are derived from tax role information that is certified annually.



Locator Map

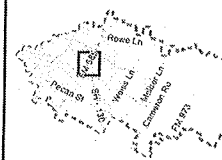


EXHIBIT "B"

SITE LAYOUT:

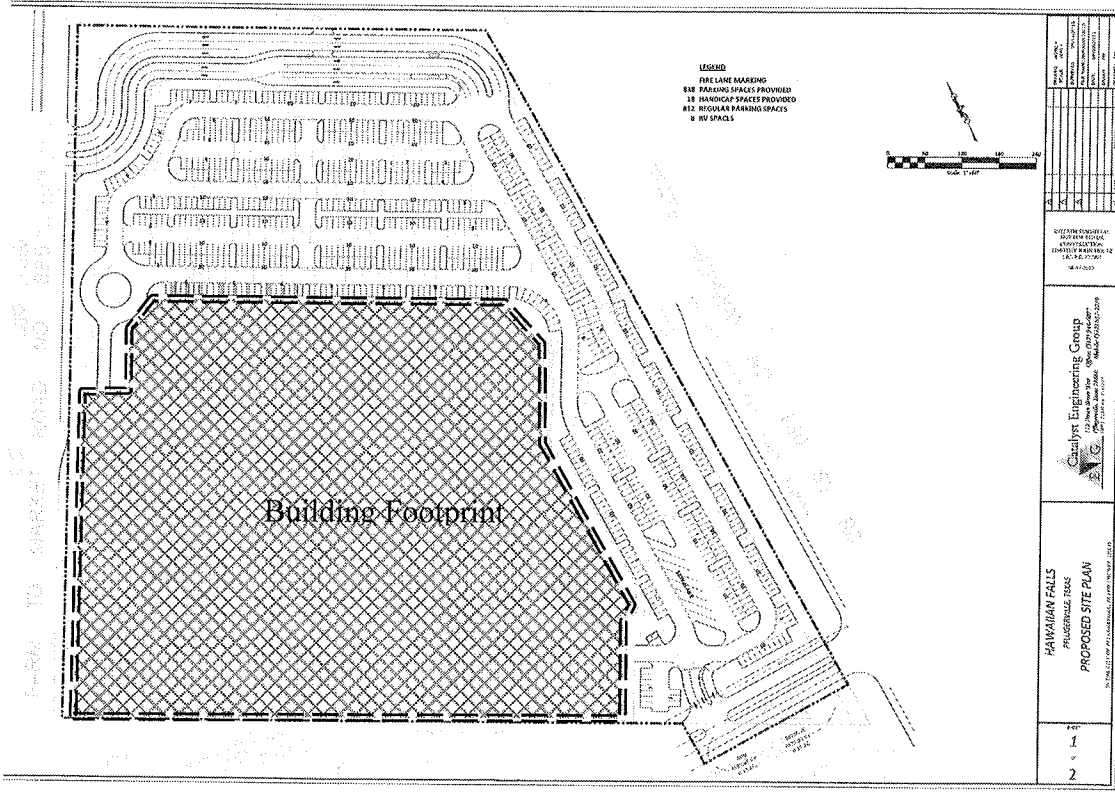


EXHIBIT "C"

CONDITIONS:

- 1. The site plan is in general conformance with Exhibit "A".**
- 2. Height limitations for the buildings will meet the standards of the CL-4 zoning district and the water/adventure park features such as the slides, poles for the zip lines and other support structures may have a height limitation of 85 feet.**
- 3. Palm tree species are permitted to count towards the tree requirements the species is found within Zones 8 - 9 of the USDA Plant Hardiness Zones with preference given to species located in Zone 8b.**
- 4. The area outside of the building footprint will be the only areas included in the landscape area requirements. The area that includes the water/adventure park structures (buildings, slides, zip lines, pools) will not count toward the required landscape area.**
- 5. The landscape area may be reduced from 25% to 15% for the area outlined in condition 3 with the provision that the number of trees and bushes required in that area be increased by 25%. The additional trees and bushes will be placed in landscape areas adjacent to FM 685 and SH 130.**