

ORDINANCE NO. O-2019-0085

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; or

~~(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 recorded

by the appropriate tax appraisal district. The notice shall state in effect that a concept plan is pending before the planning and zoning commission, and shall include a disclaimer stating that the notice is for information purposes only and that the planning and zoning commission will not take into consideration the use of the property when approving the concept plan. The notice for public hearing shall be mailed not less than ten days prior to the date of the planning and zoning commission meeting and shall provide the date, place and time of the meeting. Additionally, one or more on-site public hearing notification signs shall be placed ~~by city staff on each property requiring a public hearing not less than ten days prior to the planning and zoning commission 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 in accordance with Section 10-2(3).~~

- (g) *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.
- (h) *City staff review.* After the city staff review and comment period, the developer shall submit to the planning department the number of corrected copies of the concept plan specified in the development packet, along with one reproducible drawing complete with all required information.
- (i) *Revisions to approved concept plans.* A request for a major revision to a preliminary plat shall trigger the submittal of a new concept plan in conjunction with the major revision requested and trigger notice requirements provided for in subsection (f) of this section.

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.

Alternative 1.

By motion duly made, seconded and passed with an affirmative vote of all the Council members present, the requirement for reading this ordinance on two separate days was dispensed with.

READ, PASSED, and ADOPTED on first reading this ____ day of _____, 2019.

Alternative 2.

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