

ORDINANCE NO. O-2019-0136

AN ORDINANCE AMENDING ZONING AND DEVELOPMENT CODE, CHAPTER 10, ARTICLE IX, SECTION 10-66 (c) and (d), SECTION 10-67 (c), AND SECTION 10-68, CODE OF ORDINANCES (2018 EDITION), CITY OF ROUND ROCK, TEXAS, REGARDING MEMBERSHIP AND TERMS OF THE HISTORIC PRESERVATION COMMISSION, THE ZONING BOARD OF ADJUSTMENTS, AND THE PLANNING AND ZONING COMMISSION; 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 IX, Section 10-66 (c) and (d), 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. 10-66. - Historic preservation commission (HPC).

(c) *Membership, terms and compensation.*

- (1) *Number, appointment.* The HPC shall consist of ~~five~~ seven regular members ~~and one alternate member~~. Appointment of members shall be made by the city council at the ~~second~~ first regular meeting of the city council ~~after the city election in August~~. Members shall be residents of the city for the last 12 months and eligible voters.
- (2) *Terms.* Terms of members of the HPC shall be for two years, and shall expire on ~~June 15~~ August 31; provided, however, that members shall continue to serve until their successors are appointed. Members shall not serve on the HPC for more than eight consecutive years.
- (3) *Qualifications.* In making appointments to the HPC, the council shall attempt to maintain a balance of interest and skills on the HPC by assessing the individual qualifications of the candidates, including but not limited to, their knowledge and demonstrated interest in preservation related fields such as architecture, history, archaeology, planning, or urban or community design. All members shall have a knowledge and demonstrated interest in historic preservation.
- (4) *Current members.* Members of the HPC on the effective date of the ordinance from which this chapter is derived shall continue to serve until their respective terms expire.
- (5) *Vacancies.* Vacancies shall be filled by the city council for the unexpired term of any member whose term becomes vacant.

- (6) *Removal.* Any member who misses three consecutive meetings shall forfeit ~~his~~the position and a replacement shall be appointed by the city council to fill the unexpired term. An HPC member shall serve at the will of the city council.
- (7) *Compensation.* Members shall serve without pay. Members may be reimbursed for actual expenses incurred in the performance of their duties from available funds approved in advance.
- (d) *Procedures.*
- (1) *Chairperson and vice chair.* The chairperson of the HPC shall be elected from the membership of the HPC by a majority of the members of the HPC. A vice chair to serve in the chairperson's absence shall be likewise elected.
- (2) *Secretary.* The zoning administrator shall designate a staff representative to act as secretary of the HPC and attend and keep minutes of all meetings. The secretary shall act only in an advisory capacity and shall participate in its discussions, but shall have no right to vote. The secretary of the HPC shall also serve as the local preservation officer and fulfill all the duties as may be required under the certified local government agreement with the Texas Historical Commission.
- (3) *Regular posted meetings.* The HPC shall meet at regular intervals with advance notice posted according to the Texas Open Meetings Act, V.T.C.A., Local Government Code ch. 551.
- (4) *Special meetings.* Special meetings may be called upon request of the chairperson of the HPC, or upon written request of three members, or upon notice from the zoning administrator that a matter requires the consideration of the HPC.
- (5) *Hearing for certificate of appropriateness.* Upon the filing of an application for a certificate of appropriateness in an historic district or historic landmark, the HPC shall hold a hearing to render a decision on the application.
- (6) *Quorum.* ~~Three~~Four members shall constitute a quorum for transactions of business and no decision shall be rendered without a concurring vote of at least ~~three~~four members. ~~The alternate member shall have the right to vote only when participation is necessary to constitute a quorum.~~
- (7) *Robert's Rules of Order.* The HPC shall follow Robert's Rules of Order.

II.

That Zoning and Development Code, Chapter 10, Article IX, Section 10-67 (c), 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. 10-67. - Zoning board of adjustment (ZBA).

(c) *Membership, terms and compensation.*

- (1) *Number, appointment.* The ZBA shall consist of five regular members and ~~four~~two alternate members. Appointment of members shall be made by the city council at the ~~second~~first regular meeting of the city council ~~after the city election in August~~. Members shall be residents of the city for the last 12 months and eligible voters.

- (2) *Terms.* Terms of the ZBA shall be for two years, and shall expire on ~~the 15th day of June August 31~~; provided, however, that members shall continue to serve until their successors are appointed. Members shall not serve on the ZBA for more than eight consecutive years.
- (3) *Current members.* Members of the existing development review board on the effective date of the ordinance from which this chapter is derived shall continue to serve on the ZBA until their respective terms expire.
- (4) *Vacancies.* Vacancies shall be filled by the city council for the unexpired term of any member whose term becomes vacant.
- (5) *Removal.* A ZBA member may be removed by the city council for cause, on a written charge, after a public hearing.
- (6) *Compensation.* Members shall serve without pay. Members may be reimbursed for actual expenses incurred in the performance of their duties from available funds approved in advance.

III.

That Zoning and Development Code, Chapter 10, Article IX, Section 10-68, 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. 10-68. - Planning and zoning commission (P&Z).

- (a) *Creation.* The city, as a home rule city, has by city Charter all the powers authorized by Texas Local Government Code, which are hereby adopted, which authorize the appointment of a ~~planning and zoning commission P&Z~~, and which set out certain authority and responsibilities for such a ~~commission P&Z~~.
- (b) *Powers and duties.* The ~~commission P&Z~~ shall have the following powers and duties pursuant to the provisions of applicable statutory requirements for a ~~planning and zoning commission P&Z~~:
- (1) *General plan.* The ~~commission P&Z~~ shall prepare and modify the general plan for the city, for approval and adoption by the city council.
- (2) *Text amendments.* The ~~commission P&Z~~ shall review and make recommendations to the city council in regard to amendments to the text of this code.
- (3) *Application for original zoning.* The ~~commission P&Z~~ shall review and make recommendations to the city council in regard to applications for original zoning.
- (4) *Zoning map amendments.* The ~~commission P&Z~~ shall review and make recommendations to the city council in regard to amendments to the official zoning map.
- (5) *Planned unit development (PUD).* The ~~commission P&Z~~ shall review and make recommendations to the city council in regard to applications for planned unit developments.
- (6) *Historic (H) overlay designation.* The ~~commission P&Z~~ shall review and make recommendations to the city council in regard to applications for designation of Historic (H) overlay districts.
- (7) *Subdivision and plat review.* The ~~commission P&Z~~ shall study plans and plats of proposed subdivisions, determine whether such subdivisions meet all the standards and requirements as required by Chapters 4 and 6 of the code, and shall be responsible for rendering decisions on proposed subdivisions.

(8) *Other duties as assigned by the city council.* The ~~commission-P&Z~~ shall perform such other functions as may be duly delegated to them from time to time by the city council.

(c) *Membership, terms and compensation.*

(1) *Number, appointment.* The ~~commission-P&Z~~ shall consist of nine members. Appointment of members shall be made by the city council at the ~~second-first~~ regular meeting of the city council ~~after the city election in August~~. Members shall be residents of the city for the last 12 months and eligible voters.

(2) *Terms.* Terms of members of the ~~commission-P&Z~~ shall be for two years, and shall expire on ~~June 15 August 31~~; provided, however, that members shall continue to serve until their successors are appointed. Five members shall be appointed in even-numbered years and four members shall be appointed in odd-numbered years. Members shall not serve on the P&Z for more than eight consecutive years.

(3) *Current members.* Members of the ~~planning and zoning commission~~P&Z on the effective date of the ordinance from which this chapter is derived shall continue to serve until their respective terms expire.

(4) *Vacancies.* Vacancies shall be filled by the city council for the unexpired term of any member whose term becomes vacant.

(5) *Removal.* Any member who misses three consecutive meetings shall forfeit ~~his-the~~ position and a replacement shall be appointed by the city council to fill the unexpired term. A P&Z member shall serve at the will of the city council.

(6) *Compensation.* Members shall serve without pay. Members may be reimbursed for actual expenses incurred in the performance of their duties from available funds approved in advance.

(d) *Procedures.*

(1) *Officers.* The chairperson of the ~~planning and zoning commission~~P&Z shall be elected from the membership of the ~~commission~~P&Z by a majority of the members. A vice chair to serve in the chairperson's absence shall be likewise elected.

(2) *Meetings.* Meetings of the ~~planning and zoning commission~~P&Z shall adopt and publish an annual calendar with corresponding submittal dates. The chairperson shall designate the time and place of such meetings. All meetings of the ~~commission~~P&Z shall be open to the public. In addition to its regular meetings, meetings also may be called upon request of the chairperson of the ~~commission~~ P&Z, or upon written request of three members, or upon notice from the zoning administrator that a matter requires the consideration of the ~~commission~~ P&Z.

(3) *Quorum.* A quorum shall consist of a majority of the entire membership of the ~~commission~~P&Z and any issue to be voted on shall be resolved by a majority of those present.

(4) *Notice of meetings.* Public notice of all meetings of the ~~commission~~P&Z shall be posted according to the Texas Open Meetings Act.

(5) *Rules of proceeding.* The ~~commission~~P&Z shall adopt its own rules of procedure, provided that such shall not be in conflict with laws applicable to the ~~commission~~P&Z or any provisions of the city Charter.

(6) *Minutes.* The ~~commission~~P&Z shall keep minutes of its proceedings, showing the vote of each member upon each question, or, if absent or failing to vote, indicating that fact.

1 **IV.**

2
3 **A.** All ordinances, parts of ordinances, or resolutions in conflict herewith are
4 expressly repealed.

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

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

13 Alternative 1.

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

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

19 Alternative 2.

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

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

1

2

3

4

5

6

7

8

9

ATTEST:

CRAIG MORGAN, Mayor
City of Round Rock, Texas

SARA L. WHITE, City Clerk