

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 1203-15-02-24 OF THE CITY OF PFLUGERVILLE CODE OF ORDINANCES TITLE XV LAND USAGE, AMENDING CHAPTER 157, SUBCHAPTER 4, ZONING DISTRICTS AND USE REGULATIONS, BY AMENDING SECTION 4.5.1 DOWNTOWN DISTRICT OVERLAY TO INCLUDE DOWNTOWN SUB-DISTRICTS, AND SPECIFIC DEVELOPMENT REGULATIONS; AMENDING SUBCHAPTER 9 ARCHITECTURAL, SITE DESIGN AND LAYOUT PROVISIONS BY ADDING SECTION 9.9 DOWNTOWN ARCHITECTURAL DESIGN STANDARDS; AMENDING SUBCHAPTER 20, DEFINITIONS; AND REPEALING CHAPTER 155 SITE DEVELOPMENT, SUBCHAPTER B CENTRAL BUSINESS DISTRICT, IN ITS ENTIRETY; REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING SEVERABILITY AND REPEALER CLAUSES; PROVIDING FOR A PENALTY FOR A VIOLATION OF CHAPTER 157 AS A CLASS C MISDEMEANOR AND A FINE IN AN AMOUNT NOT TO EXCEED \$2,000.00; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council approved Chapter 155. Site Development, Subchapter B. Central Business District (currently known as the Downtown District Overlay pursuant to Chapter 157 Unified Development Code, Subchapter 4), by Ordinance No. 735-04-01-27, on January 27, 2004, including specific Downtown development regulations to ensure compatibility and harmony with the neighborhood and maintaining a sense of place, and such regulations to include site design, layout, access and circulation standards, drainage, landscaping and screening, exterior lighting, architectural design, building height and articulation standards, and building façade treatment; and

WHEREAS, Chapter 155. Site Development, Subchapter B. Central Business District (Downtown District Overlay) was subsequently amended by Ordinance No. 820-06-02-28, on February 28, 2006, requiring historic architectural styles, including the Adam, Gothic, Richardsonian Romanesque, Queen Anne, Folk Victorian, Craftsman, and Frontier styles, in order to: 1.) encourage the construction of attractive buildings, 2.) protect and promote the general welfare, 3.) prevent deterioration of the appearance of Downtown Pflugerville, 4.) preserve the rich heritage and the historic character of Downtown, 5.) maintain a sense of place with a coherent architectural aesthetic throughout Downtown, and 6.) ensure development is compatible in terms of building material, design, and scale; and

WHEREAS, the City Council initially adopted the Unified Development Code (UDC) on September 8, 2009, which incorporated all zoning, site development, and subdivision requirements with the exception of Downtown requirements, which is established in Chapter 155. Site Development, Subchapter B. Central Business District, and such UDC was subsequently replaced, in its entirety, and adopted by Ordinance No.1203-15-02-24 on February 24, 2015; and

WHEREAS, the City's 2009 Old Town Pflugerville Vision Report ("Vision Report"), adopted by Ordinance No. 988-09-03-10 on March 10, 2009, provides for a vision statement specifying that Old Town should retain its historical charm through purposeful revitalization and identifies to "have a distinct image and draw" and "maintain historic features" as two of the desired characteristics for Old Town [Downtown]; and

WHEREAS, the Vision Report's goals and action items are reinforced by the City's land use and development character goals, policies, and action items as established by the City's 2030 Comprehensive Plan that promote the preservation, enhancement, and reinforcement of historic areas and other streetscape and gateway features of the built environment that articulates the City's values and identity and contributes to the community's sense of place and cohesiveness; and

WHEREAS, the City's Downtown Action Plan (2019-2021), adopted by Resolution No. 1649-18-09-25-0547 on September 25, 2018, provides a more in-depth implementation schedule to facilitate the realization of the action items identified in the Vision Report by outlining certain tasks, including necessary code amendments; and

WHEREAS, pursuant to the Texas Government Code, Title 10, Subtitle Z. Miscellaneous Provisions Prohibiting Certain Governmental Actions, Chapter 3000. Governmental Action Affecting Residential and Commercial Construction, Section 3000.02 (c)(6), enacted by H.B. 2439, 86th Legislature, Regular Session and effective September 1, 2019, the City may regulate building material requirements and the aesthetic method in which the material(s) are applied in an area designated for its historical, cultural, or architectural importance and significance by a governmental entity, if such area was designated before April 1, 2019; and

WHEREAS, The City of Pflugerville Downtown was designated for its historical, cultural, or architectural importance and significance, by the adoption of Chapter 155. Site Development, Subchapter B. Central Business District (Downtown District Overlay), by Ordinance No. 735-04-01-27, on January 27, 2004, and further amended by Ordinance No. 820-06-02-28, on February 28, 2006, requiring historical architectural styles; therefore, the City may continue to regulate building materials and the aesthetic method for which the materials are applied in the Downtown pursuant to the exception articulated in the Texas Government Code, Title 10, Subtitle Z. Miscellaneous Provisions Prohibiting Certain Governmental Actions, Chapter 3000. Governmental Action Affecting Residential and Commercial Construction, Section 3000.02 (c)(6), with the exception of an area incorporated herein, entitled, "South Downtown (SoDo)"; and

WHEREAS, pursuant to the Texas Government Code, Title 10, Subtitle Z. Miscellaneous Provisions Prohibiting Certain Governmental Actions, Section 3000.02 (c)(6), the building material requirements and the aesthetic method in which the material(s) are applied shall not apply to the South Downtown (SoDo) Sub-District of the Downtown District Overlay, as this area of the Downtown was not included within the regulatory boundary prior to April 1, 2019, the date at which State law shall permit the City to enforce building material standards; and

WHEREAS, the City Council has determined that it is necessary to update and amend the codes from time to time to ensure the realization of its stated purposes and its compliance with applicable State law; and

WHEREAS, the City Council has determined to relocate the Downtown District Overlay development standards from Chapter 155 Site Development Code, Subchapter B. Central Business District to Chapter 157. Unified Development Code for the purposes of consistent application and ease of use; and

WHEREAS, the Planning and Zoning Commission held a public hearing on September 21, 2020, and voted affirmatively in recommending approval of the proposed Unified Development Code amendments contained herein through its final report and recommendation to City Council with a vote of 7- 0; and

WHEREAS, the City has complied with all conditions precedent necessary to take this action, has properly noticed and conducted all public hearings and public meetings pursuant to local ordinance, and the Texas Local Government Code and Texas Government Code, as applicable.

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

Section I. Findings.

That the foregoing recitals are hereby found to be true and correct and are hereby adopted by the City Council and made a part hereof for all purposes and findings of fact.

Section II. Amending Chapter 157, Subchapter 4, Section 4.5.1. Downtown District Overlay

That the Code of Ordinances of the City of Pflugerville, Texas, Chapter 157 Unified Development Code, Subchapter 4 Zoning Districts and Use Regulations, Section 4.5.1 Downtown District Overlay is hereby amended to read as provided in Exhibit A, attached hereto and incorporated herein for all purposes.

Section III. Amending Chapter 157, Subchapter 9.

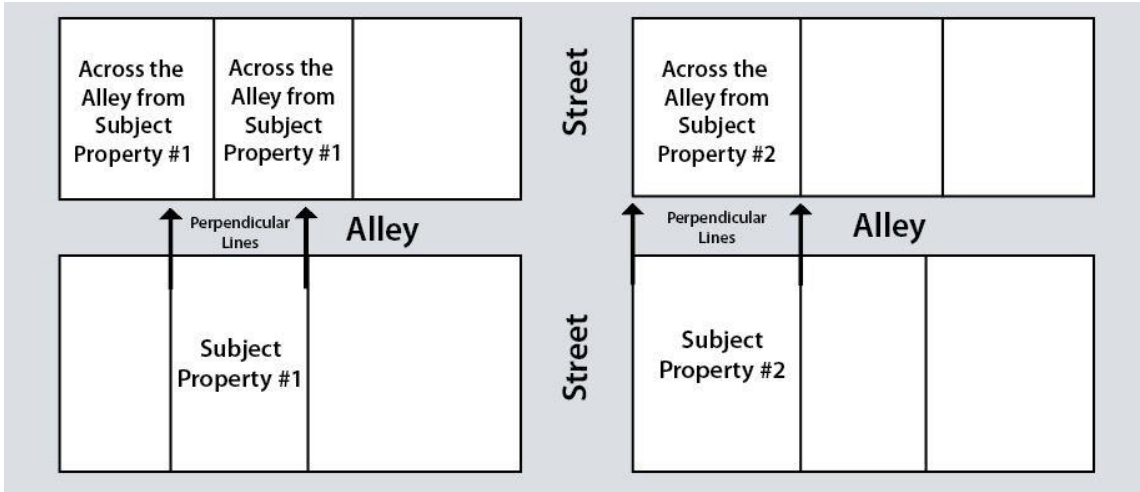
That the Code of Ordinances of the City of Pflugerville, Texas, Chapter 157 Unified Development Code, Subchapter 9 Architectural, Site Design and Layout Provisions is hereby amended by adding Section 9.9 Downtown Architectural Design Standards to read as provided in Exhibit B, attached hereto and incorporated herein for all purposes.

Section IV. Amending Chapter 157, Subchapter 20

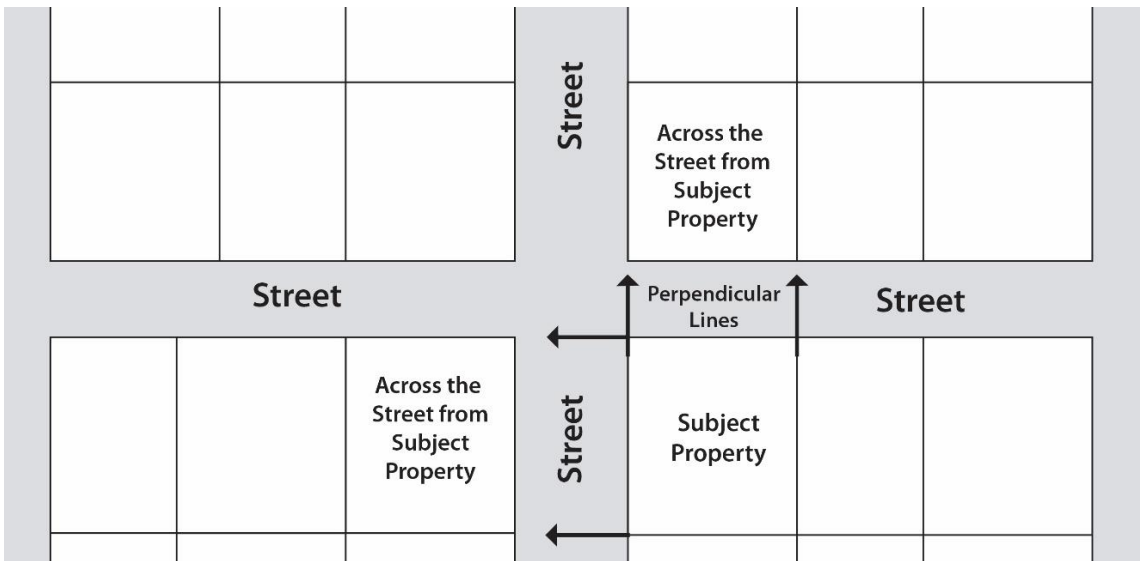
That the Code of Ordinances of the City of Pflugerville, Texas, Chapter 157, Subchapter 20, Definitions is hereby amended, by adding definitions to read as follows:

Subchapter 20 – DEFINITIONS

“Across the Alley from”. In reference to building heights pursuant Section 4.5.1, "across the alley from" means the lot, or portion thereof, immediately across the alley from the subject property and formed by perpendicular lines at the property line.



“Across the Street from”. In reference to building heights pursuant to Section 4.5.1, "across the street from" means the lot, or portion thereof, immediately across the street from the subject property and formed by perpendicular lines at the property line.



Animal Establishment, Commercial. A facility that provides goods or care services for animals and pets, such as medical care, boarding, grooming, and training. This definition ~~does not~~ includes pet daycare facilities, animal shelters, and ~~of~~ veterinarian clinics; ~~however, this definition excludes a pet store as it is classified as retail sales and service.~~ A Commercial Animal Establishment is categorized into two subgroups, minor and major. A minor facility must provide for all operations indoors, which excludes outdoor runs or kennels. A major facility may have outdoor operations or accessory components, such as kennels and runs.

Athletic Facilities. Privately owned indoor and/or outdoor facilities devoted to ~~health, fitness, recreation, or~~ organized sports, including but not limited to, ~~May include facilities such as, but not limited to,~~ soccer, basketball, gymnastics, and ~~exercise equipment tennis.~~

Brewpub. A brewery with or without a restaurant that sells more than 25% of its beer on-site for on-premise consumption. The beer is brewed primarily for sale in the restaurant and bar. The beer is often dispensed directly from the brewery's storage tanks. Where allowed by law, brewpubs often sell beer "to go" and/or distribute to offsite accounts. Note: BA re-categorizes a company as a microbrewery if its off-site (distributed) beer sales exceed 75%.

Condominium, Townhome (SF-attached). Means a structure where three (3) or more residential units, where each unit has a separate legal description established through a condominium regime, are attached by a common party wall or abutting separate wall, and each unit is accessed at the ground floor. Refer to Single Family Attached and Townhomes Structure requirements provided in Subchapter 9.

Condominium, Vertical Flat. Means a structure where multiple residential units are vertically stacked within one structure, and each unit has a separate legal description. Refer to Multi-Family and Mixed-Use Structure requirements provided in Subchapter 9.

Health/Fitness Center. A privately-owned facility that is open to the general public and offers its primary floor area for the playing of organized sports, such as basketball, soccer, gymnastics, or dance, for fees, whether in structured league arrangements or in "free play" setting. Such a facility may include a wide variety of amenities such as spas, ~~workout or~~ exercise equipment, gymnasiums, or restaurant and snack bar-refreshment services, subject to all other provisions of this chapter governing such services.

Townhome/Townhouse. A dwelling unit, generally having two or more floors, which is joined to a similar dwelling unit on one or more sides by a common party wall or abutting separate wall, and each dwelling has a separate legal description, ~~and which is designed for occupancy by not more than one family.~~ A Townhouse may be known as a row house or single-family attached unit. ~~For purposes of clarifying different product types, a Townhome shall be considered a dwelling unit that is "for sale" vs. "for rent".~~

Vertical Mixed-Use Building. Means a building that is designed for non-residential uses on the ground floor and the residential uses on the upper floors.

Section V. Repealing Chapter 155.

That the Code of Ordinances of the City of Pflugerville, Texas, is hereby amended by repealing Chapter 155 Site Development, Subchapter B Central Business District, in its entirety.

Section VI. Severability.

If any provision of this Ordinance is illegal, invalid, or unenforceable under present or future laws, the remainder of this 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.

Section VII. Repealer.

This ordinance shall be cumulative of all other ordinances, resolutions or acts of the City of Pflugerville, and this ordinance shall not operate to repeal or affect any other ordinances of the City of Pflugerville except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this ordinance, in which event such conflicting provisions, if any, are hereby repealed.

Section VIII. Violation.

That a violation of this Ordinance shall be an offense punishable upon conviction as prescribed in Subchapter 1, Chapter 157 of this Code of Ordinances.

Section IX. 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 _____, 2020.

CITY OF PFLUGERVILLE, TEXAS

By: _____
Victor Gonzales, Mayor

ATTEST:

Karen Thompson, City Secretary

APPROVED AS TO FORM:

Charles E. Zech, City Attorney
DENTON NAVARRO ROCHA BERNAL & ZECH, P.C.

EXHIBIT A
CHAPTER 157 UNIFIED DEVELOPMENT CODE,
SUBCHAPTER 4. ZONING DISTRICTS AND USE REGULATIONS,
SECTION 4.5.1 DOWNTOWN DISTRICT OVERLAY

EXHIBIT B
CHAPTER 157 UNIFIED DEVELOPMENT CODE,
SUBCHAPTER 9. ARCHITECTURAL, SITE DESIGN AND LAYOUT PROVISIONS
SECTION 9.9 DOWNTOWN ARCHITECTURAL DESIGN STANDARDS