

Text Amendments
CODE AMENDMENT AM1812-001

DATE: January 9, 2019

CODE AMENDMENT SECTIONS: Section 2-26 – Residential lot and building dimensional standards; Section 2-93 – Accessory uses and home occupations; Section 8-79 – Special purpose freestanding sign standards; Section 10-2 – Review procedures; and Section 10-26 – Concept Plan

STAFF REVIEW AND ANALYSIS: The revisions to the City's Code of Ordinances, creating the Zoning and Development Code, were published on October 1, 2018. Since that time, staff has identified changes which are intended to improve specific sections or to correct errors.

Section 2-26 – Residential lot and building dimensional standards: These revisions are to correct errors in the standards for encroachment into setbacks on residential lots. The current code incorrectly includes accessory buildings or structures as being prohibited in the rear building setback for residential uses. Because Section 2-26 establishes setbacks for accessory buildings or structures separately, the revision removes them from the prohibited list.

In addition, unenclosed patios or porches are incorrectly included as being allowed to encroach in the rear setback by a maximum of ten feet. This could result in an unintended consequence where a home addition, which consists of an unenclosed patio or porch, is allowed to encroach into the rear setback. In contrast, a covered patio, which is not a structural extension of the main roofline of the house, is considered an accessory structure and is therefore regulated by the established setbacks.

The revision also clarifies that any allowed encroachment into the setback is limited to two feet.

Section 2-93 - Accessory uses and home occupations: These revisions provide a short-term permit for 'food trucks' at existing businesses and public facilities. The code currently allows mobile food establishments ('food trucks') only on lots zoned as MU-1 (Mixed-Use Historic Commercial Core) and at other limited locations, including public facilities, event centers and educational campuses. An annual permit is required for these food trucks, which are only allowed to be open and located on-site on a temporary basis.

The proposed code provides for a second type of permit, for the short-term location of food trucks on any property with a commercial, employment or industrial zoning designation, in addition to other limited locations, including public facilities, event centers and educational campuses. This short-term accessory use permit allows for the food truck to operate for up to three consecutive days. A maximum of four permits per year are allowed for each property.

Food trucks have proven to be a popular addition to events and the current code provisions do not allow them to be used this way. The code revision allows for existing businesses and employers to hold short-term events with food trucks on their property or on public facilities.

The revised code differentiates between the annual permit that is currently allowed on MU-1 property and the three-day permit that is allowed on commercial, employment or industrial properties.

Section 8-79 - Special purpose freestanding sign standards: This change allows additional types of businesses to use a sandwich board sign. The code currently allows the use of sandwich

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board signs only for restaurants/bars and retail sales and service uses. Signs must be placed on a sidewalk or other improved walkway.

The revised code expands the use of sandwich board signs to all business uses, which includes commercial and industrial properties, places of worship, schools, governmental and civic uses, and multifamily projects. It also clarifies that the signs are to be placed on a sidewalk or other improved surface when available. This change is in response to requests from operators of other than restaurant/bar and retail sales and services businesses. Making the use of this type of sign available to all business uses makes the sign regulations more equitable.

Section 10-26 - Concept plan: This changes the conditions which require the submittal of a concept plan during the subdivision process and removes the requirement for a public hearing for concept plans. The current code requires that a concept plan be prepared: (1) when the property contains more than twenty acres; (2) when the development proposes to create a new street connection to a freeway, highway, or designated arterial roadway; or (3) when the property contains 1% annual chance floodplain. A public hearing before the Planning and Zoning Commission is required before a concept plan can be approved.

The revised code simplifies confusing language regarding the requirement that the property contain more than twenty acres. The revision also removes the requirement for a concept plan when the property contains 1% annual chance floodplain. This requirement is premature because a flood study is not required until the submittal of a preliminary plat. Finally, the revision removes the requirement for a public hearing to approve a concept plan. As the first phase of the subdivision process, a concept plan is intended to provide only an overall view of the proposed subdivision. In addition, the subdivision review process is solely objective, to determine whether the City's standards are being met. In contrast, during the zoning review process, public opinions are important to help the commission and City Council decide on what is appropriate. Because of this difference, a public hearing conducted for a concept plan does not provide the opportunity for meaningful public comment, which has resulted in confusion and frustration for the citizens who attend.

Section 10-2 - Review procedures: This changes the responsibility for posting on-site public notice signs from City staff to the property owner/applicant making the project application. The code currently specifies that the City is responsible for posting required on-site public notice signs prior to public hearings. The City provides the signs and staff posts them and provides photographs of them for the public hearings.

The revised code makes the owner/applicant responsible for posting the signs and providing photographs and an affidavit indicating that they were posted. The City will continue to provide the signs. The Planning Director has determined that shifting this responsibility to the owner/applicant will provide for more effective use of City staff resources.

Other changes are: (1) adding language to clarify that zoning public notices must be posted ten days in advance and that replat public notices must be posted fifteen days in advance; (2) including the requirement for publication of the public notice when required by a replat; and (3) removing the requirement for a public hearing for a concept plan, as described above.

ORDINANCE NO. O-2019-____

AN ORDINANCE AMENDING ZONING AND DEVELOPMENT CODE, CHAPTER 2, ARTICLE II, SECTION 2-26, CODE OF ORDINANCES (2018 EDITION), CITY OF ROUND ROCK, TEXAS, REGARDING RESIDENTIAL LOT AND BUILDING DIMENSIONAL STANDARDS; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK,

TEXAS:

I.

That Zoning and Development Code, Chapter 2, Article II, Section 2-26, Code of Ordinances (2018 Edition), City of Round Rock, Texas, is hereby amended to delete the "Additional notes" section and to create new subsections (with no amendments to the text of the "Residential zoning district lot and building dimensional standards chart"), to read as follows:

CHAPTER 2. ZONING DISTRICTS AND USE REGULATIONS

Sec. 2-26. Residential lot and building dimensional standards.

(a) Residential zoning districts lot and building dimensional standards chart

~~Additional notes:~~

~~(1) Special purpose lots, including but not limited to landscape lots and utility lots, may be exempted from these requirements.~~

~~(2) For the SR, MF-1, and MF-2 districts, all required setbacks shall be free from any encroachments, including but not limited to, accessory buildings or structures, eaves, roof overhangs, bay windows, and fireplaces. Air conditioning units and other similar ground-mounted equipment are exempt from this requirement.~~

~~(3) For all other districts, limited encroachment into the front and rear setbacks shall be permitted as follows:~~

~~a. Eaves, roof overhangs, unenclosed patios and porches, and minor architectural details such as fireplaces and bay windows may encroach into the front setback by a maximum of three (3) feet and into the rear setback by a maximum of 10 feet.~~

~~(4) Accessory buildings are prohibited in the front street yard.~~

~~(b) Special purpose lots exemption. Special purpose lots, including but not limited to landscape lots and utility lots, may be exempted from these requirements.~~

~~(c) Encroachments in setbacks. Except as specified in (c) below, all required setbacks shall be free from any encroachments, including but not limited to, eaves, roof overhangs, bay windows, and fireplaces.~~

Air conditioning units and other similar ground-mounted equipment are exempt from this requirement.

(d) Permitted limited encroachments. In the SF-R, SF-1, SF-2 and SF-3 districts, limited encroachment into the front and rear setbacks shall be permitted as follows:

a. Eaves, roof overhangs, and minor architectural details such as fireplaces and bay windows may encroach into the front and rear setbacks by a maximum of two (2) feet.

(e) Accessory buildings prohibition. Accessory buildings are prohibited in the front street yard.

II.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

READ and **APPROVED** on first reading this the ____ day of _____, 2019.

READ, APPROVED and **ADOPTED** on second reading this the ____ day of _____, 2019.

CRAIG MORGAN, Mayor
City of Round Rock, Texas

ATTEST:

SARA L. WHITE, City Clerk

ORDINANCE NO. O-2019-____

AN ORDINANCE AMENDING ZONING AND DEVELOPMENT CODE, CHAPTER 10, ARTICLE VIII, SECTION 2-93, CODE OF ORDINANCES (2018 EDITION), CITY OF ROUND ROCK, TEXAS, REGARDING USE REGULATIONS; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK,

TEXAS:

I.

That Zoning and Development Code, Chapter 2, Article VIII, Section 2-93, Code of Ordinances (2018 Edition), City of Round Rock, Texas, is hereby amended as follows:

CHAPTER 2. ZONING DISTRICTS AND USE REGULATIONS

Sec. 2-93. Accessory uses and home occupations.

(c) *Mobile food establishments.*

(1) *General.* A mobile food establishment is a temporary food service operation that supports certain types of businesses in certain locations in the City.

~~(2) Accessory use only. Mobile food establishments are prohibited except as an accessory use supporting the following primary uses:~~

~~a. Eating and drinking establishments located on lots zoned MU-1 or a PUD which abuts an MU-1 or MU-2 zoned parcel;~~

~~b. A multi tenant center where the mobile food establishment is located within an internally oriented pedestrian promenade which is not visible from the public right-of-way;~~

~~c. Small-scale alcohol production facilities;~~

~~d. Event centers;~~

~~e. Municipal parks and recreation facilities; and~~

~~f. Public and private education facilities, corporate office campuses, and business/ industrial parks, at which the mobile food establishment provides service to the students or employees of the hosting organization.~~

~~(3) Temporary in nature.~~ Mobile food establishments are meant to be open and on-site only on a temporary basis. As such, the following requirements shall be met:

a. New connections to city water or wastewater infrastructure are prohibited;

b. New electric meters are prohibited;

~~c. It shall be unlawful for the owner of a mobile food establishment which is visible from public rights-of-way to park the vehicle overnight at the location of their associated primary use on any Sunday, Monday, Tuesday, Wednesday, or Thursday night, except for Sunday and Thursday nights that coincide with a federal holiday the following day; and~~

- 1 ~~dc.~~ For mobile food establishments serving a municipal parks and recreation facility, the Parks
2 and Recreation Department shall determine the permissible duration for which each
3 establishment may operate.

4 ~~(4) Permit required~~

- 5 ~~a. Except as provided below, an annual permit from the city for each calendar year beginning~~
6 ~~January 1 shall be required for the operation of a mobile food establishment. The property~~
7 ~~owner or tenant who is hosting the mobile food establishment shall be responsible for~~
8 ~~obtaining the permit.~~
9 ~~b. A site map showing the proposed location of the mobile food establishment(s) shall be~~
10 ~~provided.~~
11 ~~c. All applications for mobile food establishment permits shall be accompanied by the~~
12 ~~appropriate fee as set forth in appendix A of the Round Rock Code of Ordinances.~~

13 ~~(53) Site location criteria.~~

- 14 a. Mobile food establishments shall not locate on public streets or in public parking lots, but
15 may locate in an unimproved alley of a property zoned MU-1.
16 ~~b. Mobile food establishments shall not be located within 50 feet of a single-family dwelling~~
17 ~~unit. This measurement shall be taken from the property line of the dwelling unit to the~~
18 ~~closest point of the mobile food establishment location.~~
19 ~~eb.~~ Mobile food establishments shall not locate in access drives, fire lanes, or improved alleys.
20 ~~dc.~~ Mobile food establishments shall not locate on sidewalks in or along the right-of-way
21 without prior approval from the city. Approval may be granted if a minimum width of five (5)
22 feet of sidewalk remains free of any obstructions.
23 ~~ed.~~ Mobile food establishments may not occupy any parking spaces needed for the minimum
24 required parking for the primary use.
25 ~~fe.~~ Mobile food establishments shall be located a minimum of 15 feet from fire hydrants and
26 five (5) feet from any utility box, ADA accessibility ramp, or building entrance.

27 ~~(64) Other requirements.~~

- 28 a. The mobile food establishment shall be in compliance with Williamson County and Cities
29 Health District regulations and applicable City fire department regulations.
30 b. All signage and identification for the mobile food establishment shall be on or attached to
31 the vehicle. Menu items may be displayed on sandwich boards which are not attached to
32 the vehicle.
33 ~~c. The mobile food establishment shall not operate during hours that the primary use is~~
34 ~~closed.~~
35 ~~dc.~~ All food vending transactions shall occur from the vehicle.
36 ~~ed.~~ No trash or grease shall be left at the site after the departure of the mobile food
37 establishment, except in existing on-site containers specifically designed for such waste.
38 ~~fe.~~ Vehicles, generators, and other equipment shall be maintained so as to be in operable
39 condition at all times.
40 ~~gf.~~ Durable exterior-grade finishes and decorations shall be utilized for all exterior materials on
41 the vehicle and shall be maintained in accordance with minimum property, structural and
42 health standards.
43 ~~h. Sites smaller than one (1) acre are prohibited from having more than two (2) mobile food~~
44 ~~establishments on-site at any time.~~

1 (5) Long term accessory use. Upon the issuance of an annual permit as described in section (6)
2 below, mobile food establishments are permitted as an accessory use supporting the following
3 primary uses.

- 4 a. Eating and drinking establishments located on lots zoned MU-1 or a PUD which abuts a
5 MU-1 or MU-2 zoned parcel;
6 b. A multi-tenant center where the mobile food establishment is located within an internally
7 oriented pedestrian promenade which is not visible from the public right-of-way;
8 c. Small-scale alcohol production facilities;
9 d. Event centers;
10 e. Municipal parks and recreation facilities; and
11 f. Public and private education facilities, corporate office campuses, and business/industrial
12 parks, at which the mobile food establishment provides service to the students of
13 employees of the hosting organization.

14 (6) Annual permit required.

- 15 a. Except as provided below, an annual permit from the city for each calendar year beginning
16 January 1 shall be required for the operation of a mobile food establishment. The property
17 owner or tenant who is hosting the mobile food establishment shall be responsible for
18 obtaining the permit.
19 b. A site map showing the proposed location of the mobile food establishment(s) shall be
20 provided.
21 c. All applications for mobile food establishment permits shall be accompanied by the
22 appropriate fee as set forth in appendix A of the Code of Ordinances.
23 d. The mobile food establishment shall not operate during the hours that the primary use is
24 closed.
25 e. It shall be unlawful for the owner of a mobile food establishment which is visible from public
26 rights-of-way to park the vehicle overnight at the location of their associated primary use on
27 any Sunday, Monday, Tuesday, Wednesday, or Thursday night, except for Sunday and
28 Thursday nights that coincide with a federal holiday the following day; and
29 f. Sites smaller than one (1) acre are prohibited from having more than two (2) mobile food
30 establishments on-site at any time.

31 (7) Short-term accessory use. Upon issuance of a three-day permit as described in section (8)
32 below, mobile food establishments are permitted as an accessory use supporting the following
33 uses:

- 34 a. Property located within a Commercial Zoning District, which contains an operational
35 business;
36 b. Property located within an Employment and Industrial Zoning District which contains an
37 operational business;
38 c. Small-scale alcohol production facilities;
39 d. Event centers;
40 e. Community/government service facilities;
41 f. Municipal parks and recreation facilities; and
42 g. Public and private education facilities, corporate office campuses, and business/industrial
43 parks, at which the mobile food establishment provides services to the students or
44 employees of the hosting organization.

(8) Three-day permit required.

- a. Each event shall be for a maximum of three consecutive days.
- b. A maximum of four (4) permits within each calendar year shall be used for each property.
- c. The property owner or tenant who is hosting the event shall be responsible for obtaining the permit. If a tenant applies for the permit, the signature of the property owner or property management company must be on the application.
- d. All applications for mobile food establishment permits shall be accompanied by the appropriate fee as set forth in appendix A the Code of Ordinances.
- e. Mobile food establishments shall not be located within 50 feet of a single-family dwelling unit. This measurement shall be taken from the property line of the dwelling unit to the closest point of the mobile food establishment location.

11.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

READ and **APPROVED** on first reading this the _____ day of _____, 2019.

READ, APPROVED and ADOPTED on second reading this the _____ day of _____, 2019.

CRAIG MORGAN, Mayor
City of Round Rock, Texas

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ATTEST:

SARA L. WHITE, City Clerk

ORDINANCE NO. O-2019-____

AN ORDINANCE AMENDING ZONING AND DEVELOPMENT CODE, CHAPTER 8, ARTICLE IX, SECTION 8-79 (a), CODE OF ORDINANCES (2018 EDITION), CITY OF ROUND ROCK, TEXAS, REGARDING SIGNS; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK,

TEXAS:

I.

That Zoning and Development Code, Chapter 8, Article IX, Section 8-79 (a), Code of Ordinances (2018 Edition), City of Round Rock, Texas, is hereby amended as follows:

CHAPTER 8. ZONING AND DEVELOPMENT STANDARDS

Sec. 8-79. Special purpose freestanding sign standards.

(a) Sandwich boards.

(1) ~~Restaurants/bars and retail sales and services~~Business uses (as defined in Sec. 1-50) shall be permitted one sandwich board.

(2) Sandwich boards shall have a maximum width of 30 inches and a maximum height of 48 inches.

(3) Sandwich boards shall be freestanding and shall not be affixed, chained, anchored, or otherwise secured to the ground or other structure. The sign shall be internally weighted so that it is stable, self-supporting and windproof.

(4) The sandwich board shall be displayed only during the hours of operation of the business.

(5) Sandwich boards shall not be a cabinet.

(6) Changeable copy on a sandwich board shall not consist of individual plastic or vinyl letters on tracks.

(7) The following standards shall be followed when determining the placement of sandwich boards:

a. Signs shall be placed ~~on a sidewalk or other improved walkway~~ in such a manner that they do not interfere with pedestrian traffic, wheelchair ramps, or otherwise cause a safety hazard. Placement on a sidewalk or other improved surface is required, when available;

b. When placed on a public sidewalk or sidewalk required for ADA accessibility, ensure that there is a minimum of 48 inches of clear sidewalk;

c. Signs shall be placed in such a manner that they do not obscure or interfere with the function of windows or doors;

d. Signs shall not be located within five feet of the corner of a building that is at the intersection of two public streets;

e. Signs shall only be permitted in the city's right-of-way on sites where there is 10 feet or fewer between a building's front façade and the property line, and a license agreement shall be required. A license agreement may be issued as part of a sidewalk furniture license agreement.

II.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

READ and **APPROVED** on first reading this the ____ day of _____, 2019.

READ, APPROVED and **ADOPTED** on second reading this the ____ day of _____, 2019.

CRAIG MORGAN, Mayor
City of Round Rock, Texas

1 ATTEST:

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SARA L. WHITE, City Clerk

ORDINANCE NO. O-2019-____

AN ORDINANCE AMENDING ZONING AND DEVELOPMENT CODE, CHAPTER 10, ARTICLE I, SECTION 10-2 (a) and (b), CODE OF ORDINANCES (2018 EDITION), CITY OF ROUND ROCK, TEXAS, REGARDING REVIEW PROCEDURES; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK,

TEXAS:

I.

That Zoning and Development Code, Chapter 10, Article I, Section 10-2 (a) and (b), Code of Ordinances (2018 Edition), City of Round Rock, Texas, is hereby amended as follows:

CHAPTER 10. ZONING AND DEVELOPMENT REVIEW PROCEDURE AND BODIES

Sec. 10-2. Review procedures.

- (a) *Conformity with development code.* Every official and employee of the city vested with the duty or authority to issue a permit or license shall not issue a permit or license for any use, building, improvement, or purpose that conflicts with any provision of this code. Any permit or license or certificate issued in conflict with the provisions of this code shall be null and void.
- (b) *Public notice requirements.* The purpose of this section is to establish the minimum requirements for notice where required in this chapter. Unless otherwise specified, when notice is required in this chapter pursuant to Sec. 10-2, the notice required is as set forth in subsections (b)(1) and (2) of this section.
 - (1) *Published notice—General.*
 - a. A distinctive public hearing notice shall be placed by the zoning administrator at least once in a local official newspaper of general circulation within the city, as designated by the city council, prior to the meeting, for the purpose of notifying the public of the time and place of such public hearing and the substance of the public hearing agenda items that may be considered or reviewed.
 - b. The public hearing notice shall be placed according to the following deadlines:
 - 1. Planning and zoning commission – zoning: Ten days prior to public hearing.
 - 2. Planning and zoning commission – replat, when required: Fifteen days prior to public hearing.
 - 23. City council: 15 days prior to public hearing.
 - c. Published notices shall contain at least the following specific information:
 - 1. The general location of land that is the subject of the application and/or a location map;
 - 2. The legal description or street address;

3. The substance of the application, including the magnitude of proposed development and the current zoning district;
4. The time, date and location of the public hearing;
5. A phone number to contact the city; and
6. A statement that interested parties may appear at the public hearing.

(2) *Mailed notice.*

- a. Mailed notices shall be mailed according to the following deadlines:
 1. *Zoning board of adjustment*: Ten days prior to public hearing.
 2. *Planning and zoning commission – zoning*: Ten days prior to public hearing.
 3. *Planning and zoning commission – replat, when required*: Fifteen days prior to public hearing.
 34. *City council*: 15 days prior to public hearing.
- b. Mailed notices shall contain at least the following specific information:
 1. The general location of land that is the subject of the application and/or a location map;
 2. The legal description or street address;
 3. The substance of the application, including the magnitude of proposed development and the current zoning district;
 4. The time, date and location of the public hearing;
 5. A phone number to contact the city; and
 6. A statement that interested parties may appear at the public hearing.
- c. For proposed changes to zoning classifications or boundaries, excluding applications for original zoning, in addition to published notice as set forth in subsection (e)(1) of this section, written notice shall be mailed to each owner within the corporate limits within the city, as indicated by the most recently approved city tax roll, of real property within 300 feet of the property on which a change in zoning classification or boundary is proposed before the tenth day before the hearing date. Notice may be served by its deposit in the U.S. Mail in the city, properly addressed with postage paid.

(3) *On-site public hearing notification sign.*

- a. *Property owner initiated proceedings.* For all proceedings initiated by or on behalf of the property owner, at least one on-site public hearing notification sign shall be provided by the city and placed by city staff the property owner on each property requiring a public hearing not less than ten days. Signs shall be placed prior to the planning and zoning commission public hearing date, in accordance with the deadlines in Section (1) above and not less than 15 days prior to the city council public hearing date. The sign shall be placed perpendicular to and no further than 15 feet from the roadway, or as deemed suitable by staff. At least one sign shall be posted per 500 linear feet of all property located along a public right-of-way, with a minimum of one sign per frontage, placed parallel to and visible from, the roadway. In the event of unique circumstances affecting a property, the location of the sign(s) may be determined by city staff. The property owner shall provide an affidavit, including photographs, attesting to the date of installation and the number of signs installed. This affidavit shall be provided to the city at least five days prior to the required public hearing. If the proceeding requires a public hearing before both the planning and zoning commission and the city council, separate photographs and affidavits shall be required for each public hearing.
- b. *City initiated proceedings.* For proceedings initiated by the city, it may not be possible or practical to place a sign on the private property subject to the proposed proceedings. In

addition, in some situations, city initiated proceedings may involve multiple tracts of land that make it impractical to place a sign on every tract. Therefore, in city initiated proceedings, the zoning administrator shall determine in his sole discretion the most effective and practical manner in which to provide reasonable on-site notification of public hearings.

(4) *Constructive notice.* Minor defects in notice or if an on-site public hearing notification sign is damaged or removed shall not impair the notice or invalidate proceedings pursuant to the notice if a bona fide attempt has been made to comply with applicable notice requirements. Defects in notice provisions which exceed the requirements of V.T.C.A., Local Government Code ch. 211 shall not invalidate any action or proceedings pursuant thereto.

(5) *Summary of notice required.* Published, mailed, or signed notice shall be required for development review as shown in the following table:

Procedure	Published	Mailed	On-site public hearing notification signs placed
Planning Policy			
General Plan text amendment	X		
General Plan map amendment	X		X
Code amendment (other than zoning)			
Annexation			
Voluntary	X	X	
Involuntary	X	X	X
Zoning			
Zoning text amendment	X		
Application for original zoning	X	X	X
Zoning map amendment	X	X	X
PUD development plan/rezoning	X	X	X
Platting			
Concept plan		X	X
Preliminary plat			
Final plat			
Replat - single-family or two-family ⁽¹⁾	X	X	X
Replat - all other			
Amending or minor plat			
Exceptions and Variances			
Variance		X	X
Special exception		X	X
Sign exception			
Compatibility buffer exception			X
Historic Preservation			
Certificate of appropriateness			

Historic overlay designation	X	X	X
Partial historic tax exemption		X	

II.

A. All ordinances, parts of ordinances, or resolutions in conflict herewith are expressly repealed.

B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

C. The City Council hereby finds and declares that written notice of the date, hour, place and subject of the meeting at which this Ordinance was adopted was posted and that such meeting was open to the public as required by law at all times during which this Ordinance and the subject matter hereof were discussed, considered and formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas Government Code, as amended.

READ and **APPROVED** on first reading this the ____ day of _____, 2019.

READ, APPROVED and **ADOPTED** on second reading this the ____ day of _____, 2019.

CRAIG MORGAN, Mayor
City of Round Rock, Texas

ATTEST:

SARA L. WHITE, City Clerk

ORDINANCE NO. O-2019-____

AN ORDINANCE AMENDING ZONING AND DEVELOPMENT CODE, CHAPTER 10, ARTICLE V, SECTION 10-26, CODE OF ORDINANCES (2018 EDITION), CITY OF ROUND ROCK, TEXAS, REGARDING CONCEPT PLANS; AND PROVIDING FOR A SAVINGS CLAUSE AND REPEALING CONFLICTING ORDINANCES AND RESOLUTIONS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROUND ROCK, TEXAS:

I.

That Zoning and Development Code, Chapter 10, Article V, Section 10-26, Code of Ordinances (2018 Edition), City of Round Rock, Texas, is hereby amended as follows:

CHAPTER 10. ZONING AND DEVELOPMENT REVIEW PROCEDURE AND BODIES

Sec. 10-26. Concept plan.

- (a) *Purpose and intent.* The purpose of the concept plan is to present a layout of a proposed subdivision or addition. The intent of the concept plan is to facilitate the review of the proposed subdivision or addition in accordance with the general plan policies and, where applicable, the concurrent review by the planning and zoning commission for original zoning recommendation for the proposed subdivision. In addition, the purpose is to determine the availability of city utilities, streets and drainage.
- (b) *Platting of parent tract.* In order to ensure the orderly planning of streets, utilities, drainage and other public facilities, the parent tract must be included in a concept plan.
- (c) *Pre-submittal meeting.* The developer must attend a pre-submittal meeting prior to the filing of an application for approval of a concept plan.
- (d) *Required.* The developer shall submit a concept plan of the proposed subdivision or addition prior to the submission of a preliminary plat application for approval by the planning and zoning commission, when the proposed subdivision or addition includes any of the following:

(1) Contains more than twenty acres ~~and or is not~~ contained within a parent tract which contains more than twenty acres;

~~(2) Contains ultimate 1% annual chance floodplain;~~

~~(3) Proposes to create a new street connection to a freeway, highway, or designated arterial roadway in the regional transportation network; or~~

~~(4) Is located in the ETJ on a tract that contains more than twenty acres.~~

Where a concept plan is not required, a preliminary plat or minor final plat may still be required.

- (e) *Application requirements.* The developer shall submit a concept plan application that contains all the materials listed in the development packet.

~~(f) Notice requirement for concept plan. The planning department will mail a notice of public hearing to the owner of each property located within 300 feet of the proposed subdivision or addition, as~~

1 recorded by the appropriate tax appraisal district. The notice shall state in effect that a concept plan
2 is pending before the planning and zoning commission, and shall include a disclaimer stating that the
3 notice is for information purposes only and that the planning and zoning commission will not take into
4 consideration the use of the property when approving the concept plan. The notice for public hearing
5 shall be mailed not less than ten days prior to the date of the planning and zoning commission
6 meeting and shall provide the date, place and time of the meeting. Additionally, one on-site public
7 hearing notification sign shall be placed by city staff on each property requiring a public hearing not
8 less than ten days prior to the planning and zoning commission public hearing date. The sign shall
9 be placed perpendicular to and no further than 15 feet from the roadway, or as deemed suitable by
10 staff.

11 ~~(g) Constructive notice. Minor defects in notice or if an on-site public hearing notification sign is~~
12 ~~damaged or removed shall not impair the notice or invalidate proceedings pursuant to the notice if a~~
13 ~~bona fide attempt has been made to comply with applicable notice requirements. Defects in notice~~
14 ~~provisions which exceed the requirements of V.T.C.A., Local Government Code ch. 211, shall not~~
15 ~~invalidate any action or proceedings pursuant thereto.~~

16 ~~(hf) City staff review.~~ After the city staff review and comment period, the developer shall submit to the
17 planning department the number of corrected copies of the concept plan specified in the
18 development packet, along with one reproducible drawing complete with all required information.

19 ~~(ig) Revisions to approved concept plans.~~ A request for a major revision to a preliminary plat shall trigger
20 the submittal of a new concept plan in conjunction with the major revision requested and trigger
21 notice requirements provided for in subsection (f) of this section.

22 II.

23
24
25 A. All ordinances, parts of ordinances, or resolutions in conflict herewith are
26 expressly repealed.

27 B. The invalidity of any section or provision of this ordinance shall not
28 invalidate other sections or provisions thereof.

29 C. The City Council hereby finds and declares that written notice of the date,
30 hour, place and subject of the meeting at which this Ordinance was adopted was posted
31 and that such meeting was open to the public as required by law at all times during
32 which this Ordinance and the subject matter hereof were discussed, considered and
33 formally acted upon, all as required by the Open Meetings Act, Chapter 551, Texas
34 Government Code, as amended.

35 READ and APPROVED on first reading this the ____ day of
36 _____, 2019.

READ, APPROVED and ADOPTED on second reading this the ____ day of

_____, 2019.

CRAIG MORGAN, Mayor
City of Round Rock, Texas

ATTEST:

SARA L. WHITE, City Clerk