ORDINANCE NO. Z-07-11-20-1D3

AN ORDINANCE AMENDING CHAPTER 11, SECTIONS 11.409, 11.409.1, AND 11.423, CODE OF ORDINANCES (1995 EDITION), CITY OF ROUND ROCK, TEXAS, TO CONDITION THE PERMITTED USE OF EATING ESTABLISHMENTS AND INDOOR ENTERTAINMENT ACTIVITIES FACILITIES, LIMITING THE PROXIMITY OF EACH TYPE OF USE TO RESIDENTIAL PROPERTY LINES; 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.

Chapter 11, Section 11.409(2), Code of Ordinances (1995 Edition), City of Round Rock, Texas, is hereby amended to read as follows:

11.409 C-1 (GENERAL COMMERCIAL) DISTRICT

(2) Permitted Uses

(a) The following uses are permitted by right:

Use
Community Services
Day Care
Funeral Home
Government Facilities
Office
Office, Medical
Overnight Accommodations
Park, Linear /Linkage
Park, Community
Park, Neighborhood
Place of Worship
Retail Sales and Services
Schools: Business, Trade and Post-Secondary Educational Facilities

(b) The following uses are permitted with conditions:

Use	Special Standard
Auto Service Facilities	11.423(3)
Bed and Breakfast	11.423(4)
Carwash	11.423(5)
Commercial Parking	11.423(6)
Eating Establishments	11.423(9)
Indoor Entertainment Activities	11.423(13.2)
Passenger Terminals	11.423(18)
Place of Worship (with accessory uses not exceeding 2,500 sf.)	11.423(19)
Place of Worship (with accessory uses exceeding 2,500 sf.)	11.423(20)
Self-Enclosed Monopole	11.423(31)
Self-Service Storage	11.423(23)
Single Family Attached (2 dwelling units)	11.423(24)
Single Family Detached	11.423(24)
Upper-Story Residential	11.423(26)
Utilities, Minor	11.423(27)(a)
Utilities, Intermediate	11.423(27)(b)
Vehicle Sales, Rental, or Leasing Facilities	11.423(29)
Wireless Transmission Facilities, Attached	11.423(31)
Wireless Transmission Facilities, Stealth	11.423(31)

II.

Chapter 11, Section 11.409.1, Code of Ordinances (1995 Edition), City of Round Rock, Texas, is hereby amended to read as follows:

11.409.1 C-1a (GENERAL COMMERCIAL - LIMITED) DISTRICT

(2) Permitted Uses

(a) The following uses are permitted by right:

Use
Community Services
Day Care
Funeral Home
Government Facilities
Office
Overnight Accommodations
Park, Community
Park, Linear/Linkage
Park, Neighborhood
Place of Worship
Schools: Business, Trade and Post-Secondary Educational Facilities

(b) The following uses are permitted with conditions:

Use	Special Standard
Auto Service Facilities	11.423(3)
Bed and Breakfast	11.423(4)
Carwash	11.423(5)
Commercial Parking	11.423(6)
Eating Establishments	11.423(9)
Indoor Entertainment Activities	11.423(13.2)
Office, Medical	11.423(15)
Passenger Terminals	11.423(18)
Place of Worship, with accessory uses not exceeding 2,500 sf.	11.423(19)
Place of Worship, with accessory uses exceeding 2,500 sf., but not greater than 10,000 s.f.	11.423(20)
Retail Sales and Services	11.423(21)
Self-Enclosed Monopole	11.423(31)
Single Family Attached, 2 dwelling units	11.423(24)
Single Family Detached	11.423(24)
Upper-Story Residential	11.423(26)
Utilities, Minor	11.423(27)(a)
Utilities, Intermediate	11.423(27)(b)
Vehicle Sales, Rental, or Leasing Facilities	11.423(29)
Wireless Transmission Facilities, Attached	11.423(31)
Wireless Transmission Facilities, Stealth	11.423(31)

III.

Chapter 11, Section 11.423(9)(a), Code of Ordinances (1995 Edition), City of Round Rock, Texas, is hereby amended to read as follows:

(9) Eating Establishments

(a) Free Standing Eating Establishments. In the C-1 and C-1a districts, free-standing eating establishments which include outdoor eating, drinking, or entertainment areas, patios, or drive-through lanes and associated facilities shall be located more than 150 feet from any residential property line.

(b) Eating Establishments in a multi-tenant building. In the C-1 and the C-1a districts, any outdoor eating, drinking, or entertaining areas, patios, or drive-through lanes and associated facilities with an eating establishment in a multi-tenant building shall be located more than 150 feet from any residential property line.

(c) Eating establishments permitted in the C-2 district are subject to the following requirements:

(i) On sites smaller than two acres, the gross floor area shall not exceed 2,500 square feet for eating establishments.

(ii) On sites larger than two acres, the gross floor area of each eating establishment shall not exceed 5,000 square feet.

(iii) On sites with fifty (50) percent or greater frontage on an arterial roadway, the gross floor area for eating establishments shall not exceed 7,500 square feet.

(iv) No drive-through service is allowed.

(v) Signs shall not be internally illuminated.

(d) Eating establishments permitted in the BP district are subject to the following requirements:

(i) The gross floor area shall not exceed 2,500 square feet.

(ii) The eating establishment shall clearly be a secondary, support use for the regular operation of the business park.

(iii) The eating establishment may not be located in a building with no other uses.

(e) Eating establishments permitted in the MU-1a district are subject to the following requirements:

(i) Outdoor rear or side dining areas abutting a single-family or townhouse residential use shall be screened by a solid fence at least six (6) feet in height.

(ii) Service hours for outdoor dining areas shall not extend past 10 p.m.

(iii) No drive-through service is allowed.

(iv) No outdoor audio paging systems are allowed.

(v) No eating establishments are permitted to abut an existing single-family residence, as identified and listed by separate resolution adopted by City Council. Sandwich and coffee shops are permitted to abut an existing single-family residence provided they do not have a full commercial kitchen.

(vi) Outdoor cooking areas shall only be permitted by special exception.

(vii) Shared patio areas shall be permitted.

IV.

Chapter 11, Section 11.423(13.2), Code of Ordinances (1995 Edition), City of Round Rock, Texas, is hereby amended to read as follows:

(13.2) Indoor Entertainment Activities

(a) In the C-1or C-1a districts, a free-standing indoor entertainment activities facility, including the building footprint, outdoor eating, drinking and entertainment areas/patios, drive through lanes and associated facilities, trash dumpsters and receptacles, and loading/unloading facilities, shall not be permitted within 150 feet of a residential property line.

(b) In the C-1 and C-1a districts, an indoor entertainment activities facility within a multi-tenant building shall not be permitted within 50 feet of a residential property line. Outdoor eating, drinking, and entertainment areas/patios and

drive-through lanes and associated facilities shall not be permitted within 150 feet of a residential property line.

(c) An indoor entertainment activities facility in the MU-1a district is subject to the following standards.

(i) Firing ranges and video arcades with more than five (5) machines are not permitted in an MU-1a district.

(ii) Noise from indoor entertainment activities shall be contained by keeping all establishment doors and windows closed before 7 a.m. and after 9 p.m.

(iii) Outdoor rear or side patio areas shall be screened by a masonry fence at least six (6) feet in height with service hours not beginning before 7 a.m. and not extending past 9 p.m.

V.

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

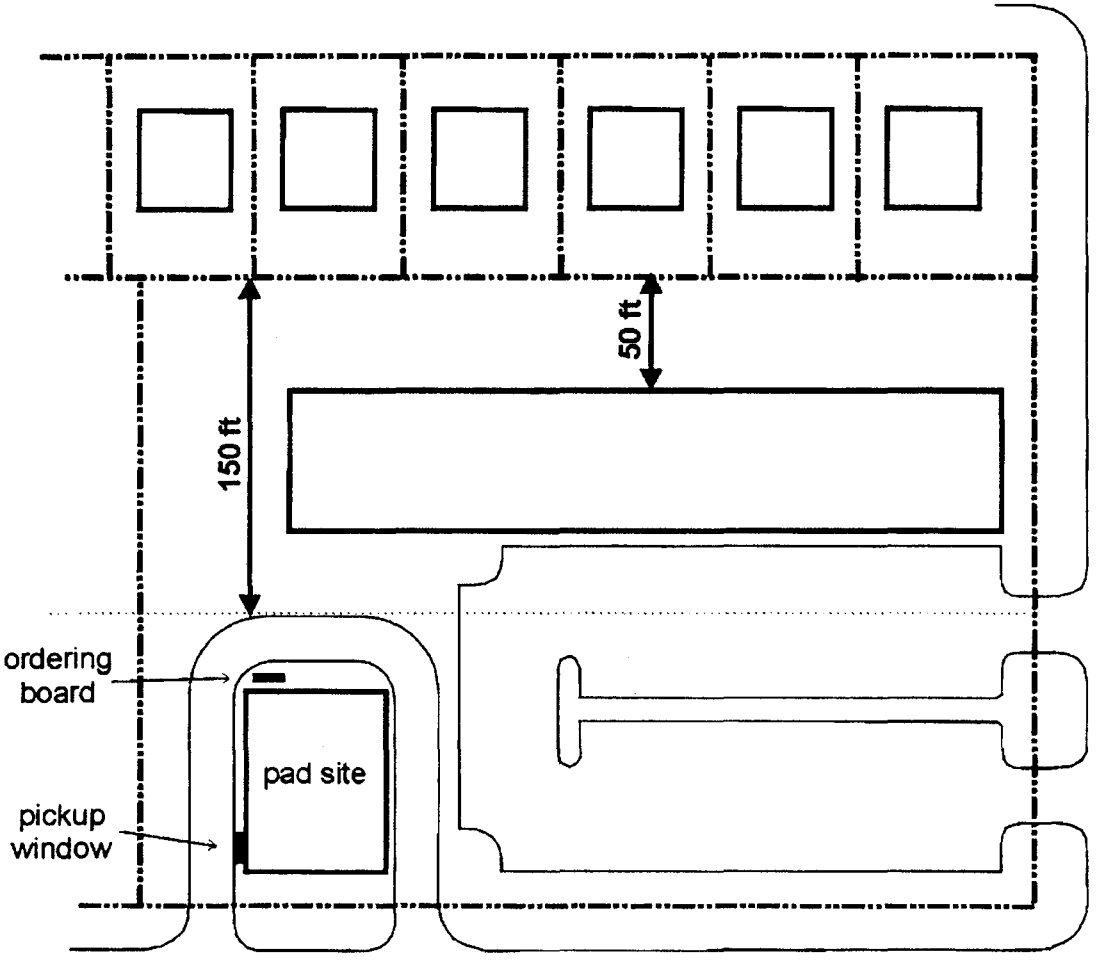
B. The invalidity of any section or provision of this ordinance shall not invalidate other sections or provisions thereof.

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.

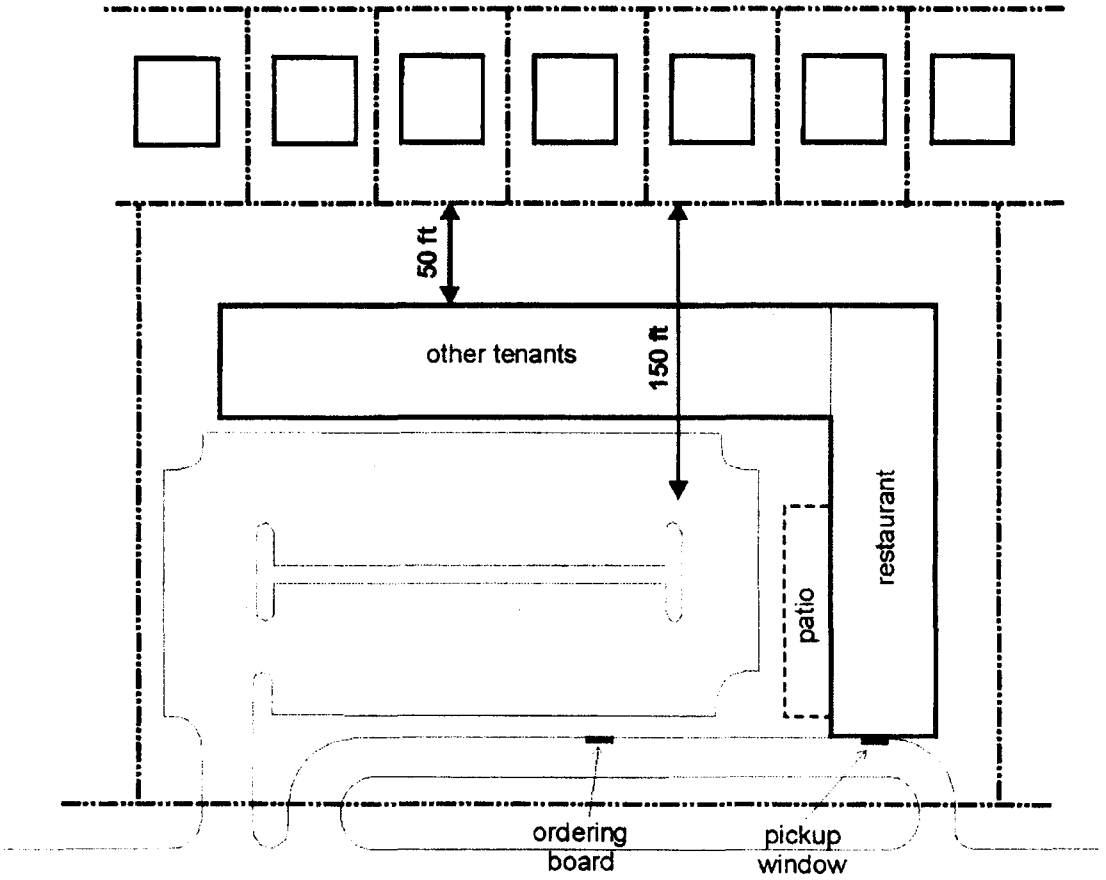
By motion duly made, seconded and passed with an affirmative vote of all the Council members present, the requirement for reading this ordinance on two separate days was dispensed with.

Graphic A: eating establishments & indoor entertainment facilities



free-standing buildings & pad sites:
all parts of pad sites (including building, drive-thrus, outdoor dining and menu boards) must be set back at least 150 ft. from residential lots

Graphic B: eating establishments & indoor entertainment facilities



multi-tenant centers:
building must be set back at least 50 ft. from residential lots;
outdoor dining and drive-thru facilities must be set back at least 150 ft.

READ, PASSED, and ADOPTED on first reading this 20th day of November, 2007.

Alternative 2.

READ and APPROVED on first reading this the _____ day of _____, 2007.

READ, APPROVED and ADOPTED on second reading this the _____ day of _____, 2007.

NYLE MAXWELL, Mayor
City of Round Rock, Texas

ATTEST:

SARA L. WHITE, City Secretary

DATE: November 14, 2007

SUBJECT: City Council Meeting – November 20, 2007

ITEM: 10D3. Consider an ordinance amending Chapter 11, Sections 11.409, 11.409.1, and 11.423, Code of Ordinances regulating eating establishments and indoor entertainment activity facilities and to limit their proximity to residential lot lines. (First Reading)

Department: Planning and Community Development
Staff Person: Jim Stendebach, Planning and Community Development Director

Justification:

This set of amendments provides increased protection to residential lots adjacent to eating and drinking establishments and indoor entertainment facilities (e.g. arcades, pool halls, theaters, etc). Homeowners have experienced increased interface problems when these uses abut their lots. Presently, the Zoning Ordinance requires only a 50 foot separation from a residential property line to an eating and drinking establishment or indoor entertainment facility. The 50 foot separation has fallen short of providing residential property owners with the protection they need. The spill over effects from both uses, including noise, vehicular traffic (including drive through traffic) and the gathering of late night crowds warrant increased separation standards.

Staff proposes the following amendments to the C-1 (General Commercial) and C-1a (General Commercial Limited) zoning districts to ensure more effective compatibility:

For free-standing buildings (pad-sites)

- For free-standing eating and drinking establishments and indoor entertainment facilities, staff proposes to increase the building separation to 150 feet from a residential property line. See attached Graphic A.

- No outdoor eating, drinking and entertainment areas and/or patios, drive through lanes and associated facilities, trash dumpsters and receptacles, and loading/unloading facilities shall be permitted within the 150 separation.

For establishments located within a multi-tenant building (shopping center)

- For eating and drinking establishments and indoor entertainment facilities located within a multi-tenant building, staff proposes to maintain the existing 50 foot separation, but to require that any outdoor eating, drinking and entertainment areas/patios and drive-through lanes and associated facilities be located 150 feet away from a residential property line. See attached Graphic B.

Funding:

Cost:	N/A
Source of funds:	N/A
Outside Resources:	N/A

Background Information:

Existing commercial separation standards have not provided enough protection to residential lots. The City has had to negotiate with commercial developers (post construction) to mitigate interface problems.

Public Comment:

Public notice was posted and a public hearing was held in accordance with the City of Round Rock's Zoning Ordinance at the Planning and Zoning Commission meeting on October 30, 2007.