

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF PFLUGERVILLE, TEXAS, AMENDING ORDINANCE NO. 1203-15-02-24 OF THE CITY OF PFLUGERVILLE, TEXAS, AS AMENDED, BY APPROVING A SPECIFIC USE PERMIT FOR A BODY ART STUDIO ON LOT 2, SETTLERS RIDGE COMMERCIAL SUBDIVISION, LOCALLY ADDRESSED AS 1101 W. PECAN ST, TO BE KNOWN AS THE FORGED IN INK TATTOO SPECIFIC USE PERMIT (SUP1812-01); PROVIDING A CUMULATIVE AND REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.**

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

**WHEREAS**, a petition for a Specific Use Permit has been made by the property owner in conformance with the procedures of the City of Pflugerville's Code of Ordinances, Chapter 157, Unified Development Code for property depicted and described in **Exhibit A**, which is attached hereto and incorporated herein for all purposes (the "Proposed Zoning"); and;

**WHEREAS**, the Planning and Zoning Commission held a public hearing on February 4, 2019, and determined that the petition and associated application for the Specific Use Permit met the requirements of Chapter 157, Subchapter 3 (Specific Use Permits) and Subchapter 4 (Zoning Districts and Use Regulations), and recommended approval of the Proposed Zoning under a Specific Use Permit with conditions for a Body Art Studio on the subject site.

**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 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 1.** 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 as findings of fact.

**SECTION 2.** The City Council finds:

That the Proposed Zoning 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 following purposes: 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.

**SECTION 3.** The City Council amends the Official Zoning Map of the City of Pflugerville, Texas adopted in Ordinance No. 1203-15-02-24, as amended, is amended to apply the Specific Use Permit to the General Business 1 (GB1) district of the property, which is described as Lot 2, Settlers Ridge Commercial Subdivision, locally addressed as 1101 W. Pecan St in Pflugerville, Travis County, Texas as shown in **Exhibit A**.

**SECTION 4.** Conditions Accepted by Applicant: The property described herein may be developed and used in accordance with regulations established by this Specific Use Permit, as provided in **Exhibit B** “Conditions” and all other applicable ordinances of the City of Pflugerville, Texas, which are incorporated herein; and the applicant, owner and grantee’s have accepted the terms thereof, all of which are required by Chapter 157, Subchapter 3 of the Unified Development Code.

**SECTION 5.** Cumulative and Repealer Clause. This ordinance shall be cumulative of all other ordinances of the City of Pflugerville, Texas, and shall not operate to repeal or affect any other ordinances of the City 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 to the extent of such conflict.

**SECTION 6.** Severability Clause. The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or invalid, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

**SECTION 7.** 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.

ASSESSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

CITY OF PFLUGERVILLE, TEXAS

by:

\_\_\_\_\_  
VICTOR GONZALES, Mayor

ATTEST:

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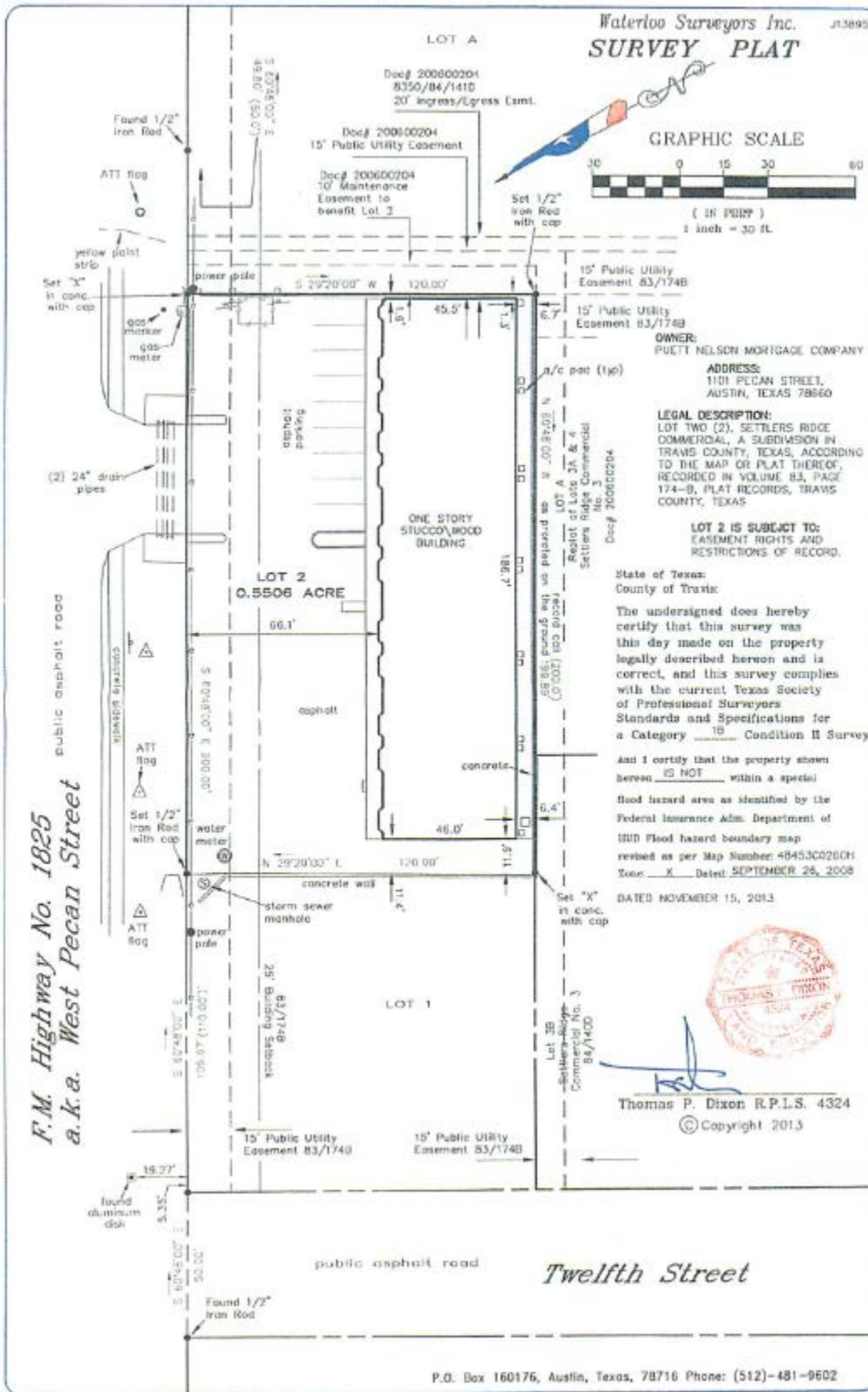
KAREN THOMPSON, City Secretary

APPROVED AS TO FORM:

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CHARLIE ZECH, City Attorney  
Denton Navarro Rocha Bernal & Zech, P.C.

EXHIBIT "A"



## **EXHIBIT “B”**

1. The Body Art Studio use shall be limited to 1101 W. Pecan St.
2. The hours of operation should be as generally presented (Monday through Saturday from 1pm to 9pm) with exception that no new services shall begin after 9pm.
3. No tinting of windows, doors, or similar modifications to the suite to differentiate the suite from other suites in the multi-tenant facility shall be permitted, including but not limited to different paint color, murals, posters, banners, or similar.