

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE CITY OF PFLUGERVILLE CODE OF ORDINANCES TITLE XV LAND USAGE, CHAPTER 157 UNIFIED DEVELOPMENT CODE AMENDING SUBCHAPTER 4 ESTABLISHMENT OF DISTRICTS AND BOUNDARIES, SECTION C(2) AND C(3) BY ADDING WRECKER/TOWING SERVICES AND AUTO SALVAGE YARD USES AND CONDITIONS; SECTION C(4) REGARDING GENERAL REGULATION SETBACKS; SUBCHAPTER 5 ESTABLISHMENT OF OVERLAYS AND SPECIAL DISTRICTS, SECTION B. SH 130 AND SH 45 CORRIDOR DISTRICTS, SUBSECTION 29, PROVISION B REGARDING SITE DEVELOPMENT STANDARDS; AMENDING SUBCHAPTER 7 GENERAL REGULATIONS, SECTIONS F AND G REGARDING OUTSIDE DISPLAY AND STORAGE IN OFFICE, RETAIL, COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS; AMENDING SUBCHAPTER 10 PARKING, MOBILITY AND CIRCULATION, SUBSECTION C OFF-STREET PARKING REQUIREMENTS, TABLE 1: REQUIRED PARKING RATIO, TO INCLUDE PARKING STANDARDS FOR DAY CARE USES; AMENDING SUBCHAPTER 15 SUBDIVISION PROCESS, SECTION X, PROVISION 3 REGARDING THE NUMBER OF ACCESS POINTS REQUIRED FOR A SUBDIVISION; AMENDING SUBCHAPTER 20 DEFINITIONS SECTION C, ADDING WRECKER/TOWING SERVICES AND AUTO SALVAGE YARD AND AMENDING OUTDOOR DISPLAY AND OUTDOOR STORAGE; REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; ESTABLISHING PENALTIES NOT TO EXCEED \$2,000.00 PER OFFENSE; AND PROVIDING AN EFFECTIVE DATE.

Whereas, the City of Pflugerville, Texas has previously adopted Title XV Land Usage Chapter 157 Unified Development Code; and

Whereas, the City of Pflugerville has identified amendments to Chapter 157 Unified Development Code are necessary to ensure effective implementation of the Code; and

Whereas, the City of Pflugerville Planning and Zoning Commission recommended approval of these changes at their March, 4, 2013 meeting.

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

THAT, the Code of Ordinances of the City of Pflugerville, Texas is hereby amended by adding or amending as applicable the following underlines Sections and Subsections of Subchapters 4, 5, 7, 10, 15, and 20 of the Unified Development Code:

Red – New

Red – Old Text being removed

SUBCHAPTER 4. ESTABLISHMENT OF DISTRICTS AND BOUNDARIES.

C. INDUSTRIAL ZONING DISTRICTS.

(2) Permitted Uses.

Land and buildings in each of the residential zoning districts may be used for any of the uses allowed per the following table:

Automobile and Related Uses	LI	GI
Auto Parts Sales, Inside		
Auto Parts Sales, Outside		P
Automobile Parking Lot/Garage	P	P
Auto Salvage Yard		S
Car Wash		
Truck Sales, Heavy Trucks		P
Truck Terminal		P
Truck/Bus Repair	P	P
Vehicular Sales, Rental, Repair and Service	P	
Wrecker/Towing Services	7	7
P= Permitted, Blank = Not Permitted, S = Specific Use Permit, C(X) = Conditions as defined in Section 3. Conditions.		

(3) Conditions.

The uses indicated in the above table with numbers in one or more Districts must comply with the conditions as indicated by the reference number below. The use is permitted in the subject District or Districts provided the use or site complies with the conditions indicated for the use.

(7) Wrecker/Towing Services

- (a) Shall be screened in accordance with Subchapter 11, Section (K) Screening standards.**
- (b) Shall satisfy the Accessory Use standards for Outdoor Storage.**
- (c) All stored vehicles shall be on a paved surface in accordance with Subchapter 10, Section C. Off-Street Parking Requirements, (4) Surfacing.**

(4) General Regulations. The following General Regulations shall apply for all Industrial Zoning Districts:

General Regulations	LI	GI
Minimum Interior Side Yard (abutting SF-S, 2-F, SF-U, MF-S, MF-U zoning or existing conforming residential uses)	100'	200'
Minimum Rear Yard (abutting SF-S, 2-F, SF-U, MF-S, MF-U zoning or existing conforming residential uses)	100'	200'

SUBCHAPTER 5. ESTABLISHMENTS OF OVERLAYS AND SPECIAL DISTRICTS.

(B)SH130 and SH45 Corridor Districts (29) SITE DEVELOPMENT STANDARDS

~~(29)(b) Primary masonry materials shall comprise 40% or more of all exterior walls of structures other than single family detached residential structures and related accessory structures. For the purpose of this section, masonry shall be limited to clay brick, natural and manufactured stone, marble, tilt wall concrete panels. Other such materials including architectural concrete block, stucco, exterior insulation and finish systems (EIFS), hardi plank or similar materials, and sealed and painted concrete block may not exceed 15% of all exterior walls on the first two stories.~~

Building materials listed below apply to all office, retail, commercial, and industrial development in the Corridor Overlay Districts. Residential development in the Corridor Overlay Districts shall follow Subchapter 9, Site Development Requirements. Other materials are permitted as approved by the Zoning Administrator in keeping with the architectural style of the structure.

Table 15: Building Materials

Building Materials	Allowable Percentage
<u>Primary Masonry</u> <ul style="list-style-type: none"> • Clay Brick • Natural Stone • Manufactured Stone with a natural appearance (Does not include Concrete Masonry Unit (CMU)) • Tilt-Wall Concrete Panels • Stucco 	<p>Minimum 85% (Stucco shall not exceed 50%)</p>
<u>Accent Materials</u> <ul style="list-style-type: none"> • Architectural Concrete Block/Concrete Masonry Unit (CMU) • Exterior Insulation and Finish Systems (EIFS) – High Impact (Not permitted below nine (9) feet above finished grade) • Hardiplank or similar materials • Metal panels 	<p>Maximum 15%</p>

- | | |
|--|--|
| • Metal (for beams, lintels, trim elements, and ornaments) | |
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SUBCHAPTER 7. GENERAL REGULATIONS.

F. ~~OUTSIDE-OUTDOOR DISPLAY AND STORAGE —OFFICE, RETAIL AND COMMERCIAL ZONING DISTRICTS~~

The following requirements apply to all outdoor display and storage in all nonresidential zoning districts ~~with the exception of Light Industrial (LI) and General Industrial (GI) zoning districts.~~ The following are not subject to these requirements: personal or recreational automotive sales (new or used), a florist, garden shop, landscape nursery or temporary uses as provided in Subchapter 7(E).

(1) Outdoor Display. Outdoor Display is display of items actively for sale and shall adhere to the following standards:

(a) Outdoor Display of merchandise shall not occupy any required parking spaces, landscape area, ~~pedestrian accessibility or fire lane.~~

~~(b) —Outdoor display shall not interfere with pedestrian accessibility or fire lanes or any other required access point.~~

~~(e)(b)~~ Outdoor display shall not extend into public right-of-way ~~or onto adjacent property and must be kept within 15 feet of the principle structure.~~

~~(d)(c)~~ Outdoor Display shall be displayed in a neat and orderly manner and maintained in a clean, litter-free manner.

~~(d)~~ Outdoor display may not be located on the roof of any structure.

~~(e)~~ The outdoor display area shall not exceed ten (10) percent of the square footage of the principle structure or 500 square feet whichever is less. Outdoor home accessory sales are exempt from this requirement.

~~(f)~~ All sales of such merchandise shall be consummated indoors, and no cash register or package-wrapping counter shall be located out of doors.

~~(g)~~ The maximum height of merchandise shall not exceed four (4) feet with the exception of vehicle rental which may not exceed fourteen (14) feet in height. For vehicle rental or sales in the Light Industrial (LI) or General Industrial (GI) zoning districts the height is restricted to twenty five (25) feet.

~~(h)~~ Outdoor display is not required to be screened.

~~(i)~~ Automotive parts and accessories shall not remain outdoors for more than 12 consecutive hours or will otherwise be required to follow the standards for outdoor storage.

(2) ~~Outside-Outdoor~~ Storage. Outdoor storage is storage of products or goods on a temporary to permanent basis and shall adhere to the following standards:

- ~~(a) — Outside storage is limited to no more than 5% of the total lot area.~~
- ~~(b) — Outside storage must be located a minimum 4' behind the primary building.~~
- ~~(c) — Outside storage shall not be located in front of or on top of the primary structure.~~
- ~~(d) — Outside storage must be screened in accordance with Subchapter 11 Landscaping and Screening requirements.~~

(a) Outdoor storage areas are allowed for the purpose of storing goods for a nonresidential enterprise. All outdoor storage areas shall meet each required district building setback lines.

(b) The location of outdoor storage areas shall be limited to the side or rear of the primary structure to which the facility belongs and a minimum 4' from the principle building. At no point should materials be located in front of any portion of the principle building.

(c) A six (6) foot masonry wall is required to screen outdoor storage when the property is located adjacent to property zoned more restrictive than the subject site. This requirement is in addition to the requirements of Subchapter 11 except where there is conflict this provision controls.

(d) Outdoor storage shall be prohibited on the roofs of structures.

(e) The outdoor storage area shall not encroach upon the required off street parking, pedestrian access, fire lanes and maneuvering areas of the site.

(f) The outdoor storage area is limited to a maximum 5% of the square footage of the principle structure or tenant space, whichever is less, within office, retail and commercial zoning districts.

~~G. — OUTSIDE DISPLAY AND STORAGE — INDUSTRIAL ZONING DISTRICTS.~~

~~The following requirements apply to all outside display and storage in Light Industrial (LI) and General Industrial (GI) zoning districts.~~

~~(1) — Outdoor Display. Outdoor display is display of items actively for sale and shall adhere to the following standards:~~

~~(a) — Outdoor display of merchandise shall not occupy any required parking spaces or landscape area.~~

~~(b) — Outdoor display shall not interfere with pedestrian accessibility or fire lanes or any other required access point.~~

~~(c) — Outdoor display shall not extend into public right of way or onto adjacent property.~~

~~(d) — Outdoor display shall be displayed in a neat and orderly manner and maintained in a clean, litter-free manner.~~

~~(2) — Outside Storage. Outside storage is storage of products or goods on a temporary to permanent basis and shall adhere to the following standards:~~

~~(a) — Outside storage must be located a minimum 4' behind the primary building.~~

~~(b) — Outside storage shall not be located in front of or on top of the primary structure.~~

~~(c) — Outside storage must be screened in accordance with Subchapter 11 Landscaping and Screening requirements.~~

SUBCHAPTER 10. PARKING, MOBILITY, AND CIRCULATION.

C. OFFSTREET PARKING REQUIREMENTS.

Table 1: Required Parking Ratio

Use Category	Specific Use	Parking Spaces	Additional Requirement
Day Care Facility	Day Care Facility Family home day care	1 per 6 students NA	1 per employee NA
	Commercial Day Care		
	Group Day Care		

SUBCHAPTER 15. SUBDIVISION PROCESS.

X. SUBDIVISION DESIGN STANDARDS

(3) STREETS.

(r) ~~In accordance with the adopted Fire Code all preliminary plats with 100 30 lots or more must have at least two permanent access points with routes to a collector or arterial street network which do not duplicate any segment of the route of any other access point for the same preliminary plat unless the preliminary plat provides phasing within the subdivision that will provide a secondary access point, meeting the aforementioned criteria, prior to the 100th lot.~~

SUBCHAPTER 20. DEFINITIONS

WRECKER/TOWING SERVICES. An establishment engaged in the temporary outdoor storage of vehicles that have been towed, carried, hauled, or pushed from public or private property for impoundment licensed by the State of Texas; but does not include long-term vehicle storage or salvage yard operations. In the context of Wrecker/Towing Services temporary outdoor storage means storage of a motor vehicle not more than 60 days, unless a longer period is required by the Texas Occupation Code Ch. 2303, Subchapter D, as amended or recodified, for the disposition of a temporary stored vehicle.

AUTO SALVAGE YARD. An establishment engaged in the outdoor storage, sale, exchange, dismantling or other processing of used or waste materials intended for re-use or recycling, including but not limited to, used vehicular parts, scrap metals, mechanical parts, tires or other similar parts. This definition does not include a recycling center or wrecker and towing services.

~~OUTSIDE-OUTDOOR~~ **DISPLAY/SALES.** The outdoor display or sale of **finished** products actively available for sale ~~less than 24 hours a day~~. This definition does not include products in shipping boxes, crates, on pallets, or other shipping containers, which shall be considered Outdoor Storage.

~~OUTSIDE-OUTDOOR~~ **STORAGE.** The Outdoor Storage of products or goods that have a large size, mass, or volume that occur on site, ~~that occur on site for more than 24 hours~~ such as but not limited to ~~wrecker/towing service yards, salvage yards,~~ heavy equipment, freight or commercial motor vehicles, trailers, construction materials, and raw, processed or packaged materials including any products on pallets, in shipping containers or in crates.

OUTDOOR HOME ACCESSORY SALES. Outdoor home accessory sales displays products or goods that may typically be found outside of a single family dwelling unit. This includes pergolas, sheds, pots, sprinklers, gnomes, playscapes, grills and other related items. For the purpose of this definition, at no time shall a pool or spa, either above or below ground, be considered an outdoor home accessory.

II.

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.

III.

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 _____, 2012.

CITY OF PFLUGERVILLE, TEXAS

by: _____
JEFF COLEMAN, Mayor

ATTEST:

KAREN THOMPSON, City Secretary

APPROVED AS TO FORM:

City Attorney