

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 1203-15-02-24 OF THE CITY OF PFLUGERVILLE CODE OF ORDINANCES TITLE XV LAND USAGE, CHAPTER 157 UNIFIED DEVELOPMENT CODE, AMENDING SUBCHAPTER 4, ESTABLISHMENT OF DISTRICTS AND BOUNDARIES, BY MODIFYING THE NAME, PURPOSE, AND LIST OF PERMITTED USES OF THE AGRICULTURE / CONSERVATION (A) ZONING DISTRICT, AND ADDING TWO NEW ZONING DISTRICTS IDENTIFIED AS THE PUBLIC FACILITIES AND OPEN SPACE DISTRICT AND THE AUSTIN EXECUTIVE AIRPORT HAZARD OVERLAY DISTRICT; AMENDING SUBCHAPTER 20, DEFINITIONS, BY ADDING CORRESPONDING DEFINITIONS; REPLACING ALL ORDINANCES IN CONFLICT; CONTAINING SEVERABILITY AND REPEALER CLAUSES; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council approved the Unified Development Code on February 24, 2015, which replaced, in its entirety, the Unified Development Code adopted on September 8, 2009; and

WHEREAS, the Planning and Zoning Commission held a public hearing on June 4, 2018, and voted affirmatively in recommending approval of the proposed zoning code amendments contained herein through its final report to City Council with a vote of 6 -0; and

WHEREAS, the City Council approves amending the name of the current Agriculture / Conservation (A) district to the Agriculture / Development Reserve (A) zoning district, and also amending the purpose definition of the district and the list of permitted land uses; and

WHEREAS, the City Council approves the creation of the Public Facilities and Open Space (PF) zoning district, defining the intent of the PF district and providing for a list of permitted land uses; and

WHEREAS, the City Council approves the creation of the Austin Executive Airport Hazard Overlay District in order to minimize hazard and public nuisance associated with the airport, which is hereby found to fulfill an essential community purpose, by regulating and restricting the height of structures and otherwise the use of property within the vicinity of the airport by creating appropriate zones and boundaries, in accordance with Texas Local Government Code, Chapter 241; 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 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.

THAT the Code of Ordinances of the City of Pflugerville, Texas, is hereby amended by amending Chapter 157, Subchapter 4, Section 4.1 titled Zoning Districts Established to read as follows:

4.1 ZONING DISTRICTS ESTABLISHED.

The zoning districts and associated regulations have been created with consideration for the character of each district, the suitability for the uses identified, and fostering the most appropriate use of the land throughout the City consistent with the Comprehensive Plan.

The City is hereby divided into the following zoning districts:

ZONING DISTRICTS		
District Name		Prior District Names
Residential Zoning Districts		
Agriculture/ Conservation <u>Development Reserve</u>	A	
Single Family Estate	SF-E	
Single Family Suburban Residential	SF-S	RS1
Single Family Residential	SF-R	
Single Family Mixed Use Residential	SF-MU	SF-U
Two Family Residential	2-F	RT1
Multi Family 10	MF-10	MF-S, RM1
Multi Family 20	MF-20	MF-U, RM2
Manufactured Housing	MH	
Non-Residential Zoning Districts		
<u>Public Facilities and Open Space</u>	<u>PF</u>	
Office	O	O1 & O2
Neighborhood Service	NS	
Retail	R	
General Business 1	GB1	
General Business 2	GB2	
Campus Industrial	CI	
Light Industrial	LI	
General Industrial	GI	
SH130 and SH45 Corridor Districts		

Suburban	CL3	
Urban	CL4	
Urban Center	CL5	
Special Districts and Overlays		
Downtown District Overlay	DD	CBD
685 Commercial Park Overlay District		
Planned Unit Development	PUD	ALUR
Austin Executive Airport Hazard Overlay District		

Section II.

THAT the Code of Ordinances of the City of Pflugerville, Texas, is hereby amended by amending Chapter 157, Subchapter 4, Section 4.2.1 titled Residential Districts Defined to read as follows:

4.2.1 RESIDENTIAL DISTRICTS DEFINED

~~Agriculture/Conservation~~
~~Development Reserve (A)~~

The district identifies where an agricultural use may be appropriate, ~~or and may be areas with unique environmental features that are desired for conservation (such as open space, public parks and floodplain).~~

~~The Agriculture/Conservation district may also be~~ used as an interim zoning district for land that is relatively undeveloped, but identified with growth potential in the Comprehensive Plan. Utilizing the district in an interim period will assist in efficient development while recognizing current conditions. For properties subject to non-annexation development agreements pursuant to Section 212.172 and 43.035 of the Texas Local Government Code, development regulations of this district shall apply.

Section III.

THAT the Code of Ordinances of the City of Pflugerville, Texas, is hereby amended by amending Chapter 157 Subchapter 4, Section 4.2.2 Residential Districts – Land Use Table to read as follows:

4.2.2 Residential Districts – Land Use Table

Table 4.2.2: Residential Districts - Permitted Uses									
Residential Uses	A	SF-E	SF-S	SF-R	SF-MU	2-F	MF-10	MF-20	MH
Accessory Dwelling Unit	P	P	P	P	C				
Assisted Living							P	P	
Campground or Recreational Vehicle Park	P								
Condominium				C	P	P	P	P	
Duplex						P			
Live Work Unit					C			C	
Manufactured Home Dwelling									P
Multi-Family							P	P	
Nursing Home/Skilled Nursing (Convalescent)							P	P	
Single Family Attached (2 units)						P			
Single Family Attached (3 or more units) Townhome					P		P	P	
Single Family, Detached	P	P	P	C	P		C	C	
Non-Residential Uses	A	SF-E	SF-S	SF-R	SF-MU	2-F	MF-10	MF-20	MH
Amenity Center, <u>Private (Primary Use)</u>	C	C	C	C	C	C	P	P	P
Bar/Tavern								C ²	
Brewpub/Wine Bar					C ¹			C ²	
Campground or Recreational Vehicle Park	S								
Cemetery/Mausoleum	C								
Day Care Facility					C ¹			C ²	
Dry Cleaning, Minor					C ¹			C ²	
Event Center	S								
Farm, Ranch, Garden, Orchard, or Vineyard	P				C ¹			C ²	
Financial Institution					C ¹			C ²	
Golf Course and/or Country Club	P	P	S	S	S				
Golf Driving Range	P								
Government Facilities	P	P	P	P	P	P	P	P	P
Health/Fitness Center					C ¹			C ²	
Massage Therapy, Licensed					C ¹			C ²	
Museum/Art Gallery					C ¹			C ²	
Park or Playground	P	P	P	P	P	P	P	P	P

Personal Services					C ¹			C ²	
Place of Worship	P	P	P	P	P	P	P	P	P
Restaurant					C ¹			C ²	
Retail Sales and Services					C ¹			C ²	
School: Private or Parochial	S	S	S	S	S	S	S	S	S
School: Public	Refer to Government Facilities								
Stable, Commercial	C								
Utilities	C	C	C	C	C ¹	C	C	C ²	C
Wireless Telecommunication Facilities (WTFs)	C/S						C/S	C/S	

¹ See 4.2.3 “Non-residential Uses in the SF-MU District” instead of the use name

² See 4.2.3 “Non-residential Uses in the MF-20 District” instead of the use name

Section IV.

THAT the Code of Ordinances of the City of Pflugerville, Texas, is hereby amended by amending Chapter 157, Subchapter 4, Section 4.3 titled Non-Residential Zoning Districts to read as follows:

4.3 Non-Residential Districts

The purpose of the non-residential zoning districts is to provide an adequate mix of commercial and industrial land uses that encourage a mix of employment, shopping and services opportunities. Non-residential zoning districts ~~are comprised of~~ are the PF, O, NS, R, GB1, GB2, CI, LI, and GI districts. For properties located within a Special District and Overlays, such as the Downtown District Overlay, refer to Section 4.5 for additional land use provisions and development requirements.

Section V.

THAT the Code of Ordinances of the City of Pflugerville, Texas, is hereby amended by amending Chapter 157, Subchapter 4, Section 4.3.1 titled Non-Residential Districts Defined to read as follows:

4.3.1 Non-Residential Districts Defined – Public Facilities, Office, Commercial and Industrial Districts

Parks Facilities and Open Space (PF)

The Parks Facilities and Open Space (PF) district is established to preserve and enhance public and private open spaces and to develop and implement parks and recreational opportunities throughout the

city that is responsive the variety of recreational needs of all residents of the community.

Section VI.

THAT the Code of Ordinances of the City of Pflugerville, Texas, is hereby amended by amending Chapter 157, Subchapter 4, Section 4.3.2 titled Non-Residential Districts Land Use Table (Office, Commercial and Industrial) to read as follows:

4.3.2 Non-Residential Districts Land Use Table – (Public Facilities and Open Space, Office, Commercial and Industrial)

	Table 4.3.2: Non-Residential Districts - Permitted Uses								
Residential Uses	PF	O	NS	R	GB1	GB2	CI	LI	GI
Assisted Living				P	P				
Condominium				C	C				
Live Work Unit				P	P				
Multi-Family				C	C				
Nursing Home/Skilled Nursing (Convalescent)				P	P				
Single Family Attached (3 or more) Townhome				P					
Non-Residential Uses	PF	O	NS	R	GB1	GB2	CI	LI	GI
<u>Amenity Center, Private (Primary Use)</u>	<u>C</u>								
Animal Establishments, Commercial				C	C	C			
Athletic Facilities					P	P		P	
Auction Sales					P	P		P	P
Automotive Body Repair Shop (Collision Repair)						P		P	
Automotive Parts Sales, Inside				P	P	P			
Automotive Repair and Service					P	P		P	
Automobile Parking Lot/Garage				P	P	P	P	P	P
Automobile Sales and Rental					P	P		P	
Auto Salvage Yard									S
Bail Bond					C	C			
Bar/Tavern					P	P			

Body Art Studio					S	S		P	
Brewery/Distillery/Winery, Micro					P	P	P	P	P
Brewery/Distillery/Winery, Regional									P
Brewpub/Wine Bar				P	P	P			
Business Services					P	P	P	P	
Call Center						P	P	P	P
Campground or Recreational Vehicle Park, Private	S								
Car Wash				C	C	P			
Catering Establishment				P	P	P			
Cemetery/Mausoleum	C			P	P	P			
Civic Center		P	P	P	P	P			
Clinic			P	P	P	P	P		
College, University, or Private Boarding School					S	P	P	P	
Commercial Recreation and Entertainment, Indoor				C	P	P			
Commercial Recreation and Entertainment, Outdoor	S				C	C			
Commissary					P	P			
Community Garden, Private	P								
Contractor's Shop						P		P	P
Convention Center					P		P		
Crematorium								P	P
Non-Residential Uses	PF	O	NS	R	GB1	GB2	CI	LI	GI
Data Center						C	P	P	P
Day Care Facility			P	P	P				
Distribution/Logistics Center							S	P	P
Drive-in/ Thru					C	C	C	C	C
Dry Cleaning, Major						P		P	P
Dry Cleaning, Minor		P	P	P	P	P		P	
Equipment and Machinery Sales and Rental, Major								P	P
Equipment and Machinery Sales and Rental, Minor				P	P	P	P	P	P
Event Center					P		P		
Financial Institution		P	P	P	P	P			
Financial Services Institution, Alternative					C	C			
Food Processing Establishment, Major									P

Food Processing Establishment, Minor							P	P	
Gas Station				C	C	C			
Golf Course and/or Country Club	<u>P</u>			P	P	P			
Golf Driving Range	<u>P</u>				P	P			
Government Facilities	<u>P</u>	P	P	P	P	P	P	P	P
Health/Fitness Center				P	P	P		S	
Hospital				P	P	P	P		
Hotel/Hotel Residence					C	C	P		
Household Appliance Service and Repair					P	P		P	
Industrial Uses, Heavy									P
Industrial Uses, Light							P	P	P
Laundromat				P	P	P			
Liquor Store (Off-Premise Consumption)					P	P			
Lounge					P	P			
Machine Shop						P	P	P	P
Massage Therapy, Licensed		P	P	P	P	P			
Microwave and Satellite Receiving Station, Commercial									P
Mini-warehouse/public storage						P		P	P
Mobile Food Park	<u>C/S</u>				C	C			
Mortuary/Funeral Home					P	P			
Museum/Art Gallery		P	P	P	P	P			
Nursery Indoor/Outdoor Sales					C	C		P	
Office: Administrative, Medical, or Professional		P	P	P	P	P	P	P	P
Office/Showroom						P	P	P	P
Office/Warehouse							P	P	P
Open Storage (Primary Use)									S
<u>Orchard, Private</u>	<u>S</u>								
<u>Outdoor Amphitheater, Private</u>	<u>S</u>								
Non-Residential Uses	PF	O	NS	R	GB1	GB2	CI	LI	GI
Park or Playground	<u>P</u>	P	P	P	P	P	P		
Pawn Shop					P	P			
Personal Services			P	P	P				
Place of Worship	<u>P</u>	P	P	P	P	P	P	P	P
Portable Building Sales								P	P
Print Shop, Major							P	P	P

Print Shop, Minor					P	P	P	P	
Reception Hall	<u>S</u>			P	P	P			
Recycling Center								P	P
Recycling Plant									S
Research and Development Center							P	P	P
Non-Residential Uses	PF	O	NS	R	GB1	GB2	CI	LI	GI
Restaurant		C	C	C	P	P			
Retail Sales and Service - Single tenant over 50,000 SF					P	P	P		
Retail Sales and Services		P	P	P	P	P	P		
School: Private or Parochial		P	P	P	P	P			
School: Public	Refer to Government Facilities								
Sexually Oriented Business								C	C
Shooting Range, Indoor								P	P
Small Engine Repair Shop						P		P	
Stable, Commercial	<u>S</u>							C	
Theatre				P	P				
Trade School					P	P	P	P	
Transit Facility (Park & Ride)					P		P		
Truck/Trailer Rental						C		P	P
Truck Sales, Heavy Trucks								P	P
Truck Terminal									P
Trucks/Bus/Large Vehicle Repair								P	P
Utilities	<u>C</u>	C	C	C	C	C	C	C	C
Vehicular Sales and Rental, Recreational						C		P	P
<u>Vineyard, Private</u>	<u>S</u>								
Wireless Telecommunication Facilities (WTFs)	<u>C/S</u>			S	C/S	C/S	C/S	C/S	C/S
Wrecker/Towing Services								C	C

Section VII.

THAT the Code of Ordinances of the City of Pflugerville, Texas, is hereby amended by amending Chapter 157 Subchapter 4, Section 4.3.3 Non-Residential Districts Land Use Conditions (Office, Commercial and Industrial) to read as follows:

4.3.3 Non-Residential Districts Land Use Conditions – ([Public Facilities and Open Space](#), Office, Commercial and Industrial)

Amenity Center, Private (Primary Use)	<ul style="list-style-type: none">• Must take access from a collector, or arterial street.• All amenity center buildings shall have a minimum 30' building setback from all adjacent residential property lines.• All outdoor amenity facilities or recreational equipment (e.g., basketball court, tennis court, pools, pool deck, splash pad, or any other active or programmed recreational facility) shall be setback a minimum of 100' from all adjacent residential property lines. A trail shall not require a setback.• Shall provide streetscape yard landscaping, building foundation landscaping, surface parking landscaping, screening, and minimum 30' bufferyard pursuant to Subchapter 11.• When residential units along a drive aisle or street are designed to back up to the amenity center, at least one public access easement containing a minimum 10-ft trail shall be provided to connect to each street with units backing up to the amenity center.• Shall be subject to commercial development review standards.
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Cemetery/Mausoleum	<ul style="list-style-type: none">• Permitted if in existence prior to 2017
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Mobile Food Park	<ul style="list-style-type: none">• Subject to Sections 4.9 and 4.10
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Utilities	<ul style="list-style-type: none">• All facilities must be screened from view from adjacent residential areas and public right-of-ways with an opaque screen of 8' <u>masonry fence</u> and vegetation with a mature height of 8' or greater with
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	<p>initial plantings installed in accordance with Subchapter 11.</p> <ul style="list-style-type: none"> • Exempt from minimum lot size requirements
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Wireless Telecommunication Facilities	<ul style="list-style-type: none"> • Refer to Section 4.8 • Exempt from minimum lot size requirements
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Section VIII.

THAT the Code of Ordinances of the City of Pflugerville, Texas, is hereby amended by amending Chapter 157, Subchapter 4, Section 4.3.4 titled Non-Residential Districts – Development Requirements (Office, Commercial and Industrial) to read as follows:

4.3.4 Non-Residential Districts – Development Regulations

The purpose of the non-residential zoning districts is to provide an adequate mix of commercial and industrial land uses that encourage a mix of employment, shopping and services opportunities. Non-residential zoning districts ~~are comprised of~~ [are the PF, O, NS, R, GB1, GB2, CI, LI, and GI districts.](#)

- A. General Regulations and Height Standards – [Public Facilities](#), Office, Commercial, and Industrial Districts

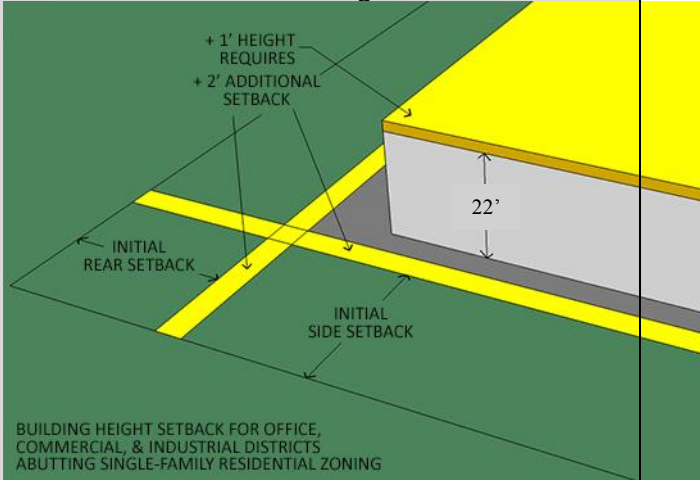
The following general regulations shall apply for non-residential zoning districts [PF, O, NS, R, GB1, GB2, CI, LI and GI](#):

Table 4.3.4 – General Regulations & Height Standards									
General Regulations	PF	O	NS	R	GB1	GB2	CI	LI	GI
Minimum Lot Area	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Minimum Lot Width [along Arterial and Major Collector Streets] ¹	200' *	200'	200'	200'	200'	200'	200'	200'	200'
Minimum Lot Depth	N/A *	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Minimum Front Street Setback (Building	25'	15'	15'	15'	15'	15'	15'	15'	15'

Setback)									
Minimum Front Setback (Corner Lot)	25'	15'	15'	15'	15'	15'	15'	15'	15'
Minimum Street Setback (across the street from single-family residential zoning)	25'	15'	15'	15'	15'	15'	30'	50'	100'
Minimum Interior Side Setback	20'	10'	10'	10'	10'	10'	15'	15'	30'
Minimum Interior Side Setback ² (abutting single-family residential zoning)	20'	25'	25'	25'	30'	30'	50'	50'	100'
Minimum Rear Setback	20'	20'	20'	20'	20'	25'	15'	15'	30'
Minimum Rear Setback ² (abutting single-family residential zoning)	20'	25'	25'	25'	30'	30'	50'	50'	100'
Streetscape Yard (25' Streetscape Yard applicable along toll/frontage road facilities)	25' (25')	15' (25')	15' (25')	15' (25')	15' (25')	15' (25')	15' (25')	15' (25')	15' (25')
Streetscape Yard (across the street from single-family residential zoning)	25'	15'	15'	15'	15'	15'	30'	50'	50'

Single Family District Adjacency Vegetative Bufferyard (See Subchapter 11)	** —	15'	15'	15'	15'	30'	30'	50'	50'
Maximum Lot Coverage (Structure) (does not include parking structures)	25%	25%	25%	40%	50%	60%	80%	80%	80%
Maximum Impervious Cover	50%	70%	75%	80%	80%	85%	85%	85%	85%
Maximum Building Height ²	25'	25'	25'	35'	50'	50'	85'	50'	100'

¹Commercial properties may be designed with a minimum 50 feet of frontage if a perpetual joint access easement or unified development agreement is provided and driveway spacing requirements are met.

² Building Height Setback (Applicable to Side and Rear Setbacks abutting single- family residential zoning)	N/A	N/A	N/A	<p>Buildings exceeding 20' in height abutting single-family residential zoning are required to have additional building setbacks measured from the Side and rear building setbacks. (The setback distance is required even if the property line is not common.) One (1) foot of additional building height for a commercial or industrial building requires two (2) feet of additional building setback. One (1) foot of additional building height for a multi-family mixed use building requires five (5) feet of additional building setback.</p> 
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<p style="text-align: center;">* —</p>	<p><u>* For public parkland, see provisions established in Subchapter 14 for size, dimensional and access standards for parkland</u></p>
<p style="text-align: center;">** —</p>	<p><u>** Refer to land use conditions in Section 4.3.2.</u></p>

Section IX.

THAT the Code of Ordinances of the City of Pflugerville, Texas, is hereby amended by amending Chapter 157, Subchapter 4 Special Districts and Overlays, by adding Section 4.5.4 Austin Executive Airport Hazard Overlay District to read as follows:

4.5.4 AUSTIN EXECUTIVE AIRPORT HAZARD OVERLAY DISTRICT

A. Purpose

The purpose of this overlay district is to minimize hazard and public nuisance associated with the airport, which is found to serve an essential community purpose, by regulating and restricting the height of structures and objects of natural growth and otherwise regulating the use of property in the vicinity of the Austin Executive Airport by creating appropriate zones and boundaries. This district is necessary in the interest of and to protect the public health, safety, and general welfare.

B. Definitions

As used in these regulations, unless the context otherwise requires:

Administrative Agency - An agency so designated by each Political Subdivision under Section 241.031 of the Texas Local Government Code, as amended, to administer and enforce these regulations in each Political Subdivision's respective jurisdiction. The Administrative Agency for purposes of this Section is deemed to be the Administrator provided under Section 2.6 of this Chapter.

Airport - Austin Executive Airport located in Travis County, Texas, including the ultimate development of that facility.

Airport Elevation - The established elevation of the highest point on the runway, either existing or planned, at the airport measured in feet above mean sea level (MSL). The airport elevation of Austin Executive Airport is 620 feet above mean sea level (MSL).

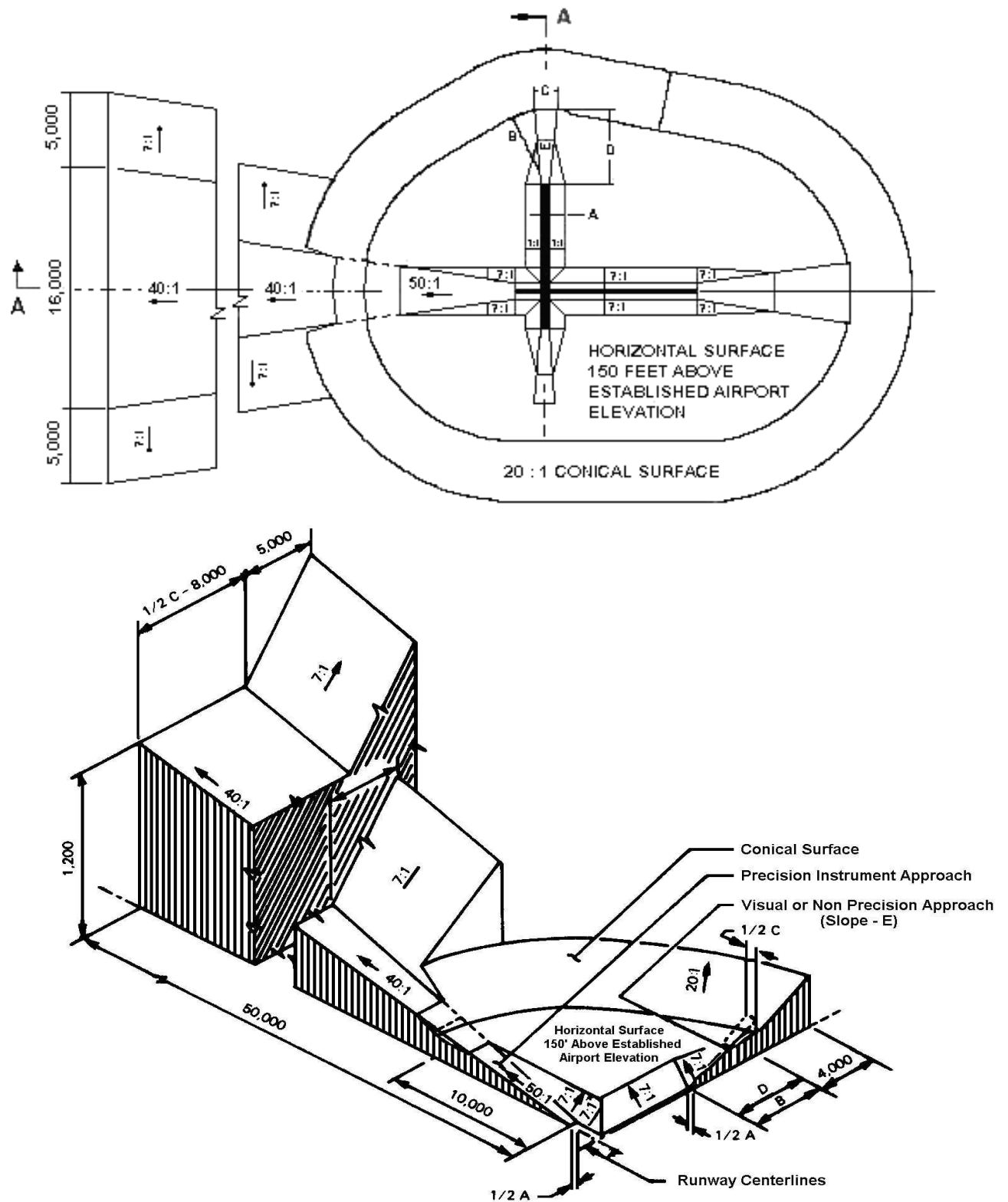
Airport Hazard - Any structure, tree, or use of land which obstructs the airspace required for the flight of aircraft or obstructs or interferes with the control, tracking, and/or data acquisition in the landing, takeoff, or flight at an airport or any installation or facility relating to flight, tracking, and/or data acquisition of the

flight craft; is hazardous to, interferes with, or obstructs such landing, takeoff, or flight of aircraft; or is hazardous to or interferes with tracking and/or data acquisition pertaining to flight and flight vehicles.

Approach Surface - A surface longitudinally centered on the extended runway centerline, extending outward and upward from each end of the primary surface and at the same slope as the approach zone height limitation slope set forth in Section E of these regulations. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

Approach, Conical, Horizontal, and Transitional Zones - These zones are set forth in Section D of these regulations and are depicted in Figure 1, below:

Figure 1



Austin Executive Airport Board of Adjustment - The joint board of adjustment created by Section I of these regulations to administer and enforce these regulations in the areas where the Political Subdivisions' Board of Adjustments do not have jurisdiction.

Board of Adjustment - A board of adjustment so designated by each Political Subdivision under Section 241.032 of the Local Government Code, as amended, to administer and enforce these regulations in each respective Political Subdivision's jurisdiction. The City's Board of Adjustment established under Section 2.3 of this Chapter is designated as the Board of Adjustments for purposes of this Section, in accordance with Section 3.13 of this Chapter to the extent not in conflict with this Section.

Conical Surface - A surface extending outward and upward from the periphery of the horizontal surface at a slope of twenty (20) feet horizontally for each one (1) foot vertically for a horizontal distance of four-thousand (4,000) feet.

Hazard to Air Navigation - An obstruction or use of land determined to have a substantial adverse effect on the safe and efficient utilization of navigable airspace.

Height - For the purpose of determining the height limits in all zones set forth in these regulations and shown on the hazard zoning map, the datum shall be height above mean sea level (MSL) elevation as measured in feet.

Horizontal Surface - A horizontal plane one-hundred fifty (150) feet above the established airport elevation which in plan coincides with the perimeter of the horizontal zone.

Nonconforming Use, Structure, or Tree - Any structure, tree, or use of land which is inconsistent with the provisions of these regulations and which is existing as of the effective date of these regulations. This definition shall only be applicable to this section of the Code.

Nonprecision Instrument Runway - A runway having an existing instrument approach procedure utilizing air navigation facilities or other equipment that provides only horizontal guidance or area type navigation equipment. This also includes a runway for which a nonprecision instrument approach procedure has been approved or planned. Planned Runway 13/34 is considered a nonprecision instrument runway.

Obstruction - Any structure, tree, or other object, including a mobile object, which exceeds a limiting height set forth in Section E of these regulations or is an airport hazard. This definition shall only be applicable to this section of the Code.

Other than Utility Runway - A runway designed for and intended to be used by propeller driven aircraft of more than twelve-thousand five-hundred (12,500)

pounds maximum gross weight and jet powered aircraft. Runway 13/31 at Austin Executive Airport is considered another than utility runway.

Person - An individual, firm, partnership, corporation, company, association, joint stock association, or body politic and includes a trustee, receiver, assignee, administrator, executor, guardian, or another representative.

Precision Instrument Runway - A runway having an existing instrument approach procedure utilizing air navigation facilities or other equipment which provide both horizontal and vertical guidance. This also includes a runway for which a precision instrument approach procedure has been approved or planned. Runway 13/31 at Austin Executive Airport is considered a precision instrument runway.

Primary Surface - A 7,400-foot-wide surface longitudinally centered on the runway extending the full length of the ultimate runway configuration plus two hundred (200) feet beyond each ultimate end of the runway. The elevation of any point on the primary surface is the same as the nearest point on the existing or ultimate runway centerline.

Runway - A defined area on the airport prepared for the landing and taking off of aircraft along its length. The current length of Runway 13/31 at Austin Executive Airport is 6,025 feet. The length of the ultimate runway configuration of Runway 13/31 at Austin Executive Airport is 7,500 feet. The length of the ultimate parallel 16/34 is 1,550 feet.

Structure - An object, including a mobile object, constructed or installed by Person including, but not limited to, buildings, towers, cranes, smokestacks, poles, earth formations, overhead power lines, and traverse ways. Traverse ways are considered to be the heights set forth in 14 C.F.R. Part 77.23. This definition shall only be applicable to this section of the Code.

Transitional Surfaces - Surfaces extending perpendicular to the runway centerline and the extended runway centerline outward from the edges of the primary surface and the approach surfaces at a slope of seven (7) feet horizontally for each one (1) foot vertically to where they intersect the horizontal surface. Transitional surfaces for those portions of the precision approach surface which extend through and beyond the limits of the conical surface extend at a slope of seven (7) feet horizontally for each one (1) foot vertically for a distance of five-thousand (5,000) feet measured horizontally from either edge of the approach surface and perpendicular to the extended runway centerline.

Tree - Any type of flora or an object of natural growth. This definition shall only be applicable to this section of the Code.

C. Administrative Agency

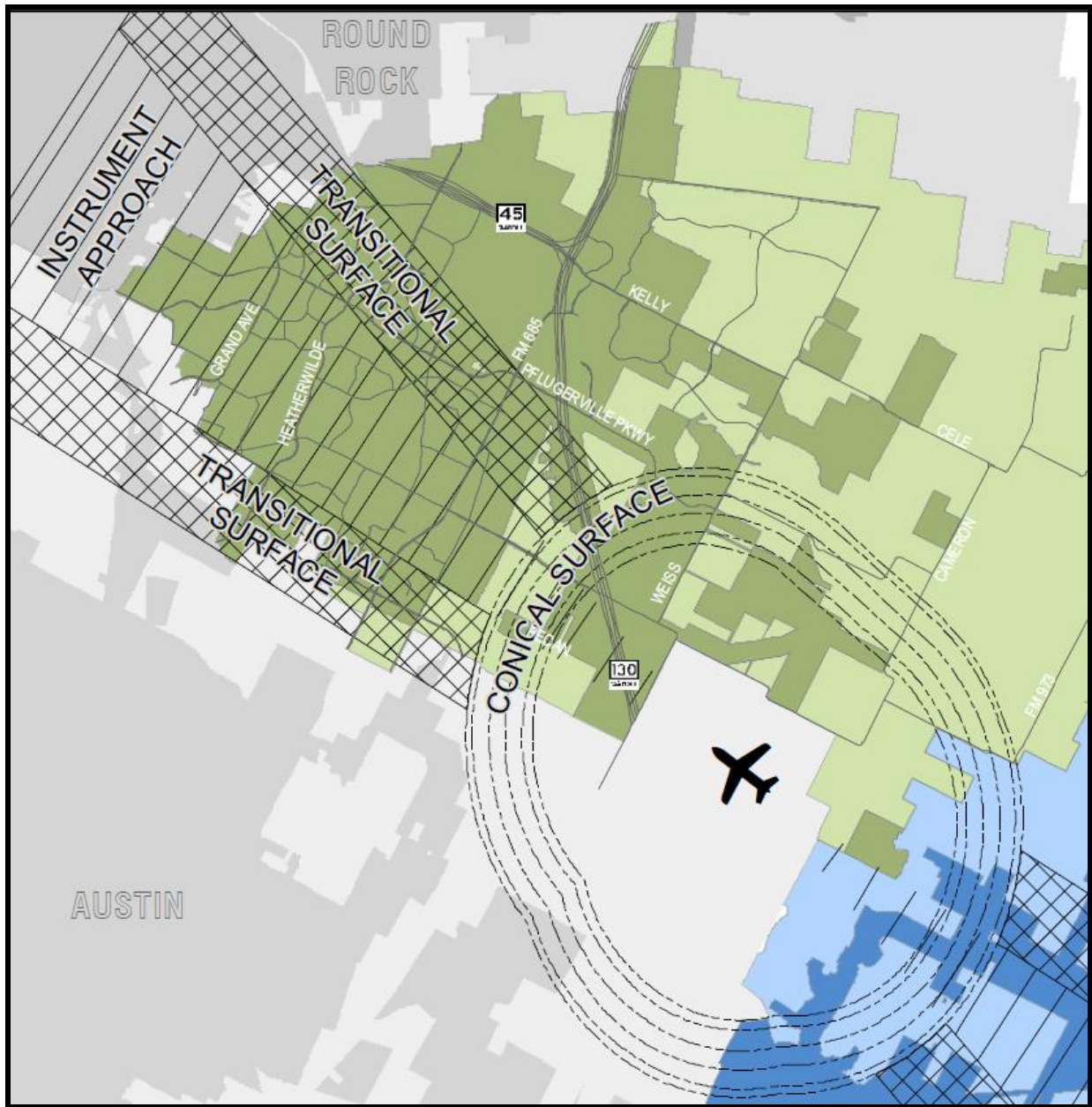
The Administrative Agency of each Political Subdivision shall be responsible for the administration and enforcement of the regulations prescribed herein.

D. Zones

In order to carry out the provisions of these regulations, there are hereby created and established certain zones which include all of the land lying beneath the approach surfaces, conical surface, horizontal surface, and transitional surfaces as they apply to the airport. Such surfaces are shown on the Austin Executive Airport Hazard Zoning Map prepared by KSA Engineers, dated April 2015, which is incorporated in and made a part of these regulations. An area located in more than one of the following zones is considered to be only in the zone with the more restrictive height limitation. The various zones are hereby established and defined as follows:

1. Approach Zones - Approach zones are hereby established beneath the approach surfaces at each end of Runway 13/31 at the airport for other than utility runway. The approach surface shall have an inner edge width of 550 feet, which coincides with the width of the primary surface, at a distance of two-hundred (200) feet beyond each runway end, widening thereafter uniformly to a width of 16,000 feet at a horizontal distance of 50,000 feet beyond the end of the primary surface. The centerline of the approach surface is the continuation of the centerline of the runway.
2. Conical Zone - A conical zone is hereby established beneath the conical surface at the airport which extends outward from the periphery of the horizontal surface for a horizontal distance of four-thousand (4,000) feet.
3. Horizontal Zone - A horizontal zone is hereby established beneath the horizontal surface at the airport which is a plane one-hundred fifty (150) feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of ten-thousand (10,000) feet radii from the center of each end of the primary surface and connecting the adjacent arcs by lines tangent to those arcs.
4. Transitional Zones - Transitional zones are hereby established beneath the transitional surfaces at the airport. Transitional surfaces, symmetrically located on either side of the runway, have variable widths as shown on the Austin Executive Airport Height and Hazard Zoning Map prepared by KSA Engineers, dated April 2015, which is incorporated in and made a part of these regulations. Transitional surfaces extend outward perpendicular to the runway centerline and the extended runway centerline from the periphery of the primary surface and the approach surfaces to where they intersect the horizontal surface. Where the precision instrument runway approach surface projects through and beyond the conical surface, there are hereby established transitional zones beginning at the sides of and at the same elevation as the approach surface and extending for a horizontal distance of five-thousand (5,000) feet as measured perpendicular to the extended runway centerline.

5. [Austin Executive Airport Height and Hazard Zoning Map prepared by KSA Engineers, dated April 2015.](#)



E. [Height Limitations](#)

[Except as otherwise provided in Section H of these regulations, no structure shall be erected, altered, or replaced and no tree shall be allowed to grow in any zone created by these regulations to a height in excess of the applicable height](#)

limitations herein established for such zone except as provided in Paragraph 5 of this Section. The Airport Hazard Zones described in this section are depicted on an airport height and hazard zoning sheet on file with the Austin Executive Airport. Official notification will be provided to each political subdivision if changes are made to the official Height and Hazard map. Such applicable height limitations are hereby established for each of the zones in question as follows:

1. Approach Zones - Slope one (1) foot in height for each 40 feet in horizontal distance beginning at the end of and at the same elevation as the primary surface and extending to a point 50,000 feet beyond the end of the primary surface.
2. Conical Zone - Slopes one (1) foot in height for each twenty (20) feet in horizontal distance beginning at the periphery of the horizontal zone and at one-hundred fifty (150) feet above the airport elevation and extending to a height of three-hundred fifty (350) feet above the airport elevation, or to a height of 970 feet above mean sea level.
3. Horizontal Zone - Established at one-hundred fifty (150) feet above the airport elevation, or at a height of 770 feet above mean sea level.
4. Transitional Zones - Slope one (1) foot in height for each seven (7) feet in horizontal distance beginning at the sides of and at the same elevations as the primary surface and the approach surfaces.
5. Excepted Height Limitation – None

F. Land Use Regulations

Except as provided in Section G of these regulations, no use may be made of land or water within any zone established by these regulations in such a manner as to create electrical interference with navigational signals or radio communications between the airport and aircraft, make it difficult for pilots to distinguish between airport lights and others, result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create potential bird strike hazards such as, but not limited to, waste, construction, and demolition landfills, and new large bodies of water (localized wetland, ponds, and storm water retention ponds greater than or equal to 1 acre), or otherwise in any way endanger or interfere with the landing, taking off, or maneuvering of aircraft intending to use the airport. Localized wetlands, ponds, and retention ponds greater than or equal to 1 acre will be subject to evaluation by Austin Executive Airport to review and if appropriate, issue a letter of no objection.

G. Nonconforming Uses, Structures, and Trees

1. Nonconforming Uses - Nothing contained in these regulations shall be construed as requiring changes in or interference with the continuance of any nonconforming use of land. Existing nonconforming uses are Lake Pflugerville and 1849 Park water storage and irrigation.
2. Nonconforming Structures - Nothing contained in these regulations shall be construed as to require the removal, lowering, or other change to any existing nonconforming structure including all phases or elements of a multiphase structure the construction of which was begun prior to the effective date of these regulations and is diligently prosecuted.

3. Nonconforming Trees - Nothing in these regulations shall be construed as to require the removal, lowering, or other change to any nonconforming tree. However, any nonconforming tree which grows to a greater height than it was as of the effective date of these regulations is subject to the provisions of these regulations as described in Section E herein above.

H. Permits and Variances

1. Permits - Any person who desires to replace, rebuild, substantially change, or repair a nonconforming structure or replace or replant a nonconforming tree is required to apply for a permit. No permit shall be granted which would allow the establishment of an airport hazard or allow a nonconforming structure or tree to exceed its original height or become a greater hazard to air navigation than it was at the time of the adoption of these regulations. Applications for a permit shall be submitted to the Administrative Agency which has jurisdiction over the permit application.
2. Variances - Any person who desires to erect, substantially change, or increase the height of any structure or establish or allow the growth of any tree which would exceed the height limitations set forth in Section E of these regulations or change the use of property in such a way as to create a hazardous condition as described in Section F of these regulations is required to apply for a variance with the Joint Board of Adjustment or Board of Adjustment, as applicable. The application for variance must be accompanied by a determination from the Federal Aviation Administration under 14 C.F.R. Part 77 as to the effect of the proposal on the operation of air navigation facilities and the safe, efficient use of navigable airspace. Variances shall be allowed where it is duly found that a literal application or enforcement of the regulations will result in practical difficulty or unnecessary hardship and the granting of relief would result in substantial justice, not be contrary to the public interest, and be in accordance with the spirit of these regulations.
3. Requirements and Reasonable Conditions
 - a. Any permit granted may, at the discretion of the Administrative Agency, impose a requirement to allow the installation and maintenance of any markers or lights to indicate to flyers the presence of an airport hazard.
 - b. Any variance granted may at the discretion of the Joint Board of Adjustment or Board of Adjustment, as applicable, impose any reasonable conditions as may be necessary to accomplish the purpose of these regulations.

I. Austin Executive Airport Board of Adjustment

1. The Austin Executive Airport Board of Adjustment is hereby created to administer and enforce these regulations in the areas not within the jurisdiction of the Political Subdivisions' Board of Adjustments.
2. The Austin Executive Airport Board of Adjustment shall:
 - a. hear and decide appeals from any order, requirement, decision, or determination made by the Administrative Agency in the administration or enforcement of these regulations;
 - b. hear and decide special exceptions to the terms of these regulations when the board is required to do so; and
 - c. hear and decide specific variances.
3. The Austin Executive Airport Board of Adjustment shall be comprised of five (5) members and one alternate member appointed by the Political Subdivisions. The terms for the members shall be two years. The members shall elect a chairman from one of the members. The Austin Executive Airport Board of Adjustment shall adopt rules for its governance and procedure in harmony with the provisions of these regulations. Meetings of the Austin Executive Airport Board of Adjustment shall be held at the call of the chairman and at such times as the Austin Executive Airport Board of Adjustment may determine. The chairman, or in his/her absence the acting chairman, may administer oaths and compel the attendance of witnesses. All hearings of the Austin Executive Airport Board of Adjustment shall be public. The Austin Executive Airport Board of Adjustment shall keep minutes of its proceedings showing the vote of each member upon each question or if any member is absent or fails to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the office of the Austin Executive Airport Board of Adjustment or in the office of appropriate Administrative Agency. All such records shall be public records.
4. The Austin Executive Airport Board of Adjustment shall make written findings of fact and conclusions of law stating the facts upon which it relied when making its legal conclusions in determining special exceptions and variances.
5. The concurring vote of four (4) members of the Austin Executive Airport Board of Adjustment shall be necessary to decide in favor of the applicant on any matter upon which it is required to pass under these regulations, or to affect any variance to these regulations.
6. The Political Subdivision appointing a member to the Austin Executive Airport Board of Adjustment may remove that member for cause on a written charge after a public hearing. A Political Subdivision shall fill any vacancy on the board for the unexpired term for a member assigned to that Political Subdivision.

7. Austin Executive Airport is the official record keeper of all the Austin Executive Airport Board of Adjustment files and minutes.

J. Appeals

1. A person aggrieved or a taxpayer affected by a decision of an Administrative Agency, or a Political Subdivision or the Joint Airport Zoning Board that believes the decision of an Administrative Agency is an improper application of these regulations, may appeal the decision to a Board of Adjustment or the Austin Executive Airport Board of Adjustment, as applicable. For the purpose of Sections J and K of these regulations, the Board of Adjustment and the Austin Executive Airport Board of Adjustment are collectively referred to as Board of Adjustment.
2. All appeals hereunder must be taken within a reasonable time as provided by the rules of the Board of Adjustment by filing a notice of appeal with the Board of Adjustment and the appropriate Administrative Agency specifying the grounds for the appeal. The Administrative Agency shall forthwith transmit to the Board of Adjustment all papers constituting the record upon which the action appealed was taken.
3. An appeal shall stay all proceedings in furtherance of the action appealed unless the Administrative Agency certifies in writing to the Board of Adjustment that by reason of the facts stated in the certificate, a stay would, in the opinion of the Administrative Agency, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by order of the Board of Adjustment on notice to the administrative agency and on due cause shown.
4. The Board of Adjustment shall fix a reasonable time for hearing appeals, give public notice and due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person, by agent, and/or by attorney.
5. The Board of Adjustment may reverse or affirm, in whole or in part, or modify the Administrative Agency's order, requirement, decision, or determination from which an appeal is taken and make the correct order, requirement, decision, or determination, and for this purpose the Board of Adjustment has the same authority as the Administrative Agency. The concurring vote of four (4) members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision, or determination of the Administrative Agency.
6. The Board of Adjustment shall make written finding of fact and conclusions of law stating the facts upon which it relied when making its legal conclusions in reversing, affirming, or modifying any order, requirement,

decision, or determination which comes before it under the provisions of these regulations.

K. Judicial Review

A person aggrieved or a taxpayer affected by a decision of a Board of Adjustment or a Political Subdivision or the Joint Airport Zoning Board that believes the decision of a Board of Adjustment is illegal may present to a court of record a petition stating that the decision of the Board of Adjustment is illegal and specifying the grounds of the illegality as provided by and in accordance with the provisions of Section 241.041 of the Texas Local Government Code, as amended. This same right of appeal is extended to each Administrative Agency.

L. Enforcement and Remedies

Each Political Subdivision and the Joint Airport Zoning Board may institute in a court of competent jurisdiction an action to prevent, restrain, correct, or abate any violation of Chapter 241 of the Local Government Code, these regulations, or any order or ruling made in connection with their administration or enforcement of these regulations.

M. Conflicting Regulations

Where there exists a conflict between any of the regulations or limitations prescribed herein and any other regulation applicable to the same area, whether the conflict be with respect to the height of structures or trees, the use of land, or any other matter, the more stringent limitation or requirement shall control.

N. Severability

If any of the provisions of these regulations or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or application of these regulations which can be given effect without the invalid provision or application and to this end, the provisions of these regulations are declared to be severable.

O. Adherence with State Laws

Any actions brought forth by any person or taxpayer as a result of the administration, enforcement, or the contesting these regulations will be in accordance with the provisions of Chapter 241 of the Texas Local Government Code, as amended, and other applicable State laws.

P. Immunity Clause

No elected or non-elected, person, employee, officer, member or agent of political subdivision, Austin Executive Joint Zoning Board and Austin Executive Airport Board of Adjustment shall have (a) any personal liability with respect to

any of the provisions of this Ordinance, Regulation, or (b) any liability for any consequential damages resulting from the exercise by political subdivision or Austin Executive Joint Board of any its duties herein.

Section X.

THAT the Code of Ordinances of the City of Pflugerville, Texas, is hereby amended by amending Chapter 157 Subchapter 20 Definitions, by amending and adding definitions, in which the following definitions read as follows:

Subchapter 20 - DEFINITIONS

AMENITY CENTER - A recreational facility, including, but not limited to, clubhouse, swimming pool(s), playground, and open space, operated for the exclusive use of private residents or neighborhood groups and their guests, and not the general public. For amenity centers owned by the City or other government agency, refer to the definition for public parkland and public parkland facilities.

AMENITY, PUBLIC - Public recreational facilities located on public parkland or within a private park in which a public access easement is dedicated to the City and is open to the general public, including but not limited to, playground, tennis court, basketball court, multi-purpose regulation sports fields, and trails. The list of creditable public amenities and specifications are included within the Parks Development Manual. This definition shall only be used for the purposes of Subchapter 14 of the UDC.

CAMPGROUND OR RECREATIONAL VEHICLE PARK, PRIVATE - Privately owned and operated establishments that operate sites that accommodate campers and their equipment, including tents, tent trailers, travel trailers, and recreational vehicles in a temporary, seasonal manner. They may also provide overnight recreational camps, such as children's camps, family vacation camps, hunting and fishing camps, and outdoor adventures such as trail riding, water activities and hiking. These establishments may provide facilities and services such as cabins, washrooms, food services and recreational activities. For campgrounds or recreational vehicle parks owned by the City or other government agency, refer to the definition for public parkland and public parkland facilities.

COMMUNITY GARDEN, PRIVATE - An area limited to five (5) acres of privately owned land which is used for the growing of usual farm products, vegetables, fruits, and trees and is gardened collectively by a group of people. For a community garden owned by the City or other government agency, refer to the definition for public parkland and public parkland facilities.

FARM OR RANCH, ~~GARDEN, OR ORCHARD~~ - An area which is used for the growing of usual farm products, vegetables, fruits, trees, and grain and for the raising thereon of the usual farm poultry and farm animals, such as horses, cattle, sheep, and including the necessary accessory uses for raising, treating, and storing products raised on the premises, but not including the commercial feeding of offal and garbage to swine and other animals, and not including any type of agriculture or husbandry specifically prohibited by ordinance or law.

GOVERNMENT FACILITIES - A group of uses focused on the provision of a public service. These facilities are often public in nature and serve a wide range of needs and patrons. This definition includes, but is not limited to, schools, libraries, public park facilities and ~~office~~ government buildings.

ORCHARD, PRIVATE - A private enterprise establishment used for the growing of fruit- or nut- producing trees which may provide for on-site retail sales and wholesale sales and distribution of such orchard produce and products. For an orchard owned by the City or other government agency, refer to the definition for public parkland and public parkland facilities.

OUTDOOR AMPHITHEATER, PRIVATE – A private enterprise establishment used for the purposes of public performances which may generate heavy traffic. An amphitheater typically includes a stage structure or area and a substantial amount of parking. For an amphitheater owned by the City or other government agency, refer to the definition for public parkland and public parkland facilities.

PARK - An area devoted towards open space and recreation not otherwise defined by this chapter. This definition includes, but is not limited to trails, structures and uses that are designed for recreation, educational and sport activities. Inclusive of private parks and public park or parkland

PUBLIC PARK FACILITIES - Singular or a group of uses within a public park, owned by the City or another government agency, that provides for passive and/or active amenities

and appurtenances including, but not to, playground equipment, sports fields, restrooms, pavilions, amphitheater, parking, trails, garden, orchard, campgrounds, etc.

STORMWATER DETENTION FACILITIES – A public or private facility used for the purposes of providing stormwater management, by use of a pond or catch basin within a well-defined area where storm water is diverted to, and detained, for a period of time after a rain event, and is released at a specific rate. This definition shall also include stormwater retention facilities.

VINEYARD, PRIVATE - A private enterprise establishment used for the growing of grapevines, typically producing grapes used in winemaking, which may provide for on-site sales and wholesale sales and distribution of such produce and products.

Section XI.

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 XII.

Repealer.

This ordinance shall be cumulative of all other ordinances 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 XIII.

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 _____, 2018.

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.